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## SUBDIVISION AND LAND DEVELOPMENT

### ARTICLE I

#### AUTHORITY, TITLE AND PURPOSE

##### **Section 1.00      Authority**

The Board of Supervisors of the Township of Ontelaunee, Berks County, Pennsylvania, pursuant to the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended, hereby enacts and ordains this Ordinance governing subdivision and land development within the jurisdiction of the Township of Ontelaunee.

##### **Section 1.01      Title**

This Ordinance shall be known and may be cited as "The Subdivision and Land Development Ordinance of the Township of Ontelaunee – 2003".

##### **Section 1.02      Purpose**

This Ordinance is adopted for the following purposes:

- A. To promote the public health, safety, and the general welfare of the residents and inhabitants of the Township and to regulate activities and development which, when acting alone or in combination with other existing or future activities and development, will cause unacceptable threats to the general welfare of the residents and inhabitants of the Township.
- B. To ensure equitable handling of all subdivision and land development plans by providing uniform standards and procedures.
- C. To ensure coordination of subdivision and land development plans to ensure orderly, efficient and integrated growth and development and the conservation, protection and the proper use of the land and resources.
- D. To ensure conformation of subdivision and land development plans with the Comprehensive Plan, Zoning Ordinance, and Public Improvement Plans of the Township.
- E. To assure properly designed streets and neighborhoods.
- F. To provide for the proper extension of community services and facilities.
- G. To assure safe and adequate travel and transportation facilities and controls.
- H. To assure adequate provision for recreation facilities.

- I. To encourage recharge of groundwater.
- J. To assure adequate provision for storm drainage and to provide for proper maintenance of all permanent storm water management facilities, which are constructed in the Township.
- K. To control accelerated runoff and erosion and sedimentation problems at their source by regulating activities, which cause such problems.
- L. To utilize and preserve the desirable existing natural drainage systems within the Township.
- M. To maintain the existing flows and quality of watercourses and groundwater in the Township.
- N. To preserve the flood-carrying capacity of watercourses.
- O. To protect floodplain areas subject to and necessary for flood waters, to permit and encourage the retention of open land uses so located and utilized and to guide incompatible development into more appropriate areas.
- P. To regulate uses, activities, and development, which, when acting alone or in combination with other existing or future uses, activities and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
- Q. To restrict or prohibit certain activities and development from locating within areas subject to flooding.

Ord. 2003-4, 11/6/2003, §1.

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### ARTICLE II JURISDICTION AND APPLICATION

#### Section 2.00 Planning Commission

The Board of Supervisors hereby designate the Planning Commission as the reviewing agency for the Township in order that the actions of the Board of Supervisors under this Subdivision and Land Development Ordinance may be correlated with all relevant data and procedures:

- A. All sketch, preliminary and final subdivision and land development plans shall be initially submitted to the Planning Commission for review;
- B. Applicants shall hold all preliminary consultations relating to the plans with the Planning Commission;
- C. The Planning Commission shall present recommendations to the Board of Supervisors concerning approval, disapproval, modification, and conditions of approval of such plans;
- D. The Planning Commission shall make recommendations to the Board of Supervisors concerning the interpretation of and the granting of modification to provisions and standards of this Ordinance.

Without limitation of the forgoing, applications for preliminary or final approval of subdivision and land development plans shall be initially submitted to the Township for processing and scheduling on behalf of the Planning Commission not less than fourteen (14) days before a scheduled Planning Commission meeting for preliminary consultations relating to such plans.

#### Section 2.01 New Applications

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

#### Section 2.02 Prior Approved Plans

In the case of a preliminary or final plan approved without conditions or approved by the applicant's acceptance of conditions prior to the date this Ordinance became effective, this Ordinance shall not be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within the time periods established within

the Pennsylvania Municipalities Planning Code, as amended. After the expiration of such time periods, the development shall be subject to this Ordinance.

**Section 2.03      Resubdivision**

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

**Section 2.04      Condominium Conversion**

The conversion of a building to condominium ownership shall be considered a subdivision and shall comply with the requirements of this Ordinance; furthermore, each unit of occupancy shall comply with the current requirements of all applicable codes and other ordinances of the Township as a separate unit of occupancy.

Condominium declarations shall be submitted to and approved by the Township and shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended.

Ord. 2003-4, 11/6/2003, §2.

## ARTICLE III

### PROCEDURES

#### **Section 3.00 Submission and Review Requirements**

##### Application Procedure

- 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 necessary, and shall be approved or disapproved by the Township Supervisors in accordance with the procedures specified in this Ordinance.
- 3.02 For all subdivisions and land developments, except those exempted from standard procedures in Section 3.60 of this Ordinance, a Preliminary Plan and a Final Plan shall be submitted.
- 3.03 Procedures described in this ARTICLE III are mandatory for applicants unless waived by the Township Supervisors in accordance with Section 8.20.
- 3.04 In accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP) the Township shall revise its official plan for sewage disposal whenever a new subdivision is proposed, unless DEP 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 DEP are met.

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

The subdivider or developer or his agent shall complete the DEP 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 DEP'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 DEP. DEP may approve or disapprove a proposed plan revision for new land development.

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

Subdividers and developers are advised that no subdivision or land development plan will be finally approved and 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 DEP. This fact and time limits for action should be considered by subdividers and developers when submitting the DEP sewage facilities planning module to the Township.

**3.05 Exemptions from Standards for Conservation Subdivision Developments**

Per Section 413.3 of the Township Zoning Ordinance, minor subdivisions and tracts of less than eight (8) acres of gross area are exempt from the standards for Conservation Subdivision Developments.

**3.06 Pre-Application Meeting**

The applicant is strongly advised to schedule a pre-application meeting with the site designer and the Planning Commission (and/or the municipality's staff or planning consultant). This meeting introduces the applicant to the municipality's zoning and subdivision regulations and procedures, and is used to discuss the applicant's objectives, and to schedule site visits, meetings and plan submissions as described below. Applicants are encouraged to present the ER/SA Plan, at this meeting.

**3.07 Existing Resources and Site Analysis (ER/SA) Plan**

3.071 The applicant shall submit an ER/SA Plan, prepared in accordance with the requirements contained in Section 4.23. The purpose of this plan is to familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and to provide a complete and factual reference at the site visit.

3.072 The ER/SA Plan forms the basis for the design shown on the voluntary Sketch Plan or on the Preliminary Plan. The applicant is strongly encouraged to submit the ER/SA Plan prior to or at the site visit.

**3.08 Site Visit**

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3.081 After preparing the ER/SA Plan and Site Context Map, the applicant is strongly encouraged to arrange for a site visit with the Planning Commission and other municipal officials, and shall provide sufficient copies of the ER/SA Plan to distribute to all municipal officials attending the site visit. Applicants, their site designers and the landowner are encouraged to accompany the Planning Commission. The purpose of the site visit is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues and to provide an informal opportunity to discuss site design concepts, including the general layout of Greenway Land (if applicable) and potential locations for proposed buildings and street alignments.

3.082 The site visit shall comply with all necessary advertising requirements for public meetings, where applicable.

3.083 Comments made by municipal officials or their staff and consultants are only suggestions. No formal recommendations will be offered and no official decisions will be made at the site visit.

3.09 **Pre-Submission Conference**

Following the site visit and prior to the submission of a Sketch Plan (or Preliminary Plan, if no Sketch Plan is submitted), the applicant is encouraged to meet with the Planning Commission to discuss the findings of the site visit and to develop a mutual understanding on the general approach for subdivision and/or development the tract. At the discretion of the Planning Commission, this conference may be combined with the site visit. No formal recommendations will be offered and no official decisions will be made at the pre-submission conference.

### **3.10 Sketch Plan**

#### 3.101 Purpose

Except in the case of a Sketch Plan for Record submitted pursuant to Sections 3.61 or 3.64, submission of a Sketch Plan is optional, such submission shall not constitute official submission of a plan to the Township, and the Sketch Plan is submitted only for informal discussion between the Developer and the Township Planning Commission.

Applicants for subdivision or land development approval are strongly encouraged to submit a Sketch Plan to the municipal Planning Commission for review prior to submission of a formal application. The Sketch Plan phase provides the applicant with an opportunity to ask questions about such topics as interpretation of

ordinance language and conceptual design issues. This plan also provides the municipality with an opportunity to become acquainted with the project and to express concerns that may surface about such issues as ordinance compliance and community impact. The chief value of this plan is that important design issues can be considered and clarified at a conceptual design stage before significant drafting, design, engineering and agency review funds are expended. The provision of a Sketch Plan is particularly critical for conservation subdivisions that designate Greenway Land in accordance with the Four-Step Design Process described in Section 5.92, and the greenway design review standards in Section 5.93. Submission of a Sketch Plan does not constitute formal filing of a plan with the Governing Body or the Planning Commission, and shall not commence the statutory review period as required by the Pennsylvania Municipalities Planning Code.

### 3.102 Sketch Plan Submission and Review

3.1021 When submitted, Sketch Plans should comply with the requirements of Section 4.10. Copies of a Sketch Plan shall be submitted at least twenty-eight (28) days prior to a regularly scheduled meeting of the Township Planning Commission. The subdivider shall submit six (6) copies of the Sketch Plan, three (3) copies of any supplementary data, the required filing fees, and three (3) copies of the Application (Form1) for Review of Sketch Plan to the Township Secretary. In the case of a Sketch Plan for Record, two (2) additional copies of the plans and supplementary data shall be submitted.

3.1022 The Sketch Plan delineates a conceptual layout for Greenway Land, building sites, street alignments, sewer, water, and stormwater management facilities, and shall be overlain on the ER/SA Plan.

### 3.1023 Sketch Plan Distribution

3.10231 The Township Secretary shall distribute the plans and supplementary data as follows:

3.102311 One (1) copy to the Secretary of the Township Planning Commission.

3.102312 Two (2) copies to the County Planning Commission in the case of a Sketch Plan for Record, or in other cases when directed to do so by the Township Planning Commission. The

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plans and supplementary data shall be accompanied by one (1) copy of the application, the County's referral form, and the required filing fees, which shall be paid by the applicant. If the sketch plan is not a Sketch Plan for Record, a County review is not required.

- 3.102313 Two (2) copies of the plans and one (1) copy of the supplementary data to the Township Engineer.
- 3.102314 One (1) copy retained for the permanent files of the Township Supervisors.
- 3.102315 One (1) copy of the plans to the Ontelaunee Township Municipal Authority.
- 3.102316 One (1) copy of the plans to the Ontelaunee Township Fire Marshal.

3.1024 A Sketch Plan for Record shall be reviewed by the Township Planning Commission at one or more regularly scheduled or special meetings. The Commission may request the Township Zoning Officer and/or the Township Engineer to review the Sketch Plan and submit comments thereon to the Commission. The Commission shall notify the Township Supervisors and the Subdivider or his agent of its comments regarding the Sketch Plan.

A Sketch Plan other than a Sketch Plan for Record will be discussed with the developer at one (1) or more regularly scheduled or special meetings of the Planning Commission. The Commission may request the Township Zoning Officer, Township Engineer, or County Planning Commission to review the Sketch Plan and submit comments thereon to the Commission. In the case of a Sketch Plan submitted to the County Planning Commission for review, prior to completing its review, the Township Planning Commission shall receive the written report of the County Planning Commission, provided that the report is received within thirty (30) days from the date the Plan was forwarded to the County Planning Commission for review.

3.1025 Sketch Plan Review Standards. The Planning Commission review shall informally advise the applicant of the extent to which the proposed subdivision or land development conforms to the relevant standards of this Ordinance, and may suggest possible plan modifications that would increase its degree of conformance. Their review shall include, but is not limited to:

- 3.10251 The location of all areas proposed for land disturbance (streets, foundations, yards, water supply, sewage disposal systems, stormwater management areas, including associated grading) with respect to features of natural or cultural significance as identified on the applicant's ER/SA Plan, and identified on any Map of Potential Conservation lands prepared by the Township;
- 3.10252 The potential for street connections with existing streets, other proposed streets, or in potential developments on adjoining parcels; the location of proposed access points along the existing road network;
- 3.10253 Building layout;
- 3.10254 When Greenway Land is provided:
  - 3.102541 The potential for Greenway Land connections with existing or potential Greenway Land on adjoining parcels;
  - 3.102542 The relationship of buildings to Greenway Land;
  - 3.102543 Pedestrian access to Greenway Land and;
- 3.10255 The compatibility of the proposal with respect to the objectives and policy recommendations of the municipal Comprehensive Plan.
- 3.1026 The Planning Commission shall submit its written comments to the applicant and the Board of Supervisors; provided, however, that failure of the Planning Commission to submit comments in writing shall not be deemed to be an approval of any application or to vest any rights in the applicant.

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The applicant is encouraged to submit a revised Sketch Plan to demonstrate that the Planning Commission's comments have been addressed.

3.1027 The applicant may, but need not, request further review of the Sketch Plan by the Township Supervisors. Upon receiving written request by the applicant, the Board of Supervisors may consider the Sketch Plan. The Township Supervisors may meet with the applicant and may advise the applicant as to their concerns. The Township Supervisors are not required to review the Sketch Plan or to submit comments to the applicant regarding the Sketch Plan.

Nothing contained herein, nor the failure of the Planning Commission or the Board of Supervisors, or both, to proceed or act in accordance with this Section, shall be deemed to be a decision with respect to any subdivision or land development or to vest any rights in the applicant.

3.1028 The Sketch Plan may be submitted by the Township Supervisors, to the County Planning Commission, or other advisors, for unofficial review and comment.

3.1029 Review of Sketch Plan for Record by Township Supervisors

3.10291 In the case of a Sketch Plan for Record submitted under the Minor Subdivision (Section 3.61) or Lot Annexation (Section 3.64) provisions of this Ordinance, after the Sketch Plan is reviewed by the Township Planning Commission the Sketch Plan shall be reviewed by the Township Supervisors at one or more regularly scheduled or special meetings and either approved or disapproved by the Supervisors.

The Township Supervisors shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that should the said next regular meeting occur more than 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 has been filed.

The decision of the Township Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the ordinance relied upon.

In the case of a Sketch Plan for Record submitted to the County Planning Commission for review, no official action shall be taken by the Township Supervisors until the Supervisors have received the written report of the County Planning Commission, provided that the report is received within thirty (30) days from the date the Plan was forwarded to the County Planning Commission for review. If such report is not received within thirty (30) days, the Township Supervisors may proceed to take action on the Plan without consideration of comments from the County Planning Commission.

### 3.10292 Submittal of Sketch Plan for Record for Signatures and Recording

After the plan has been revised to the point of pending approval, the applicant shall submit at least eight (8) copies of the plan, with all required applicant signatures and certifications, to the Township Secretary. After the plans have been endorsed by the Township Planning Commission and Township Board of Supervisors, and all outstanding monies due the Township for the review have been paid, the Township Secretary shall notify the applicant that the plans are available to be picked up for recording purposes.

After the plans have been recorded at the Berks County Recorder of Deeds office, the applicant shall return four (4) plans with original Recorder of Deeds time stamp to the Township Secretary to be distributed as follows.

- One (1) copy for Township files.

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- One (1) copy to the Ontelaunee Township Municipal Authority.
- One (1) copy to the Township Engineer.
- One (1) copy to the Zoning Officer.

### **Section 3.20 Preliminary Plan**

#### 3.201 Submission

Preliminary Plans for all subdivisions and land developments shall be submitted to the Township for review prior to consideration of a Final Plan application, unless exempted in Section 3.60. The preliminary plan application and all information and procedures relating thereto shall, in all respects, be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the applicant to coordinate all requirements pursuant to the provisions of this Ordinance with respective private and public service agencies.

Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, the Township Supervisors may require the applicant to file a Sketch Plan showing future potential subdivision of the entire tract to ensure that the subdivision may be accomplished in accordance with current ordinances and with appropriate access.

Plans shall be submitted by the Developer or his agent to the Township Secretary no less than twenty-eight (28) days prior to a regularly scheduled meeting of the Township Planning Commission.

#### 3.202 Official submission of a Preliminary Plan shall include:

3.2021 Submission of four (4) copies of the completed Application for Review of Preliminary Plan (Form 2).

3.2022 Submission of eight (8) black-on-white or blue-on-white prints on paper of the Preliminary Plan, which shall comply with the requirements of Section 4.20. If on-lot sewage is proposed, one (1) additional set of plans shall be provided. For subsequent submissions, two (2) less sets of plans shall be submitted.

3.2023 Submission of four (4) copies of all other information and

plans, which are required by Sections 4.20 through 4.2803. For subsequent submissions, only three (3) copies shall be submitted.

3.2024 Payment of the filing fee of the Township and the County Planning Commission.

3.2025 An affidavit that the applicant is the owner or equitable owner of the land proposed to be developed and has the authority to proceed on behalf of all parties claiming any ownership interest therein.

3.2026 When on-lot sewage disposal is proposed, submission of seven (7) copies of proof of suitability of soil (soil probe and percolation tests) for on-lot sewage disposal, including the written findings of the Township Sewage Enforcement Officer.

3.203 If required by the Township, in the case of a subdivision or land development which proposes vehicular access or storm water drainage onto a State Route, the Subdivider shall submit the Preliminary Plan and all supplementary data to the Pennsylvania Department of Transportation with a request for review of his proposed access and drainage and shall submit evidence of such submission to the Township at the time of Preliminary Plan submission.

3.204 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.

3.205 When a Subdivision or Land Development is proposed to connect to a sanitary sewer or water system not operated by the Township or a Township Authority, the developer shall submit evidence to the Township that the Preliminary Plan and all supplementary

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data have been submitted to the appropriate agencies or companies for review.

3.206 Failure of the Subdivider to submit all items required under Section 3.202, or failure of the Preliminary Plan to comply with the requirements of Section 4.20, shall be grounds for the Township Supervisors to refuse to accept the Preliminary Plan for review. The Township Secretary and/or designee shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all the information required by this Ordinance. If defective, the application and filing fee may be returned to the applicant with a statement that the application is incomplete within the seven (7) day period; otherwise the application shall be deemed acceptable for filing as of the date of submission. Acceptance shall not, however, constitute a waiver of any deficiencies or irregularities.

### 3.207 Distribution

The Township Secretary shall distribute submitted information as follows:

#### 3.2071 To the Township Planning Commission

3.20711 One (1) copy of the Plan.

3.20712 One (1) copy of Application for Review of Preliminary Plan.

3.20713 One (1) copy of all other required information and plans.

#### 3.2072 To the County Planning Commission (initial submission only)

3.20721 Two (2) copies of the Plan.

3.20722 One (1) copy of Application for Review of Preliminary Plan.

3.20723 One (1) copy of all other required information and plans.

3.20724 The required filing fee and the County's referral form.

#### 3.2073 To the Township Engineer

3.20731 Two (2) copies of the Plan.

3.20732 One (1) copy of Application for Review of Preliminary Plan.

3.20733 One (1) copy of all other required information and plans.

3.2074 To be retained by the Township Secretary

3.20741 One (1) copy of the Plan.

3.20742 One (1) copy of Application for Review of Preliminary Plan.

3.20743 One (1) copy of all other required information and Plans.

3.2075 To the Township Sewage Enforcement Officer (If on-lot sewage disposal is proposed.)

3.20751 One (1) copy of the Plan.

3.2076 To the Ontelaunee Township Municipal Authority

3.20761 One (1) copy of the Plan.

3.2077 To the Ontelaunee Township Fire Marshal

3.20771 One (1) copy of the Plan.

**3.21 Review by Township Planning Commission**

When a Preliminary Plan has been accepted for review, the Township Planning Commission shall review the Plan at one or more regularly scheduled or special meetings.

3.211 The Township Engineer, if requested by the Township, shall review the Preliminary Plan to determine whether the Plan meets the requirements of this Ordinance and Township Zoning Ordinance and submit a written report thereon to the Township Planning Commission.

The Township Zoning Officer shall upon request of the Planning Commission or Supervisors review the Preliminary Plan to determine whether the Plan meets the requirements of the

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Township Zoning Ordinance and submit a written report thereon to the Township Planning Commission.

After the final meeting at which the Preliminary Plan is reviewed by the Township Planning Commission, the Commission shall notify the Township Supervisors and the developer or his agent in writing of its comments regarding the Plan. The Commission may recommend that the Plan be approved, be approved subject to conditions, or be disapproved. If the Commission recommends that the plan be disapproved because the provisions of this Ordinance have not been met, the specific provisions of this Ordinance, which have not been met shall be noted.

### **3.22 Review by Township Supervisors**

After a Preliminary Plan has been reviewed by the Township Planning Commission and the comments of the Commission regarding the Plan have been forwarded to the Township Supervisors, the Plan shall be reviewed at one or more regularly scheduled or special meetings by the Township Supervisors.

3.221 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 the report is received within thirty (30) days from the date the plan was forwarded to the County Planning Commission for review.

If such report is not received within thirty (30) days, the Township Supervisors may proceed to take action on the Plan without consideration of comments from the County Planning Commission.

3.222 Before acting on a Preliminary Plan, the Township Supervisors may hold a public hearing thereon after public notice.

3.223 The decision of the Township Supervisors regarding the Plan shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

3.224 The Township Supervisors shall render its decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission following the date the application is filed. Should the said next regular meeting occur more than thirty (30) days following the filing of the application, the ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed. The subdivider may grant an extension of time to the Township.

3.225 When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of this Ordinance relied upon.

Failure of the Township Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as represented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

3.226 If the Preliminary Plan proposes a staging plan calling for the submission of the Final Plan in sections, the boundaries of the sections as well as the order and timing of submittal of the Final Plans therefore, shall be subject to the approval of the Township Supervisors. In approving a staging plan, the Township Supervisors, in its discretion, may:

3.2261 Impose conditions to the development of any single stage, phase or section which shall be complied with prior to the commencement of the next or any subsequent stage, phase or section of the subdivision or land development; and,

3.2262 Impose conditions which shall be met by the developer within a time period specified by the Township Supervisors, said time period to commence after the completion of any stage, phase or section if development of the subsequent stage, phase or section during which such conditions were to be met is not commenced within said time period; and,

3.2263 Impose conditions which must be met within a time period specified by the Township Supervisors in the event of a subsequent change in the use of the buildings constructed within the subdivision or land development; and,

3.2264 Require any or all conditions imposed by the Township Supervisors to be set forth and included on the Final or Recorded Plan pertaining to any or all stages, phases or sections of the subdivision or land development prior to the recording of any such Final or Recorded Plan.

3.227 Township 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

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Township Supervisors within seven (7) days of the date of the written notification from the Township Supervisors. Approval of a plat shall be rescinded automatically upon the applicant's failure to accept or reject such conditions within seven (7) days.

- 3.228 The approval of a Preliminary Plan does not authorize the recording of a Subdivision or Land Development Plan nor the sale, lease or transfer of lots, nor the construction of dwellings or other buildings.
- 3.229 Changes in Township Ordinances shall affect subdivision and land development plans as set forth in Section 508(4) of the Pennsylvania Municipalities Planning Code, as amended.

### **Section 3.30 Final Plan**

#### 3.31 Submission

Within twelve months after approval of the Preliminary Plan by the Township Supervisors, the developer or his agent shall submit a Final Plan to the Township Secretary unless an extension of time is granted by the Supervisors upon written request by the developer.

Unless an extension of time has been granted by the Board of supervisors upon written request, a final plan application submitted after the twelve (12) months period shall be considered a new preliminary plan and shall be required to comply with the plan application requirements of this Ordinance.

The Final Plan shall be submitted to the Township Secretary no later than twenty-eight (28) days prior to a regularly scheduled meeting of the Township Planning Commission.

3.311 Official submission of a Final Plan shall include:

- 3.3111 Submission of three (3) copies of the completed Application for Review of Final Plan (Form 3).
- 3.3112 Submission of six (6) black-on-white or blue-on-white prints on paper of the Final Plan, which shall comply with the requirements of Section 4.30.
- 3.3113 Submission of three (3) copies of all other supplementary data and plans as outlined in Sections 4.30 through 4.3580.
- 3.3114 Payment of the filing fee of the Township, and the County Planning Commission if applicable.

- 3.3115 Submission of evidence of review of an Erosion and Sediment Control Plan by the County Conservation District.
- 3.3116 Submission of evidence that the Final Plan has been submitted to the electric, telephone, cable television and gas companies which will serve the subdivision or land development.
- 3.3117 An affidavit that the applicant is the owner or equitable owner of the land proposed to be developed and has the authority to proceed on behalf of all claiming any ownership interest therein.
- 3.3118 Submission of items noted in Section 3.326, as required.
- 3.312 Failure of the Subdivider to submit all items required under Section 3.311, or failure of the Final Plan to comply with the requirements of Section 4.30, shall be grounds for the Township Supervisors to refuse to accept the Final Plan for review.
- 3.313 The Township Supervisors may permit the Subdivider to submit a Final Plan in Sections in accordance with the schedule provided for in Section 3.204, subject to such requirements or guarantees as to improvements in future sections as it finds essential for the protection of any finally approved Section of the development.
- 3.314 The Final Plan application shall conform in all respects with the Preliminary Plan application previously approved by the Township and shall incorporate modifications, revisions and all supplementary data specified by the Township Supervisors in its conditional approval of the Preliminary Plan application. If the Final Plan does not so conform, the developer may, in written request, have the application be considered as a revised Preliminary Plan application, in which case it shall be required to comply with the plan application requirements listed in this Ordinance. Failure to thus conform, with no written request submitted by developer for the plan to be considered a revised Preliminary Plan application, shall constitute grounds for the Township to refuse to accept the plan for review.
- 3.315 Upon submittal of the final plan application, all associated documents by the developer, and the required filing fee, the Township Secretary and/or designees shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all the information required by this Ordinance.

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If defective, the application and filing fee may be returned to the applicant with a statement that the application is incomplete within the seven (7) day period; otherwise the application shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities.

### 3.32 Distribution

The Township Secretary shall distribute submitted information as follows:

3.321 To the Township Planning Commission

3.3211 One (1) copy of the Plan.

3.3212 One (1) copy of Application for Review of Final Plan.

3.3213 One (1) copy of all supplementary data and plans.

3.322 To the Township Engineer, when the engineer has been involved in the review of the plan.

3.3221 Two (2) copies of the Plan.

3.3222 One (1) copy of Application for Review of Final Plan.

3.3223 One (1) copy of all supplementary data and plans.

3.323 To be retained by the Township Secretary

3.3231 One (1) copy of the Plan.

3.3232 One (1) copy of Application for Review of Final Plan.

3.3233 One (1) copy of all supplementary data and plans.

3.324 To the Ontelaunee Township Municipal Authority

3.3241 One (1) copy of the Plan.

3.325 To the Ontelaunee Township Fire Marshal

3.3251 One (1) copy of the Plan.

3.326 To the County Planning Commission, in the case of a subdivision or land development submitted under Section 3.62, Section 3.65 or

Section 3.66 or when requested by the Township Planning Commission (initial submission only).

3.3261 Two (2) copies of the Plan.

3.3262 One (1) copy of Application for Review of Final Plan.

3.3263 One (1) copy of all supplementary data and plans.

3.3264 The required filing fee and the County's referral form.

3.33 Review by Township Planning Commission

When a Final Plan has been accepted for review, the Township Planning Commission shall review the Plan at one or more regularly scheduled or special meetings.

The Township Engineer and the Berks County Planning Commission, when involved in reviewing the subdivision or land development plan, shall submit recommendations and comments to the Planning Commission for action at the meeting scheduled by the Planning Commission to review that particular application.

3.331 The Township Engineer, if requested by the Township, shall review the Final Plan to determine whether the Plan meets the requirements of this Ordinance and submit a written report thereon to the Township Planning Commission.

The Township Zoning Officer shall upon request of the Planning Commission or Supervisors review the Final Plan to determine whether the Plan meets the requirements of the Township Zoning Ordinance and submit a written report thereon to the Township Planning Commission.

3.332 The Planning Commission will discuss the Final Plan application with the applicant or his agent at a regular or special meeting and will review the application to determine if it meets the standards set forth in this Ordinance. The Final Plan application shall be submitted by the Planning Commission, together with its analysis and recommendations to the Township Supervisors for consideration.

3.333 After the final meeting at which the Final Plan is reviewed by the Township Planning Commission, the Commission shall notify the Township Supervisors and the developer or his agent in writing of its comments regarding the Plan. The Commission may recommend that the plan be approved, conditionally approved, or disapproved. If the Commission recommends that the plan be

## SUBDIVISION AND LAND DEVELOPMENT

disapproved, or conditionally approved, because the provisions of this Ordinance have not been met, the specific provisions of this Ordinance which have not been met shall be noted.

### 3.34 Review by Township Supervisors

After a Final Plan has been reviewed by the Township Planning Commission and the comments of the Commission regarding the Plan have been forwarded to the Township Supervisors, the Plan shall be reviewed by the Township Supervisors at one or more regularly scheduled or special meetings.

- 3.341 If the Final Plan has been forwarded to the County Planning Commission for review, no official action shall be taken by the Township Supervisors with respect to the Plan until the Township has received the written report of the County Planning Commission, provided that the report is received within thirty (30) days from the date the plan was forwarded to the County Planning Commission for review. If such report is not received within thirty (30) days, the Township Supervisors may proceed to take action on the Plan without consideration of comments from the County Planning Commission.
- 3.342 Before acting on a Final Plan, the Township Supervisors may hold a public hearing thereon after public notice.
- 3.343 The Township Supervisors shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission following the date the application is filed. Should the said next regular meeting occur more than thirty (30) days following the filing of the application, the ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed.
- 3.344 The decision of the Township Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- 3.345 When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the Ordinance relied upon.

### 3.35 Conditions of Final Plan Approval

3.351 Permanent protection of Greenway Land within Conservation Subdivision Developments. In Options 1 (Density Neutral) and 3 (Village), where the landowner is providing required Greenway Land as part of the development, an easement restricting such Greenway Land in perpetuity against further subdivision or development shall be executed between the landowner and the municipality and/or a qualified land conservancy acceptable to the municipality. A deed restriction may also be used in limited applications. Section 419 of the Zoning Ordinance shall apply. This section shall not apply to Option 2 (Estate Lots).

3.352 Greenway Land performance bond. Where intended as common or public amenities, any improvements agreed upon between the Township and the developer within Greenway Land shall be provided by the developer. A performance bond or other security acceptable to the municipality shall be required to cover the costs of installation of such improvements in the Greenway Land. The performance bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements by this Ordinance.

3.36 Submittal of Final Plan for Signatures and Recording

After the plan has been revised to the point of pending approval, the applicant shall submit at least eight (8) copies of the plan, with all required applicant signatures and certifications, to the Township Secretary. After the plans have been endorsed by the Township Planning Commission and Township Board of Supervisors, and all outstanding monies due the Township for the review have been paid, the Township Secretary shall notify the applicant that the plans are available to be picked up for recording purposes.

After the plans have been recorded at the Berks County Recorder of Deeds office, the applicant shall return four (4) plans with original Recorder of Deeds time stamp to the Township Secretary to be distributed as follows.

- One (1) copy for Township files.
- One (1) copy to the Ontelaunee Township Municipal Authority.
- One (1) copy to the Township Engineer.
- One (1) copy to the Zoning Officer.

Section 3.37 Completion and Guarantee of Improvements

3.371 Subdivision Improvements Agreement

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3.3711 No Final Plan shall be endorsed by the Township Supervisors unless a Subdivision Improvements Agreement in a form acceptable to the Township Supervisors and Township Solicitor is executed. A unit breakdown of all improvements required by this Ordinance, organized as per Form 4, shall be included within the Agreement.

### 3.372 Completion and Guarantee of Improvements

3.3721 No Final Plan shall be endorsed by the Township Supervisors, nor building permits issued, unless all the improvements required by this Ordinance and the Subdivision Improvements Agreement have been installed, inspected and approved, in accordance with this Ordinance and said Agreement.

In lieu of the completion of any improvements as stated above, prior to endorsement of the Plan the developer 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 Subdivision 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 developer, in order to facilitate financing, the Township Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The final plan shall not be signed nor recorded until the financial improvements agreement is executed.

The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 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 developer.

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 developer. 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 or other agent, 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 re-certified 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 (1) 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 (1) 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

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improvements as reestablished on or about the expiration of the initial one (1) year period.

The party posting the financial security may request the Township Supervisors to release or authorize release, from time to time, such portions of the financial security necessary for payment to the contractors performing the work. Any such requests shall be in writing addressed to the Township Supervisors, and the Supervisors shall have forty-five (45) days from receipt of such requests within which to allow the Township Engineer or other agent to certify, in writing, to the Township Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved subdivision or land development plan. Upon such certification the Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer or other agent fairly representing the value of the improvements completed. If the Township Supervisors fail to act within said forty-five (45) day period, the Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to final release at the time of completion and certification by their engineer or other agent, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

In the case where development is projected over a period of years, the Township may authorize submission of Final Plans by sections or stages of development, subject to such requirements or guarantees for improvements in the future sections or stages of development as it finds essential for the protection and proper development of any finally approved section of the development.

If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the township, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.

### 3.38 Remedies to Effect Completion of Improvements

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

3.39 Release of Performance Guarantee

When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township Supervisors, by certified or registered mail, of the completion of the improvements and shall send a copy of the notice to the Township Planning Commission.

The Township Supervisors shall within ten (10) days after receipt of notice of completion of improvements direct and authorize the Township Engineer or other agent to inspect the improvements. The Township Engineer or other agent shall then submit a written report regarding the improvements to the Supervisors and promptly mail a copy of the report to the developer by certified or registered mail.

The report shall be made and mailed by the Township Engineer or other agent within thirty (30) days after receipt of authorization from the Township Supervisors. The report shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part.

If the improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer or other agent, the report shall contain a statement of reasons for such non-approval or rejection.

The Township Supervisors shall notify the developer within fifteen (15) days of receipt of the Engineer's or other agent's report, in writing by certified or registered mail of their action.

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

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When completed improvements have been approved by the Township, the performance guarantee shall be reduced by no more than the amount which was estimated in the Subdivision Improvements Agreement for the approved improvements.

### **3.40 Preparation of As-Built Plans**

As-built plans for all improvements within the subdivision or land development listed in the Subdivision Improvements Agreement shall be submitted to the Township within thirty (30) days after inspection and approval of the improvements by the Township and prior to the release of the Performance Guarantee and acceptance of any such improvements by the Township. Plans shall be in accordance with the requirements of Section 4.30 of this Ordinance and certified by the developer to be in accordance with actual construction. The developer is responsible for the preparation of such plans.

If any information relating to potential lot owners shown on the recorded final plan shall have been changed, such as lot boundaries, easements, and maintenance responsibilities, a revised subdivision and/or land development plan shall be filed with the Township in accordance with the procedures of this Ordinance.

### **3.41 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 not to exceed eighteen (18) months from the date of acceptance of dedication. The financial security shall be of the same type as permitted for installation of improvements and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of the improvements.

## **Section 3.50 Recording of Final Plan or Sketch Plan for Record**

### **3.51 Endorsement by Township Supervisors**

After the procedures required by this Ordinance have been completed, the Township Planning Commission has signed a plan, and the Township Supervisors finally approve a plan, the Supervisors shall endorse the Final Plan or Sketch Plan for Record.

3.511 The endorsed plans shall be clear and legible black-on-white or blue-on-white prints on material acceptable to the Recorder of Deeds.

3.512 Before any Plan is released for recording, a copy of any permits required by the Pennsylvania Departments of Environmental Resources and Transportation shall be submitted to the Township.

3.513 The Township shall receive one reproducible reproduction of the Final Plan as approved and recorded within fifteen (15) days of recording if requested by the Township Supervisors. The reproducible shall contain the Recorder of Deeds information as to Deed Book Volume and date of recording.

3.514 All streets, parks or other improvements shown on the Final Plan shall be deemed to be private until such time as they have been offered for dedication to the Township and accepted by Township Supervisors. The acceptance of any improvements shall be by a separate action of the Supervisors and shall not occur by approval of a subdivision or land development plan.

The developer shall agree to give a deed of dedication for any and all public improvements, including easements, to the Township when requested by the Township. Upon completion of any public improvements shown on an approved subdivision or land development plan and within ninety (90) days after approval of such public improvements, as herein provided, the Township may require that the developer offer such public improvements for dedication. In such a case, the developer shall prepare a deed of dedication and forward same to the Township for review by the Township Solicitor.

The Township may require that the developer supply a Title Insurance Certificate from a reputable company before any property is accepted by the Township.

**3.52 Filing With Recorder of Deeds**

Upon approval of a Final Plan or Sketch Plan of Record by the Township Supervisors or the acceptance of the conditions of a conditional approval by the applicant in the case of a plan approved subject to conditions, the developer shall, within ninety (90) days of such final approval or acceptance of conditions, complete all conditions for approval and comply with all requirements of Section 3.50. After the applicant's completion of all conditions for approval and compliance with all requirements of Section 3.50, the Township Supervisors may endorse the record plan. The

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developer shall within ninety (90) days of such endorsement record the plan in the office of the Recorder of Deeds. The Recorder of Deeds shall not accept any plan for recording unless the plan contains the endorsement of the Township Supervisors and official notification of review by the County Planning Commission. The developer should contact the County Recorder of Deeds Office to determine all applicable requirements for recording. If the subdivider fails to record the plan within such period, the approval action of the Township Supervisors shall be null and void. If the approval action becomes null and void, then a Preliminary Plan must be submitted, unless the Township Supervisors for cause shown allow a final plan to be submitted.

All Final Plan sheets which contain restrictive notes, lot boundaries, easements, maintenance responsibilities other lot owner responsibilities, and such other information relating to potential lot owners shall be recorded.

### **Section 3.60 Plans Exempted From Standard Procedures**

#### **3.61 Minor Subdivision - Sketch Plan for Record**

In the case of any subdivision in which all proposed lots will (1) have frontage on and direct vehicular access to an existing improved Township or State road, (2) the parcel being subdivided will be divided into a total of not more than three lots or parcels after the effective date of this Ordinance, and (3) the lots will be used for only single family detached dwellings, the developer may submit only a Sketch Plan for Record to the Township. 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. The Sketch Plan shall be submitted to the County Planning Commission for review. The Township Supervisors and/or Planning Commission may also require submission to and review by the County Conservation District. Submission to and review by the Pennsylvania Department of Transportation shall be required if there is frontage on a State road.

Further subdivision from a tract subdivided under this section or subdivision of a lot or tract created under this Section will require a review of Plans in accordance with the standard procedures of this Ordinance, and this shall be noted on the Plan.

#### **3.62 Resubdivision - Revised Final Plan**

3.621 Any replatting or resubdivision of land, including changes to recorded plans, shall be considered a subdivision and shall comply with all requirements of this Ordinance; however, in the following instances the Township Supervisors may, at its discretion, permit

the developer to submit only a revised Final Plan to the Township for review:

- 3.6211 Only lot lines shown on a recorded plan will be changed,
- 3.6212 All resultant lots will conform to the Township Zoning Ordinance and this Ordinance,
- 3.6213 Easements and rights-of-way will not be changed,
- 3.6214 Street horizontal and vertical alignment will not be changed,
- 3.6215 Block sizes will not be changed,
- 3.6216 Utility sizes and locations will not be changed,
- 3.6217 Open space and recreation areas will not be changed, and
- 3.6218 The number of lots will not be increased

In addition to all items specified in Section 4.30 of this Ordinance, the plan shall graphically show the lot line changes being made. The Final Plan shall be reviewed in accordance with Section 3.30 and shall be submitted to the County Planning Commission for review.

If the revision of lot lines would result in the relocation of driveway access points previously approved by PennDOT, the Township Supervisors shall require submission of the revised plan to PennDOT for approval.

### **3.63 Auction Sale**

In the case of the proposed subdivision of land by process of auction sale, the following procedure may be used by the developer.

- 3.631 The developer shall prepare and submit a Preliminary Plan in accordance with the requirements of this Ordinance.
- 3.632 The Preliminary Plan shall comply with the requirements of this Ordinance and in addition contain the following notation:

This property is intended to be sold by auction on or about \_\_\_\_\_, 20\_\_\_\_, in whole or in part according to this Plan. Sale of lots at such auction shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall occur until a Final Plan showing such subdivision of

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property is approved by the Township Supervisors in accordance with the Township Subdivision and Land Development Ordinance and recorded in the office of the County Recorder of Deeds.

3.633 After approval of the Preliminary Plan by the Township Supervisors, the auction sale may proceed. After the auction sale the developer shall prepare and submit a Final Plan in accordance with this Ordinance.

### **3.64 Lot Annexations - Sketch Plan for Record**

Where the conveyance, sale or transfer of land from one parcel to an adjacent parcel is proposed for the sole purpose of increasing lot size, and not for the purpose of creating a separate new lot or a land development, the developer may submit only a Sketch Plan for Record to the Township. 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. Precise bearings and distances from field survey shall be shown for the parcel being transferred, and 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 all applicable requirements of Township Regulations are complied with. The subdivision plan shall contain a notation that the parcel being transferred is not to be considered a separate building lot.

### **3.65 Abbreviated Subdivision - Final Plan**

In the case of any subdivision in which all proposed lots will have frontage on and direct vehicular access to an existing improved Township or State road, the parcel being subdivided will be divided into more than three (3) but not more than six (6) lots or parcels, and the lots will be used for only single family detached dwellings, the Township Supervisors may at their discretion permit the developer to submit only a Final Plan to the Township, rather than both Preliminary and Final Plans. 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. The Township Supervisors and/or Planning Commission may also require submission to and review by the County Conservation District. Submission to and review by the Pennsylvania Department of Transportation will be required if there is frontage on a State road. Further subdivision from a tract subdivided under this section or subdivision of a lot or tract created under this section will require a review of Plans in accordance with the standard procedures of this Ordinance, and this shall be noted on the Plan.

**3.66 Exempted Land Developments - Final Plan**

In the case of a land development consisting of a single nonresidential building on one recorded lot, the Planning Commission may 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 the 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.

Ord. 2003-4, 11/6/2003, §3; as amended by Ord. 2012-2, 2/2/2012, §2.

**ARTICLE IV**  
**PLAN REQUIREMENTS**

**Section 4.10 Sketch Plans**

Ontelaunee Township strongly recommends that the applicant submit a Sketch Plan as a basis for informal discussion with the Planning Commission and, as appropriate, the Township Supervisors. A Sketch Plan helps applicants and officials develop a better understanding of the property and establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the Zoning Ordinance.

4.11 The Sketch Plan shall be clearly and legibly drawn to a scale of one inch (1") equals twenty feet (20'), one inch (1") equals thirty feet (30'), one inch (1") equals forty feet (40') or one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot, except that if the minimum size of the proposed lots is two acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

4.12 The Sketch Plan shall be made on sheets no smaller than eighteen inches (18") by twenty-four inches (24") and no larger than thirty inches (30") by forty-two inches (42").

4.13 If the Sketch Plan requires more than one sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and the developer shall indicate along each match line what sheet is adjoined at that match line.

Section 4.14 Sketch Plan Requirements - The applicant may submit whatever information he deems useful. However, to facilitate the fullest possible response from the Planning Commission, the applicant is encouraged to submit the information listed below.

The Sketch Plan should contain at least the following data, legibly drawn to scale:

4.1401 Name and address of the developer.

4.1402 Name and address of the record owner.

4.1403 Name of the subdivision or land development.

4.1404 Date of the plan.

4.1405 Plan status.

- 4.1406 Tract boundaries.
- 4.1407 A statement of the total acreage of the tract.
- 4.1408 North point.
- 4.1409 Source of Title to the land as shown in the records of the County Recorder of Deeds. A copy of the deed shall be submitted with the plan.
- 4.1410 Graphic scale.
- 4.1411 Written scale.
- 4.1412 The name and address of the person or firm responsible for the design of the subdivision or land development.
- 4.1413 The names of owners of adjoining properties and the names of adjoining subdivisions.
- 4.1414 A location map, drawn to a scale of 1" = 800', with sufficient information to enable the Township Planning Commission to locate the property being subdivided or developed. This map shall also show all existing roads within or adjacent to the tract, proposed roads within the subdivision or land development, and proposed roads within adjacent recorded subdivisions or land developments.
- 4.1415 An Existing Resources/Site Analysis Plan as set forth in Section 4.23. For the purposes of the Sketch Plan, topography may be taken from U.S.G.S. maps; wetlands may be taken from maps published by the U.S. Fish and Wildlife Service or the U.S.D.A. Natural Resources Conservation Service; and woodlands may be taken from aerial photographs.
- 4.1416 An aerial photograph with property lines indicated. The conceptual layout may be imposed on the aerial photograph.
- 4.1417 Zoning information including applicable district, lot area, and bulk regulations, Adjusted Tract Area calculations, density and Greenway Land requirements, including proposed development data.
- 4.1418 A schematic layout indicating a general concept for land conservation and development, at the same scale as the ER/SA Plan. The Sketch Plan may be prepared as a simple overlay on top of the ER/SA Plan.

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- 4.14181 In the case of land developments, locations of proposed buildings and major structures, parking lots, and other improvements.
- 4.14182 In the case of conservation subdivisions, a schematic layout indicating conformance with the Four-Step Design Process set forth in Section 5.92 of this Ordinance.
- 4.1419 Proposed street cartway and right-of-way widths for streets within and adjacent to the tract.
- 4.1420 A statement telling the proposed method of water supply, sewage disposal and stormwater management.
- 4.1421 A statement indicating that the Sketch Plan is a schematic drawing, not intended for construction purposes.
- 4.1422 When commercial or industrial buildings are proposed, a conceptual layout of the building, street and access drive, parking and loading layout shall be shown.
- 4.1423 A statement telling the use for each proposed lot, parcel and building indicated on the plan.
- 4.1424 A Site Context Map as set forth in Section 4.22.

### Section 4.15 Sketch Plan for Record (See Section 3.61) Requirements

- 4.1501 The Sketch Plan for Record shall contain all data listed in Section 4.14 as well as the following data, legibly drawn to scale:
- 4.1502 Significant topographical and physical features such as watercourses, water bodies, quarries, railroad tracks, 100-year floodplains, wetlands, tree masses, rock outcroppings, existing buildings, existing on-site sewage disposal and water supply systems, areas of fifteen percent (15%) to twenty five percent (25%) slope and areas of over twenty five percent (25%) slope, and historic resources.
- 4.1503 Mapping of soils types throughout the tract.
- 4.1504 Contour lines at intervals of no more than ten feet (10') taken from U.S.G.S. maps, aerial survey, or field survey with source of datum, if required by the Planning Commission and/or Township Supervisors.

- 4.1505 Existing rights-of-way, easements, and utilities on or adjacent to the tract.
- 4.1506 A signed and notarized Certification of Ownership and Acknowledgement of Plan.
- 4.1507 Certificates for approval by the Township Planning Commission and Township Supervisors.
- 4.1508 The seal of the surveyor or engineer responsible for the Plan.
- 4.1509 Exact lot sizes and precise bearings and distances for all parcels to be conveyed (which shall be field surveyed).
- 4.1510 Base flood elevations for the 100-year storm.
- 4.1511 Building setback lines and all proposed structures.
- 4.1512 Existing street cartway and right-of-way lines and widths for streets within and adjacent to the tract.
- 4.1513 An erosion and sediment control plan, which shall be reviewed by the County Conservation District and approved by the Township Supervisors. The Township may permit, at its discretion, a statement that individual lot purchasers will be responsible for the preparation of erosion and sediment control plans prior to any earthmoving activities.
- 4.1514 If the subdivision proposes a new driveway intersection with a State Route, a copy of the Highway Occupancy Permit for such intersection. Any conditions listed in a permit shall be noted on the Plan. In lieu of a permit for a driveway intersection, the Township Supervisors may permit the following note to be placed on the Plan:

A highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before a driveway access to a state highway is permitted. Access to the state highway shall only be as authorized by a highway occupancy permit.

The approval of this subdivision/land development plan shall in no way imply that a state highway permit can be acquired or that this municipality will support, encourage or not oppose the granting of such a permit. It is possible that access to the property from a state highway will not be permitted by the Commonwealth and the property therefore

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cannot be used for the purpose intended by any purchaser. Purchasers are accordingly warned and should govern themselves accordingly, acquiring state and local highway occupancy permits before purchasing any premises.

- 4.1515 Location of existing water supply and sewage disposal systems.
- 4.1516 A blank space measuring three and one-half inches (3½") by five and one half inches (5½") shall be left, preferably adjacent to the Township certification, in which the appropriate stamp of the County Planning commission may be applied.
- 4.1517 A blank space measuring three inches (3") square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
- 4.16 Where a Sketch Plan for Record shows the proposed subdivision or development of only a portion of the developer's total property, the Plan shall be accompanied by a drawing showing the entire contiguous land holdings of the developer and indicating the area of ultimate proposed subdivision or development, if required by the Planning Commission or Supervisors. (This drawing shall be shown on a separate sheet from the Sketch Plan.) The proposed street system for the remainder of the property proposed for ultimate subdivision or development 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 specify the area for which a prospective street system on adjacent property must be shown. The developer shall also include a statement indicating proposed future land use for the unsubmitted portion of his property.

## Section 4.20 Preliminary Plans

### 4.21 Drafting Requirements

- 4.2101 The Preliminary Plan shall be clearly and legibly drawn to a scale of one inch (1") equals twenty feet (20'), one inch (1") equals thirty feet (30'), one inch (1") equals forty feet (40') or one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot, except that if the minimum size of the proposed lots is two acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').
- 4.2102 The Preliminary Plan shall be black-on-white or blue-on-white copies made on sheets no smaller than eighteen inches (18") by

twenty-four inches (24") and no larger than thirty inches (30") by forty-two inches (42").

4.2103 If the Preliminary Plan requires more than one sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and the developer shall indicate along each match line what sheet is adjoined at that match line.

4.2104 A plan index, listing the title of each plan included in the submission, shall be included on the plans intended for eventual recording.

4.22 Site Context Map

4.2201 A map showing the location of the proposed subdivision or land development within its neighborhood context shall be submitted. Such maps shall be at a scale not less than 1" = 200', and shall show the relationship of the subject property to natural and man-made features existing within one thousand feet (1,000') of the site.

4.2202 The features to be shown on a Site Context Map include:

4.220201 Topography (from the most current U.S.G.S. maps).

4.220202 Streams and water courses, drainage basins and sub-basins

4.220203 Wetlands (from the most current maps published by the U.S. Fish & Wildlife Service or the U.S.D.A. Natural Resources Conservation Service).

4.220204 Woodlands over one half (½) acre in area (from aerial photographs).

4.220205 Ridge Lines

4.220206 Public Roads, trails, utility easements, pipelines and rights-of-way

4.220207 Public land and land protected under conservation easements

4.220208 Zoning district boundaries

4.220209 Existing property lines

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- 4.220210 Names of owners of all properties and the names of all subdivisions
- 4.2203 The above information may be superimposed on an aerial photograph.
- 4.23 Existing Resources and Site Analysis Plan (ER/SA Plan) – For all Subdivisions, an ER/SA Plan shall be prepared to provide the applicant and the municipality with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred feet (500') of the site. Conditions beyond the parcel boundaries may be described based on existing published data available from governmental agencies, and from aerial photographs. The following information shall be shown:
  - 4.2301 A vertical aerial photograph at a scale that matches the scale of the ER/SA Plan, with property lines shown.
  - 4.2302 Contour lines at vertical intervals of not more than one foot (1') for land with average natural slope of four percent (4%) or less; at vertical intervals of not more than two feet (2') for land with average natural slope between four percent (4%) and twenty-five percent (25%); and at vertical intervals of not more than five feet (5') for land with average natural slope exceeding twenty-five percent (25%). Contour lines shall be from aerial or field survey.
  - 4.2303 Location and elevation of the datum to which contour elevations refer. Datum used shall be a known, established bench mark where reasonably practicable. Sanitary sewer manholes shall not be used as a datum base. Differentials, where existing, shall be noted on the plan.
  - 4.2304 All existing buildings, sanitary sewer lines, on-site sewage disposal systems, water lines, wells, water supplies, fire hydrants, utility lines, storm drainage facilities, bridges, railroad tracks, and other significant man-made features within the proposed subdivision or land development and within fifty feet (50') of the boundaries of the proposed subdivision or land development shall be located, identified and drawn to scale.
- Existing land uses on adjoining properties shall be indicated.
- 4.2305 All existing soils types' boundaries with each soil type identified, as identified in the Soil Survey Berks County prepared by the United States Department of Agriculture. Prime agricultural, alluvial, seasonal high water table and hydric soils shall be identified.

- 4.2306 Soils characteristics for detention and retention pond areas.
- 4.2307 Natural drainage channels, watercourses, water bodies, springs, and private natural water supplies within the subdivision or land development and within fifty feet (50') of boundaries of proposed subdivision or land development.
- 4.2308 Tree masses and isolated live trees over one (1) foot in diameter. Vegetative cover conditions on the tract, including cultivated land, permanent grassland, meadow, pasture, old field, woodland and hedgerow.
- 4.2309 Quarries and rock outcroppings.
- 4.2310 Wetlands.
- 4.2311 100-year floodplains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the 100-year storm. For those watercourses for which studies have not been performed by FEMA, calculated 100-year flood plains shall be established by the developer in accordance with Appendix IV of this Ordinance.

When a subdivision or land development contains a floodplain, the elevation of roads, building sites, fills, flood and erosion protection facilities, and public utilities included within the floodplain and within one hundred feet (100') of the floodplain shall be given.
- 4.2312 Any portion of the tract identified as a Pennsylvania Natural Diversity Inventory (PNDI) site or that is included on a county or local Natural Areas Inventory.
- 4.2313 A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests, and state game lands. Significant scenic views from the property shall also be delineated.
- 4.2314 Ridge lines and watershed boundaries.
- 4.2315 Existing and proposed trails.

4.24 The Preliminary Plan shall show the following information and shall conform to any other specifications, documents, codes or regulations adopted by the Township Supervisors:

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- 4.2401 Name or identifying title of the proposed subdivision or land development, which shall be other than just the name of the subdivider or landowner.
- 4.2402 Name of the Township and any other municipality in which the subdivision or land development is located.
- 4.2403 Plan status.
- 4.2404 North point.
- 4.2405 Graphic Scale.
- 4.2406 Written scale.
- 4.2407 Date of plan, including the month, day and year that the original drawing was completed and in the case of revised drawings the month, day and year that the original drawing was revised and a description of each revision.
- 4.2408 Name and address of the record owner.
- 4.2409 Name and address of the developer and any authorized agent.
- 4.2410 Source of Title to the tract.
- 4.2411 Name, address, and seal of registered professional engineer, professional land surveyor or registered landscape architect responsible for the plan.
- 4.2412 The names of all proposed and recorded abutting subdivisions and land developments and the book and page numbers where recorded.
- 4.2413 The names of the owners of all adjacent unplatte land and the book and page numbers where recorded.
- 4.2414 A location map for the purpose of locating the property being subdivided or developed, drawn at a scale of 1" = 800', showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all roads, municipal boundaries, recorded subdivision and land development plans, and recorded but unconstructed streets within one thousand feet (1000') of the subdivision or land development. A scale, north point and the proposed street system within the subdivision or land development shall be shown.

4.2415 Total tract boundaries of the property being subdivided or developed showing bearings and distances.

The source of tract boundary data shall be given if not from field survey. If the developer is going to retain a single parcel with an area in excess of ten (10) acres and that parcel will not be improved beyond its current level of improvement, that parcel may be considered residue and may be identified by deed plotting. If the retained parcel has an area of ten (10) acres or less, it shall be considered a lot within the subdivision and described to the accuracy requirements of this Ordinance.

4.2416 Total acreage of the tract.

4.2417 Zoning district lines within the property and zoning district designations and area, yard and height requirements applicable to each zoning district and proposed land use.

4.2418 All existing streets and streets recorded but not constructed on or abutting the tract, including their location, names, existing and ultimate right-of-way widths and lines, cartway widths and lines, and approximate grades.

4.2419 All existing easements and rights-of-way and the purposes for which they have been established, deed restrictions, covenants, and other encumbrances.

4.2420 All proposed streets, their location, proposed names, right-of-way and cartway widths and lines, centerline radii of horizontal curves, intended ownership, a statement of any conditions governing their use, and classification (i.e. collector). The designation of minor, collector, and arterial streets is subject to the approval of the Township Supervisors.

Approximate distances to the intersection of the center lines of the nearest established street intersection shall be indicated.

Streets to be dedicated shall be indicated. For streets which will not be dedicated, the arrangements to be made for the ownership and maintenance of those streets shall be given.

4.2421 Location, width, and purpose of all proposed easements and rights-of-way.

4.2422 Building setback lines along each street, lot line, and utility line.

4.2423 Lot lines, with approximate dimensions.

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- 4.2424 Approximate lot areas, including gross and net areas exclusive of street rights-of-way, areas used for storm water management facilities, pedestrian accessways, existing utility easements and rights-of-way, and all other excluded or restricted areas.
- 4.2425 Lot numbers, numbered consecutively, and block numbers.
- 4.2426 A statement of the total number of lots and parcels and dwelling units.
- 4.2427 Intended land use of all lots.
- 4.2428 Location, size and material of all water mains, with connections to existing facilities; fire hydrants; storage tanks; and water sources.
- 4.2429 Location, size, material and grade of all sanitary sewers, with connections to existing facilities; pumping stations; force mains; and sewage treatment plants, with type and degree of treatment proposed and size and capacity of treatment facilities.
- 4.2430 Location, size, material and grade of all storm drainage facilities, with connections to existing facilities. Cross-sections shall be shown for all drainage swales.
- 4.2431 Location, size and proposed use of all parks, playgrounds, recreation areas, public buildings, and other public uses. 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, any conditions governing such areas shall be listed, and the arrangements to be made for the ownership, administration and maintenance of these areas shall be given.
- 4.2432 Provisions for pedestrian and other nonvehicular circulation throughout the tract, such as sidewalks and walking, bicycling, and horseriding trails.
- 4.2433 Typical street cross section drawing(s) of each proposed street, including construction details of streets, shoulders, curbs, and sidewalks and cross slopes of streets, shoulders, sidewalks, and planting strips.
- 4.2434 Profile drawings for existing and proposed site improvements, including but not limited to street center lines, sanitary sewers, storm drainage systems, and other improvements requiring grade, elevation and profile documentation. Such profiles shall show existing and finished grades at one of the following sets of scales or any combination thereof. Station numbers; length of

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; and existing and proposed water mains where they cross other utilities shall be indicated.

One inch (1") equals ten feet (10') horizontal and one inch (1") equals two feet (2') vertical, or

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

One inch (1") equals forty feet (40') horizontal and one inch (1") equals ten feet (10') vertical, or

One inch (1") equals fifty feet (50') horizontal and one inch (1") equals ten feet (10') vertical.

4.2435 A plan for the surface drainage of the tract, including storm water run-off calculations and the proposed method of accommodating the anticipated runoff. Storm water calculations shall be made and drainage facilities designed in accordance with Article V and Appendix V of this Ordinance.

\*Editor's Note: Appendix V repealed by Ord. 2010-1.

4.2436 Preliminary designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and other governmental agencies. Capacity/loading calculations shall be submitted.

4.2437 The proposed location of all townhouses and apartments, and parking facilities to serve the townhouses and apartments.

4.2438 In the case of land development plans, the following additional information shall be shown:

4.243801 The location and use of all buildings.

4.243802 Location and grade of all parking areas and access drives, the size and number of parking spaces, and the width of aisles and access drives.

4.243803 The location, number, and dimensions of off-street loading areas.

4.243804 Provisions for landscaping of the tract.

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- 4.243805 Provisions for lighting of the tract consistent with the Township Lighting Ordinance.
- 4.243806 Provisions for traffic control.
- 4.243807 The location of refuse collection areas.
- 4.243808 A table showing extent of compliance with the Area, Yard, and Height Regulations of the Township Zoning Ordinance.
- 4.2439 Location of school bus stop shelters or pads.
- 4.2440 Proposed restrictive covenants.
- 4.2441 Design speed of all proposed streets.
- 4.2442 Sight distance calculations for vertical curves in streets (see Section 5.218).
- 4.2443 Sight distance calculations at street intersections (see Section 5.220).
- 4.2444 Horizontal curve radii of cartway and right-of-way lines at street intersections. The proposed cartway tie-in to existing street cartways shall be indicated.
- 4.2445 On the subdivision plan or a plan view drawing of streets, station numbers corresponding to the street profiles.
- 4.2446 Guide rail locations and construction detail.
- 4.2447 Clear sight triangles at street intersections.
- 4.2448 Proposed ownership and maintenance of storm drainage facilities.
- 4.2449 A typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets. The Township may require driveway culverts to be sized and such size noted on the plan.
- 4.2450 Proposed location and type of traffic control devices.
- 4.2451 Areas of ten percent (10%) to fifteen percent (15%) slope, fifteen percent (15%) to twenty five percent (25%) slope and areas of

over twenty five percent (25%) slope. A steep slope analysis shall be submitted when required by Section 5.88 of this Ordinance.

- 4.2452 The location of deep probe and soil percolation test holes and on-site sewage facilities. Soil percolation testing shall be done in accordance with Section 4.40.
- 4.2453 A properly executed Pennsylvania Department of Environmental Protection Planning Module for Land Development.
- 4.2454 The disposition of solid waste generated within the subdivision or land development.

4.25 The following additional information shall be submitted with the Preliminary Plan:

- 4.2501 Where a Preliminary Plan shows the proposed subdivision or development of only a portion of the developer's total property, the Plan shall be accompanied by a drawing showing the entire contiguous land holdings of the developer and indicating the area of ultimate proposed subdivision or development. (This drawing shall be shown on a separate sheet from the Preliminary Plan.) The proposed street system for the remainder of the property proposed for ultimate subdivision or development 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 developer shall also include a statement indicating proposed future land use for the unsubmitted portion of his property.
- 4.2502 In the case of a proposed revision of a FEMA-mapped floodplain, a letter of approval of such revision from FEMA.
- 4.2503 A traffic study when required by Section 5.88 of this Ordinance.
- 4.2504 A letter from the agency having right of approval of the water supply and distribution system indicating whether it has adequate capacity to serve the subdivision or land development and giving its comments regarding the proposed water supply and distribution systems.

Assurance of the availability of such service shall be provided in the form of a letter signed by an authorized and responsible officer of the company, party or authority concerned, indicating their ability and willingness to make such service available.

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4.2505 A letter from the agency having right of approval of the sanitary sewer system indicating whether it has adequate capacity to serve the subdivision or land development and giving its comments regarding the proposed sanitary sewer system.

Assurance of the availability of such service shall be provided in the form of a letter signed by an authorized and responsible officer of the company, party or authority concerned, indicating their ability and willingness to make such service available.

4.2506 The applicant shall identify on-site properties or structures listed with the National Register of Historic Places and/or listed on the Pennsylvania Register of Historic Places. Applicant shall also identify such other properties and structures as may be of local historic significance by means of a field survey by the Historic Preservation Trust of Berks County or such other individual or organization of equivalent expertise. Properties or structures that are identifiable links to past ownership, such as markers or cemeteries shall be identified.

The applicant shall describe the ways in which the applicant intends to preserve, protect and maintain such historic properties or structures and other man-made resources.

4.2507 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.

Where the land included in the proposed development has a gas pipeline, petroleum products transmission line, electric transmission line, or any other cable or pipeline located thereon, the application shall be accompanied by a letter from the owner of such pipeline or transmission line stating minimum distance requirements and restrictions on the use of the land.

4.2508 A plan for the preservation of existing natural features on the site (see Section 5.80).

4.2509 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 and storm drainage facilities and the location of any temporary street turnarounds shall also be indicated.

- 4.2510 Schematic architectural drawings of proposed townhouses, apartment buildings, and commercial and industrial buildings, including building orientation.
- 4.2511 Proposed driveway locations and evidence that the standards for driveways established in this Ordinance (Section 5.40) can be met.
- 4.2512 A preliminary center line stakeout of proposed roads so that an on-site road alignment evaluation may be conducted.
- 4.2513 The results of tests at proposed road locations which shall indicate the suitability of the sites for road construction.
- 4.2514 Impact studies and analyses as required by Section 5.88.
- 4.2515 A draft of any covenants proposed to run with the land.
- 4.2516 A tentative timetable for the proposed sequence of development for subdivision or land development. The time table may be in a letter form, indicating the order in which activities will occur.
- 4.2517 The size, type, and location of any proposed individual, community, or public water supply facilities; connections with existing facilities; capped water lines and proposed connections with existing facilities; abandoned water wells or cisterns; and wellhead protection areas for each well supply shall be clearly delineated.
- 4.2518 A bench mark shall be placed on an existing frost-proof structure, said structure and structural elevation to remain as part of the required improvements plan, or if said structure does not exist, bench mark shall be placed on a newly installed frost-proof monument.
- 4.2519 The location of all trees and/or woodlands to be removed or otherwise affected by this development along with the location of trees and/or woodlands to remain.
- 4.2520 A copy of the deed(s) for the tract.
- 4.2521 A landscape plan.
- 4.2522 Preliminary Conservation Easement Documents.

4.26 Four-Step Design Process for Conservation Subdivisions.

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Preliminary Plans for conservation subdivisions shall include documentation of the Four-Step Design Process set forth in Section 5.92, used in determining the layout of Greenway Land, dwelling units, stormwater management facilities and lot lines. When requested by the Planning Commission, the applicant shall submit four (4) separate sheets indicating the delineation of each step of the design process.

### 4.27 Preliminary Community Association Document.

4.2701 A Community Association document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the Township. Such document shall be in compliance with the Pennsylvania Uniform Planned Community Act (as to a Homeowners' Association Document) or the Pennsylvania Uniform Condominium Act (as to a Condominium Association Document), as the case may be.

4.2702 The elements of the Community Association Document shall include, without limitation, the following:

4.270201 A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal indicating the precise location of those lands and facilities.

4.270202 Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.

4.270203 A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document, which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.

4.270204 Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.

- 4.270205 Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
- 4.270206 Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
- 4.270207 Statements that the Community Association Document shall be provided to all prospective lot buyers/owners at the time of the agreement of sale and shall be referenced on the deed for each lot.
- 4.270208 Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
- 4.270209 A process of collection and enforcement to obtain funds from owners who fail to comply.
- 4.270210 A process for transition of control of the Community Association from the developer to unit owners.
- 4.270211 Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
- 4.2703 Disclosure of the Community Association Document shall be provided to all prospective lot buyers/owners at the time of agreement of sale and shall be referenced on the deeds for all lots within the subdivision.

4.28 Preliminary Greenway Land Ownership and Management Plan

- 4.2801 Using the Preliminary Plan as a base map, the boundaries, acreage, and proposed ownership of all proposed Greenway Land shall be shown, including a plan containing the following information:
  - 4.280101 Proposed Ownership, use restrictions, limitations on buildings and improvements;
  - 4.280102 Necessary regular and periodic operation and maintenance tasks and responsibilities for the various forms of Greenway Lands (i.e., lawns, playing fields, meadow, pasture, cropland, woodlands, and other

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greenway elements) including mowing, control of invasive species, etc.

- 4.280103 Estimate of staffing needs, insurance requirements, and associated costs, and defining the means for funding the maintenance of the Greenway Land on an on-going basis. Such funding plan shall include the means for funding long-term capital improvements as well as regular yearly operating, maintenance and capital reserve costs.
- 4.280104 Such management plans shall be consistent with the requirements of Section 420.2 of the Zoning Ordinance.
- 4.2802 At the Township's discretion, the applicant may be required to escrow sufficient funds for the maintenance of Greenway Land for up to eighteen (18) months in accordance with the applicable provision of Article III of this Ordinance.
- 4.2803 Changes to the management plan shall require approval by the Township.

### **Section 4.30 Final Plans**

- 4.31 The Final Plan shall be clearly and legibly drawn to a scale of one inch (1") equals twenty feet (20'), one inch (1") equals thirty feet (30'), one inch (1") equals forty feet (40') or one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot, except that if the minimum size of the proposed lots is two (2) acres or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').
- 4.32 The Final Plan shall be black-on-white or blue-on-white made on sheets no smaller than eighteen inches (18") by twenty-four inches (24") and no larger than thirty inches (30") by forty-two inches (42").
- 4.33 If the Final Plan requires more than one sheet, a key diagram showing the relative location of all the sheets shall be drawn on each sheet. In addition, a match line shall be drawn on each sheet and the developer shall indicate along each match line what sheet is adjoined at that match line.
- 4.34 A plan index, listing the title of each plan included in the submission, shall be included on the plans intended for eventual recording.

4.35 The Final Plan shall show the following information and shall conform to any other specifications, documents, codes or regulations adopted by the Township Supervisors.

- 4.3501 Name or identifying title of the proposed subdivision or land development, which shall be other than just the name of the subdivider or landowner.
- 4.3502 Name of the Township and any other municipality in which the subdivision or land development is located.
- 4.3503 Plan status.
- 4.3504 North point.
- 4.3505 Graphic Scale.
- 4.3506 Written scale.
- 4.3507 Date of plan, including the month, day and year that the original drawing was completed and in the case of revised drawings the month, day and year that the original drawing was revised and a description of each revision.
- 4.3508 Name and address of the record owner.
- 4.3509 Name and address of the developer and any authorized agent.
- 4.3510 Source of Title to the tract.
- 4.3511 Name, address, and seal of registered professional engineer, professional land surveyor or registered landscape architect responsible for the plan.
- 4.3512 The names of all abutting subdivisions and land developments and the book and page numbers where recorded.
- 4.3513 The names of owners of all adjacent unplatte land and the book and page numbers where recorded.
- 4.3514 A location map for the purpose of locating the property being subdivided or developed, drawn at a scale of 1" = 800', showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all roads, municipal boundaries, recorded subdivision and land development plans, and recorded but unconstructed streets within one thousand feet (1,000') of the subdivision or land development. A scale, north point and the

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proposed street system within the subdivision or land development shall be shown.

4.3515 The total tract boundary lines of the property being subdivided or developed 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 balanced and closed with an error or 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 developer (for example, between separately-submitted Final Plan sections) are not required to be based upon field survey, and may be calculated.

The location and material of all existing and set monuments and lot markers shall be indicated. Elevations shall be provided for existing monuments.

The proposed location and material and the elevation (if the elevation is established) of all boundary line (perimeter) and street monuments shall be indicated, along with a statement of the total area of the property being subdivided or developed. The proposed location and material of lot markers shall be indicated. The Township Supervisors may require perimeter monuments to be set and elevations established prior to approval of the Final Plan. If monuments and lot markers have not been set prior to approval of the plan, the plan shall contain a note indicating when they will be set.

The surveyor and/or engineer 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.

If the developer is going to retain a single parcel with an area in excess of ten (10) acres and that parcel will not be improved beyond its current level of improvement, that parcel may be considered residue and may be identified by deed plotting. If the retained parcel has an area of ten (10) acres or less, it shall be considered a lot within the subdivision and described to the accuracy requirements of this Ordinance.

4.3516 Total acreage of the tract.

4.3517 Zoning district lines within the property and zoning district designations and area, yard and height requirements applicable to each zoning district and proposed land use.

A note indicating that the proper number of parking spaces, as required by the Zoning Ordinance, shall be located on each lot on the plan.

4.3518 Location and elevation of the datum to which elevations refer. Datum used shall be a known, established bench mark. Sanitary sewer manholes shall not be used as a datum base. Differentials, where existing, shall be noted on the plan.

4.3519 The following information if not shown on a Preliminary Plan:

4.351901 Contour lines at vertical intervals of not more than one foot (1') for land with average natural slope of four percent (4%) or less; at vertical intervals of not more than two feet (2') for land with average natural slope between four percent (4%) and twenty-five percent (25%); and at vertical intervals of not more than five feet (5') for land with average natural slope exceeding twenty-five percent (25%). Contour lines shall be from aerial or field survey.

4.351902 All existing buildings, existing and proposed trails, sanitary sewer lines, on-site sewage disposal systems, water lines, wells, water supplies, fire hydrants, utility lines, storm drainage facilities, bridges, railroad tracks, and other significant man-made features within the proposed subdivision or land development and within fifty feet (50') of the boundaries of the proposed subdivision or land development shall be located, identified and drawn to scale.

Existing land uses on adjoining properties shall be indicated.

4.351903 All existing soils type boundaries, with each soil type identified, as identified in the Soil Survey Berks County prepared by the United States Department of Agriculture.

4.351904 Soils characteristics for detention and retention pond areas.

4.351905 Natural drainage channels, watercourses and water bodies.

4.351906 Tree masses, isolated live trees over one (1) foot in diameter, meadows, and hedgerows.

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- 4.351907 Quarries and rock outcroppings.
- 4.351908 Areas of ten percent (10%) to fifteen percent (15%) slope, fifteen percent (15%) to twenty five percent (25%) slope and areas of over twenty five percent (25%) slope. A steep slope analysis shall be submitted when required by Section 5.88 of this Ordinance.
- 4.351909 Deed Descriptions. Prior to Final Plan approval, the applicant shall submit to the municipality deed descriptions, prepared by a registered land surveyor, for:
  - 4.35190901 Any areas reserved for Greenway Land.
  - 4.35190902 Any lots on which deed restrictions or easements are a condition for final plan approval.
- 4.351910 Final Greenway Ownership and Management Plan. Using the Final Plan as a base map, the boundaries acreage and proposed ownership of all Greenway Land shall be shown. A narrative report shall also be prepared indicating how and by whom such Greenway Land will be managed, and demonstrating the applicant's compliance with Section 422 of the Ontelaunee Zoning Ordinance.
- 4.351911 Final Community Association Document.
- 4.351912 Additional approvals, Certificate and Documents.
  - 4.3519121 All offers of dedication of realty or structures and all declarations, easements, and covenants governing the reservation and maintenance of undedicated Greenway Land shall be in a form satisfactory to the Township Supervisors.
  - 4.3519122 A copy of such deed restrictions, easements, covenants and declarations that are to be imposed upon the property to comply with the Final Plan as approved by the Township Supervisors.
- 4.351913 Existing and proposed trails.

## 4.3520 Wetlands.

4.3521 100-year floodplains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the 100-year storm. For those watercourses for which studies have not been performed by FEMA calculated 100-year floodplains shall be established by the developer in accordance with Appendix IV of this Ordinance.

When a subdivision or land development contains a floodplain, the exact location and proposed elevation of roads, building sites, fills, flood and erosion protection facilities, and public utilities included within the floodplain and within one hundred feet (100') of the floodplain shall be given.

4.3522 All existing streets and streets recorded but not constructed on or abutting the tract, including their location, names, existing and ultimate right-of-way widths and lines, and cartway widths and lines.

4.3523 All existing easements and rights-of-way and the purposes for which they have been established, deed restrictions, and covenants.

4.3524 All proposed streets, their location, proposed name, right-of-way and cartway widths and lines, centerline radii of horizontal curves, intended ownership, and a statement of any conditions governing their use.

Streets to be dedicated shall be indicated. For streets which will not be dedicated, the arrangements to be made for the ownership and maintenance of those streets shall be given.

The applicant shall submit letters from the appropriate postmaster and Berks County 911 Coordinator verifying that the proposed street names are acceptable.

4.3525 For the cartway edges or curb lines and right-of-way lines of all recorded and proposed streets, and for the existing and ultimate right-of-way lines of all existing streets within or abutting the property to be subdivided, the length, in feet to the second decimal point, of all straight lines and the length of arc, radius, delta angle (in degrees, minutes, and seconds) of all curved lines.

4.3526 Location, width, and purpose of all proposed easements and rights-of-way. Bearings and distances shall be provided for easements when not parallel to lot or street lines.

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4.3527 Building setback lines along each street, lot line, and utility line and all proposed structures. Building setback lines shall not be less than the greater of:

- 4.352701 The minimum setback lines fixed by the Zoning Ordinance.
- 4.352702 Any setback lines required under the provisions of this Ordinance.
- 4.352703 Any setback lines required by other public authority or utility provider.
- 4.352704 Any setback lines which the developer intends to provide by deed restriction.

4.3528 All lot lines shall be shown and shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. Lot line distances to street right-of-way lines shall be given. 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 one foot (1') in ten thousand feet (10,000'). As an alternative to bearings for each lot line, angles at the intersection of all lot lines may be given.

4.3529 The area of each lot in square feet or acres, exclusive of street rights-of-way, areas used for storm water management facilities, pedestrian accessways, existing utility easements and rights-of-way, and all other excluded or restricted areas.

4.3530 Lot numbers, numbered consecutively, and block numbers.

4.3531 A statement of the total number of lots and parcels, the minimum lot size, and density of the tract in units or lots per acre and average tract area per dwelling unit.

4.3532 Intended land use of all lots, including the type of sewage disposal and water supply facilities to be utilized.

4.3533 Location, size and material of all water mains, with connections to existing facilities; fire hydrants; blow-offs; valves; storage tanks; water sources, and other components of water supply systems.

4.3534 Location, size, material, pipe length, invert elevation and grade of all sanitary sewers, with connections to existing facilities;

location and construction details of all manholes; design of pumping stations; force mains; sewage treatment plants, with type and degree of treatment proposed and size and capacity of treatment facilities; and other components of sewage disposal systems.

- 4.3535 Location, size, material, pipe length, invert elevation and grade of all storm drainage facilities, with connections to existing facilities; location, slope, velocity within, and cross section for all drainage swales; the location and construction details of all manholes, inlets, endwalls, headwalls, culverts and junction boxes; the location and design of all detention facilities and other drainage facilities; the size, depth, length, and width of riprap aprons, with design calculations.
- 4.3536 Location, size and proposed use and design of all parks, playgrounds, landscaped areas, recreation areas, public buildings, and other public uses. Areas to be dedicated to the Township shall be noted. Areas not be dedicated shall be noted, conditions governing such areas shall be listed, and the arrangements to be made for the ownership, administration and maintenance of these areas shall be given, including applicable agreements and deed restrictions. A note indicating the Township is not responsible for construction or maintenance of any area, park improvement, plantings, street or alley not dedicated for public use shall be placed on the plan.

Bearings and distances and areas shall be provided for existing public lands; property to be dedicated or reserved for public, semi-public, or community use, including streets; and areas to which title is reserved by the landowner.

- 4.3537 Provisions for pedestrian and other nonvehicular circulation throughout the tract, including all pedestrian ways, sidewalks, cross walks, walkways, bikeways, horse riding trails, and pedestrian rights-of-way to be used for general public use.
- 4.3538 Typical street cross section drawing(s) of each proposed street, including right-of-way and cartway widths, construction details of streets, shoulders, curbs, and sidewalks and cross slopes of streets, shoulders, sidewalks, and planting strips. The typical location, size, and depth of any underground utilities shall be indicated.
- 4.3539 Profiles along the centerline of each proposed street. Such profiles shall show at least the following information, properly labeled:

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Existing profile along both cartway edges or at the top of curbs.

Proposed finished grade at the top of both curbs or along 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 when they cross other utilities.

Station numbers.

The profiles shall be drawn at one of the following sets of scales or any combination thereof.

4.35391 One inch (1") equals ten feet (10') horizontal and one inch (1") equals two feet (2') vertical, or

4.35392 One inch (1") equals twenty feet (20') horizontal and one inch (1") equals four feet (4') vertical, or

4.35393 One inch (1") equals forty feet (40') horizontal and one inch (1") equals ten feet (10') vertical, or

4.35394 One inch (1") equals fifty feet (50') horizontal and one inch (1") equals ten feet (10') vertical.

4.3540 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. Storm water calculations shall be made and drainage facilities designed in accordance with Article V and Appendix V of this Ordinance.

4.3541 Designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection. Capacity/loading calculations shall be submitted.

4.3542 The location of all townhouses and parking facilities to serve the townhouses.

- 4.3543 A certificate of ownership, acknowledgement of plan and offer of dedication shall be lettered on the Plan, using the form specified in Appendix I, and shall be signed by the owner(s) of the property and be notarized.
- 4.3544 Certificate for approval of the Plan by the Township Planning Commission in accordance with Appendix III.
- 4.3545 Certificate for approval of the Plan by the Township Supervisors in accordance with Appendix III.
- 4.3546 A blank space measuring three and one-half inches (3½") by five and one-half inches (5½") shall be left, preferably adjacent to the Township certification, in which the appropriate stamp of the County Planning Commission may be applied.
- 4.3547 A blank space measuring three inches (3") square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
- 4.3548 In the case of land development plans, the following additional information shall be shown:
  - 4.35481 The location and use of all buildings.
  - 4.35482 Location and grade of all parking areas and access drives, the size and number of parking spaces, and the width of aisles and access drives.
  - 4.35483 The location, number, and dimensions of off-street loading areas.
  - 4.35484 Provisions for landscaping of the tract.
  - 4.35485 Provisions for lighting of the tract.
  - 4.35486 Provisions for traffic control.
  - 4.35487 The location of refuse collection areas and provisions to be made for refuse collection.
  - 4.35488 A table showing extent of compliance with the Area, Yard, and Height Regulations of the Township Zoning Ordinance.
  - 4.35489 A grading plan for the tract showing existing and proposed contour lines at the interval required by

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Section 4.351901. Lowest floor elevations for proposed buildings shall be indicated.

- 4.3549 Location of school bus stop shelters or pads.
- 4.3550 Restrictive covenants and deed restrictions applicable to the development, whether proposed or previously existing.
- 4.3551 Design speed of all proposed streets.
- 4.3552 Sight distance calculations for vertical curves in streets (see Section 5.218).
- 4.3553 Sight distance calculations at street intersections (see Section 5.220).
- 4.3554 Horizontal curve radii of cartway and right-of-way lines at street intersections. The cartway tie-in to existing street cartways shall be indicated.
- 4.3555 On the subdivision plan or a plan view drawing of streets, station numbers corresponding to the street profiles.
- 4.3556 Guide rail locations and construction detail.
- 4.3557 Clear sight triangles at all street intersections as required by Section 5.220 of this Ordinance.
- 4.3558 Proposed ownership and maintenance of storm drainage facilities.
- 4.3559 A typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets. The Township may require driveway culverts to be sized and such size noted on the plan.
- 4.3560 Location and type of traffic control devices.
- 4.3561 Whenever a developer proposes to establish a street which is not offered for dedication to public use, the Township Supervisors may require the developer 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.
- 4.3562 If the subdivision or land development proposes a new street or driveway intersection with a State Route, a copy of the Highway Occupancy Permit for such intersection. In lieu of a permit for a

driveway intersection, the Township Supervisors may permit the following note to be placed on the Plan:

A Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before a driveway access to a state highway is permitted. Access to the state highway shall only be as authorized by a Highway Occupancy Permit.

The approval of this subdivision/land development plan shall in no way imply that a state highway permit can be acquired or that this municipality will support, encourage or not oppose the granting of such a permit. It is possible that access to the property from a state highway will not be permitted by the Commonwealth and the property therefore cannot be used for the purpose intended by any purchaser. Purchasers are accordingly warned and should govern themselves accordingly, acquiring state and local highway occupancy permits before purchasing any premises.

Any conditions listed in a Permit shall be noted on the Plan.

- 4.3563 A copy of all permits required from the Pennsylvania Department of Protection for affecting watercourses, bodies of water, or water obstructions.
- 4.3564 An erosion and sediment control plan for the tract, in accordance with Section 5.71.
- 4.3565 In the case of townhouse, apartment, commercial, or industrial development, a landscape plan showing the number, location, size and species of all trees and shrubs that will be planted within the subdivision or land development. Utility easements and rights-of-way shall be shown on the plan.
- 4.3566 A final grading plan showing existing and proposed contour lines at the interval required by Section 4.351901 shall be submitted. Lowest floor elevations for proposed buildings shall be indicated.
- 4.3567 Copies of all approvals required for 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. Certificate for approval of the Plan by the Ontelaunee Township Municipal Authority in accordance with Appendix VI. [Ord. 2012-4].

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- 4.3568 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. The type of fixture to be placed at each location shall be noted. The plan should be in accordance with the Township Lighting Ordinance.
- 4.3569 All information required pursuant to Section 5.21101 of this Ordinance.
- 4.3570 All information required pursuant to Section 5.373 of this Ordinance, regarding access from adjoining municipalities.
- 4.3571 When the tract contains wetlands, a copy of all required permits or permit waivers from PADEP and/or Army Corps of Engineers.
- 4.3572 Copies of approvals required by any other governmental regulatory agencies concerning matters under their jurisdiction.
- 4.3573 A copy of any agreements incident to the construction, operation, maintenance and/or dedication of facilities for public use.
- 4.3574 Indication of any areas to be offered for dedication and a note that the conveyance of any such offered land shall not constitute the revocation of the offer and all conveyances shall be under and subject to said offer.
- 4.3575 A plan for the preservation of existing natural features on the site (see Section 5.80).
- 4.3576 Proposed driveway locations and evidence that the standards for driveways established in this Ordinance (Section 5.40) can be met.
- 4.3577 The following additional information shall be submitted with the Plan if not submitted with a Preliminary Plan:
  - 4.357701 In the case of a proposed revision of a FEMA-mapped flood plain, a letter of approval of such revision from FEMA.
  - 4.357702 A traffic study when required by Section 5.88 of this Ordinance.
  - 4.357703 The applicant shall identify on-site properties or structures listed with the National Register of Historic Places and/or listed on the Pennsylvania Register of Historic Places. Applicant shall also identify such other properties and structures as may be of local

historic significance by means of a field survey by the Historic Preservation Trust of Berks County or such other individual or organization of equivalent expertise. Properties or structures that are identifiable links to past ownership, such as markers or cemeteries, shall be identified.

The applicant shall describe the ways in which the applicant intends to preserve, protect and maintain such historic properties or structures and other man-made resources.

- 4.357704 Where the developer 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.
- 4.357705 Schematic architectural drawings of proposed townhouses, apartment buildings, and commercial and industrial buildings, including building orientation.
- 4.357706 Impact studies and analyses as required by Section 5.88.
- 4.357707 When on-site sewage disposal is proposed, final documentation of the approval of the tract for on-site sewage disposal.
- 4.357708 The disposition of solid waste generated within the proposed subdivision or land development.
- 4.357709 A properly executed Pennsylvania Department of Environmental Protection Planning Module for Land Development.
- 4.357710 The location and type of any proposed individual water supply and sewage facility.
- 4.357711 A copy of the deed(s) for the tract.
- 4.357712 A landscape plan.

4.3578 A Final ER/SA Plan shall be submitted consistent with the terms of the Preliminary Plan approval and modified as necessary to reflect the proposal for final approval.

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4.3579 A Final Greenway Ownership and Management Plan shall be submitted using the Final Plan as a base map, the boundaries, acreage and proposed ownership of all Greenway Land shall be shown. A narrative report shall also be prepared indicating how and by whom such Greenway Land will be managed, and demonstrating the applicant's compliance with Section 422 of the Ontelaunee Township Zoning Ordinance.

4.3580 For plans that propose street lights that may be offered for dedication, the proposed layout of Street Lighting District(s). At the discretion of the Board of Supervisors, in lieu of delineating the District(s) the plan may contain a note, on a drawing that will be recorded, stating that the lots in the development may be subject to a Street Lighting Assessment.

### **Section 4.40. Soil Percolation Test Requirements**

- 4.41. Soil percolation tests shall be performed for all subdivisions in which buildings at the time of construction will not be connected to an operating public or community sanitary sewage disposal system.
- 4.42. Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Protection and the Township Sewage Enforcement Officer.
- 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.

If the soil percolation tests are performed at a site which the Township believes is not a feasible location for an on-site system given the proposed lot and street layout, topography, and intended use of the lot, the Township may require soil percolation tests to be performed at a location which it deems feasible.

- 4.44. The results of the soil percolation tests shall be analyzed by the Township, and by the Pennsylvania Department of Environmental Protection as necessary, and the Final Plan lot layout shall be based on this analysis. If the analysis of the soil percolation test results reveals that the soil is unsuitable for the intended use at the lot size(s) originally proposed, the Township may require that the lot size(s) be increased in accordance with the test results

Ord. 2003-4, 11/6/2003, §4; as amended by Ord. 2012-2, 2/2/2012, §2 and Ord. 2012-4, 6/7/2012, §1.

## 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 Township Supervisors in reviewing all subdivision and land development 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 this Ordinance shall apply.
- 5.13 The layout or arrangement of the subdivision or land development shall conform to any Comprehensive Plan adopted by the Township, any regulations or maps adopted in furtherance thereof, and any other official plans of the Township which have been adopted.
- 5.14 The plan of the proposed subdivision or land development shall be coordinated with existing adjacent development in order to provide for harmonious development of the area as a whole.
- 5.15 Land shall be suited to the purpose for which it is to be subdivided or developed. Lands subject to hazards to life, health, or property such as may result from fire, flood, disease or other causes shall either be made safe for the purpose for which such land is proposed to be used, or such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- 5.16 All subdivisions 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.
- 5.17 In no case shall the name of a proposed subdivision or land development duplicate or be very similar to the name of another subdivision or land development in the Township. This provision shall not be excepted by the use of a suffix, i.e., Meadows, Place, Estates, etc. In the case of a subdivision or land development constructed in phases, the same name may be applied to all phases.

## SUBDIVISION AND LAND DEVELOPMENT

### **Section 5.20 Streets**

#### **5.21 General Standards**

5.2101 All design elements of all streets, including horizontal and vertical alignment, sight distance, and superelevation, are subject to review and approval by the Board of Supervisors. 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 Highways and Streets, latest edition, and the Manual of Uniform Traffic Control Devices, latest edition, shall be consulted to assure that the road design is in accordance with acceptable engineering practice.

5.2102 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 developer shall indicate the proposed design speed. The designated design speed is subject to the approval of the Board of Supervisors. In general, the design speed on arterial streets shall be considered as forty five miles per hour (45 mph) (to be determined in each individual case), on collector streets thirty five miles per hour (35 mph) and on minor streets twenty five miles per hour (25 mph).

5.2103 The speed limit proposed to be posted for streets shall not exceed the design speed.

5.2104 Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.

5.2105 The location and width of all proposed streets shall conform to the Official Plans which have been adopted by the Township and shall be properly related to all existing streets, recorded streets, and Official Plans which have been adopted or approved by the Township, County, or State.

5.2106 Streets within the subdivision or land development and adjacent roads which will receive traffic from and distribute traffic to the subdivision or land development shall be adequate, or made adequate by the developer, in construction, grade, width and capacity to accommodate traffic generated by the subdivision or land development.

5.2107 The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets if these streets meet or exceed the standards of Section 5.2131. If the existing or recorded streets do not meet or exceed the standards of Section 5.2131, the proposed street extensions shall meet the standards of Section 5.2131.

5.2108 Where, in the opinion of the Township Supervisors, 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 Supervisors approval.

5.2109 When streets will be extended to the boundaries of the subdivision or land development, sanitary sewer and/or water lines shall be extended to the tract boundaries within these streets in order to facilitate future connections to abutting land.

5.2110 If a subdivision proposes lots, all of which front on existing public roads, the Township Supervisors may require the developer 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.

5.21101 When reservations for future streets will adjoin lots to be developed prior to the construction of the streets, the developer shall establish 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. Alternatively, construction easements shall be provided on the adjoining lots, sufficient to permit construction of the future street.

5.21102 Where reservations for future streets intersect existing streets, radii shall be provided for the reservations such that the requirements of Sections 5.2196 and 5.2197 of this Ordinance could be met for a street to be constructed in the future.

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5.2111 Connections shall be provided between streets within the subdivision or land development to provide adequate access for emergency vehicles, other vehicles, and pedestrians.

5.2112 New minor streets shall be so designed as to discourage through traffic, but the developer shall provide for the extension and continuation of arterial and collector streets into and from adjoining properties when required by the Township Supervisors. Minor streets shall be extended and continued into and from adjoining properties when necessary for proper traffic circulation.

5.2113 Where a subdivision or land development abuts an existing street which does not meet the standards of this Ordinance, the Township Supervisors may require the dedication of land sufficient to widen or relocate the street to meet the standards of this Ordinance.

5.2114 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 cartway width requirements of this Ordinance, the Township Supervisors may require the developer to improve at his expense the Township road cartway to meet those requirements. Pavement shall be constructed in accordance with the requirements of this Ordinance. In addition, provision shall be made for adequate drainage along the sides of the roads. Such drainage provisions shall be subject to the approval of the Township Supervisors.

5.2115 New private streets (streets not to be offered for dedication) are permissible when approval for such streets is granted by the Township Supervisors. Such streets shall be designed and constructed in accordance with the requirements of this Ordinance and other Township regulations.

Subdivision of land along existing private streets which fail to meet the requirements of this Ordinance and other Township regulations is prohibited, unless permission is granted by the Township Supervisors. Such subdivision may be permitted only where a total of no more than three (3) dwelling units will be served by such private street, the street will be of mud-free condition, and suitable agreements are executed to assure usage and maintenance of the street.

5.2116 Where streets and other public improvements continue into adjoining municipalities, evidence of compatibility of design, particularly with regard to street widths, shall be submitted. The applicant shall coordinate such design with both municipalities to

avoid abrupt changes in cartway width or in improvements provided.

5.2117 The street system shall be designed with regard to:

5.21171 consideration of existing topographical considerations.

5.21172 providing buildable lots.

5.21173 minimizing the number of street intersections.

5.21174 avoiding excessive lineal footage of street.

5.2118 All access drives within multiple family and nonresidential developments which are intended for circulation within the development shall be designed to the horizontal and vertical alignment standards for streets contained within this Ordinance.

### **5.212 Partial and Half Streets**

5.2121 New half or partial streets will not be permitted, but wherever a tract to be subdivided borders an existing recorded half or partial street, the Township Supervisors may require the developer to provide adjacent to such half or partial street a reservation of land adequate to allow the construction of a road meeting the standards of this Ordinance.

### **5.213 Street Widths**

5.2131 Minimum street right-of-way and cartway (pavement) widths shall be as follows:

<u>Street Type</u>	<u>Required Widths (in feet)</u>	
	<u>No Curb</u>	<u>Curbed</u>
Minor Streets and Permanent Cul-de-Sacs		
No Parking Permitted		
Right-of-Way	50	50
Cartway	24	28
Parking Permitted One Side		
Right-of-Way	N/A	50
Cartway	N/A	32
Parking Permitted Both Sides		
Right-of-Way	N/A	50

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<u>Street Type</u>	<u>Cartway</u>	<u>Required Widths (in feet)</u>		<u>34</u>
		<u>N/A</u>	<u>Curbed</u>	
<b>Collector Street</b>				
Right-of-Way		60		60
Cartway				
No Parking Permitted		28		30
Parking Permitted		36		36
<b>Arterial Street</b>				
Right-of-Way		As determined after consultation with the Township, the County, and PennDOT		
Cartway				
<b>Service Street</b>				
Right-of-Way		24		
Cartway		18		
5.2132 Additional right-of-way widths may be required by the Township Supervisors for the purpose of promoting the public safety and convenience and for providing for proposed traffic volumes.				
5.2133 The designation of streets as "minor", "collector", and "arterial" and as to "no parking", "parking permitted one side", and "parking permitted both sides" is subject to Township Supervisors approval. The Township Supervisors may prohibit parking along any streets at their discretion.				

### **5.214 Curbing**

5.2141 Concrete curb conforming to Township specifications shall be provided for in the design of proposed streets and along frontage of new developments on existing streets according to the following criteria:

5.21411 All collector streets

5.21412 All non-residential developments

5.21413 Residential developments with average lot frontage less than two hundred feet (200')

5.2142 Concrete sidewalk conforming to Township specifications shall be provided on both sides of proposed streets and along frontage of new developments on existing streets according to the following criteria:

5.21421 All residential developments with average lot frontage less than two hundred feet (200')

5.21422 All other development, residential or otherwise, where the Township deems sidewalk to be appropriate.

**5.215 Restriction of Access**

5.2151 Whenever a subdivision or land development abuts or contains an existing or proposed arterial or collector street the Township Supervisors may require restriction of access to the street by:

5.21511 provision of reverse frontage lots, or

5.21512 provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or collector street, or

5.21513 provision of a system of minor streets which intersect the arterial or collector street and on which lots would front.

5.2152 Reserve strips shall be prohibited.

**5.216 Street Grades**

5.2161 There shall be a minimum center line grade of one percent (1.0%).

5.2162 Center line grades shall not exceed the following:

5.21621 Minor Street or Service Street: ten percent (10%)

5.21622 Collector Street: eight percent (8%)

5.21623 Arterial Street: six percent (6%)

5.2163 Grades up to twelve percent (12%) may be permitted by the Township Supervisors on minor streets, except cul-de-sacs, if the Supervisors at their discretion deem that unsafe conditions will not result from the increase in grade.

**5.217 Horizontal Curves**

5.2171 Whenever street lines are deflected in excess of one degree ( $1^\circ$ ), connection shall be made by horizontal curves.

5.2172 Minimum center line radii for horizontal curves shall be as follows:

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

5.2173 A straight section of road of at least one hundred feet (100') shall be provided between all horizontal curves on collector streets. A straight section of road of at least two hundred feet (200') shall be provided between all horizontal curves on arterial streets.

5.2174 Combinations of the minimum radius and maximum grade are prohibited.

### **5.218 Vertical Curves**

5.2181 At all changes in street grades where the algebraic difference in grade exceeds one-half percent (1/2%), vertical curves shall be provided. The minimum sight distance provided shall be as follows for both crest and sag vertical curves.

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

### **5.219 Intersections**

5.2191 Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than seventy-five degrees (75°) (measured at the intersection of the street center lines) nor more than one hundred five degrees (105°) degrees. The angle of intersection with an arterial street shall be ninety degrees (90°).

5.2192 No more than two (2) streets shall intersect at the same point.

5.2193 Streets intersecting another street shall either intersect directly opposite to each other or be separated by at least one hundred fifty feet (150') between center lines, measured along the center line of the street being intersected, when the intersected street is a minor street and by at least three hundred feet (300') when the intersected street is a collector street.

5.2194 Intersections shall be approached on all sides by a straight area at least fifty feet (50') in length, the grade of which shall not exceed five percent (5%) within fifty feet (50') of the intersection of the nearest right-of-way lines.

5.2195 Intersections with arterial streets shall be located not less than one thousand feet (1,000') apart, measured from center line to center line along the center line of the arterial streets.

5.2196 Street intersections shall be rounded by a tangential arc with a minimum radius of:

5.21961 twenty feet (20') for all intersections involving only minor streets or service streets;

5.21962 thirty feet (30') for all intersections involving a collector street;

5.21963 forty feet (40') for all intersections involving an arterial street.

5.21964 larger radii may be required, at the discretion of the Township Supervisors, to accommodate expected truck traffic for subdivisions or land developments for which significant truck traffic is anticipated.

5.2197 Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

#### **5.220 Sight Distances at Intersections**

5.2201 Clear sight triangles shall be provided at all street intersections, shall be reserved as such, and shall be drawn on the Plan. Within such triangles, no vision-obstructing object shall be permitted which obscures vision above the height of thirty inches (30") and below the height of ten feet (10'), measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of:

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5.22011 A minimum of seventy-five feet (75') from the point of intersection of the center lines, except that

5.22012 Clear sight triangles of a minimum of one hundred feet (100') shall be provided for all intersections involving collector streets.

5.22013 Clear sight triangles of a minimum of one hundred and fifty feet (150') shall be provided for all intersections involving arterial streets.

5.2202 Whenever a portion of the line of such clear sight triangles occurs behind the required building setback line, such portion shall be considered a building setback line.

5.2203 Sight distance at street intersections shall be measured in accordance with current PennDOT criteria, and shall meet the minimum distances prescribed by PennDOT.

### **5.221 Cul-de-Sac Streets**

5.2211 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.

5.2212 Except as provided in Section 5.2211 any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a turnaround within the subdivision or land development and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

If a cul-de-sac turnaround is offset, it shall not be offset to the right.

Should a temporary cul-de-sac be proposed, agreements satisfactory to the Township Supervisors and Township Solicitor shall be made for construction and installation responsibilities of all improvements when the temporary cul-de-sac is abandoned and the street is extended.

In the event that the Township Supervisors shall not consider development of adjoining property to be imminent, the Supervisors may require that a permanent curbed cul-de-sac be constructed.

5.2213 Cul-de-sac streets shall be at least two hundred fifty feet (250') from the right-of-way of the street intersected to the end of the turnaround. Cul-de-sac streets shall not exceed one thousand five hundred feet (1,500') in length as defined in this Ordinance and shall not furnish access to more than twenty (20) dwelling units.

5.2214 Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional right-of-way width provided along the boundary line to permit extension of the street at full width.

5.2215 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 feet (50'), and minimum radius to the right-of-way line shall be sixty feet (60').

5.2216 Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conducted away in an underground storm sewer or by other means approved by the Township Supervisors.

5.2217 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%).

**5.222 Street Names**

5.2221 Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.

5.2222 In no case shall the name of a proposed street duplicate or be very similar to an existing street name in the Township and the postal district. This provision shall not be excepted by the use of a suffix, i.e., street, road, avenue, boulevard, drive, way, place, court, lane, etc. In the case of a subdivision constructed in phases, a street partially constructed in one phase may be continued into another phase and bear the same name.

5.2223 All street names shall be subject to the approval of the Township Supervisors, the Postmaster having jurisdiction, and the Berks County 911 Coordinator.

**5.223 Service Street (Alleys)**

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5.2231 Service streets are prohibited in residential subdivisions except where required by the Township Supervisors to avoid direct driveway access to arterial or collector streets.

5.2232 Service streets may be permitted by the Township Supervisors in other types of development, provided that the developer produces evidence satisfactory to the Supervisors of the need for such service streets and provided that the service streets are not the primary means of access.

5.2233 Dead-end service streets are prohibited unless permitted at the discretion of the Township Supervisors. Dead-end service streets shall be terminated with a paved circular turnaround with a minimum radius to the outer pavement edge (curb line) of forty feet (40').

5.2234 Parking is prohibited along service streets.

### **5.230 Pavement Construction Requirements**

#### **5.2301 General**

All street pavement structures shall be constructed on a subgrade that has been prepared and compacted in accordance with the technical specifications contained in PennDOT publication 408, most recent edition. Each layer of the pavement structure shall be produced, constructed, and compacted in accordance with the technical specifications contained in PennDOT publication 408, most recent edition.

5.23011 The minimum pavement structure shall be as follows:

Minor streets, Service streets and permanent cul-de-sacs

Stone subbase (No. 2A), 6" depth  
Bituminous Concrete Base Course, 4.5" depth  
Bituminous Wearing Course, ID-2, SRL-L, 1.5" depth

5.23012 Collector streets and all non-residential streets  
(Industrial)

Stone subbase (No. 2A), 6" depth  
Bituminous Concrete Base Course, 4.5" depth  
Bituminous Binder Course, ID-2, 2" depth  
Bituminous Wearing Course, ID-2, SRL-M, 1.5" depth

5.23013 Arterial streets – Subject to pavement design for twenty (20) year life based upon anticipated traffic loading, and PennDOT approval

5.2302 In all cases, the properly designed SUPERPAVE design equivalent bituminous pavement course may be used in lieu of the conventional courses listed above, provided they are placed to the same or greater depth.

5.2303 In the case of subdivisions or land developments where substantial truck traffic is anticipated the Township Supervisors may require, at their discretion, that the pavement structure be based upon a pavement design for a twenty (20) year life based upon anticipated traffic loading.

5.240 Guide Rail

5.2401 Streets shall be designed to preclude or minimize the need for guide rail. The Township Supervisors may require guide rail to be placed for protection on embankments when a barrier is required in Design Manual Part 2 Highway Design by the Pennsylvania Department of Transportation, latest edition.

5.2402 Fixed obstructions along streets which would require guide rail shall be precluded or minimized. The Township Supervisors may require guide rail to be placed when a barrier is required for fixed objects in Design Manual Part 2 Highway Design by the Pennsylvania Department of Transportation, latest edition.

5.2403 The design and selection of guide rail shall be in accordance with the standards in Design Manual Part 2 Highway Design, latest edition; however, all guide rail systems shall be subject to approval by the Township Supervisors.

**Section 5.30 Blocks, Lots and Parcels**

5.31 Layout of Blocks

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

5.3111 provision of adequate sites for buildings of the type proposed;

5.3112 zoning requirements;

5.3113 topography;

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5.3114 requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.

### 5.32 Length of Blocks

5.321 Blocks shall have a maximum length of one thousand eight feet (1,800') and a minimum length of five hundred feet (500'). The Township may relax the permitted maximum and/or minimum lengths of blocks if the topography of land, proposed lot sizes, or surface water drainage conditions warrant such.

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

### 5.33 Depth of Blocks

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

### 5.34 NonResidential Blocks

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

### 5.35 Pedestrian Accessways

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

### 5.36 General Standards for Lots and Parcels

5.3601 The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated, and be in accordance with the provisions of the Township Zoning Ordinance. Lots shall be capable of being built upon in accordance with the provisions of the Township Zoning Ordinance.

5.3602 Side lot lines shall be at right angles to straight street lines and radial to curved street lines.

5.3603 Lot lines shall follow municipal boundaries rather than cross them.

5.3604 The depth of residential lots shall not be less than one nor more than three times their width at the building setback line.

5.3605 Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, buffer yards and landscaping, etc.

5.3606 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 subject to Township approval, shall be made for the disposition and maintenance of those remnants.

5.3607 Flag lots are prohibited, unless permission is granted by the Township Supervisors. The Supervisors may grant permission to utilize flag lots when they deem flag lots appropriate because of topographical or other conditions unique to the site. The access strip portions of a flag lot must be at least thirty feet (30') wide and shall not be used for building purposes.

5.36071 In granting permission to use flag lots, the following elements shall be considered:

5.360711 That the use of flag lots will not result in conditions which will cause increased interruptions to traffic flow, accident hazards and sedimentation and runoff problems onto public roads.

5.360712 That the use of an internal street system or marginal access streets on which lots would front will not be more appropriate for development of the tract than the use of flag lots.

5.360713 That the use of flag lots is necessary to permit utilization of a tract of ground, otherwise not feasible to be utilized under the applicable standards for lots found in this Ordinance.

5.360714 Should a flag lot be divided into two or more lots, the access strip shall be constructed into a

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street complying with the specifications of this Ordinance.

- 5.360715 All structures shall be located on the flag lot so as to provide the required setback should the access strip be used for construction of a street.
- 5.3608 Where an ultimate right-of-way line has been provided, all setbacks and lot areas shall be measured from such ultimate right-of-way line.
- 5.3609 Wherever feasible, lots shall be designed so that buildings can be constructed above street grade. Where this is not possible, the developer shall indicate what measures are to be taken to assure proper drainage away from the buildings.
- 5.3610 When only a portion of a tract is designed at a time and there exists the potential for development of the remainder of the tract, lots shall be designed such that they do not restrict access to the remainder of the tract, do not unduly restrict the potential development of the remainder of the tract, nor result in the creation of awkward or difficult-to-develop parcels in the remainder of the tract.
- 5.3611 The maximum slope utilized when grading lots or streets along an adjoining tract of land not owned by the developer shall be a three (3) to one (1) slope ratio of horizontal distance to vertical distance.

### 5.37 Lot Frontage and Access

- 5.371 All lots shall abut and have direct driveway access to an existing or proposed public street or private street meeting the requirements of this Ordinance.
- 5.372 Reverse frontage lots shall be avoided except where required by the Township Supervisors to restrict access to existing streets or to overcome specific disadvantages of topography or orientation. All residential reverse frontage lots shall contain a landscape screen, fence, earth mounding, or similar screening device and barrier to vehicular access subject to Township approval within the rear yard.
- 5.373 Where access to land within a subdivision or land development will be solely by proposed roads within an adjoining municipality, the Township Supervisors may require assurance from the adjoining municipality that adequate provisions have been made to ensure construction of the proposed access roads.

5.374 When the rear wall of a building will face a public street, the Township Supervisors may require a landscape screen, fence, earth mounding, or similar screening device subject to Township approval between the building and the public street.

5.375 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 Supervisors may require the developer to install at his expense an acceleration or deceleration lane, or both, to serve a proposed driveway or street. If additional street right-of-way is required to construct the acceleration or deceleration lane, the additional right-of-way shall be provided by the developer.

When required by the Township Supervisors, the developer 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.

5.376 For lots proposed to abut a railroad right-of-way containing railroad tracks which are used for rail service, when deemed necessary by the Township a landscape screen to provide a sight and noise buffer shall be placed within those lots in the yards abutting the railroad right-of-way. The screen shall be adequate for the intended purpose and a plan for the screen shall be submitted to the Township for approval.

5.38 Lot Size

5.381 The minimum lot size and width requirements set forth in the Township Zoning Ordinance shall be met. The minimum lot area requirements found in the Zoning Ordinance may be increased by the Township according to the results of the soil percolation tests required by Section 4.40 of this Ordinance.

The minimum lot area shall not include the calculation of street rights-of-way, any area used for storm water management facilities, pedestrian accessways, existing utility easements and rights-of-way, and all other excluded or restricted areas, and the applicant shall demonstrate the exclusion of such areas in calculating the minimum required lot area.

5.39 Off-Street Parking

5.391 Each proposed dwelling unit in a subdivision or land development shall be provided with a minimum of two (2) off-street parking spaces.

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5.3911 In the case of single-family or two-family dwellings and townhouses with on-lot parking, such off-street parking spaces shall be provided behind the street right-of-way line and may be provided in an attached or separate garage, carport, or driveway. The spaces shall not be located within any clear sight triangle required by this Ordinance.

In the case of two-family dwellings and/or townhouses, if the dwellings do not have frontage to a street with on-street parking, additional parking shall be provided in a common parking area. The additional parking required shall be one space per dwelling unit, provided that the minimum amount of additional parking for each contiguous group of dwellings shall be ten (10) spaces. Each common parking area shall contain no less than ten (10) spaces and no more than twenty (20) spaces. The areas shall be conveniently located relative to the dwelling units they serve and shall be owned and maintained by a Homeowners' Association, other arrangement approved by the Township, or by the Township, at the sole discretion of the Township.

5.3912 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 be located behind the street right-of-way line and not be located within any clear sight triangle required by this Ordinance. Each off-street parking space shall contain a minimum of two hundred square feet (200 sq. ft.). 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 four percent (4%). The grade of areas used only for access shall not exceed ten percent (10%).

5.392 Nonresidential development shall meet the off-street parking requirements of the Township Zoning Ordinance.

## Section 5.40 Driveways

5.41 Subdivisions and land developments shall be provided with internal streets to which the lots will have driveway access in order to minimize the number of driveway intersections with existing public streets. This reduction in driveway intersections will lessen interruptions to traffic

flow and accident hazards and minimize sedimentation and runoff problems onto existing public streets.

Private driveways servicing more than one dwelling (be it single family or multiple) shall require Township Supervisors approval.

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

The Township Supervisors may require subdivision and land development plans to show a typical treatment of the construction of driveways and handling of storm drainage where the driveways intersect a street. The Supervisors may require as a condition to approval of a plan that prior to the issuance of zoning or building permits the specific proposals for the construction of a driveway and treatment of storm drainage and erosion and sediment control for that driveway be submitted to the Township for approval.

- 5.44 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. Applicable safe sight distance as established in the regulations of the Pennsylvania Department of Transportation shall be provided.

The Township Supervisors 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 Supervisors 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 Supervisors judge that offset driveways will create a safety hazard.

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

All driveways shall be constructed in accordance with the standards of the Township Driveway Ordinance, as amended from time to time, and any standards adopted by the Township pursuant to that Ordinance.

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- 5.45 The width of driveways and radii for driveways shall be in accordance with the Township Driveway Ordinance and standards adopted pursuant to that Ordinance.
- 5.46 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.

Angles of intersection shall be in accordance with the Township Driveway Ordinance and standards adopted pursuant to that Ordinance.

- 5.47 Private driveways shall have such grades as to furnish safe and convenient parking spaces and to provide a safe and convenient means of access. The grades and construction materials of driveways shall be such that the materials of the driveway will not wash onto public streets. Grades shall be in accordance with the Township Driveway Ordinance and standards adopted pursuant to that Ordinance.

All driveways abutting an improved street shall themselves be improved the full width of the driveway with a bituminous or concrete surface for a minimum distance of twenty feet (20') from the point where the driveway abuts the improved street.

The Township Supervisors may require the developer to submit with his subdivision or land development 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.

- 5.48 The minimum distance from a driveway to an intersecting street line shall be in accordance with the Township Driveway Ordinance and standards adopted pursuant to that Ordinance.

The minimum distance from a driveway to a property line shall be the radius provided for the driveway, but in no case less than five feet (5').

## **Section 5.50 Sanitary Sewage Disposal**

- 5.51 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 and disposal facilities are listed in order of decreasing desirability:

5.511 Public sanitary sewer and treatment plant system;

- 5.512 Community sanitary sewer system with a temporary sewage treatment plant;
- 5.513 Capped sewers with temporary, approved on-site facilities;
- 5.514 Approved on-site facilities.

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

5.53 All sanitary sewer systems shall conform in all respects to the requirements of the Pennsylvania Department of Environmental Protection, the Township, and any applicable Authority. Plans for the system, design of sewers, design of sewage pumping stations, and design of treatment facilities are to be in accordance with the Sewerage Manual of the Pennsylvania Department of Environmental Protection, Bureau of Water Quality Management, Sixth or latest edition and other guidance documents PennDEP may have issued for sewage facilities such as Guidelines for Design, Installation and Operation of Small Flow Treatment Facilities.

5.54 Whenever approval by the Municipal Authority or the Pennsylvania Department of Environmental Protection is required for the sanitary sewer system for a proposed subdivision or land development, the developer shall submit a copy of such approval to the Township prior to final approval of a Plan. Indication of ability to serve the tract shall be furnished to the Township at preliminary plan stage.

5.55 New and replacement sanitary sewer systems shall be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

5.56 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 5.51). Based on analysis of the Feasibility Report, the Township may require the installation of a higher type of facility.

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5.57 When on-site facilities are required, a carefully engineered facility shall be installed. Before covering and backfilling, all on-site facilities must be inspected by the Township Sewage Enforcement Officer and must be so installed that they can be approved as complying with the approved engineering drawings that are part of the plans. Such approval shall be in writing. Two copies of an "as-built" drawing of on-site facilities shall be provided for the Township Sewage Enforcement Officer showing the location sizes and/or capacities of all pipes, tanks, cleanouts, vents and tile fields.

### **Section 5.60 Water Supply**

5.61 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.

5.62 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:

5.621 Public water supply and distribution system

5.622 Community water supply and distribution system

5.623 Approved on-site system

5.63 Each proposed subdivision or land development 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.

#### **5.64 Water Supply Distribution Systems**

5.641 All water supply and distribution systems shall be constructed in full compliance with Pennsylvania Department of Environmental Protection specifications, and all ordinances, rules, and regulations of the Township and applicable Authorities. The water system shall comply with the Pennsylvania Department of Environmental Protection, Bureau of Community and Environmental Control Division of Water Supplies Public Water Supply Manual, latest edition.

All test well operations are subject to the approval of the Township and shall be in compliance with Pennsylvania Department of Environmental Protection regulations.

Prior to approval of any plan utilizing well or spring supplies, the applicant shall drill a test well(s), perform pump tests and have monitoring test wells around the pump test well. In addition, wells of houses in the surrounding area shall be monitored and drawdown levels measured. The aquifer evaluation shall establish whether sufficient water supply exists and the effect on the aquifer of withdrawing that water.

No plan will be approved unless the applicant can demonstrate that adequate domestic and fire supplies can be obtained without adversely affecting surrounding wells.

In addition to the aquifer evaluation, a water budget analysis shall be prepared for the basin area around the development. This analysis shall measure the water coming into the basin against the water being taken out of the basin.

5.642 A community water supply and distribution system may be required by the Township in the following instances.

5.6421 Where public or community systems are not reasonably accessible, cannot be connected to, or are not adequate to service the proposed development, but on-site sanitary sewage disposal systems are proposed to be used;

5.6422 When a public water distribution system is planned for extension to the subdivision within ten (10) years;

5.6423 If deemed necessary for the public health, safety and welfare.

If such a system is provided, it shall be subject to approval by the Township and the Pennsylvania Department of Environmental Protection. Appropriate agreements shall be established to ensure proper and adequate maintenance and shall be submitted to the Township for review and approval.

5.643 Where individual on-site water supply system(s) are to be utilized, it is recommended (but not required) that the subdivider provide at least one test well for each ten proposed dwelling units. Such wells should be drilled, cased, and grout sealed into bed rock, at least fifty feet (50') deep, and should have a production capacity of at least five gallons per minute of safe, potable drinking water, as

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certified by a State or Township health officer. No well shall be closer to a septic system than DEP regulations permit.

- 5.644 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 land development, applicants shall present evidence to the Township Supervisors at preliminary plan stage that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- 5.645 Whenever approval by an Authority or other public agency, a utility company, or the Pennsylvania Department of Environmental Protection is required for the water supply and distribution system for a proposed subdivision or land development, the developer shall submit a copy of such approval to the Township prior to approval of a Final Plan.
- 5.646 New and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the systems.

5.65 Wells shall not be placed closer than fifty feet (50') to a property line.

## **Section 5.70 Stormwater Management Standards and Design**

A complete Stormwater Management Plan in conformance with the Ontelaunee Township Stormwater Management Ordinance shall be submitted to the Township for review as part of the Preliminary Plan application.

- 5.71 Erosion and Sediment Controls and Plan Requirements
  - 5.711 Land shall not be developed or changed by grading, excavation or the removal or destruction of natural topsoil, trees or other vegetative cover unless adequate provisions for minimizing erosion and sedimentation are provided.
  - 5.712 A plan for erosion and sediment control shall be prepared and submitted to the Township for review and approval. The review and approval of the plan may be delegated to the Berks County Conservation District, at the discretion of the Township. The plan shall meet all requirements of the Berks County Conservation District, the Pennsylvania Department of Environmental

Protection (Chapter 102 of Title 25, latest revision) and the Pennsylvania Erosion and Sediment Pollution Control Program Manual, as applicable. Evidence of approval of the plan by the County Conservation District, and PaDEP (if applicable) shall be provided to the Township prior to Final Plan approval.

- 5.713 The erosion and sediment control plan and narrative shall be submitted during the Preliminary Plan stage for a subdivision or land development.

### **Section 5.80 Natural Features**

- 5.801 Subdivisions and land developments shall be designed to preserve natural features such as trees greater than one foot (1') in diameter, watercourses, rock outcroppings, wooded areas, natural watercourses and bodies of water.
- 5.802 Topsoil shall not be removed from the subdivision site nor used as structural fill without the permission of the Township Supervisors. Topsoil may be removed from areas of earthmoving activity, but shall be stored elsewhere within the subdivision or land development and stabilized to minimize erosion. Upon completion of construction, the topsoil shall be redistributed on the site.
- 5.803 Street and lot designs of tracts shall be such to minimize alterations of the natural landscape.

### **Section 5.81 Floodplains**

- 5.811 Floodplains shall be calculated using the method established in Appendix IV of this Ordinance and shown on all subdivision and land development plans. The floodplain controls established within Township Ordinances shall be applied to those floodplains.

The finished elevation of proposed streets shall not be more than one foot (1') below the Regulatory Flood Elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

- 5.812 The Township Supervisors 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.
- 5.813 The following controls shall apply to the floodplains:

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5.8131 No watercourse shall be altered or relocated unless approved by the Township Supervisors and, where applicable, the Pennsylvania Department of Environmental Protection, Bureau of Dams and Waterway Management, the Federal Emergency Management Agency (FEMA) and other affected municipalities.

5.8132 No watercourse shall be altered or relocated unless the person proposing the alteration or relocation submits calculations assuring that the flood carrying capacity within the altered or relocated portion of the watercourse shall be designed to be not less than the flood carrying capacity of the watercourse prior to the proposed alteration or relocation.

No plan will be finally approved by the Township unless all required approvals and permits have been secured from governmental agencies.

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

5.8133 No encroachment shall be made on a floodplain or watercourse 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 this requirement shall be submitted to the Township. All encroachments are subject to Township Supervisors approval. Encroachments into the 100-year floodway must be reviewed and are subject to approval by the Pennsylvania Department of Environmental Protection and FEMA.

5.8134 No construction or development shall be permitted within the floodplain without approval from the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection.

5.8135 All sanitary sewer systems located in any designated floodplain district, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

The Township shall prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high groundwater, flooding, or unsuitable soil characteristics or are proposed for location in designated floodplain districts. The Township may require that the developer note on the face of the plat and in any deed of conveyance that soil absorption fields are prohibited in designated areas.

It is suggested that prospective developers consult with the Township Sewage Enforcement Officer and the Pennsylvania Department of Environmental Protection concerning soil suitability when on-site sewage disposal facilities are proposed.

The Township may prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision and/or land development, the Township shall require the developer to provide sewage facilities to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.

- 5.8136 All water systems located in any designated floodplain districts, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation. If there is an existing public water supply system on or near the subdivision, the Township shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to the system.
- 5.8137 All other public and private utilities and facilities including gas and electric shall be elevated or floodproofed up to the Regulatory Flood Elevation.
- 5.8138 Each subdivision lot in floodprone areas shall be provided with a safe building site with adequate access. Public facilities which serve such uses be designed and installed to preclude flood at the time of initial construction.
- 5.8139 The grant of a permit or approval of a plan for any proposed subdivision and/or land development to be located within any designated floodplain district shall not constitute a representation, guarantee, or warranty of any kind by the Township or by any official or employee therefor of the practicability or safety of the proposed use,

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and shall create no liability upon Ontelaunee Township, its officials or employees.

5.8140 Where not prohibited by this or any other laws or ordinances, land located in any designated floodplain district may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any designated floodway district. Sites for these uses may be permitted outside the floodway district if the lowest floor, including basement, of any new or improved residential structure shall be above the Regulatory Flood Elevation. Enclosed areas below the lowest flow (including basement) are prohibited. If fill is used to raise the elevation of a site, the fill area shall extend out laterally for a distance of at least fifteen feet (15') beyond the limits of the proposed structures.

Building sites for structures or buildings other than for residential uses shall also not be permitted in any designated floodway district. Also, such sites for structures or buildings outside the floodway shall be elevated as provided for in the preceding paragraph. However, the Township Supervisors may allow the nonresidential structure to be floodproofed up to that height.

Any nonresidential structure, or part thereof, having a lowest floor which is not elevated to at least one and one half feet (1½') feet above the 100-year flood elevation, shall be floodproofed in a completely or essentially dry manner in accordance with the W1 or W2 space classification standards contained in the publication entitled "Floodproofing Regulations" published by the U.S. Army Corps of Engineers (June 1972), or with some other equivalent standard. All plans and specifications for such floodproofing shall be accompanied by a statement certified by a registered professional engineer or architect which states that the proposed design and methods of construction are in conformance with the above-referenced standards.

Enclosed areas below the lowest floor (including basement) are prohibited.

If the Township determines that only a part of a proposed subdivision or land development can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.

- 5.8141 When a developer does not intend to develop the subdivision or land development himself and the Township determines that additional controls are required to ensure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.
- 5.8142 Where any excavation or grading is proposed or where any existing trees, shrubs, or other vegetative cover will be removed, the developer shall consult the County Conservation District representative concerning plans for erosion and sediment control and to also obtain a report on the soil characteristics of the site so that a determination can be made as to the type and degree of development the site may accommodate. Before undertaking any excavation or grading, the developer shall obtain a Grading and Excavation Permit if such is required by the Township.
- 5.8143 Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. The system shall ensure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

Plans shall be subject to the approval of the Township.

The Township may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.

## **Section 5.82 Utilities and Easements**

- 5.821 Easements shall be provided for electric, telephone, and television cables, drainage swales, wires and conduits, storm and sanitary

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sewers, gas, water and heat mains and other utility lines. No structures shall be placed within such easements. No trees or shrubs shall be placed within easements unless approved by the Township Supervisors. The Township, applicable authorities and municipalities, and local utility companies shall be consulted when locating utilities and easements, and all utilities and easements shall be located in accordance with their standards.

- 5.822 Easements abutting street rights-of-way shall be a minimum of ten feet (10') in width. Other easements shall be a minimum of twenty feet (20') in width.
- 5.823 There shall be a minimum distance of fifty feet (50'), measured in the shortest distance, between any proposed dwelling unit and any petroleum products or natural gas transmission line which traverses the subdivision or land development.
- 5.824 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 feet (50') minimum and shall comply with the applicable requirements of the Pennsylvania Public Utilities Commission.
- 5.825 Underground electric distribution lines shall be installed in all new subdivisions and land developments of five dwelling units or more. In existing subdivisions with five or more unimproved lots any extensions of the electric distribution lines shall be placed underground.
- 5.826 All telephone and television distribution lines shall be placed underground when electric distribution lines are placed underground.
- 5.827 When required by the Township Supervisors, the location of utility easements and rights-of-way shall be marked in the field.

### **Section 5.83 Compliance with Township Zoning Ordinance**

All subdivisions and land developments shall be designed to meet the requirements of the Township's Zoning Ordinance, except as may be otherwise provided in this Ordinance.

### **Section 5.84 Access to the Subdivision or Land Development**

- 5.841 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.
- 5.842 All subdivisions and land developments containing more than twenty (20) dwelling units shall have at least two means of ingress and egress via streets or access drives meeting the design and construction standards of the Township.
- 5.843 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 or access drive access meeting Township standards or the provision of an alternate means of ingress and egress meeting Township standards which could be used by emergency vehicles if the primary means of ingress and egress were rendered unusable. Such alternate means of ingress and egress shall be of such width and improved to such an extent to be usable by emergency vehicles, and shall not be used for structures, trees, or similar obstructions.

#### **Section 5.85 Solid Waste Management**

- 5.851 Provision shall be made in developments containing apartments and townhouses and in nonresidential developments to adequately store within containers all solid waste generated between collections.
- 5.852 All storage containers shall be located to permit efficient depositing of wastes in the containers and efficient collection from the containers.
- 5.853 Debris, rubbish, or other waste material resulting from grading or construction activities on the lot shall be removed from the lot prior to the issuance of a certificate of use and occupancy for the lot. No debris, rubbish, or waste material shall remain within the area of an improvement covered by a performance guarantee upon expiration of the guarantee or completion of the improvements, whichever is sooner.

#### **Section 5.86 Considerations for Solar Access**

- 5.861 When maximum 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.

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5.862 Section 5.3602 indicates that side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Township Supervisors may allow variation from this requirement where provision is to be made for maximum 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.

5.8621 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.

5.8622 Consideration should be given to locating structures and open spaces such that buildings will not cast shadows on other buildings.

5.863 Consideration should be given to reserving solar easements within lots for protection of solar access.

### **Section 5.87 Groundwater Protection**

5.871 No activity shall endanger groundwater levels and quality or surface water quality in the area of the use, nor adversely affect groundwater supplies of nearby properties.

5.872 Any developer who affects a public or private water supply by contamination or diminution shall restore or replace the affected supply with an alternate source of water adequate in quantity and quality for the purposes served by the supply. Such alternate source shall be acceptable to the owner of the affected supply.

### **Section 5.88 Required Studies to be Submitted by the Developer**

5.881 Traffic Impact Study

5.8811 A traffic impact study shall be required under any one of the following conditions:

5.88111 The proposal will increase the number of peak-hour trips on adjacent roads by more than fifty (50), according to the most recent trip-generation information from the Institute of

Transportation Engineers, including but not limited to:

- (1) a residential subdivision or development of fifty (50) or more single family units with access onto a single road, regardless of the number of access points or whether the development will be phased;
- (2) a residential subdivision or development of eighty (80) or more single family units, with access onto more than one road, regardless of number of access points, or whether development will be phased;
- (3) a residential development of eighty (80) or more units in multi-unit structures, regardless of whether or not development will be phased;
- (4) a general office building with a gross floor area in excess of twenty thousand square feet (20,000 sq. ft.);
- (5) a convenience store with a gross floor area in excess of one thousand square feet (1,000 sq. ft.);
- (6) a fast-food restaurant with a gross floor area in excess of two thousand square feet (2,000 sq. ft.).

5.88112 The proposal will increase the then-current average daily trips on any abutting road by more than ten percent (10%) or five hundred (500) trips, whichever is less.

5.8812 The Traffic Impact Study shall be prepared by a qualified professional traffic engineer with verifiable experience in preparing such studies.

5.8813 The study area for the traffic study shall be based on engineering judgment and an understanding of existing traffic conditions at the site and represent the area which is likely to be affected by the development.

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The study limits shall be subject to approval of the Township Supervisors.

5.8814 The Traffic Impact Study shall contain the following elements:

5.88141 The study area boundary and identification of the roadways included within the study area.

5.88142 A general site description, including:

(1) Size, location, existing and proposed land uses and dwelling types, construction staging, and completion date of the proposed development.

(2) Existing land uses, approved and recorded subdivision and land developments and subdivisions and land developments proposed but not yet approved and recorded in the study area that are agreed upon by the Township, developer, and traffic engineer as having bearing on the development's likely impact shall be described and considered.

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

5.88143 Analysis of existing conditions, including:

(1) Daily and Peak Hour(s) Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area. Turning movement and mainline volumes shall be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.

- (2) Volume/Capacity Analyses at Critical Points. Utilizing techniques described in the Highway Capacity Manual Transportation Research Board Special Report 209 (2000 or most recent edition) or derivative nomographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
- (3) Level of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented. Included in this section shall also be a description of typical operating conditions at each level of service.
- (4) A tabulation of accident locations during the most recent three-year period shall be provided.

5.88144 Analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development. The following information shall be included:

- (1) Daily and Peak Hour(s) Traffic Volumes. This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. The schematic diagrams depicting future traffic volumes shall be similar to those described in Section 5.88143(1) in terms of location and times (daily and peak hours).
- (2) Volume/Capacity Analyses at Critical Locations. The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway

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improvements or modifications are committed for implementation the volume/capacity analysis shall be presented for these conditions.

(3) Levels of Service at Critical Points. Based on the results obtained in the previous section, levels of service (A through F) shall be determined.

5.88145 Trip Generation. The amount of traffic generated by the site shall be presented in this section for daily and the three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Township Supervisors. Trip Generation (Sixth or most recent edition) published by the Institute of Transportation Engineers shall be used unless the Township Supervisors approve other studies.

5.88146 Trip Distribution. The direction of approach for site generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work shall be clearly stated in order that the Township can replicate these results.

5.88147 Traffic Assignment. This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with anticipated traffic volumes from Section 5.88144 to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

5.88148 Analysis of Future Conditions with Development. This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site.

Any unique characteristics of the site or within the study area (i.e., weekend tourists and antique sales, or holiday shopping) affecting

traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made.

The following information shall be included:

- (1) Daily and Peak Hour(s) Traffic Volumes, Mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.
- (2) Volume/Capacity Analysis at Critical Points. Similar to Sections 5.88143(2) and 5.88144(2), a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
- (3) Levels of Service at Critical Points. As a result of the volume/capacity analysis, the level of service on the study area roadway system shall be computed and described in this section.

5.88149 Recommended Improvements. In the event that the analysis indicates unsatisfactory levels of service (levels of service D, E or F) as described in Highway Capacity Manual, Transportation Research Board Special Report 209 (2000 or most recent edition) will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. These proposals would not include committed projects by the Township and State which were described in Section 5.88142(3) and reflected in the analysis contained in Sections 5.88143 and 5.88144.

The following information shall be included:

- (1) Proposed Recommended Improvements. This section shall describe the location, nature and extent of proposed improvements to assure sufficient

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roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates.

- (2) Volume/Capacity Analysis at Critical Points. Another iteration of the volume/capacity analysis shall be described which demonstrates the anticipated results of making these improvements.
- (3) Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented in the previous Subsection, levels of service for the highway system with improvements shall be presented.

**5.881410 Conclusion.** The last section of the report shall be a clear concise description of the study findings. This concluding section shall serve as an executive summary.

**5.8815** Any subdivision or land development within a Transportation Service Area, as defined within the Ontelaunee Township Traffic Impact Fee Ordinance, that meets the criteria listed in Section 5.8811, shall provide the following elements:

**5.88151** For all roads or driveways providing direct access to the site of the proposed development, all elements contained in Section 5.8814.

**5.88152** For all other (off-site) intersections, no traffic impact analysis is required.

**5.882** The impact studies listed below shall be submitted to the Township in the following instances as may be required by the Township Supervisors:

- (a) A residential subdivision or land development which has or will accumulate to more than fifty (50) lots and/or dwelling units.
- (b) A nonresidential subdivision of ten (10) or more acres.

(c) A nonresidential land development containing twenty thousand square feet (20,000 sq. ft.) or more of gross floor area.

The Township Supervisors reserve the right to require impact studies for any subdivision or land development when the Township Supervisors deems such a study necessary to adequately review the impact of the subdivision or land development. Provided that no such impact studies shall be required for minor residential subdivisions, lot annexations, abbreviated residential subdivisions, and plans for revisions to lot lines.

The addition to or construction of buildings for nonresidential farm use only on farms devoted to farming on the effective date of this Ordinance are exempted from the provisions of this Section.

**5.8821 Utilities Impact Study** - A study shall be prepared by a registered professional engineer indicating the impact of the proposed development on the existing sanitary sewer, water, solid waste, and drainage systems serving the Township. Said impact study shall identify the existing capacity of facilities which would serve the development, the prospects of those facilities being able to provide service to it, and any improvements that might be required as a direct result of the proposed development. Additionally, the study shall identify the likely ability of sanitary sewer, water, solid waste, and drainage systems to continue to provide efficient and economic service to existing residents and businesses within the Township considering added service requirements of the proposed development.

**5.8822 Fiscal Impact Analysis** - A fiscal impact analysis shall be prepared identifying the likely impact of the development on the Township and School District's tax structure and expenditure patterns. Included shall be a determination of the revenues to accrue to the Township and School District as a result of a proposed development, as well as an identification of the costs associated with delivering services to the proposed development. The fiscal impact analysis shall deal with the impact of the proposed development on the ability of the Township to deliver fire, police, administrative, public works and utility services to the development and on the Township's economy. In order to prepare the analysis, the applicant shall utilize a methodology from The New Guide to Fiscal Impact Analysis (Rutgers Center for Urban Policy Research,

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1985, as modified from time to time), adapted as appropriate and to the Township satisfaction.

Particular aspects of the Township's service delivery capability to be analyzed shall include:

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

A description of the effect of the proposed use on the need for additional Township buildings, improvements and services including, but not limited to municipal and maintenance buildings and properties, and any measures taken to account for these additional needs shall be provided.

- (b) Administration - This includes time that would be required by the Township Supervisors, Secretary, and other staff to process the application and handle the project during construction, as well as long-term administration demands. This should include, but not be limited to, the handling of: plans, contracts, various legal instruments or agreements, permits, special problems, and escrow. Added demands on the code administration staff also shall be projected.
- (c) Fire and Emergency Services - The analysis shall incorporate the development's impact on fire company capabilities, including but not limited to, municipal water supply, pumping capacity, specialized equipment and training requirements and the Township's ability to maintain standards specified in any Comprehensive Plan, other specifications, documentation, codes or regulations adopted by the Township Supervisors.
- (d) Police - The study shall project the overall effects of the proposed development on existing Township police personnel numbers, equipment, vehicles and working space. The study shall include whatever facilities or assistance the development will provide to handle emergencies, criminal investigation,

armed robbery, or other security-related problems.

- (e) A description of the effect of the proposed use on the need for any additional public facilities or services deemed necessary by the Township to protect and promote the health, safety and general welfare of the public.

5.8823 Environmental Impact Study - The study shall include the following impacts:

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

5.8824 Hydrogeologic Impact Study - Applicants shall submit hydrogeological data to show that the proposed use of the site will not adversely affect the geology of the site and the local groundwater system. Hydrogeological data shall be compiled by a qualified hydrologist and/or hydrogeologist and consist of the following minimum considerations:

- (a) A map showing the location of the site and proposed wells.
- (b) A description of the geologic conditions on and around the site, including factors which would affect the groundwater recharge rate and the degree of groundwater renovation. Site geology, including stratigraphy, structure, and soils shall be analyzed.

Hydrogeology, including aquifer characteristics, groundwater movement, local water use, aquifer yield, and water quality shall be analyzed. Groundwater impacts, availability of groundwater,

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well interference, water quality, and yield availability shall be analyzed.

- (c) Results of a test well, including quality of water and flow rate.
- (d) If hydrogeological examination of the site discloses a condition which could adversely affect the geology of the site or of any adjacent sites or the groundwater system underlying or adjacent to the site, the applicant shall submit a plan for identifying the extent of the condition, procedures to avert or prevent such a condition, remediation procedures which include a statement including the duration of such procedures implementation, emergency management techniques for providing an adequate water supply for all water sources affected or potentially affected, and a monitoring plan for short and long-term quality and quantity analysis.

### 5.8825 Steep Slope Analysis

Applications involving lands that possess slopes exceeding fifteen percent (15%) shall include a statement by a registered professional engineer, registered landscape architect, or qualified geologist, as appropriate, which includes the following minimum considerations:

- (a) A topographic map of the site which highlights those areas that possess slopes exceeding fifteen percent (15%) and twenty-five percent (25%) respectively. Also reflected on this map shall be all existing and proposed site improvements including, but not limited to, buildings, streets, sewer systems, on-lot disposal methods, driveways;
- (b) A detailed description of the methods that are being used to:
  - (i) protect and stabilize areas that have a high potential for soil erosion;
  - (ii) prevent the construction of structures and other site improvements on areas with slopes exceeding twenty-five percent (25%) or a description of the specific design and construction techniques used to assure structural safety and minimize harm to the

environment associated with development of steep slopes;

- (iii) minimize grading throughout the site.
- (iv) protect water quality on and around the site from the adverse effects of the proposed use;
- (v) protect any steep slopes on adjoining properties; and

In those instances where buildings and/or other structures are being placed on slopes exceeding fifteen percent (15%), a description of the methods used to assure adequate foundations shall be provided.

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### 5.8826 Soils Analysis

Those applications involving lands with soils characterized by "severe" limitations for building site development according to the Soil Survey Berks County, Pennsylvania, and/or those plans involving the use of on-lot sewage disposal systems on lands with soils characterized by "severe" limitations for such facilities according to the Soil Survey Berks County, Pennsylvania, or those applications involving soils overlying hazardous or dangerous geology, or those applications involving land that contains prime farmland (capability Units I and II) as defined in such Soil Survey, shall require the preparation of a statement by a qualified planner, soil scientist, geologist or engineer which includes the following minimum considerations:

- (a) A planimetric map of the site that depicts those soils contained on the site. Soils with severe development constraints or which constitute prime farmland shall be highlighted. The map shall also depict all existing and proposed improvements on the site;
- (b) A description of the site planning methods used to protect soils with severe development constraints from deleterious impacts associated with the proposed use;
- (c) A description of the construction techniques used to assure that the site's soils can safely accommodate the proposed use;
- (d) Applicant shall identify the classification of agricultural soil upon which the proposed development is planned, and when prime soil is involved, what efforts if any are being made to preserve such prime soil.

### Section 5.89 Recreation Facilities

#### 5.891 Purpose

All subdivisions and land developments creating one (1) or more new dwelling units shall provide for suitable and adequate recreation in order to ensure adequate recreational areas and facilities to serve the future residents of the subdivision or land

development and ensure that all future Township residents have the opportunity to engage in a variety of recreational activities.

**5.892 Requirements for Reservation of Recreation Areas**

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 developer shall provide the recreation areas pursuant to a plan approved by the Township Supervisors in accordance with the schedule below.

<u>Gross Density of Tract in Dwelling Units Per Acre</u>	<u>Percentage of Total Area of Subdivision or Land Development to be Reserved for Recreation Areas</u>
Up to 1.0	5%
1.01 to 2.0	8%
2.01 to 3.0	12%
3.01 to 4.0	15%
4.01 to 5.0	20%
5.01 and greater	25%

In lieu of reserving areas for recreation for all developments containing a total of twenty five (25) or less dwelling units, the developer shall pay the Township a fee for each lot and/or dwelling unit, such fee to be established by resolution of the Township Supervisors. For all developments containing more than twenty five (25) total dwelling units, land may be reserved or fee in lieu of land paid, at the discretion of the Township Supervisors.

**5.893 General Standards for Recreation Areas Reserved by the Developer**

**5.8931** Land shall be suitable to serve the purpose of active recreation by reason of its size, shape, location, and topography and shall be subject to the approval of the Township Supervisors.

Examples of active recreation areas are athletic fields and hard-surfaced courts, pools, open turf areas, and apparatus areas.

**5.8932** Land shall be easily and safely accessible from all areas of the development to be served and have suitable ingress and egress from a public roadway for maintenance equipment.

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- 5.8933 No individual recreation area shall be less than one hundred feet (100') in width or less than twenty thousand square feet (20,000 sq. ft.) in area.
- 5.8934 Land shall have suitable soil conditions for use and development as a recreation area.
- 5.8935 A contiguous accessible area equal to at least the minimum area required to be reserved shall have a slope of five percent (5%) or less.
- 5.8936 A contiguous accessible area, meeting the requirements of Section 5.8935, equal to at least the minimum area required to be reserved, shall be outside the 100-year floodplain and shall contain no wetlands. If additional areas are reserved, beyond the minimum required, no more than twenty-five percent (25%) of the total reserved area may be within floodplain or wetland areas.
- 5.8937 Land shall be easily accessible to all essential utilities.
- 5.8938 Land shall be suitable for development as a particular type of active recreation facility, as categorized by the National Recreation and Park Association's National Park, Recreation and Open Space Standards and Guidelines, 1983, as amended.
- 5.8939 Land shall be designed and developed according to the standards established by the National Recreation and Park Association upon agreement between the Township Supervisors and the developer.

### 5.894 Schedule for Completion of Recreation Areas

- 5.8941 Recreation areas, for each separately approved phase of development, shall be completed by the developer to the point of Township approval and/or acceptance according to the following schedule:
  - 5.89411 Before building permits have been issued for more than 10 percent (10%) of the units, 50 percent (50%) of the recreational facilities shall be completed.
  - 5.89412 Before building permits have been issued for more than 50 percent (50%) of the units, 100 percent (100%) of the recreational facilities shall be completed.

5.8942 Recreation areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Township Supervisors. Such improvement and equipping shall be guaranteed through the Subdivision Improvements Agreement.

5.895 Development of Recreation Facilities

5.8951 Developers shall develop the recreation areas, according to the National Park, Recreation, and Open Space Standards and Guidelines published by the National Recreation and Park Association in 1996 and any succeeding updates or revisions.

Specific facilities to be constructed shall conform to the previously referenced standards.

Designs of recreation areas shall be reviewed by the Township Planning Commission and Township Recreation and Park Board (if such exists) and subject to approval by the Township Supervisors.

Developers of subdivisions and land developments shall install as a minimum the following recreational facilities, or the equivalent if approved by the Township, on land which has been reserved for recreational purposes:

Dwelling Units	Play <sup>1</sup> Areas	BB/VB <sup>2</sup> Courts	Tennis Courts	Ball <sup>3</sup> Diamonds	Pavilions	Soccer/FB <sup>4</sup> Fields
24 or less	1	--	--	--	--	--
25 - 49	1	1	--	--	--	--
50 - 99	1	1	--	--	1	--
100 - 199	2	2	1	1	1	--
200 - 299	2	2	2	1	1	1
300 - 400	2	2	2	2	2	1
Over 400	3	2	2	2	2	2

The mix of facilities shall be approved by the Township.

<sup>1</sup> Includes such uses as tot-lots, playgrounds, and mini-parks.

<sup>2</sup> Basketball and/or volleyball court.

<sup>3</sup> Softball and/or baseball diamond.

<sup>4</sup> Soccer and/or football field.

5.896 The developer shall make arrangements for the perpetual ownership and maintenance of recreation areas. The form of such

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ownership shall be a Homeowners Association, subject to Township approval of the Association documents, or dedication to the Township. The chosen form of ownership shall be at the discretion of the Township Supervisors.

### **Section 5.90 Site Planning and Design Standards**

Sections 5.91 and 5.95 shall apply to all subdivision and land development applications in Ontelaunee Township. Sections 5.92, 5.93, 5.94, 5.96 and 5.97 shall only apply to Conservation Subdivision Developments.

#### **5.91 Resource Protection**

##### 5.911 Surface and Groundwater Resources.

5.9111 Disturbance to the following areas shall be avoided.

5.91111 Streams, springs, swales;

5.91112 Buffer zones, such as riparian buffer zones required by Township Ordinances, and setbacks required by State regulations, such as setbacks from streams;

5.91113 Wetlands, areas with seasonally high water tables, vernal pools, and other areas of surface water concentration.

5.9112 All floodplain areas shall be preserved from any destruction or damage from clearing, grading, filling, or dumping of waste material, stumps, or other material of any kind, except as permitted in the floodplain regulations of the Township zoning ordinance and floodplain management ordinance.

5.9113 Streets, buildings and other impervious surfaces shall be located to minimize disturbance to areas where precipitation is most likely to infiltrate and recharge groundwater.

##### 5.912 Woodlands.

5.9121 The evaluation of the tract's woodlands shall be undertaken by a forester, landscape architect, horticulturalist or another qualified professional

acceptable to the Township. This evaluation shall be submitted as a report and made a part of the application for Preliminary Plan. The report shall include, at a minimum, one (1) or more maps indicating boundaries and conditions of woodland areas accompanied by a report addressing the criteria in Subsection 5.9122 below.

5.9122 Woodlands on any tract proposed for subdivision or land development shall be evaluated as required in Section 5.9121 to determine the extent to which such woodlands should be partly or entirely located within Greenway Land. Evaluation criteria for woodland should include:

5.91221 Configuration and size

5.91222 Stocking, health and species composition

5.91223 The site's capabilities to support woodlands, based upon its topographic, soil and hydrologic characteristics.

5.91224 Ecological functions including, but not limited to, protecting steep slopes, stabilizing erodible soils, maintaining stream quality and groundwater recharge, and providing plant and animal habitat.

5.91225 Relationship to the location of woodlands on adjoining and nearby properties and the potential for maintaining continuous woodland areas.

5.91226 Potential recreational use for outdoor activities.

5.91227 Potential for visual buffers between areas of development and adjacent roads and properties.

5.9123 In designing a subdivision and land development plan for any tract, the applicant shall be guided by the following standards.

5.91231 Healthy woodlands exceeding one (1) acre shall be preserved to the greatest extent possible. Proposed site improvements shall be located, designed and constructed to minimize the loss or degradation of woodlands areas. Where disturbance or tree cutting is unavoidable, as much of the woodland as possible should be

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retained to promote its growth and natural regeneration.

5.91232 Groves of trees, single specimen trees, hedgerows shall be preserved as buffers against adjacent properties and between areas being subdivided within a property. Preservation shall include ground, shrub, understory and canopy vegetation.

5.91233 Disturbance of woodlands along roadways, property lines, stone fences and hedgerows, and other vegetation, providing food and cover for wildlife or visual amenity shall be minimized.

5.91234 Disturbance or removal of woodlands and vegetation performing important soil stabilizing functions on wet soils, stream banks and steep slopes may be undertaken on a limited selective basis to minimize the adverse impacts of such actions, only when approved by the Township.

5.91235 No clearing or earth disturbance (except for soil analysis for proposed sewage disposal systems) shall be permitted on a site before the completion of subdivision and land development agreements. The determination of sight distance clearances along roadways shall be made graphically and not by clearing on -site prior to final plan approval.

5.91236 Removal of invasive plant species shall be permitted.

### 5.913 Upland Rural-Agricultural Areas.

5.9131 Elements that lend themselves to incorporation into the Greenway Land include prime agricultural soils and existing features such as hedgerows, tree groves, stone walls and visually prominent places such as knolls and hilltops.

5.9132 When such areas are used for development, preferred locations are non-prime agricultural soils and lower topographic settings where development will be visually less obtrusive.

### 5.914 Slopes.

- 5.9141 Areas of steep slope shall be preserved in accordance with the Ontelaunee Zoning Ordinance and as required below.
- 5.9142 No site disturbance shall be permitted on prohibitive steep slopes exceeding twenty five percent (25%) except grading for a portion of a driveway accessing a single family dwelling when it can be demonstrated that no other alignment, which avoids slopes exceeding twenty five percent (25%), is feasible.
- 5.9143 On slopes fifteen percent (15%) or greater, earth cuts or fills shall not exceed a vertical dimension over six feet (6'), except where in the judgment of the Township no reasonable alternatives exist for the construction of roads, drainage structures and other public improvements, in which case such vertical dimensions shall not exceed twelve feet (12'). Roads and driveways shall follow the line of existing topography to minimize the required cut and fill.

5.915 Scenic Road Corridors.

- 5.9151 All subdivision and land development proposals should preserve any scenic road corridors identified in the Ontelaunee Comprehensive Plan, to the greatest extent possible. These roads should be incorporated into Greenway Land or otherwise protected by providing for building setbacks and architectural designs that minimize intrusion on the character being preserved. Where such designs fail to satisfactorily protect corridors, applicants should provide naturalistic, planted screening buffers to minimize the adverse visual impacts of the proposed development.

5.916 Trails.

- 5.9161 An applicant may propose and develop a new trail. When a subdivision or land development proposal is traversed by, or abuts, an existing trail customarily used by pedestrians and/or equestrians, the Township may request the applicant to make provisions for continued recreational use of the trail. In conservation designs, the trail should be included in Greenway Land accessible to the public.

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5.9162 The applicant may alter the course of an existing trail within the development tract under the following conditions:

5.91621 The points at which the trail enters and exits the tract remain unchanged.

5.91622 The proposed alteration exhibits quality trail design according to generally accepted principles of landscape architecture.

5.91623 The proposed alteration does not locate the trail on a street.

5.91624 When trails are intended for public use, they shall be protected by a trail easement. The width of the trail easement shall be a minimum of two feet (2') on each side of the trail surface. The language of the easement shall be to the satisfaction of the Township, upon recommendation of the Township Solicitor.

5.91625 The width of the trail surface may vary depending upon the type of use to be accommodated, but shall, in no case, be less than four feet (4') or greater than ten feet (10').

5.91626 Trail improvements shall demonstrate adherence to principles of quality trail design.

5.91627 Trails shall have a vertical clearance of no less than ten feet (10').

5.91628 No trail shall be designed with the intent to accommodate motorized vehicles, other than maintenance or emergency vehicles.

5.91629 The land area permanently designated for trails for public use shall be credited toward the Greenway Land requirement described in Section 418 of the Zoning Ordinance.

### **Section 5.92. Design Process For Residential Subdivisions with Greenway Land.**

An Existing Resources/Site Analysis Plan, described in Article IV, shall be completed prior to starting the Four-Step Design Process.

Four-Step Design Process. Residential subdivisions proposed under the Conservation Subdivision Design Overlay District and containing Greenway Land shall follow the Four-Step Design Process described below. Applicants are required to document the design process in accordance with Article IV.

5.921 Step 1: Delineation of Greenway Land, including Stormwater and Wastewater Management Areas.

5.9211 General locations for Greenway Land, including stormwater and wastewater management areas, shall be delineated according to the following procedure:

5.92111 Using the ER/SA Plan as a base map, Primary and Secondary Conservation Areas shall be delineated consistent with any map of Potential Conservation Lands prepared by the Township.

Greenway Land shall include all Primary Conservation Areas plus enough Secondary Conservation Area to meet or exceed the minimum acreage requirement for Greenway Land set forth in the Zoning Ordinance.

The applicant shall prioritize natural and cultural resources in terms of their highest to least suitability for inclusion in the proposed Greenway Land in accordance with Section 5.93.

The locations and boundaries of Primary Conservation Areas shall follow the actual boundaries of floodplains, wetlands, and steep slopes over twenty five percent (25%).

The locations and boundaries of Secondary Conservation Areas shall be based on the priorities established above, practical considerations given to the tract's configuration, its context in relation to resources on adjoining properties, and the applicant's subdivision objectives. Secondary resources with the highest significance shall be included in the Greenway Land. The applicant shall also be guided by any written recommendations provided by the Ontelaunee Township regarding the delineation of Secondary Conservation Areas, following the Site Visit and/or Pre-Submission Conference.

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Greenway Land shall be delineated in a manner clearly indicating Greenway Land boundaries as well as the types of resources included within them.

**5.92112** Preferred locations for stormwater and wastewater management facilities shall be identified using the ER/SA Plan as a base map.

The design of these facilities should strive to use the natural capacity and features of the site to facilitate the management of stormwater and wastewater generated by the proposal.

Opportunities to use the facilities as a buffer between the proposed Greenway Land and development areas are encouraged.

Stormwater management facilities should be located in areas identified as groundwater recharge areas.

Wastewater facilities shall comply with the requirements of the Zoning Ordinance and the Ontelaunee Township Sewage Facilities Plan.

These facilities located within the Greenway Land may be counted toward the minimum Greenway Land requirement only if they meet the requirements of the Ontelaunee Zoning Ordinance.

**5.92113** Development areas constitute the remaining lands of the tract outside the Greenway Land, where dwellings, streets, and lots are to be delineated in accordance with Steps 2, 3, and 4 below.

### 5.922 Step 2: Locations for Dwelling Units.

Dwelling units shall be tentatively located, using the proposed Greenway Land from Step 1 as reference and orientation as well as other relevant data on the ER/SA Plan. Dwelling units shall be sited to:

**5.9221** Fit the tract's natural topography.

5.9222 Be served by adequate water and sanitary sewer facilities.

5.9223 Provide views of and access to adjoining Greenway Land.

5.9224 Avoid encroaching upon Greenway Land in a manner visually intrusive to users of such areas; and

5.9225 Be located at least fifty feet (50') from Primary Conservation Areas.

5.923 Step 3: Alignment of Streets and Possible Trails

5.9231 After dwelling units have been located, applicants shall delineate a street system that provides a safe pattern of vehicular and pedestrian access to each dwelling unit. Streets and possible trails shall conform to the tract's natural topography and provide for a safe pattern of circulation to, from and within the tract.

5.9232 Streets and driveways crossing wetlands and traversing slopes over fifteen percent (15%) shall be avoided to the greatest extent practicable and be in accordance with Township ordinances.

5.9233 Street connections are encouraged in order to minimize the number of new cul-de-sacs and to facilitate easy access to and from homes in different parts of the tract and on adjoining parcels. Three-way intersections shall be preferred over four-way intersections.

5.9234 Lots shall generally be accessed from interior streets, rather than from roads bordering the tract. Conservancy lots may be exempt from this requirement, as determined by the Township.

5.9235 Any proposed network of trails shall be shown.

5.9236 Common greens, shaped by the street system, shall meet the requirements of Section 5.93306.

5.924 Step 4: Design of Lot Lines.

5.9241 Lot lines shall follow the configuration of dwelling locations and streets in a logical and flexible manner.

5.9242 Lot lines are not required in a condominium form of home ownership.

**Section 5.93 Design Review Standards for Greenway Land.**

Prioritized List of Resources to be Conserved. The applicant shall demonstrate, to the satisfaction of the Township, that the following resources are incorporated in the Greenway Land.

5.931 The following primary resources shall be included in the Greenway Land.

Lands within the 100-year floodplain (including the floodway);

Wetlands;

Prohibitive steep slopes in excess of 25 percent.

5.932 The following secondary resources, listed in order of priority, shall be included in the Greenway Land to the fullest extent practicable. Lands containing secondary resources that are included in Greenway Land are called Secondary Conservation Areas (SCA).

Significant habitat and species listed as endangered, threatened, or of special concern, such as those listed in the Pennsylvania Natural Diversity Inventory and county and local Natural Areas Inventories.

Precautionary steep slopes fifteen percent (15%) to twenty five percent (25%), particularly those adjoining watercourses and ponds, due to the potential for soil disturbance leading to erosion that is detrimental to water quality.

Healthy woodlands, particularly those performing important ecological functions such as soil stabilization and protection of streams, wetlands and wildlife habitats.

Hedgerows, groups of trees, specimen trees and other unique or significant vegetation features.

Areas where precipitation is most likely to recharge local groundwater resources because of topographic and soil conditions affording high rates of infiltration and percolation.

Class I, II and III agricultural soils as defined by the USDA Natural Resources Conservation Service.

Historic structures and sites.

Visually prominent topographic features such as knolls, hilltops and ridges, and scenic views as seen from public roads. Significant views from within the site outward shall also be considered.

Existing or proposed trails connecting the tract to other locations in the Township.

5.933 Greenway Land shall be configured to:

5.93301 Be free of all structures, except historic buildings, structures related to greenway uses and utilities as permitted in Section 420 in the Zoning Ordinance.

5.93302 Be undivided by public or private streets except where necessary for proper traffic circulation.

5.93303 Be interconnected wherever possible to provide a continuous network of Greenway Land within and adjoining the subdivision.

5.93304 Be suitable for active recreational uses, where deemed appropriate by the Township, without interfering with adjacent dwelling units, parking, driveways, and roads.

5.93305 Provide buffers to adjoining parks, preserves or other protected lands.

5.93306 Include common greens. An individual green shall be five thousand square feet (5,000 sq. ft.) to thirty thousand square feet (30,000 sq. ft.). Greens shall be surrounded by streets and dwellings on at least two (2) and often three (3) or four (4) sides. Dwellings shall face the green. Common greens may be designed as terminal vistas within a street system.

5.93307 Provide for trails proposed by the developer.

5.93308 Provide pedestrian and maintenance access to Greenway Land such that no more than fifteen (15) lots shall be contiguous to each other without a centrally located access point meeting the following standards:

The minimum width of the access strip shall ideally equal four (4) times the width of the improved pedestrian accessway at that point.

The minimum width of the access strip shall extend the full depth of adjacent lots.

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Access to Greenway Land used for agriculture or horticulture may be restricted or prohibited for public safety and to prevent interference with agricultural operations.

- 5.93309 Generally not include parcels smaller than three (3) acres, have a length-to-width ration of less than 4:1 or be less than seventy five feet (75') in width, except for such lands specifically designed as neighborhood greens, playing fields, trail links, and boulevard or cul-de-sac islands.
- 5.93310 Directly adjoin the largest practicable number of lots within the subdivision or development.
- 5.93311 Minimize views of new dwellings from exterior roads and abutting properties by the use of changes in topography, existing vegetation, or additional landscaping which meets the landscaping requirements of the Subdivision and Land Development Ordinance.
- 5.93312 Greenway Land that is not wooded or farmed shall be landscaped in accordance with the landscaping requirements and Greenway Land management plan standards of the Subdivision and Land Development Ordinance.
- 5.93313 Be consistent with the policies of the Township's Comprehensive Plan.
- 5.93314 Greenway Lands shall be delineated on the ground by any or all of the methods listed below. The Township shall have the sole discretion of approving the location, design and materials used for the delineation of Greenway Lands.

### Markers

Small signs, no larger than one and one half square feet (1½ sq. ft.).

Individual sections of split rail or post and rail fencing.

Vegetative plantings, landscaping.

Other similar and appropriate methods.

5.934 Ownership and Maintenance. Applicant shall demonstrate compliance with the requirements of Section 420 Greenway Land and Common Facilities: Ownership and Maintenance, in the Township Zoning Ordinance.

#### **Section 5.94 Mandatory Dedication of Land for Park and Recreation Purposes**

The Township and the applicant will review the need for active recreation facilities pursuant to Section 5.89. The required Greenway Land in conservation subdivisions may be used to satisfy the requirements of Section 5.89 when approved by the Township.

#### **Section 5.95 Resource Protection Standards for Site preparation and Cleanup.**

5.951 Protection of Vegetation:

5.9511 Mechanical Injury. Where earthwork, grading, or construction activities will take place in or adjacent to woodlands, or other significant natural or cultural features, the limit of disturbance shall be delineated and vegetation protected through installation of temporary fencing or other approved measures. Such fencing shall be installed prior to commencing of, and shall be maintained throughout, the period of construction activity.

5.9512 In conservation subdivisions, the boundaries of Primary and Secondary Conservation Areas shall be fenced as above and shall not, under any circumstances, be used for storage of equipment or materials of any kind.

5.9513 Clean up. Fences and barriers shall be removed upon completion of construction.

5.9514 Grade Changes: Grade changes shall not result in an alteration to soil or drainage conditions which would adversely affect existing vegetation to be retained, unless adequate provisions are made to protect such vegetation and its root systems.

5.9515 Excavations

5.95151 When digging trenches for utility lines or similar uses, disturbances to the root zones of all wooded vegetation shall be minimized.

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5.95152 If trenches must be excavated in the root zone, all disturbed roots shall be cut cleanly and the trench backfilled as quickly as possible, avoiding soil compaction.

5.9516 Replacement of Vegetation. Should any existing viable trees on the site not scheduled to be removed, be irreparably damaged during site preparation activities and, as a consequence thereof, die within two (2) years of the conclusion of site preparation activities, such trees shall be replaced with nursery grown material. Shade and street trees shall have a minimum caliper of three inches (3"). Ornamental and flowering trees shall have a minimum height of eight feet (8'). Evergreen trees shall have a minimum height of six feet (6').

5.952 Protection of Topsoil. Any activity resulting in the disturbance of topsoil shall comply with the soil erosion and sedimentation control regulations of the County Conservation District and the Pennsylvania Department of Environmental Protection, in addition to the following standards.

5.9521 Prior to grading operations or excavation, topsoil in the disturbance area shall be stripped and stockpiled on site. Upon completion of other construction, the entire amount of stockpiled topsoil shall be replaced on the development site.

5.9522 No topsoil shall be removed from the site.

5.9523 Topsoil shall be re-distributed and stabilized as quickly as possible following the establishment of required grades for a project or project phase. All exposed earth surfaces shall be stabilized by hydroseeding on slopes less than ten percent (10%), and by sodding, hydroseeding, or rip-rap on slopes exceeding ten percent (10%).

### **Section 5.96 Individual Sewage Disposal Systems**

5.961 The individual sewage disposal system serving the dwelling units in a conservation subdivision may, upon approval of the Sewage Enforcement Officer and municipal engineer, be located in the Greenway Land, provided:

5.9611 The treatment tank shall be located on a residential lot.

- 5.9612 The absorption field may be located in the Greenway Land to a maximum distance of one hundred fifty feet (150') from the lot line.
- 5.9613 The distribution line leading from the tank to the absorption field may not cross any element of another sewage disposal system.
- 5.9614 The corners of the sewage system outside the lot shall be permanently marked on the ground by any means acceptable to the Ontelaunee Township Engineer.
- 5.9615 The applicant shall be responsible for securing and recording all maintenance and access easements necessitated as a result of this design alternative.

**Section 5.97 Supplemental Design Standards for Option 3: Hamlets and Villages** – to ensure that new higher density development in Ontelaunee will resemble traditional rural settlements, these standards are in place to control the location, scale, and physical character of new developments.

**5.971 Site Planning and Design**

5.9711 The Four-Step Site Design Process for Option 3: Hamlets and Villages. In hamlets and villages, the design process shall be a variation on the Four-Step Design Process set forth in Section 5.92 of this Ordinance. After identifying and locating both Primary and Secondary Conservation Areas, the following steps shall be followed in order:

5.97111 Step 1: Delineation of Greenway Land and Areas for Stormwater and Wastewater Management. Applications shall conform to the requirements of Section 5.921.

5.97112 Step 2: Aligning Streets and Squares

5.971121 Identify the tentative locations of the more formal greenway elements such as greens, commons, squares and parks. These elements shall be positioned to terminate the view down proposed streets, as much as possible.

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5.971122 Create a connected street network complying with the design standards of Section 5.972.

5.971123 Create a sidewalk and trail plan complying with the design standards in Section 5.972.

5.971124 Show schematic locations of water supply systems.

### 5.97113 Step 3: Locations of Dwelling Units

5.971131 All lots shall front on a street or common green

5.971132 Dwelling units shall be located along the street network, with at least twenty five percent (25%) of the streets being “single-loaded,” meaning that dwellings shall occur on only one side along these segments.

5.971133 Dwelling units shall be set back at least one hundred feet (100') from the Primary Conservation Areas and ten feet (10') from Secondary Conservation Areas.

### 5.97114 Step 4: Design of Lot Lines. Applications shall conform to the requirements of Section 5.924.

5.9712 Additional Design Standards. Greenway Land shall comply with the following standards.

5.97121 Except for civic and recreational spaces, such as common greens, squares, parks, playing fields, and trail corridors, Greenway Land shall be free of structures, except for stonewalls and structures related to Greenway Land uses. Additional standards in Section 5.93 shall apply.

5.97122 The requirements of Sections 5.9211 shall apply.

5.97123 The Plan shall be consistent with the policies of the Ontelaunee Township Comprehensive Plan.

5.9713 Ownership and Maintenance of Greenway Land. Applications shall comply with the requirements of Section 420 Greenway Land and Common Facilities: Ownership and Maintenance, in the Zoning Ordinance.

**5.972 Streets, Sidewalks and Parking**

5.9721 Street Layout.

5.97211 The street network shall form a generally connected pattern, employing cul-de-sacs only when essential, and may be supplemented with back lanes or alleys. Where cul-de-sacs are unavoidable, continuous pedestrian circulation shall be provided with sidewalk connections that link the end of the cul-de-sac with the next street or open space.

5.97212 Rectangular grids shall be varied with boulevards, diagonal streets, curving crescents, eyebrows, ovals, and courts providing visual interest.

5.97213 Street shall be designed to:

5.972131 Parallel and preserve existing tree lines, hedgerows, stone walls, and watercourses.

5.972132 Minimize alteration of natural, cultural or historic features.

5.972133 Minimize the acreage devoted to streets.

5.972134 Calm traffic speeds.

5.972135 Promote pedestrian movement.

5.972136 Secure the view to natural vistas.

5.972137 Be aligned so that the terminal vista is of civic buildings or Greenway Land, either man-made (such as common greens, squares, and parks) or natural (such as meadows, large specimen trees, and woodlands)

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5.972138 To the greatest extent practicable, streets shall have a maximum length of:

5.9721381 Eight hundred feet (800') between intersections. Blocks longer than eight hundred feet (800') shall be provided with cross block connections at mid-block locations

5.9721382 Twelve hundred feet (1200') before terminating at a "T" intersection or angling off in a diagonal direction.

5.972139 Within villages that include commercial areas, streets shall be laid out to promote pedestrian access from all points in the residential areas to the Village Commercial Areas.

5.9722 Street Width. Street widths shall follow the standards in the following table.

Average Lot Width at R.O.W. Line	Total Lanes	Parking Lanes	Pavement Width	Shoulders	R.O.W.
<b>Residential Collector</b>					
Lots 80 ft. +	2	0	28 ft (30 ft. curbed)	4 ft. grassed	60 ft.
Lots 40 ft. to 80 ft.	3	1	32 ft. (34 ft. curbed)	4 ft. grassed	60 ft.
Lots < 40 ft.	4	2	36 ft. (36 ft. curbed)	None	60 ft.
<b>Local Access</b>					
Lots 80 ft. +	2	0	24 ft. (28 ft. curbed)	3 ft. grassed	50 ft.
Lots 40 ft. to 80 ft.	3	1	28 ft. (32 ft. curbed)	4 ft. grassed	50 ft.
Lots < 40 ft.	3	2	32 ft. (34 ft. curbed)	4 ft. grassed	50 ft.
<b>Lanes or Alleys</b>	1	0	14 ft.	2 ft. grassed	20 ft
<b>Access Drives</b>	1	0	10 ft.	3 ft. grassed	N/A

5.9723 Street Lighting. Street lighting shall be in accordance with all applicable Township standards.

5.9724 Sidewalks and Paths. Public sidewalks (including informal walkways and footpaths) shall be constructed on at least one side of all streets on which on-street parking is permitted, and in front of dwellings, civic, institutional and community uses.

5.97241 Sidewalks along streets and within or bordering common greens, squares, or parks shall be no less than four feet (4') wide in residential areas and no less than six feet (6') wide in commercial or mixed-use areas, and shall be constructed of brick, concrete, concrete pavers, or concrete with brick paver borders.

5.97242 A linked network of walkways shall connect all uses with parks and other Greenway Land uses.

5.97243 The ends of loop lanes and cul-de-sacs shall be linked with trails and/or Greenway Land behind the lots served by loop lanes or cul-de-sacs.

5.97244 Sidewalks shall be separated from street curbs by a “tree lawn” not less than five feet (5') wide, planted with street trees in accordance with Section 5.973.

5.97245 Sidewalks shall be provided along the front lot lines of all village lots to ensure pedestrian access to each lot, whether or not they are connected to other sidewalk systems. Village lots fronting directly onto common greens or parks shall be provided with sidewalks along their front lot lines abutting the greens or parks.

5.97246 Trails through woodlands or other natural areas may be constructed of asphalt and shall comply with the construction standards in Section 5.916.

5.97247 Sidewalks are not required in back lanes or alleys.

**5.9725 Parking.**

**5.97251 Off-Street Parking.**

5.972511 Common parking for non-residential buildings, townhouses and multi-

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family dwellings shall be located at the rear of the lot, in garages or in parking spaces accessed only by rear access lanes. Parking in side yards shall be limited, as the purpose is to form a continuous row of shop fronts. Side yard parking shall be screened as required in Section 5.972513.

5.972512 No off-street parking shall be permitted in the front yards of commercial buildings. Off-street parking on commercial corner lots shall be screened by being located behind buildings on those lots, or by a wall at least thirty six inches (36") and no more than forty eight inches (48") high, constructed with materials that are architecturally compatible to those used on the buildings.

5.972513 Any off-street parking space or parking lot in commercial areas that abuts a street shall be screened from the street by a landscaped area no less than four feet wide in which is located a continuous row of shrubs no less than forty inches (40") high, or by a wall no less than forty inches (40") and no more than forty eight inches (48") high, in addition to the required shade trees.

5.972514 If dwelling units are constructed above commercial uses, the additional parking required to accommodate such residential uses shall be based on formulas for shared parking arrangements, as established in the Ontelaunee Zoning Ordinance.

5.972515 Parking areas serving playing fields, playgrounds, and courts shall be surfaced and lighted as agreed upon by the Township and the developer.

5.97252 On-Street Parking.

5.9725211 In village commercial areas and in neighborhoods where lots sizes are fifteen thousand square feet (15,000 sq. ft.) or less, on-street parking shall be provided in parking lanes parallel to curbs. Such on-street parking shall be supplemented, when necessary, by off-street parking areas that are screened from the street as required in Section 5.97251.

5.9725212 On-street parking spaces along the front property line shall count toward the minimum number of parking spaces required for the use on that lot (except where there are driveway curb cuts).

5.9725213 On-street parking spaces shall be designed as either parallel to the curb on one or both sides of the street, or diagonal to the street on the commercial side with landscaped breaks every two hundred feet (200').

5.9725214 On-street parking spaces shall measure eight feet (8') wide by twenty two feet (22') long.

5.9725215 Parking lanes are encouraged to be surfaced with alternative materials, textures or colors, such as stone pavers or asphalt with red stone chips, subject to approval by the Township.

5.973 Streets Trees and Landscaping.

5.9731 Street Trees.

5.97311 Street trees shall be planted along each side of all streets, public or private, existing or proposed, at least ten feet (10') from the edge of sidewalk furthest from the street cartway.

5.97312 Street trees shall be a minimum of two and one half inches (2½") in caliper.

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5.97313 At the discretion of the Township, existing shade trees may be utilized to meet the street tree planting requirement, when:

5.973131 They are located within five feet (5') of the proposed street right-of-way;

5.973132 They are of a species suitable for use as a street tree;

5.973133 They are a minimum of six inches (6") dbh;

5.973134 They are of suitable health and condition to be used as a street tree.

5.97314 Street trees shall be spaced at intervals no greater than forty feet (40'), along both sides of each street, including arterials. Street trees shall not be required along rear access lanes and alleys.

5.97315 In villages, at least three (3) species of street tree shall be required. In villages with over one hundred (100) dwelling units, four (4) or more species are encouraged. The same species of tree may be used for a series of four (4) to seven (7) trees on one (1) side of the street. The opposite side of the street shall use the same species, so that street trees are grouped together by species. In hamlets, this standard is optional.

5.97316 Street trees shall be pruned appropriately in accordance with the following:

5.973161 In village commercial areas, trees shall be pruned such that no branches extend from the trunk or hang below a height of fourteen feet (14'), in order to facilitate viewing of storefronts and signage.

5.973162 In residential areas or areas where trees may overhang streets, trees shall be pruned such that no branches extend from the trunk or hang below a height of fourteen feet (14'). Where trees may overhang sidewalks, trails,

driveways or parking areas, trees shall be pruned such that no branches extend from the trunk or hang below a height of ten feet (10').

5.97317 Street trees shall be of a species approved by the Township.

5.9732 Parking Area Landscaping.

5.97321 Parking lots larger than twenty (20) spaces or six thousand square feet (6,000 sq. ft.) in area (inclusive of all paved areas) shall be provided with landscaping in addition to required street trees.

5.97322 Planting islands shall be provided between parking spaces at a rate of one per every twelve (12) spaces. These islands shall be a minimum of eight feet (8') in width. They shall be depressed four inches (4") to six inches (6") below grade in order to accommodate parking area runoff. Where internal planting islands are provided, one shade tree shall be provided in each island, at a minimum of one (1) tree per two hundred square feet (200 sq. ft.), or a fraction thereof.

5.97323 Planting islands shall be protected by wheel stops in every parking space or by split curbs with openings provided every six feet (6') to ten feet (10').

5.97324 A four foot (4') wide planting area shall be provided between the sidewalk or right-of-way, whichever is proposed furthest from the cartway, and the outside edge of the parking area. This area shall be in addition to the required tree lawn and any other required planting areas.

5.97325 Required parking area landscaping shall be provided within the four foot (4') wide planting area, planting islands or other areas adjacent to the parking area.

5.97326 A minimum of one shade tree shall be provided for every twelve (12) parking spaces or a fraction thereof.

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5.97327 Where a parking area abuts a street, driveway, sidewalk, common green, or other pedestrian area, landscaping shall be provided in accordance with a plan approved by the Township.

5.97328 Parking islands and required planting areas shall be planted with an appropriate groundcover such as turf grass, perennials, naturalized seed mixes or mulch. Stone or other decorative materials shall not be used as groundcover.

5.97329 Trees and shrubs shall be of a species approved by the Township.

**5.974 Architectural Design Standards and Guidelines for Villages and Hamlets**

The use of the words “should” and “may” is purposeful; when “shall” is not used, the standard is a voluntary guideline rather than a requirement.

5.9741 Building Design Standards for Commercial Areas in Villages.

5.97411 Massing. To harmonize with the traditional scale of commercial buildings in historic villages, the following standards shall apply to new commercial buildings.

5.974111 They shall contain a maximum eight thousand square feet (8,000 sq. ft.) above grade.

5.974112 New commercial buildings with more than four thousand square feet (4,000 sq. ft.) of floor space above grade shall be of two-story construction.

5.974113 The mass of construction buildings between six thousand square feet (6,000 sq. ft.) and eight thousand square feet (8,000 sq. ft.) shall be softened in a variety of ways, including the use of projecting and recessed sections, to reduce their apparent overall bulk and volume.

5.974114 Storefront buildings fronting on the same street and located in the same block shall be attached, or located not more than fifteen feet (15') apart, except when separated by a "pocket park" or a common green or square.

5.974115 Storefront buildings shall have at least sixty percent (60%) of their façade coincident with their street frontage; i.e., on the right-of-way line.

5.974112 Height. Buildings shall not be less than one and one-half (1½) stories in height, and at least half the commercial, civic, and institutional buildings in any single development shall be two stories in height.

5.974113 Architectural Style and Detail.

5.974131 Buildings may be either traditional in their architectural character or a contemporary expression of historically traditional styles and forms.

5.974132 Buildings shall articulate the line between ground and upper levels with a cornice, canopy, balcony, arcade, or other architectural feature.

5.974133 The use of special architectural elements, such as but not limited to towers, turrets and corner cut-offs, is encouraged at major street corners to accent structures and provide visual interest. These elements shall be in scale with the overall structure.

5.974114 Roofs

5.974141 Roofs shall be pitched with overhanging eaves, or flat with articulated parapets and cornices. Desired roof materials include slate (either natural or man-made), shingle (either wood or asphalt composition), and metal formed to resemble

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“standing seams.” Roof color shall be traditional, within the range of colors found on buildings shown in (source document or reference for design guidelines). Specifically excluded are white, tan, or blue shingles, and corrugated metal. The use of fascias, dormers, and gables is encouraged to provide visual interest. All gables shall be functional.

- 5.974142 Gas station canopies shall have pitched roofs and the lighting shall be from luminaries recessed into the ceilings of said canopies, so that the lighting elements themselves are not visible from or beyond the lot lines. Gas station canopy ceilings shall be limited to maximum height of fifteen feet (15').
- 5.974143 Rooftop mechanical equipment shall be screened by parapet walls extending no more than ten inches (10") above the equipment.
- 5.974144 The construction of open colonnades or other structures over a public sidewalk adjoining storefront buildings shall be permitted subject to an appropriate easement over the public right-of-way. Such easements shall assign legal liability to the owners of such structures and shall hold Ontelaunee Township harmless.

### 5. 97415 Building Materials.

- 5.974151 Exterior wall materials may include stucco, clapboard (including wood, vinyl or aluminum imitation clapboard siding), native stone, or brick of a shape, color, and texture very similar to that found in local historic villages and towns.
- 5.974152 Specifically prohibited shall be metal buildings, brick that is white, tan,

spray-painted, or used, and "T-111" plywood siding. Except on side or rear walls, all forms of concrete block shall be prohibited, unless rendered with a smooth or stuccoed masonry coating. Split-face aggregate concrete block may be used on side or rear walls without such rendering.

5.974153 The number of different wall materials on one (1) building shall be kept to a minimum, preferably no more than two (2).

5.974154 Varnished exterior finishes are prohibited. Minor paneled surfaces shall be of "MDO" (medium-density overlay) plywood.

5.974155 Wooden storefronts shall be elevated four inches (4") above the sidewalk on a masonry plinth (typically concrete or granite) to protect it from moisture and rot.

5. 97416 Shopfront Design. Shall be based upon historic examples in the area, with large display windows having low sills and high lintels. Traditional canvas awnings without interior illumination shall be encouraged, and all signs shall be of wood or metal, preferably with dark background colors and light-colored lettering.

5.97417 Main Entrance.

5.974171 As one of the most important parts of the façade, the main entrance shall be easily identifiable. Doors and entryways shall follow a traditional storefront design (usually recessed) and shall be compatible with the architectural style of the structure.

5.974172 Main entrances shall be from the front sidewalk, except in courtyard designs. Secondary entrances may open to a rear parking lot.

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5.974173 When a building is located on a corner, the entrance shall be located on the corner with an appropriate building articulation, such as a chamfered corner, turret, canopy, or other similar building feature.

5.97418 Rear Entrances and Facades. When rear parking is provided, secondary rear entrances shall be provided. The design of the rear entrances and facades should be appropriately detailed to provide an attractive appearance, but should not be overly embellished to compete with the main storefront.

5.974181 The following requirements shall be met:

5.9741811 Adequate lighting shall be provided for security, pedestrian safety, and decorative purposes.

5.9741812 Trash and service areas, utility lines, mechanical equipment and meter boxes shall be screened for customer entrances.

5.974182 The following guidelines should be followed:

5.9741821 Planters, awnings, and landscaping may be used to identify rear entrances as well as improve the appearance of the structure.

5.9741822 Rear entrances should be marked by attractive signs. Signs should be modesty scaled to fit the character of the more utilitarian rear façade.

5.9741823 Windows and/or display cases may be used to attract shoppers.

5.97419 Windows and Awnings.

5.974191 The front elevation of commercial and office buildings shall provide a minimum of sixty percent (60%) and a maximum of eight five percent (85%) transparency (windows) at ground level. One (1) side elevation shall provide at least thirty percent (30%) transparency. Transparency on other elevations is optional. Transparency is measured in lineal fashion; for example, a one hundred foot (100') long building shall have at least sixty feet (60') in length of windows. Transparency shall be measured flush with the building wall.

5.974192 Buildings shall include large front windows on the ground level, with sills between twelve inches (12") and eighteen inches (18") above sidewalk level and lintels nine feet (9') to twelve feet (12') above sidewalk level.

5.974193 Clear glass (providing a minimum of eighty eight percent (88%) light transmission) shall be used on ground floor windows. Tinted glass providing a minimum of fifty percent (50%) light transmission shall be limited to windows above the ground floor. The use of bronze tinted or reflective glass is prohibited.

5.974194 The use of transom windows is strongly encouraged.

5.974195 If aluminum window frames are used they shall be either factory coated or anodized a dark color. Bare aluminum or gold color window frames are prohibited.

5.974196 If shutters are used, appropriate hardware (hinges, pulls, etc.) shall be used. Shutters shall be proportioned to

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cover one-half the width of the window.

5.974197 Display cases on the rear elevation of buildings may project eighteen inches (18").

5.974198 Commercial grade windows and doors shall be used, with wood encouraged.

5.974199 Awnings.

Awnings may be constructed from heavy canvas, matte finish vinyl or fabric. Metal, plastic, shiny vinyl and Plexiglas awnings are prohibited.

A minimum of eight foot (8') vertical clearance between the sidewalk and the lowest part of the awning shall be maintained.

Awnings shall break at the vertical divisions of the structure (i.e. the break between the display windows and the entrance).

The highest point of a storefront awning shall not be higher than the midpoint between the second story windowsills, and the top of the first floor storefront window or transom.

Awnings shall not be internally illuminated.

5.9742 Building Design Standards for Residential Areas in Hamlets and Villages.

5.97421 Single-family dwellings, especially those on lots less than eight thousand square feet (8,000 sq. ft.), shall be designed so that approximately two-thirds are oriented with their gable-ends facing the street.

5.97422 At least thirty five percent (35%) of the dwellings shall have a covered front entry porch.

5. 97423 All front entry porches shall be raised a minimum of eighteen inches (18") above ground level.
5. 97424 At least two-thirds of the dwellings shall have pitched gabled roofs with roof pitches between 8/12 and 12/12.
5. 97425 Dwellings may be located at/or within five feet of one side lot line if that side either has no windows, or windowsills are at least sixty four inches (64") above the finished floor elevation. Such design is encouraged to create one side yard that is larger and therefore provides more usable outdoor space.
5. 97426 Stucco and painted wood clapboard siding shall be encouraged. Building materials shall comply with Section 5.97415.

**5.98 Modifications of Section 5.97**

- 5.981 The Township Supervisors may, with a positive recommendation from the Planning Commission, approve the modification of the provisions of this Section, in order to encourage a well-planned traditional hamlet or village. Applicants must demonstrate that such modifications would not substantially diminish the traditional character of the proposed development, and that they would be within the spirit of the Section.
- 5.982 Any such modification shall be subject to the following criteria:
  - 5.9821 The modifications shall further the purposes and the land-use standards contained in this Ordinance;
  - 5.9822 The modifications shall not produce lots or street systems that are impractical and shall not adversely affect emergency vehicle access or deprive adjoining noncommercial properties of adequate light and air.
  - 5.9823 Increased residential density or intensification of nonresidential uses shall be offset by corresponding special improvements in the appearance of the development through enhanced architectural and landscaping efforts.

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5.9824 The applicant shall demonstrate that the proposed modifications will produce equal or better results, as determined by Township Supervisors and represent the minimum modification necessary.

5.983 If the Township Supervisors determines that the applicant has met his/her burden, it may grant a modification of the requirements of this Section. In granting modifications, The Township Supervisors may impose such conditions at will, in its judgement, secure the objectives and purposes of this Ordinance.

Ord. 2003-4, 11/6/2003, §5; as amended by Ord. 2012-2, 2/2/2012.

## ARTICLE VI

### MOBILE HOME PARKS

#### **Section 6.00 Area, Density, Yard and Lot Requirements**

- 6.01 The minimum area of a mobile home park shall be ten acres.
- 6.02 All mobile home parks shall be served by either a public or community sewage disposal system and by either a public or community water supply system. Both the sewage disposal and water supply system shall be subject to approval by the Pennsylvania Department of Environmental Protection.
- 6.03 The maximum gross density of any mobile home park shall be five (5) dwelling units per acre.
- 6.04 The minimum area of a mobile home lot shall be six thousand square feet (6000 sq. ft.). The minimum width of a mobile home lot shall be thirty feet (30') at the street right-of-way line and fifty feet (50') at the building setback line.
- 6.05 Two (2) off-street parking spaces shall be provided on each mobile home lot.
- 6.06 The minimum allowable distance between any mobile home, service or accessory building, or parking facility and a boundary line of the mobile home park shall be thirty feet (30'), provided that no mobile home shall be located closer than fifty feet (50') to any street located outside the boundary lines of the park. No mobile home shall be located closer than twenty-five feet (25') to any street located within the boundary lines of the mobile home park. The minimum allowable distance between any mobile home and another mobile home, service or accessory building not within the same lot, or common parking facility shall be twenty feet (20'). Minimum side and rear yards of ten feet (10') shall be provided on each mobile home lot.
- 6.07 An evergreen planting screen a minimum of four feet (4') in height at planting shall be placed along all boundary lines of the mobile home park separating the mobile home park from adjacent properties and/or streets. The screen shall be a year-round screen which shall be maintained permanently. Plant material which does not live shall be replaced within one year. The distance between trees shall be such that a full screen will be provided within three (3) years of planting. The permissible distance between plants will vary with the species of planting.
- 6.08 Each mobile home shall be placed on a lot which has frontage on and direct access to an approved street within the mobile home park and shall

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be located to provide safe and convenient access for servicing and fire protection.

- 6.09 The limits of each mobile home lot shall be clearly marked on the ground by permanent markers.
- 6.10 Each mobile home space shall be provided with a permanent foundation that will not heave, shift, settle, or move due to frost action, inadequate drainage, vibration or other forces acting on the foundation. The foundation shall be of adequate size, material, and construction so as to be durable and adequate for the support of the maximum anticipated loads during all seasons of the year. Each mobile home space shall be equipped with utility connections. Any open spaces between a mobile home floor and a mobile home foundation shall be permanently enclosed to prevent unauthorized entry and to conceal supports and utility connections. Every mobile home shall be anchored to the foundation to prevent overturning or uplift. The anchorage shall be adequate to withstand wind forces and uplift as specified in Sections 712.0 through 714.0 of the BOCA Basic Building Code/1978, or most recent edition.

The application for placement of the mobile home shall be accompanied by specifications for the foundation and anchoring and calculations indicating that the foundation and anchoring are adequate to meet the standards of this section.

### **Section 6.20 Compliance With State Requirements**

- 6.21 All mobile home parks shall comply with the requirements for mobile home parks established by the Pennsylvania Department of Environmental Protection.

### **Section 6.30 Compliance With Design Standards and Improvements Specifications of Articles V and VII**

- 6.31 Mobile home parks shall comply with the requirements of Sections 5.20 of this Ordinance regarding streets, Section 5.30 regarding blocks, lots and parcels, Section 5.80 regarding storm drainage and sediment and erosion control, and Section 5.90 regarding Site Planning and Design Standards.
- 6.32 Mobile home parks shall comply with the requirements of Article VII of this Ordinance regarding improvement specifications.

### **Section 6.40 Additional Design Standards**

6.41 Pedestrian Circulation System, Service and Accessory Buildings and Landscaping

6.411 All mobile home parks shall contain a pedestrian circulation system which shall be designed, constructed, and maintained for safe and convenient movement from all mobile home spaces to principal destinations within the park and, if appropriate, shall provide safe and convenient access to pedestrian ways leading to destinations outside of the park. "Principal destinations" include such uses as recreation areas, service buildings, storage areas, common parking areas and management offices.

6.412 All pedestrian walks shall have a minimum width of four feet (4').

6.413 All pedestrian walks shall be paved.

6.414 All pedestrian walks must be provided with lighting units spaced, equipped, and installed to allow safe movement of pedestrians at night.

6.415 All service and accessory buildings, including management offices, storage areas, laundry buildings, and indoor recreation areas, shall conform to the requirements of the Township Building Code. Attachments to mobile homes in the form of sheds and leanto's are prohibited.

6.416 The mobile home park shall have a structure designed and clearly identified as the office of the mobile home park manager.

6.417 Service and accessory buildings located in a mobile home park shall be used only by the occupants of the park and their guests.

6.418 Ground surfaces in all parts of a mobile home park must be paved or covered with grass or other suitable vegetation capable of preventing soil erosion and the emanation of dust.

6.419 Park grounds must be kept free of vegetative growth which is poisonous or which may produce pollen or harbor rodents, insects, or other pests harmful to man.

6.42 Solid Waste and Vector Control and Electric Distribution System.

6.421 The storage, collection, and disposal of solid wastes from the mobile homes park shall be the responsibility of the mobile home park operator.

6.422 The storage, collection, and disposal of solid wastes must be conducted so as to prevent insect and rodent problems.

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- 6.423 All solid wastes must be stored in approved fly-tight, rodent-proof and water-tight containers, and these containers shall be maintained in a clean condition.
- 6.424 Solid wastes containers must be distributed throughout the mobile home park in adequate numbers and be accessible to the mobile home spaces in use.
- 6.425 Exterior storage areas for solid wastes must be completely screened on three sides with evergreen plantings.
- 6.426 Adequate measures must be taken by the operator of the mobile home park to prevent an infestation of insects and rodents.
- 6.427 Every mobile home park shall be provided with an electrical distribution system to which every mobile home and service building shall be connected. Such system and connections shall be installed, inspected, and maintained in accordance with the specifications and rules of the appropriate utility company, the Township, and the State. The appropriate electric utility shall inspect all transformers and underground connections to all mobile homes located within mobile home parks and shall attach its dated "tag-of-approval" to each mobile home at a visible location before any mobile home is occupied.
- 6.428 Underground electric distribution lines are to be installed in all mobile home parks.

### **Section 6.50 Required Permits and Application for Permits**

- 6.51 It shall be unlawful for any person to maintain, construct, alter, or extend any mobile home park within the Township unless he holds a valid Certificate of Registration issued by the Pennsylvania Department of Environmental Protection and a valid occupancy permit issued by the Township Board of Supervisors.
- 6.52 Proof that a valid Certificate of Registration from the Pennsylvania Department of Environmental Protection is held shall be submitted to the Township Secretary each year.
- 6.53 Every person holding a Certificate of Registration shall file notice in writing to the Pennsylvania Department of Environmental Protection and the Township Secretary within ten (10) days after having sold, transferred, given away, or otherwise having disposed of interest in or control of any mobile home park.

- 6.54 Mobile home parks in existence as of September 11, 1980 shall be required to meet only the standards of the Pennsylvania Department of Environmental Protection, the Township Zoning Ordinance, and other applicable Township Ordinances, as a prerequisite to the issuing of an occupancy permit by the Township. The standards of the Department of Environmental Protection
- 6.55 A representative of the Township may inspect a mobile home park at reasonable intervals and at reasonable times to determine compliance with this Ordinance.
- 6.56 A copy of the occupancy permit for a mobile home park issued by the Township shall at all times be posted in the office of the mobile home park manager.
- 6.57 Applications for Occupancy Permits for mobile home parks shall be filed with the Township Secretary, using application forms available from the Township Secretary.
- 6.58 Accompanying all applications for occupancy permits shall be three (3) copies of all information which was submitted to the Pennsylvania Department of Environmental Protection when an application for a Certificate of Registration from that body was filed.
- 6.59 An application for an occupancy permit for a mobile home park shall be accompanied by three copies of plans for the mobile home park and three copies of any supplemental drawings which shall contain all information necessary to allow the Township Supervisors to determine that all the requirements of this Ordinance have been met.
- 6.60 The Board of Supervisors shall act on each application for an occupancy permit for a mobile home park and shall issue an occupancy permit if the application is approved, proof that the Pennsylvania Department of Environmental Protection has issued a Certificate of Registration is submitted to the Township, and a permit fee is paid to the Township. The occupancy permit shall be valid for a period of one year from the date it is issued.
- 6.61 An annual permit fee shall be required for each mobile home park. An occupancy permit must be renewed each year and will not be renewed by the Township unless the annual permit fee is paid to the Township and the Township determines that all the standards of the Pennsylvania Department of Environmental Protection are met. In the case of mobile home parks constructed or expanded after September 11, 1980, the Township shall also determine whether the standards of this Ordinance are met.

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- 6.62 An application for renewal of an occupancy permit for a mobile home park must be submitted each year. Application forms shall be obtained from the Township Secretary. Only an application need be submitted when an occupancy permit is to be renewed. A plan of the mobile home park is not required when a permit is to be renewed.
- 6.63 After September 11, 1980, before the area, number of mobile home spaces, road system, service facilities sewer facilities, water facilities, or any other aspect of a mobile home park which is regulated by this Ordinance may be altered or expanded, the alteration or expansion plan must be submitted to the Township Supervisors and is subject to their approval. Plans which indicate all proposed modifications shall be filed with the Township Secretary and the Township Secretary will submit the plans to the Township Supervisors.

### **Section 6.70 Supervision of Park.**

- 6.71 The person to whom an occupancy permit for a mobile home park is issued shall operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.
- 6.72 A register containing the names of all park occupants, the make, model, and serial number of each mobile home, the date of arrival of each mobile home in the park, the lot number upon which the mobile home is parked, and the date of departure from the park shall be maintained by the person to whom an occupancy permit for a mobile home park was issued. The register shall be available to any person whom the Township Supervisors authorize to inspect the park and shall be kept within the office of the mobile home park manager.
- 6.73 No space within a mobile home park shall be rented for residential use of a mobile home except for periods of one hundred eighty (180) days or more.

### **Section 6.80 Notices, Hearings, and Orders.**

- 6.81 Whenever, after inspection of any mobile home park, it is determined by the Board of Supervisors that conditions or practices exist which are in violation of any provision of this Ordinance, the Township Secretary shall give notice in writing to the person to whom an occupancy permit for a mobile home park was issued, advising such person that unless such conditions or practices are corrected within a reasonable period of time specified within the notice, the permit to operate a mobile home park in the Township will be suspended. At the end of the specified period of time the mobile home park will be reinspected by the Township Supervisors or

their agent(s) and if the conditions or practices in violation of the Ordinance have not been corrected, the Township Supervisors shall suspend the occupancy permit and give notice in writing of such suspension to the person to whom the permit was issued.

6.82 The written notice advising that conditions or practices exist which are in violation of this Ordinance and that these conditions or practices may result in the suspension of an occupancy permit for a mobile home park shall:

- a. Be in writing.
- b. Include a statement of the reasons for its issuance.
- c. Allow a reasonable time for the performance of any act it requires.
- d. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of the Ordinance.
- e. Be served upon the person to whom an occupancy permit for a mobile home park was issued.

6.83 Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Board of Supervisors provided that such person shall file with the Township Secretary a written petition requesting such hearing and setting forth a brief statement of the grounds for the request for the hearing within ten (10) days after the notice was served.

6.84 Upon receipt of such petition, the Board of Supervisors shall set a place and time for the hearing and shall give the petitioner written notice thereof. At the hearing the petitioner will be given an opportunity to show why the notice which was issued should be modified or withdrawn. The hearing shall be held not later than ten (10) days after the day on which the petition was filed. Upon written application by the petitioner, the Board of Supervisors may waive this ten (10) day requirement when in their judgment the petitioner has submitted sufficient reasons for such a postponement.

6.85 After the hearing has been held, the Board of Supervisors shall make findings as to the compliance with the provisions of this Ordinance and shall issue an order in writing sustaining, modifying or withdrawing the notice provided for in Section 6.81 of this Ordinance. Upon failure of the person to whom the permit was issued to comply with the conditions of the sustained or modified notice, the Township Supervisors shall suspend the occupancy permit for the mobile home park in question and give

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notice in writing of such suspension to the person to whom the permit was issued.

- 6.86 Any person aggrieved by the decision of the Township Supervisors may seek relief in any court of competent jurisdiction, as provided by the laws of the Commonwealth of Pennsylvania.

Ord. 2003-4, 11/6/2003, §6.

## ARTICLE VII

### PROHIBITED ACTIVITIES

#### **Section 7.10 General Requirements**

All streets, storm sewers, sanitary sewers, water mains, curbs, sidewalks, and other physical improvements to the property being subdivided or developed shall be provided, constructed, and installed by the developer as shown on the approved Final Plan and all supplemental plans and drawings accompanying the Preliminary Plan and approved Final Plan. The developer shall execute a Subdivision Improvements Agreement with the Township for the installation of all such improvements. All improvements shall be constructed in accordance with the applicable specifications of the Township or Authority having jurisdiction, or other applicable regulations. Where none apply, specifications of the Pennsylvania Department of Transportation and/or Pennsylvania Department of Environmental Protection shall be used. If none exist, Specifications prepared by the Township Engineer shall be used.

#### **7.11 Supervision**

The installations of improvements required by Section 7.20 will be inspected by the Township as deemed necessary by the Township. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the observation of the improvements.

The developer's contractor shall schedule a meeting with the Township's representative prior to any construction. Construction drawings and specification of all material to be used shall be submitted to the Township for approval prior to commencement of construction.

If the representative of the Township observing the construction or installation of improvements determines that the work is not in accordance with approved plans and specifications or is not being done in a workmanlike manner, said representative may stop work and/or require corrections to be made. Prior to any construction or installation, a forty-eight (48) hour start work notice is to be given to the Township representative who will observe the construction.

#### **7.12 Extension to Property Boundaries**

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

#### **Section 7.20 Required Improvements**

The following improvements shall be provided by the developer at his expense:

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7.21 Street Grading. All streets, including those to be dedicated and those not to be dedicated, shall be graded for the full right-of-way width in accordance with Township regulations.

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

Where wet conditions are encountered, the Township Supervisors may require underdrains.

7.22 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 Township Regulations.

Weather limitations for the placing of paving materials are as follows:

(1) The placing of bituminous concrete base course or binder course shall terminate on November 15 of each year and shall not be resumed until April 1 of the following year unless the ground temperature and air temperature are continuously above thirty five degrees Fahrenheit (35°F) during placement and compaction of said materials

When the air temperature falls below fifty degrees Fahrenheit (50°F), extra precautions shall be taken in drying the aggregate, controlling the temperature of the delivered material and compacting the mixture. Bituminous concrete base course or binder course shall not be placed on wet surfaces, nor when the air temperature is thirty five degrees Fahrenheit (35°F) or lower, nor when the temperature of the surface on which it is to be placed is thirty five degrees Fahrenheit (35°F) or lower.

(2) The placing of bituminous wearing course shall terminate on October 31 of each year and shall not be resumed until April 15 of the following year unless the ground temperature and air temperature are continuously above forty degrees Fahrenheit (40°F) during placement and compaction of said materials.

When the air temperature falls below fifty degrees Fahrenheit (50°F), extra precautions shall be taken in drying the aggregate, controlling the temperature of the delivered material and compacting the mixture. Bituminous wearing course shall not be placed on wet surfaces, nor when the air temperature is forty degrees Fahrenheit (40°F) or lower, nor when the temperature of the surface on which it is to be placed is forty degrees Fahrenheit (40°F) or lower.

(3) In no case shall any permanent bituminous hot mix asphalt mixture be placed after December 15 or prior to March 15.

7.23 Curbs. Concrete curbs shall be installed in required locations as per Section 5.214 and shall conform to the following specifications:

All curbs shall be constructed on a four inch (4") minimum depth three quarter inch ( $\frac{3}{4}$ ") clean crushed stone base (AASHTO No. 57 or PennDOT No. 2B).

All cement concrete shall conform to PennDOT Class AA cement concrete as specified in Publication 408, latest revision.

All expansion joints shall be one half inch ( $\frac{1}{2}$ ") thick premolded, non-extruding, bitumastic material.

Expansion joints shall be provided at thirty feet (30') intervals for the full depth of the concrete. For slip-formed curb (one and one half inches (1 $\frac{1}{2}$ ") slump max.) expansion joints may be installed at sixty feet (60') intervals. Scored contraction joints shall be provided at ten feet (10') intervals. Expansion joints shall be placed between the curb and sidewalk if they abut each other.

Handicap access ramps shall be provided at all step-down driveway entrances and at all street intersections in accordance with PennDOT Roadway Construction Standards, RC-67, latest revision.

Concrete shall be placed in forms that are straight and securely braced, unless a curbing machine is used. Care shall be taken to control the water content to prevent separation of the aggregates. All concrete shall be thoroughly tamped into the forms. After the concrete has set sufficiently, any forms if used, shall be removed and the exposed surface shall be rubbed to provide an even finish.

This finish shall be produced by wetting the surfaces slightly and rubbing with a Carborundum brick or other abrasive, or soft-bristled brush, until a uniform color and texture are produced. The finishing shall be completed before the concrete is thirty six (36) hours old.

Immediately after finishing, all concrete shall be cured by using either an approved, impervious, light-colored plastic covering placed and maintained in contact with the concrete surface, or an approved, impervious, light-colored liquid curing compound sprayed on the concrete surface. The curing shall be continued for at least five (5) days.

All curbs shall be treated with an approved corrosion protective sealant to guard against deicing salt corrosion.

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In commercial or industrial areas, vertical curb shall be used. In residential areas, slant curb or vertical curb shall be used, at the discretion of the Township Supervisors.

Vertical curbs shall be twenty-four inches (24") deep, eight inches (8") wide at the top, nine inches (9") wide at the gutter line, and nine inches (9") wide at the base. The distance from the top of the curb to the gutter line shall be eight inches (8").

To provide for driveways, depressions in vertical curb may be constructed and finished during the time of pouring. The distance from the top of the depressed curb to the gutter line shall be one and three quarter inches (1 $\frac{3}{4}$ ").

Slant curbs shall be twelve inches (12") deep along the front face, sixteen inches (16") deep along the back face, and fourteen inches (14") wide. The distance from the top of the front face of the curb to the gutter line shall be one and one-half inches (1 $\frac{1}{2}$ ").

Where roof drain lines pass through curbs they shall comply with the provisions of Section 7.24, and two (2) one foot (1') lengths of #3 rebar shall be placed in the curb, centered over top of the pipe. The rebar shall be bent in the middle to a fifteen degree (15°) angle.

7.24 **Sidewalks.** Concrete sidewalks shall be installed in required locations as per Section 5.214 and shall conform to the following specifications:

All sidewalks shall be constructed on a four inch (4") minimum depth three quarter inch ( $\frac{3}{4}$ ") clean crushed stone base (AASHTO No. 57 or PennDOT No. 2B).

All cement concrete shall conform to PennDOT Class AA cement concrete as specified in Publication 408, latest revision.

All expansion joints shall be one half inch ( $\frac{1}{2}$ ") thick premolded, non-extruding, bitumastic material.

Expansion joints shall be provided at twenty feet (20') intervals for the full depth of the concrete. Scored contraction joints shall be provided at four feet (4') intervals. Expansion joints shall be placed between the curb and sidewalk if they abut each other.

Handicap access ramps shall be provided at all step-down driveways entrances and at all street intersections in accordance with PennDOT Roadway Construction Standards, RC-67, latest revision.

Slope for all sidewalks shall be one quarter inch ( $\frac{1}{4}$ ") per one foot (1') from the right-of-way line to top of curb.

Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of the aggregates. Edges shall be finished with an edging tool.

The top surfaces of sidewalks shall receive a floated finish, and the finish tolerance shall be a true plane to within one-fourth inch ( $\frac{1}{4}$ ") in ten feet (10').

Immediately after finishing, all concrete shall be cured by using either an approved, impervious, light-colored plastic covering placed and maintained in contact with the concrete surface, or an approved, impervious, light-colored liquid curing compound sprayed on the concrete surface. The curing shall be continued for at least five (5) days.

All sidewalks shall be treated with an approved corrosion protective sealant to guard against deicing salt corrosion.

All concrete sidewalks shall have a minimum thickness of four inches (4"), except where driveways cross sidewalks and for driveway apron areas. These areas shall have a minimum thickness of six inches (6") and shall contain one layer of No. 6 wire forming six inch (6") squares. The wire shall be installed so that it is not closer than one inch (1") to the top or bottom surface of the driveway.

All sidewalks shall have a minimum width of four feet (4').

The streetside edge of all sidewalks shall be set back a minimum of three feet (3') from the streetside face of the curb, and a grass plot area shall separate curb from sidewalk; provided, however, that where the sidewalk area is less than seven feet (7') in width, the concrete portion of the sidewalk may, upon approval of the Township Supervisors, be constructed next to the inside face of the curb, or said grass plot area may be paved as an addition to the sidewalk.

All roof drains shall be installed under the sidewalk area and shall be constructed of three-inch or four-inch diameter cast iron pipe or PVC Schedule 40 plastic pipe. The bottom inside of the pipe shall be at least one and one half inches ( $1\frac{1}{2}$ ") above the gutter line and the top outside of the pipe shall be at least two inches (2) below the top of the sidewalk and curb.

7.25 Storm Drainage. 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 this Ordinance.

## SUBDIVISION AND LAND DEVELOPMENT

### 7.26 Sanitary Sewage Disposal.

- 7.261 Sanitary sewage disposal systems shall be installed consistent with the requirements contained in Section 5.60 of this Ordinance and with the then current standards of the Ontelaunee Township Municipal Authority or any successor.
- 7.262 Whenever individual on-site sanitary sewage disposal systems are utilized, 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.

### 7.27 Water Supply.

- 7.271. Water Supply system(s) shall be installed consistent with the requirements of Section 5.70 of this Ordinance and with the then current standards of the Ontelaunee Township Municipal Authority or any successor.
- 7.272. 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 that the facilities shall be installed by the purchaser of such lot or parcel at the time that a principal building is constructed.

7.28 Fire Hydrants. Fire hydrants shall be installed in all subdivisions and land developments containing public or community water supply systems. The location, number and separation of hydrants are subject to approval by the Township and Fire Chief or Fire Marshal, as applicable, in accordance with the guidelines of the Insurance Services Office.

### 7.29 Monuments.

- 7.291 Permanent stone, concrete, or steel pin encased in concrete monuments shall be accurately placed at changes in direction of lines in the boundary of the property.
- 7.292 All streets shall be monumented on the right-of-way line or five feet off the right-of-way line on one side of the street at the following locations:
  - 7.2921 At least two (2) monuments at each street intersection;
  - 7.2922 At changes in direction of street lines;

7.2923 At each end of each curved street line;

7.2924 At intermediate points wherever topographical or other conditions make it impossible to sight between two (2) otherwise required monuments;

7.2925 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.

7.293 All monuments shall be placed so that the center of the monument coincides exactly with the point of intersection of the lines being monumented.

7.294 Monuments shall be set with their top level with the finished grade of surrounding ground.

7.30 Street Signs. Street name signs shall be installed at all street intersections, and shall identify all streets at the intersection. The design and placement of such signs shall be subject to approval of the Township Supervisors. Sign panels shall be nine inches (9") high with six inch (6") lettering. All signs shall be installed on PennDOT approved steel square breakaway posts.

Signs shall be installed for both public and private streets. For public streets signs shall consist of white lettering on a green background. For private streets signs shall consist of green lettering on a white background.

7.31 Lot Markers. Permanent metal markers shall be accurately placed at all lot corners prior to sale of lots.

7.32 Street Lights. In accordance with the conditions to be agreed upon by the developer, the Township, and the appropriate public utility, street lights shall be installed in all subdivisions and land developments. All lighting shall be consistent with the Township Lighting Ordinance.

7.33 Erosion and Sediment Control Measures. All work necessary to implement the approved erosion and sediment control plan in accordance with Section 5.88 and Berks County C.D. guidelines shall be completed by the developer as required improvements.

7.34 Shade Trees. The developer shall provide deciduous hardwood trees having a minimum caliper of two inches (2") to two and one-half inches (2½") of a species approved by the Township. The trees shall be placed outside the street right-of-way at a maximum spacing of fifty feet (50') between trees. Conditions of placement and inspection shall be specified

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be the Township. The developer shall make every effort to preserve existing shade trees within the tract.

7.35 **Solid Waste Management.** The necessary arrangements to implement the solid waste management plan prepared by the developer for apartment, townhouse, commercial, office and industrial developments shall be made at his expense.

7.36 **Traffic Control Devices.** The traffic control devices shown on the approved plan, including such items as stop signs and restricting parking, and electrified traffic control devices shall be installed as required by the Township Supervisors and PennDOT, as applicable.

7.37 **As-Built Drawings.** As-built drawings shall be prepared in accordance with Section 3.45.

7.38 **Rock Removal.** Provision shall be made for rock removal in the Subdivision Improvements Agreement and Guarantee.

7.39 **Backfilling.** Utility excavations in areas of streets, access drives, parking areas, and loading areas shall be backfilled in accordance with the then current PennDOT standards for the type of pipe used. The Township, at its discretion, may require full depth stone backfill to the subgrade.

7.40 **Parking and Loading Area Paving.** All access drives and parking and loading areas for apartment, townhouses, commercial, office and industrial land developments shall be constructed of a minimum of six inches (6") of No. 2A subbase material, four inches (4") bituminous concrete case course, and one and one-half inches (1½") bituminous wearing course, ID-2. Alternate cross sections may be permitted at the discretion of the Township Supervisors. All construction shall conform to PennDOT Publication 408, latest edition.

7.41 **Guide Rail.** Guide rail required pursuant to Section 5.30 of this Ordinance shall be constructed in accordance with the then current PennDOT Standards.

7.42 **Recreation Facilities.** Recreation facilities required pursuant to Section 5.99 shall be constructed in accordance with the then current National Park and Recreation Association standards.

Ord. 2003-4, 11/6/2003, §7.

## ARTICLE VIII

### ADMINISTRATION

#### **Section 8.10 Review Fees**

8.11 The Township Supervisors shall establish by resolution a Schedule of Fees for the review of plans, to be paid by the developer at the time of filing of a plan. The Schedule of Fees shall be obtainable from the Township Secretary. No Final Plan or Sketch Plan of Record shall be released for recording unless all fees have been paid in full.

#### **Section 8.20 Modifications**

8.21 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 is observed.

All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds 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.

8.22 No changes, erasures, modifications or revisions shall be made on any plan of a subdivision or land development after the plan has been endorsed by the Township Supervisors unless the plan is first resubmitted to and approved by the Supervisors in accordance with the provisions of this Ordinance.

#### **Section 8.30 Appeals**

8.31 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.

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

### **Section 8.40 Preventive and Enforcement Remedies**

8.41 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 transferor 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 of the following applicants:

- (a) The owner of record at the time of such violation.
- (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such 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 or an approval to any such owner, 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.

8.42 Enforcement Remedies. Any person, partnership or corporation who or which has violated the provisions of this Ordinance or any prior subdivision and land development ordinance of the Township shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than Five Hundred Dollars

(\$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.

#### **Section 8.50 Responsibility**

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

#### **Section 8.60 Conflicts**

- 8.61 Whenever there is a difference between the minimum standards specified herein and those included in other Township regulations the more stringent requirements shall apply.
- 8.62 All existing ordinances or parts of ordinances which are contrary to the provisions of this Ordinance, and specifically the Township of Ontelaunee Subdivision and Land Development Ordinance of January, 1980 as amended, are hereby repealed to the extent necessary to give this Ordinance full force and effect, except as noted in Section 8.61 or elsewhere in this Ordinance; provided, however, that the provisions of this Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Ordinance.

#### **Section 8.70 Revision and Amendment**

- 8.71 The Township Supervisors may amend this Ordinance. Any amendments shall be made in accordance with the procedures established by law.

#### **Section 8.80 Severability**

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8.81 The provisions of this Ordinance are severable, and should any article, section, subsection, paragraph, clause, phrase, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of the Ordinance as a whole or any part or provision thereof other than the part so declared to be invalid.

### **Section 8.90 Savings Clause**

8.91 This Ordinance shall not affect any act done or any offense committed prior to its effective date nor affect any action to enforce any prior ordinance or to punish any offense against a prior ordinance.

Ord. 2003-4, 11/6/2003, §8.

## ARTICLE IX

### DEFINITIONS

- 9.10 Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:
- 9.11 Words in the singular include the plural and those in the plural include the singular.
- 9.12 Words used in the present tense include the future tense.
- 9.13 Words “person”, “subdivider”, “owner”, and “developer” include a corporation, incorporated association and a partnership, or other legal entity, as well as an individual.
- 9.14 The word “building” includes structures and shall be construed as if followed by the phrase “or part thereof”.
- 9.15 The word “watercourse” includes channel, creek, ditch, dry run, spring, stream and river.
- 9.16 The words, “should” and “may” are permissive; the words “shall”, “must” and “will” are mandatory and directive.
- 9.17 For words used in this Ordinance but not defined in this Ordinance, any definition established in the Township Zoning Ordinance shall apply.
- 9.20 Other terms or words used herein shall be interpreted or defined as follows:

**ALLEY** – See Service Street

**ACCESS DRIVE** – A private drive providing vehicular access between a public or private street and a building, parking area and/or loading area within a land development.

**ACCELERATED EROSION** – The removal of the surface of the land through the combined action of man’s activities and natural processes at a rate greater than would occur because of the natural processes alone.

**APPLICANT** – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT (APPLICATION)** – Every application, whether preliminary or final, required to be filed and approved prior

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to start of construction or development, for the approval of a subdivision plot or plan or for the approval of a development plan.

**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.

**BUILDING** – Any combination of materials forming any structure designed, intended, or arranged for the housing, shelter, enclosure, or structural support of persons, animals, or property of any kind. Any manufactured home, trailer, storage shed, or similar structure constructed off-site is also a building. [Ord. 2017-5]

**BUILDING SETBACK LINE** – The line within a lot defining the minimum required distance between any building and a street right-of-way or lot line which establishes the permissible location of future buildings and structures.

**CARTWAY** – The portion of a street or access drive, paved or unpaved, intended for vehicular use.

**CLEAR SIGHT TRIANGLE** – A triangularly shaped portion of land established at street intersections defined by lines of unobstructed vision between points at a given distance from the intersection of the street center lines, in which nothing is planted, erected, placed or allowed to grow in such a manner as to limit or restrict the sight distance or motorists entering or leaving the intersection.

**COMMISSION** – The Planning Commission of the Township of Ontelaunee, Berks County, Pennsylvania.

**COMMON FACILITIES** – All the real property and improvements, owned in common by residents within the development, which is served by the facilities. Common facilities include, without limitation, landscaped areas, buffers, Greenway Land not included within the title lines of any privately owned lot, and street rights-of-way not dedicated to the municipality. [Ord. 2012-2]

**COMMON OPEN SPACE** – A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents, not including streets, offstreet parking areas, and areas set aside for public facilities.

**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 dwelling is located.

**COMMUNITY ASSOCIATION** – A non-profit organization comprised of homeowners or property owners, the function of which is to maintain and

administer property owned in common by members of the association or by the association, to protect and enhance the value of the property owned individually by each of the members. Homeowners Associations and Condominium Associations are types of Community Associations. [Ord. 2012-2]

**CONDOMINIUM** – Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended, are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

**CONSERVANCY LOT** – A large, privately-owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to Greenway Land, while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standard for Greenway Land. Public access to conservancy lots is not required. [Ord. 2012-2]

**CONSERVATION AREAS, PRIMARY** – Lands containing the 100-year floodplain (including the floodway), wetlands, and steep slopes (above 25 percent (25%)). In conservation subdivisions, all Primary Conservation Areas are required to be located within Greenway Lands. [Ord. 2012-2]

**CONSERVATION AREAS, SECONDARY** – Lands containing secondary resources that are conserved as part of Greenway Land. [Ord. 2012-2]

**CONSTRUCTION** – The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

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

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

**DEDICATION** – The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**DESIGNATED FLOODPLAIN DISTRICTS** – Those floodplain districts specifically designated in the Township of Ontelaunee Ordinance as being inundated primarily by the 100-year flood. Included would be areas identified as the Floodway District (FW), the Flood Fringe District (FF), and the General Floodplain District (FA).

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

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

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

**DWELLING** – A building arranged, intended, designed, or used as the living quarters for one or more families living independently of each other upon the premises. The term “dwelling” shall not be deemed to include hotel, motel, rooming house, or tourist home.

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

**EARTHMOVING ACTIVITY** – Any construction or other activity which disturbs the surface of the land including, but not limited to, excavations, embankments, land development, subdivision development, mineral extraction and the moving, depositing or storing of soil, rock or earth.

**EASEMENT** – A right-of-way granted, but not dedicated, for limited use of private land for public, quasi-public or private 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 and does not violate the rights of the grantee or this Ordinance.

**ENDORSEMENT** – The application of the signatures of at least a majority of the Township Supervisors and the Township Seal to the Plan.

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

**EROSION** – The natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

**FILL** – A deposit of soil, rock, or other material placed by man.

**FLOODPLAIN** – A land area susceptible to being inundated by water from any source.

**FLOODPROOFING** – Means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOODWAY** - The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Ordinance, the floodway shall be capable of accommodating a flood of the 100-year magnitude.

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

**GOVERNING BODY** – The Board of Supervisors of the Township of Ontelaunee, Berks County, Pennsylvania.

**GREEN, COMMON** – An area of Greenway Land, surrounded by streets on at least 2 and often 3 or 4 sides, around which dwellings are organized. [Ord. 2012-2]

**GREENWAY LAND** – That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features. [Ord. 2012-2]

**HOMEOWNERS ASSOCIATION** – A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents through the maintenance of community owned property. This term is synonymous with property owners association. [Ord. 2012-2]

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

**IMPROVEMENTS AGREEMENT** – An agreement between the Township of Ontelaunee and a developer which provides for an improvement guarantee for the completion of improvements within the subdivision or land development, establishes responsibilities of the Township and developer regarding the completion and observation of improvements, and specifies such other items regarding improvements which are agreed to between the Township and the developer.

**IMPROVEMENTS GUARANTEE (FINANCIAL SECURITY)** – Any security which is accepted by the Township to guarantee that certain improvements will

## SUBDIVISION AND LAND DEVELOPMENT

be made within the subdivision or land development, including performance bonds, escrow agreements and any other collateral or surety agreements.

**LAND DEVELOPMENT (DEVELOPMENT OF LAND)** – (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or (b) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features; (2) a subdivision of land. The following land development activities shall be excluded from the definition of a Land Development: (a) the conversion of an existing single-family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; (b) the addition of an accessory building, including farm buildings, on a lot of lots subordinate to an existing principal building; or (c) the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement is defined as a tract of area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.

**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.

**LANDSCAPE ARCHITECT** – A licensed landscape architect registered by the Commonwealth of Pennsylvania.

**LOT** – A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit.

**LOT AREA** – The area contained within the property lines of a lot excluding space within all street rights-of-way, areas used for storm water management facilities, pedestrian accessways, existing utility easements, and rights-of-way, and all other excluded or restricted areas.

**LOT, FLAG** – A lot of irregular shape that has a narrow access strip (not meeting the minimum lot width 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 widths requirements of the Township Zoning Ordinance.

**MAINTENANCE GUARANTEE** – A guarantee by the developer of the structural integrity of improvements dedicated to the Township.

**MARKER** – A metal pipe or pin of at least three-quarter inch (3/4") in diameter and at least twenty four inches (24") in length.

**MOBILE HOME** – A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations.

**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 contain 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 (one quarter inch (1/4") drill hole) and at least twenty four inches (24") in length. It is recommended that the bottom sides or radius be at least two inches (2") greater than the top, to minimize movements caused by frost. (2) An iron pin at least thirty inches (30") in length with the bottom encased in concrete to a minimum depth of eight inches (8").

**MULTIPLE DWELLING BUILDING** – A building providing separate dwelling units for three (3) or more families.

**MUNICIPALITY** – Township of Ontelaunee, Berks County, Pennsylvania

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

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

**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 prior to preparation of a final plan.

## SUBDIVISION AND LAND DEVELOPMENT

**PLAN, RECORD** – The copy of the Final Plan which contains the original endorsements of the County Planning Commission and the Township Supervisors and which is intended to be recorded with the County Recorder of Deeds.

**PLAN, SKETCH** – An informal plan indicating salient existing features of a tract and the general layout of a proposed subdivision or land development, to be used for informal discussion prior to preparation of the preliminary and/or final plan.

**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.

**PLANNING COMMISSION** – The Planning Commission of the Township of Ontelaunee, Berks County, Pennsylvania.

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

**PUBLIC GROUNDS** – Parks, playgrounds, trails, paths and other recreational areas; sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; publicly owned or operated scenic and historic sites.

**PUBLIC HEARING** – A formal meeting held pursuant to Public Notice by the Township Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC NOTICE** – Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

**REGULATORY FLOOD ELEVATION** – The 100-year flood elevation plus a freeboard safety factor of one and one half feet (1½').

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

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

**REVERSE FRONTAGE LOT** – A lot extending between and having frontage on two generally parallel streets, excluding service streets, with vehicular access solely from one street of lower classification.

**RIGHT-OF-WAY** – The total width of any land reserved or dedicated as a street, alley, crosswalk, pedestrian way, bikeway, or for other public or private purposes.

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

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

**SANITARY SEWERAGE SYSTEM, PUBLIC** – A sanitary sewage collection system

**SEDIMENT** – Soil or other surficial materials transported by surface water as a product of erosion.

**SEDIMENTATION** – The process by which sediment is deposited on stream bottoms.

**SIGHT DISTANCE** – The required length of roadway visible to the driver of a passenger vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurement shall be made from a point three and one half feet (3½') above the center line of the road surface to a point one half foot (½') above the center line of the road surface.

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

**STREET** – A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used to vehicular traffic or pedestrians, whether public or private. 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 or pedestrians whether public or private. Streets are further classified according to the function they perform.

**ARTERIAL STREET** – A street whose primary function is to serve high volumes of comparatively high-speed and long-distance traffic, in which volumes and speeds are higher than desirable on collector and minor streets. At the date of adoption of this Ordinance arterial streets within the Township were:

SR 61  
SR 222

## SUBDIVISION AND LAND DEVELOPMENT

### Business Route 222

**COLLECTOR STREET** – A street which intercepts minor streets to provide a route to give access to community facilities and/or other collector and arterial streets. Generally, streets in industrial and commercial subdivisions shall be considered collector streets. The collector streets within the Township include:

Adams Road  
Ashley Way  
Belleman Church Road  
Berkley Road  
Calais Drive  
Cherry Street  
East Huller Lane  
Gernants Church Road  
Hafer Drive  
Ida Red Drive  
Indian Manor Drive  
Kindt Corner Road  
Leesport Avenue – South of Snyder Road  
Mohrsville Road  
Nantucket Drive  
Oesterling Drive  
Ontelaunee Drive – North of SR 73  
Orchard Lane  
Park Road  
Peach Street  
Redner's Way  
Shoemakersville Road  
Snyder Road  
SR 73  
West Huller Lane  
Willow Creek Road  
Wingco Lane

[Ord. 2010-1]

**CUL-DE-SAC STREET** – A minor street intersecting another street at one end and terminating in a vehicular turnaround at the other end or, a minor street which intersects another street at one end, forms a loop and intersects itself.

The length of a cul-de-sac street shall be measured from the street intersection with a through street nearest the turnaround to the farthest portion of the turnaround, along the centerline of the cul-de-sac street, and any intervening streets as applicable.

**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.

**MINOR STREET** – A street used primarily to provide access to abutting properties or buildings.

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

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

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

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

**SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred.

**SUPERVISORS** – Board of Supervisors of the Township of Ontelaunee, Berks County, Pennsylvania.

**SURVEYOR** – A licensed surveyor registered by the Commonwealth of Pennsylvania.

**TOWNSHIP** – The Township of Ontelaunee, Berks County, Pennsylvania.

**TOWNSHIP ENGINEER** – A duly registered professional engineer employed by Township Supervisors or engaged as a consultant thereto, or his duly authorized representative.

## SUBDIVISION AND LAND DEVELOPMENT

**TOWNSHIP PLANNING COMMISSION** – The Planning Commission of the Township of Ontelaunee, Berks County, Pennsylvania

**TOWNSHIP SECRETARY** – The Secretary employed by the Township Supervisors, or his/her duly authorized representative.

**TOWNSHIP SOLICITOR** – The solicitor appointed by the Township Supervisors, or his/her duly authorized representative.

**TOWNSHIP SUPERVISORS** – Board of Supervisors of the Township of Ontelaunee, Berks County, Pennsylvania

**TOWNSHIP ZONING OFFICER** – The agent or official designated by the Township Supervisors to administrate and enforce the Township Zoning Ordinance or his/her duly authorized representative.

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

**WATER DISTRIBUTION SYSTEM, COMMUNITY** – A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood, subdivision, or land development.

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

**WATER DISTRIBUTION SYSTEM, PUBLIC** – A system for supplying and distributing water from a common source to dwellings and other buildings, but generally not confined to one neighborhood, subdivision, or land development.

**WETLANDS** – Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions; and those areas which may be classified as wetlands under applicable guidelines issued by the Federal government or by the Commonwealth of Pennsylvania.

Ord. 2003-4, 11/6/2003, §9; as amended by Ord. 2010-1, 2/4/2010, §2 and Ord. 2012-2, 2/12/2012, §1; as amended by Ord. 2017-5, 4/6/2017, §1.



## SUBDIVISION AND LAND DEVELOPMENT

### FORM 1 APPLICATION FOR REVIEW OF SKETCH PLAN OR SKETCH PLAN FOR RECORD

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

1. Name of Subdivision: \_\_\_\_\_ Plan Date: \_\_\_\_\_
2. Name of Applicant(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No.: \_\_\_\_\_
3. Name of Owner(s): \_\_\_\_\_  
(If other than Applicant)
4. Applicant's interest, if other than owner: \_\_\_\_\_  
\_\_\_\_\_
5. Location of Subdivision: \_\_\_\_\_  
\_\_\_\_\_
6. Engineer of Surveyor responsible for plan: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone No. \_\_\_\_\_ Fax No. \_\_\_\_\_
7. Acreage being subdivided: \_\_\_\_\_ Number of Lots \_\_\_\_\_
8. Acreage of adjoining land in same ownership (if any): \_\_\_\_\_
9. Lot use proposed: \_\_\_\_\_
10. Zoning Classification: \_\_\_\_\_  
Zoning changes to be requested: \_\_\_\_\_
11. Type of water supply proposed: \_\_\_\_\_  
\_\_\_\_\_
12. Type of sanitary sewage disposal proposed: \_\_\_\_\_  
\_\_\_\_\_
13. Type of off-street parking proposed: \_\_\_\_\_  
\_\_\_\_\_

14. Proposed improvements: \_\_\_\_\_

15. Intent: Sell Lots Only \_\_\_\_\_  
Construct Houses for Sale \_\_\_\_\_  
Other \_\_\_\_\_

Signature of Applicant

## SUBDIVISION AND LAND DEVELOPMENT

**FORM 2**  
**APPLICATION FOR REVIEW OF PRELIMINARY PLAN**

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

## Form 2 - Page 2

12. Type of water supply planned:  Public System  
 Community System  
 Individual On-Site

13. Type of sanitary sewage disposal planned:  
 Public System       Community System  
 Live       Individual On-Site  
 Capped

14. Type of off-street parking proposed:  
 Garages       Other (Specify)  
 Driveways

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: \_\_\_\_\_

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.

	<u>Improvement</u>	<u>Intention</u>
1.		
2.		
3.		
4.		
5.		

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

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

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

## SUBDIVISION AND LAND DEVELOPMENT

### FORM 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.

<u>Item</u>	<u>Number</u>
-------------	---------------

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

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

## APPENDIX I Certification of Ownership, Acknowledgement of Plan, and Offer of Dedication

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

Commonwealth of Pennsylvania  
County of Berks

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned officer, personally appeared \_\_\_\_\_, who being duly sworn according to law, deposes and says that he is the \_\_\_\_\_ (1)\_\_\_\_\_, of the property shown on this plan, that the subdivision plan thereof was made at his/its direction, and that he acknowledges the same to be his/its act and plan \_\_\_\_\_ (2)\_\_\_\_\_, and that all streets \_\_\_\_\_ (3)\_\_\_\_ shown and not heretofore dedicated are hereby dedicated to the public use \_\_\_\_\_ (4)\_\_\_\_\_.  
  
*(Handwritten signature)*

$$\frac{(5)}{(6)} \quad \frac{(7)}{(7)}$$

(8) (9)

My commission expires \_\_\_\_\_, 20\_\_\_\_

- (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
- (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

Ord. 2003-4, 11/6/2003.

## SUBDIVISION AND LAND DEVELOPMENT

### 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 hereon is true and correct to the accuracy required by the Subdivision and Land Development Ordinance of the Township of Ontelaunee.

\_\_\_\_\_, 20 \_\_\_\_ (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.

Ord. 2003-4, 11/6/2003.

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 forms, in the lower left corner of drawings:

At a meeting held on \_\_\_\_\_, 20\_\_\_\_\_, the Township Supervisors of the Township of Ontelaunee approved the subdivision plan of the property of \_\_\_\_\_(1)\_\_\_\_\_, as shown hereon.

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

\_\_\_\_\_

(3)

(1) insert name of property owner

(2) signatures of the Township Supervisors

(3) municipal seal

At a meeting held on \_\_\_\_\_, 20\_\_\_\_\_, the Planning Commission of the Township of Ontelaunee approved the subdivision plan of the property of \_\_\_\_\_(1)\_\_\_\_\_, as shown hereon.

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

(1) insert name of property owner

(2) signatures of the Planning Commission

Ord. 2003-4, 11/6/2003.

## SUBDIVISION AND LAND DEVELOPMENT

### APPENDIX IV

#### DETERMINATION OF FLOODPLAINS

For all subdivisions and land developments, all existing and proposed 100-year floodplain areas shall be shown on the subdivision or land development plans. Floodplain areas shall be determined using the methods set forth below, except that where 100-year floodplains have been calculated and mapped by FEMA, such FEMA mapping shall be used.

##### A. Hydrologic Criteria for Estimating Runoff

The following methods may be used in computing runoff for the 100-year storm. A conservative average of at least two (2) methods shall be used, and the design flow is subject to approval.

1. The method in Technical Release No. 55, "Urban Hydrology for Small Watersheds", latest edition, by the United States Department of Agriculture Soil Conservation Service. The graphical method may be used for streams whose drainage area at the point of interest is no larger than 2,000 acres, and the tabular method may be used for drainage areas up to twenty (20) square miles.
2. The Rational Method can be used for streams whose drainage area at the point of interest is no larger than 320 acres.
3. The method in Water Resources Bulletin Number 13, Floods in Pennsylvania, issued by the Pennsylvania Department of Environmental Resources can be used for streams whose drainage area at the point of interest is larger than two (2) square miles.
4. The "Procedure PSU-IV for Estimating Design Flood Peaks on Ungauged Pennsylvania Watersheds".
5. The Penn State Runoff Model.

##### B. Hydraulics of Flow

The horizontal and vertical limits of the floodplain shall be determined utilizing the Standard Stop Method (i.e., HEC-RAS or similar approved computer model). If the HEC-RAS model is used, the applicant shall submit a computer disc containing all input files for the calculations, in order to expedite the floodplain review. For drainage areas less than one hundred (100) acres, the Mannings Equation may be used.

All methods used and calculations performed in estimating runoff and computing flood elevations are subject to the review and approval of the Township.

Ord. 2003-4, 11/6/2003/

SUBDIVISION AND LAND DEVELOPMENT

**APPENDIX V**

(Reserved for future use)

Ord. 2003-4, 11/6/2003; repealed by Ord. 2010-1, 2/4/2010, §3.

## APPENDIX VI

### CERTIFICATE OF MUNICIPAL AUTHORITY APPROVAL

The approval of the Final Plan by the Municipal Authority by which the subdivisions or land development is served must be indicated on the Record Plan specifying if proposed sanitary sewer facilities, water facilities or both were approved by the Authority, in substantially the following form, in the lower left corner of the drawings:

At a meeting held on \_\_\_\_\_, 20\_\_\_\_, the Ontelaunee Township Municipal Authority approved the proposed sanitary sewer and/or water facilities (*indicate if sanitary sewer facilities, water facilities or both approved*) for the land development of the property of \_\_\_\_\_ (*fill in name of property owner*) as shown hereon.

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Ord. 2012-4, 6/7/2012, §2.