

Borough of Kutztown, PA
Wednesday, April 22, 2015

Chapter 195. SUBDIVISION AND LAND DEVELOPMENT

[HISTORY: Adopted by the Borough Council of the Borough of Kutztown 5-28-1991 as Ord. No. 3-1991. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. **77**.

Flood damage prevention — See Ch. **123**.

Streets and sidewalks — See Ch. **192**.

Zoning — See Ch. **225**.

195a Form 1 


195b Form 2 

195c Form 3 

195d Form 3A 

195e Form 4 

195f Appendix I 

195g Appendix II 

195h Appendix III 

195i Appendix IV 

195j Appendix V 

195k Appendix VI 

Article I. Authority, Title and Purpose

§ 195-1. Authority.

This chapter provides for the control of the subdivision and development of land and the approval of plats and replats of land within the jurisdiction of the borough as ordained by the Borough Council of the borough under the authority of the Pennsylvania Municipalities Planning Code, as amended. ^[1]

[1]: *Editor's Note: See 53 P.S. § 10101 et seq.*

§ 195-2. Title.

This chapter shall be known and may be cited as the "Subdivision and Land Development Ordinance of the

Borough of Kutztown.”

§ 195-3. Purpose.

- A. The purpose of this chapter shall be to provide standards to guide the subdivision, resubdivision and development of land within the borough in order to promote the public health, safety and convenience and the general welfare of the residents and inhabitants of the borough.
- B. This chapter shall be administered to assure orderly growth and development consistent with the Comprehensive Plan and Chapter **225**, Zoning, for the borough; to assure the protection and proper use of land; to assure adequate provision for traffic circulation, drainage, utilities, recreation facilities, erosion and sediment control and public services; to assure development consistent with the natural features of the borough; to assure properly designed streets and neighborhoods; and to assure coordination of design among adjoining developments.

Article II. Definitions

§ 195-4. Word usage and definitions.

- A. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated:
 - (1) Words in the singular include the plural, and those in the plural include the singular.
 - (2) Words used in the present tense include the future tense.
 - (3) The words “person,” “subdivider,” “owner” and “developer” include a corporation, incorporated association and a partnership, or other legal entity, as well as an individual.
 - (4) The word “building” includes structures and shall be construed as if followed by the phrase “or part thereof.”
 - (5) The word “watercourse” includes channel, creek, ditch, dry run, spring, stream and river.
 - (6) The words “should” and “may” are permissive; the words “shall,” “must” and “will” are mandatory and directive.
 - (7) For words used in this chapter but not defined in this chapter, any definition established in Chapter **225**, Zoning, shall apply.
 - (8) Words in the masculine gender include the feminine and the neuter.
- B. Other terms or words used herein shall be interpreted or defined as follows:

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.

ALLEY

See "service street."

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 to start of construction or development.

BLOCK

A tract of land or a lot or group of lots, bounded on all sides by streets, public parks, railroad rights-of-way, watercourses or bodies of water, boundary lines of the borough or by any combination thereof.

BOROUGH

The Borough of Kutztown, Berks County, Pennsylvania. It shall also mean the representative designated by the Borough Council to receive and process applications for development. [1]

BOROUGH CODE OFFICIAL

The agent or official designated by Borough Council to administrate and enforce Chapter 225, Zoning, or his duly authorized representative.

[Amended 2-10-1998 by Ord. No. 2-1998]

BOROUGH COUNCIL

The Borough Council of the Borough of Kutztown, Berks County, Pennsylvania.

BOROUGH ENGINEER

A duly registered professional engineer employed by the Borough Council or engaged as a consultant thereto, or his duly authorized representative.

BOROUGH MANAGER

The corporate official appointed by the Borough Council as the Borough Manager or such official's properly designated representative.

[Amended 12-26-1995 by Ord. No. 12-1995]

BOROUGH PLANNING COMMISSION (COMMISSION)

The Planning Commission of the Borough of Kutztown, Berks County, Pennsylvania.

BOROUGH SECRETARY

The corporate official appointed by the Borough Council as the Borough Secretary or such official's properly designated representative.

[Amended 12-26-1995 by Ord. No. 12-1995]

BOROUGH SOLICITOR

The Solicitor appointed by the Borough Council or his duly authorized representative. [2]

BUILDING

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

BUILDING SETBACK LINE

The line within a property establishing the minimum required distance between any building or structure and a street right-of-way.

CARBONATE AREAS

Land within the borough which contains soils formed in material from limestone.

CARTWAY

The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

CLEAR SIGHT TRIANGLE

An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

CODE OFFICIAL

The agent or official designated by Borough Council to administrate and enforce Chapter **225**, Zoning, or his duly authorized representative.

[Added 2-10-1998 by Ord. No. 2-1998]

COMMISSION

The Planning Commission of the Borough of Kutztown, Berks County, Pennsylvania.

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 semidetached dwelling, one townhouse, one two-family detached dwelling or one two-family semidetached dwelling is located.

CONDOMINIUM

Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended, [3] 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.

COUNCIL

The Borough Council of the Borough of Kutztown, Berks County, Pennsylvania.

COUNTY

The County of Berks, Commonwealth of Pennsylvania.

COUNTY PLANNING COMMISSION

The Planning Commission of the County of Berks, Commonwealth of Pennsylvania.

CROSSWALK

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

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.

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.

DWELLING

A building arranged, intended, designed or used as the living quarters for one or more families living independently of each other within the building. The term "dwelling" shall not be deemed to include hotel, motel or tourist home.

DWELLING UNIT

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

EASEMENT

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

ENDORSEMENT

The application of the signatures of the President and Secretary of the Borough Council and the Borough Seal to the plan.

ENGINEER

A licensed professional engineer registered by the Commonwealth of Pennsylvania.

FIRE CHIEF

The person so elected by the Kutztown Fire Company No. 1 or his duly authorized representative.

FLOODPLAIN

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

GRADE

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

IMPROVEMENTS

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

IMPROVEMENTS AGREEMENT

An agreement between the Borough of Kutztown and a subdivider which provides for an improvements guaranty for the completion of improvements within the subdivision or land development, establishes responsibilities of the borough and subdivider regarding the completion and observation of improvements and specifies such other items regarding improvements which are agreed to between the borough and the subdivider.

IMPROVEMENTS GUARANTY (FINANCIAL SECURITY)

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

LAND DEVELOPMENT (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.
- (3) The following are excluded from the definition of "land development:"
 - (a) The conversion of an existing single-family detached dwelling or single-family semidetached 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 or lots subordinate to an existing principal building.

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.

LOT, FLAG

A lot of irregular shape that has a narrow access strip (not meeting the minimum lot widths requirements of Chapter **225**, Zoning, and thus too narrow for the construction of a principal building) leading from a street or other right-of-way to a wider portion of the lot which is intended for construction of a principal building and which wider portion complies with the minimum lot width requirements of Chapter **225**, Zoning.

LOT

A designated parcel, tract or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit.

LOT AREA

The area contained within the property lines of a lot excluding space within all street rights-of-way and permanent drainage easements.

MAINTENANCE GUARANTY

A guaranty by the developer of the structural integrity of improvements dedicated to the borough.

MARKER

A metal pipe or pin of at least three-fourths (3/4) inch in diameter and at least 24 inches 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 contains two or more mobile home lots for the placement thereon of mobile homes.

MONUMENT

A stone or concrete monument with a flat top at least four inches in diameter or square, containing a copper or brass dowel (one-fourth-inch drill hole) and at least 24 inches in length. It is recommended that the bottom sides or radius be at least two inches greater than the top, to minimize movements caused by frost.

MULTIPLE-DWELLING BUILDING

A building providing separate dwelling units for three or more families.

MUNICIPALITY

The Borough of Kutztown, Berks County, Pennsylvania.

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, OFFICIAL

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

PLAN, PRELIMINARY

A 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.

PLAN, RECORD

The copy of the final plan which contains the original endorsements of the County Planning Commission and the Borough Council and which is intended to be recorded with the County Recorder of Deeds.

PLAN, SKETCH

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

PLANNING COMMISSION

The Planning Commission of the Borough of Kutztown, 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; and publicly owned or operated scenic and historic sites.

PUBLIC HEARING

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

PUBLIC NOTICE

Notice published once each week for two successive weeks in a newspaper of general circulation in the borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

RESERVE STRIP

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

RIGHT-OF-WAY

The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semipublic purposes.

SANITARY SEWERAGE SYSTEM, PUBLIC

A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant, generally not confined to one neighborhood.

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 3.5 feet above the center line of the road surface to a point five-tenths (0.5) feet above the center line of the road surface.

SOLID WASTE

Garbage, refuse and other discarded materials.

STREET

A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, alley, lane and road or similar terms.

(1) ARTERIAL STREET

— A street serving a large volume of comparatively high-speed and long-distance traffic. At the

date of adoption of this chapter, arterial streets within the borough were West Main Street and East Main Street.

(2) **COLLECTOR STREET**

— A street which intercepts minor streets to provide a route to give access to community facilities and/or other collector and arterial streets. Generally, streets in industrial and commercial subdivisions shall be considered collector streets. At the date of adoption of this chapter, collector streets within the borough were Normal Avenue, Willow Street, Constitution Boulevard, Greenwich Street, North Constitution Boulevard, Noble Street, West Walnut Street, College Boulevard, Wentz Street and North Elm Street.

(3) **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 intersection of street right-of-way lines nearest the turnaround to the farthest portion of the turnaround, along the center line of the cul-de-sac street.

(4) **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.

(5) **MARGINAL ACCESS STREET**

— A minor street parallel and adjacent to an arterial street, but separated from it by a reserve strip, which provides access to abutting properties and control of intersections with the arterial street.

(6) **MINOR STREET**

— A street used primarily to provide access to abutting properties or buildings.

(7) **SERVICE STREET (ALLEY)**

— A minor right-of-way providing secondary vehicular access to the side or rear of two 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 10 acres not involving any new street or easement of access or any residential dwelling shall be exempted. The term "subdivision" shall refer, as appropriate in this chapter, to the process of subdividing land or to the land proposed to be subdivided. The term "subdivision" includes resubdivision.

- (1) The enumerating of lots shall include as a lot that portion of the original tract remaining after other lots have been subdivided therefrom.
- (2) The combining of two or more recorded lots into one lot via the creation of a new deed shall not constitute subdivision, provided that no existing lot is divided by any means.

SURVEYOR

A licensed surveyor registered by the Commonwealth of Pennsylvania.

UTILITY LINE(S)

All electric, telephone, television cables, whether overhead or underground, and gas, oil and other distribution and transmission pipes. The term shall also apply to electric supply lines to street and/or tract lighting.

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.

- [1]: *Editor's Note: The former definition of "Borough Code Enforcement Officer," which immediately followed this definition, was deleted 2-10-1998 by Ord. No. 2-1998. See now the definition of "Code Official."*
- [2]: *Editor's Note: The former definition of "Borough Superintendent," which immediately followed this definition, was deleted 12-26-1995 by Ord. No. 12-1995.*
- [3]: *Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.*

Article III. Jurisdiction and Application

§ 195-5. New applications.

After the effective date of this chapter, no subdivision or land development of any lot, tract or parcel of land within the borough 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 chapter.

§ 195-6. 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 chapter became effective, this chapter 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. ^[1] After the expiration of such time periods, the development shall be subject to this chapter.

- [1]: *Editor's Note: See 53 P.S. § 10101 et seq.*

§ 195-7. Resubdivision.

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

§ 195-8. Condominium conversion.

- A. The conversion of a building to condominium ownership shall be considered a subdivision and shall comply with the requirements of this chapter; furthermore, each unit of occupancy shall comply with the current requirements of all applicable codes and other ordinances of the borough as a separate unit of occupancy.
- B. Condominium declarations shall be submitted to and approved by the borough and after such approval shall be filed with the Recorder of Deeds of the County of Berks and the borough. Condominium declarations shall be in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980, as amended. ^[1]

[1]: *Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.*

Article IV. Procedures

§ 195-9. Submission and review requirements.

- A. Hereafter, subdivision and land development plans shall be reviewed by the Borough Planning Commission, the County Planning Commission and other borough, state or county officials as necessary and shall be approved or disapproved by the Borough Council in accordance with the procedures specified in this chapter.
- B. For all subdivisions and land developments, except those exempted from standard procedures in § 195-15 of this chapter, a preliminary plan and a final plan shall be submitted.
- C. Procedures described in this Article **IV** that are not mandated by the provisions of the Pennsylvania Municipalities Planning Code, as amended, ^[1] are discretionary as to the Borough Council, and any failure of the Borough Council, its Planning Commission or any other agent or employee of the borough to abide by said permissive procedures shall not invalidate any action taken hereunder. However, said procedures, as to any applicant, are mandatory unless waived by the Borough Council in accordance with § 195-44.
[1]: *Editor's Note: See 53 P.S. § 10101 et seq.*
- D. In accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Resources (DER), the borough shall revise its official plan for sewage disposal whenever a new subdivision is proposed, unless the DER determines that the proposal is for the use of individual on-lot sewage systems serving detached single-family dwelling units in a subdivision of 10 lots or fewer and certain criteria set forth in the Rules and Regulations of the DER are met.
 - (1) An official plan revision for new land development shall be submitted to the DER in the form of a completed sewage facilities planning module provided by the DER and including all information required by the DER.
 - (2) The subdivider or developer or his agent shall complete the DER sewage facilities planning module and submit it to the borough for action.

- (3) No plan revision for new land development will be considered complete unless it includes all information specified within the DER's Rules and Regulations.
- (4) The borough shall not adopt a proposed revision to the official plan, conditionally or otherwise, until it determines that the proposal complies with this chapter, Chapter **225**, Zoning, and the Comprehensive Plan. If changes to the proposed revision or the applicable plan, regulations or ordinance are necessary, the changes shall be completed prior to adoption of the revision by the borough.
- (5) Upon adoption of a proposed revision to the borough's official plan, or refusal to adopt such a proposal revision, the borough shall forward the proposed revision or statement refusing to adopt to the DER. The DER may approve or disapprove a proposed plan revision for new land development.
- (6) The time limits for actions by borough and county agencies and the DER are set forth in the Rules and Regulations of the DER.
- (7) Subdividers and developers are advised that no subdivision or land development plan will be finally approved and released for recording by the borough until all necessary approvals of the official plan revision or requests for exceptions to the requirement to revise the official plan have been secured from the borough and the DER. This fact and time limits for action should be considered by subdividers and developers when submitting the DER sewage facilities planning module to the borough.

§ 195-10. Sketch plan.

- A. Status. Except in the case of a sketch plan for record, submission of a sketch plan is optional. Such submission shall not constitute official submission of a plan to the borough, and the sketch plan is submitted only for informal discussion between the developer and the Borough Planning Commission.
- B. Required plan data. When submitted, sketch plans shall comply with the requirements of § **195-16**.
- C. Submission.
 - (1) No less than 28 days prior to a regularly scheduled meeting of the Borough Planning Commission, the subdivider shall submit nine copies of the sketch plan, nine copies of any supplementary data, the required filing fee and six copies of the application for review of sketch plan (Form 1)^[1] to the borough.
 [1]: *Editor's Note: Form 1 is included at the end of this chapter.*
 - (2) In the case of a subdivision or land development adjoining Maxatawny Township, the subdivider shall submit an additional copy of the sketch plan to the borough. The borough will solicit a review and report from the township.
- D. Distribution. The borough shall distribute the plans and supplementary data as follows:
 - (1) Two copies to the Secretary of the Borough Planning Commission.
 - (2) Two copies to the County Planning Commission in the case of a sketch plan for record. The plans and supplementary data shall be accompanied by one copy of Form 1,^[2] the county's referral form and the required filing fee.
 [2]: *Editor's Note: Form 1 is included at the end of this chapter.*

- (3) Two copies to the Borough Engineer.
 - (4) One copy to the Borough Code Official.
[Amended 2-10-1998 by Ord. No. 2-1998]
 - (5) One copy retained by the Borough Secretary for the permanent files of the Borough Council.
 - (6) One copy to the Borough Manager.
- E. Review by Borough Planning Commission.
- (1) The sketch plan shall be reviewed by the Borough Planning Commission at one or more regularly scheduled or special meetings. The Commission shall request the Borough Code Official and the Borough Engineer to review the sketch plan and submit comments thereon to the Commission. The Borough Manager may review the plan and comment as applicable to the Commission.
[Amended 2-10-1998 by Ord. No. 2-1998]
 - (2) Within 15 calendar days after the final meeting at which the sketch plan is reviewed by the Borough Planning Commission, and not later than 90 days following the date of the regular meeting of the Commission next following the date of submittal of the sketch plan to the borough, the Commission Secretary will send the comments of the Commission regarding the sketch plan to the developer and the Borough Council.
- F. Review of sketch plan for record by Borough Council.
- (1) In the case of a sketch plan for record submitted under the minor subdivision (§ **195-15A**) or lot annexation (§ **195-15D**) provisions of this chapter, after the sketch plan is reviewed by the Borough Planning Commission, the sketch plan shall be reviewed by the Borough Council at one or more regularly scheduled or special meetings and either approved or disapproved by the Council.
 - (2) Borough Council shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that, should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the 30th day following the day the application has been filed.
 - (3) The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
 - (4) 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 chapter relied upon.
 - (5) Failure of the Borough Council 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 presented 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.
 - (6) In the case of a sketch plan for record submitted to the County Planning Commission for review, no official action shall be taken by the Borough Council until the Council has received the written report of the County Planning Commission, provided that the report is received within 30 days from the date the plan was forwarded to the County Planning Commission for review. If such report is not received within 30 days, the Borough Council may proceed to take action on the plan without consideration of

comments from the County Planning Commission.

§ 195-11. Preliminary plan.

A. Submission.

- (1) Preliminary plans and required supplementary data for all subdivisions and land developments shall be submitted to the Borough Manager for review, unless exempted in § 195-15. Plans shall be submitted by the developer to the borough no less than 28 days prior to the regularly scheduled meeting of the Borough Planning Commission at which it is to be considered. The Planning Commission has the right to waive this requirement in its sole discretion.
- (2) Any revised preliminary plan submitted to the borough for review shall be submitted by the developer to the Borough Manager no less than 28 days prior to the regularly scheduled meeting of the Borough Planning Commission at which it is to be considered. The Planning Commission has the right to waive this requirement in its sole discretion.
- (3) Official submission of a preliminary plan shall include:
 - (a) Submission of five completed applications for review of preliminary plan (Form 2).^[1]
[1]: *Editor's Note: Form 2 is included at the end of this chapter.*
 - (b) Submission of 10 black-on-white prints on paper of the preliminary plan which shall comply with the requirements of § 195-17.
 - (c) Submission of eight copies of all other information and plans which are required by § 195-17.
 - (d) Payment of the filing fee.
 - (e) An affidavit that the applicant is the landowner of the land proposed to be developed and has the authority to proceed on behalf of all parties claiming any ownership interest therein.
 - (f) In the case of a subdivision or land development adjoining Maxatawny Township, the subdivider shall submit an additional copy of the preliminary plan to the borough. The borough will solicit a review and report from the township.
- (4) In the case of a subdivision or land development which proposes vehicular access or stormwater 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 borough at the time of preliminary plan submission.
- (5) In the case of a preliminary plan calling for the installation of improvements beyond a five-year period, a schedule shall be filed by the applicant delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval of the final section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Borough Council in its discretion. Each section in any residential subdivision or land development, except for the last section to be developed, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Borough Council in its discretion.

- (6) Failure of the subdivider to submit all items required under Subsection **A(3), (4)** and **(5)** or failure of the preliminary plan to comply with the requirements of § **195-17** shall be grounds for the Borough Manager to refuse to accept the preliminary plan for review.

B. Distribution. The Borough Manager shall distribute submitted information as follows:

- (1) To the Borough Planning Commission:
 - (a) Two copies of the preliminary plan.
 - (b) One copy of application for review of preliminary plan.
 - (c) Two copies of all other required information and plans.
- (2) To the County Planning Commission:
 - (a) Two copies of the preliminary plan.
 - (b) One copy of application for review of preliminary plan.
 - (c) One copy of all other required information and plans.
 - (d) The county's referral form and required filing fee.
- (3) To the Borough Engineer:
 - (a) Two copies of the preliminary plan.
 - (b) One copy of application for review of preliminary plan.
 - (c) Two copies of all other required information and plans.
- (4) To the Borough Code Official:
[Amended 2-10-1998 by Ord. No. 2-1998]
 - (a) One copy of the preliminary plan.
 - (b) One copy of application for review of preliminary plan.
- (5) To be retained by the borough:
 - (a) Two copies of the preliminary plan.
 - (b) One copy of application for review of preliminary plan.
 - (c) Two copies of all other required information and plans.
- (6) To the Borough Manager:
 - (a) One copy of the preliminary plan.
 - (b) One copy of all other required information and plans.

C. Review by Borough Planning Commission. When a preliminary plan has been accepted for review by the Borough Manager, the Borough Planning Commission shall review the preliminary plan at one or more regularly scheduled or special meetings.

- (1) The Borough Engineer shall review the preliminary plan to determine whether the preliminary plan

meets the requirements of this chapter and submit a written report thereon to the Borough Planning Commission.

- (2) The Borough Code Official shall review the preliminary plan to determine whether the preliminary plan meets the requirements of Chapter **225**, Zoning, and other applicable codes and submit a written report thereon to the Borough Planning Commission.
[Amended 2-10-1998 by Ord. No. 2-1998]
- (3) The Borough Manager shall review the preliminary plan to determine its conformance to the Borough Public Improvements Requirement Manual and other utility requirements. The Borough Manager shall submit a written report to the Borough Planning Commission and recommend changes, alterations or modifications, as he may deem necessary.
- (4) After the final meeting at which the preliminary plan is reviewed by the Borough Planning Commission, the Commission shall notify the Borough Council, in writing, of its comments regarding the preliminary plan. The Commission may recommend that the preliminary plan be approved, be approved subject to conditions or be disapproved. If the Commission recommends that the preliminary plan be disapproved because the provisions of this chapter have not been met, the specific provisions of this chapter which have not been met shall be noted. The Commission will notify Borough Council within 15 days after the final meeting at which it reviews the preliminary plan.

D. Review by Borough Council. After a preliminary plan has been reviewed by the Borough Planning Commission and the written comments of the Commission regarding the preliminary plan have been forwarded to the Borough Council, the plan shall be reviewed at one or more regularly scheduled or special meetings by the Borough Council.

- (1) No official action shall be taken by the Borough Council with respect to a preliminary plan until the borough has received the written report of the County Planning Commission, provided that the report is received within 30 days from the date the preliminary plan was forwarded to the County Planning Commission for review. If such report is not received within 30 days, the Borough Council may proceed to take action on the preliminary plan without consideration of comments from the County Planning Commission.
- (2) Before acting on a preliminary plan, the Borough Council may hold a public hearing thereon after public notice.
- (3) The decision of the Borough Council regarding the preliminary plan shall be in writing and shall be communicated to the applicant personally or mailed to him by certified mail at his last known address not later than 15 days following the decision. If delivered personally, the applicant shall give the borough a receipt indicating he has received the decision.
- (4) The Borough Council shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Borough Planning Commission next following the date the application is filed, provided that, should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the 30th day following the day the application has been filed. The subdivider may grant an extension of time to the borough. Failure of the Borough Council 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 presented 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.
- (5) 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 chapter relied upon.

- (6) The Borough Council 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 Borough Council within 10 days of the date of the written notification from the Borough Council. Approval of a preliminary plan shall be rescinded automatically upon the applicant's failure to accept or reject such conditions within 10 days.
- (7) 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 therefor shall be subject to the approval of Borough Council. In approving a staging plan, the Borough Council, in its discretion, may:
 - (a) 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;
 - (b) Impose conditions which shall be met by the developer within a time period specified by Borough Council, 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;
 - (c) Impose conditions which must be met within a time period specified by Borough Council in the event of a subsequent change in the use of the buildings constructed within the subdivision or land development; and
 - (d) Require any or all conditions imposed by the Borough Council 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.
- (8) 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. Approval is only an expression of approval of a general plan to be used in preparing the final subdivision or land development plan for final approval and recording upon fulfillment of all requirements of this chapter.
- (9) Three copies of the approved preliminary plan shall be submitted to the Borough Electric Department within five days of approval of the same for the use of the Borough Electric Department to lay out, size and determine the rights-of-way that will be required and the materials necessary to supply electrical service and to prepare a cost estimate for same.
 - (a) The plan shall also include street and tract lighting as required in § **195-18E(68)** for review by the borough.
 - (b) The Borough Electric Department shall submit a plan to the developer which shall indicate the location of electric lines and required rights-of-way, along with comments regarding the proposed street/tract lighting; said information shall be added to the final plan, prior to final approval of the same.
 - (c) In addition, the Borough Electric Department shall submit a cost estimate for the required electrical system which shall be included in the improvements agreement.

§ 195-12. Final plan.

A. Submission.

- (1) Within 12 months after approval of the preliminary plan by the Borough Council, the developer shall submit a final plan and all required supplementary data to the Borough Manager unless an extension of time is granted by the Council. If an extension is not granted, failure to submit the final plan within 12 months may result in a determination by the Borough Council that it will consider any plat submitted after 12 months as a new preliminary plan.
- (2) The final plan shall be submitted to the Borough Manager no less than 28 days prior to the regularly scheduled meeting of the Borough Planning Commission at which it is to be considered. The Planning Commission has the right to waive this requirement in its sole discretion.
- (3) Any revised final plan submitted to the borough for review shall be submitted by the developer to the Borough Manager no less than 28 days prior to the regularly scheduled meeting of the Borough Planning Commission at which it is to be considered. The Planning Commission has the right to waive this requirement in its sole discretion.
- (4) Official submission of a final plan shall include:
 - (a) Submission of five completed applications for review of final plan (Form 3). ^[1]
[1]: *Editor's Note: Form 3 is included at the end of this chapter.*
 - (b) Submission of 10 black-on-white prints on paper of the final plan which shall comply with the requirements of § 195-18.
 - (c) Submission of eight copies of all other supplementary data and plans as outlined in § 195-18.
 - (d) Submission of evidence of review of an erosion and sediment control plan by the Berks County Conservation District.
 - (e) Submission of evidence that the final plan has been submitted to the telephone, cable television and gas companies which will serve the subdivision or land development.
 - (f) An affidavit that the applicant is the landowner of the land proposed to be developed and has the authority to proceed on behalf of all claiming any ownership interest therein.
 - (g) In the case of a subdivision or land development adjoining Maxatawny Township, the subdivider shall submit an additional copy of the final plan to the borough. The borough will solicit a review and report from the township.
- (5) Failure of the subdivider to submit all items required under Subsection **A(4)** or failure of the final plan to comply with the requirements of § 195-18 shall be grounds for the Borough Manager to refuse to accept the final plan for review.
- (6) The Borough Council may permit the subdivider to submit a final plan in sections in accordance with the schedule provided for in § 195-11**A(5)**, subject to such requirements or improvement guaranties in future sections as it finds essential for the protection of any finally approved section of the subdivision or land development.
- (7) The final plan shall conform to the approved preliminary plan, except that it shall incorporate all

modifications required by the Borough Council in its approval of the preliminary plan. Failure to comply with past reviews shall constitute grounds for the Borough Council to disapprove the final plan.

- B. Distribution. The borough shall distribute submitted information as follows:
- (1) To the Borough Planning Commission:
 - (a) Two copies of the final plan.
 - (b) One copy of application for review of final plan.
 - (c) Two copies of all supplementary data and plans.
 - (2) [Amended 2-10-1998 by Ord. No. 2-1998] To the Borough Code Official:
 - (a) One copy of the final plan.
 - (b) One copy of application for review of final plan.
 - (3) To the Borough Engineer:
 - (a) Two copies of the final plan.
 - (b) One copy of application for review of final plan.
 - (c) Two copies of all supplementary data and plans.
 - (4) To the Borough Manager:
 - (a) One copy of the final plan.
 - (b) One copy of all supplementary data and plans.
 - (5) To be retained by the borough:
 - (a) Two copies of the final plan.
 - (b) One copy of application for review of final plan.
 - (c) Two of all supplementary data and plans.
 - (6) To the County Planning Commission, in the case of a subdivision submitted under § **195-15B** or **195-15E**:
 - (a) Two copies of the final plan.
 - (b) One copy of application for review of final plan.
 - (c) One copy of all supplementary data and plans.
 - (d) The county's referral form and required filing fee.
- C. Review by Borough Planning Commission. When a final plan has been accepted for review, the Borough Planning Commission shall review the final plan at one or more regularly scheduled or special meetings.
- (1) The Borough Engineer shall review the final plan to determine whether the final plan meets the requirements of this chapter and submit a written report thereon to the Borough Planning

Commission.

- (2) The Borough Code Official shall review the final plan to determine whether the final plan meets the requirements of Chapter **225**, Zoning, and other applicable codes and submit a written report thereon to the Borough Planning Commission.
[Amended 2-10-1998 by Ord. No. 2-1998]
 - (3) The Borough Manager shall review the final plan to determine its conformance to the Borough Public Improvements Requirement Manual and other utility requirements. The Borough Manager shall submit a written report to the Borough Planning Commission and recommend changes, alterations or modifications, as he may deem necessary. The report shall include an estimate of the cost of construction of underground electric service.
 - (4) After the final meeting at which the final plan is reviewed by the Borough Planning Commission, the Commission shall notify the Borough Council in writing of its comments regarding the plan. The Commission may recommend that the final plan be approved or disapproved. If the Commission recommends that the final plan be disapproved because the provisions of this chapter have not been met, the specific provisions of this chapter which have not been met shall be noted. The Commission will notify Borough Council within 15 days after the final meeting at which it reviews the final plan.
- D. Review by Borough Council. After a final plan has been reviewed by the Borough Planning Commission and the written comments of the Commission regarding the plan have been forwarded to the Borough Council, the plan shall be reviewed by the Borough Council at one or more regularly scheduled or special meetings.
- (1) If the final plan has been forwarded to the County Planning Commission for review, no official action shall be taken by the Borough Council with respect to the final plan until the borough has received the written report of the County Planning Commission, provided that the report is received within 30 days from the date the final plan was forwarded to the County Planning Commission for review. If such report is not received within 30 days, the Borough Council may proceed to take action on the final plan without consideration of comments from the County Planning Commission.
 - (2) Before acting on a final plan, the Borough Council may hold a public hearing thereon after public notice.
 - (3) The Borough Council shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that, should the said next regular meeting occur more than 30 days following the filing of the application, the said ninety-day period shall be measured from the 30th day following the day the application has been filed. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented 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.
 - (4) The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed by certified mail to him at his last known address not later than 15 days following the decision. If delivered personally, the applicant shall give the borough a receipt indicating he has received the decision.
 - (5) 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.

- (6) A final plan shall not be recorded, nor shall any zoning or building permit be issued, until the requirements of § 195-13 of this chapter have been met.

§ 195-13. Completion and guarantee of improvements.

- A. Subdivision improvements agreement. No final plan shall be endorsed by the Borough Council unless an improvements agreement in a form acceptable to the Borough Council and Borough Solicitor is executed. A unit breakdown of all improvements required by this chapter pursuant to Form 4^[1] shall be included within such agreement.

[1]: *Editor's Note: Form 4 is included at the end of this chapter.*

- B. Completion and guarantee of improvements.

- (1) No final plan shall be endorsed by the Borough Council unless all the improvements required by this chapter and the improvements agreement have been installed, inspected and approved in accordance with this chapter and said agreement.
- (2) In lieu of the completion of any improvements as stated in Subsection **B(1)** above, prior to endorsement of the record plan, the subdivider shall deposit with the borough a financial security in an amount sufficient to cover the cost of all improvements or common amenities required by this chapter and the 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 Borough Council 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 improvements agreement for completion of the improvements.
- (3) The subdivider shall also submit a cash deposit to the borough to cover the cost established by the borough for improvement materials and labor to be provided by the borough pursuant to the improvements agreement.
- (4) When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plan contingent upon the developer obtaining a satisfactory financial security. The record plan shall not be signed nor recorded until the improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the improvements agreement is not executed within 90 days unless a written extension is granted by the Borough Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- (5) The amount of the financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually the borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.

- (6) 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 and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. Such estimate shall be submitted to the borough no less than 14 days prior to the meeting of the Borough Council at which such estimate is to be considered. The Borough Council, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant and the Borough Council are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the borough and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the borough and the applicant.
 - (7) If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of the financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date of posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the initial one-year period.
 - (8) The party posting the financial security may request the Borough Council 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 Borough Council, and the Council shall have 45 days from receipt of such requests within which to allow the Borough Engineer to certify, in writing, to the Borough Council 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 Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed. If the Borough Council fails to act within said forty-five-day period, the Council shall be deemed to have approved the release of funds as requested. The Borough Council may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.
 - (9) In the case where development is projected over a period of years, the borough may authorize submission of final plans by sections or stages of development, subject to such requirements or improvement guaranties 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.
- C. Remedies to effect completion of improvements. In the event that any improvements which are required by this chapter have not been installed as provided in this chapter or in accord with the approved final plan, the borough may enforce any improvements agreement by appropriate legal and equitable remedies. If the proceeds of such improvements guaranty are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said financial security, the borough may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the improvements guaranty 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 financial security.
- D. Release of improvements guaranty.
- (1) When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, by certified or registered mail, of the completion of the improvements and shall send a copy of the notice to the Borough Engineer.

- (2) The Borough Council shall within 10 days after receipt of notice of completion of improvements direct and authorize the Borough Engineer to inspect the improvements. The Borough Engineer shall then submit a written report regarding the improvements to the Council and promptly mail a copy of the report to the developer by certified or registered mail.
- (3) The report shall be made and mailed by the Borough Engineer within 30 days after receipt of authorization from the Borough Council. The report shall be detailed and shall indicate approval or rejection of the improvements, either in whole or in part. If the improvements or any portion thereof shall not be approved or shall be rejected by the Borough Engineer, the report shall contain a statement of reasons for such nonapproval or rejection.
- (4) The Borough Council shall notify the developer within 15 days of receipt of the Engineer's report, in writing, by certified or registered mail, of their action.
- (5) If any portion of the improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the improvements, and upon completion, the same procedure of notification as outlined above shall be followed.
- (6) When completed improvements have been approved by the borough, the improvements guaranty shall be reduced by no more than the amount which was estimated in the improvements agreement for the approved improvements.

E. Preparation of as-built plans.

- (1) As-built plans for all improvements within the subdivision or land development listed in the subdivision improvements agreement shall be submitted to the borough within 30 days after inspection and approval of the improvements by the borough and prior to the release of the improvements guaranty and acceptance of any such improvements by the borough. Plans shall be in accordance with the requirements of § 195-18 of this chapter, shall be Mylars in reproducible form and shall be certified by the developer's engineer to be in accordance with actual construction. The location and elevation of all sewer laterals and water services shall also be indicated. The developer shall be responsible for the preparation of such plans.
- (2) If any information relating to potential lot owners shown on the recorded 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 borough in accordance with the procedures of this chapter.

F. Maintenance guaranty. Where the Borough Council accepts dedication of all or some of the required improvements within a subdivision or land development following completion, the Borough Council may require the posting of a maintenance guaranty 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 18 months from the date of acceptance of dedication. The maintenance guaranty shall be of the same type as permitted for installation of improvements, and the amount of the maintenance guaranty shall not exceed 15% of the actual cost of installation of the improvements.

§ 195-14. Recording of final plan or sketch plan.

- A. Endorsement by Borough Council. After the procedures required by this chapter have been completed and the Borough Council approves the final plan, the Borough Planning Commission shall sign and the Borough Council shall endorse at least seven copies of the final plan or sketch plan for record.

- (1) The endorsed plans shall be clear and legible black-on-white prints on material acceptable to the Recorder of Deeds.
- (2) Before any final 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 borough.
- (3) The borough shall receive one reproducible reproduction of the final plan as approved and recorded within 15 days of recording. The reproducible shall contain the Recorder of Deeds information as to Deed Book Volume and date of recording.
- (4) All streets, parks or other improvements shown on the final plan shall be deemed to be private until such time as they have been offered for dedication to the borough and accepted by Borough Council. The acceptance of any improvements shall be by a separate action of the Council and shall not be effected by approval of a subdivision or land development plan.
- (5) The developer shall agree with the borough to tender, if requested, a deed of dedication for any and all public improvements, including easements. Upon completion of any public improvements shown on an approved subdivision or land development plan and within 90 days after approval of such public improvements, as herein provided, the borough 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 borough for review by the Borough Solicitor. The borough may require that the developer supply a title insurance certificate from a reputable title insurance company before any property is accepted by the borough.

B. Filing with recorder of deeds.

- (1) Upon approval of a final plan or sketch plan of record by the Borough Council or the acceptance of the conditions of a conditional approval by the applicant in case of a plan approved subject to conditions, the developer shall within 90 days of such final approval or acceptance of conditions complete all conditions of approval and comply with all requirements of § 195-13. After the applicant's completion of all conditions of approval and compliance with all requirements of § 195-13, the Borough Council may endorse the record plan. The developer shall within 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 Borough Council and official notification of review by the County Planning Commission. Endorsement of the Borough Council shall consist of the signatures of the President of the Council and the Borough Secretary and the Borough Seal on the plan. 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 Borough Council shall be null and void. If the approval action becomes null and void, then a preliminary plan must be submitted, unless Borough Council for cause shown allows a final plan to be submitted.
- (2) 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.

§ 195-15. Plans exempted from standard procedures.

- A. Minor subdivision: sketch plan for record. In the case of any subdivision in which all proposed lots will have frontage on and direct vehicular access to an existing improved borough or state street, the parcel being

subdivided will be divided into a total of not more than three lots or parcels after the effective date of this chapter, and the lots will be used for only single-family detached dwellings, the developer may submit only a sketch plan for record to the borough. The sketch plan shall contain all information required by § 195-16 of this chapter and be submitted and reviewed in accordance with § 195-10. The sketch plan shall be submitted to the County Planning Commission for review. The Borough Council may also require submission to and review by the County Conservation District when recommended by the Borough Engineer. Submission to and review by the Pennsylvania Department of Transportation may be required if there is frontage on a state street. 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 chapter, and this shall be noted on the sketch plan for record.

B. Resubdivision: revised final plan.

- (1) Any resubdivision of land, including changes to recorded plans, shall be considered a subdivision and shall comply with all requirements of this chapter; however, in those instances where only lot lines shown on a recorded plan will be changed, all resultant lots will conform to Chapter 225, Zoning, and this chapter, easements will not be changed, street horizontal and vertical alignment will not be changed, block sizes will not be changed, utility sizes and locations will not be changed, open space and recreation areas will not be changed and the number of lots will not be increased, the Borough Council may at its discretion permit the developer to submit only a revised final plan to the borough for review.
- (2) In addition to all items specified in § 195-18 of this chapter, the plan shall graphically show the lot line changes being made. The revised final plan shall be reviewed in accordance with § 195-12 and shall be submitted to the County Planning Commission for review.
- (3) If the revision of lot lines would result in the relocation of driveway access points previously approved by PennDOT, the Borough Council shall require submission of the revised final plan to PennDOT for approval.

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

- (1) The developer shall prepare and submit a preliminary plan in accordance with the requirements of this chapter.
- (2) The preliminary plan shall comply with the requirements of this chapter and in addition contain the following notation:

This property is intended to be sold by auction on or about _____ 19 _____, 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 property is approved by the Borough Council in accordance with the Borough subdivision and land development ordinance and recorded in the office of the County Recorder of Deeds.
- (3) After approval of the preliminary plan by the Borough Council, the auction sale may proceed. After the auction sale, the developer shall prepare and submit a final plan in accordance with this chapter.

D. 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 borough. The sketch plan shall contain all information required by § **195-16** of this chapter and be submitted and reviewed in accordance with § **195-10**. 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 Chapter **225**, Zoning, or other borough regulations. If development is subsequently proposed for the parcel which has been increased in size, no building or zoning permit shall be issued unless all applicable requirements of borough regulations are complied with. The subdivision plan shall contain a notation that the parcel being transferred is not to be considered a separate building lot.

- E. 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 borough or state street, the parcel being subdivided will be divided into more than three but not more than six lots or parcels, and the lots will be used for only single-family detached dwellings, the Borough Council may at its discretion permit the developer to submit only a final plan to the borough, rather than both preliminary and final plans. The final plan shall contain all information required by § **195-18** of this chapter and shall be submitted and reviewed in accordance with § **195-12**. The final plan shall be submitted to the County Planning Commission for review. Submission to and review from the County Conservation District shall be required when recommended by the Borough Engineer. Submission to and review by the Pennsylvania Department of Transportation may be required if there is frontage on a state street. 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 chapter, and this shall be noted on the final plan.
- F. Exempted land developments: final plan. In the case of a land development consisting of a single nonresidential building or two single-family detached dwellings on a lot or lots, the developer may submit only a final plan to the borough. The final plan shall contain all information required by § **195-18** of this chapter and shall be submitted and reviewed in accordance with § **195-12**. The final plan shall be submitted to the County Planning Commission for review. Submission to and review from the County Conservation District shall be required when recommended by the Borough Engineer. Submission to and review by the Pennsylvania Department of Transportation may be required if there is frontage on a state street.
- G. Requirements pertaining to curb and sidewalk. The sketch plan for record referred to in Subsection **A** above and the final plan referred to in Subsections **E** and **F** above shall provide for the installation of curb and sidewalk adjacent to all existing and proposed public streets within the proposed subdivision in accordance with § **195-42D** of this chapter.

Article V. Plan Requirements

§ 195-16. Sketch plans.

- A. The sketch plan shall be clearly and legibly drawn to a scale of one inch equals 20 feet or one inch equals 50 feet with all dimensions shown in feet and hundredths of a foot, except that if the average size of the proposed lots is two acres or larger, the plan may be drawn to a scale of one inch equals 100 feet.
- B. The sketch plan shall be made on sheets no smaller than eighteen by twenty-four (18 x 24) inches and no larger than thirty-six by forty-eight (36 x 48) inches.
- C. 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.

- D. The sketch plan shall contain at least the following data, legibly drawn to scale:
- (1) The name and address of the developer.
 - (2) The name and address of the record owner.
 - (3) The name of the subdivision or land development.
 - (4) The date of the plan.
 - (5) Plan status.
 - (6) Tract boundaries.
 - (7) A statement of the total acreage of the tract.
 - (8) North point.
 - (9) 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.
 - (10) Graphic scale.
 - (11) Written scale.
 - (12) The name and address of the person or firm responsible for the design of the subdivision or land development.
 - (13) The names of owners of adjoining properties and the names of adjoining subdivisions.
 - (14) A location map, drawn to scale, with sufficient information to enable the Borough Planning Commission to locate the property being subdivided or developed. This map shall also show all existing streets within or adjacent to the tract, proposed streets within the subdivision or land development and proposed streets within adjacent recorded subdivisions or land developments.
 - (15) Significant topographical and physical features such as watercourses, water bodies, quarries, railroad tracks, one-hundred-year floodplains, wetlands, tree masses, rock outcroppings, existing buildings, existing on-site sewage disposal and water supply systems, areas of carbonate geology, areas of fifteen-to twenty-five-percent slope and over twenty-five-percent slope and historic resources.
 - (16) Proposed streets and lot layout.
 - (17) When apartments and/or townhouses are proposed, the building, street and access drive, recreation and parking layout shall be shown.
 - (18) When commercial or industrial buildings are proposed, the building, street and access drive, parking and loading layout shall be shown.
 - (19) Approximate lot sizes.
 - (20) Proposed street cartway and right-of-way widths.
 - (21) A statement telling what methods of water supply and sewage disposal will be used.

- (22) A statement telling the use for each proposed lot, parcel and building indicated on the plan.
- (23) Mapping of soils types throughout the tract.
- (24) Contour lines at intervals of no more than 10 feet taken from U.S.G.S. maps, aerial survey or field survey, with source of datum.
- (25) Existing easements and utilities on or adjacent to the tract.
- (26) Zoning district lines within the property and zoning district designations and area, yard and height requirements applicable to the property.
- (27) All areas of the one-hundred-year flood and the one-hundred-year floodway (as the same are shown on the Official Zoning Map ^[1] of the Borough of Kutztown) within the subdivision or land development shall be clearly delineated, and base flood elevations for the one-hundred-year flood shall be provided.
^[1]: *Editor's Note: The Zoning Map is included at the end of this volume.*

E. In the case of a sketch plan of record, the plan shall also include the following:

- (1) A signed and notarized certification of ownership and acknowledgment of plan.
- (2) Certificates for approval by the Borough Planning Commission and Borough Council.
- (3) The seal of the surveyor or engineer responsible for the plan.
- (4) Precise bearings and distances for all parcels to be conveyed (which shall be field surveyed).
- (5) Building setback lines and all proposed structures.
- (6) Existing street cartway and right-of-way lines and widths.
- (7) An erosion and sediment control plan, which shall be reviewed by the Berks County Conservation District and approved by the Borough Council. The borough 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.
- (8) 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 Borough Council 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 the borough 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.

- F. Where a sketch plan shows the proposed subdivision or land development of only a portion of the developer's total property, the sketch 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 land development. (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 land 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 Borough 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.

§ 195-17. Preliminary plans.

- A. The preliminary plan shall be clearly and legibly drawn to a scale of one inch equals 20 feet or one inch equals 50 feet with all dimensions shown in feet and hundredths of a foot, except that if the average size of the proposed lots is two acres or larger, the plan may be drawn to a scale of one inch equals one (100) hundred feet.
- B. The preliminary plan shall be made on sheets no smaller than eighteen by twenty-four (18 x 24) inches and no larger than thirty-six by forty-eight (36 x 48) inches.
- C. 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.
- D. A plan index, listing the title of each sheet included in the submission, shall be included on the plans intended for eventual recording.
- E. The preliminary plan shall show:
- (1) The name of the proposed subdivision or land development, which shall be other than just the name of the subdivider or landowner.
 - (2) The name of the borough.
 - (3) Plan status.
 - (4) North point.
 - (5) Graphic scale.
 - (6) Written scale.
 - (7) The date of the 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.
 - (8) The name and address of the record owner.
 - (9) The name and address of the developer.
 - (10) Source of title to the tract.

- (11) A copy of the deed(s) for the tract.
- (12) The name, address and seal of the engineer or surveyor responsible for the plan.
- (13) The names of any abutting subdivisions and land developments and the book and page numbers where recorded.
- (14) The names of the owners of any adjacent unplatted land and the book and page numbers where recorded.
- (15) A location map for the purpose of locating the property being subdivided or developed, drawn at a scale of one inch equals 800 feet, 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 1,000 feet of the subdivision or land development. A scale, north point and the proposed street system within the subdivision or land development shall be shown.
- (16) Total tract boundaries of the property being subdivided or developed showing bearings and distances.
 - (a) The source of tract boundary data shall be given if not from field survey.
 - (b) If the developer is going to retain a single parcel with an area in excess of 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 10 acres or less, it shall be considered a lot within the subdivision and described to the accuracy requirements of this chapter.
- (17) Total acreage of the tract.
- (18) Zoning district lines within the subdivision or land development and zoning district designations and area, yard and height requirements applicable to the subdivision or land development.
- (19) Contour lines at vertical intervals of not more than two feet for land with average natural slope of 4% or less and at intervals of not more than five feet for land with average natural slope exceeding 4%. Contour lines shall be from aerial or field survey.
- (20) The location and elevation of the datum to which contour elevations refer. Datum used shall be a known, established bench mark. Sanitary sewer manholes shall not be used as a datum base.
- (21) All existing buildings, sanitary sewer lines, on-site sewage disposal systems, water lines, wells, 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 50 feet of the boundaries of the proposed subdivision or land development.
- (22) All existing soils types boundaries.
- (23) Soils characteristics for detention and retention pond areas.
- (24) Natural drainage channels, watercourses and water bodies.
- (25) Tree masses and isolated live trees over one foot in diameter.
- (26) Quarries and rock outcroppings.
- (27) Wetlands.

- (28) One-hundred-year floodplains, including delineation of floodway and flood fringe, established by study of the Federal Emergency Management Agency (FEMA), with base flood elevations for the one-hundred-year storm. For those watercourses for which studies have not been performed by FEMA, calculated one-hundred-year floodplains shall be established by the developer in accordance with Appendix IV of this chapter. When a subdivision or land development contains a floodplain, the elevation of roads, building sites and public utilities in the vicinity of the floodplain shall be given.
- (29) All existing streets and streets recorded but not constructed on or abutting the tract, including names, existing and ultimate right-of-way widths and lines, cartway widths and lines and approximate grades.
- (30) All existing easements and the purposes for which they have been established, deed restrictions and covenants.
- (31) All proposed streets, their location, suggested name, right-of-way and cartway widths and lines, center line 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 Borough Council.
 - (a) 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.
 - (b) In the event that the preliminary plan provides for any private streets, a notation shall appear thereon acknowledging that private streets can not thereafter be dedicated as public streets unless curb and sidewalk has been constructed adjacent thereto. The preliminary plan shall also provide for the installation of curb and sidewalk adjacent to all existing and proposed public streets within the proposed subdivision or land development except where such curb and sidewalk may exist in good condition at the time the preliminary plan is filed.
- (32) Location, width and purpose of all proposed easements.
- (33) Building setback lines along each street, lot line and utility line and all proposed structures.
- (34) Lot lines, with approximate dimensions.
- (35) Approximate lot areas.
- (36) Lot numbers.
- (37) A statement of the total number of lots and parcels.
- (38) Intended use of lots.
- (39) The location, size and material of all water mains, with connections to existing facilities; fire hydrants; storage tanks; and water sources.
- (40) The 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. In the event that pumping stations are proposed, information shall be submitted as to the electrical requirements, including phase, voltage and kilowatt (kw) demand.
- (41) Horizontal and vertical location, size, material and grade of all storm drainage facilities, with connections to existing facilities. Cross sections shall be shown for all drainage swales. The borough may require profiles to be shown for drainage swales.

- (42) The location, size and proposed use of all parks, playgrounds, recreation areas, public buildings and other public uses. Areas to be dedicated to the borough 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.
- (43) Provisions for pedestrian and other nonvehicular circulation throughout the tract.
- (44) Typical street cross-section drawing(s) of each proposed street, including construction details of streets, shoulders, curbs and sidewalks, cross-slopes of streets, shoulders, sidewalks and planting strips and typical location, size and depth of any underground utilities.
- (45) Tentative profiles along the center line of each proposed street. Such profiles shall show existing and finished grades at one of the following sets of scales or any combination thereof. For streets which have an existing elevation difference of five feet or more across the width of the right-of-way, profiles of both existing right-of-way grades shall also be shown. Station numbers; length and P.V.I. data for all vertical curves; existing and proposed sanitary sewer mains and manholes with invert elevation data; existing and proposed storm sewers, inlets, manholes and culverts with invert elevation data; and existing and proposed water mains where they cross other utilities shall be indicated.
 - (a) One inch equals 10 feet horizontal and one inch equals one foot vertical;
 - (b) One inch equals 20 feet horizontal and one inch equals two feet vertical;
 - (c) One inch equals 40 feet horizontal and one inch equals four feet vertical; or
 - (d) One inch equals 50 feet horizontal and one inch equals five feet vertical.
- (46) A plan for the surface drainage of the tract, including stormwater runoff calculations and the proposed method of accommodating the anticipated runoff. Stormwater calculations shall be provided and drainage facilities designed in accordance with Article **VI** and Appendix V of this chapter.
- (47) Preliminary designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Resources. Capacity/loading calculations shall be submitted.
- (48) The proposed location of all townhouses and parking facilities to serve the townhouses.
- (49) In the case of land development plans, the following additional information shall be shown:
 - (a) The location and use of all buildings.
 - (b) The location and grade of all parking areas and access drives, the size and number of parking spaces and the width of aisles and access drives.
 - (c) The location, number and dimensions of off-street loading areas.
 - (d) Provisions for landscaping of the tract.
 - (e) Provisions for lighting of the tract.
 - (f) Provisions for traffic control.
 - (g) The location of refuse collection areas.

- (h) A table showing extent of compliance with the area, yard and height regulations of Chapter **225**, Zoning.
 - (50) Location of school bus stop shelters or pads.
 - (51) Proposed restrictive covenants.
 - (52) Design speed of all proposed streets.
 - (53) Sight distance calculations for vertical curves in streets (see § **195-20G**).
 - (54) Sight distance calculations at street intersections (see § **195-20I**).
 - (55) 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.
 - (56) On the subdivision or land development plan or a plan view drawing of streets, station numbers corresponding to the street profiles.
 - (57) Guide rail locations and construction detail.
 - (58) Clear sight triangles at street intersections.
 - (59) Proposed ownership and maintenance of storm drainage facilities.
 - (60) A typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets. The borough may require driveway culverts to be sized and such size noted on the plan.
 - (61) The proposed location and type of traffic control devices.
 - (62) Areas of fifteen- to twenty-five-percent slope and areas of over twenty-five-percent slope.
 - (63) Areas of carbonate geology.
 - (64) The disposition of solid waste generated within the subdivision or land development.
 - (65) Drafts of proposed condominium declarations.
- F. The following additional information shall be submitted with the preliminary plan:
- (1) Where a preliminary plan shows the proposed subdivision or land development of only a portion of the developer's total property, the preliminary 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 land 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 land 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 Borough 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.
 - (2) A review from the Fire Chief regarding the location, number and type of fire hydrants and the feasibility of access to, maneuvering within and providing protection to the site of fire-fighting equipment.

- (3) In the case of a proposed revision of a FEMA-mapped floodplain, a letter of approval of such revision from FEMA.
- (4) A traffic study when required by § **195-36** of this chapter.
- (5) Habitats of threatened and endangered species of special concern in Pennsylvania within the tract, as established by the Pennsylvania Biological Survey and/or Pennsylvania Natural Diversity Inventory. If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.
- (6) All historic and archaeological resources which have been identified and/or inventoried by the borough, the county the Berks County Planning Commission, and/or the Pennsylvania Historical and Museum Commission located within the tract or within 50 feet of the tract.
- (7) 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.
- (8) A plan for the preservation of existing natural features on the site (see § **195-27**).
- (9) 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.
- (10) Schematic architectural drawings of proposed townhouses, apartment buildings and commercial and industrial buildings, including building orientation.
- (11) Proposed driveway locations and evidence that the standards for driveways established in this chapter (§ **195-23E**) can be met.
- (12) A preliminary center line stakeout of proposed streets so that an on-site street alignment evaluation may be conducted.
- (13) The results of soils tests at proposed street locations which shall indicate the suitability of the sites for street construction.
- (14) Impact studies as required by § **195-36**.
- (15) Location of retaining walls, construction details and design calculations.
- (16) When required to submit an information form to the Pennsylvania Historical and Museum Commission (PHMC), a copy of the information form and the response of the PHMC. A copy of any site survey investigation prepared shall also be submitted along with the PHMC review of the survey report. Any plan the applicant prepares to avoid the impact on the area or, if the site cannot be avoided, mitigated impacts to the resource through data collection or information recovery at the site shall be submitted. The PHMC's comments and decision regarding the mitigation/avoidance plan shall also be submitted.
- (17) If there is evidence of dumping of waste on the site, a preacquisition site assessment and detailed environmental screenings and site investigations as required by the borough.
- (18) In the case of nonresidential subdivisions and land developments, proposed electrical requirements shall be indicated. This shall include but not be limited to phase, voltage and kilowatt demand.

§ 195-18. Final plans.

- A. The final plan shall be clearly and legibly drawn to a scale of one inch equals 20 feet or one inch equals 50 feet with all dimensions shown in feet and hundredths of a foot, except that if the average size of the proposed lots is two acres or larger, the plan may be drawn to a scale of one inch equals 100 feet
- B. The final plan shall be made on sheets no smaller than eighteen by twenty-four (18 x 24) inches and no larger than thirty-six by forty-eight (36 x 48) inches.
- C. 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.
- D. A plan index, listing the title of each sheet included in the submission, shall be included on the plans intended for eventual recording.
- E. The final plan shall show:
 - (1) The name of the proposed subdivision or land development, which shall be other than just the name of the subdivider or landowner.
 - (2) The name of the borough.
 - (3) Plan status.
 - (4) North point.
 - (5) Graphic scale.
 - (6) Written scale.
 - (7) The 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.
 - (8) The name and address of the record owner.
 - (9) The name and address of the developer.
 - (10) Source of title to the tract.
 - (11) A copy of the deed(s) for the tract.
 - (12) The name, address and seal of the engineer or surveyor responsible for the plan.
 - (13) The names of any abutting subdivisions and land developments and the book and page numbers where recorded.
 - (14) The names of any adjacent unplatted land and the book and page numbers where recorded.
 - (15) A location map for the purpose of locating the property being subdivided or developed, drawn at a scale of one inch equals 800 feet, 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 1,000 feet of the subdivision or

land development. A scale, north point and the proposed street system within the subdivision or land development shall be shown.

- (16) The total tract boundary lines of the area being subdivided or developed, based on field survey, with accurate distances to hundredths of a foot and bearings to one-fourth (1/4) of a minute. These boundaries shall be balanced and closed with an error or closure not to exceed one foot in 10,000 feet; provided however, that the boundary(ies) 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.
 - (a) The proposed location and elevation (if the elevation is established) of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided or developed. The Borough Council may require perimeter monuments to be set and elevation established prior to approval of the final plan.
 - (b) 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. The certification shall not predate the latest plan revision date. Plans and surveys shall be prepared in accordance with the Professional Engineers Registration Law. ^[1]
[1]: Editor's Note: See 63 P.S. § 148 et seq.
 - (c) If the developer is going to retain a single parcel with an area in excess of 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 10 acres or less, it shall be considered a lot within the subdivision and described to the accuracy requirements of this chapter.
- (17) The total acreage of the tract.
- (18) Zoning district lines within the subdivision or land development and zoning district designations and area, yard and height requirements applicable to the subdivision or land development.
- (19) The 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.
- (20) The following information if a preliminary plan was not submitted:
 - (a) Contour lines at vertical intervals of not more than two feet for land with average natural slope of 4% or less and at intervals of not more than five feet for land with average natural slope exceeding 4%. Contour lines shall be from aerial or field survey.
 - (b) All existing buildings, sanitary sewer lines, on-site sewage disposal systems, water lines, wells, 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 50 feet of the boundaries of the proposed subdivision or land development.
 - (c) All existing soils types boundaries.
 - (d) Soils characteristics for detention and retention pond areas.
 - (e) Natural drainage channels, watercourses and water bodies.
 - (f) Tree masses and isolated live trees over one foot in diameter.

- (g) Quarries and rock outcroppings.
 - (h) Areas of fifteen- to twenty-five-percent slope and areas of over twenty-five-percent slope.
 - (i) Areas of carbonate geology.
- (21) Wetlands.
- (22) One-hundred-year floodplains, including delineation of floodway and flood fringe, established by study of FEMA, with base flood elevations for the one-hundred-year storm. For those watercourses for which studies have not been performed by FEMA-calculated one-hundred-year floodplains shall be established by the developer in accordance with Appendix IV of this chapter.
- (a) When a subdivision or land development contains a floodplain, the proposed elevation of roads, building sites and public utilities in the vicinity of the floodplain shall be given.
 - (b) All plans for mobile home parks to be located within areas of the one-hundred-year flood as delineated on the Official Zoning Map of the Borough of Kutztown ^[2] shall contain an evacuation plan indicating alternate vehicular access and escape routes.
[2]: Editor's Note: The Zoning Map is included at the end of this volume.
- (23) All existing streets and streets recorded but not constructed on or abutting the tract, including names, existing and ultimate right-of-way widths and lines, and cartway widths and lines.
- (24) All existing easements and the purposes for which they have been established, deed restrictions and covenants.
- (25) All proposed streets, their location, suggested name, right-of-way and cartway widths and lines, center line 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.
- (26) For the cartway edges or curblines and right-of-way lines of all recorded (except those which are to be vacated) 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.
- (27) Location, width and purpose of all proposed easements. Bearings and distances shall be provided for easements when not parallel to lot or street lines.
- (28) Building setback lines along each street, lot line and utility line.
- (29) 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-fourth (1/4) of a minute shall be shown for all lot lines, and each lot shall be balanced to an accuracy of one foot in 10,000 feet. As an alternative to bearings for each lot line, angles at the intersection of all lot lines may be given.
- (30) The area of each lot in square feet or acres, exclusive of street rights-of-way.
- (31) Lot numbers, numbered consecutively.
- (32) A statement of the total number of lots and parcels.

- (33) Intended use of lots.
- (34) The location, size and material of all water mains, with connections to existing facilities; fire hydrants; blowoffs; valves; storage tanks; and water sources.
- (35) The 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 and sewage treatment plants, with electrical requirements, type and degree of treatment proposed and size and capacity of treatment facilities.
- (36) The location, size, material, pipe length, invert elevation and grade of all storm drainage facilities, with connections to existing facilities; location, slope, velocity within, cross sections and profiles when required by the borough 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; the location of roof drains and collectors.
- (37) The location, size and proposed use and design of all parks, playgrounds, recreation areas, public buildings and other public uses. Areas to be dedicated to the borough shall be noted. Areas to be reserved for public use but not 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.
- (38) Provisions for pedestrian and other nonvehicular circulation throughout the tract.
- (39) 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.
- (40) Profiles.
 - (a) Profiles along the center line of each proposed street, at one of the following sets of scales or any combination thereof:
 - [1] One inch equals 10 feet horizontal and one inch equals one foot vertical;
 - [2] One inch equals 20 feet horizontal and one inch equals two feet vertical;
 - [3] One inch equals 40 feet horizontal and one inch equals four feet vertical; or
 - [4] One inch equals 50 feet horizontal and one inch equals five feet vertical.
 - (b) Such profiles shall show at least the following information, properly labeled:
 - [1] Existing profile along both cartway edges or at the top of curbs. For streets which have an existing elevation difference of five feet or more across the right-of-way, profiles of both existing right-of-way grades shall also be shown.
 - [2] Proposed finished grade at the top of both curbs or along both cartway edges.
 - [3] The length and P.V.I. data for all vertical curves.
 - [4] Existing and proposed sanitary sewer mains and manholes, with top and invert elevation data.

- [5] Existing and proposed storm sewer mains, inlets, manholes and culverts, with top and invert elevation data.
 - [6] Existing and proposed water mains where they cross other utilities.
 - [7] Station numbers for all horizontal and vertical curves, street intersections, sanitary and storm sewer manholes, inlets, junction boxes, etc.
- (41) A plan for the surface drainage of the tract, including stormwater runoff calculations and the proposed method of accommodating the anticipated runoff. Stormwater calculations shall be provided and drainage facilities designed in accordance with Article **VI** and Appendix V of this chapter.
 - (42) Designs of all bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Resources. Capacity/loading calculations shall be submitted.
 - (43) The location of all townhouses and parking facilities to serve the townhouses.
 - (44) A certificate of ownership, acknowledgment of plan and offer of dedication shall be lettered on the plan, using the form specified in Appendix I, and shall be signed by the owner(s) of the property and be notarized. The certification shall not predate the latest plan revision date.
 - (45) A certificate for approval of the plan by the Borough Planning Commission.
 - (46) A certificate for approval of the plan by the Borough Council.
 - (47) A blank space in which the appropriate stamp and notation of the County Planning Commission may be applied.
 - (48) A blank space in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.
 - (49) In the case of land development plans, the following additional information shall be shown:
 - (a) The location and use of all buildings.
 - (b) The location and grade of all common parking areas and access drives, the size and number of parking spaces and the width of aisles and access drives.
 - (c) The location, number and dimensions of off-street loading areas.
 - (d) Provisions for landscaping of the tract.
 - (e) Provisions for lighting of the tract.
 - (f) Provisions for traffic control.
 - (g) The location of solid waste collection areas and provisions to be made for solid waste collection.
 - (h) A table showing the extent of compliance with the area, yard, and height regulations of Chapter **225**, Zoning.
 - (i) A grading plan for the tract showing existing and proposed contour lines at the interval required by Subsection **E(20)(a)** and lowest floor elevations for proposed buildings.
 - (50) The location of school bus stop shelters or pads.

- (51) Restrictive covenants and deed restrictions applicable to the development, whether proposed or previously existing.
- (52) Design speed of all proposed streets.
- (53) Sight distance calculations for vertical curves in streets (see § **195-20G**).
- (54) Sight distance calculations at street intersections (see § **195-20I**).
- (55) Horizontal curve radii of cartway and right-of-way lines at street intersections. The cartway tie-in to existing street cartways shall be indicated.
- (56) On the subdivision plan or a plan view drawing of streets, station numbers corresponding to the street profiles.
- (57) Guide rail locations and construction detail.
- (58) Clear sight triangles at street intersections.
- (59) Proposed ownership and maintenance of storm drainage facilities.
- (60) A typical treatment of the construction of driveways and the handling of storm drainage where driveways will intersect streets. The borough may require driveway culverts to be sized and such size noted on the plan.
- (61) The location and type of traffic control devices.
- (62) Whenever a developer proposes to establish a street which is not offered for dedication to public use, the Borough Council may require the developer to submit, and also to record with the plan, a copy of an agreement made with the borough on behalf of his heirs and assigns, which shall establish the conditions, including the provision of curb and sidewalk, under which the street may later be offered for dedication.
- (63) 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 Borough Council 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 the borough 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.
- (64) A copy of all permits required from the Pennsylvania Department of Environmental Resources for affecting water courses, bodies of water, water obstructions or earth disturbances.
- (65) An erosion and sediment control plan for the tract, in accordance with § **195-26**.

- (66) 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 shall be shown on this plan.
- (67) A final grading plan showing existing and proposed contour lines at the interval required by Subsection **E(20)(a)** shall be submitted. Additional contours may be required by the borough to ensure proper grading during construction. Lowest floor elevations for proposed buildings shall be indicated.
- (68) A lighting plan showing the location of poles, the type and height of poles and the type and brightness of lighting fixtures. The fixture to be placed at each location shall be noted. An illuminance grid indicating footcandle levels throughout the site shall be submitted.
- (69) All information required pursuant to § **195-20A(10)(a)** of this chapter.
- (70) All information required pursuant to § **195-23B(3)** of this chapter, regarding access from adjoining municipalities.
- (71) When the tract contains wetlands, a copy of all required permits or permit waivers from the PaDER and/or Army Corps of Engineers.
- (72) Copies of approvals required by any other governmental regulatory agencies concerning matters under their jurisdiction.
- (73) A copy of any agreements incident to the construction, operation, maintenance and/or dedication of facilities for public use.
- (74) A note to be placed on the plan indicating any area that is to be offered for dedication, if applicable, and that the conveyance of land constituting all or part of such offered land shall not constitute the revocation of the offer, and all conveyances shall be under and subject to said offer.
- (75) A review from the Fire Chief regarding the location, number and type of fire hydrants and the feasibility of access to, maneuvering within and providing protection to the site for fire-fighting equipment.
- (76) A plan for the preservation of existing natural features on the site (see § **195-27**).
- (77) Proposed driveway locations and evidence that the standards for driveways established in this chapter (§ **195-23E**) can be met.
- (78) The following additional information shall be submitted with the final plan if a preliminary plan is not submitted:
 - (a) In the case of a proposed revision of a FEMA-mapped floodplain, a letter of approval of such revision from FEMA.
 - (b) A traffic study when required by § **195-36** of this chapter.
 - (c) Habitats of threatened and endangered species of special concern in Pennsylvania within the tract, as established by the Pennsylvania Biological Survey and/or Pennsylvania Natural Diversity Inventory.
 - (d) If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.
 - (e) All historic and archaeological resources which have been identified and/or inventoried by the borough, the county, the County Planning Commission and/or the Pennsylvania Historical and

Museum Commission located within the tract or within 50 feet of the tract.

- (f) Where the developer proposes to locate a street, driveway or other improvement within a portion of a utility easement, or to relocate an existing utility line, a letter from the appropriate utility company giving permission to locate within the easement or relocate the existing line.
 - (g) Schematic architectural drawings of proposed townhouses, apartment buildings and commercial and industrial buildings, including building orientation.
 - (h) Impact studies as required by § **195-36**.
 - (i) The disposition of solid waste generated within the proposed subdivision or land development.
 - (j) The location of retaining walls, construction details and design calculations.
 - (k) When required to submit an information form to the Pennsylvania Historical and Museum Commission (PHMC), a copy of the information form and the response of the PHMC. A copy of any site survey investigation prepared shall also be submitted along with the PHMC review of the survey report. Any plan the applicant prepares to avoid the impact on the area, or if the site cannot be avoided, mitigated impacts to the resource through data collection or information recovery at the site shall be submitted. The PHMC's comments and decision regarding the mitigation/avoidance plan shall also be submitted.
 - (l) If there is evidence of dumping of waste on the site, a preacquisition site assessment and detailed environmental screenings and site investigations as required by the borough.
- (79) Final drafts of proposed condominium declarations.
- (80) The location and type of utility lines.

Article VI. Design Standards

§ 195-19. Application and general standards.

- A. The standards and requirements contained in Articles **VI** and **VII** are intended as the minimum for the promotion of the public health, safety and general welfare and shall be applied as such by the Borough Planning Commission and Borough Council in reviewing all subdivision and land development plans.
- B. Whenever other borough regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall prevail; otherwise, the standards and requirements of this chapter shall apply.
- C. The layout or arrangement of the subdivision or land development shall conform to the Comprehensive Plan, any regulations or maps adopted in furtherance thereof and any other official plans of the borough which have been adopted.
- D. The plan of the proposed subdivision or land development shall be coordinated with existing adjacent development in order to provide for harmonious development of the area as a whole.
- E. Land shall be suited to the purpose for which it is to be subdivided 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.

- F. 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.
- G. All subdivisions and land developments shall comply with the Borough Electric Ordinance, Ordinance No. 7 of 1977, as from time to time amended and supplemented.^[1]

[1]: *Editor's Note: See Ch. 107, Electrical Standards.*

§ 195-20. Streets.

A. General Standards.

- (1) All design elements of all streets, including horizontal and vertical alignment, sight distance and superelevation, are subject to review and approval by the Borough Council. When reviewing the design of streets, in addition to the standards in this chapter, the Rural Design Criteria in the Pennsylvania Department of Transportation Design Manual Part 2, Highway Design, January 1990 edition, and A Policy on Geometric Design of Highways and Streets, AASHTO, 1984 edition, as from time to time amended and supplemented, shall be consulted to assure that the road design is in accordance with acceptable engineering practice.
- (2) For certain aspects of vertical and horizontal alignment discussed below, standards are determined by design speed of the street involved. For all proposed streets, the developer shall indicate the proposed design speed. The designated design speed is subject to the approval of the Borough Council. In general, the design speed on Arterial streets shall be considered as 55 miles per hour (mph) (to be determined in each individual case), on collector streets a minimum of 35 mph (to be determined in each individual case) and on minor streets 35 mph unless a lesser design speed is permitted by the Borough Council.
- (3) The speed limit proposed to be posted for streets shall not exceed the design speed.
- (4) 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) The location and width of all proposed streets shall conform to the official plans which have been adopted by the borough and shall be properly related to all existing streets, recorded streets and official plans which have been adopted or approved by the borough, county or state.
- (6) 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 in construction, grade, width and capacity to accommodate traffic generated by the subdivision or land development.
- (7) 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 § 195-20C(1). If the existing or recorded streets do not meet or exceed the standards of § 195-20C(1), the proposed street extensions shall meet the standards of § 195-20C(1).

- (8) Where, in the opinion of the Borough Council, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property. The location and number of access points to adjoining properties are subject to Borough Council approval.
- (9) When streets will be extended to the boundaries of the subdivision or land development to provide for access to potentially developable tracts and sanitary sewer and/or water lines will be constructed in the streets within the developer's tract, the Borough Council may require extension of the sanitary sewer and/or water lines to the tract boundary in order to facilitate future extensions to abutting land.
- (10) If a subdivision proposes lots, all of which front on existing public streets, the Borough Council may require the developer to reserve land adequate to provide for future street access from the public streets 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 chapter.
 - (a) 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 streets beyond the right-of-way lines shall be done as required improvements in conjunction with the subdivision which contains the adjoining lots, or else construction easements shall be provided on the adjoining lots, sufficient to permit construction of the future street.
 - (b) Where reservations for future streets intersect existing streets, radii shall be provided for the reservations such that the requirements of § **195-20H(6)** and **(7)** of this chapter could be met for a street to be constructed in the future.
- (11) If lots or parcels in the subdivision are large enough for resubdivision, or if a portion of the developer's property is not proposed to be subdivided but could be subdivided in the future, the Borough Council may require the reservation of land adequate to provide for future street access to land which could be resubdivided or subdivided in the future and require that the location of land reserved for future streets be coordinated with the street system shown on the subdivision plan.
- (12) Connections shall be provided between streets within the subdivision or land development to provide adequate access for emergency vehicles, other vehicles and pedestrians.
- (13) 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 Borough Council. Minor streets shall be extended and continued into and from adjoining properties when necessary for the proper development of and traffic circulation in the borough.
- (14) Where a subdivision or land development abuts an existing street which does not meet the standards of this chapter, the Borough Council may require the dedication of land sufficient to widen the street to meet the standards of this chapter.
- (15) Where a subdivision or land development fronts on and will provide for vehicular access to and from an existing borough street which does not meet the minimum cartway width requirements of this chapter, the Borough Council may require the developer to improve at his expense the borough street cartway to meet those requirements. Pavement shall be constructed in accordance with the requirements of this chapter. In addition, provision shall be made for adequate drainage along the sides of the streets. Such drainage provisions shall be approved by the Borough Council.

(16) Private streets (streets not to be offered for dedication) shall be designed and constructed in accordance with the requirements of this chapter and other borough regulations, including Ordinance No. 4-1974, ^[1] as from time to time amended and supplemented, except as follows:

- (a) Private streets need not conform in width to the requirements of § 195-20C(1) of this chapter; provided, however, that private streets shall have a cartway of not less than 24 feet unless a greater width is required by Chapter 225, Zoning; and provided further that no parking shall be permitted on any private street that does not contain the width requirements of § 195-20C(1) of this chapter.
- (b) Private streets shall only be permitted in those subdivisions or land developments intended to remain under single ownership.

[1]: *Editor's Note: See Ch. 192, Streets and Sidewalks, Art. II.*

(17) 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.

(18) The street system shall be designed with regard to:

- (a) Consideration of existing topographical considerations.
- (b) Providing buildable lots, or in the case of a mobile home park, lots on which a mobile home can be placed in accordance with all applicable requirements of Chapter 225, Zoning.
- (c) Minimizing the number of street intersections, through encouraging the use of three-way rather than four-way intersections when intersections of minor streets are involved.
- (d) Avoiding excessive lineal footage of street.

(19) All 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 chapter.

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

C. Street widths.

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

Street Type	Required Widths (in feet)
Minor streets and permanent culs-de-sac	
Right-of-way	56
Cartway	36
Collector street	
Right-of-way	60
Cartway	40
Arterial street	

Right-of-way Cartway	As specified in the official plans or as determined after consultation with the borough and PennDOT
Marginal access street	
Right-of-way	As determined after consultation with the borough and PennDOT, but not less than 33
Cartway	24
Service street	
Right-of-way	24
Cartway	24

- (2) Additional right-of-way widths may be required by the Borough Council for the purpose of promoting the public safety and convenience and for providing for proposed traffic volumes.
- (3) The designation of streets as "minor," "collector" and "arterial" is subject to Borough Council approval. The Borough Council may prohibit parking along collector streets.

D. Restriction of access.

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

E. Street grades.

- (1) There shall be a minimum center line grade of seventy-five hundredths percent (.75%).
- (2) Center line grades shall not exceed the following:
 - (a) Minor street or service street: 10%.
 - (b) Collector street: 6%.
 - (c) Arterial street: 6%.
 - (d) Street intersection: 5%.
- (3) Grades up to 12% may be permitted by the Borough Council on minor streets, except culs-de-sac, if the Council at its discretion deems that unsafe conditions will not result from the increase in grade.

F. Horizontal curves.

- (1) Whenever street lines are deflected in excess of five degrees, connection shall be made by horizontal curves.
- (2) Minimum center line radii for horizontal curves shall be as follows:

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

- (3) A straight section of road of at least 100 feet shall be provided between all horizontal curves on collector streets. A straight section of road of at least 200 feet shall be provided between all horizontal curves on arterial streets.
- (4) Combinations of the minimum radius and maximum grade are prohibited.

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

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

H. Intersections.

- (1) Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than 75 degrees (measured at the intersection of the street center lines) nor more than 105 degrees. The angle of intersection with an arterial street shall be 90 degrees.
- (2) No more than two streets geometrically shall intersect at the same point.
- (3) Streets intersecting another street shall either intersect directly opposite to each other or be separated by at least 150 feet between center lines, measured along the center line of the street being intersected.
- (4) Intersections shall be approached on all sides by a straight area at least 50 feet in length, the grade of which shall not exceed 5% within 50 feet of the intersection of the nearest right-of-way lines.
- (5) Intersections with arterial streets shall be located not less than 500 feet apart, measured from center line to center line along the center line of the arterial streets.

- (6) Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
 - (a) Twenty feet for all intersections involving only minor streets or service streets;
 - (b) Thirty feet for all intersections involving a collector street;
 - (c) Forty feet for all intersections involving an arterial street.
- (7) Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

I. Sight distances at intersections.

- (1) 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 30 inches and below the height of 10 feet, measured from the center line grade of intersecting streets. Such triangles shall be established, at a minimum, from a distance of:
 - (a) Seventy-five feet from the point of intersection of the center lines, except that
 - (b) Clear sight triangles of 100 feet shall be provided for all intersections involving collector streets, and
 - (c) Clear sight triangles of 150 feet shall be provided for all intersections involving arterial streets.
- (2) Whenever a portion of the line of such clear sight triangles occurs behind the required building setback line, such portion shall be considered a building setback line.
- (3) Sight distance at street intersections shall be such to provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control:

Design Speed of Approaching Street With No Stop or Signal Control (miles per hour)	Minimum Stopping Distance (feet) Required Unless Alternative Permitted by Borough Council	Alternative Stopping Distance (feet) Permissible at Discretion of Borough Council Only on Lightly Traveled Highways Where the Removal of Sight Obstructions Would Be Costly
20	125	90
25	150	110
30	200	130
35	250	155
40	325	180
45	400	200
50	475	220
55	550	240

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

Design Speed of Street Being Approached by Vehicle on Stop Control Street (miles per hour)	Minimum Sight Distance Required (feet)
20	200
25	250

30	300
35	350
40	400
45	450
50	500
55	550

- (5) For calculating sight distance, refer to A Policy on Geometric Design of Highways and Streets, AASHTO, 1984 edition.

J. Cul-de-sac streets.

- (1) 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.
- (2) Except as provided in Subsection **J(1)**, 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.
- (a) If a cul-de-sac turnaround is offset, it shall not be offset to the right.
- (b) Should a temporary cul-de-sac be proposed, arrangements satisfactory to the Borough Council and Borough 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.
- (c) In the event that the Borough Council shall not consider development of adjoining property to be imminent, the Council may require that a permanent curbed cul-de-sac be constructed.
- (3) Cul-de-sac streets shall be at least 250 feet from the right-of-way of the street intersected to the end of the turnaround. Cul-de-sac streets shall not exceed 500 feet in length as defined in this chapter and shall not furnish access to more than 20 dwelling units. The Borough Council may permit temporary culs-de-sac longer than 500 feet at its discretion if future extension of the cul-de-sac is likely in the opinion of the Council. At its discretion, the Council may permit culs-de-sac to serve more than 20 dwelling units when it believes adequate provision will be made for vehicular circulation and parking.
- (4) 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) 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 curblin shall be 50 feet, and minimum radius to the right-of-way line shall be 60 feet.
- (6) 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 Borough Council.
- (7) The center line grade on a cul-de-sac street shall not exceed 10%, and the grade and cross-slope of the turnaround shall not exceed 5%.

K. Street names.

- (1) Proposed streets which are in alignment with others already existing and named shall bear the names of the existing streets.
- (2) In no case shall the name of a proposed street duplicate an existing street name in the borough, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane, etc.
- (3) All street names shall be subject to the approval of the Borough Council.

L. Service street (alleys).

- (1) Service streets are prohibited in residential subdivisions except where required by the Borough Council to avoid direct driveway access to arterial or collector streets.
- (2) Service streets may be permitted by the Borough Council in other types of development, provided that the developer produces evidence satisfactory to the Council of the need for such service streets and provided that the service streets are not the primary means of access.
- (3) Dead-end service streets are prohibited unless permitted at the discretion of the Borough Council. Dead-end service streets shall be terminated with a paved circular turnaround with a minimum radius to the outer pavement edge (curbline) of 50 feet.
- (4) Parking is prohibited along service streets.

§ 195-21. Guide rail.

- A. Streets shall be designed to preclude or minimize the need for guide rail. The Borough Council 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, January 1990 edition.
- B. Fixed obstructions along streets which would require guide rail shall be precluded or minimized. The Borough Council 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, January 1990 edition.
- C. The design and selection of guide rail shall be in accordance with the standards in Design Manual Part 2, Highway Design, January 1990 edition; however, the Borough Council shall approve all guide rail systems.

§ 195-22. Blocks.

- A. Layout. The length, width and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, topography and requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial and collector streets.
- B. Length.
 - (1) Blocks shall have a maximum length of 1,600 feet and a minimum length of 500 feet. The Borough Council may decrease the permitted maximum and/or minimum lengths of blocks if the topography of land, proposed lot sizes or surface water drainage conditions warrant such a decrease.

- (2) Blocks along arterial streets shall not be less than 1,000 feet.
- C. Depth. Residential blocks shall be of sufficient depth to accommodate two 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.
- D. Nonresidential blocks. 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.
- E. Crosswalks. Crosswalks may be required by the Borough Council whenever necessary to facilitate pedestrian circulation and to give access to community facilities. Such crosswalks shall have a minimum width of 10 feet and contain a walkway, constructed of a material approved by the Borough Council, with a minimum width of four feet.

§ 195-23. Lots and parcels.

- A. General standards.
 - (1) The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated and be in accordance with the provisions of Chapter **225**, Zoning. Lots shall be capable of being built upon, or in the case of a mobile home park, on which a mobile home can be placed, in accordance with all applicable requirements of Chapter **225**, Zoning.
 - (2) Side lot lines shall be at right angles to straight street lines and radial to curved street lines. Lot lines shall follow municipal boundaries rather than cross them.
 - (3) The depth of lots for single-family detached dwellings shall not be less than one nor more than three times their width at the street line.
 - (4) 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) Subdivisions shall be designed to avoid the creation of remnants of land. If remnants of land would result after subdividing, adequate provision, which shall be approved by the borough, shall be made for the disposition and maintenance of those remnants.
 - (6) Flag lots are prohibited, unless permission is granted by the Borough Council upon recommendation of the Borough Planning Commission. The Council may grant permission to utilize flag lots when it deems flag lots appropriate because of topographical or other conditions unique to the site. The access strip portions of a flag lot must be wide enough to permit the construction of a street with a right-of-way meeting the requirements of this chapter and shall not be used for building purposes. In granting permission to use flag lots, the Borough Council shall find:
 - (a) 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 streets.
 - (b) 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.
 - (c) That the use of flag lots is necessary to permit utilization of a tract of ground otherwise not

feasible to utilize under the applicable standards for lots found in this chapter.

- (d) No more than one flag lot shall be created from the original tract of land for each 10 lots created from the original tract of land which meet the requirements of this chapter for lot configuration.
 - (e) Should a flag lot be divided into two or more lots, the access strip shall be constructed into a street complying with the specifications of this chapter.
 - (f) 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.
- (7) 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.
 - (8) 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.
 - (9) When only a portion of a tract is designed at a time and there exists the potential for development of the remainder of the tract, lots shall be designed 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.
 - (10) The maximum slope utilized when grading lots or streets along an adjoining tract of land not owned by the developer shall be a three to one (3:1) slope ratio of horizontal distance to vertical distance.

B. Lot frontage and access.

- (1) All lots shall abut and have direct driveway access to an existing or proposed public street or private street meeting the requirements of this chapter.
- (2) Reverse frontage lots shall be avoided except where required by the Borough Council 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 Borough Council approval within the rear yard.
- (3) Where access to land within a subdivision or land development will be solely by proposed roads within an adjoining municipality, the Borough Council may require assurance from the adjoining municipality that adequate provisions have been made to ensure construction of the proposed access roads.
- (4) When the rear wall of a building will face a public street, the Borough Council may require a landscape screen, fence, earth mounding or similar screening device subject to Borough Council approval between the building and the public street.
- (5) After consideration of street speeds, traffic volumes, projected traffic generated at a proposed land use and the location and arrangement of existing and proposed driveways and intersections, the Borough Council 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 Borough Council, the developer shall furnish a study to the borough which will provide the information necessary to permit the determination as to whether an acceleration or deceleration lane is required.

- C. Lot size. The minimum lot size and width requirements set forth in Chapter **225**, Zoning, shall be met.
- D. Off-street parking.
 - (1) Each proposed dwelling unit in a subdivision or land development shall meet the off-street parking requirements of Chapter **225**, Zoning.
 - (a) In the case of single-family or two-family dwellings and townhouses with on-lot parking, such off-street parking spaces shall be provided behind the street right-of-way line and may be provided in an attached or separate garage, carport or driveway. The spaces shall not be located within any clear sight triangle required by this chapter.
 - (b) In the case of multiple-family dwellings, such off-street parking spaces shall be provided in common parking areas located adjacent to, within or near the multiple-family dwellings. Spaces shall not be located within a street right-of-way nor within any clear sight triangle required by this chapter. The size of parking spaces and the width of aisles shall be in accordance with Chapter **225**, Zoning. The grade of areas used for parking shall not exceed 6%. The grade of areas used only for access shall not exceed 10%.
 - (2) Nonresidential development shall meet the off-street parking requirements of Chapter **225**, Zoning.
- E. Driveways.
 - (1) 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. The Borough Council may require the use of common driveways for abutting lots.
 - (2) All driveways which provide access to arterial and collector streets, if such driveways are permitted by the Borough Council, shall be designed with turnaround areas so that cars will not back onto the arterial and collector streets.
 - (3) Provision shall be made at all intersections of driveways with streets to ensure adequate stormwater drainage and erosion and sediment control. The Borough Council 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 Council 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 borough for approval.
 - (4) 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.
 - (a) The Borough Council 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 Borough Council 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 Council judges that offset driveways will create a safety hazard.

- (b) The Borough Council 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 Council.
 - (c) At driveway intersections with streets, an isosceles triangle shall be established for a distance of 20 feet at each side of the point of intersection of the cartway lines. Within such clear sight triangles, no vision-obstructing object shall be permitted which obscures vision above the height of 30 inches and below the height of 10 feet, measured from the center line grades of the intersecting driveway and street.
- (5) Entrances to private driveways serving multiple-family dwellings shall be rounded at a minimum radius of 10 feet. The maximum radius shall be 30 feet.

- (a) Entrances to private driveways serving one- and two-family dwellings shall be rounded at a maximum radius of four feet eight inches; however, depressed curb may be used as provided for in borough regulations, including Ordinance No. 14-1972, as amended by Ordinance No. 13-1974, and all subsequent amendments thereto.^[1]

[1]: *Editor's Note: These ordinances were superseded by Ord. No. 3-1992; see Ch. 192, Streets and Sidewalks, Art. IV.*

- (b) For nonresidential driveways, the width, excluding radii, of driveways shall conform to the following:

	Width in Feet	
	Minimum	Maximum
One-way	12	24
Two-way	24	36

- (c) Each lane provided shall be a minimum of 12 feet in width.
 - (d) The radius of the edge of the driveway apron shall be at least 15 feet and no more than 35 feet; however, depressed curb may be used as provided for in borough regulations, including Ordinance No. 14-1972, as amended by Ordinance No. 13-1974, and all subsequent amendments thereto.^[2]
- (6) The angle of a driveway as it intersects a street shall be such that a vehicle entering the driveway may do so in an orderly and safe manner with a minimum of interference to through street traffic and such that a vehicle leaving the driveway may enter safely into the lane of traffic moving in the desired direction. Driveways shall intersect streets as nearly as possible at right angles, and in no case at an angle of less than 75 degrees or more than 105 degrees; provided, however, that the Borough Council may permit the use of one-way driveways on a property, and such one-way driveways may intersect streets at an angle of not less than 45°.

[2]: *Editor's Note: These ordinances were superseded by Ord. No. 3-1992; see Ch. 192, Streets and Sidewalks, Art. IV.*

- (7) Private driveways shall have such grades as to furnish safe and convenient parking spaces and to provide a safe and convenient means of access. The grades and construction materials of driveways shall be such that the materials of the driveway will not wash onto public streets. The maximum permissible grade shall be 7% on all driveways, except that driveway grades shall not exceed 5% within 20 feet of street cartway lines. The area between the right-of-way line of the street and the cartway shall be paved. The Borough Council 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.

- (8) The center line of entrances to private driveways serving one- and two-family dwellings shall be located at least 40 feet from the point of intersection of the nearest street cartway lines if only minor streets are involved, at least 80 feet if a collector street is involved and at least 120 feet if an arterial street is involved. The center line of entrances to private driveways serving multiple-family dwellings or nonresidential buildings shall be located at least 60 feet from the point of intersection of the nearest street cartway lines if only minor streets are involved, at least 120 feet if a collector street is involved and at least 160 feet if an arterial street is involved.
- (9) The standards for driveway widths shall be as established in this chapter unless a more restrictive standard is established by other borough regulations, in which case the more restrictive standard shall apply.

§ 195-24. Sanitary sewage disposal.

- A. Each property shall connect to a public sanitary sewer system.
- B. All sanitary sewer facilities shall conform in all respects to the requirements of the Pennsylvania Department of Environmental Resources and the borough.
- C. Whenever approval by the Pennsylvania Department of Environmental Resources 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 borough prior to approval of the final plan.
- D. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

§ 195-25. Water supply.

- A. New subdivisions and land developments shall incorporate adequate provisions for a reliable, safe and adequate water supply to support intended uses within the capacity of available resources.
- B. Each property shall connect to a public water supply.
- C. All water supply and distribution facilities shall be constructed in full compliance with Pennsylvania Department of Environmental Resources specifications and all ordinances, rules and regulations of the borough. Minimum water supply recognized by the Insurance Services Office shall be provided.
- D. Applicants shall present evidence to the Borough Council at preliminary plan stage that the subdivision or land development is to be supplied by the Borough Water Department.
- E. Whenever approval by the Pennsylvania Department of Environmental Resources 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 borough prior to approval of a final plan.
- F. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.

§ 195-26. Stormwater management standards and design.

- A. General principles for storm drainage systems. Storm sewers, culverts, endwalls, inlets and related installations and improvements shall be provided in order to:
- (1) Permit unimpeded flow of natural watercourses;
 - (2) Ensure adequate drainage of all streets;
 - (3) Intercept stormwater runoff along streets at intervals related to the extent and grade of the area drained;
 - (4) Provide positive drainage away from on-site sewage disposal facilities and buildings;
 - (5) Accommodate runoff so that there shall be no increase in rate of stormwater peak discharge leaving the subdivision or land development during or after construction based on the design rainfall frequency established in this chapter. Pre- and post-development runoff shall be evaluated for all drainage areas discharging from the site.
 - (6) Ensure adequate drainage at intersections of driveways with streets.
 - (7) Provide that where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments shall connect to the existing storm sewers.
 - (8) Provide that when no existing storm sewer system is accessible and of adequate capacity, stormwater runoff shall discharge to an existing watercourse with defined bed and barriers. Runoff shall not be increased or concentrated onto adjacent properties, nor shall the velocity of flow be increased beyond that existing prior to subdivision or land development unless written approval is given by the adjacent property owners to the proposed discharge of surface runoff and the written agreements are approved by the Borough Council.
 - (9) Provide that when storm drainage will be directed into an adjacent municipality, all provisions for accommodating such storm drainage shall be submitted to the governing body of that municipality for review.
- B. Design of storm drainage systems.
- (1) Complete stormwater calculations in accordance with the design standards and Appendices of this chapter and all designs for drainage facilities shall be submitted to the borough for review.
 - (2) Where a subdivision or land development is traversed by or contains a pond, lake, watercourse, drainageway, channel, storm drainage system or stream, there shall be provided a drainage easement that conforms substantially with the line of such pond, lake, watercourse, drainageway, channel, storm drainage system or stream of such width as will be adequate to preserve the unimpeded flow of drainage (one-hundred-year flow) and to provide for widening, deepening, relocating, improving or protecting such features or drainage facilities. Minimum easement width shall be 10 feet from each side of the watercourse, water body, stream, pond, lake or drainage facility, but the borough may require a greater easement when necessary. Bearings and distances shall be provided for the boundaries of easements.
 - (3) Any changes in an existing drainageway shall be subject to the approval of the Pennsylvania Department of Environmental Resources, the Army Corps of Engineers and/or the Federal Emergency

Management Agency when each or all have jurisdiction. All permits and approvals shall be issued prior to construction of storm drainage-related improvements.

- (4) The developer shall properly grade and seed slopes, and fence open ditches when a safety hazard can result. Areas within easements shall be kept as lawn or in natural conditions to allow maintenance and entrance.
- (5) All drainage facilities shall be designed to adequately handle surface runoff and carry it to suitable outlets and shall be designed in accordance with the minimum design standards in the Appendices of this chapter.
 - (a) Subsurface drainage systems shall have manholes spaced at intervals not exceeding 400 feet and located wherever branches are connected or sizes are changed and wherever there is a change in alignment or grade. Inlets or other means of interconnection may be used instead of manholes when approved by the Borough Council.
 - (b) For drainage lines of thirty-six-inch diameter or greater, manholes may be spaced at intervals greater than 400 feet with the approval of the Borough Council.
 - (c) Storm sewer lines within street rights-of-way shall be placed immediately in front of the curb when parallel to the right-of-way. Locating storm sewers under curbs in curves or at street intersections will not be permitted.
 - (d) Drainage structures that are to be located within state highway rights-of-way shall be approved by the Pennsylvania Department of Transportation, and a letter from that Department indicating such approval shall be submitted to the borough.
 - (e) Subsurface storm drainage systems shall have PennDOT-approved inlets located as required by this chapter to intercept runoff. Inlets shall be designed and located to prevent hazards to vehicles, bicycles and pedestrians.
 - (f) PennDOT-approved endwalls or end sections shall be used in lieu of inlets where feasible to minimize clogging of grates with leaves, debris, etc.
 - (g) Reinforced concrete pipe shall be used for all storm sewer lines, including retention/detention facilities. Alternate pipe materials may be used with Borough Council approval; however, alternate materials shall be backfilled with select granular PennDOT (2-RC) material, solidly compacted in six-inch lifts. All pipe materials shall meet PennDOT requirements and shall have a minimum diameter of 15 inches.
 - (h) Provisions shall be made to minimize erosion within watercourses and at points of discharge from storm drainage facilities through the use of proper ground cover, riprap or root-reinforcing systems.
 - (i) Where there is a change in pipe size through an inlet, the top inside elevation of the outlet pipe shall be at or below the elevations of all incoming pipes.
- (6) Storm sewers, culverts, swales, channels and related facilities shall be designed to accommodate and discharge all runoff from adjacent upstream drainage areas, assuming the upstream area is fully developed.

C. Standards for drainage of streets.

- (1) All streets shall be designed to provide for the discharge of surface water from their rights-of-way. The

design storm shall be a ten-year frequency for residential subdivisions with a gross density less than six units per acre, and a twenty-five-year frequency for all other subdivisions or land developments. The design storm shall be a one-hundred-year frequency for sections conveying runoff directly to detention facilities and in other instances when required by the borough.

- (2) The pavement cross slope on streets and the slope of sidewalk areas shall be one-fourth (1/4) inch per foot.
- (3) Surface cross drainage at intersections or other roadway sections will not be permitted.
- (4) Inlets shall be spaced to limit the gutter flow spread into the travel lanes to one-half (1/2) the lane width during the design storm.
- (5) Inlet efficiency and bypass flows, per PennDOT design charts, shall be considered in the design of storm sewer systems.
- (6) To ensure adequate drainage at low points along the line of streets, overflow swales shall be designed to convey the full one-hundred-year storm flows away from all street low points. These swales shall be located to prevent flooding of the downslope lots.

D. Design of retention and detention facilities.

- (1) General requirements.
 - (a) Where retention (permanent pool) and detention (dry bottom) basins are required by the Borough Council, adequate assurances of maintenance, indemnification, liability insurance and security shall be provided and approved by the Council.
 - (b) Retention and detention facilities shall be designed and located so as to not present a hazard to the public health or safety. Their design shall be approved by the Borough Council.
 - (c) Such facilities shall be designed so that no adverse effects will result from backwater flooding.
- (2) General design considerations.
 - (a) The number and location of retention/detention facilities are subject to the approval of the Borough Council.
 - (b) For detention basins, a method of carrying low flow through the basin area shall be provided, and the basin shall be provided with a positive gravity outlet to a natural channel or storm sewer of adequate capacity.
 - (c) If percolation of runoff is considered as a method of runoff abatement, percolation tests shall be taken at the site of the proposed detention facilities and the results submitted to the borough for review. At the discretion of the Borough Council, percolation facilities may be prohibited.
 - (d) The storage duration of stormwater runoff shall not exceed 24 hours after rainfall has ceased. The Borough Council may require the fencing of retention/detention basins when deemed necessary for the public safety.
 - (e) The pipe spillway outletting from the retention/detention basin shall be designed on the basis of a rainfall frequency that is consistent with the requirements of this chapter. Basin discharge velocities and quantities shall be consistent with the need to protect the public health, safety and welfare and to prevent turbulent conditions and erosive velocities in a receiving watercourse.

- (f) Minimum grades for turf areas inside detention basins shall be 1%, and maximum side slopes of retention/detention basins shall be 33% (three units horizontally to one unit vertically). Depending upon the location and the intended use of the detention facilities during nonfunctioning times, a side slope of less than 33% for one or both slopes may be required by the Borough Council. Side slopes shall be kept as close to the natural land contours as practical, but when a detention basin is to be maintained by a future residential lot owner, the maximum side slope shall be 25% (four units horizontally to one unit vertically).
 - (g) Paved surfaces that are to serve as stormwater storage areas shall have minimum grades of one-half percent (1/2%) and shall be restricted to storage depths of six inches maximum.
 - (h) If a portion of an area within a stormwater storage area is to be paved for parking or recreational purposes, the paved surface shall be placed at the highest elevation possible within the storage area.
 - (i) The following additional conditions shall be complied with for retention basins:
 - [1] Water surface area shall not exceed one-tenth (1/10) of the tributary drainage area.
 - [2] Shoreline protection shall be provided to prevent erosion from wave action.
 - [3] Facilities shall be provided to allow the pond level to be lowered by gravity flow for cleaning purposes and shoreline maintenance.
 - [4] Aeration facilities as may be required to prevent pond stagnation shall be provided. Design calculations to substantiate the effectiveness of these aeration facilities shall be submitted with final engineering plans. Agreements for the perpetual operation and maintenance of aeration facilities shall be prepared to the satisfaction of the Borough Council.
- (3) Specific design considerations for retention/detention basins.
[Amended 6-17-2008 by Ord. No. 7-2008]
- (a) Retention/detention basins shall be designed in accordance with Chapter **189** of the Code of the Borough of Kutztown entitled "Stormwater Management."
 - (b) Retention/detention basins which are designed as earth fill dams shall incorporate the following minimum standards:
 - [1] The height of the dam shall not exceed 15 feet, unless approved by the Borough Council and the Pennsylvania Department of Environmental Resources.
 - [2] The minimum top width of dams up to 15 feet in height shall be equal to 3/4 of the dam height, but in no case shall the top width be less than eight feet.
 - [3] The side slopes of the settled earth fill shall not be steeper than three horizontal to one vertical.
 - [4] A key trench at least two feet deep, or extending down to stable subgrade, whichever is deeper, of compacted relatively impervious material (Unified Soil Classification CL or ML). Minimum bottom width for the key trench shall be four feet. Maximum side slopes for the key trench shall be one horizontal to one vertical. A compacted impervious core at least eight feet wide at the top, having a maximum side slope of one horizontal to one vertical, shall extend for the full length of the embankment, and the top elevation shall be set at the twenty-five-year design water surface elevation.

- [5] All pipes and culverts through dams shall have properly spaced concrete antiseep collars (minimum six inches thick). Design calculations shall be submitted for review.
- [6] The top of berm shall be constructed at least six inches above the design elevations to allow for settlement of the embankment.
- [7] The emergency spillway shall be constructed in undisturbed earth, or be of concrete construction along its bottom and sides.
- [8] Whenever a basin will be located in an area underlain by limestone, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formations. The design of all facilities over limestone formations shall include measures to prevent groundwater contamination and, where necessary, sinkhole formation. Soils used for the construction of basins shall have low-erodibility factors ("K" factors). The Borough may require the installation of an impermeable liner in detention basins.

E. Design submission requirements. The following stormwater management data are required submittals:

- (1) All calculations, assumptions and criteria used in the design of stormwater management facilities and in the establishment of the calculated predevelopment and post-development peak discharge.
- (2) All plans and profiles (including cross-country systems) of proposed stormwater management facilities (storm sewers, swales, etc.) including horizontal and vertical location, size and type of material. This information shall provide sufficient information required for the construction of all facilities.
- (3) A map(s) clearly delineating and labeling all drainage areas used in the design of stormwater management facilities.
- (4) For all retention/detention basins, a plotting or tabulation of storage volumes with corresponding water surface elevations and outflow rates for those water surfaces.
- (5) For all retention/detention basins, the design inflow and outflow hydrographs and routing calculations to determine the function of the basin. The storage-indication routing method shall be used.
- (6) For all retention basins which hold two and one-half (2-1/2) acre - feet or more of water during the twenty-five-year design storm and have an embankment that is 10 feet or more in height, soil structures and characteristics shall be investigated. Plans and data prepared by a registered professional, experienced and educated in soil mechanics shall be submitted.
- (7) A map(s) clearly delineating any existing wetlands as classified by a qualified environmental scientist experienced in wetland determination. Wetland determination shall be performed in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Manual) by the Federal Interagency Committee for Wetland Delineation. No construction or development shall be permitted in wetlands without approval from the United States Army Corps of Engineers and the Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterway Management.

F. Maintenance of stormwater management facilities. Proposals for the ownership and maintenance responsibilities for all proposed storm drainage facilities shall be submitted to the borough for review and approval at preliminary plan stage. The Borough Council shall be satisfied that sufficient provision has been made for adequate and perpetual maintenance of all such facilities. All drainage facilities to be owned by the developer or his assigns shall be maintained to retain their design capacity.

G. Groundwater recharge. The ability to retain and maximize the groundwater recharge capacity of the area being developed is encouraged. Design of the stormwater management facilities shall give consideration to

providing groundwater recharge to compensate for the reduction in the percolation that occurs when the ground surface is paved and roofed over. A detailed geologic evaluation of the project site shall be performed to determine the suitability of recharge facilities. The evaluation shall be performed by a qualified geologist and/or soil scientist and at a minimum, address soil permeability, depth to bedrock, susceptibility to sinkhole formation and subgrade stability. Where pervious pavement is permitted for parking lots, recreational facilities, nondedicated streets or other areas, pavement construction specifications shall be noted on the plan.

H. Erosion and sediment controls and plan requirements.

- (1) 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.
- (2) A plan for erosion and sediment control shall be prepared and submitted to the borough as required by this section. The plan shall meet all requirements and be approved by the County Conservation District, the borough and the Pennsylvania Department of Environmental Resources (Chapter 102 of Title 25, latest revision), when applicable.
- (3) The erosion and sediment control plan shall be submitted at final plan submission for a subdivision or land development. The plan shall contain two parts: a map(s) describing the topography of the area within the subdivision or land development, the proposed alterations of the area and the erosion and sediment control measures and facilities which are proposed; and a narrative report describing the project and giving the purpose, engineering assumptions and calculations for control measures and facilities.
- (4) The map(s) shall show:
 - (a) The types, depth, slope and areal extent of the soils on the site.
 - (b) The proposed alteration to the area, including:
 - [1] Arrows indicating existing and proposed runoff flow direction when contours do not adequately describe flow paths.
 - [2] Areas of cuts and fills exceeding five feet in vertical difference.
 - [3] Structures, roads, paved areas, buildings.
 - [4] Stormwater and erosion and sediment control facilities.
 - [5] Existing contours on the site (including individual lots) at intervals required by this chapter and finished contours at the same interval.
 - (c) The following certification statements:
 - [1] "I certify that the plan of development and the plan for soil erosion and sediment control meet the requirements, standards and specifications of the County Conservation District."
 Engineer for developer Date
 - [2] "I certify that all construction and/or development will be done as described by this plan of development and the plan for soil erosion and sediment control, including the narrative report."
 Developer Date

- (5) The narrative report shall contain:
 - (a) A general statement of the project which shall contain:
 - [1] A general description of the project.
 - [2] A general description of stormwater control methods.
 - [3] A general description of accelerated erosion control.
 - [4] A general description of sedimentation control.
 - (b) The staging of earthmoving activities, including cover removal, control facility installation, installation of improvements and program of operations.
 - (c) A maintenance program for the control facilities, including:
 - [1] Frequency of inspection of control facilities.
 - [2] Method of disposal of materials removed from the control facilities of the project area.
 - [3] The methods, frequency and ultimate disposal site for solid waste material. Construction waste shall be removed from the site and disposed of in an approved landfill. Construction waste shall not be buried on the site.
 - (d) A specification for both temporary and permanent seeding, including preparation of the seed bed. Application rates for seed, fertilizer and mulch shall be provided and shall comply with the specifications and standards established by the County Conservation District.
- (6) The following items shall be shown on a map and also described in the narrative report:
 - (a) Temporary control measures and facilities for use during earthmoving, including:
 - [1] Purpose.
 - [2] Types of measures and facilities.
 - [3] The location of measures and facilities.
 - [4] Dimensioned construction details of the facilities.
 - (b) Permanent control measures and facilities for site restoration and long-term protection, including:
 - [1] Purpose.
 - [2] Types of measures and facilities.
 - [3] The location of measures and facilities.
 - [4] Dimensioned construction details of the facilities.
 - [5] Design considerations and calculations.
- (7) All erosion and sediment control facilities shall be periodically inspected and checked for adequacy and compliance with the approved erosion and sediment control plan by the borough. The approved erosion and sediment control plan shall be maintained at the site of earthmoving at all times.

- (8) All control facilities shall be maintained for their designed operation to ensure adequate performance.
- (9) The following guidelines shall be followed as needed in developing erosion and sediment control measures:
 - (a) Stripping of vegetation, grading, filling, excavating or other alteration of the landscape shall be kept to a minimum and shall be done in such a way that will minimize erosion.
 - (b) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
 - (c) The disturbed area and the duration of exposure shall not exceed 20 days, except in the case of building construction.
 - (d) Disturbed soils shall be stabilized as quickly as practicable.
 - (e) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
 - (f) Erosion control and drainage measures shall be installed prior to earthmoving activities.
 - (g) Both permanent and temporary provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be mechanically retarded.
 - (h) Until disturbed areas are stabilized, sediment in runoff water shall be trapped by the use of debris basins, sediment basins, silt traps or other similar approved measures.
 - (i) Provision shall be made to protect existing water supplies and geologic structures with water supply potential from contamination.
 - (j) The following guidelines shall be applied as needed in excavation and fills as part of erosion and sediment controls:
 - [1] All lots, tracts or parcels shall be graded to provide positive drainage away from buildings, without ponding.
 - [2] Grading and cut-fill operations shall be kept to a minimum to ensure conformity with the natural topography, to minimize the erosion hazard and to adequately handle surface runoff.
 - [3] Natural drainage patterns shall be preserved wherever possible and desirable.
 - [4] Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations and the sloping surfaces of fills.
 - [5] Cut and fills shall not endanger adjoining property.
 - [6] Fill shall be placed and mechanically compacted to minimize sliding and erosion of the soil.
 - [7] Fills shall not encroach on natural watercourses, floodplains or constructed channels.
 - [8] During grading operations, necessary measures for dust control shall be exercised.
 - [9] Grading equipment shall not cross live streams. Provisions must be made for the installation of culverts or bridges.
 - (k) Whenever sedimentation is caused by stripping vegetation, regrading or other development or

earthmoving, it shall be the responsibility of the person, corporation or other entity causing such sedimentation, at his expense, to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage which was caused within 72 hours of such sedimentation or damage. The Borough Council may require a note to this effect to be placed on the final plan.

§ 195-27. Natural features.

- A. Subdivisions and land developments shall be designed to preserve natural features such as trees greater than one foot in diameter, watercourses, rock outcroppings, wooded areas, natural watercourses and bodies of water.
- B. Topsoil shall not be removed from the subdivision site nor used as structural fill without the permission of the Borough Council. 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.
- C. Street and lot designs of tracts shall be such to minimize alterations of the natural landscape.

§ 195-28. Floodplains.

- A. Floodplains shall be calculated using the method established in Appendix IV of this chapter and shown on all subdivision and land development plans. The floodplain controls established within borough ordinances shall be applied to those floodplains.
- B. The Borough Council may require that vehicular access be provided to each dwelling unit within a subdivision or land development over a street or other approved means of access which is elevated above the level of the one-hundred-year flood.
- C. The following controls shall apply to the floodplains:
 - (1) No watercourse shall be altered or relocated unless approved by the Borough Council and, where applicable, the Pennsylvania Department of Environmental Resources, Bureau of Dams and Waterway Management and FEMA.
 - (2) 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.
 - (3) No encroachment shall be made on a floodplain or watercourse which will increase flood levels within the borough during the occurrence of the one-hundred-year flood discharge. With any proposal for an encroachment, calculations which will indicate compliance with this requirement shall be submitted to the borough. All encroachments are subject to Borough Council approval. Encroachments into the one-hundred-year floodway must be reviewed and approved by the Pennsylvania Department of Environmental Resources and FEMA.
 - (4) The placement of a mobile home within the floodway as shown on the Official Zoning Map of the Borough of Kutztown ^[1] is prohibited.

[1]: *Editor's Note: The Zoning Map is included at the end of this volume.*

- (5) No construction or development shall be permitted within the floodplain without approval from the United States Army Corps of Engineers and the Pennsylvania Department of Environmental Resources.

§ 195-29. Utilities and easements.

- A. Easements shall be provided for electric, telephone and television cables, wires and conduits, storm and sanitary sewers, drainage swales, 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 Borough Council. The borough 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.
- B. Easements abutting street rights-of-way shall be a minimum of 10 feet in width. Other easements shall be a minimum of 20 feet in width.
- C. There shall be a minimum distance of 50 feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum products or natural gas transmission line which traverses the subdivision or land development.
- D. Where gas or petroleum transmission lines are a part of the proposed development, either proposed or requiring relocation, construction of the transmission line shall occur within an easement of 50 feet minimum and shall comply with the applicable requirements of the Pennsylvania Public Utilities Commission.
- E. When possible and feasible, all utilities shall be underground and installed under the supervision of the Borough Engineer or the Borough Manager.
- F. Underground electric distribution lines shall be installed in all new subdivisions and land developments of more than three dwelling units. In existing subdivisions with four or more unimproved lots, any extensions of the electric distribution lines shall be placed underground.
- G. All telephone and television distribution lines shall be placed underground when electric distribution lines are placed underground.
- H. When required by the Borough Council, the location of utility easements shall be marked in the field.

§ 195-30. Compliance with zoning requirements.

All subdivisions and land developments shall be designed to meet the requirements of Chapter **225**, Zoning, except as may be otherwise provided in this chapter.

§ 195-31. Access to the subdivision or land development.

- A. The location and number of access points to a subdivision or land development shall be adequate for and appropriate to the size and nature of the development and surrounding roads and land uses.
- B. All subdivisions and land developments containing more than 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 borough.

- C. For all subdivisions and land developments for which only one means of ingress and egress is proposed, the Borough Council may require, where deemed necessary in the public interest and for the public safety, the provision of additional street or access drive meeting borough standards or the provision of an alternate means of ingress and egress meeting borough 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.

§ 195-32. Recreation facilities.

- A. Purpose. All residential subdivisions and land developments 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 borough residents have the opportunity to engage in a variety of recreational activities.
- B. Requirements for reservation of recreation areas.
 - (1) The developer shall reserve recreation areas within the subdivision or land development or at some other nearby location if approved by the Borough Council. The developer shall provide the recreation areas pursuant to a plan approved by the Borough Council, in accordance with the schedule below.

Gross Density of Tract in Dwelling Units Per Acre	Percentage of Total Area of Subdivision or Land Development to be Reserved for Recreation Areas
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

- (2) In lieu of reserving areas for recreation and upon agreement between the Borough Council and the developer, the developer shall pay the borough an amount as determined from time to time by resolution of Borough Council for each lot and/or dwelling unit.

- C. General standards for recreation areas reserved by the developer.
 - (1) 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 Borough Council. Examples of active recreation areas are athletic fields and hard-surfaced courts, pools, open turf areas and apparatus areas.
 - (2) 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. However, no public roadways shall traverse the site(s).
 - (3) Land shall be contiguous and regular in shape.
 - (4) Land shall have suitable topography and soil conditions for use and development as a recreation area.

- (5) At least 75% of the reserved area shall have a slope of 7% or less.
- (6) No more than 25% of the reserved area may be within floodplain or wetland areas.
- (7) Land shall be easily accessible to all essential utilities.
- (8) 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.
- (9) Land shall be designed and developed according to the standards established by the National Recreation and Park Association upon agreement between the Borough Council and the developer.

D. Schedule for completion of recreation areas.

- (1) All recreation areas shall be completely developed in accordance with a schedule approved by the Borough Council, but in all cases before occupancy of 50% of the proposed number of dwellings has been reached in the applicable subdivision or land development.
- (2) Recreation areas shall be improved and equipped to a usable state in accordance with plans to be approved by the Borough Council. Such improvement and equipping shall be guaranteed through the subdivision improvements agreement.

E. Development of recreation facilities.

- (1) 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 1983 and any succeeding updates or revisions.
- (2) Specific facilities to be constructed shall conform to the previously-referenced standards.
- (3) Designs of recreation areas shall be reviewed by the Borough Planning Commission and Borough Recreation and Park Board and approved by the Borough Council.
- (4) The size, surface conditions, shape, topography and location of the land shall be suitable for the intended recreational purpose and be such that recreational use is feasible.

§ 195-33. Solid waste management.

- A. 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.
- B. All storage containers shall be located to permit efficient depositing of wastes in the containers and efficient collection from the containers.
- C. Debris, rubbish or other waste material resulting from grading or construction activities on the lot shall be removed from the lot prior to the issuance of a certificate of use and occupancy for the lot. No debris, rubbish or waste material shall remain within the area of an improvement covered by a performance guaranty upon expiration of the guaranty or completion of the improvements, whichever is sooner.

§ 195-34. Considerations for solar access.

- A. When maximal provision is to be made for the use of solar energy by structures, in general streets toward which buildings are to be oriented should run in an east-west direction.
- B. Section **195-23A(2)** indicates that side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Borough Council may allow variation from this requirement where provision is to be made for maximal use of solar energy, in which case side lot lines generally may run from due north to due south or with slight variation east or west of this axis.
 - (1) When lot lines will not be provided, consideration should be given to orienting buildings to maximize solar access. Generally, buildings should be located with their long axes running east to west, though in some high-density or townhouse developments a north-south orientation for the long axes may be desirable.
 - (2) Consideration should be given to locating structures and open spaces such that buildings will not cast shadows on other buildings.
- C. Consideration should be given to reserving solar easements within lots for protection of solar access.

§ 195-35. Carbonate areas.

- A. Designation of area.
 - (1) Areas subject to this section shall include all areas of Duffield (DfA and DfB₂), Duffield and Hagerstown (DhC₃ and DhE₃), Fogelsville (FoA and FoB₂), Hagerstown (HaB₂ and HaC₂) and Washington (WaA₂ and WaB₂) soils.
 - (2) In carbonate areas, alteration and development of land may be hazardous with respect to foundation safety of structures, the creation of unstable land as a result of changes in drainage and the contamination of ground and surface waters. Within the limitations of the information available at the time of review of individual applications, the borough shall attempt to make reasonable judgments as to the applicant's compliance with the standards of § **195-35B**. Under no circumstances shall the borough or any officer or employee of the borough assume any liability for any damages that may result from an applicant's or any interested party's reliance upon the regulations of § **195-35B** or any decisions made by the borough in the administration of such regulations.
- B. Standards.
 - (1) Land grading or construction of buildings or other site improvements shall not directly or indirectly diminish the flow of natural springs or contaminate existing or potential water supplies. If warranted, as determined by the Borough Council, water table data from observation wells shall be provided by the applicant.
 - (2) All buildings, structures, roads and other impervious surfaces and storm drainage facilities and other utilities shall be so situated, designed and constructed as to minimize the risk of structural damage from existing or future sinkholes. A recognized professional with competence in the field shall demonstrate that a minimal risk of structural damage due to sinkholes will exist or indicate mitigating measures to be taken to minimize the risk of structural damage.
 - (3) Whenever a detention or retention basin for the control of stormwater will be located in a carbonate area, a geological evaluation of the proposed location shall be conducted to determine susceptibility to sinkhole formation. The design of all facilities over limestone formations shall include measures to

prevent groundwater contamination and, where necessary, sinkhole formation. Soils used for the construction of basins shall have low-erodibility factors ("K" factors). The borough may require the installation of an impermeable liner in basins. All detention facilities shall be above ground unless otherwise approved by the Borough Council.

- (4) The following guidelines shall be considered during construction activities:
- (a) Care should be taken to prevent collection and drainage of surface water into excavated or low-lying areas of the site during excavation and construction.
 - (b) Soft and wet conditions should be located wherever they may exist or be encountered.
 - (c) Soft areas should be removed and replaced with suitable fill compacted in accordance with recognized standards, such as ASTM.
 - (d) The bottom of all excavations should be inspected for soft or unusually moist conditions. A visual inspection of the excavated bearing surface, together with soundings or probes of the soil at regular intervals, should be done. Any soft or unusually moist soil should be further excavated and a determination made of the extent of the problem. Remedial measures should be adopted as necessary.
 - (e) The low points of swales and outlet locations for drainage pipes should be lined with impermeable liners instead of stone riprap in order to prevent infiltration of runoff.
 - (f) Excavation should be kept to a practical minimum.
 - (g) Water from roof drains or other drainage systems should be collected and conveyed away from structures to prevent infiltration near foundations. If possible, roof drains should discharge directly into a storm sewer system or the street gutter. Watertight pipe connections should be used for storm sewers.
 - (h) Subsoil erosion/sinkholes that occur during the construction of a project should be corrected as quickly as possible under the supervision of a qualified geotechnical engineer.
 - (i) Blasting should be avoided.
- (5) Should the Borough Council find that an applicant may create a significant risk to the public's health or safety, in spite of taking all reasonable actions to minimize such risks, or should the Council determine that the applicant has not taken all reasonable actions to minimize such risks, the Council may deny the application.

C. Submission requirements. The following information shall be submitted:

- (1) For areas proposed for grading, construction of buildings and other improvements, the applicant shall indicate the presence of any of the following carbonate features: depressions; fissures, lineaments, faults or air photo fracture traces; "ghost lakes" occurring after rainfall events; outcrops of bedrock; seasonal high water tables; sinkholes; soil mottling, as defined by a soil scientist; springs; and surface drainage entering the ground. Such information shall be supported by an explanation of its source, including the qualifications of the individuals directly responsible for preparing such information.
- (2) The applicant shall furnish a plan indicating existing and proposed drainage conditions, existing and proposed grading, the locations of existing private and public wells on adjoining properties and the locations and extent of all proposed uses and improvements.

- (3) An environmental assessment report containing the following information:
 - (a) Description of existing conditions. This section shall present a description of existing characteristics of the property with respect to geology, topography, ground and surface water hydrology, soils, vegetation and existing improvements and uses.
 - (b) Description of the proposed action. This section shall describe the proposed action, including: types, locations and phasing of proposed site disturbances and construction, as well as proposed future ownership and maintenance of the property and the proposed improvements.
 - (c) Proposed measures to control potential adverse environmental impacts. This section shall describe all measures proposed by the applicant to control all adverse impacts which may occur as a result of the proposed action.
 - (d) List and qualifications of preparers. The names, addresses, telephone numbers and qualifications of persons directly responsible for preparing the environmental assessment shall be provided.

§ 195-36. Required studies.

A. Traffic impact study.

- (1) A traffic impact study shall be submitted in the following instances; provided, however, that the Borough Council reserves the right to require a traffic study for any subdivision or land development other than a minor residential subdivision, lot annexation, abbreviated residential subdivision and plan for revision to lot lines when the Borough Council deems such a study necessary to adequately review the impact of the subdivision or land development on existing and proposed streets in accordance with § **195-20A(4)** and (6):
 - (a) A residential subdivision or land development of 50 or more lots and/or dwelling units.
 - (b) A nonresidential subdivision of five or more lots.
 - (c) A nonresidential land development containing 40,000 square feet or more of gross floor area.
 - (d) Any nonresidential land development within one-fourth (1/4) mile of an intersection involving an arterial street or two collector streets.
- (2) The traffic impact study shall be prepared by a qualified professional traffic engineer or traffic planner with verifiable experience in preparing such studies.
- (3) The study area for the traffic study shall be based on engineering judgment and an understanding of existing traffic conditions at the site and represent the area which is likely to be affected by the development. The study limits shall be initially agreed upon by the developer, his engineer and the borough.
- (4) The traffic impact study shall contain the following elements:
 - (a) The study area boundary and identification of the roadways included within the study area.
 - (b) 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 borough, 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.
- (c) 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 peak hour conditions (a.m., p.m. 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 (1985 or latest edition) or derivative nomographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 - [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.
- (d) Analysis of future conditions without the proposed development. The future year(s) for which projections are made will be specified by the borough and will be dependent on the timing of the proposed development. The following information shall be included:
- [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 Subsection **A(4)(c)[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 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.
- (e) Trip generation. The amount of traffic generated by the site shall be presented in this section for daily and the three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Borough Council. Trip Generation (Fourth or latest edition), published by the Institute of Transportation Engineers, shall be used unless the Borough Council approves other studies.

- (f) Trip distribution. The direction of approach for site-generated traffic shall be presented in this section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work shall be clearly stated in order that the borough can replicate these results.
- (g) 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 Subsection **A(4)(d)** to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.
- (h) 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 (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 Subsection **A(4)(c)[1]** and **[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.
- (i) Recommended improvements. In the event that the analysis indicates unsatisfactory levels of service (levels of service D, E or F) as described in Highway Capacity Manual, Transportation Research Board Special Report 209 (1985 or latest edition) will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. These proposals would not include committed projects by the borough and state which were described in Subsection **A(4)(b)[3]** and reflected in the analysis contained in Subsection **A(4)(c)** and **(d)**. 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 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.
- (j) Conclusion. The last section of the report shall be a clear concise description of the study findings. This concluding section shall serve as an executive summary.

B. Impact studies.

- (1) The impact studies listed below shall be submitted to the borough in the following instances; provided, however, that the Borough Council reserves the right to require impact studies for any subdivision or land development other than a minor residential subdivision, lot annexation, abbreviated residential subdivision and plan for revision to lot lines when the Borough Council deems such a study necessary to adequately review the impact of the subdivision or land development:
 - (a) A residential subdivision or land development of 50 or more lots and/or dwelling units.
 - (b) A nonresidential subdivision of five or more lots.
 - (c) A nonresidential land development containing 40,000 square feet or more of gross floor area.
- (2) Utilities impact study. A study shall be prepared by an engineer indicating the impact of the proposed development on the existing sanitary sewer, water, solid waste and drainage systems serving the borough. Said impact analysis shall identify the existing capacity of facilities which would serve the development, the prospects of those facilities being able to provide service to it, any improvements that might be required as a direct result of the proposed development and the improvements the developer intends to make if capacity does not exist to serve the proposed development. Additionally, the study shall identify the likely ability of sanitary sewer, water, solid waste and drainage systems to continue to provide efficient and economic service to existing residents and businesses within the borough considering added service requirements of the proposed development.
- (3) Recreation impact study. The study shall analyze the demand for recreational facilities which the proposed development will generate and determine whether adequate facilities exist or are planned or proposed. As a minimum, the study shall include the following:
 - (a) A description of the projected age breakdown of the residents of the proposed development.
 - (b) A description of any recreational facilities to be provided by the developer.
 - (c) A description of existing municipal recreational facilities and the impact of the proposed development on these facilities. Accepted national standards for required recreation shall be used in the analysis.
 - (d) Discussion of potential for any recreational facilities to be provided by the developer to compensate for any anticipated deficiencies of the borough's recreational facilities.
 - (e) A description of any contributions the developer plans to make for borough recreation to compensate for expected impacts.
- (4) Fiscal impact analysis. A fiscal impact analysis shall be prepared identifying the likely impact of the development on the borough and Kutztown Area School District's tax structure and expenditure patterns. Included shall be a determination of the revenues to accrue to the borough and Kutztown Area School District as a result of a proposed development, as well as an identification of the costs associated with delivering services to the proposed development. The fiscal impact analysis shall deal with the impact of the proposed development on the ability of the borough to deliver fire, police, administrative, public works and utility services to the development and on the borough's economy. In order to prepare the analysis, the applicant shall utilize a methodology from the New Guide to Fiscal Impact Analysis (Rutgers Center for Urban Policy Research, 1985, as modified from time to time), adapted as appropriate and to the borough's satisfaction. Particular aspects of the borough'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.

- (b) Administration. This includes time that would be required by the Borough Council, Borough Secretary, Borough Manager and other staff to process the application and handle the project during construction, as well as long-term administration demands. This should include but not be limited to the handling of plans, contracts, various legal instruments or agreements, permits, special problems and escrow. Added demands on the code administration staff also shall be projected.
 - (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.
 - (d) Police. The study shall project the overall effects of the proposed development on existing borough police personnel numbers, equipment, vehicles and working space. The study shall include whatever facilities or assistance the development will provide to handle emergencies, criminal investigation, armed robbery or other security-related problems.
- (5) Historic and archaeological resources impact study. All historic and archaeological resources which have been identified and/or inventoried by the borough, the Berks County Planning Commission and/or the Pennsylvania Historical Museum Commission located within the tract shall be identified and the impact on such resources detailed. The study shall contain as a minimum the following information:
- (a) Background information.
 - [1] If not otherwise provided by the applicant, a general site description, including topography, watercourses, vegetation, landscaping, existing drives, etc.
 - [2] General description and classification of all historic resources located on the subject tract, on tracts immediately adjacent to the subject tract or road or within 100 feet of the subject tract or road.
 - [3] Physical description of all historic resources identified in Subsection **B(5)(a)[2]** above.
 - [4] Statement of the significance of each historic resource, both relative to the borough and region in general.
 - [5] Sufficient number of black-and-white eight-by-ten-inch photographs to show every historic resource identified in Subsection **B(5)(a)[2]** above in its setting.
 - [6] Narrative description of the historical development of the subject tract or road.
 - (b) Proposed change.
 - [1] General description of project, including timetable or phases.
 - [2] Description of impact on each historic resource identified in Subsection **B(5)(a)[2]** above with regard to architectural integrity, historic setting and future use.
 - [3] General description of the effect of noise and traffic and any other impacts generated by the proposed change on each historic resource.
 - (c) Mitigation measures. Recommendations for mitigating the project's impact on historic resources,

including design alternatives, buffering, landscaping and any other appropriate measures.

- (6) Environmental impact study. The study shall include the following impacts:
 - (a) Habitats of threatened and endangered species of special concern in Pennsylvania within the tract, as established by the Pennsylvania Biological Survey and/or Pennsylvania Natural Diversity Inventory, shall be identified and the impact on such resources detailed. If such habitats exist on the tract, the measures proposed to protect the habitats shall be indicated.
 - (b) 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;
 - (c) 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
 - (d) The impact of the proposal on the preservation of agriculture and other land uses which are essential to public health and welfare.
 - (e) The information specified in Appendix VI.
- (7) Hydrogeologic impact study. Such study shall be conducted by a qualified hydrogeologist and consist of the following minimum considerations:
 - (a) A description of the geologic conditions on and around the site. Site geology, including stratigraphy, structure and soils shall be analyzed. Hydrogeology, including aquifer characteristics, groundwater movement, local water use, aquifer yield and water quality shall be analyzed. Groundwater impacts, availability of groundwater, well interference, water quality and yield availability shall be analyzed.
 - (b) Should it be determined that the proposed use(s) would result in a degradation of groundwater quality or eliminate the potential groundwater use at nearby properties, the study shall present measures that will be employed to prevent these adverse impacts.

Article VII. Mobile Home Parks

§ 195-37. Compliance required.

Mobile home parks shall comply with all the design standards and improvement specifications found in Articles **VI** and **VIII** of this chapter.

§ 195-38. Procedures.

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

§ 195-39. Plan.

The plan of any mobile home park shall comply with the requirements stated in Article **V** of this chapter.

§ 195-40. Zoning requirements.

All mobile home parks shall comply with all the requirements for mobile home parks as may be listed in Chapter **225**, Zoning.

Article VIII. Improvement Specifications

§ 195-41. 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 approved final plan. The developer shall execute an improvements agreement with the borough for the installation of all such improvements. All improvements shall be constructed in accordance with the applicable specifications of the borough or other applicable regulations. Where none apply, specifications of the Pennsylvania Department of Transportation and/or Pennsylvania Department of Environmental Resources shall be used. If none exist, specifications prepared by the Borough Engineer shall be used.

A. Inspection.

- (1) The installation of improvements required by § **195-42** following will be inspected by the borough as deemed necessary by the borough. The developer shall reimburse the borough for the reasonable and necessary expense incurred for the inspection of the improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution.
- (2) The developer's contractor shall schedule a meeting with the borough's representative prior to any construction. Shop drawings and specifications of all material to be used shall be submitted to the borough for approval prior to commencement of construction.
- (3) If the representative of the borough inspecting 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-hour start-work notice is to be given to the representative.

B. Extension to property boundaries. Where required by the borough, improvements shall be extended to the boundaries of the subdivision or land development to facilitate extension into surrounding properties.

§ 195-42. Required improvements.

The following improvements shall be provided by the developer at his expense:

A. Street grading. All streets, including those to be dedicated and those not to be dedicated, shall be graded at

full right-of-way width in accordance with borough regulations.

- (1) Planting strips within street rights-of-way shall be graded, properly prepared and seeded or sodded with lawn grass.
- (2) Where wet conditions are encountered, the Borough Council may require underdrains.

B. Cartway paving. All streets, including those to be dedicated and those not to be dedicated, shall be paved to full cartway width in accordance with borough regulations. Weather limitations in the placing of paving materials are as follows:

- (1) The placing of bituminous concrete base course or binder course shall terminate after October 15 of each year and shall not be resumed until April 1 of the following year and until the ground temperature and air temperature do not fall below and are continuously above 35° F. for five consecutive days prior to the day of placement of said materials. When the air temperature falls below 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 35° F. or lower, nor when the temperature of the surface on which it is to be placed is 35° F. or lower.
- (2) The placing of bituminous concrete wearing course or surface course shall terminate after October 15 of each year and shall not be resumed until April 1 of the following year and until the ground temperature and air temperature do not fall below and are continuously above 40° F. for five consecutive days prior to the day of placement of said materials. When the air temperature falls below 50° F., extra precautions shall be taken in drying the aggregate, controlling the temperature of the delivered material and compacting the mixture. Bituminous concrete wearing course or surface course shall not be placed on wet surfaces, nor when the air temperature is 40° F. or lower, nor when the temperature of the surface on which it is to be placed is 40° F. or lower.
- (3) In any case, no bituminous concrete shall be placed after December 15 or resumed prior to April 1 at the earliest. Placement shall not be resumed on April 1 unless five consecutive days of both ground temperature and air temperature above 40° F. are experienced.

C. Curbs. Vertical curbs shall be installed along both sides of all streets within and abutting the subdivision or land development in accordance with borough regulations, including Ordinance No. 14-1972, as amended by Ordinance No. 13-1974, and all subsequent amendments thereto. ^[1] Curbs shall also be installed along all parking areas and access drives in mobile home parks and apartment and townhouse developments and parking areas, access drives and loading areas in commercial, industrial and office land developments.

[1]: *Editor's Note: These ordinances were superseded by Ord. No. 3-1992; see Ch. 192, Streets and Sidewalks, Art. IV.*

D. Sidewalks.

- (1) Sidewalks meeting requirements of applicable borough regulations, including Ordinance No. 14-1972, as amended by Ordinance No. 13-1974, and all subsequent amendments thereto, shall be installed on both sides of all streets within and abutting the subdivision or land development, except that sidewalks shall be required on only one side of marginal access streets, and no sidewalks shall be required along service streets. Notwithstanding the aforesaid requirements, sidewalks within a mobile home park shall conform with § **225-32C(1)** of Chapter **225**, Zoning.
- (2) Sidewalks shall be provided along all common parking areas in mobile home parks and apartment, townhouse, commercial, industrial and office land developments.

- E. Storm drainage. Storm sewers and related facilities shall be installed consistent with acceptable design principles and the standards contained in § **195-26** and Appendix V of this chapter.
- F. Sanitary sewage disposal.
 - (1) Public sanitary sewerage facilities shall be provided consistent with the requirements contained in § **195-24** of this chapter. The system shall include, as a minimum, all required trunk lines, mains, laterals and pump stations.
 - (2) The design and installation of all systems shall be subject to the approval of the borough and the applicable public agencies.
- G. Water supply.
 - (1) Public water supply facilities shall be provided consistent with the requirements of § **195-25** of this chapter. The system shall include, as a minimum, all required mains and house connections.
 - (2) The design and installation of all water systems shall be subject to the approval of the borough and the applicable public agencies.
- H. Fire Hydrants. Fire hydrants shall be installed in all subdivisions, land developments and mobile home parks. The location, number and separation of hydrants shall be approved by the borough and Fire Chief in accordance with the guidelines of the Insurance Services Office, except as otherwise provided for in § **225-32E(4)** of Chapter **225**, Zoning.
- I. Monuments.
 - (1) Permanent monuments shall be accurately placed at the intersection of all lines forming angles in the boundary of the subdivision or land development and at changes in direction of lines in the boundary of the property.
 - (2) All streets shall be monumented on the right-of-way line or the five-foot-range line on one side of the street at the following locations:
 - (a) At least one monument at each street intersection;
 - (b) At changes in direction of street lines, excluding curb arcs at intersections;
 - (c) At each end of each curved street line, excluding curb arcs at intersections;
 - (d) At intermediate points wherever topographical or other conditions make it impossible to site between two otherwise required monuments;
 - (e) At such other places along the line of streets as may be determined by the borough to be necessary so that any street may be readily defined in the future.
 - (3) All monuments shall be placed so that the center of the monument coincides exactly with the point of intersection of the lines being monumented.
 - (4) Monuments shall be set with their top level with the finished grade of surrounding ground, except that where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- J. Street signs. Street name signs shall be installed at all street intersections. The design and placement of such signs shall be subject to approval of the borough.

- K. Lot markers. Metal markers shall be accurately placed at all lot corners prior to sale of lots.
- L. Streetlights. Unless otherwise provided by resolution of the Borough Council, streetlights shall be installed by the developer along all streets (and within the street right-of-way) in the subdivision or land development. The streetlights shall be of a type approved by the borough for use within the borough. The distance between streetlights installed along any street within the subdivision or land development shall not exceed 200 feet. If any street within the subdivision or land development is designed to connect with an existing street being served with streetlighting, the streetlight to be installed by the developer closest to such existing street beyond the subdivision or land development shall, if possible, be installed at a location not further than 200 feet from the existing streetlight on said street closest to the subdivision or land development.
- M. Erosion and sediment control measures. Installations necessary to implement the erosion and sediment control plan shall be made on the tract by the developer as required improvements.
- N. Shade trees. Deciduous hardwood trees of a species approved by the borough having a minimum caliper of two to two and one-half (2 1/2) inches shall be provided along all existing and proposed streets within and abutting the subdivision or land development. The trees are to be placed outside the street right-of-way at least five feet from the sidewalk at a maximum distance of 50 feet between trees. Conditions of placement and inspection shall be specified by the borough. In addition, the developer shall preserve existing shade trees within the tract when feasible.
- O. Recreation facilities. Recreation facilities shall be provided in accordance with § **195-32**.
- P. 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.
- Q. Traffic control devices. The traffic control devices shown on the approved plan, including such items as stop signs and signs restricting parking, shall be installed as required by the borough.
- R. As-built drawings. As-built drawings shall be prepared in accordance with § **195-13E**.
- S. Rock removal. Provision shall be made for rock removal in the improvements agreement and improvements guaranty.
- T. When required by the Borough Council pursuant to § **195-23B(5)**, acceleration and deceleration lanes shall be provided.
- U. Backfilling. Utility excavations in areas of streets, access drives, parking areas and loading areas shall be backfilled in accordance with borough standards.
- V. Parking and loading area paving. All access drives and parking and loading areas for apartments, townhouses and commercial, office and industrial land developments shall be constructed of a minimum of seven inches of 2A subbase material, six inches of crushed aggregate base course, one and one-half (1 1/2) inches of ID-2 binder course and one inch of ID-2 wearing course. Alternate cross-sections may be permitted at the discretion of the Borough Council. All construction shall conform to PennDOT Publication 408, latest edition.
- W. Guide rail. Guide rail shall be provided pursuant to § **195-21**.

Article IX. Administration

§ 195-43. Review fees.

The Borough Council shall establish by resolution a Schedule of Fees for the review of plans by the Borough Solicitor, Borough Engineer and borough municipal departments to be paid by the developer. The Schedule of Fees shall be obtainable from the Borough Secretary. ^[1] No final plan or sketch plan of record shall be released for recording unless all fees have been paid in full.

[1]: *Editor's Note: See Ch. A231, Fees.*

§ 195-44. Modifications.

- A. The Borough Council may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose and intent of this chapter is observed.
- (1) All requests for a modification shall be filed in writing with the Borough Secretary and shall accompany and be a part of the application for development. The request shall state in full the grounds or provisions of this chapter involved and the minimum modification necessary. The request for modification shall be referred to the Planning Commission by the Borough Secretary for advisory comments. The Council shall keep a written record of all action on all requests for modifications.
 - (2) In granting modifications, the Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified. Modifications shall be clearly defined and entered on the final plan.
- B. No changes, erasures, modifications or revisions shall be made in any plan of a subdivision or land development after the plan has been endorsed by the Borough Council unless the plan is first resubmitted to and approved by the Council in accordance with the provisions of this chapter.

§ 195-45. Appeals.

- A. Any person desiring to challenge the validity of any provision of this chapter or any amendment thereof shall make such challenge as prescribed by law.
- B. Any person aggrieved by action of the Borough Council may appeal the action as prescribed by law.

§ 195-46. Remedies; violations and penalties.

- A. Preventive remedies. In addition to other remedies, the borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or lot. 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.
- (1) The borough may refuse to issue any permit or grant any approval necessary to further improve or

develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

- (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.
- (2) As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

B. Enforcement remedies. Any person, partnership or corporation who or which has violated the provisions of this chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the borough, pay a judgment as provided for in the Pennsylvania Municipalities Planning Code, ^[1] plus all court costs, including reasonable attorney fees incurred by the borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating this chapter 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.

- (1) The Court of Common Pleas, upon petition, may grant an order to stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- (2) Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the borough the right to commence any action for enforcement pursuant to this section.

[1]: *Editor's Note: See 53 P.S. § 10101 et seq.*

§ 195-47. Responsibilities of developer.

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

§ 195-48. Conflicts.

- A. Whenever there is a difference between the minimum standards specified herein and those included in other borough regulations, the more stringent requirements shall apply.
- B. All existing ordinances or parts of ordinances which are contrary to the provisions of this chapter, including the Borough of Kutztown Subdivision Regulations Ordinance No. 9-1968, as amended, are hereby repealed to the extent necessary to give this chapter full force and effect, except as noted in § **195-50** or elsewhere in this chapter; provided, however, that the provisions of this chapter 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 chapter.

§ 195-49. Revision and amendment.

The Borough Council may amend this chapter. Any amendments shall be made in accordance with the procedures established by law.

§ 195-50. Savings clause.

This chapter 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.