

CHAPTER XXVII

**SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE**

TOWNSHIP OF TILDEN

BERKS COUNTY, PENNSYLVANIA

ORDINANCE #85

AUGUST 11, 1991

as revised by Ordinance No. 90, June 2, 1992;

as further revised by Ordinance No. 140, August 17, 2002;

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Part 1

Authority, Title, Purpose and Planning Commission

Section 101. Authority. An Ordinance providing for the control of the subdivision and development of land and the approval of plats and replats of land within the jurisdiction of the Board of Supervisors of the Township of Tilden, Berks County, Pennsylvania, ordained by the Board of Supervisors of the Township of Tilden under the Authority of Act of the General Assembly No. 247 of 1968, the Pennsylvania Municipalities Planning Code, as amended. (Ordinance No. 85, August 11, 1991, Article I, Section 1.00)

Section 102. Title. This Chapter shall be known and may be cited as "The Subdivision and Land Development Ordinance of the Township Tilden." (Ordinance No. 85, August 11, 1991, Article I, Section 1.05)

Section 103. Purpose. The purpose of this Chapter shall be to provide uniform standards to guide the subdivision, resubdivision, and development of land of the Township of Tilden in order to promote the public health, safety, and convenience and general welfare of the residents and inhabitants of the Township of Tilden. It shall be administered to insure orderly growth and development; the conservation, protection and proper use of land; and to provide adequate provisions for traffic circulation, utilities, and services.

At all times, the Township of Tilden intends that this Chapter serve to fulfill all purposes as set forth in the Pennsylvania Municipalities Planning Code and should be interpreted to empower the Township of Tilden and its officials to the fullest extent as authorized by the Pennsylvania Municipalities Planning Code. (Ordinance No. 85, August 11, 1991, Article I, Section 1.10)

Section 104. Creation of Planning Commission. The creation of the Tilden Township Planning Commission, consisting of five (5) members, is hereby confirmed as established in Ordinance No. 6-1965.

(a) All members of the Planning Commission shall be appointed by the Board of Supervisors.

(b) The term of each of the members of the Planning Commission shall be for four (4) years, or until his successor is appointed and qualified, except that the terms of the presently seated members shall be fixed pursuant to this Chapter as follows:

1st member Term begins Jan. 7, 2003 Term ends Jan. 5, 2004

2 nd member	Term begins Jan. 7, 2003 Term ends Jan. 3, 2005
3 rd member	Term begins Jan. 7, 2003 Term ends Jan. 2, 2006
4 th member	Term begins Jan. 7, 2003 Term ends Jan. 2, 2007
5 th member	Term begins Jan. 7, 2003 Term ends Jan. 2, 2007

Each successive term shall be for four years and commence the morning of the first day after appointment or reappointment of each respective member by the Board of Supervisors at the Supervisors' annual reorganization meeting and shall expire at midnight of the day on which appointment or reappointment is made for a new member or new term.

The Chairman of the Planning Commission shall promptly notify the Board of Supervisors concerning vacancies of the Planning Commission, any such vacancy shall be filled for the unexpired term. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointment for the unexpired term according to the terms of this Part.

(c) All of the members of the Planning Commission shall be residents of the municipality. At least three (3) members of the Planning Commission shall not be officers or employees of Tilden Township and shall be designated as citizen members.

(d) Any member of the Planning Commission, once qualified and appointed, may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term.

(e) The Planning Commission shall organize as provided in the Municipalities Planning Code and shall have the powers and duties as are prescribed therein.

(f) The Planning Commission shall be entitled to receive compensation as determined, from time to time, by the Board of Supervisors, by Resolution.

(Ordinance No. 140, August 17, 2002, Section 2)

Part 2

Jurisdiction and Application

Section 201. Application. After the effective date of this Chapter, no subdivision or land development or any lot, 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. (Ordinance No. 85, August 11, 1991, Article II, Section 2.05)

Section 202. Prior Plans. The provisions of this Chapter shall not apply to a subdivision recorded prior to the effective date of this Chapter. The provisions of this Chapter shall apply to and control all other subdivisions and land developments within Tilden Township, except as provided for in Sections 204 and 205. (Ordinance No.85, August 11, 1994, Article II, Section 2.15).

Section 203. Replatting and Resubdivision. Any replatting or resubdivision of land, including a change of a recorded plan, shall be considered a new subdivision and shall comply with the provisions of this Chapter. (Ordinance No. 85, August 11, 1994, Article II, Section 215.)

Section 204. Pending Approvals. If an application for approval of a Plan, whether Preliminary or Final, is pending approval or disapproval at the time of the effective date of this Chapter, no provisions of this Chapter shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the governing ordinances as they stood at the time the application was filed. (Ordinance No. 85, August 11, 1994, Article II, Section 220).

Section 205. Prior Approvals. When a subdivider has had an application for approval of a Preliminary or Final Plan approved prior to the effective date of this Chapter, no provision in this Chapter shall be applied to affect adversely the right of the subdivider to commence and complete any aspect of the approved Preliminary or Final Plan in accordance with the terms of such approval within five years from the date of such approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five year period shall be counted from the date of preliminary approval. If there is any doubt as to the terms of approval, the terms shall be construed in light of the provisions of the governing ordinances or Plan as they stood at the time when the application for such approval was duly filed. (Ordinance No. 85, August 11, 1994, Section 2.25)

Plan is submitted to the Township Secretary.

(Ordinance No. 85, August 11, 1994, Article III, Sections 3.00 through 3.16)

Section 303. Preliminary Plan.

(a) Submission. Preliminary Plans and required supplementary data for all proposed subdivisions and land developments, except as noted in Section 313, shall be submitted by the Subdivider or his agent to the Township Secretary.

(1) Official submission of a Preliminary Plan shall include:

(i) Submission of five (5) completed Application for Review of Preliminary Subdivision Plan (Form IT-2).

(ii) Submission of eleven (11) blue-on-white or black-on-white prints on paper of the Preliminary Plan.

(iii) Three (3) copies of the applicable Department of Environmental Resources' Planning Module for Land Development for the proposed method of sewage disposal.

(iv) Five (5) copies of all other information and plans which are required by Section 402.

(v) Payment of the filing fee.

(b) Distribution. The Township Secretary shall distribute submitted information as follows:

(1) To the County Planning Commission:

(i) Two (2) prints of the Preliminary Plan.

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

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

(2) To the Township Planning Commission:

(i) One (1) copy of the Plan to each member.

(ii) One (1) copy of Application for Review of Preliminary

Subdivision Plan.

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

(3) To the Township Engineer:

(i) One (1) copy of the Plan.

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

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

(4) To the Chairman of the Township Supervisors:

(i) One (1) copy of the Plan.

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

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

(iv) One (1) copy of the Department of Environmental Resources' Planning Module for Land Development.

(5) To be retained by the Township Secretary:

(i) One (1) copy of the Plan.

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

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

(iv) One (1) copy of the Department of Environmental Resources' Planning Module for Land Development.

(6) To the Pennsylvania Department of Environmental Resources:

(i) One (1) copy of the Plan.

(ii) One (1) copy of the Department of Environmental Resources' Planning Module for Land Development.

(c) Review by Township Planning Commission. When a Preliminary Plan has been received for review the Township Planning Commission shall review the Plan at a regularly scheduled or special meeting to determine its conformance to the standards contained in this Chapter and shall recommend such changes and modifications as it shall deem necessary to assure compliance with this Chapter.

(1) The Township Engineer shall review each Preliminary Plan to determine whether the Plan meets the requirements of this Chapter and if the Plan does not meet these requirements, recommend what modifications in the Plan are necessary to secure compliance with the requirements of this Chapter and the Zoning Ordinance.

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

(i) The Township Engineer.

(ii) The County Planning Commission.

(iii) When an erosion and sedimentation control plan is required, the report of the Berks County Conservation District.

(3) Within fifteen (15) calendar days after the meeting at which the Preliminary Plan is reviewed by the Township Planning Commission, the Planning Commission shall notify the following of the action taken by the Township Planning Commission regarding the Preliminary Plan. If the review of the Township Planning Commission is unfavorable because the requirements of this Chapter have not been met or because the Commission deems modification in the Plan as submitted desirable or necessary, the required modification shall be stated and/or noted on a copy of the Plan returned to the Township Supervisors. If the Preliminary Plan is recommended to be approved subject to conditions, those conditions shall be noted. If the Preliminary Plan is recommended to be approved as submitted, that fact shall be noted.

(i) The Township Secretary.

(ii) The Chairman of the Township Board of Supervisors.

(iii) The Township Engineer.

- (iv) The County Planning Commission.
- (v) The Subdivider or his agent.
- (vi) The Engineer or Surveyor of the Subdivider.

(d) Review by Township Supervisors. After a Preliminary Plan has been reviewed by the Township Planning Commission, the Plan shall be reviewed at a regularly scheduled or special meeting of the Township Supervisors.

(1) At a regularly scheduled or special meeting the Township Supervisors shall review the Preliminary Plan and the written reports of the Township Planning Commission, The Township Engineer, and all other reports which may have been received from County and State agencies. The Township Supervisors shall either approve or disapprove the Plan. No official action shall be taken by the Township Supervisors with respect to a Preliminary Plan until the Township has received the written report of the County Planning Commission, provided that the report is received within thirty (30) days after the County Planning Commission received a request to review the Preliminary Plan. Failure of the County Planning Commission to act within thirty (30) days shall constitute County approval of the Plan as submitted and the Township Supervisors may officially act on the basis of such approval.

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

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

- (i) Township Planning Commission.
- (ii) Township Engineer.
- (iii) County Planning Commission.
- (iv) Subdivider or his agent.
- (v) The Engineer or Surveyor of the Subdivider.

(4) The Township Supervisors shall act upon and render a decision of the Final Plan within ninety (90) days following the date of the next regular meeting of the Township Planning Commission following the date the application is filed, provided that should the said regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.

(5) The action of the Township Supervisors may be favorable, approving the Plan, or unfavorable, disapproving the Plan. The findings and reasons upon which the Supervisors' actions is based shall be given in writing to individuals and groups listed in Section (3), and stated in the minutes of the meeting at which the Supervisors review the Plan. When the Plan, as submitted, is not approved, the report shall specify the requirements of this Chapter which have not been met and recommend changes which should be made in the Plan to secure approval.

(6) If the Preliminary approval granted by the Township Supervisors is subject to conditions, the applicant shall submit, in writing to the Supervisors, his acceptance of these conditions. Failure of the applicant to accept these conditions, within twenty (20) calendar days of the date of the approval letter from the Township Secretary, shall automatically rescind the approval of the Preliminary Plan.

(7) The approval of a Preliminary Plan does not authorize the recording of a Subdivision or Land Development Plan nor the construction, sale, lease or transfer of lots or dwelling units.

(8) When a Preliminary Plan has been approved no subsequent change in the zoning, subdivision or other governing ordinance or plan shall be applied to effect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from the date of such approval. The terms of such approval shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time approval was given.

(9) Approval Stipulations. The approval of a Preliminary Plan shall assure a Subdivider that:

(i) The general layout of streets, lots and other features shown on the Preliminary Plan is approved and shall be the basis for the preparation of final detailed improvement plans and the Final Plan, provided that the Final Plan is submitted within one (1) year of

the date of the approval of the Preliminary Plan or submitted within an extended period of time if such an extension is approved by the Township Supervisors.

(ii) The general terms and any special conditions under which the approval of the Preliminary Plan was granted will not be changed. The Subdivider should note that a Final Plan not submitted within one (1) year of the date of approval of a Preliminary Plan, or within an extended period of time if such an extension is granted by the Township Supervisors, may be considered a new Preliminary Plan. In the event more than one year has passed since the date of preliminary approval without an extension of time having been approved by the Township, the Township may require submission of an additional review fee and application.

(10) Approval of the method of sewage disposal must be obtained from the Pennsylvania Department of Environmental Resources, prior to completion and submission of Final Plan to the Township.

(Ordinance No. 85, August 11, 1991, Article III, Sections 3.20 through 3.250)

Section 304. Final Plan.

(a) Submission. Within twelve (12) months after approval of the Preliminary Plan, the Subdivider or his agent shall submit a Final Plan with all necessary supplementary data to the Township Secretary. An extension of time may be granted by the Township Supervisors upon written request, provided that the extension of time shall not exceed one (1) year. Failure to meet this time limitation may result in a determination by the Township that it will consider any plan submitted after twelve months as a new Preliminary Plan.

(1) Official submission of a Final Plan shall include:

(i) Submission of five (5) completed Application for Review of Final Subdivision Plan (Form TT-3).

(ii) Submission of ten (10) black-on-white prints on paper of the Final Plan.

(iii) Submission of seven (7) copies of all other supplementary data and plans as outlined in Section 403,

(2) The Subdivider may submit a Final Plan in sections, each section covering a reasonable portion of the entire proposed subdivision or

land development as shown on the approved Preliminary Plan, if permission is granted by the Township Planning Commission. The Township Planning Commission shall approve the method of dividing the tract into sections. If the Final Plan is submitted in sections, the first section shall be submitted to the Township for review within twelve (12) months after approval of the Preliminary Plan, unless an extension of time as provided for in Section (a) is granted. All sections of the Final Plan shall be submitted to the Township for review within five (5) years after the approval of the Preliminary Plan, unless an extension of time is granted.

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

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

(1) To the County Planning Commission:

(i) One (1) copy of the Plan.

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

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

(2) To the Township Planning Commission:

(i) Three (3) copies of the Plan.

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

(iii) Three (3) copies of all supplementary data and plans.

(3) To the Township Engineer:

(i) One (1) copy of the Plan.

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

- (iii) One (1) copy of all supplementary data and plans.
 - (4) To the Chairman of the Township Supervisors:
 - (i) One (1) copy of the Plan.
 - (ii) One (1) copy of Application for Review of Final Subdivision Plan.
 - (iii) One (1) copy of all supplementary data and plans.
 - (5) To be retained by the Township Secretary:
 - (i) One (1) copy of the Plan.
 - (ii) One (1) copy of Application for Review of Final Subdivision Plan.
 - (iii) One (1) copy of all supplementary data and plans.
- (c) Review by Township Planning Commission. When a Final Plan has been received for review, the Township Planning Commission shall review the Plan at a regularly scheduled or special meeting to determine its conformance to the standards contained in this Chapter and shall recommend such changes and modifications as it shall deem necessary to assure compliance with this Chapter.
- (1) The Township Engineer shall review each Final Plan to determine whether the Plan meets the requirements of this Chapter and the Township Zoning Ordinance, and if the Plan does not meet these requirements, recommend what modifications in the Plan are necessary to secure compliance with the requirements of this Chapter and the Zoning Ordinance.
 - (2) When reviewing a Plan at a regularly scheduled or special meeting the Township Planning Commission should consider, in addition to its own comments, written reports regarding the subdivision or land development from the Township Engineer, and any other reports which may have been received regarding the Final Plan.
 - (3) Within fifteen (15) calendar days after the meeting at which the Final Plan is reviewed by the Township Planning Commission, the Planning Commission Secretary shall notify the following in writing of the action taken by the Planning Commission regarding the Final Plan.

- (i) Township Secretary.
- (ii) Chairman of the Township Board of Supervisors.
- (iii) Township Engineer.
- (iv) County Planning Commission.
- (v) Subdivider or his agent.
- (vi) Engineer or Surveyor of the Subdivider.

(4) If the review of the Township Planning Commission is not favorable, the Planning Commission shall recommend that the Plan not be approved and explicitly state the reasons for such action. Any modifications in the Plan which the Planning Commission feels should be prerequisites to approval of the Final Plan shall also be noted. If the Planning Commission recommends that the Final Plan as submitted be approved, this fact shall be noted.

(d) Review by Township Supervisors. After a Final Plan has been reviewed by the Township Planning Commission, the Plan shall be reviewed by the Township Supervisors at a regularly scheduled or special meeting.

(1) At a regularly scheduled or a special meeting the Township Supervisors shall review the Final Plan and any written reports regarding the Plan from the Township Planning Commission, the Township Engineer, and, where applicable, State or County agencies.

No official action shall be taken by the Township Supervisors with respect to the Final Plan until the Township has received the written report of the County Planning Commission, provided that the report is received within thirty (30) days after the County Planning Commission received a request to review the Final Plan. Failure of the County Planning Commission to act within thirty (30) days shall constitute County approval of the plan as submitted and the Township Supervisors may officially act on the basis of such approval.

(2) Before approval of a Final Plan, the Township may require that an Erosion and Sedimentation Control Plan approved by the Berks County Conservation District be submitted to the Township by the subdivider.

(i) A statement shall be placed on the Final Plan stating each individual lot owner is responsible for submitting and receiving approval of their Erosion and Sedimentation Control Plan from the Berks County Conservation District.

(3) Before approval of a Final Plan the Township may require that any earth moving, waterway obstruction, water supply and distribution, wetlands and/or sewage treatment and discharge permits as required by the Pennsylvania Department of Environmental Resources and/or Corps of Engineers have been obtained and a copy of same submitted to the Township.

(4) No Final Plan for a development to be supplied with water, by means other than private wells owned and maintained by the individual lot owners within the development, shall be approved by the Township until a copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission, or an agreement from a bona fide cooperative association of lot owners, or an agreement with a municipal corporation, authority or utility is submitted to the Township.

(5) No plan which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plan contains a notice that 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 driveway access to a State highway is permitted. The Township shall not be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit by Township or the Department of Transportation, or for failure to regulate any driveway.

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

- (i) Township Engineer.
- (ii) Township Planning Commission.
- (iii) Township Zoning Officer.
- (iv) County Planning Commission.

(v) Subdivider or his agent.

(vi) Engineer or Surveyor of the Subdivider.

(7) The Township Supervisors shall act upon and render a decision of the Final Plan within ninety (90) days following the date of the next regular meeting of the Township Planning Commission following the date the application is filed, provided that should the said regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth day following the day the application has been filed.

(8) Action by the Township Supervisors may be favorable, approval to the Final Plan, or the action may be unfavorable, giving disapproval to the Plan. The findings and reasons upon which the Township Supervisors' action is based shall be given in writing to the persons listed under Section (6) and also stated in the minutes of the Board of Supervisors. Any modifications in the Plan required as prerequisites to approval of the Final Plan shall be stated.

(9) If the final approval granted by the Supervisors is subject to conditions, the applicant shall submit, in writing to the Supervisors, his acceptance of the conditions. Failure of the applicant to accept these conditions, within twenty (20) calendar days of the date of the approval letter from the Township Secretary, shall automatically deem the Final Plan rejected.

(10) A Final Plan shall not be recorded until the requirements of Section 305, Improvements Guarantee, have been met.
(Ordinance No. 85, August 11, 1991, Article III, Sections 3.30-3.350)

Section 305. Completion of Improvements or Guarantee Thereof.

(a) Within ninety (90) days after a Final Plan is approved by the Township Supervisors and before a Plan may be recorded and before the issuance of any zoning permits, or other municipal permits, the Subdivider shall deliver to the Township Supervisors an improvements guarantee in the form of a corporate bond or other acceptable security in the amount of 110% of the cost of completion, estimated as of ninety (90) days following the date scheduled for completion by the developer.

In lieu of providing an improvements guarantee the Subdivider may

construct the improvements as shown on the approved plan prior to the plan being signed by the Township Supervisors and released by same for recording. Upon completion, inspection and approval of the improvements, the Township Supervisors will sign and release the Final Plan for recording.

Annually, the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the municipality 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.

The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the municipality and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the municipality and the applicant or developer.

If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary day from the posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.

As the work of installing the required improvements proceeds, the party posting the financial security may request the Township Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Township Supervisors, and the Township Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Township Supervisors that such portion of the work upon the improvements has been completed in

accordance with the approved Plan. Upon such certification the Township Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Township Supervisors fail to act within said 45-day period, the Township Supervisors shall be deemed to have approved the release of funds as requested. The Township Supervisors may, prior to final release at the time of completion and certification by its Engineer, require retention of 10% of the estimated cost of the aforesaid improvements.

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

(b) Remedies to Effect Completion of Improvements. In the event that any improvements which may be required have not been installed as provided in the subdivision and land development ordinance or in accord with the approved Final Plan, the Township Supervisors are hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing the improvements, the Township may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other Township purpose.

(c) Release of Improvements Guarantee. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Township Supervisors, in writing by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Township Supervisors shall within ten (10) days after receipt of such notice direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall thereupon file a report in writing with the Township Supervisors and shall promptly mail copy of the same to the developer by certified or registered mail.

The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township

Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, whether in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

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

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

(Ordinance No. 85, August 11, 1991, Article III, Sections 3.40 through 3.403)

Section 306. Maintenance Guarantee. Where the Township Supervisors accept dedication of all or some of the required improvements following completion, the developer shall post a financial security to insure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required with regard to installation of such improvements, and the amount of the financial security shall be 15% of the actual cost of installation of said improvements. (Ordinance No. 85, August 11, 1991, Article III, Section 3.41)

Section 307. Endorsement by Township Supervisors. After the completion of the procedures required by this Chapter the Township Supervisors shall place their endorsements on the Record Plan and on as many other copies of the Final Plan as may be desired. The Record Plan shall be signed by at least a majority of members of the Board of Township Supervisors and the Township Seal shall be affixed to the Plan. No subdivision or land development plan may be legally recorded unless it bears Township endorsement indicated by the signatures of at least a majority of the Township Supervisors and the Township Seal.

The Record Plan shall be a clear and legible black-on-white print, acceptable to the County Recorder of Deeds. (Ordinance No. 85, August 11, 1991, Article III, Section 3.42.

Section 308. Endorsement by County Planning Commission. After the Plan has been given final approval by the Township, the Plan shall be submitted to the County Planning Commission for endorsement. No subdivision or land development plan may legally be recorded unless it has been endorsed by the County Planning Commission and

bears the County Planning Commission stamp "Reviewed". Such endorsement shall be indicated on the Record Plan. As a prerequisite for endorsement the County Planning Commission will require two (2) paper prints bearing the Township Seal and endorsement by the Township Supervisors. (Ordinance No. 85, August 11, 1991, Article III, Section 3.43)

Section 309. Filing of Plan. After endorsement by the Township and by the County Planning Commission, the Subdivider shall file the Record Plan with the County Recorder of Deeds within ninety (90) days of the date of the meeting at which the Township Supervisors approved the Final Plan. If the Subdivider fails to record the Final Plan within such period, the action of the Township shall be null and void. (Ordinance No. 85, August 11, 1991, Article III, Section 3.44)

Section 310. Recording Data. The Township shall receive one (1) copy of the Final Plan as approved. This copy shall have affixed thereto the stamp of approval of the County Planning Commission and the stamp showing the recording date from the Recorder of Deeds. (Ordinance No. 85, August 11, 1991, Section 3.45)

Section 311. Deduction of Improvements. All streets, parks or other improvements shown on the Final Plan shall be deemed to be private until such time as the same have been offered for dedication to the Township and accepted by resolution of the Township Supervisors. If any improvement is to be dedicated to the Township, such offer of dedication shall be submitted to the Township for acceptance prior to the recording of the Final Plan. The acceptance of any improvement shall be a separate action of the Township Supervisors. (Ordinance No. 85, August 11, 1991, Article III, Section 3.46)

Section 312. Inspection Fees on Improvements. The developer shall reimburse the Township for the reasonable and necessary expense incurred for reviewing plans and supporting data and the inspection of improvements. Such reimbursement shall be based upon a schedule established by ordinance or resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charted by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on the developer.

(a) In the event the developer disputes the amount of any such expense in connection with the inspection of improvements, the developer shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to the development due to the developer's request over disputed engineer expenses.

(b) If, within twenty (20) days from the date of billing, the Township and the developer cannot agree on the amount of expenses which are reasonable and necessary, then the developer and the Township shall jointly, by mutual agreement, appoint another engineer to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

(c) The engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The developer shall be required to pay the entire amount determined in the decision immediately.

(d) In the event that the Township and developer cannot agree upon the engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any engineer who has been retained by, or performed services for, the Township or the developer within the preceding five (5) years.

(e) The fee of the appointed engineer for determining the reasonable and necessary expenses shall be paid by the developer if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the engineer, but otherwise the Township and the developer shall each pay one-half of the fee of the appointed engineer.

(Ordinance No. 85, August 11, 1991, Article III, Section 3.47)

Section 313. Plans Exempted from Standard Procedures.

(a) Minor Subdivision. In the case of any subdivision in which all proposed lots will have frontage on an existing improved Township or State road and the parcel being subdivided will be divided into no more than three lots or parcels, the subdivider may submit a Sketch Plan to the Township, before proceeding to Final Plan. The Final Plan shall contain all information required by Section 403. The Final Plan shall be submitted to the County Planning Commission for review. Included with the submission of the Final Plan, the subdivider shall provide a copy of the approved application for on-lot sewage disposal as issued by the Township Sewage Enforcement Officer for each lot. The Commission may also require submission to and review by the Berks County Conservation District. Further subdivision from a tract recorded under this section will require a review of Plans in accordance with the standard procedures of this Chapter.

(b) Resubdivision. Any replatting or resubdivision of land, including changes to recorded plans, shall be considered a subdivision and shall comply with these regulations, except that:

(1) Lot lines may be changed from those shown on a recorded plan, provided that in making such changes:

(i) No lot or tract of land shall be created or sold that is smaller than required by the Township Zoning Ordinance, and

(ii) Easements and rights-of-way shall not be changed, and

(iii) Street locations and blocks sizes shall not be changed, and

(iv) No lot shall be created which does not abut a street, and

(v) Open space and recreation areas shall not be reduced, and

(vi) The number of lots shall not be increased.

(2) In every case wherein lot lines are changed as permitted above, the subdivider shall:

(i) Submit to the Township and County Planning Commissions copies of the Final Plan revised to show such changes. After this submission the Township Planning Commission will in writing advise the Subdivider and the Township Secretary if the revised Plan complies with Section (1).

(ii) When the Plan does comply with Section (1), the Subdivider shall submit the Record Plan and a reproducible copy of the Record Plan (which will be retained by the Township) to the Township for the endorsement of the Township Supervisors. The Subdivider shall also submit the Record Plan to the County Planning Commission for its endorsement (which shall specifically identify the previous Record Plan thus superseded), and then record the Plan if endorsement is secured.

(iii) The Record Plan shall be a clear and legible black-on-

white print.

(3) When on-lot sewage disposal is intended to be utilized, the Township may require that a copy of the Final Plan be submitted to the Pennsylvania Department of Environmental Resources for review, and a report from the Department received by the Township prior to endorsement of the Record Plan.

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

(1) The Subdivider shall prepare and submit Sketch and Preliminary Plans in accordance with this Chapter.

(2) The Preliminary Plan shall comply with the requirements of Section 402 of this Chapter and in addition contain the following notation:

This property is intended to be sold by auction on or about _____, 20__, in whole or in part according to this Plan. Sale of lots at such auction shall be in the form of agreement to purchase, and not actual transfer of ownership or interest in such lots shall proceed until a Final Plan showing such division of property shall have been approved by the Township Supervisors, in accordance with its regulations, and recorded in the office of the County Recorder of Deeds.

(3) The auction sale may then proceed in accordance with the above notation, after which the Subdivider shall prepare and submit a Final Plan in accordance with this Chapter.

(Ordinance No. 85, August 11, 1991, Article III, Sections 3.50 through 3.533)

Part 4

Plan Requirements

Section 401. Sketch Plans.

(a) The scale and sheet size of the Sketch Plan shall be as required in Section 402(a) for Preliminary Plans. The Sketch Plan shall contain at least the following data, legibly drawn to scale:

- (1) Name and address of the Subdivider and the record owner.
- (2) Name of the subdivision or land development and the date of the plan.
- (3) Tract boundaries, accurately labeled, and a statement of the total acreage of the tract.
- (4) North point and graphic and written scales.
- (5) The name of the person or firm responsible for the design of the subdivision or land development.
- (6) The names of owners of adjoining properties.
- (7) A location map, drawn to a scale of 1" = 800' with sufficient information to enable the Planning Commission.
- (8) Significant topographical and physical features (i.e., water bodies, quarries, flood plains, tree masses, railroad tracks, existing buildings, etc.) on the tract.
- (9) Proposed general street and lot layout.
- (10) A statement telling what methods of water supply and sewage disposal will be used.
- (11) A statement telling the proposed use for each lot, parcel and building indicated on the plan.
- (12) Zoning district lines within the property and zoning district designations shall be shown on the plan.

(Ordinance No. 85, August 11, 1991, Article IX, Section 4.10 through 4.122)

Section 402. Preliminary Plans.

(a) The Preliminary Plan shall be clearly and legibly drawn to a scale of one inch (1") equals fifty feet (50') with all dimensions shown in feet and hundredths of a foot, except that:

(1) If the average size of the proposed lots is one (1) acre or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

(2) The original drawing and all submitted prints thereof shall be made on sheets either twenty-two inches (22") by thirty-four inches (34") or by forty-four inches (44"). All sheets shall have a minimum margin of one-half inch ($\frac{1}{2}$ ") on all four sides.

(b) If the Preliminary Plan requires more than one (1) sheet, a key diagram showing the relative location of all the sheets shall be drawn on the first sheet. In addition, a match line shall be drawn on each sheet and the Subdivider shall indicate along each match line what sheet is adjoined at that match line.

(c) The Preliminary Plan shall show:

(1) Name of the proposed subdivision or land development and the name of the Township.

(2) North point, graphic scale, written scale and date, including the month, day and year that the original drawing was completed, and in the case of revised drawings, the month, day and year that the original drawing was 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.

(3) Name and address of the record owner and subdivider.

(4) Name and seal of the engineer and/or surveyor responsible for the Plan.

(5) The names of any abutting subdivisions and the book and page numbers where any abutting subdivisions are recorded, and the names of the owners of any adjacent unplatted land and the book and page numbers where any adjacent unplatted land is recorded.

(6) A key map for the purpose of locating the property being subdivided, drawn to a scale of one inch (1") equals eight hundred feet (800')

and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads and municipal boundaries within one thousand feet (1,000') of the subdivision or land development. Where applicable, the approximate distance to the nearest existing street shall be shown. A scale and north point shall be indicated.

(7) Total tract boundaries of the property being subdivided, showing bearings and distances, and a statement of the total acreage of the property.

(8) Zoning district lines within the property and zoning district designations and area, yard and height requirements applicable to the property.

(9) Contour lines at vertical intervals of not more than two feet (2') for land with average natural slope of four percent (4%) or less and at intervals of not more than five feet (5') for land with average natural slope exceeding four percent (4%).

(10) Location and elevation of the datum to which contour elevations refer. Datum used shall be known and established benchmark where reasonably practicable.

(11) All existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroad tracks, water courses, storm drainage, and other significant man-made or natural features within the proposed subdivision or land development and within fifty feet (50') from the boundaries of the proposed subdivision or land development.

(12) All existing buildings or other structures and the approximate location of all existing tree masses within the proposed subdivision or land development.

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

(14) The full plan of proposed development, including:

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

(ii) Suggested street names and all public utility and private easement locations.

(iii) Building setback lines along each street and the proposed placement of each apartment building, townhouse and non-residential building.

(iv) Lot lines, with approximate dimensions.

(v) A statement of the intended use of all non-residential lots and parcels.

(vi) Lot numbers and a statement of the total number of lots and parcels.

(vii) Water mains and sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.

(viii) Parks, playgrounds and other areas to be dedicated to the Township shall be noted. Such dedication shall be required in residential developments of ten or more lots. The amount of land to be dedicated will be equal to or greater than seven percent (7%) of the total area of the proposed development and such dedicated portion must comply with road frontage, minimum width and depth requirements for the respective zoning district in which the development is situated.

(ix) It is the policy of the Township to provide recreational facilities for all of the residents of the Township pursuant to the Township recreation plan. Centralized facilities are preferred over local neighborhood facilities. New and additional facilities are required in direct proportion to increase in population. Developers causing increases in population by new residences must share in the cost of additional recreational facilities. In lieu of dedication as set forth in Section 402.(c)(14)(viii), a contribution for recreation purposes shall be made at the rate of \$500 per dwelling unit in the R-1 and R-2 districts, \$300 in the R-3 district and \$200 in the R-4 district. Such contribution will not apply to any plan application pending at the time of enactment of this Section. All monies paid to the Township in this manner shall be kept in the capital reserve fund established as provided by law. Monies in such fund may be combined for

investment purposes, if permitted by law, but shall be used only for the acquisition of land or capital improvements for open space and park and recreation purposes.

(15) The location of all wetlands, as determined by an actual field survey performed by a person qualified in determining wetlands. In the event there are not wetlands on the property a statement to that effect shall be on the plan. The plan should indicate the name, address and signature of this person performing the wetland determination.

(d) A plan showing soil types and natural drainage patterns throughout the tract shall accompany the Preliminary Plan and shall be drawn at the same scale as the Preliminary Plan. Soil data shall be based on the Soil Survey Berks County, Pennsylvania, prepared by the U.S. Soil Conservation Service.

(e) An erosion and sediment control plan for the entire tract shall accompany the Preliminary Plan.

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

(1) Typical street cross-section drawing(s) for all proposed streets.

(2) Tentative profiles along the centerline of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades at one of the following sets of scales or any combination thereof:

(i) One inch (1") equals fifty feet (50') horizontal and one inch (1") equals two feet (2'), one inch (1") equals four feet (4') or one inch (1") equals eight feet (8') vertical.

(3) A plan for the surface drainage of the tract to be subdivided. Such plan shall include storm water run-off calculations for the entire property being subdivided and all property at a higher elevation in the same watershed, and shall show the proposed method of accommodating the anticipated run-off. Storm water calculations shall be made and drainage facilities designed using the Rational Method of Design in accordance with the American Society of Civil Engineers Manual No. 37 of the U.S. Department of Agriculture Soil-Cover-Complex Method in Technical Release No. 55.

(4) Preliminary designs of any bridges or culverts. Such designs

shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Resources.

(5) Where a Preliminary Plan shows the proposed subdivision of only a part of the Subdivider's total property, the Plan shall be accompanied by a plan of the proposed street system for the remainder of the property so that the street system in the submitted portion can be considered in relation to the future connections with the unsubmitted portion. In the case of extremely large properties, the Township Planning Commission may delimit the area for which a prospective street system on adjacent property needs to be shown. The Subdivision shall also include a statement indicating proposed future land use for the unsubmitted portion of his property.

(6) A plan showing the location of all soil test probes and percolation test holes. The location of the test probes shall be tied by angles and/or distances to two (2) property corners.

(Ordinance No. 85, August 11, 1991, Article IV, Section 4.20 through 4.276)

Section 403. Final Plan.

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

(1) If the average size of the proposed lots is one (1) acre or larger, the plan may be drawn to a scale of one inch (1") equals one hundred feet (100').

(2) The original drawing and all submitted prints thereof shall be made on sheets either twenty-two inches (22") by thirty-four inches (34"), or thirty-four inches (34") by forty-four inches (44"). All sheets shall have a minimum margin of one-half inch (1/2") on all four sides.

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

(c) The Final Plan shall show:

(1) Name of proposed subdivision or land development and of the

Township.

(2) North point, graphic scale, written scale, and date, including the month, day and year that the original drawing of the Final Plan was completed, and in the case of revised drawings, the month, day and year that the original drawing was revised, and a description of each revision.

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

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

(5) The names of all abutting subdivisions, if any, with the book and page numbers where recorded, and the names of the owners of all adjacent unplatted land, if any, and the book and page numbers where recorded.

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

(7) The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to one-quarter ($1/4$) of a minute. These boundaries shall be balanced and closed with an error of closure not to exceed one foot (1') in ten thousand feet (10,000'); provided, however, that the boundary(s) adjoining additional unplatted land of the subdivided (example, between separately-submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The proposed location and elevation (if established) of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. The engineer or surveyor responsible for the plan shall certify as to the accuracy of the survey and the drawn plan.

(8) Zoning district lines within the property, and zoning district designations and area, yard and height requirements applicable to the property.

(9) The name (or number) and cartway width and lines of all

existing public streets and the name and location of all other roads within the property.

(10) The following data for right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets within or abutting the property to be subdivided:

(i) The length (to hundredths of a foot) and bearing (in degrees, minutes and seconds) of all straight lines and the length of arc and radius (to hundredths of a foot) of all curved lines.

(ii) The width (in feet) of the cartway, right-of-way and, if required, of the ultimate right-of-way.

(11) All lot lines shall be completely dimensioned in feet (to hundredths of a foot) if straight, and if curved, with length of arc and radius (to hundredths of a foot). Bearings to one-quarter ($1/4$) of a minute shall be shown for all lot lines. Each lot shall be balanced to an accuracy of one foot (1') in ten thousand feet (10,000'). For each lot, the total lot area in square feet shall be stated.

(12) Lot numbers, numbered consecutively, and a statement of the total number of lots and parcels.

(13) A statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots and, if recorded, the book and page number of the County Deed Book.

(14) Building setback lines along each street and the proposed placement of each apartment, townhouse, and non-residential building.

(15) The location of all existing and proposed street monuments as requested by Section 602(i).

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

(17) Location, size, materials and invert elevation of all sanitary and/or storm sewers and location of all manholes, inlets and culverts and the

location, size and material of water mains.

(18) 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.

(19) Certificate for approval of the Plan by the Township Supervisors.

(20) Certificate for approval of the Plan by the Township Planning Commission.

(21) A block measuring three and one-half inches (3 ½") by five and one-half inches (5 ½"), preferably adjacent to the Township certification, in which the appropriate stamp of the County Planning Commission may be applied.

(22) A blank space measuring three inches (3") square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.

(23) A statement that a copy of the final approved plan shall be provided by the Subdivider to all lot purchasers.

(24) The location of all wetlands as determined by an actual field survey performed by a person qualified in determining wetlands. In the event there are no wetlands on the property a statement to that effect shall be on the plan. The plan should indicate the name, address and signature of this person performing the wetland determination.

(d) The Final Plan shall be accompanied by the following supplementary date, where applicable:

(1) Typical street cross-section drawing(s) for all proposed streets.

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

(i) Existing (natural) profile along the centerline of each street.

(ii) Proposed finished grade of the centerline or proposed

finished grade at the top of both curbs (or proposed finished grade at both cartway edges if curbs are not provided).

- (iii) The length of all vertical curves.
- (iv) Existing and proposed sanitary sewer mains and manholes.
- (v) Existing and proposed storm sewer mains, inlets, manholes and culverts.
- (vi) Existing and proposed water mains and fire hydrants.

(3) The profile sheets required by Section 403 (d)(2)(i) shall be legibly drawn at one (1) of the following sets of scales or any combination thereof:

- (i) One inch (1") equals fifty feet (50') horizontal and one inch (1") equals two feet (2'), one inch (1") equals four feet (4') or one inch (1") equals eight feet (8') vertical.

(4) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space.

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

(6) Whenever a Subdivider proposed to establish a street which is not offered for dedication to public use, the Township shall require the Subdivider to submit and also to record with the Plan, a copy of an agreement made with the Township on behalf of his heirs and assigns, which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:

- (i) That the street shall conform to Township specifications and the cost of construction necessary to comply with the Township specifications shall be at the sole cost of the subdivider, his heirs and assigns.
- (ii) That an offer to dedicate the street shall be made only for the street as a whole.

- (iii) That the method of assessing repair costs be as stipulated, and
- (iv) That agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
- (v) Reference to this agreement shall be included in all lot sale agreements and deeds.
- (7) Three (3) copies of an improvement agreement fully executed by the developer for all proposed improvements.
- (8) With a proposal to change or diminish the course, current or cross-section of any stream or body of water, or to construct or change any water obstruction, approval and a permit from the Pennsylvania Department of Environmental Resources.
- (9) A supplemental plan showing the location of all soil test probes, percolation test holes, all existing and proposed sewage seepage beds and all existing and proposed wells. The location of the test probes shall be tied by angles and/or distances to two (2) property corners of each lot.
- (10) A copy of the approval from the Pennsylvania Department of Environmental Resources for the proposed method of sewage disposal.
 - (i) When on-lot sewage disposal is to be utilized, a copy of the approved "Application for Sewage Disposal System" as issued by the Township Sewage Enforcement Officer shall be submitted for each lot shown on the Final Plan.
- (11) Where requested by the Township, a final grading plan shall be submitted at the time of Final Plan submission.
- (12) An erosion and sediment control plan for the tract as approved by the Berks County Conservation District shall accompany the Final Plan.
- (13) If the subdivision or land development proposes a new street intersection with a State Route, a letter from the Department of Transportation indicating approval of such intersection.

(Ordinance No. 85, August 11, 1991, Article IV, Sections 4.30 through 4.373)

Section 404. Soil Percolation Test Requirement.

(a) Soil percolation tests shall be performed for all subdivisions in which buildings at the time of construction will not be connected to a live public or live community sanitary sewage disposal system.

(b) Soil percolation tests shall be made in accordance with the procedure required by the Pennsylvania Department of Environmental Resources.

(c) Soil test necessary to obtain a permit for on-lot disposal system (i.e. percolation, etc.) shall be performed at or near the site of proposed on-site sanitary sewage disposal facilities. At least one test shall be performed on each lot within the subdivision.

(d) The results of the soil percolation tests shall be analyzed by the Township and Pennsylvania Department of Environmental Resources and the Final Plan lot layout shall be based on this analysis. If the analysis of the soil percolation test results reveals that the soil is unsuitable for the intended use at the lot size(s) originally proposed, the Township may require that the lot size(s) be increased in accordance with the test results. In the event that adjusting the lot size to accommodate soil percolation requirements is not feasible, the Township may reject the plan.

(Ordinance No. 85, August 11, 1991, Article IV, Sections 4.40 through 4.44)

Section 405. Preliminary Hydrogeologic Evaluation.

(a) A preliminary hydrogeologic evaluation shall be required for all subdivisions and land developments located within one quarter (1/4) mile of documented water testing having a nitrate-nitrogen concentration between 5 mg/l and 10 mg/l. These areas are shown on Attachment J of the Tilden Township Official Sewage Facilities Plan, incorporated herein by reference.

(b) A preliminary hydrogeologic evaluation which meets the requirements of the Pennsylvania Department of Environmental Protection (PADEP) shall include, as a minimum, the following:

(1) The location of the proposed well and on-lot sewage system in relation to groundwater and surface water flow.

(2) Estimated wastewater dispersion plume using an average daily flow of 262.5 gallons per equivalent dwelling unit per day or other flow supported by documentation.

(3) Identification and location of existing and potential

groundwater uses in the estimated area of impacted groundwater.

(c) For subdivisions and land developments requiring preliminary hydrogeologic evaluations, PADEP planning exemptions and exceptions are not applicable.

(d) No subdivisions or land developments are allowed within one-quarter (1/4) mile of documented water testing having a nitrate-nitrogen concentration exceeding 10 mg/l. These areas are shown on Attachment J of the Tilden Township Official Sewage Facilities Plan incorporated herein by reference.

(e) In the event that the PADEP approved in the future the use of denitrification units or similar systems, subdivision and land development may be allowed within areas with nitrate-nitrogen concentrations exceeding 10 mg/l.

(Ordinance No. 147, February 7, 2004, Section 1)

Section 406. Preparation of As-Built Plans. Prior to the release of the Performance Guarantee, As-Built Plans for all improvements originally shown on the approved plan within the subdivision or land development shall be submitted to the Township within thirty (30) days after inspection, approval and acceptances of the improvements by the Township. Plans shall be in accordance with the requirements of Section 403 of this Chapter and be certified by a Professional Engineer or Professional Land Surveyor as to the accuracy of the improvements as shown. (Ordinance No. 196, July 11, 2009, Section 1)

Part 5

Design Standards

Section 501. Application and General Standards.

(a) The standards and requirements contained in Parts 5 and 6 are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Township Planning Commission and the Township Supervisors in reviewing all subdivision and land development plans.

(b) Whenever other Township regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall prevail; otherwise, the standards and requirements of this Chapter shall apply.

(c) Subdivision and land development plans shall give due recognition to the Official Plans of the Township or to parts of the Official Plans which have been adopted pursuant to statute.

(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.

(Ordinance No. 85, August 11, 1994, Article V, Sections 5.10 through 5.14)

Section 502. Streets.

(a) General Standards.

(1) The location and width of all streets shall conform to the Official Plans or to such parts thereof as may have been adopted by the Township.

(2) The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets if these streets meet or exceed the standards of Section 502(c). If the existing or recorded streets do not meet or exceed the standards of Section 502(c), the proposed street extensions shall meet the standards of Section 502(c).

(3) Where, in the opinion of the Township, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.

(4) If lots or parcels in the subdivision are large enough for

resubdivision, or if a portion of the Subdivider's property is not proposed to be subdivided but could be subdivided in the future, the Township may require the reservation of land adequate to provide for future street access to land which could be resubdivided or subdivided in the future and require that the location of land reserved for future streets be coordinated with the street system shown on the subdivision plan.

(5) New minor streets shall be so designed as to discourage through traffic, but the Subdivider shall give adequate consideration to provision for the extension and continuation of streets into and from adjoining properties.

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

(7) Private streets (streets not to be offered for dedication) and/or access easements are prohibited, unless they meet the design standards of this Chapter.

(b) Partial and Half Streets. New half or partial streets will not be permitted.

(c) Street Widths. Minimum street right-of-way and cartway (pavement) widths shall be as follows:

<u>Street Type</u>	<u>Required Widths (in feet)</u>	
	<u>W/O Curbs</u>	<u>With Curbs</u>
Minor Street & Cul-de-sac		
Right-of-Way	50	60
Cartway	20	40
Shoulders	6' each side	
Collector Street		
Right-of-Way	60	60
Cartway	22	44
Shoulders	8' each side	
Arterial Street	As determined after consultation with the Township, the County &	
Right-of-Way		

Cartway	PennDOT
Marginal Access Street Right-of-Way	As determined after consultation with the Township, the County & PennDOT

Additional right-of-way and cartway widths may be required by the Township for the purpose of promoting the public safe and convenience.

(d) Restriction of Access.

(1) Whenever a subdivision or land development abuts or contains an arterial street the Township may require restrictions of access to the street by:

(i) Provision of reverse frontage lots, or

(ii) Provision of marginal access streets, provided that the reserve strips establishing such marginal access streets shall be placed within the jurisdiction of the Township under an agreement meeting the approval of the Township.

(2) Except as specified by Section 502(d)(1)(ii), reserve strips shall be prohibited.

(e) Street Grades.

(1) There shall be a minimum centerline grade of one-half percent (0.5%).

(2) Centerline grades shall not exceed the following:

(i) Minor Street: ten percent (10%).

(ii) Collector Street: eight percent (8%).

(iii) Arterial Street: Six percent (6%).

(iv) Street Intersection: four percent (4%).

(3) Grades up to twelve percent (12%) may be permitted by the Township on a through minor street where access to the street is possible over streets with grades of ten percent (10%) or less.

(f) Horizontal Curves.

(1) Whenever street lines are deflected in excess of two (2) degrees, connection shall be made by horizontal curves.

(2) Minimum centerline radii for horizontal curves shall be as follows:

(i) Minor Streets: two-hundred fifty feet (250').

(ii) Collector Street: seven hundred fifty feet (750').

(iii) Arterial Streets: one thousand feet (1,000').

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

(4) Combinations of the minimum radius and maximum grade shall be avoided when possible.

(g) Vertical Curves.

(1) At all changes in street grades where the algebraic difference in grade exceeds one percent (1%), vertical curves shall be provided to permit the following minimum sight distances:

(i) Minor Streets: two hundred fifty feet (250').

(ii) Collector Streets: four hundred feet (400').

(iii) Arterial Streets: five hundred feet (500').

(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 seventy (70) degrees nor more than one hundred ten (110) degrees. The angle of intersection with arterial streets shall not be less than eighty (80) degrees nor more than one hundred (100) degrees.

- (2) No more than two (2) streets shall intersect at the same point.
- (3) Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least one hundred fifty feet (150') between centerlines, measured along the centerline of the street being intersected.
- (4) Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed four percent (4%) within fifty feet (50') of the intersection of the nearest right-of-way lines.
- (5) Intersections with arterial streets shall be located not less than one thousand feet (1,000') apart, measured from centerline to centerline along the centerline of the arterial streets.
- (6) Street intersections shall be rounded by an tangential arc with a minimum radius of:
 - (i) Thirty-five feet (35') for intersections involving only minor streets;
 - (ii) Fifty feet (50') for all intersections involving a collector street;
 - (iii) Fifty-five feet (55') for all intersections involving an arterial street.
- (7) Street right-of-way lines shall be parallel to (concentric with) the street intersection arcs.
 - (i) Sight Distances at Intersections.
 - (1) Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision obstructing object shall be permitted which obscures vision above the height of thirty inches (30") and below the height of ten feet (10'), measured from the centerline grade of intersect-streets. Such triangles shall be established from a distance of:
 - (i) Seventy-five feet (75') from the point of intersection of the centerlines, except that
 - (ii) Clear sight triangles of one hundred and fifty feet (150') shall be provided for all intersection with arterial streets.

(2) Wherever 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.

(j) Cul-de-Sac Streets.

(1) Dead-end streets are prohibited unless designed as cul-de-sac streets.

(2) Any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a cul-de-sac 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.

(3) Cul-de-sac streets, permanently designed as such, shall not exceed two thousand feet (2,000') in length.

(4) A cul-de-sac street shall furnish access to not more than twenty (20) dwelling units.

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

(6) All cul-de-sac streets, whether permanently or temporarily designed as such, should be provided at the closed end with a fully paved turnaround. Minimum radius to the pavement edge or curb line shall be fifty feet (50'), and minimum radius to the right-of-way line shall be sixty feet (60').

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

(8) The centerline grade on a cul-de-sac street shall not exceed ten percent (10%) and the grade of the diameter of the turnaround shall not exceed five percent (5%).

(k) Street Name.

(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 Township and the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, land, etc.

(3) All street names shall be subject to the approval of the Township and the Postmaster having jurisdiction.

(Ordinance No. 85, August 11, 1991, Article V, Sections 5.20 through 5.313)

Section 503. Blocks.

(a) Layout.

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

(i) Provision of adequate sites for buildings of the type proposed.

(ii) Zoning requirements.

(iii) Topography.

(iv) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.

(b) Length.

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

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

(c) Depth.

(1) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except:

(i) Where reverse frontage lots are required.

(ii) Where prevented by the size, topographical conditions or other inherent conditions of the property.

(d) Commercial and Industrial Blocks. Blocks in commercial and industrial areas may vary from the elements of design detailed above if required by nature of the use. In all cases, however, adequate provisions shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

(Ordinance No. 85, August 11, 1991, Article V, Sections 5.40 through 5.441)

Section 504. Lots and Parcels.

(a) General Standards.

(1) The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated, and be in accordance with the provisions of the Township Zoning Ordinance.

(2) Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines.

(3) Where feasible, lot lines shall follow municipal boundaries rather than cross them.

(4) Generally, the depth of residential lots shall be no less than one (1) nor more than three (3) times their width.

(5) Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-side parking, loading and unloading, setbacks, landscaping, etc.

(6) Where extra width had been dedicated for widening of existing streets, lots shall begin at such adjusted right-of-way line, and all set-backs shall be measured from such adjusted right-of-way line.

(b) Lot Frontage.

(1) All lots shall have direct access to an existing or proposed public street, or to a private street if it meets the requirements of this Chapter.

(2) Reverse frontage lots shall be avoided except where required to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography or orientation.

(3) All residential reverse frontage lots shall have a rear yard with a minimum depth of seventy-five feet (75'). No vehicular access shall be permitted through the rear yard to the street adjacent to the rear yard.

(c) Lot Size. The minimum lot size and width requirements are found in the Township Zoning Ordinance. The minimum lot area requirements found in the Zoning Ordinance may be increased by the Township Planning Commission according to the results of the soil percolation tests required by Section 404 of this Chapter.

(d) Driveways and Off-Street Parking.

(1) Each proposed dwelling unit in a subdivision or land development shall be provided with at least two off-street parking spaces.

(i) In the case of single-family or two-family dwellings 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.

(ii) In the case of multiple-family dwellings such off-street parking spaces shall be provided in parking compounds located adjacent to or near the multiple family dwellings and shall provide a minimum of two (2) off-street parking spaces per unit. Each off-street parking space shall contain a minimum of two hundred (200) square feet. In addition, adequate aisles for maneuvering and movement of vehicles shall be provided. The grade of such parking areas shall not exceed six percent (6%).

(2) Commercial and industrial developments shall meet the off-street parking requirements of the Township Zoning Ordinance.

(3) Entrances to private driveways serving one (1) and two (2)

family dwellings shall be located at least fifty feet (50') from the point of intersection of the nearest street curb lines or edge of cartway.

(4) Entrances to private driveways serving multiple-family dwelling shall be located at least eighty feet (80') from the point of intersection of the nearest street curb lines or edge of cartway.

(5) In order to provide a safe and convenient means of access, grades on private driveways shall not exceed fifteen percent (15%). Driveways shall be paved when the grade exceeds eight percent (8%).

(6) Entrances to private driveways serving one (1) and two (2) family dwellings shall be rounded at a minimum radius of five feet (5').

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

(8) Private driveway entrances shall not intersect streets at angles of less than sixty (60) degrees nor more than one hundred twenty (120) degrees.

(9) The width of driveways serving one (1) family dwellings shall not be less than ten feet (10') nor more than twenty feet (20') at the street line, excluding the radius.

(Ordinance No. 85, August 11, 1991, Article V, Sections 5.50 through 5.549)

Section 505. Sanitary Sewage Disposal.

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

(1) Public sanitary sewer and treatment plant system.

(2) Community sanitary sewer system with a temporary sewage treatment plant.

(3) Capped sewers with temporary, approved on-site facilities.

(4) Septic tank with tile field.

(b) Each property shall connect with an approved public or community

sewer system, if geographically and economically accessible. Where sewers are not accessible but are planning for extension to the subdivision or land development within three (3) years, the Subdivider shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot and dwelling unit when connection with the sewer system is made. Sewer lines shall be suitably capped at the limits of the subdivision or land development, and laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.

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

(d) If on-site sanitary sewage disposal facilities are proposed, the Township may require that the Subdivider submit an Economic Feasibility Report if the Township considers that such facilities are not the highest type consistent with existing physical, geographical and geological conditions. Such Report shall compare the cost of providing on-site facilities and the cost of providing a higher type of facility (see Section 505(a)). Based on analysis of the Economic Feasibility Report, the Township may require the installation of a higher type of facility.

(Ordinance No. 85, August 11, 1991, Article V, Sections 5.60 through 5.64)

Section 506. Water Supply.

(a) Whenever an existing public or approved community water system is geographically and economically accessible to a proposed subdivision or land development, a distribution system shall be designed to furnish an adequate supply of water to each lot and dwelling unit with adequate main sizes and fire hydrant locations to meet the specifications of the Middle Department Association of Fire Underwriters. A copy of the approval of such system by the appropriate public agency or utility company shall be submitted with the Final Plan. A suitable agreement shall also be established for the ownership and maintenance of such distribution system.

(b) Where public or community systems are not geographically and economically accessible, and on-site sanitary sewage disposal systems are proposed to be used, a community water supply may be required by the Township if deemed necessary for the public health, safety, and welfare. If such a system is provided, it shall be approved by the Pennsylvania Department of Environmental Resources, and appropriate agreements established to ensure proper and adequate maintenance shall be submitted to the Township.

(c) Where individual on-site water supply system(s) are to be utilized, each lot so served shall be of a size and shape to allow safe location of such a system. The individual supply system shall be constructed in full compliance with Pennsylvania Department of Environmental Resources specifications.

(Ordinance No. 85, August 11, 1991, Article V, Sections 5.70 through 5.73)

Section 507. Storm Drainage.

(a) Storm sewers, culverts, and related installations and improvements shall be provided in order to:

- (1) Permit unimpeded flow of natural water courses.
- (2) Ensure adequate drainage of all streets.
- (3) Intercept storm water run-off 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.
- (5) Provide sufficient storm water detention to reduce post-development flows to pre-development flows levels.
 - (i) Detention ponds shall be designed to provide adequate storage for Design Storms of 2, 10, 25 and 50 years, while controlling the outflows to pre-development levels.

(ii) Detention pond spillway shall be designed to pass a 100 Year Storm.

(b) Where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments shall, if required by the Township, connect to the existing storm sewers.

(c) Storm water run-off shall not be concentrated onto adjacent properties unless approval is given by the adjacent property owners and the Township. 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.

(d) Where a subdivision or land development is traversed by a water course, drainage way, channel, or stream, any change in this existing drainage way

shall be subject to the approval of the Pennsylvania Department of Environmental Resources. The Subdivider shall properly grade and seed slopes and fence open ditches.

(e) All drainage facilities shall be designed to adequately handle surface run-off and carry it to suitable outlets and shall be designed in accordance with the Rational Method of Design in accordance with the American Society of Civil Engineers Manual No. 37 or the United States Department of Agriculture Soil Conservation Service Technical Release Number 55, Urban Hydrology for Small Watersheds.

(f) All streets shall be so designed as to provide for the discharge of surface water from their right-of-way.

(g) The slope of the crown on proposed streets shall be 1/4 of an inch per foot.

(h) Adequate facilities shall be provided at low points along streets, at street intersections and at intermediate points where necessary to intercept run-off. Crossing gutters will not be permitted.

(i) Reinforced cement concrete pipe shall be used for all under road crossings. Minimum pipe size shall be fifteen (15) inches in diameter.

(Ordinance No. 85, August 11, 1991, Article V, Sections 5.80 through 5.89)

Section 508. Natural Features, Utility Easements, Erosion and Sedimentation Controls, Flood Plains.

(a) Natural Features. Wherever possible, all natural features, such as large trees, rock outcroppings, the natural terrain, wooded areas, and natural water courses and bodies of water shall be preserved.

(b) Utility Easements

(1) Easements shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements. Local utility companies shall be consulted when locating utility easements.

(2) Easements abutting street rights-of-way shall be a minimum of ten (10) feet in width. Other easements shall be a minimum of twenty (20)

feet in width.

(3) There shall be a minimum distance of fifty feet (50'), measured in the shortest distance, between any proposed dwelling unit and any petroleum products or natural gas transmission line which traverses the subdivision or land development.

(4) Where gas or petroleum transmission lines are a part of the proposed development, either proposed or requiring relocation, construction shall occur within a right-of-way of fifty feet (50') minimum and shall comply with the applicable requirements of the Pennsylvania Public Utilities Commission Regulations.

(5) Underground electric distribution lines and telephone lines shall be installed in all new subdivisions and land developments, unless permission is granted by the Pennsylvania Public Utility Commission to allow overhead facilities. In existing subdivisions with five (5) or more unimproved lots any extensions of the electric distribution lines shall be placed underground. The Subdivider shall submit to the Township, prior to endorsement of the final plan, a letter from the appropriate utility company confirming that the Subdivider has entered into an agreement to provide for an underground electric system in accordance with the regulations of the Pennsylvania Public Utility Commission or has obtained a waiver from said Commission to allow overhead electric facilities.

(c) Erosion and Sedimentation Controls.

(1) Land shall not be developed or changed by grading, excavating, or by the removal or destruction of the natural topsoil, trees, or other vegetative cover unless adequate provisions for minimizing erosion and sedimentation are provided.

(2) A plan for erosion and sedimentation control shall be prepared. The Plan shall meet all requirements of the Berks County Conservation District and Pennsylvania Department of Environmental Resources and be approved by the Berks County Conservation District and the Pennsylvania Department of Environmental Resources, when applicable.

(3) The following guidelines shall be applied as needed in developing erosion and sedimentation control measures:

(i) Stripping of vegetation, grading, filing, 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.

(ii) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(iii) The disturbed areas and the duration of exposure shall be kept to a practical minimum.

(iv) Disturbed soils shall be stabilized as quickly as practicable.

(v) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.

(vi) The permanent vegetation and mechanical erosion control and drainage measures shall be installed as soon as practical in the development.

(vii) Provisions shall be made to effectively accommodate the increased run-off caused by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff shall be retarded.

(viii) Until disturbed areas are stabilized, sediment in run-off water shall be trapped by the use of debris basins, sediment basins, silt traps, or similar measures.

(4) The following guidelines shall be applied as needed in excavation and fills as part of erosion and sedimentation controls:

(i) All lots, tracts, or parcels shall be graded to provide positive drainage away from buildings, without ponding.

(ii) 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 run-off.

(iii) Natural drainage patterns shall be preserved wherever possible and desirable.

(iv) Adequate provisions shall be made to prevent surface

water from damaging the cut face of excavations and the sloping surfaces of fills.

(v) Cut and fills shall not endanger adjoining property.

(vi) Fill shall be placed and mechanically compacted to minimize sliding and erosion of the soil.

(vii) Fills shall not encroach on natural water courses, flood plains, or constructed channels.

(viii) Grading shall not be done in such a way so as to divert water onto the property or another landowner without the expressed consent of the Township Supervisors and the adjoining landowner.

(ix) During grading operations, necessary measures for dust control shall be exercised.

(d) Flood Plains.

(1) All land developments and subdivisions governed by this Chapter shall comply with the Township's Ordinance regarding the National Flood Insurance Program Regulations.

(2) The following items shall apply to any subdivision or land development of which any portion is located along a stream:

(i) The 100 Year Flood level shall be drawn on the plan for all areas designated as flood zones on the National Flood Insurance Program Maps.

(ii) The 100 Year Flood level shall be determined, using appropriate drainage design procedures for any areas susceptible to floods as determined by the Township. The results of this determination shall be shown on the plan.

(3) The following methods shall be used in computing run-off for the 100 Year storm:

(i) The method in Technical Release Number 55, Urban Hydrology For Small Watersheds, by the United States Department of Agriculture Soil Conservation Service. This method can be used for streams whose drainage area at the point in question is no larger than

2,000 acres.

(ii) Pennsylvania Department of Transportation Design Manual Part 2, Highway Design can be used for drainage areas between one and one-half (1-1/2) square miles and one hundred fifty (150) square miles. The risk factor to be used is 1.0. The factor to multiply the Q 2.33 value by in determining flood discharge (Q) is 3.5.

(iii) Pennsylvania Department of Transportation Design Manual Part 2, Highway Design can be used for drainage areas greater than one hundred fifty (150) square miles. The Safety Factor to be used is 1.7.

(Ordinance No., 85, August 11, 1991, Act V, Sections 5.90 through 5.9433).

Part 6

Improvement Specifications

Section 601. General Requirements.

(a) Physical improvements to the property being subdivided or developed shall be provided, constructed, and installed as shown on the Record Plan, in accordance with the requirements of the Township.

(b) The Subdivider shall agree with the Township as to the installation of all improvements shown on the Plan and required by this Chapter and shall execute and file Subdivision Improvements Agreement, as prepared by the Township.

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

(d) Supervision of the installation of improvements required by Section 602 shall be the responsibility of the Township or the appropriate State regulatory agency.

(Ordinance No. 85, August 11, 1991, Article VI, Sections 6.10 through 6.14)

Section 602. Required Improvements. The following improvements shall be provided by the Subdivider:

(a) Streets.

(1) Grading. All streets shall be graded to full cartway and shoulder width. All slopes adjacent to the shoulders shall be graded at a slope of not steeper than 2:1.

(2) Cartway Paving.

(i) All cartways on local and collector streets shall be constructed with six inches (6") of subbase, four inches (4") Bituminous Base, and one and one-half inches (1-1/2") Bituminous Surface Course (D-2 or with six inches (6") subbase, four inches (4") Bituminous Binder Course, DP-1 and a double seal coat.

(ii) The construction of cartways on arterial streets and

marginal access streets shall be as determined after consultation with the Township, the County and PennDOT.

(iii) In commercial and industrial land developments, all interior access ways and driveways shall be constructed with a base of six inches (6") of Type 2A aggregate for the full width, six inches (6") of a bituminous base course for the full width, and one and one half inches (1 ½") of a bituminous wearing course for the full width. All parking lots shall be constructed with a base of six inches (6") of Type 2A aggregate for the full width, three inches (3") of a bituminous base course for the full width, and one and one half inches (1 ½") of a bituminous wearing course for the full width. All materials and workmanship shall be in accordance with the latest specifications of the PA Department of Transportation for roadways.

(3) Shoulders. All shoulders shall be constructed with five inches (5") of Type 2A aggregate. A paved shoulder may be required on higher class streets or where warranted to control shoulder erosion on streets with steep grades. Determination on the paving of shoulders will be made by the Township.

(b) Curbs. Curbs shall be installed along both sides of all adjoining streets, except that curbs shall not be required where the average lot width (measured at the building setback line) is one hundred (100) feet or larger unless curbs are deemed necessary by the Township Supervisors in the public interest. Curbs shall be either the vertical type or the rolled curb-and-gutter type, except that rolled curbs shall not be used on streets where the grade exceeds six percent (6%), or on any collector or arterial streets. The transition from one type of curb to another shall be made only at a street intersection. Adequate provisions shall be made for driveway entrances.

(1) In commercial and industrial land developments, curbing shall be required on all interior access ways, driveways and parking lots.

(c) Sidewalks.

(1) Sidewalks with a minimum width of four (4) feet shall be installed on both sides of all streets except that:

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

(ii) Except where required for the extension of existing

sidewalks, no sidewalks shall be required along minor streets where the average lot width (measured at the building setback lines) is one hundred (100) feet or greater, unless such streets are within the required walking distance area of a school, are near community facilities encouraging pedestrian traffic, or sidewalks are deemed necessary in the public interest by the Township Supervisors.

(2) Wherever sidewalks are required, curbs shall also be required. Curbs shall be installed in accordance with the specification of Section 602(c).

(d) Storm Sewers. Storm sewers and related facilities shall be installed consistent with acceptable design principles and the standards contained in Section 507 of this Chapter.

(e) Sanitary Sewage Disposal

(1) Sanitary sewage disposal systems shall be provided consistent with the requirements contained in Section 505 of this Chapter.

(2) If individual on-site systems are not used, the subdivider shall provide a community or public sanitary sewage disposal system. The design and installation of public and community systems shall be subject to the approval of the Township. The design and installation of a community distribution system shall also be subject to the approval of the Pennsylvania Department of Environmental Resources and such system shall be subject to satisfactory provision for the maintenance thereof. This type of disposal system will not be allowed on subdivisions with fewer than 50 lots.

(f) Water Supply

(1) Water supply system(s) shall be provided consistent with the requirements of Section 506 of this Chapter.

(2) If individual on-site water supply systems are not used, the Subdivider shall supply a community or public water distribution system. The design and installation of public water distribution systems shall be subject to the approval of the engineer of the appropriate Authority or water utility company or the Township Engineer. The design and installation of community water distribution systems shall be subject to the approval of the Pennsylvania Department of Environmental Resources and the Township and such systems shall be further subject to the satisfactory provision for the maintenance thereof. This type system shall not be allowed in subdivisions with fewer than 50 lots.

(g) Fire Hydrants. Wherever a public or community water distribution system is provided, fire hydrants shall be installed within 600 feet of all existing and proposed structures, measured by way of accessible streets.

(h) Monuments.

(1) Permanent stone or concrete monuments shall be accurately placed at all points being monumented. Other type monuments may be used with prior approval by the Township Engineer.

(2) All monuments shall be placed so that the center of the monument coincides exactly with the point of intersection of lines being monumented.

(3) Monuments shall be set with their top level with the finished grade of surrounding ground.

(4) All monuments shall be on the right-of-way line of the streets or the five (5) feet range line at the following locations.

(i) At least one (1) monument at each street intersection.

(ii) At changes in direction of street lines, excluding curb arcs at intersections.

(iii) At each end of each curved street line, excluding curb arcs at intersections.

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

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

(i) 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 Township.

(j) Traffic Regulatory Signs. All required traffic regulatory signs shall be installed on all new roads. The design and placement of such signs shall be in

accordance with the Pennsylvania Department of Transportation's regulations, and subject to approval by the Township.

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

(l) Street Lights. In accordance with the conditions to be agreed upon by the Subdivider, the Township, and the appropriate public utility, street lights shall be installed in all subdivisions and land developments when required by the Township Supervisors.

(m) Erosion and Sedimentation Control Measures. Installations necessary to implement the erosion and sedimentation control plan shall be made by the Subdivider as required improvements.

(n) Recreation Facilities.

(1) The Township may require the public dedication of land suitable for the construction of recreational facilities. The amount of land to be dedicated shall be a minimum of three (3) percent of the gross area of the subdivision.

(2) In lieu of accepting the public dedication of land, the Township may require the payment of a Recreation Fee to be set aside for the purpose of providing and/or improving recreation facilities within the Township.

(Ordinance No. 85, August 11, 1991, Article VI, Sections 6.20 through 6.342; as amended by Ordinance No. 160, January 2, 2006, Section 1; as further amended by Ordinance No. 196, July 11, 2009, Section 2)

Section 603. Recommended Improvements. The following improvements are recommended but not required:

(a) Shade Trees. Reasonable effort should be made by the Subdivider to preserve existing shade trees, and in addition, deciduous hardwood trees with a minimum caliper of one and one half inches (2 ½") should be provided, in accordance with conditions to be agreed upon by the Township, and if necessary, the appropriate public utility.

(Ordinance No. 85, August 11, 1991, Article VI, Sections 6.40 through 6.401)

Part 7

Mobile Home Park

Section 701. General Requirements.

(a) Mobile home parks shall be considered land development and shall comply with all the design standards and improvement specifications found in Parts 5 and 6 of this Chapter.

(b) The submission, review, approval or disapproval, and recording of any plan for a mobile home park shall be in accordance with the provisions of Part 3 of this Chapter.

(c) The plan of any mobile home park shall comply with the requirements stated in Part 4 of this Chapter.

(d) All mobile home parks shall comply with all requirements established for mobile home parks by the Commonwealth of Pennsylvania.

(e) All mobile home parks shall comply with all the requirements established for mobile home parks by the Commonwealth of Pennsylvania.

(f) Design standards and licensing requirements as set forth in the above mentioned Mobile Home Park Ordinance shall be applicable.

(Ordinance No. 85, August 11, 1991, Article VII, Sections 7.10 through 7.16)

Part 8

Residential Agricultural Land Development

Section 801. General Requirements.

(a) For land to be developed as a Residential Agricultural Land Development the land must be located within the Agricultural Security Area.

(b) The proposed residential dwelling units must be intended as tenant homes for persons employed on the developed tract of land.

(c) A ratio of one (1) dwelling unit per twenty (20) acres of land will be allowed, with a maximum of four (4) dwelling units on any tract of land.

(d) The proposed development must meet all applicable zoning requirements.

(e) Each proposed dwelling unit must be situated on the property in a manner to provide frontage on, and direct individual access to, an existing public road.

(f) A separate sewage system and water well must be provided for each proposed dwelling unit.

(Ordinance No. 85, August 11, 1991, Article VIII, Sections 8.00 through 8.06)

Section 802. Plan Requirements.

(a) An accurate sketch, or plan, shall be provided showing sufficient information for the Township to assess the suitability and feasibility of the development as being proposed.

(b) As a minimum, the sketch or plan being submitted, shall provide the following information:

(1) Location of other buildings and physical features located on the tract and within a reasonable distance, which may have an affect on the development.

(2) Location of buildings and physical features on adjoining tracts of land which may have an affect on the development.

(Ordinance No. 85, August 11, 1991, Article VIII, Sections 8.10 through 8.122)

Section 803. Submission and Review Requirements.

(a) The landowner shall submit ten (10) copies of the sketch, or plan, to the Township Secretary along with the requested filing fee.

(b) The plan will be reviewed by the Township Planning Commission at the next regularly scheduled meeting following submission of the plan, provided the plan is submitted at least fourteen (14) days prior to the meeting.

(c) Within fifteen (15) calendar days, after the meeting at which the plan is reviewed by the Township Planning Commission, the Planning Commission shall notify the following of the action taken by the Township Planning Commission regarding the Residential Agricultural Land Development Plan:

- (1) The Township Secretary.
- (2) The Chairman of the Township Board of Supervisors.
- (3) The landowner.

(d) At the next regularly scheduled meeting following action by the Township Planning Commission, the Township Supervisors shall review, and either approve or disapprove, the plan.

(e) Within fifteen (15) calendar days, after the meeting at which the plan is reviewed by the Township Supervisors, the Township Secretary shall notify, in writing, the following of the action taken by the Township Supervisors regarding the Residential Agricultural Land Development Plan:

- (1) The Township Planning Commission.
- (2) The landowner.
- (3) The Township Zoning Officer.

(f) The plan must be approved by the Township Supervisors prior to the issuance of a zoning permit.

(g) The final approved plan does not have to be recorded in the Office of the Recorder of Deeds.

(h) The approval of a Residential Agricultural Land Development Plan does not constitute a subdivision approval, nor does it approve the sale of part or

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parcel of the approved development.

(Ordinance No. 85, August 11, 1991, Article VIII, Sections 8.20 through 8.31)

Part 9

Residential Cluster Development

Section 901. General Requirements.

(a) A Cluster Development is a residential land development which allows for use of smaller lot sizes in conjunction with the preservation of open space and in which the small lots are grouped together in a specified area of the development. The development shall include single-family detached dwellings only.

(b) The minimum land required for Residential Cluster Development shall be 50 acres and it shall be held in single ownership or control by an approved community association at the time of the application.

(c) Each lot shall have adequate access on a public or private roadway.

(d) Each lot shall be of a size and shape to provide a building site which shall be in harmony with the natural terrain and other features of the land.

(e) There shall be an adequate, safe, and convenient arrangement of pedestrian circulation, roadways, driveways, and parking. Sidewalks and curbs may be required.

(Ordinance No. 90, June 2, 1992, Section 1)

Section 902. Utility Requirements.

(a) All structures which require plumbing shall be connected to a public sanitary sewer, if available, or a community sewage disposal system.

(b) A community sewage disposal system shall be designed, approved, and constructed in accordance with Pennsylvania Department of Environmental Resources requirements and specifications.

(Ordinance No. 90, June 2, 1992, Section 1)

Section 903. Common and Open Space Requirements.

(a) All land not devoted to dwellings or accessories uses, roads or other allowable community/development uses shall be set aside as common land for recreation, conservation, or agricultural uses which preserve the land in a manner

that is in keeping with the character of the community.

(b) The total minimum area of common space for a Residential Cluster Development shall be equal to 50% of the tract area. For purposes of calculating the common space area, no more than 50% of the following restricted areas shall be used:

- (1) Land within the flood plain.
- (2) Wetlands.
- (3) Lands with slopes greater than 25%.

(c) Further subdivision of common land or its use for other than recreation, conservation, or agricultural, except for easements for underground utilities and sewage disposal systems shall be prohibited. Structures or buildings accessory to recreation, conservation, or agricultural uses may be erected but shall not exceed 5% coverage of any common open land.

(d) All common land shall be either:

(1) Conveyed to a community association owned or to be owned by the owners of the lots within the development. If such a community association is utilized, ownership thereof shall pass with conveyances of the lots in perpetuity.

(2) Conveyed to a non-profit organization, the principal purpose of which is the conservation or preservation of open space.

(3) Conveyed to the Township, at no cost, and be accepted by it for a park or open space use. Such conveyance shall be at the option of the Township.

(4) Conveyed with preservation/conservation easements to another party.

(e) In any case where such land is not conveyed to the Township, a restriction enforceable by the Township shall be recorded to ensure that such lands shall be kept in an open or natural state and shall not be built for residential commercial, industrial use or developed for accessory uses such as parking or roadways. Such restrictions shall further provide for maintenance of the common land in a manner which will insure suitability for its function, appearance, cleanliness, and proper maintenance of drainage, utilities, and the like.

(Ordinance No. 90, June 2, 1992, Section 1)

Section 904. Community Association.

(a) A non-profit incorporated community association, condominium association, or corporation shall be established requiring membership of each lot owner in the Residential Cluster Development. The Association shall be responsible for the permanent maintenance of all communal water and sewage disposal systems, common open space, recreation and thoroughfare facilities. An association agreement or covenant shall be submitted to the Township for review, guaranteeing continuing maintenance of such common utilities, land and facilities and assessing each lot a share of maintenance expenses. Such an agreement shall be subject to the review and approval of the Township.

(b) Such agreements or covenants shall provide that in the event the association fails to maintain the common open land in reasonable order and condition in accordance with the agreement, then the Township may offer notice to the association, enter upon such land, and maintain it in order to preserve the taxable values of the property within the development and to prevent the common land from becoming a public nuisance. The covenant shall also provide that the cost of such maintenance by the Township shall be assessed against the properties within the development.

(c) The community association shall be responsible for the payment of premiums for liability insurance, local taxes, the maintenance of recreational facilities on the common areas, payment of assessments for public and private improvements made to or for the benefit of the common area. The owners association shall be empowered to levy assessments against the owners of the plots within the development for the payment of expenditures made by the owners association for the items set forth. Any assessments not paid by the owner, against whom such are assessed, shall constitute a lien on the plot of the owner.

(d) Easements over common areas for access, ingress, and egress from and to public streets and walkways and easements for the enjoyment of common areas, as well as for parking, shall be granted to each plot owner.

(e) Voting membership in the association shall initially be comprised of two classes, the developer and the property owners, to assure the developer of proportionate representation and control at a project during the construction, provided, however, that such a system shall be structured so that votes cast by each class shall have equal force when 66% of the total units, or lots, authorized shall have been completed or sold or within 10 years of the initial creation of the

association, whichever comes first.

(Ordinance No. 90, June 1, 1992, Section 1)

Section 905. Plan Requirements.

(a) Sketch Plan: The minimum requirements of the sketch plans shall be in accordance with such in Section 401, Sketch Plans of the Subdivision and Land Development Ordinance for Township of Tilden. Additional requirements for the residential cluster development sketch plans include:

(1) A sketch plan illustrating a subdivision or land development using existing zoning, including a preliminary count of the number of dwelling units or approximate square footage of building coverage.

(2) A sketch plan showing a conceptual cluster plan, including a preliminary number of dwelling units of approximate square footage of building coverage.

(3) A site analysis identifying the physical characteristics, amenities, resources, and constraints of the site, including but not limited to, the presence of wetlands as indicated by soils or National Wetland inventory maps or other method, restrictive slopes for in-ground sewage disposal systems, buildings, flood plains, sinkholes, water courses, tree masses, views into the site and out of the site, site topography, and adjacent land uses.

(4) General location and proposed use of open space. Recreation, agricultural and other uses to generally be identified on the plan.

(b) Tentative Residential Cluster Plan: The minimum requirements of the tentative residential cluster plan shall be in accordance with Section 402 of this Chapter. In addition to these date items, a project performance analysis shall be submitted which addresses each of the performance issues outlined in Part 6 of this document.

(c) The final plan shall be developed in accordance with Sections 403 - Section 404 of this Chapter.

(Ordinance No. 90, June 2, 1992, Section 1)

Section 906. Submission and Review Requirements.

(a) Application for approval of Residential Cluster Subdivisions shall be made in a three step process:

(1) The first step will be the submission of Sketch Plans showing the site layout as a conventional subdivision and at least one alternative illustrating the Residential Cluster Plan. In addition to the requirements of the sketch plan, as required by the municipal subdivision and land development ordinance, the Sketch Plan for the Residential Cluster Development shall include a site analysis, identification of on-site natural features, points of access, location of major tree masses, identification of adjacent land uses, and other pertinent physical data to establish the inventory of physical characteristics. The Sketch Plans shall be used for presentation to the municipal planning commission and supervisors for informal discussions concerning the applicability of the Residential Cluster Development zoning.

(2) A tentative Residential Cluster Plan. The tentative plan shall include a site layout that conforms to the Residential Cluster Development zoning, and responds specifically to the following performance "tests":

(i) Housing: Each unit will be sited to provide privacy. Privacy may be developed by distance between units, planted buffers, screens, grading, or any combination of these. Such buffers will be designed to be natural in appearance. Each unit will be sited to provide a desirable living space: maximizing site amenities, and minimizing undesirable views or incompatible adjacent uses. Architectural controls will be developed to assure units complement the project and each other.

(ii) Site Features: The plan will be developed to preserve natural features and valuable resources as much as possible. Visual impacts of views out of the site, as well as views into the site, will be considered in locating units. Woodlands, water courses, wetlands, prime agricultural land, flood plains, etc. are to be considered as amenities and features. Each dwelling unit must be considered as to its relationship with the site features. Areas set aside for open space must be appropriate for their intended purpose. Prime agricultural land should be considered for preservation. Grading of sites, construction of roads, sanitary sewage, and utility facilities are to be planned with the concern to minimize the impact on a site. Cartway width, stormwater management facilities, pedestrian walkways, and other features will be designed to blend into the site. Buffers and screens shall be used to separate incompatible uses. A landscaping plan will be submitted for review and approval.

(iii) Agricultural Use: Agricultural Use requires a "farm plan" to determine if the site provides a workable, practical arrangement for the purposes of agriculture. The farm plan should address the issues of dust, noise, odor, and its affects on adjoining properties. Special attention should be given to prevailing wind directions and slope. The plan must address the negative issues as well as the practicality of the land for agricultural purposes. A "right to farm" easement should be provided.

(iv) Ownership Maintenance of Open Space: A legal entity, such as a homeowner's association or a trust, must be created to "own" the land. The Township must have the assurances the land will remain an open space/agricultural, perhaps through the easement to a third party such as a land trust or a conservancy group. Restrictions on use shall be clearly stated and outlined. Ownership/maintenance of sanitary sewage and stormwater facilities must be clearly established. The homeowner's association must have 100% required membership and police power to collect fees. Such documents describing the association will be provided to the Township for review and approval, prior to the final approval of the plan.

(v) Community Impact and Project Feasibility: An analysis of the local character and land use shall be done as part of the tentative plan. The purpose of this analysis is to determine the existing character of the local community and to assess the impact of the project on that character. The feasibility of the project shall also be analyzed to determine if the project is viable in terms of an adequate number of residents to support the maintenance of the common areas and a viable preservation plan. This analysis shall be provided as part of the tentative plan approval.

(vi) Utilities: A summary of utilities available, including electric telephone, gas, cable, water, sewage disposal and stormwater will also be included.

(3) A Final Plan shall be submitted to the Township in accordance with Section 304, Final Plan of Subdivision and Land Development Ordinance for Township of Tilden.

(Ordinance No. 90, June 2, 1992, Section 1)

Part 10

Administration and Amendment

Section 1001. Fees.

(a) The Township Supervisors shall establish, by resolution, a Schedule of Fees to be paid by the Subdivider. In the case of a Minor Subdivision, the fee shall be paid at the time of filing of a Sketch and Final Plan. In the case of all other subdivisions and land developments, fees shall be paid at the time of Sketch Plan and Preliminary Plan submissions.

(b) The Schedule of Fees shall be obtainable in the office of the Township Secretary, and shall be posted therein and in such other places as the Township Supervisors may designate.

(c) No Final Plan shall be approved unless all fees have been paid in full.

(d) All recreation contributions shall be paid prior to Final Plan approval.

(Ordinance No. 85, August 11, 1991, Article IX, Sections 9.10 through 9.14)

Section 1002. Modification.

(a) The provisions of this Chapter are intended as minimum standards for the protection of public health, safety and welfare. The Township Supervisors may modify these provisions in individual cases as may be deemed necessary in the public interest, provided that such modification shall not have the effect of nullifying the intent and purpose of this Chapter. If the literal compliance with any mandatory provisions of this Chapter is shown by a Subdivider, to a majority of the Township Supervisors present at a prescheduled public meeting, to be unreasonable and to cause undue hardship because of peculiar conditions pertaining to the land in question, the Township Supervisors may grant a modification of such mandatory provisions provided the modification will not be contrary to the public interest and that the purpose and intent of this Chapter is observed.

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

(c) The Township Supervisors shall keep a written record of all actions on

all requests for modifications.

(d) 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 Supervisors, unless the plan is first resubmitted to and approved by the Township Supervisors in accordance with the provisions of this Chapter.

(Ordinance No. 85, August 11, 1991, Article IX, Sections 9.20 through 9.24)

Section 1003. Challenge. Any person desiring to challenge the validity of any provisions of this Chapter, or any amendment thereof, shall make such challenge as prescribed by law. (Ordinance No. 85, August 11, 1991, Article IX, Sections 9.30 through 9.31)

Section 1004. Enforcement Remedies and Preventive Remedies.

(a) 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 Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

(b) No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the Judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure.

(c) Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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

(e) Nothing in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for

enforcement pursuant to this Section.

(f) In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties of from the remedies herein provided.

(g) The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from subdivision of real property in violation of this Chapter. This authority to deny such approval applies to the following applicants, among others:

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

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

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

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

(h) As an additional condition for issuance of a permit or the granting of any approval to any such owner, current owner, vendee or lessee, as set forth above, for the development of compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such property.

(Ordinance No. 85, August 11, 1991, Article IX, Section 9.40 through 9.48)

Section 1005. Keeping Records. The Township Planning Commission and the Township Supervisors shall keep a record of their findings, decisions, and recommendations relative to all subdivision and land development plans filed for review.

Such records shall be made available to the public for review. (Ordinance No. 85, August 11, 1991, Article IX, Section 9.50)

Section 1006. Responsibility. The Subdivider shall be responsible for observing the procedures established in this Chapter and for submitting all plans and documents as may be required. (Ordinance No. 85, August 11, 1991, Article IX, Section 9.60)

Section 1007. Conflicts.

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

(b) All existing ordinances or parts of ordinances which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

(Ordinance No. 85, August 11, 1991, Article IX, Sections 9.70 through 9.72)

Section 1008. Revision and Amendment. The Township Supervisors may amend this Chapter. Any amendments shall be made in accordance with the procedures established by law. (Ordinance No. 85, August 11, 1991, Article IX, Sections 9.80 and 9.81)

Section 1009. Severability. Should any article, section, subsection, paragraph, clause, phrase, or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect the validity of this Chapter as a whole or any part or provision thereof other than the part so declared to be invalid. (Ordinance No. 85, August 11, 1991, Article IX, Sections 9.90 and 9.91)

Part II

Definitions

Section 1101. Terminology. This section attempts to clarify by DEFINITION terminology used within and in relationship to this Chapter. (Ordinance No. 85, August 11, 1991, Article X, Section 10.00)

Section 1102. Terms. Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meaning indicated:

- (a) Words in the singular include the plural and those in the plural include the singular.
- (b) Words used in the present tense include the future tense.
- (c) Words "person", "subdivision", "owner", and "developer" include a corporation, incorporated association and a partnership, or other legal entity, as well as an individual.
- (d) The word "building" includes structures and shall be construed as if followed by the phrase "or part hereof".
- (e) The word "watercourse" includes channel, creek, ditch, dry run, spring, stream and river.
- (f) The words "should" and "may" are permissive; the words "shall", "must", and "will" are mandatory and directive.

(Ordinance No. 85, August 11, 1991, Article X, Sections 10.10 through 10.106)

Section 1103. Definitions. Other terms or words used herein shall be interpreted or defined as follows:

Block. An area bounded by three (3) or more streets.

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

Building Setback Line. The line within a property defining the minimum required distance between any building and a street right-of-way or side or rear property line.

Cartway (Roadway). The portion of a street right-of-way, paved and 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 line.

Commission. The Planning Commission of the Township of Tilden.

County. The County of Berks, Commonwealth of Pennsylvania.

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

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 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 a specific use of private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structure, but shall have the right to make any other use of the land which is not inconsistent with the right of the grantee.

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

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 are necessary to produce usable and desirable lots.

Land Development. (1) The improvement of one lot or two or more contiguous lots, tracts or parcels or land for any purposes 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. Land developments are subject to all regulations and requirements set forth in this Chapter. Residential Agricultural Land Developments are exempt from all the requirements of this Chapter with the exception of Part 8.

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

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

Lot Area. The area contained within the property lines of a lot (as shown on the Plan) excluding space within all street rights-of-way and within all permanent drainage easements, but including the areas of all other easements.

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

Marker. A metal pipe or pin of at least three quarter inches (3/4") in diameter and at least thirty inches (30") in length.

Mobile Home. A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one unit, or in two (2) units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used without a permanent foundation.

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 of contiguous parcels of land which has been so designated and approved 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 (4") in diameter or square, containing a copper or brass dowel (1/4" drill hole) and at least 36 inches (36") in length. It is recommended that the bottom sides or radius

be at least two inches (2") greater than the top, to minimize movements caused by frost.

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

Municipality. Township of Tilden.

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

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

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 final plan.

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, Record. The copy of the Final Plan which contains the original endorsements of the County Planning Commission and the Township Supervisors and which is intended to be recorded with the County Recorder of Deeds.

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

Planning Commission. Tilden Township Planning Commission.

Plat. A map or plan of a subdivision or land development, whether preliminary or final.

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

Residential Agricultural Land Development. The improvement of one (1)

tract or parcel of land providing for a group of two (2) or more residential dwelling units to be used as tenant homes for persons employed on that tract of land.

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, cross-walk or for other public or semi-public purposes.

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

Sanitary Sewage System, Community. A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plan, serving a neighborhood area of fifty (50) or more lots.

Sanitary Sewage 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.

Septic Tank. A watertight receptacle which receives sewage or industrial waste and designed and constructed to provide for sludge storage and decomposition and to separate solids from the liquid, through a period of detention before allowing the liquid to be discharged.

Shoulder. The portion within the street right-of-way adjacent to the paved surface to be used for emergency parking, drainage and support for the paved surface.

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

Street. A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended to be used by vehicular traffic or pedestrians. The word "street" includes street, avenue, boulevard, road, highway, freeway, parkway, lane,

viaduct and other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. Streets are further classified according to the function they perform:

(1) Minor Street. A street used primarily to provide access to abutting properties or buildings.

(2) Cul-de-Sac Street. A minor street intersecting another street at one end, and terminating in a vehicular turn-around at the other end.

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

(4) 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.

(5) Collector Street. A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route to give access to community facilities and/or other collector and arterial streets. Generally, streets in industrial and commercial subdivisions shall be considered collector streets.

(6) Arterial Street. A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

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. Unless otherwise specified in this Chapter, the term "Subdivider" shall be deemed, also, to refer to a "developer".

Subdivision. The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres not involving

any new street or easement of access or any residential dwellings shall be exempted. The term subdivision includes resubdivision and, unless otherwise specified in this ordinance, land development.

Surveyor. A professional land surveyor registered by the Commonwealth of Pennsylvania.

Title Disposal Field. A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Township. The Township of Tilden, Berks County, Pennsylvania.

Township Planning Commission. The Planning Commission of the Township of Tilden.

Township Supervisors. Board of supervisors of the Township of Tilden.

Water Distribution System, Community. A system for supplying and distributing water from a common source to fifty (50) or more dwellings and/or other buildings within a single neighborhood.

Water Distribution System, On-Site. A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

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

(Ordinance No. 85, August 11, 1991, Article X, Sections 10.20 through 10.258)

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APPENDIX ICERTIFICATION OF OWNERSHIP, ACKNOWLEDGMENT OF
PLAN, AND OFFER OF DEDICATION

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

Commonwealth of Pennsylvania
County of _____

On this, the _____ day of _____, 20_____, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, deposes and says that he is the _____(1)_____, of the property shown on this plan, that the subdivision plan thereof was made at his/its direction, that he acknowledges the same to be his/its act and plan _____(2)_____, and that all streets _____(3)_____ shown and not heretofore dedicated are hereby dedicated to the public use _____(4)_____.

_____ (5)

_____ (6)

(7)

My commission
expires _____, 20,_____

(8) _____

1. insert either: Owner
Equitable Owner
President of the (name of corporation) which is the owner
2. whenever applicable, insert: and desires the same to be recorded as such according to law
3. whenever applicable, insert: and open spaces contained in lots number
4. if necessary, insert: except those labeled "not for dedication" (and any other restrictions or reservations)
5. where necessary, signature of secretary of corporation
6. signature of individual, of partners, or of president of corporation
7. if necessary, corporate seal
8. signature of notary

APPENDIX II

CERTIFICATION OF ACCURACY

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

I hereby certify that the plan shown and described hereon is true and correct to the accuracy required by the Subdivision Ordinance of the Township of Tilden.

_____, 20____

(1)_____

(2)

(1) signature of the professional engineer and/or professional surveyor responsible for the preparation of the plan

(2) apply seal of the engineer and/or surveyor

APPENDIX III

CERTIFICATE OF MUNICIPAL APPROVAL

At a meeting held on _____, 20____, the Planning Commission of the Township of Tilden, by resolution, duly enacted, approved the subdivision of the property of _____(1)_____, as shown hereon.

(2) _____

At the meeting held on _____, 20____, the Board of Supervisors of the Township of Tilden, by resolution duly enacted, approved the subdivision plan of the property of _____(1)_____, as shown hereon.

(3) _____

(4)

- (1) insert name of property owner
- (2) signatures of at least three Township Planning Commission members
- (3) signature of at least two of the Township Supervisors
- (4) municipal seal

APPENDIX IV
SUBDIVISION IMPROVEMENTS AGREEMENT
CHECKLIST

The final plans should be reviewed in regards to the need of the following improvements:

<u>Improvement</u>	<u>Required On The Plan</u>	<u>Not Required</u>
Road Paving	_____	_____
Curbs	_____	_____
Sidewalks	_____	_____
Storm Sewers	_____	_____
Detention Pond	_____	_____
Sanitary Sewers	_____	_____
Sewage Treatment Plant	_____	_____
Water Mains	_____	_____
Water Supply	_____	_____
Water Standpipe	_____	_____
Fire Hydrant	_____	_____
Survey Monuments	_____	_____
Road Name Signs	_____	_____
Road Regulatory Signs	_____	_____
Lighting	_____	_____

FORM TT-1

APPLICATION FOR APPROVAL OF MINOR SUBDIVISION PLAN

Application is hereby made for review of the Plan of a proposed Minor Subdivision of land submitted herewith and more particularly described below:

1. Name of Applicant(s): _____
Address: _____ Phone No. _____
2. Name of Owner(s): _____
(If other than Applicant)
Address: _____
3. Applicant's interest, if other than owner _____
4. Location of Subdivision: _____
5. Engineer or Surveyor responsible for plan: _____
Address: _____ Phone No. _____
6. Total Acreage: _____ No. of Lots: _____
7. Acreage being subdivided: _____
8. Minimum lot area: _____ Sq. Ft.
Lot use proposed: _____ Single Family
_____ Two Family
_____ Townhouse
_____ Multi-Family
_____ Commercial
_____ Industrial
_____ Other (Specify)
9. Zoning Classification: _____
Zoning change to be requested: _____
10. Type of water supply proposed: _____ Public System
_____ Community System
_____ Individual On-Site
11. Type of Sanitary sewage disposal proposed: _____ Public System
_____ Live
_____ Capped
_____ Community System
_____ Individual On-Site
(septic tank & tile field)
12. Type of off-street parking proposed: _____ Garages
_____ Driveways

13. List proposed improvements: _____ Other
1. _____
2. _____
3. _____
4. _____
14. Date of Plan: _____

Signature of Applicant

FORM TT-2APPLICATION FOR REVIEW OF PRELIMINARY SUBDIVISION OR LAND
DEVELOPMENT PLAN

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

1. Name of Subdivision: _____ Plan Dated: _____
County Deed Book No. _____ Page No.: _____
2. Name of Applicant(s): _____
Address: _____
3. Name of Property Owner(s): _____
(If other than applicant)
Address: _____
Phone No. _____
4. Applicant's interest if other than owner: _____
5. Engineer or Surveyor responsible for plan: _____
Address: _____
Phone No. _____
6. Total acreage: _____ No. of Lots: _____
7. Acreage of adjoining land in same ownership (if any): _____
8. Lot use planned: _____
_____ Single Family
_____ Two Family
_____ Townhouse
_____ Multi-Family
_____ Commercial
_____ Industrial
_____ Other (Specify) _____
9. Will construction of buildings be undertaken immediately? _____ Yes _____ No
By whom? _____ Subdivider
_____ Other Developers
_____ Purchasers of individual lots
10. Type of water supply planned: _____ Public System
_____ Community System
_____ Individual On-Site
11. Type of sanitary sewage disposal planned: _____ Public System
_____ Live
_____ Capped
_____ Community System
_____ Individual On-Site
(septic tank & tile field)

12. Type of off-street parking planned:

_____ Garages
 _____ Driveways
 _____ Other

13. Lineal feet to new streets planned: _____

14. Are all streets proposed for dedication? _____ Yes _____ No

15. Deed restrictions that apply or are contemplated. (if no restrictions, state "none", if "yes" attach copy):

16. Acreage proposed for parks or other public use: _____

17. Zoning classification: _____

Zoning changes to be requested: _____

18. Have appropriate public utilities been consulted? _____ Yes _____ No

19. Listed proposed improvements and utilities and intentions to install or post performance guarantee prior to final endorsement by the Township:

Improvement

Intention

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

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

Item

Number

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

FORM TT-3APPLICATION FOR REVIEW OF FINAL SUBDIVISION
OR LAND DEVELOPMENT PLAN

Application is hereby made for final approval of the Final Subdivision or Land Development Plan submitted herewith and described in the accompanying maps and documents.

1. Name of Subdivision: _____ Plan dated: _____
County Deed Book No. _____ Page No. _____
2. Name of Applicant(s): _____
Address: _____
3. Name of Property Owner(s): _____
(If other than applicant)
Address: _____
_____ Phone No. _____
4. Date of approval of Preliminary Plan: _____
5. Final Plan follows exactly the approval Preliminary Plan: _____ Yes _____ No
If no, list changes _____

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

	<u>Item</u>	<u>Number</u>
(a)		
(b)		
(c)		
(d)		
(e)		

Date: _____ Signature of Applicant: _____

ORDINANCE NO. 196, 2009

AN ORDINANCE OF THE TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, AMENDING CHAPTER XXVII, ENTITLED "SUBDIVISION AND LAND DEVELOPMENT" OF THE TOWNSHIP OF TILDEN CODE OF ORDINANCES TO AMEND PART 4, ENTITLED "PLAN REQUIREMENTS" TO ADD A NEW SECTION REQUIRING THE PREPARATION OF AS-BUILT PLANS; AND TO AMEND SECTION 602, ENTITLED "REQUIRED IMPROVEMENTS" TO ESTABLISH THAT STREET LIGHTS MAY BE REQUIRED BY THE BOARD OF SUPERVISORS INSTEAD OF THE TOWNSHIP SECRETARY

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

SECTION 1. Part 4, entitled "Plan Requirements", of Chapter XXVII, entitled "Subdivision and Land Development", of the Code of Ordinances of the Township of Tilden is hereby amended by adding thereto the following new Section:

"Section 406. Preparation of As-Built Plans. Prior to the release of the Performance Guarantee, As-Built Plans for all improvements originally shown on the approved plan within the subdivision or land development shall be submitted to the Township within thirty (30) days after inspection, approval and acceptances of the improvements by the Township. Plans shall be in accordance with the requirements of Section 403 of this Chapter and be certified by a Professional Engineer or Professional Land Surveyor as to the accuracy of the improvements as shown."

SECTION 2. Section 602, Entitled "Requirement Improvements" of Part 6, entitled "Improvement Specifications", of Chapter XXVII, entitled "Subdivision and Land Development", of the Code of Ordinances of the Township of Tilden is hereby amended and restated in its entirety as follows:

"(1) Street Lights. In accordance with the conditions to be agreed upon by the Subdivider, the Township, and the appropriate public utility, street lights shall be installed in all subdivisions and land developments when required by the Township Supervisors."

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

unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

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

SECTION 5. This Ordinance shall become effective in accordance with the law.

SECTION 6. The Code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, shall be and remain unchanged and in full force and effect except as amended, supplemented and modified by this Ordinance. This Ordinance shall become a part of the code of Ordinances of the Township of Tilden, Berks County, Pennsylvania, as amended, upon adoption.

DULY ENACTED AND ORDAINED this 14th day of July, 2009.

TOWNSHIP OF TILDEN
BOARD OF SUPERVISORS

Attest: Cheryl A. Haus
Secretary

Russell H. Werley
Judy E. Romig
Troy R. Hall

MUNICIPAL CERTIFICATION

I, CHERYL A. HAUS, Secretary of the TOWNSHIP OF TILDEN, BERKS COUNTY, PENNSYLVANIA, do hereby certify that the foregoing Ordinance 196, 2009 was advertised in the Reading Eagle/Times, a daily newspaper of general circulation in Tilden Township, on June 15/June 22, 2009 and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on July 11, 2009.

(SEAL)

Cheryl A. Haus
Secretary

Date: July 11, 2009

