

## **ORDINANCE NO. 243-2020**

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. THIS CHAPTER SHALL BE KNOWN AND MAY BE CITED AS "THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP TILDEN."

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

**SECTION 1.** Chapter XXVII entitled "Subdivision and Land Development", is hereby amended and restated in its entirety, as follows:

### **CHAPTER XXVII**

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## Part 1

### Authority, Title, Purpose, and Planning Commission

Section 101. Authority. An Ordinance (Chapter) 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.

Section 102. Title. This Chapter shall be known and may be cited as "The Subdivision and Land Development Ordinance of the Township Tilden."

Section 103. Purpose.

(a) The purpose of this Chapter shall be to provide uniform standards to guide the subdivision, re-subdivision, 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.

(b) 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.

Section 104. Copies of Chapter.

(a) Paper Copies.

Paper copies of this Chapter are available by request to the Township Manager or Secretary, at cost, for any person who desires information concerning subdivision and/or land development standards and procedures in effect within the Township.

(b) Electronic Copies.

Electronic copies of this Chapter are also available via e-mail by request to the Township Secretary and may also be downloaded from the Township's website.

Section 105. Creation of the Township 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,

1) 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.

2) 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.

Section 106. Powers and Duties of the Township Planning Commission

(a) The planning agency shall at the request of the governing body have the power and shall be required to: [MPC]

(1) Tilden Township's Comprehensive Plan, the Joint Comprehensive Plan for Northern Berks County, or other comprehensive plan.

Prepare the comprehensive plan for the development of the municipality as set forth in this act and present it for the consideration of the governing body. [MPC]

(2) Records.

Maintain and keep on file records of its action. All records and files of the planning agency shall be in the possession of the governing body. [MPC]

(b) The planning agency at the request of the governing body may: [MPC]

(1) Official Map.

Make recommendations to the governing body concerning the adoption or amendment of an official map. [MPC]

(2) Zoning Ordinance.

Prepare and present to the governing body of the municipality a zoning ordinance and make recommendations to the governing body on proposed amendments to it as set forth in this act. [MPC]

(3) Subdivision and Land Development Ordinance / Planned Residential Development Regulations.

Prepare, recommend and administer subdivision and land development and planned residential development regulations, as set forth in this act. [MPC]

(4) Building / Housing Code.

Prepare and present to the governing body of the municipality a building code and a housing code and make recommendations concerning proposed amendments thereto. [MPC]

(5) Other Studies.

Do such other acts or make such studies as may be necessary to fulfill the duties and obligations imposed by this act. [MPC]

(6) Environmental Study.

Prepare and present to the governing body of the municipality an environmental study. [MPC]

(7) Capital Improvements Program.

Submit to the governing body of a municipality a recommended capital improvements program. [MPC]

(8) Water Survey.

Prepare and present to the governing body of the municipality a water survey, which shall consistent with the State Water Plan and any applicable water resources plan adopted by a river basin commission. The water survey shall be conducted in consultation with any public water supplier in the area to be surveyed. [MPC]

(9) Public Understanding.

Promote public interest in, and understanding of, the comprehensive plan and planning. [MPC]

(10) Make recommendations to governmental, civic and private agencies and individuals as to the effectiveness of the proposals of such agencies and individuals. [MPC]

(11) Hold public meetings.

(12) Present testimony before any board, including the Tilden Township Zoning Hearing Board.

(13) Require from other departments and agencies of the municipality such available information as relates to the work of the planning agency. [MPC]

(14) In the performance of its functions, enter upon any land to make examinations and surveys with the consent of the landowner. [MPC]

(15) Renewable Energy Sources Study.

Prepare and present to the governing body of the municipality a study regarding the feasibility and practicability of using renewable energy sources in specific areas within the municipality. [MPC]

(16) Review of Ordinances.

Review the zoning ordinance, subdivision and land development ordinance, official map, provisions for planned residential development, and such other ordinances and regulations governing the development of land no less frequently than it reviews the comprehensive plan. [MPC]

## Part 2

### General Provisions

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.

Section 202. Prior Plans. The provisions of this Chapter shall not apply to a subdivision or land development 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.

Section 203. Re-platting and Re-subdivision. Any re-platting or re-subdivision of land, including a change of a recorded plan, shall be considered a new subdivision and shall comply with the provisions of this Chapter.

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.

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 (5) years from the date of such approval. When approval of a Final Plan has been preceded by approval of a Preliminary Plan, the five (5) 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.

Section 206. Municipalities Planning Code Text.

In certain sections of this Ordinance, sections of the Pennsylvania Municipalities Planning Code (MPC) are referenced. Such references are for general information purposes for the public. If the General Assembly amends a section of the MPC that is referenced, such amendment to State law shall automatically apply in regards to this

Ordinance, regardless of whether the pre-amendment working of the State law is referenced.

Section 207. Interpretation.

(a) Minimum Requirements.

In interpreting and applying this Ordinance, its provisions shall be held to be minimum requirements for the promotion of health, safety and general welfare of the Township.

(b) Greater Restrictions.

If this Ordinance imposes more stringent restrictions upon the use of buildings, structures, and land than are contained in deeds or agreements, then the provisions of this Ordinance shall control. However, if at any time a state law has a more stringent standard and is considered pre-emptive as a minimum standard, then that law will control.

Section 208. Zoning Applicability.

(a) Zoning Ordinance Compliance.

In addition to the requirements of this Ordinance, all applicable provisions of the Tilden Township Zoning Ordinance (Chapter 32) shall be met prior to approval of a Final Plan.

(b) It is the expressed intent that the Tilden Township Subdivision and Land Development Ordinance and Zoning Ordinance be read together with the intention of fostering the stated planning goals and objectives of the Township.

Section 209. Existing Improvements.

(a) If existing improvements on the subject tract do not meet the requirements of this Ordinance, then such improvements must be designed and upgraded to meet the requirements of this Ordinance in conjunction with an Application for a Land Development.

Section 210. Required Site Improvements.

(a) In accordance with Section 328 of this Ordinance, financial security must be provided as a condition of Final Plan approval for required improvements. For the purpose of this Ordinance, "required improvements" shall be interpreted to

mean all proposed site improvements shown on the plan, whether required by this Ordinance or offered as a site improvement by the Applicant/Developer.



## Part 3

### Procedures for the Submittal and Processing of Plans

#### Section 301. Submission and Review Requirements.

- (a) Hereafter, subdivision and land development plans shall be reviewed by the Township Planning Commission, the County Planning Commission, and other Township, Federal, State, or County officials as necessary, and shall be approved or disapproved by the Township Supervisors in accordance with the procedures specified in this section and in other sections of this Chapter.

#### Section 302. Informal Discussion at Planning Commission Meeting Prior to Submittal

- (a) Informal Discussions at Planning Commission Meeting.

A prospective Applicant may attend any Township Planning Commission Meeting to informally discuss a future subdivision and/or land development project. This attendance is recommended, but not required.

- (b) Presentation of Exhibit Plans.

Exhibit plans may be presented by the prospective Applicant or his/her/their Engineer or Surveyor or other representative at the Planning Commission meeting for a concept discussion but may not be left with the Planning Commission or at the Township building. All formal submittals must be given to, and accepted by, the Township Manager/Secretary or Assistant Secretary as described within this Part.

#### Section 303. Concept Plans.

- (a) An informal Concept Plan for a project may be submitted to the Township following the submittal procedures of this Chapter prior to the formal submittal of a Preliminary or Final Plan. The presentation of a Concept Plan is recommended, but not required.
- (b) The Concept Plan will be reviewed and placed on the agenda for the next Planning Commission meeting.
- (c) Any written comments provided to the Applicant, or discussions with the Applicant, may only provide a guide for the design of the project and shall be considered as a 'Pre-Submittal Consultation'. A complete review of all Township Ordinances and Regulations may not be provided.

#### Section 304. Submittal Time Prior to Next Planning Commission Meeting

(a) For a Reverse (Lot Assemblage, Lot Consolidation, Lot Combination) Subdivision, a Lot Line Adjustment / Lot Annexation Subdivision, and a Minor Subdivision - Plans and supporting documents must be submitted to, and accepted by, the Township Manager/Secretary or Assistance Secretary a minimum of twenty-one (21) calendar days prior to the next scheduled Planning Commission meeting to be placed on the agenda for that meeting.

(b) For a Major Subdivision and/or Land Development (including Campgrounds, Mobilehome Parks, or any other project not specifically named herein which requires site improvements to be made) - Plans and supporting documents must be submitted to, and accepted by, the Township Manager/Secretary or Assistant Secretary a minimum of twenty-eight (28) calendar days prior to the next scheduled Planning Commission meeting to be placed on the agenda for that meeting.

#### Section 305. Original Plan Designation Submittal Based on Project Type

(a) A Reverse (Lot Assemblage, Lot Consolidation, Lot Combination) Subdivision shall be submitted as a Final Plan.

(b) A Lot Line Adjustment / Lot Annexation Subdivision shall be submitted as a Final Plan.

(c) A Minor Subdivision shall be submitted as a Final Plan.

(d) A Major Subdivision and/or Land Development (including Campgrounds, Mobilehome Parks, or any other project not specifically named herein which requires site improvements to be made) shall be first submitted as a Preliminary Plan, or as a Preliminary/Final Plan. It is recommended that these project types be informally discussed with the Planning Commission and that a Concept Plan be submitted prior to the formal submittal of the Plan.

#### Section 306. Original Submittal

(a) The original submittal must be hand-delivered by the Applicant or his/her/their Engineer, Surveyor, or other representative to the Township Manager/Secretary or Assistant Secretary at the Township Building during normal business hours. The original submittal may also be mailed to the Township Building.

(b) The following items constitute a complete submittal:

- (1) Application --- one (1) original and thirteen (13) copies
- (2) Review Fee (check) (The review fee shall be provided be in accordance with the Township Fee Schedule Resolution.)
- (3) Plan(s) --- fifteen (15) copies (sets)
- (4) Supporting Documents --- three (3) copies
- (5) Applicable filing fees for review by the County Planning Commission.

(c) Receiving the Submittal.

(1) Hand-Delivered.

In the presence of the Applicant or his/her/their Engineer, Surveyor, or other representative the Township Manager/Secretary or Assistant Secretary shall:

(i) verify that the Application form has been completed and the correct number of copies are provided.

(ii) verify the review fee is provided and correct.

(iii) verify that the correct number of Plans and Supporting Documents are provided.

(iv) determine when the project will be placed on the next Planning Commission agenda and verbally convey that date to the Applicant or his/her/their Engineer, Surveyor, or other representative. A follow-up written notice or email shall also be sent with the date.

(2) Mailed.

If the submittal has been mailed to the Township, the Township Manager/Secretary or Assistant Secretary shall open the package and check to ensure that the items noted in (i), (ii), and (iii) above are provided and email or send a written notice to the Applicant or his/her/their Engineer, Surveyor, or other representative to convey the date of the next Planning Commission meeting that the project will be placed on the agenda.

(d) If any of the items within (b) above are not satisfactory, the Township Manager/Secretary or Assistant Secretary shall return the entire submittal package to the Applicant, and the submittal will not be accepted by the Township.

(e) If all the items within (b) above are satisfactory and the submittal has been accepted, the Township Manager/Secretary or Assistant Secretary shall provide all information to the Planning Commission Secretary who shall:

(1) create a file folder for the project that shall be accessible to all Township Officials.

(2) distribute the required number of copies as follows:

(i) office file --- original Application, one (1) copy of Plan(s), and one (1) copy of Supporting Documents.

(ii) Township Board of Supervisors --- three (3) copies of Application and three (3) copies of Plan(s).

(iii) Solicitor for Township Board of Supervisors --- one (1) copy of Application and one (1) copy of the Plan(s).

(iv) Township Planning Commission Members --- five (5) copies of Application and five (5) copies of Plan(s).

(v) Township Engineer --- one (1) copy of Application, one (1) copy of Plan(s), and one (1) copy of Supporting Documents.

(vi) Township Zoning Officer --- one (1) copy of Application and one (1) copy of Plan(s).

(vii) Township Sewage Enforcement Officer --- one (1) copy of Application and one (1) copy of the Plan(s).

(viii) County Planning Commission - one (1) copy of Application, two (2) copies of Plan(s), and one (1) copy of Supporting Documents.

#### Section 307. Subsequent Submittals

(a) All subsequent submittals after the original submittal shall have the same requirements as the original submittal, including an updated, revised Application and an additional review fee if required by the Township's Fee Schedule.

- (b) All subsequent submittals for revised plans shall also include a response letter to all comments received which specifies where revisions have been made.
- (c) All subsequent submittals shall be distributed the same as the original submittal.

#### Section 308. Plan Preparer's Qualifications

All plans and surveys shall be prepared in accordance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Land Surveyor and Geologist Registration Law," except that this requirement shall not preclude the preparation of a plat in accordance with the act of January 24, 1966 (1965 P.L. 1527, No. 535), known as the "Landscape Architects' Registration Law," when it is appropriate to prepare the plat using professional services as set forth in the definition of the "practice of landscape architecture" under Section 2 of that act. [MPC]

#### Section 309. Soliciting Reviews and Reports from Adjacent Municipalities and Other Governmental Agencies Affected by the Plan

##### (a) Adjacent Municipalities.

- (1) An Applicant for all Plans required by this Chapter shall submit the required Plan and applicable information to an adjacent municipality, if any portion of the project site lies within that municipality, for review and comment.
- (2) If the majority of the project site lies within Tilden Township, then Preliminary or Final Plan approval will not be granted until approval from the adjacent municipality has been obtained.
- (3) If the majority of the project site lies within the adjacent municipality, then Preliminary or Final Plan approval may be granted prior to approval from the adjacent municipality being obtained.

##### (b) Berks County Planning Commission.

- (1) An Applicant for all Plans required by this Chapter shall submit the required Plan and applicable information to the Berks County Planning Commission for review and recommendation.
- (2) No Plan will be given Preliminary or Final Plan approval by the Board of Supervisors without a recommendation from the Berks County Planning Commission.

### Section 310. Meeting Attendance

- (a) If advised that his/her/their submitted plan(s) is/are on the agenda, the Applicant or the Applicant's duly authorized representative shall attend all such meetings.

### Section 311. Planning Commission Secretary Responsibilities

- (a) Distribution of Submittal Information.

The Planning Commission Secretary shall accept submittals as described herein and distribute all received information according to Section 306.(e)(2).

- (b) Distribution of Reports.

The Planning Commission Secretary shall accept all reports from individuals reviewing the submitted information and distribute them to the file and all individuals listed in Section 306.(e)(2). When possible, the distribution of reports shall be via e-mail.

- (c) Correspondence with Applicant.

The Planning Commission Secretary shall prepare any letter on behalf of the Planning Commission directed to the Applicant regarding the submitted Plan.

### Section 312. Township Manager/Secretary or Assistant Secretary Responsibilities

- (a) Sewage Facilities Planning Module Administration.

- (1) Sewage Enforcement Officer Coordination.

The Township Manager/Secretary or Assistant Secretary shall administer Sewage Facilities Planning Module submissions including transmitting applicable information to the Township Sewage Enforcement Officer for review and approval in accordance with PA DEP administrative procedures.

- (2) Planning Commission Coordination.

Coordination with the Planning Commission Secretary, including the placement of any Sewage Facilities Planning Module on the Planning

Commission's agenda if applicable, shall be the responsibility of the Township Manager/Secretary or Assistant Secretary.

(b) Board of Supervisors Meetings Agendas.

The Township Secretary shall include any actions by the Planning Commission from their previous meeting on the agenda for all Board of Supervisors meetings.

(c) Correspondence with Applicant.

The Township Manager/Secretary or Assistant Secretary shall prepare any letter on behalf of the Board of Supervisors directed to the Applicant regarding the submitted Plan. All letters stating action on the Plan by the Board of Supervisors to the Applicant shall be sent by Certified Mail or email read receipt.

Section 313. Township Planning Commission Responsibilities

(a) Plan Review.

The Planning Commission shall review all plans and supporting documents in accordance with Township Ordinances with the Applicant or their Agent at the next regular meeting following a properly filed, formal submittal.

(b) Meeting Minutes.

(1) The Planning Commission shall prepare minutes of major discussion points and all motions relating to the Plan. Draft copies of these minutes are to be provided to the Board of Supervisors for their next scheduled meeting following the Planning Commission meeting.

(2) Minutes from the previous month's meeting shall be approved at each Planning Commission meeting.

(c) Recommendations.

(1) The Planning Commission shall either recommend approval, conditional approval, or disapproval of the Plan to the Board of Supervisors.

(2) If the Applicant or their Agent has indicated that further revisions are necessary to comply with comments received by the Planning Commission, Township Engineer, Township Zoning Officer, or any outside agency, the Planning Commission may "table" the plan until a revised plan is

submitted. Thus, no recommendation to the Board of Supervisors would be provided.

(3) The Planning Commission shall also recommend approval, conditional approval, or disapproval of any modification (waiver) request to the Board of Supervisors.

(d) Signatures on Plans.

All five (5) Planning Commission members, or the members in attendance at the time of approval, shall sign all applicable plans after a recommendation for approval has been given.

#### Section 314. Township Engineer Responsibilities

(a) Review of Application.

(1) The Township Engineer shall review the application documents to determine compliance with this Chapter and any other applicable Township Ordinances and/or Chapters, Township standards, and good engineering practices.

(2) The Township Engineer shall prepare a written report of their findings and recommendations and provide the original report to the Township Secretary and Planning Commission Secretary for distribution.

(b) Site Visit.

The Township Engineer may visit the project site at any time throughout the plan review process.

(c) Construction Inspections.

(1) The Township Engineer may visit the project site at any time throughout the construction of the project at the direction of the Township Board of Supervisors.

(2) A 'Site Inspection Report' shall be prepared by the Township Engineer for each site inspection and the original report shall be provided to the Township Secretary for distribution.



### Section 315. Township Zoning Officer Responsibilities

#### (a) Review of Application.

(1) The Township Zoning Officer may review the application documents to determine compliance with the Zoning Ordinance and any other applicable Township Ordinances or standards.

(2) If a formal plan review is performed, the Township Zoning Officer shall prepare a written report of their findings and recommendations and provide the original report to the Township Secretary for distribution.

#### (b) Site Visit.

The Township Zoning Officer may visit the project site at any time throughout the plan review process.

### Section 316. Township Sewage Enforcement Officer Responsibilities

The powers and duties of the Township Sewage Enforcement Officer shall be in accordance with Pennsylvania Code, Title 25 "Environmental Protection", Chapter 72 "Administration of Sewage Facilities Permitting Program".

### Section 317. Township Board of Supervisors Responsibilities

#### (a) Plan Review.

(1) The Board of Supervisors shall evaluate the Applicant's submission and reports from the Township Planning Commission, Township Engineer and Township Zoning Officer.

(2) The Board of Supervisors shall determine whether the Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.

#### (b) Meeting Minutes.

(1) The Board of Supervisors shall prepare minutes recording official action relating to the Plan. Draft copies of these minutes are to be provided to the Planning Commission for their next scheduled meeting following the Board of Supervisors meeting.

(2) Minutes from the previous month's meeting shall be approved at each Board of Supervisors meeting.

(c) Action on Plans.

(1) After receipt of the Township Planning Commission's recommendations, the Board of Supervisors shall either approve, conditionally approve, or disapprove the Plan.

All applications for approval of a plat, whether preliminary or final, shall be acted upon by the Board of Supervisors as follows.

(i) The Board of Supervisors shall render its decision and communicate it to the Applicant not later than ninety (90) days following the date of the regular meeting of the governing body or the planning agency (whichever first reviews the application) next following the date the application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the application, or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the application has been filed. [MPC]

(ii) The decision of the Board of Supervisors shall be in writing and shall be communicated to the Applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. [MPC]

(iii) When the application is not approved in terms as filed the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon. [MPC]

(iv) Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect. [MPC]

(2) If the Applicant or their Agent has indicated that further revisions are necessary to comply with comments received by the Planning Commission, Township Engineer, Township Zoning Officer, or any outside agency, the Board of Supervisors may "table" the plan until a revised plan is submitted. Thus, no action from the Board of Supervisors would be provided.

(3) The Board of Supervisors shall deny or approve acceptance of any street dedication.

(4) The Board of Supervisors shall approve, conditionally approve, or disapprove any modification (waiver) request.

(5) The Board of Supervisors shall approve or deny any time extension granted by the Applicant or their Agent. If a time extension is denied and the expiration date for action on the Plan is prior to the next Supervisors meeting, then action on the Plan needs to be taken by the Supervisors to avoid a deemed approval of the Plan (see Section 319.(c)).

(d) Signatures on Plans.

All Board of Supervisors, or the members in attendance at the time of approval, shall sign all applicable plans after approval has been granted and all outstanding review fees have been paid (see Section 322.(c)).

#### Section 318. Failure of Applicant to Accept Conditions of a Plan Approval

Approval of any Plan by the Board of Supervisors shall be rescinded automatically if the Applicant fails to accept or rejects any conditions placed on said approval.

#### Section 319. Time Extensions

(a) The time period for review of a plan may be extended by mutual agreement of the Applicant and the Township; and, any such agreement shall be in writing in the form of a letter from the Applicant to the Board of Supervisors.

(b) The time extension letter shall specify a date to which the extension is granted and a brief description of the project's status including the reasons for the extension.

(c) A time extension may not be initiated by the Board of Supervisors. (see Section 317.(c)(5)).



### Section 320. Withdrawal of Plan

- (a) At any time during the plan review process, an Applicant may withdraw a Plan from consideration. This action shall be in writing in the form of a letter from the Applicant to the Board of Supervisors.
- (b) Any withdrawn plan may be re-submitted to the Township in the future, but it shall be considered a new plan at that time. This new plan will need to meet all requirements of all Township Ordinances then in effect at the time of re-submittal.
- (c) Any modifications (waivers) obtained for the withdrawn plan are considered null and void at the time of withdrawal and cannot be applied to the new plan.

### Section 321. Substantial Revisions to Preliminary Plan

- (a) If the Applicant makes substantial revisions to the plans after they have received Preliminary Plan approval, such revised plans shall be submitted as a new (revised) Preliminary Plan.
- (b) The determination of "substantial revisions" shall be made by the Township Engineer and may occur at the following times:
  - (1) during site inspections of construction occurring after a Preliminary Plan approval.
  - (2) during the initial review of a submittal of a Final Plan (i.e. comparing the approval Preliminary Plan to the new Final Plan).
- (c) Reasons that a plan would be considered to have "substantial revisions" may include, but are not limited to:
  - (1) Changes in the number of lots.
  - (2) Changes in the locations of streets.
  - (3) Changes in the location of major stormwater management facilities.
  - (4) Changes in the layout of access drives or parking areas.
- (d) The Township Engineer shall provide written notification to the Planning Commission and Board of Supervisors if "substantial revisions" have been made.

## Section 322. Requirements Relating to Recording

### (a) Indication of Final Plans to be Recorded.

(1) All plan sets consisting of more than one (1) plan sheet shall indicate on the first sheet (typically the cover or title sheet) which plans are to be recorded.

(2) At a minimum, the cover or title sheet, lot layout plan (if applicable), site layout plan, and all plan sheets with language concerning operation and maintenance of site improvements shall be recorded.

### (b) The following note shall be provided on all subdivision plans:

"Landowner to Provide Copies Note: After recording and in conjunction with the transfer of each lot within this subdivision, the Landowner shall furnish a copy of all plans, deeds, agreements, etc., that have been recorded to the purchaser of each lot."

### (c) Signatures.

No plans will be signed by the Township Board of Supervisors and released for recording until all outstanding review and legal fees have been paid or any disputes have been resolved.

### (d) Number of Copies for Recording.

The following number of copies shall be provided to the Township for signatures, and then to the County Planning Commission by the Applicant to be stamped:

(1) three (3) copies for the Township,

(2) two (2) copies for the County Planning Commission,

(3) at least one (1) copy for each Landowner,

(4) at least one (1) copy for each Applicant (if different than Landowner), and

(5) one (1) copy for each lot in a subdivision.

### (e) Within fourteen (14) days after recording, the Applicant shall furnish the Township with:

(1) three (3) original copies of all recorded plans, deeds, agreements, etc., with the Recorder's Official Recording Cover Page attached certifying that said information was properly recorded at the Berks County Recorder of Deeds office,

Once obtained from the Applicant, the Township Secretary shall forward one (1) of these copies to the Township Zoning Officer, one (1) copy to the Township Engineer, and maintain one (1) copy for the Township's file.

(2) one (1) paper copy of all final reports relating to the project (signed and sealed by the report preparer), and

(3) one (1) cd or dvd or other device with scanned images of all items required in (1) and (2) saved as separate Adobe Acrobat (.pdf) files or other possible file type utilized in the future subject to approval by the Township Engineer.

(f) Effect of Recording the Final Plan.

Recording the Final Plan, after approval of the Township Board of Supervisors, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided in this Ordinance. However, the approval of the Township Board of Supervisors shall not impose any duty upon the Commonwealth, County, or Township concerning acceptance, maintenance or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County, or Township actually accept same by resolution.

#### Section 323. Deviations from Recorded Plan During Construction

(a) Material or Minor in Nature Deviations.

The Board of Supervisors are aware that approved and recorded plans may need to be changed to reflect encountered field conditions during construction, other unanticipated conditions, and/or to accommodate new Landowner's/Tenant's needs. Such deviations may be material and require approval of the deviation to the recorded plan. Other deviations may be minor in nature and treated as a field change and reflected subsequently in an as-built plan submitted to the Township.

(b) Process.



The following process shall be followed for when a deviation from a recorded plan is necessary:

(1) Immediately upon determining that a deviation is necessary, the Landowner/Developer shall provide the deviation request in writing to the Township Secretary. The Township Secretary shall present all information to the Township Engineer for review. Included with the request shall be all necessary information such as sketches, pictures, etc ... to give the Township Engineer enough data to render a decision on the request.

(2) The Township Engineer shall review the submitted information and determine if the deviation is material or minor in nature. A site inspection may be necessary by the Township Engineer.

(i) If the Township Engineer determines the deviation to be material,

1) the Township Engineer shall notify the Developer that the construction in the vicinity of the deviation shall cease until approval for the deviation is obtained from the Board of Supervisors.

2) a report noting the deviation shall be provided by the Township Engineer to the Board of Supervisors for review.

3) The Board of Supervisors will direct the Developer to attend the next scheduled Planning Commission meeting to obtain a recommendation on the deviation.

4) Upon obtaining a recommendation from the Planning Commission, the Board of Supervisors may approve, conditionally approve, or disapprove the deviation.

a) If the deviation is approved, construction in the vicinity of the deviation may continue.

b) If the deviation is conditionally approved, the conditions must be met to the satisfaction of the Board of Supervisors prior to construction continuing in the vicinity of the deviation.

c) If the deviation is disapproved, then the Developer shall continue construction in accordance with the approved plan. If this is not possible, construction on

the entire site shall cease and a revised Plan shall be submitted to the Township in accordance with the provisions of this Chapter for a new submittal.

(ii) If the Township Engineer determines the deviation to be minor in nature,

1) construction may continue.

2) a report noting the deviation shall be provided by the Township Engineer to the Board of Supervisors for the records of the Township.

#### Section 324. Revised Final Plan Due to Survey Revisions

(a) Any replatting of a recorded subdivision and/or land development plan due to survey corrections or revisions can be submitted as a Revised Subdivision and/or Land Development Plan.

(b) Such Plans shall be processed in the same manner as Subsequent Submittals as described within this Part.

#### Section 325. Charging of Fees

Review fees may include reasonable and necessary charges by the municipality's professional consultants for review and report thereon to the municipality. Such review fees shall be based upon a schedule established by ordinance or resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant for comparable services to the municipality for services which are not reimbursed or otherwise imposed on applicants. Fees charged to the municipality relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an Applicant. [MPC]

(a) Itemized Bill.

The governing body shall submit to the applicant an itemized bill showing work performed, identifying the person performing the services and the time and date spent for each task. Nothing in this subparagraph shall prohibit interim itemized billing or municipal escrow or other security requirements. In the event the applicant disputes the amount of any such review fees, the applicant shall, no later than forty-five (45) days after the date of transmittal of the bill to the Applicant, notify the municipality and the municipality's professional consultant that such



fees are disputed, and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. Failure of the Applicant to dispute a bill within forty-five (45) days shall be a waiver of the applicant's right to arbitration of that bill under Section 510.(g) of the MPC. [MPC]

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(b) Dispute of Review Fees.

In the event that the municipality's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the municipality shall follow the procedure for dispute resolution set forth in section 510.(g) of the MPC, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed. [MPC]

(c) Final Bill for Review Fees.

Subsequent to a decision on an application, the governing body shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill. [MPC]

Section 326. Recreation Fee

(a) Contribution for New Dwelling Units.

A cash contribution for recreation, as set forth by Resolution by the Tilden Township Board of Supervisors, shall be provided for each new dwelling unit proposed in a subdivision and/or land development.

(b) Time of Payment.

Payment shall be a condition of Final Plan approval and must be received before the Final Plan will be signed and released for recording (see Section 322.(c)).

Section 327. Traffic Impact Fee

(a) Payment of Traffic Impact Fee.

A Traffic Impact Fee must be paid if necessary for subdivisions and land developments based upon the requirements of Chapter 16 (Impact Fees).

(b) Time of Payment.

Payment shall be a condition of Final Plan approval and must be received before the Final Plan will be signed and released for recording (see Section 322.(c)).

Section 328. 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 90<sup>th</sup> 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 a copy of the same to the developer by certified or registered mail.

The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, 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.

Section 329. 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.

Section 330. Endorsement by Township Supervisors.

(a) 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.

(b) The Record Plan shall be a clear and legible black-on-white print, acceptable to the County Recorder of Deeds.

Section 331. Endorsement by County Planning Commission.

Within ninety (90) days of the Township approval meeting date and / or conditions met date as noted on the Final Plan, the Final Plan shall be submitted to the County Planning Commission for endorsement. If the Final Plan is not presented to the County Planning Commission within ninety (90) days of the approval meeting date or and / or conditions met date noted on the Final Plan, the County Planning Commission will not endorse the Final Plan and the Final Plan will not be recorded.

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, which shall be retained by the County Planning Commission.

Section 332. Filing of Plan.

After endorsement by the Township and by the County Planning Commission, the Plan shall be scanned by the County Planning Commission and an electronic copy of the approved and endorsed Plan is provided to the Recorder of Deeds for recording.

### Section 333. Recording Data.

The Township shall receive two (2) copies of the Final Plan as approved. This copy shall have affixed thereto the stamp of approval of the County Planning Commission and the Official Recording Cover Page attached showing the recording date from the Recorder of Deeds.

### Section 334. Dedication 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. Acceptance will be at the discretion of the Board of Supervisors, and requires compliance with all Township standards.

### Section 335. 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 fifty (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.

## Part 4

### Required Submittal Information

#### Section 401. Required Plan and Supporting Documents for All Projects.

##### (a) Plans.

##### (1) Title Block.

All plan sheets shall contain a Title Block with the following information:

(i) the phrase "Preliminary Plan", "Preliminary/Final Plan" or "Final Plan".

(ii) the Project Name.

(iii) a title designating project type.

(iv) a title designating specific plan sheet type.

(v) the phrase "Tilden Township, Berks County, Pennsylvania".

(vi) the original plan date, and any/all revision date(s).

(vii) the Plan Preparer's name and address. All plans shall be signed and sealed by a Professional Engineer, Surveyor and/or Landscape Architect in accordance with Pennsylvania State law requirements.

##### (2) Drafting Standards.

(i) All plan sheets shall have a size of 22" x 34", or 24" x 36".

(ii) All plans shall be clearly and legibly prepared.

(iii) All plans shall be drawn at one of the following allowable plan scales: 1" = 5', 1" = 10', 1" = 20', 1" = 25', 1" = 30', 1" = 40', 1" = 50', or 1" = 60'. Larger plan scales may be allowed if necessary to show overall property boundaries after consultation with the Township Engineer.

(iv) If more than one (1) sheet is necessary, each sheet shall be the same size and numbered.



(v) All plans shall include a blank box measuring 3 ½" x 6" for the County Planning Commission's "Review" stamp on the first sheet.

(vi) If the plan is prepared in two (2) or more sections, a key map showing the location of the sections shall be placed on each sheet.

(vii) Dimensions and distances shall be in feet and hundredths of feet.

(viii) Bearings shall be in degrees, minutes and seconds.

(ix) All plan sheets shall have a north arrow.

(x) All plan sheets shall have a graphic scale.

(3) Location Map.

One (1) plan sheet shall contain a location map with a north arrow and written scale.

(4) Notes.

One plan sheet shall contain the following notes.

(i) Name and address of Landowner(s) of lot(s).

(ii) Name and address of Applicant (Subdivider/Developer), if different than Landowner(s).

(iii) Source of Title of Lot(s), including the Instrument Number.

(iv) Universal Property Identifier(s) (UPIs).

(v) Total area of lot(s), in acres.

(vi) Total number of lot(s) (existing and/or proposed, as applicable).

(vii) Total length of proposed street(s), if applicable.

(viii) Zoning District designation(s).

(ix) Zoning District dimensional requirements.

(x) Land Use (existing and/or proposed, as applicable).

(xi) A listing of any previous Zoning approvals (variance, special exception, or conditional use), including date of action with any conditions imposed.

(xii) Type of water supply.

(xiii) Type of sewage disposal.

(xiv) A listing of any deed restrictions, or covenants (existing and/or proposed, as applicable). If none of these items are proposed or known to exist, then a note stating such shall be provided on the plan.

(xv) Maintenance provisions for any proposed common facilities including reference to a Homeowner's Association (HOA) or other similar entity as responsible for maintaining common facilities.

(xvi) The following wetland/other regulated natural features statements:

"Wetlands/Other Regulated Natural Features Statement:

(a) By approval of this Plan, the Township of Tilden has neither confirmed nor denied the existence and/or extent of any wetland areas or other regulated natural features whether or not delineated on this Plan.

(b) Any encroachment thereon for any reason whatsoever shall be the sole responsibility of the Subdivider and/or Developer, his heirs and assigns, and shall be subject to the jurisdiction of the Army Corps of Engineers and/or the Pennsylvania Department of Environmental Protection. Said encroachment shall conform to the rules and regulations of the jurisdictional agencies."

(xvii) The following sewage permit statement:

"Sewage Permit Statement:

A report from the Township Sewage Enforcement Officer for onlot sewage treatment facilities must be provided by the Applicant to the Township Zoning Officer prior to the issuance of any Zoning Permit.

(xviii) A listing of any waivers (modifications) granted by the Board of Supervisors.

(xix) The following PennDOT Highway Occupancy Permit statements (if project abuts a State Route):

"PennDOT Highway Occupancy Permit Statements:

(a) A Highway Occupancy Permit (HOP) is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law", before a driveway access to a state highway is permitted. [MPC]

(b) The approval of this subdivision/land development plan shall not imply that a HOP can be obtained from PennDOT or that the Township will support, encourage or not oppose the granting of such a permit. It is possible that access to the property from a state highway will not be permitted by PennDOT and the property therefore cannot be used for the purpose intended by any purchaser. Purchasers are accordingly warned and should govern themselves accordingly, acquiring a HOP before purchasing any premises."

(xx) A note specifying if any proposed street is to be a private street, or if it is to be dedicated to the Township.

(xxi) A note specifying the purpose of any existing or proposed easements or rights-of-way adjacent/through the lot(s).

(5) Certifications.

The following certifications shall be provided on the plan (see Appendices).

(i) Certificate of Ownership and Acknowledgement of Plan, signed by the Landowner(s) and notarized.

(ii) Certification of Accuracy (Plan) and (Survey), signed and sealed by the Engineer / Surveyor.

(iii) Certificate of Review by the Tilden Township Planning Commission.

(iv) Certificate of Approval by the Tilden Township Board of Supervisors.

(v) Certification of Recommendation from the Berks County Planning Commission.

(vi) Dedication to Township Statement, if applicable.

(6) Overall Plan.

All Overall Plans shall show all existing and man-made features within fifty feet (50'), more or less, beyond the property boundary as necessary, and within the entire project site.

(i) Property boundaries, existing and proposed, of all lots involved with the project with bearings, distances and curve data based on a field survey.

(ii) Survey monuments and markers, found and to be set.

(iii) Lot numbers. All lots shall be numbered.

(iv) Names of Landowners and Tax Parcel Identification Numbers of all adjacent lots, including those across a street right-of-way.

(v) Municipal boundary lines, if in close proximity to the site.

(vi) Streets, existing and proposed, adjacent/through the lot(s) with:

a) right-of-way lines.

b) edge of travelway and shoulder lines.

c) widths of right-of-way, travelway, and shoulder.

(vii) Easements or rights-of-way lines, existing and proposed, adjacent/through the lot(s) with the width indicated.



(viii) Zoning District boundary lines, if any in the vicinity of the project/site.

(ix) Address numbers.

(b) Supporting Documents.

(1) Application.

(2) Application Fee.

(3) Copies of existing Deed(s) and proposed (draft) Deed(s), if applicable.

(4) Copies of any existing easements or rights-of-way relating to access to or through or partially through the site and to any township or private street.

(5) Copies of any existing or proposed Deed Restrictions, as well as any HOA Declaration and any documents evidencing maintenance responsibilities for common areas, streets, driveways, water and sanitary sewer lines/systems, and stormwater/drainage facilities.

(6) Copies of any Zoning Decisions, either obtained in the past or obtained as part of the current project.

(7) Copies of any existing PennDOT Highway Occupancy Permit(s).

Section 402. Additional Requirements for De Facto (Natural) Subdivisions.

In addition to the requirements of Section 401, the following information is required.

(a) The Plan must fully depict the source of the alleged natural subdivision (e.g., street).

(b) Survey closure computations.

Section 403. Additional Requirements for Reverse Subdivisions (Lot Assemblage, Lot Consolidation, Lot Combination).

In addition to the requirements of Section 401, the following information is required.

(a) Plan, Final.

- (1) The following note shall be provided on a Reverse Subdivision plan:

"Reverse Subdivision Note: This plan is an assemblage, consolidation and combination of \_\_\_\_ (insert number) lots as shown resulting in one (1) lot. The created lot may not meet all dimensional criteria for this particular zoning district as required within the Tilden Township Zoning Ordinance. The created lot depicted on this plan may be non-conforming. The purpose of this plan is simply to assemble, consolidate and combine separate deeds into one (1) new deed."

- (2) Existing interior lot lines to be removed shall be labeled "Existing Lot Line To Be Deleted".

- (b) Supporting Documents, Final.

- (1) Survey closure computations.

Section 404. Additional Requirements for Lot Line Adjustment / Lot Annexation Subdivisions.

In addition to the requirements of Section 401, the following information is required.

- (a) Plan, Final.

- (1) The following note shall be provided on a Lot Line Adjustment / Lot Annexation Subdivision plan:

"Lot Line Adjustment / Lot Annexation Subdivision Note: This plan is a lot line adjustment of the boundary line for Lots \_\_\_\_ and \_\_\_\_ (insert numbers) as shown resulting in the same number of original lots. This plan temporarily creates Lot A , and simultaneously annexes that lot from Lot \_\_\_\_ to Lot \_\_\_\_\_. This plan does not permanently create Lot A ."

- (2) Existing interior lot lines to be removed shall be labeled "Existing Lot Line To Be Deleted".

- (3) Proposed lot lines shall be labeled "Proposed Lot Line".

- (4) Building setback lines (proposed), including designation and dimensions.

- (5) Buildings (existing), including sizes and types (uses).
- (6) Driveways, access drives, parking and loading/unloading areas.
- (7) Utility lines, structures and easements (existing).
- (8) Easements (existing).
- (9) Watercourses, if any.
- (10) Drainage easements.
- (11) Floodplain and floodway delineation lines, if applicable.
- (12) Onlot sewage treatment facilities.
- (13) Well locations (existing) with one-hundred foot (100') isolation circles or any other isolation distance based on PA DEP or other agency regulations.
- (14) Zoning District boundary lines within fifty feet (50') of the project/site.
- (15) Common areas.

(b) Supporting Documents, Final.

- (1) Survey closure computations.

Section 405. Additional Requirements for Minor Subdivisions.

In addition to the requirements of Section 401, the following information is required.

(a) Plan, Final.

- (1) Overall Plan.

The following items shall be shown and labeled on the overall plan:

- (i) Building setback lines, including designation and dimensions.
- (ii) Benchmark location and elevation.

- (iii) Driveways, access drives, parking and loading/unloading areas.
- (iv) Utility lines, structures, and easements (existing and proposed).
- (v) Easements (existing and proposed).
- (vi) Contour lines (existing) at five foot (5') intervals.
- (vii) Wooded and forest area delineation lines (existing).
- (viii) Watercourses, if any.
- (ix) Drainage easements.
- (x) Floodplain and floodway delineation lines, if applicable.
- (xi) Soil type boundary lines with soils type call-outs.
- (xii) Soil probe holes and test sites for sewage treatment and stormwater management facilities.
- (xiii) Well locations, permissible, with one-hundred foot (100') isolation circles or any other isolation distance based on PA DEP or other agency regulations.
- (xiv) Zoning District boundary lines, if any in the vicinity of the project/site.
- (xv) Historic features, if any.
- (xvi) Street centerlines.
- (xvii) Common areas.

(b) Supporting Documents, Final.

- (1) Copies of any applicable Zoning Decisions.
- (2) Survey closure computations.
- (3) Letter from any impacted utility company acknowledging/allowing the project within their right-of-way.



(4) Letter from any impacted utility company acknowledging/allowing the project to connect to their system.

(5) Sewage Facilities Planning Module.

(6) Approval letter of Sewage Facilities Planning Module from the PA DEP.

(7) Draft Deeds.

Section 406. Additional Requirements for Major Subdivisions and/or Land Developments.

These requirements shall be the same for Campgrounds, Mobilehome Parks, or any other project not specifically named herein which requires site improvements to be made. See also Parts 5, 6, & 7 of this Chapter.

In addition to the requirements of Section 401, the following information is required.

(a) Plans, Preliminary.

(1) Notes.

(i) The following note shall be placed on the plan:

"PennDOT Specifications Note: All workmanship and materials shall be in accordance with PennDOT Specifications, Publication 408/2011, including the Initial Edition and all Change Numbers, unless otherwise noted."

(ii) The amounts within each steep slope range to be developed and/or re-graded or stripped of vegetation

(iii) The amount of forest land to be cleared during development.

(2) Overall Plan.

The following items shall be shown and labeled on the overall plan:

(i) Building setback lines, including designation and dimensions.

(ii) Benchmark location and elevation.

- (iii) Buildings (existing and proposed), including sizes and types (uses).
- (iv) Driveways, access drives, parking and loading/unloading areas.
- (v) Sight distances at intersections.
- (vi) Utility lines, structures and easements (existing and proposed).
- (vii) Easements (existing and proposed).
- (viii) Contour lines/grading (existing and proposed) in accordance with Section 511.
- (iv) Woods lines (existing and proposed).
- (x) Watercourses, if any.
- (xi) Drainage easements.
- (xii) Floodplain and floodway delineation lines, if applicable.
- (xiii) Onlot sewage treatment facilities.
- (xiv) Wetlands delineation lines, if applicable.
- (xv) Soil type boundary lines with soils type call-outs.
- (xvi) Lighting facilities, existing and proposed.
- (xvii) Landscaping, existing and proposed.
- (xviii) Clear sight triangles.
- (xix) Soil probe holes and test sites for sewage treatment and stormwater management facilities.
- (xx) Well locations, permissible, with one-hundred (100) foot isolation circles.
- (xxi) Traffic control devices (signs, paint markings, etc...)
- (xxii) Walkways.

(xxiii) Historic resources, if any.

(xxiv) Street centerlines.

(xxv) Common areas.

(xxvi) Buffer yards.

(xxvii) Dumpster areas.

(3) Other Plans

The following items shall be shown on other plans, or as separate plans.

(i) Street centerline profiles (proposed).

(ii) Key Map (if plan requires match lines).

(iii) Construction details and specifications.

(iv) Erosion and Sediment Pollution Control Plan.

(v) Highway Occupancy Permit Plan.

(vi) Street cross-section detail.

(b) Supporting Documents, Preliminary.

(1) Copies of any applicable Zoning Decisions.

(2) Stormwater Management Analysis / Plan.

(3) Erosion and Sediment Pollution Control (ESPC) Plan.

(4) Letter of adequacy of ESPC Plan from the Berks County Conservation District.

(5) Schedule for phased projects.

(6) Letter from any impacted utility company acknowledging/allowing the project within their right-of-way.

- (7) Letter from any impacted utility company acknowledging/allowing the project to connect to their system.
- (8) Sewage Facilities Planning Module.
- (9) Approval letter of Sewage Facilities Planning Module from the PA DEP.
- (10) Copies of any necessary permits from the PA DEP or the US ACOE.
- (11) Copy of HOP from PennDOT, if applicable.
- (12) Copy of Transportation Impact Study, if applicable.
- (c) Plans, Final.
  - (1) All requirements within this Section for Plans, Preliminary.
  - (2) Dedication to Township Statement, if applicable
- (d) Supporting Documents, Final.
  - (1) All requirements within this Section for Supporting Documents, Preliminary.
  - (2) Subdivision/Land Development Agreement.
  - (3) Financial Security including construction cost estimate.
  - (4) Operations & Maintenance Agreement for Stormwater Management and Drainage Facilities.
  - (5) Private Street Maintenance Agreement, if applicable.
  - (6) Survey closure computations.
  - (7) Draft Deeds.

Section 407. 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 Protection.

(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 Protection 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.

#### Section 408. 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/1 and 10 mg/1. 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 (PA DEP) 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, PA DEP 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/1. 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 PA DEP approves 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/1.

Section 409. 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 a major 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 405 of this Chapter and be certified by a Professional Engineer or Professional Land Surveyor as to the accuracy of the improvements as shown. A minimum of three (3) copies of As-Built Plans shall be provided to the Township, as well as scanned images of the Plan in accordance with Section 322.(e)(3).

Section 410. Transportation Impact Study (TIS).

(a) Intent.

(1) To allow the Township to determine the safety and congestion impacts, and related costs, of proposed major traffic generating uses.

(2) To require that Applicants respond with reasonable proposals to resolve the negative traffic impacts that their proposed uses will cause on the public.

(3) To recognize that sufficient Federal, State, and municipal funds are not available to resolve traffic problems caused by private development.

(b) Access to State Highways.

For any development proposing new access to a state highway and/or modifying an existing access to a state highway, the Pennsylvania Department of Transportation (PennDOT) document "Policies and Procedures for Transportation Impact Studies Related to Highway Occupancy Permits", Bureau of Maintenance and Operations, July 2017, or latest version(s), shall be followed.

These procedures include coordination with the Township throughout the process and ensures consistency in reporting.

(c) Uses Requiring a TIS.

Any application for any of the following uses shall be required to complete a TIS and include the findings in a written report:

- (1) Residential. Sixty (60) or more dwelling units.
- (2) Commercial. Twenty thousand (20,000) square feet or more of total floor area.
- (3) Office. Thirty thousand (30,000) square feet or more of total floor area.
- (4) Industrial. Sixty thousand (60,000) square feet or more of total floor area or any truck terminal.
- (5) Institutional. Thirty thousand (30,000) square feet or more of total floor area.
- (6) Any use or combination of uses that would generally result in greater than six hundred (600) trips per day.
- (7) Where the Township Engineer certifies that there is a clear existing severe traffic problem within close proximity to the proposed project which will likely be significantly worsened by the proposed project.

(d) Timing.

Any required TIS shall be submitted at the same time or earlier as any preliminary plan, special exception, conditional use, or construction permit application, whichever is submitted earliest.

(e) Costs.

The full costs of completing the TIS and of a review by the Township Engineer or other Township representative shall be born by the Applicant.

(f) The TIS shall be prepared and signed by a professional traffic engineer with verified experience in preparing such studies and submitted as follows:

(1) Joint Studies.

Joint traffic studies between different Applicants are strongly encouraged.



(2) The TIS shall be prepared by a qualified professional traffic engineer with verified experience in preparing such studies.

(3) Study Area Boundary.

The study area boundary and identification of the streets included within the study area should be agreed upon between the Applicant(s) and the Township and documented in the report.

(4) A general site description, including:

(i) Land Uses.

Size and location of existing and proposed land uses and dwelling types.

(ii) Staging.

Construction staging, and completion date of the proposed development.

(iii) Existing Land Uses.

Existing land uses, approved and recorded subdivision and land developments and subdivisions and land developments proposed but not yet approved and recorded in the study area that are determined by the Township Board of Supervisors as having bearing on the development's likely impact.

(iv) Existing Roadways and Intersections.

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

(5) Analysis of existing conditions, including:

(i) Daily and Peak Hour(s) Traffic Volumes.

Schematic diagrams depicting daily and peak hour(s) traffic volumes shall be presented for roadways within the study area.



Turning movement and mainline volumes shall be presented for the three peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.

(ii) Volume/Capacity Analysis at Critical Points.

Volume/Capacity Analyses at Critical Points utilizing techniques described in derivative Highway Capacity Manual, latest edition or derivative nomographs, an assessment of the relative balance between roadway volumes and capacity are to be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.

(iii) Level of Service at Critical Points.

Based on the results obtained in the previous section, levels of service (A through F) shall be computed and presented for all movements. Included in this section shall also be a description of typical operating conditions at each level of service.

(iv) Accident History.

A tabulation of accident locations during the most recent three-year period shall be provided.

(6) Analysis of future conditions without the proposed development.

The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.

The following information shall be included:

(i) Daily and Peak Hour(s) Traffic Volumes.

This section shall clearly indicate the method and assumptions used to forecast future traffic volumes. The schematic diagrams depicting future traffic volumes shall be similar to those described in Section 410.(f)(5)(i) in terms of location and times (daily and peak hours).

(ii) Volume/Capacity Analysis at Critical Points.

The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation the volume/capacity analysis shall be presented for these conditions.

In the case of existing signalized intersections, traffic signal timing shall be optimized to determine the best possible levels of service that can be obtained utilizing existing roadway geometry and traffic signal equipment.

(iii) Levels of Service at Critical Points.

Based on the results obtained in the previous section, levels of service shall be determined.

(7) Trip Generation.

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

(8) Trip Distribution.

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

(9) Traffic Assignment.

This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall then be combined with anticipated traffic volumes from Section 410.(f)(6) to describe mainline and turning movement volumes for future conditions with the site developed as the applicant proposes.

(10) Analysis of Future Conditions with Development.

This section shall describe the adequacy of the roadway system to accommodate future traffic with development of the site.

Any unique characteristics of the site or within the study area (e.g., weekend tourists, antique sales, or holiday shopping) affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be made.

The following information shall be included:

(i) Daily and Peak Hour(s) Traffic Volumes, Mainline and turning movement volumes shall be presented for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods.

(ii) Volume/Capacity Analysis at Critical Points.

Similar to Sections 410.(f)(5)(ii) and 410.(f)(6)(ii), a volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.

(iii) Levels of Service at Critical Points.

As a result of the volume/capacity analysis, the level of service on the study area roadway system shall be computed and described in this section for all movements.

#### (11) Recommended Improvements.

In the event that the analysis indicates a decrease in the level of service for any movements will occur on study area roadways, a description of proposed improvements to remedy deficiencies shall be included in this section. These proposals would not include committed projects by the Township and State which were described in Section 410.(f)(4)(iii) and reflected in the analysis contained in Sections 410.(f)(5) and 410.(f)(6).

The following information shall be included:

(i) Proposed Recommended Improvements.

This section shall describe the location, nature, and extent of proposed improvements to assure sufficient roadway capacity.



Accompanying this list of improvements shall be preliminary cost estimates.

(ii) Volume/Capacity Analysis at Critical Points.

An iteration of the volume/capacity analysis shall be described which demonstrates the anticipated results of making these improvements.

(iii) Levels of Service at Critical Points.

As a result of the revised volume/capacity analysis presented in the previous Sub-Section, levels of service for the highway system with improvements shall be presented.

(12) Conclusion.

The last section of the report shall be a clear, concise description of the study findings.

(g) Applicant's Response.

The Applicant shall respond to the TIS with proposals on what traffic improvements, right-of-way dedications, or commitments of financing for specific projects the Applicant proposes to commit to resolve the negative traffic impacts of the proposed development. Such improvements or financing may be staged in relation to the stages of the development. Upon request by the Township, the Applicant shall respond to the Township's comments on the TIS.

## Part 5

### Design Standards and Improvement Specifications

#### Section 501. Application and General Standards.

- (a) The standards and requirements contained herein 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.

#### Section 502. Access Drives.

##### (a) Clear Sight Triangle.

##### (1) Dimensions.

All access drives shall have a clear sight triangle at the intersecting street. The clear sight triangle shall be measured from the centerline intersection of the access drive and street a distance as follows.

Arterial	100'
Collector	80'
Local	60'

- (2) The clear sight triangle shall be shown and labeled on the plan.
- (3) A note shall be provided on the plan stating:



"Access Drive Clear Sight Triangle Note: No structure, planting or other vision obstructing object shall be permitted within the clear sight triangle."

(4) The clear sight triangle shall be located only within the Developer's property.

(5) Any embankment area that is located within the clear sight triangle area shall be graded to provide for a relatively level area.

(b) Design Speed.

(1) A design speed of fifteen (15) miles per hour shall be utilized for access drives.

(c) Drainage.

(1) All access drives shall be constructed so as not to impair drainage along streets.

(2) Any necessary drainage pipe or culvert shall be shown and labeled on the plan.

(d) Grades

(1) The maximum allowable slope for an access drive is 10%. The minimum allowable slope for an access drive is 0.75%.

(2) All access drives shall provide a stopping or leveling area having a grade of less than or equal to 5% for a distance of twenty-five feet (25') measured from the edge of the shoulder of the intersecting street.

(3) A centerline profile shall be provided on the plan for all access drives showing existing and proposed grades.

(e) Intersection Angle.

(1) Access drives shall intersect streets or other access drives as close to ninety (90) degrees as possible, but in no case shall the intersection angle be less than seventy-five (75) degrees or greater than one-hundred five (105) degrees.

(2) The intersection angle shall be indicated on the plan.

(f) Intersection Radius.

Access drive radii at intersections shall be a minimum of fifteen feet (15').

(g) Length.

The maximum allowable length of an access drive is five-hundred feet (500'). A street shall be proposed for any access length greater than that distance.

(h) Materials.

(1) Access drives shall be installed using the following materials:

Standard-Duty

Wearing Course, Superpave 9.5 mm, 1.5" depth

Base Course, Superpave 25.0 mm, 3" depth

Subbase Course, PennDOT Type 2A Aggregate, 6" depth

Heavy-Duty

Wearing Course, Superpave 9.5 mm, 1.5" depth

Base Course, Superpave 25.0 mm, 6" depth

Subbase Course, PennDOT Type 2A Aggregate, 10" depth

(i) The determination of whether the Standard-Duty or Heavy-Duty section is applicable to each individual project will be made by the Township Engineer.

(ii) For all proposed industrial uses, a concrete apron shall be proposed at the entrance of all access drives at the intersecting street.

(2) A cross-section detail shall be provided on the plan.

(3) For all Superpave courses specified, the proposed type (temperature) of mix (hot, warm, or cold), asphalt Performance Grade (PG), and number of Equivalent Single Axle Loads (ESALs) shall be indicated on the plan.

(i) Number of Access Drive Intersections with Street

No more than two (2) access drive intersections with streets shall be permitted with for each lot.

(j) Permit, PennDOT Highway Occupancy.

A Highway Occupancy Permit (HOP) must be issued by the Pennsylvania Department of Transportation before construction of an access drive onto any state highway can be initiated. Where any such access is proposed as part of a subdivision and/or land development, the Developer shall submit a copy of the HOP issued by PennDOT or a letter of verification from PennDOT stating that a permit will be issued prior to Preliminary Plan approval.

(k) Proximity to Street Intersections.

Entrances to access drives shall be located at least eighty feet (80') from the point of intersection of the nearest street right-of-way lines.

(l) Shared Access Drives.

(1) An access drive intended to serve up to two (2) lots is permitted. An access drive serving three (3) or more lots is not permitted.

(2) For access drives serving more than one (1) lot, a shared access drive operation and maintenance agreement shall be presented.

(m) Sight Distances, Intersections.

(1) Sight distances shall be provided for all access drive intersections with streets in accordance with Pennsylvania Code, Title 57 "Transportation", Chapter 441 "Access To and Occupancy of Highways by Driveways and Local Roads", latest edition. The required and provided distances shall be indicated on the plan.

(2) The speed limit of the intersecting street shall be labeled on the plan.

(n) Sight Distances, Vertical Curves.

Sight distances shall be provided for all vertical curves in accordance with PennDOT requirements. The required and provided distances shall be indicated on the profile.

(o) Width.

(1) All access drives shall have a width of twenty-six feet (26') for 2-way use, and a width of sixteen feet (16') for 1-way use, unless a different standard is required by PennDOT for an entrance to a State Route.

(2) The width of access drive shall be indicated on the plan.

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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.

#### Section 504. Curbs.

(a) Where required.

(1) For projects located within the R-3, R-4, C-1, C-2, C-3, L-1, and L-2 zoning districts curbs shall be required on both sides of all proposed streets, interior access lanes, access drives, and parking lots.

(2) Curbs may be required for other subdivisions and land developments if deemed necessary by the Supervisors in the public interest.

(b) Adequate provisions for depressed curb shall be made for driveway and access drive entrances. Locations for depressed curb shall be indicated on the Plan.

(c) All proposed curbing shall be labeled on the plan.

(d) A cross-section detail showing construction materials shall also be provided on the plan. Curbs shall be vertical type meeting PennDOT specifications.

(e) Wheel stops shall be installed within parking spaces adjacent to structures or embankments that slope away from the spaces. Wheel stops shall be shown and labeled on the plan and a detail provided.

#### Section 505. Drainage Facilities.

(a) Hydrology Calculation Methodology.

(1) The design of all collection and conveyance drainage facilities shall utilize the Rational Method of design in accordance with the American Society of Civil Engineers Manual No. 37, or the U.S. Department of Agriculture Soil Conservation Service Technical Release No. 55 (TR-55), Urban Hydrology for Small Watersheds.

(2) Runoff coefficients (c) to be used with the Rational Method shall be based on the following table:



<u>Land Use Description</u>	<u>Hydrologic Soil Group</u>			
	<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>
Impervious	0.95	0.95	0.95	0.95
Gravel	0.85	0.85	0.85	0.85
Lawns	0.11	0.24	0.30	0.36
Meadow	0.07	0.22	0.27	0.32
Woods	0.07	0.20	0.24	0.28

(3) All agricultural lands shall be considered as meadow for drainage design calculations.

(b) Channels.

(1) Conveyance along streets shall not extend onto the shoulder. All flow shall be contained within a channel adjacent to the shoulder.

(2) Design calculations shall be provided for all channels.

(3) Cross-section details for all proposed channels shall be provided on the plan.

(c) Connection to Existing Facilities / Off-Site Downstream Analysis.

(1) Pipes.

If the plan proposes to connect proposed drainage pipes to an existing drainage conveyance system, computations shall be provided to verify that the existing system has the capacity to handle the proposed flows. This analysis shall be continued downstream to the outlet of the system.

(2) Channels.

If the plan proposes to discharge proposed drainage facilities to an existing channel at the perimeter of the site, computations shall be provided to verify that the existing channel has the capacity to

handle the proposed flows. This analysis shall be continued downstream a distance of one-hundred feet (100').

(d) Design Storm.

(1) Drainage collection and conveyance facilities that service areas within the site (channels, drainage pipes, etc.) shall be designed to adequately convey the 10-year storm event.

(2) Drainage collection and conveyance facilities that convey off-site runoff through the site shall be designed to adequately convey the 100-year storm event.

(3) Drainage collection and conveyance facilities leading to stormwater management facilities, where storm events greater than the 10-year event would not allow for overland runoff to reach said facilities, shall be designed to adequately convey the 100-year storm event.

(e) Easement, Drainage.

(1) Drainage facilities not located within a street right-of-way shall be centered within an easement having outer limits that are a minimum of ten feet (10') beyond the facility.

(2) Drainage easements shall be shown, labeled and dimensioned on the plan.

(3) The following note shall be provided on all plans proposing drainage easements.

"Drainage Easement Note: No person shall place any structure or fill within any drainage easement area as depicted on this plan."

(f) Energy Dissipators.

(1) Energy dissipators shall be placed at the outlets of all drainage pipes, culverts and channels. Design computations shall be provided for these facilities.

(2) Construction details for these facilities shall be provided on the plan.

(g) Manning n Values.

(1) Manning n values for all applicable drainage design shall be determined according to accepted engineering practice and manufacturer's recommendations.

(2) Backup data regarding the choice of Manning n value shall be included within all design computations.

(h) Structures.

(1) Culverts.

(i) Culvert design shall consider either inlet/outlet control or a combination of hydraulic losses through the system, whichever is greater.

(ii) Design computations for all culverts shall be provided utilizing the United States Department of Transportation, Federal Highway Administration (FHWA) Offices of Bridge Technology and Technical Services HY-8 Culvert Hydraulic Analysis Program.

(2) Endwalls.

(i) Endwalls shall be provided where stormwater runoff enters or leaves the storm sewer horizontally from a natural or manmade channel.

(ii) Endwalls shall conform to PennDOT Standards for Roadway Construction, RC-31M "Endwalls", as amended.

(3) End Sections.

(i) End sections shall be provided at all pipe inlets and outlets, except where endwalls are required.

(ii) End sections shall conform to PennDOT Standards for Roadway Construction, RC-33M "End Sections", as amended.

(4) Inlets.

(i) Grate Capacity.

Inlet capacity shall be based on design data provided by the manufacturers. Where ponding occurs, inlet capacity shall be based on accepted engineering design practices.

(ii) Grate Elevation.

Inlets used in ground areas will have their tops installed level. Inlets used along curbed streets shall have their tops installed at a grade equal to the street or curb grade.

(iii) Grate Type.

All inlets shall have structural steel, bicycle safe grates as per PennDOT Standards for Roadway Construction, RC-45M "Inlet Tops, Grates, and Frames", as amended.

(iv) Boxes.

Inlet boxes shall conform to PennDOT Standards for Roadway Construction, RC-46M "Inlet Boxes", as amended.

(5) Manholes, Storm.

Storm manholes shall be concrete cast-in-place or precast and shall conform to PennDOT Standards for Roadway Construction, RC-39M "Standard Manholes", as amended.

(6) Pipes.

(i) Anchors.

Where storm sewers exceed fifteen percent (15%) slope, properly spaced concrete anchors shall be required. The locations of these items shall be shown and detailed on the plan.

(ii) Backfill.

a) Backfill of pipe trenches shall be performed in accordance with PennDOT Standards for Roadway Construction, RC-30M "Subsurface Drains", as amended.

b) A backfill pipe trench detail shall be provided on the plan.



c) Where pipe installation depths exceed fifteen feet (15') from ground surface to the crown of the pipe, structural calculations that address the actual design requirements shall be provided.

(iii) Bends/Curves.

a) Bends and/or curves in pipes are prohibited. A drainage structure must be provided when there is a proposed change in pipe direction.

b) Tee joints, elbows and wyes are also prohibited, except for use in smaller diameter pipes associated with roof drain collection systems and special designs such as within underground infiltration facilities.

(iv) Cover.

All storm sewer pipe and culverts shall be placed to provide a minimum depth of one foot (1') from finished subgrade to the crown of pipe in all areas.

(v) Outlet Location into Basins.

Drainage pipes that discharge into a basin shall outlet at the bottom of the basin.

(vi) Size, Minimum.

a) Minimum allowable drainage conveyance pipe size shall be fifteen inches (15") in diameter.

b) Smaller diameter pipes may be proposed for roof drain collection systems and special designs such as within underground infiltration facilities.

(vii) Type.

Drainage pipes shall consist of reinforced concrete or high-density polyethylene.

(viii) Profiles.

Profiles for all proposed drainage pipes shall be provided on the plan.

(7) Spacing and Location of Structures.

(i) Drainage structures shall not be spaced more than four-hundred (400) feet apart.

(ii) Drainage Structures shall be placed at points of abrupt changes in the horizontal or vertical direction of drainage pipes.

(8) Standards, Conformance with PennDOT.

All drainage pipes, culverts, manholes, inlets, endwalls and end sections shall be constructed in accordance with PennDOT Specifications, Publication 408, as amended.

Section 506. Driveways.

(a) Clear Sight Triangle.

(1) Dimensions.

All driveways shall have a clear sight triangle at the intersecting street. The clear sight triangle shall be measured from the centerline intersection of the access drive and street a distance as follows.

Arterial	60'
Collector	50'
Local	40'

(2) The clear sight triangle shall be shown and labeled on the plan.

(3) A note shall be provided on the plan stating:

"Driveway Clear Sight Triangle Note: No structure, planting or other vision obstructing object shall be permitted within the clear sight triangle."

(b) Drainage.

(1) All driveways shall be constructed so as not to impair drainage along streets.

(2) Any necessary drainage pipe or culvert shall be shown and labeled on the plan.

(c) Future Driveways for within a Residential Subdivision

Permissible driveway locations for all lots within a residential subdivision shall be shown on the plan meeting the requirements of this Chapter.

(d) Grades

(1) The maximum allowable slope for a driveway is fifteen percent (15%).

(2) For driveways within a residential subdivision where the existing slopes are between 8% and 15%, the Plan must show proposed grading of the driveway to show that the driveway grade will be lower than the maximum allowable slope.

(e) Intersection Angle.

(1) Driveways shall intersect streets as close to ninety (90) degrees as possible, but in no case shall the intersection angle be less than seventy (70) degrees or greater than one-hundred ten (110) degrees.

(2) The intersection angle shall be indicated on the plan.

(f) Intersection Radius.

Driveway radii at intersections shall be a minimum of ten feet (10').

(g) Materials.

A note shall be provided on all subdivision plans as follows:

"Driveway Paving Note: Driveways shall be paved with bituminous paving or concrete for a minimum distance of fifty feet (50') from the edge of shoulder of the intersecting street within the first year of occupancy. If the driveway length is less than fifty feet (50'), then the entire driveway shall be paved."

(h) Permit, PennDOT Highway Occupancy.

A Highway Occupancy Permit (HOP) must be issued by the Pennsylvania Department of Transportation before construction of a driveway onto any state highway can be initiated. The required PennDOT HOP note as listed within Section 401.(a)(4)(xix) shall be provided on the plan.

(i) Permit, Township.

A note shall be provided on all subdivision plans as follows:

"Township Driveway Permit: A Township Driveway Permit must be obtained for the driveways serving the lots associated with this Subdivision Plan."

(j) Proximity to Street Intersections.

Entrances to driveways shall be located at least fifty feet (50') from the point of intersection of the nearest street right-of-way lines.

(k) Sight Distances.

(1) Sight distances shall be provided for all driveway intersections with streets in accordance with Pennsylvania Code, Title 57 "Transportation", Chapter 441 "Access To and Occupancy of Highways by Driveways and Local Roads", latest edition. The required and provided distances shall be indicated on the plan.

(2) For all subdivisions, permissible driveway locations shall be shown on the plan for each lot demonstrating that sufficient sight distances can be provided at that location.

(3) The speed limit of the intersecting street shall be labeled on the plan.

(l) Width.

(1) All driveways shall have a width between ten (10) and twenty (20) feet.

(2) The width of driveway shall be indicated on the plan.

Section 507. Easements (Rights-of-Way) for Access.

(a) Copy of Existing Document.



If an access easement or right-of-way exists within any portion of a project site, a copy of the existing recorded document shall be provided.

(b) New Agreement.

(1) When an existing access easement or right-of-way is to be utilized as a part of any plan, the Applicant for the new subdivision and/or land development shall provide a new 'Access Easement (or Right-of-Way) Agreement' signed by all Landowners using the access easement or right-of-way and all Landowners whose property the access easement or right-of-way is located.

(2) This Agreement shall be recorded with the Final Plan and shall prescribe the access easement or right-of-way width and location and set forth arrangements for maintenance. A copy of any such proposed (draft) Agreement shall be provided with the Final Plan submittal. The Agreement shall be reviewed by the Township Solicitor. The proposed Agreement shall be referenced on the plan.

(c) When the total number of users of an access easement or right-of-way is four (4) or greater, a street shall be constructed meeting the design criteria of Section 521.

Section 508. Erosion and Sediment Pollution Control.

(a) When earth disturbance activities are proposed as part of a subdivision and/or land development plan, an Erosion and Sediment (E&S) Control Plan as outlined and required in the current edition of the PA DEP's Erosion and Sediment Pollution Control Program Manual and Pennsylvania Code, Title 25 "Environmental Protection", Chapter 102 "Erosion and Sediment Control", as amended, shall be prepared by a qualified individual.

(b) When such E&S Control Plan is required, the plan shall be submitted to the Township along with the Preliminary Plan submittal.

(c) The Applicant shall submit the E&S Control Plan to the Berks County Conservation District for review and approval. A copy of the adequacy letter shall be provided to the Township prior to Preliminary Plan approval.

(d) If required by the Berks County Conservation District and/or the PA DEP, an NPDES Permit for Stormwater Discharges Associated with Construction Activities must be obtained prior to Preliminary Plan approval. A copy of the obtained permit and the required PCSM Plan shall be provided to the Township.

(e) For Subdivisions which do not propose or require any earth disturbance activities by the Developer to be performed within individual lots, the following note shall be provided on the plan:

“Erosion and Sediment Pollution Control Note: No building permit shall be issued to a Landowner in this subdivision until a copy of an Erosion and Sediment Control Plan is provided with a copy of an adequacy letter of such plan from the Berks County Conservation District for earth disturbance activities within the lot.”

#### Section 509. Fencing.

(a) Any proposed fencing shall be shown and detailed on the plan

(b) Zoning Compliance.

Any proposed fencing shall meet all the requirements contained within the Zoning Ordinance.

(c) Fencing is not permitted within clear sight triangle areas.

#### Section 510. Floodplain Management.

(a) Ordinance Compliance.

Requirements for floodplain management shall conform to the provisions of this section and the requirements within the ‘Tilden Township Floodplain Ordinance’ (Chapter 10), as amended.

(b) Floodplain and floodway delineation lines shall be shown and labeled on the plan for all watercourses as follows:

(1) Where detailed flood mapping is provided by FEMA, floodplain and floodway delineation lines shall be shown and labeled on the plan for all watercourses from the Flood Insurance Rate Maps (FIRMs). The Community Panel and Map Number from the FIRM shall be noted on the plan.

(2) Where detailed flood mapping is not provided by FEMA, floodplain delineation lines shall be shown and labeled on the plan for all watercourses as determined by a detailed hydrology and hydraulics analysis utilizing the base flood. A copy of said analysis shall be provided with the Preliminary

Plan submittal. Floodway delineation lines shall be shown fifty feet (50') back from the top of streambank.

(c) The following note shall be provided on all subdivision plans which contain a watercourse:

"Floodplain/Floodway Note: This subdivision contains floodplain and floodway areas for an existing watercourse. Any development of lots within this subdivision must occur in accordance with all Federal, State and municipal floodplain management regulations."

(d) Permits Required.

No alteration or relocation of a stream or watercourse may take place without obtaining the required permit from the PA DEP, the US ACOE, or FEMA. Copies of all submitted information to these agencies and the obtained permit shall be provided prior to Preliminary Plan approval.

#### Section 511. Grading.

(a) Contour Lines.

Existing and proposed contour lines at one foot (1') intervals shall be shown and labeled on the plan.

(b) Spot Grades.

Proposed spot grades shall be provided:

- (1) at all corners of buildings.
- (2) at all corners of parking lots.
- (3) at all corners of accessibility parking spaces and aisles.
- (4) at any level landing or pad area.
- (5) at any other location necessary to enable a contractor to properly grade the site.

(c) Finish Floor Elevations.



Finish floor elevations shall be provided on the plan for all proposed buildings.

(d) Channels, Where Required.

(1) Channels shall be proposed at locations of proposed concentrations of runoff.

(2) Channels may be required along property lines within subdivisions to ensure runoff from upslope drainage areas will be conveyed around building site locations.

(e) Ponding.

Ponding of runoff is not permitted unless the area is designed to function as a stormwater management facility.

(f) Direction of Runoff.

(1) Grading shall be proposed in such a way so that runoff is not directed towards buildings.

(2) Grading shall be proposed in such a way so that runoff is not directed onto the property of another Landowner.

(g) Slopes, Limits of Cut and Fill.

The limits of cut and fill slopes shall not be closer than ten (10) feet to any property line or street right-of-way line.

(h) Compaction.

The following note shall be provided on all plans showing areas of fill:

"Compaction Note: Fills shall be placed in lifts and compacted in accordance with specifications of PennDOT Publication 408, latest edition."

(i) Dust Control.

The following note regarding dust control shall be placed on the plan:

"Dust Control Note: During grading operations, necessary measures for dust control shall be exercised."



## Section 512. Guide Rail.

- (a) Steel guide rail and end treatments meeting the specifications pursuant to PennDOT's Publication 408, Specifications, and Publication 72M, Roadway Construction standards, as amended, shall be provided along streets and access drives when deemed necessary as determined by the requirements within PennDOT's Design Manual, Part 2, Publication 13M, as amended.
- (b) Guide rail not meeting PennDOT specifications is permitted in other locations subject to Township Engineer approval.
- (c) All guide rail locations shall be indicated on the plan.
- (d) Details for all guide rail shall be provided on the plan.

## Section 513. Landscaping.

- (a) General Requirement.

Landscaping shall be provided for all major subdivisions, land developments, mobilehome parks, and planned residential developments consisting of trees, shrubs, and ground coverings.

- (b) Street Trees Requirement.

- (1) Deciduous trees shall be provided along both sides of all proposed streets, staggered, at one-hundred foot (100') intervals.
- (2) Street trees are not required for portions of streets that are located through existing wooded areas.
- (3) Street trees shall be planted a minimum of fifteen feet (15') beyond the street right-of-way line or edge of any walkway.

- (c) Locations, Types and Sizes of Landscaping.

- (1) The locations, types and sizes of landscaping shall be indicated on the plan.

- (d) Landscaping Walls.

Any landscaping walls shall be shown and labeled on the plan. If a landscaping wall is considered and used as a retaining wall, calculations need to be submitted in accordance with Section 517.

(e) Planting Details.

Planting details for trees and shrubs shall be provided on the plan.

(f) The following note regarding landscaping shall be provided on the plan:

"Landscaping Maintenance Note: All landscaping shall be maintained by the Landowner. Dead trees and shrubs shall be replaced at the same location with the equivalent type and size."

(g) Screening.

Any screening required by the Zoning Ordinance shall be shown on the plan.

Section 514. Lighting.

All proposed lighting shall be subject to the following:

(a) Locations, Types, and Sizes of Lighting.

(i) The locations, types, and sizes of lighting shall be indicated on the plan.

(ii) Street lights shall be installed in all major subdivisions, land developments, mobile home parks, and planned residential developments when required by the Township Supervisors.

(b) Lighting Details.

(i) Lighting details for lights affixed to poles shall be provided on the plan. The maximum mounting height shall be twenty-five feet (25'). This shall be measured from the grade at the bottom of the pole to the top of the fixture.

(ii) Lighting details for all lights shall be provided on the plan to demonstrate shielding and direction of light to prevent glare and light spillover.

(c) Lighting Levels.

- (1) Lighting footcandle levels shall be indicated on the plan for all access drives, parking areas, and walkways. A minimum of 0.5 footcandles shall be provided within these areas.
  - (2) Lighting be designed and positioned as to not reflect upwards or toward public streets or cause any unreasonable annoyance to surrounding properties. No lighting level above 0.1 footcandles shall be allowed beyond any property or street right-of-way line.
- (d) The following note shall be placed on the plan when lighting is proposed:

"Lighting Maintenance Note: All lighting shall be maintained by the Landowner. Any light needing to be replaced shall be replaced at the same location with a fixture having the same illumination (footcandle) levels."

#### Section 515. 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) 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-site 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 street.
  - (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'), unless a greater width is required within the Zoning Ordinance. 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.

#### Section 516. Off-Street Parking and Loading.

(a) Zoning Compliance.

Requirements for off-street parking and loading shall conform to the provisions of this section and the requirements within the Zoning Ordinance.

(b) Parking Spaces.

- (1) The size of all parking spaces shall be indicated on the plan.
- (2) The number of required and provided parking spaces shall be noted on the plan as required within the Zoning Ordinance.

(c) Aisles.

Widths of all aisles shall be dimensioned on the plan.

(d) Materials.

- (1) Off-street parking areas shall be installed using the following materials:

Standard-Duty

Wearing Course, Superpave 9.5 mm, 1.5" depth



Base Course, Superpave 25.0 mm, 3" depth  
Subbase Course, PennDOT Type 2A Aggregate, 6" depth

(2) Off-street loading areas and aisles, shall be installed using the following minimum materials.

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Heavy-Duty

Wearing Course, Superpave 9.5 mm, 1.5" depth  
Base Course, Superpave 25.0 mm, 6" depth  
Subbase Course, PennDOT Type 2A Aggregate, 10" depth

(3) A cross-section detail shall be provided on the plan.

(e) Painting.

(1) Line and traffic arrow painting shall be white and shall be shown and labeled on the plan.

(2) Line and symbol painting for ADA facilities shall be blue and shall be shown and labeled on the plan.

(f) Loading Areas.

Any required loading areas shall be shown and dimensioned on the plan.

(g) Turning Movement Exhibits.

Turning movement exhibits shall be provided showing the movement of the largest anticipated vehicle through (into and out of) the site. The exhibits must demonstrate that there will be no conflicts in the movements with parking or loading areas and that the vehicle exiting the site will not interfere with traffic on the adjacent street.

(h) Pedestrian Walkways.

Any proposed pedestrian walkways (sidewalks) shall be shown and labeled on the Plan.

(i) Special Parking Areas.

Any proposed Special parking areas for tractor trailers, campers, etc ... shall be shown and labeled on the Plan.

#### Section 517. Retaining Walls.

- (a) Any necessary retaining wall shall be shown and labeled on the plan.
- (b) Construction details for all proposed retaining walls shall be provided on the plan.
- (c) Design computations signed by a Professional Engineer shall be provided for all proposed retaining walls with four feet (4') or more of exposed wall height in conjunction with the Preliminary Plan submittal.

#### Section 518. Sanitary Sewage Disposal.

- (a) The Subdivider or Developer 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 system with a treatment plant system.
  - (2) Community sanitary sewer system with a community 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 or Developer shall install sewer lines, including lateral connections, as may be necessary to provide adequate service to each lot and dwelling unit when connection with the sewer system is made. Sewer lines shall be suitably capped at the limits of the subdivision or land development, and laterals shall be capped at the street right-of-way line. When capped sewers are provided, on-site disposal facilities shall also be provided.
- (c) All sewage disposal systems shall conform in all respects to the minimum requirements of the Pennsylvania Department of Environmental Protection, and all ordinances, rules and regulations of the Township.

(d) If on-site sanitary sewage disposal facilities are proposed, the Township may require that the Subdivider or Developer 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. Based on analysis of the Economic Feasibility Report, the Township may require the installation of a higher type of facility.

#### Section 519. Signs.

- (a) Any proposed business, development, or other sign shall be shown and labeled on the plan.
- (b) All signs shall be of a size and location in accordance with Part 19 of the Zoning Ordinance.
- (c) Signs for ADA parking spaces, loading areas, traffic directional signs, and other site signs shall be shown and labeled on the plan as necessary and as directed by the Township Engineer.

#### Section 520. Stormwater Management.

- (a) Stormwater management facilities shall be provided for all subdivisions and land developments in accordance with Chapter 25.
- (b) Deferment.

Residential lots can defer the requirement to prepare a Stormwater Management Plan if the lot is part of a Minor Subdivision. The following note shall be provided on the plan:

"Stormwater Management Plan Deferment Note: A Stormwater Management Plan for Lot(s) \_\_\_\_\_ is(are) required to be provided to the Township Zoning Officer at the time of any Zoning Permit application. The Plan shall meet all design criteria contained within Chapter 25 and be reviewed and approved by the Township Engineer prior to the issuance of any Zoning Permit."

#### Section 521. Streets.

- (a) Banks.



The slope of banks along streets measured perpendicular to the street center line shall be no steeper than the following:

- (1) One (1) foot of vertical measurement for three (3) feet of horizontal measurement for fills.
- (2) One (1) foot of vertical measurement for two (2) feet of horizontal measurement for cuts.

(b) Classification.

- (1) The classification of proposed street (Arterial, Collector or Local) shall be indicated on the plan.
- (2) All streets shall be labeled as 'Private' or 'To Be Dedicated'.

(c) Clear Sight Triangle.

- (1) All streets shall have a clear sight triangle at the intersecting street. The clear sight triangle shall be measured from the centerline intersection of the streets a distance as follows.

	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
<u>Arterial</u>	175'	150'	125'
<u>Collector</u>	150'	125'	100'
<u>Local</u>	125'	100'	75'

- (2) The clear sight triangle shall be shown and labeled on the plan.

- (3) A note shall be provided on the plan stating:

"Street Clear Sight Triangle Note: No structure, planting or other vision obstructing object shall be permitted within the clear sight triangle."

- (4) The clear sight triangle shall be located only within the Developer's property.

- (5) Any embankment area that is located within the clear sight triangle area shall be graded to provide for a relatively level area.



(d) Construction Phasing.

Where a development is to be constructed in phases, the arrangement of streets in each phase shall make provisions for the proper projections of streets to the boundaries of the next phase and shall also include connection of streets between phases.

(e) Crown (Cross Slopes).

(1) All streets shall be designed to provide for the discharge of surface water away from their travelway and shoulder. Street crown grades shall be as follows, except where super elevated curves are proposed:

(i) 1/4 inch per foot for street travelways.

(ii) 3/4 inch per foot for street shoulders.

(f) Cul-de-sac Streets.

(1) Cul-de-sac Street Length.

Cul-de-sac streets (or dead end streets) shall be provided with a turn-around and shall not exceed one-thousand feet (1,000') in length. The maximum allowable length shall be measured from the centerline intersection of the proposed street with the existing street, along the proposed street centerline, to the center of the turn-around area.

(2) Turn-around Grading.

The cul-de-sac turn-around area shall be graded and surfaced in the same manner as the street, and in no cases shall exceed a grade of five percent (5%) in any direction.

(3) Turn-around Diameters.

The cul-de-sac turn-around area shall have a minimum right-of-way diameter of one-hundred twenty feet (120') and a minimum outer paving diameter of one-hundred feet (100'). These diameters shall be labeled on the Plan.

(4) Innovative Turn-around Alternatives.

(i) Innovative alternatives to a standard circular cul-de-sac turn-around area may be considered where area equivalent to the requirement for a turn-around is being provided.

(ii) Any such designs shall be submitted by the Applicant to the Fire Chief and Township Roadmaster for review and comment.

(5) All cul-de-sac streets shall be provided with an authorized sign stating that no outlet exists.

(6) Private rights-of-way or access easements shall not originate from a cul-de-sac turn-around.

(7) Temporary Turn-around Areas.

(i) When Required.

Any street dead-ended for access to an adjoining property, or because of authorized, staged development as per an approved written development agreement, shall be provided with a temporary turn-around area meeting the requirements of this section.

(ii) Removal.

a) The portions of the turn-around outside of the required street travelway width shall be completely removed when the temporary turn-around is no longer necessary. Shoulders are to be then constructed along the street when the turn-around existed.

b) The areas of rights-of-way outside of the temporary turn-around area shall be conveyed to the adjacent Landowners.

(g) Dedication to Township.

(1) An Applicant who wishes to dedicate a street to the Township shall present a letter requesting such acceptance of dedication to the Board of Supervisors with the submittal of a Preliminary Plan.

(2) The Board of Supervisors shall indicate either their approval of acceptance of such dedication, or the denial of such dedication.

(i) If the Supervisors approve acceptance,

a) The street shall be constructed according to the Preliminary or Preliminary/Final Plan and requirements within this Ordinance. The Township Engineer shall oversee construction of the street and verify to the Board of Supervisors that street construction has occurred as per the Preliminary or Preliminary/Final Plan. The Developer shall be responsible to pay all Township fees incurred with overseeing the construction of the street.

b) A deed, which dedicates the land (right-of-way area) to be used as a township street to the municipality, shall be recorded with the Final Plan.

c) As a requirement of Final Plan approval, the Applicant shall provide a Maintenance Guarantee including financial security for the dedicated street.

d) The Township will not formally take over the street until all lots within a residential subdivision are developed and occupied.

(ii) If the Supervisors deny acceptance, the Applicant will need to proceed with the plan proposing the street to be private.

(3) The Landowner (or Landowners) of any Private Street within the township may request that the private street right-of-way be taken over by (dedicated to) the township according to the following provisions.

(i) The request must be in writing addressed to the Board of Supervisors.

(ii) The request shall include a petition signed by at least seventy-five percent (75%) of the Landowners utilizing the Private Street acknowledging that they will be responsible for all engineering and legal fees associated with dedication procedure.

(iii) The Township Engineer shall perform an inspection of the condition of the Private Street and prepare a Report to the Board of Supervisors. The Report shall state any deficiencies with regard to the requirements of this Ordinance, and provide recommendations to correct any deficiencies.



(iv) The Board of Supervisors may accept dedication of a Private Street with conditions that the deficiencies outlined within the Township Engineer's Report are corrected. No Private Street shall be accepted for dedication until it has been certified by the Township Engineer as compliant with Township standards.

(v) A deed, which dedicates the land (right-of-way area) to be used as a township street to the municipality, shall be recorded.

(vi) The Landowner(s) shall provide a Maintenance Guarantee including financial security for the dedicated street.

(h) Number of Street Accesses Serving a Residential Subdivision.

The number of street accesses (intersections of proposed streets with existing streets) shall be based on the following number of lots within a residential subdivision.

<u>Number of Lots</u>	<u>Minimum Number of Street Accesses</u>
up to 20	1
21 to 40	2
41 to 60	3
greater than 60	4

(i) Existing Streets Not Meeting Requirements.

Where a subdivision and/or land development abuts or contains an existing street of inadequate width with regards to travelway, shoulder, and/or right-of-way, sufficient additional width shall be provided to meet the standards of this Section.

(j) Geometry, Horizontal.

(1) Curves, When Required.

Where connecting street lines deflect from each other at any one point, the line must be connected with a true, circular curve.



(2) Radius.

The minimum radius of the center line for horizontal curves shall be as follows:

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Arterial Street	-	one-thousand feet (1,000')
Collector Street	-	seven-hundred fifty feet (750')
Local Street	-	two-hundred fifty feet (250')

(3) Tangent Length.

Straight portions of the street must be tangent to the beginning or end of curves. The minimum tangent length between curves shall be as follows:

Arterial Street	-	two-hundred feet (200')
Collector Street	-	one-hundred fifty feet (150')
Local Street	-	one-hundred feet (100')

(4) Approaches to Intersections.

Approaches of a street to any street intersection shall follow a straight course within one-hundred feet (100') of the intersection.

(k) Geometry, Vertical (Grades).

(1) Centerline Grades.

(i) The following maximum centerline grades are allowed when designing streets based on the classification of the street.

Arterial Street	-	six percent (6%)
Collector Street	-	eight percent (8%)
Local Street	-	ten percent (10%)

(ii) The following minimum centerline grades are allowed when designing streets based on the classification of the street.

Arterial Street	-	one percent (1%)
Collector Street	-	one percent (1%)
Local Street	-	one percent (1%)

(2) Vertical Curves.

(i) When Required.

Vertical curves shall be used in changes of grade when the algebraic difference exceeds one percent (1%) and shall be designed for maximum visibility.

(ii) Length.

The length of vertical curve (crest or sag) shall be determined as follows.

<u>Design Speed (mph)</u>	<u>Design Required Stopping Sight Distance (feet)</u>	<u>Design Rate of Vertical Curvature for Crest Curves, K1</u>	<u>Rate of Vertical Curvature for Sag Curves, K2</u>
30	200	19	37
40	305	44	64
50	425	84	96

Required Length of Crest Curve (feet)  
= percent algebraic difference in intersecting  
grades x K1

Required Length of Sag Curve (feet)  
= percent algebraic difference in intersecting  
grades x K2

(3) Stopping/Leveling Area.

All streets shall provide a stopping or leveling area having a grade of less than or equal to four percent (4%) for a distance of fifty feet (50') from intersecting street right-of-way line.

(4) Profile.

A centerline profile shall be provided on the plan for all streets showing existing and proposed grades.

(l) Intersection Angle.

(1) Streets shall intersect other streets as close to ninety degrees (90°) as possible, but in no case shall the intersection angle be less than eighty-five degrees (85°) or greater than ninety-five degrees (95°).

(2) The intersection angle shall be indicated on the plan.

(m) Intersection Radii.

(1) Streets shall be provided with a radius on each side at the intersection as follows:

	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
<u>Arterial</u>	55'	50'	45'
<u>Collector</u>	50'	45'	40'
<u>Local</u>	45'	40'	35'

(2) Radii shall tie-in to the edge of travelway of the intersecting street.

(3) Radii shall be labeled on the plan.

(n) Location.

(1) Intersections involving the junction of more than two (2) streets are prohibited.

(2) Street entering opposite side of another street shall be laid out either directly opposite one another, or with a minimum offset distance between

streets. The minimum offset distance between centerlines of streets shall be as follows:

	<u>Arterial</u>	<u>Collector</u>	<u>Local</u>
<u>Arterial</u>	800'	600'	400'
<u>Collector</u>	600'	400'	275'
<u>Local</u>	400'	275'	150'

(o) Materials.

(1) Streets shall be installed using the following materials according to classification:

(i) Travelway.

a) Arterial Street.

Wearing Course, Superpave 9.5 mm, 2.5" depth  
Base Course, Superpave 25.0 mm, 4.5" depth  
Subbase Course, PennDOT Type 2A Aggregate, 10" depth

b) Collector Street.

Wearing Course, Superpave 9.5 mm, 2" depth  
Base Course, Superpave 25.0 mm, 4" depth  
Subbase Course, PennDOT Type 2A Aggregate, 8" depth

c) Local Street.

Wearing Course, Superpave 9.5 mm, 1.5" depth  
Base Course, Superpave 25.0 mm, 3" depth  
Subbase Course, PennDOT Type 2A Aggregate, 6" depth

(ii) Shoulder.

a) Arterial Street.

Wearing Course, Superpave 9.5 mm, 2.5" depth  
Base Course, Superpave 25.0 mm, 4.5" depth  
Subbase Course, PennDOT Type 2A Aggregate, 10" depth



b) Collector Street.

Wearing Course, Superpave 9.5 mm, 2" depth  
Base Course, Superpave 25.0 mm, 4" depth  
Subbase Course, PennDOT Type 2A Aggregate, 8" depth

c) Local Street.

Wearing Course, Superpave 9.5 mm, 0" depth  
Base Course, Superpave 25.0 mm, 0" depth  
Subbase Course, PennDOT Type 2A Aggregate, 10.5" depth

d) Shoulders for proposed streets within the R-3, R-4, C-1, C-2, C-3, L-1, and L-2 zoning districts shall be paved according to the travelway requirements for the street.

(2) A street cross-section detail shall be provided on the plan.

(3) For all Superpave courses specified, the proposed type (temperature) of mix (hot, warm, or cold), asphalt Performance Grade (PG), and number of Equivalent Single Axle Loads (ESALs) shall be indicated on the plan.

(4) The following statements shall be provided on the plan at the street cross-section detail:

"Street Construction Notes:

(a) A 'Bituminous Tack Coat' per PennDOT Form 408, as amended shall be applied between the base and wearing courses.

(b) A 'Bituminous Prime Coat' per PennDOT Form 408, as amended shall be applied between the subbase and base courses.

(c) Copies of all delivery slips for material deliveries for street construction shall be furnished to the Township Engineer and shall become property of the Township."

(5) Street shoulders shall be constructed to a compacted depth equal to the depth of the travelway subbase, base and wearing courses. The finished surface elevation of the shoulder shall meet the finished elevation of the travelway.

- (6) The following notes shall be provided on the plan regarding street subgrades:

"Street Subgrade Notes:

- (a) All unsuitable subgrade material shall be removed. All wet or spongy areas shall be permanently drained and stabilized with suitable material.
  - (b) Fills within street areas shall consist of suitable materials and shall be thoroughly compacted in uniform layers of not more than eight inches (8") in thickness.
  - (c) In fill areas over three feet (3') thick, compaction tests are required in each eight inch (8") layer (lift) at fifty foot (50') intervals.
    - (1) Soils to be utilized as suitable fill material shall be clean and free of debris. A sample shall be tested in a certified testing laboratory accordance to ASTM D698 or ASTM D1557, as applicable, to determine the maximum density and optimum moisture content for compaction of the material. The results of this test shall be provided to the Township Engineer.
    - (2) A qualified Geotechnical Engineer licensed to practice in Pennsylvania shall test the compaction of soils in place using a 'soil density gauge' according to ASTM D2922 and/or ASTM D6938, as applicable. All areas of fill must obtain ninety-five percent (95%) compaction at optimum moisture. Any layer not meeting this standard shall be removed or re-rolled until the required percentage is obtained. Results of all on-site compaction tests shall be submitted to the Township Engineer.
  - (d) Prior to placement of subbase material, the entire street subgrade shall be proof-rolled utilizing a loaded tri-axle. This test shall be witnessed by the Township Engineer."
- (7) Line Painting.
- (a) All streets shall be provided with double 4" yellow painted center traffic lines with glass beads conforming to current

PennDOT Publication 408, Section 1103.14 meeting "Type A" gradation.

(b) Line painting shall begin/end where the edge of street radius starts at intersecting streets and cul-de-sac turnarounds, and shall not be provided at intersecting streets from end of radius to end of radius through the intersection.

(c) Line painting shall be shown and labeled on the Plan.

(p) Names of Streets.

(1) Names of new streets shall not duplicate or approximate existing street names.

(2) Names of new streets that are a continuation of an existing street shall bear the same name of the existing street.

(3) Proposed street names shall be indicated on the plan.

(4) The Applicant shall contact the Berks County Department of Emergency Management for their review of proposed street names to avoid any confusion with streets in Tilden Township or surrounding municipalities. Copies of all correspondences with the County shall be provided to the Township.

(q) Partial and Half Streets.

The dedication of partial or half streets at the perimeter of new subdivisions is prohibited.

(r) Private Streets.

Private streets shall include all streets not dedicated, accepted, and maintained as public streets. Private streets may be permitted where the following conditions are met:

(1) Design and Construction.

Private streets shall be designed and constructed in accordance with the standards and specifications contained within this Section.

(2) Agreement.



(a) The Applicant shall provide a 'Right-of-Way Use and Maintenance Agreement' that shall be referenced in each deed, lease, or conveyance prescribing the right-of-way width and location and setting forth and arrangement between the Applicant and Buyer or Lessee for improvement and maintenance of the private right-of-way. A copy of any such proposed Agreement shall be submitted for review and approval with the Final Plan submittal.

(b) The agreement shall include provisions for contingency enforcement if there is failure to provide sufficient maintenance of the Private Street.

(3) Maintenance Notes.

Maintenance responsibilities for the Private Street shall be noted on the Final Plan and within all deeds for lots to utilize the street.

(4) New Plan to Utilize Existing Private Street.

Where an existing private street right-of-way is proposed to provide access to a new subdivision, the Applicant for the new subdivision shall provide a 'Right-of-Way Use and Maintenance Agreement' signed by all Landowners using the right-of-way if such an Agreement has not previously been included in the existing deeds. This Agreement shall be recorded with the Final Plan and shall prescribe the right-of-way width and location in accordance with the standards of this Ordinance and set forth arrangements for maintenance of the private right-of-way. A copy of any such proposed Agreement shall be provided with the Final Plan submittal for review by the Township Solicitor.

(s) Projection.

Where adjoining areas are not subdivided or developed, the arrangement of streets in a proposed subdivision shall make provision for the proper projection of streets to the boundaries of the tract being subdivided.

(t) Sight Distance, Stopping.

(1) Sight distances shall be provided for all street intersections with streets in accordance with Pennsylvania Code, Title 57 "Transportation", Chapter 441 "Access to and Occupancy of Highways by Driveways and



Local Roads", latest edition. The required and provided distances shall be indicated on the plan.

(2) The speed limit of the intersecting street shall be labeled on the plan.

(u) Signs.

(1) Street name signs shall be placed at all street intersections.

(2) Stop signs shall be placed at all street intersections.

(3) All streets shall be provided with speed limit signs in both directions as follows:

Arterial Street	-	45 miles per hour
Collector Street	-	35 miles per hour
Local Street	-	25 miles per hour

(4) Traffic regulatory signs in accordance with PennDOT standards as applicable shall be placed along all streets.

(5) All sign locations shall be indicated on the plan in accordance with PennDOT placement standards.

(6) For within residential developments, the following note shall be provided on the plan regarding signs:

"Street Sign Note: All required street signs shall be erected prior to occupancy of the first dwelling unit on the street."

(v) Speed, Design.

(1) The following design speeds shall be utilized when designing streets based on the classification of the street.

Arterial Street	-	50 miles per hour
Collector Street	-	40 miles per hour
Local Street	-	30 miles per hour

(2) The design speed shall be indicated on the plan.

(w) Width, Right-of-Way.

(1) The following right-of-way widths shall be provided based on the classification of the street.

Arterial Street	-	eighty feet (80')
Collector Street	-	sixty feet (60')
Local Street	-	fifty feet (50')

(2) Right-of-way widths shall be labeled on the plan.

(3) For plans that abut existing streets, the right-of-way lines shown on the plan shall be the existing right-of-way as well as the "future right-of-way" as determined in Section 521.(w)(1). Building setback lines along streets shall be shown from the "future right-of-way" line.

(4) Minimum right-of-way radii at street intersections shall be twenty-five feet (25').

(x) Width, Shoulder.

(1) The following shoulder widths (to be provided on each side of the travelway) shall be provided based on the classification of the street.

Arterial Street	-	eight feet (8')
Collector Street	-	six feet (6')
Local Street	-	four feet (4')

(2) Shoulders for proposed streets within the R-3, R-4, C-1, C-2, C-3, L-1, and L-2 zoning districts may be utilized for parallel parking. In this case, the required width shall be ten feet (10').

(3) Shoulder widths shall be labeled on the plan.

(y) Width, Travelway.

(1) The following travelway widths shall be provided based on the classification of the street.

Arterial Street	-	twenty-four feet (24')
Collector Street	-	twenty-two feet (22')
Local Street	-	twenty feet (20')

(2) Travelway widths shall be labeled on the plan.

Section 522. Survey Closure Computations.

(a) Survey closure computations shall be provided at the time of Final Plan submittal for all lots and rights-of-way being created.

(b) The error of closure for each lot and right-of-way shall not exceed one foot (1') in ten-thousand feet (10,000').

Section 523. Survey Monuments and Markers.

(a) Material and Size.

Survey monuments and markers shall be constructed as follows:

	<u>Construction</u>	<u>Minimum Size</u>
Monument	Concrete or Stone	30" long x 4" diameter or 30" long x 4" x 4" square
Marker	Iron Pipe, or Iron or Steel Bar	24" long x 3/4" diameter

(b) Placement Note.

The following note regarding the placement of monuments and markers shall be provided on the plan:

"Monuments and Markers Placement Note: Monuments and markers must be placed by a Registered Surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker

is level or slightly higher with the surface of the surrounding ground. Monuments shall be marked on top with a copper or brass dowel."

(c) Monuments; Location of.

A monument must be set at:

- (1) the intersection of all street right-of-way lines.
- (2) any exterior property corner of the existing lot/tract without a found monument or marker.
- (3) along one (1) side of the street along the right-of-way line at the crest of all vertical curves.
- (4) along the street right-of-way around a cul-de-sac turn-around.

(d) Markers, Location of.

Markers must be set at:

- (1) the beginning and ending of curves along street property lines if not marked or monumented.
- (2) points where lot lines intersect curves either front or rear.
- (3) angles in property lines or lots.
- (4) all other lot corners.

(e) Where Not Required.

Monuments and/or markers are not required for property corners that have existing monuments and/or markers that have been found by a survey and labeled as such on the plan.

Section 524. Utilities.

(a) Easements, Utility

- (1) Utility easements with a minimum width of twenty feet (20') shall be provided for all utilities. Additional width may be necessary for access and maintenance.



(2) Utility easements shall, to the fullest extent possible, be centered on or adjacent to rear or side lot lines.

(3) Local utility companies shall be consulted by the developer when locating easements.

(4) Utility easements shall be shown and labeled on the plan.

(5) The following notes regarding utility easements shall be placed on the plan stating:

"Utility Easement Notes:

(a) No structure shall be permitted to be placed, set or put within the area of any utility easement.

(b) No vegetation shall be permitted to be placed, planted, set or put within the area of a utility easement, except for Agricultural Uses having a maximum height of twelve feet (12')."

(b) Natural Gas Lines.

(1) All proposed natural gas lines must be installed in compliance with the ASA Code B31, 80 1958, as amended.

(2) The minimum distance from a natural gas line to a dwelling unit or other structure must be as required by the applicable transmission or distributing company.

(c) Petroleum Lines.

Between a proposed dwelling unit or other structure and the center line of a petroleum or petroleum products transmission line which may traverse the subdivision and/or land development, there must be a minimum distance of one-hundred feet (100') measured in the shortest distance.

(d) Installation.

Proposed electric, telephone, television cable and other such utility transmission lines shall be installed underground in accordance with the PA Underground Utilities Act (Act 287 of 1974), as amended, unless the

Applicant provides notification in writing from the utility company that these lines must be overhead.

(e) Letters of Intent.

Letters of intent to provide service for the proposed subdivision and/or land development from all appropriate utility companies shall be provided by the developer as a part of the preliminary plan submission.

(f) Installation Prior to Street Construction.

All proposed underground utility lines shall be installed prior to any street construction.

Section 525. Walkways.

(a) Where Required.

(1) For projects located within the R-3, R-4, C-1, C-2, C-3, L-1, and L-2 zoning districts walkways (sidewalks) shall be required on both sides of all proposed streets, interior access lanes, and access drives.

(2) Walkways may be required for other subdivisions and land developments if deemed necessary by the Supervisors in the public interest.

(b) Width.

Walkways shall have a minimum width of four feet (4').

(c) Location.

(1) Walkways shall be entirely located outside of street right-of-way areas.

(2) Walkways shall be located a minimum of six feet (6') from the edge of all access drives.

(d) Construction Materials.

(1) Walkways shall be constructed with concrete, bituminous paving, or other hardscape product such as paver blocks. Walkways consisting solely of dirt or gravel are not permitted.

(2) A cross-section detail showing construction materials for walkways shall be provided on the plan.

(e) Labeling.

Walkways shall be labeled and dimensioned on the plan.

(f) Maintenance.

The following note shall be provided on the plan regarding maintenance of walkways:

"Walkways Maintenance Note: Maintenance of all proposed walkways depicted on this Plan is the sole responsibility of the Property Owner."

(g) Community Walkways.

(1) Any proposed walkway (pedestrian, bike, or other path or trail) that traverses several lots shall be provided with an access easement depicted on the plan.

(2) A description of this easement shall be provided within all applicable deeds, including language stating that the Landowner of each lot shall be responsible for maintenance of the portion of the walkway through their lot.

(h) Handicap Accessibility.

(1) Any proposed ramps for handicap accessibility shall be designed in accordance with all Federal and State laws and regulations.

(2) Applicable construction details shall be provided on the plan.

Section 526. Water Supply.

(a) Connection to existing public water system.

(1) Whenever an existing public 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.

(2) A copy of the approval of such system by the appropriate public agency or utility company shall be submitted with the Preliminary Plan.

(3) A suitable agreement shall also be established for the ownership and maintenance of such system. The agreement shall be submitted for review by the Township Solicitor.

(b) New community water system.

(1) Where public water systems are not geographically and economically accessible, and on-site sanitary sewage disposal systems are proposed to be used, a community water supply shall be designed to furnish an adequate supply and pressure of water to each lot and dwelling unit with adequate main sizes and fire hydrant locations to meet the specifications of the National Fire Protection Association (NFPA).

(2) A copy of the approval of such system by the PA DEP shall be submitted with the Preliminary Plan.

(3) A suitable agreement shall also be established for the ownership and maintenance of such system.

(c) Individual on-lot wells.

Where individual on-lot wells are to be utilized, each lot shall be of a size and shape to allow for the placement of each well to meet isolation distances as specified by the PA DEP from onlot sewage disposal systems.

(d) Fire Hydrants.

Wherever a connection to an existing public water system or a new community water system is proposed, fire hydrants shall be installed within six-hundred feet (600') of all existing and proposed structures, measured by way of accessible streets or access drives.

Section 527. Wetlands.

(a) As deemed appropriate by the Planning Commission, a wetlands delineation or a signed certification by a qualified consultant indicating that wetlands do not exist on the proposed subdivision shall be required.



(b) No subdivision and/or land development shall involve uses, activities, or site improvements that would result in encroachment into, re-grading of, or placement of fill in wetlands in violation of state and/or federal regulations.

(c) If wetlands are to be altered by the proposed subdivision and/or land development, copies of appropriate permits and approvals granted by state and/or federal regulatory agencies shall be provided prior to Preliminary Plan approval.

(d) The following note shall be placed on the plan and a similar reference in the deed for lots containing wetland areas:

"Wetlands Note: Wetlands exist on Lot(s) No.\_\_\_\_. Wetlands are protected under state and federal law and caution should be exercised to ensure that any development proposed for Lot No.\_\_\_\_ does not disturb the wetlands."

Section 528. Natural Features.

(a) 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.

## Part 6

### Campgrounds

#### Section 601. Campground Streets.

- (a) All streets within campgrounds shall have a right-of-way width of thirty feet (30').
- (b) All streets within campgrounds shall have a travelway width of eighteen feet (18').
- (c) All streets within campgrounds shall be constructed with eight inches (8") of subbase material (PennDOT Type 2A Aggregate) on compacted, solid subgrade.
- (d) The following note regarding streets shall be placed on the plan:

"Campground Street Note: All streets within campgrounds shall be properly drained and shall be kept free of debris or other obstruction, including height clearances, to provide clear access for fire, police, or other emergency services."

## Part 7

### Mobilehome Parks

#### Section 701. General Requirements.

- (a) Mobilehome parks shall be considered a land development and shall comply with all the design standards and improvement specifications found in Part 5 of this Chapter.
- (b) The submission, review, approval or disapproval, and recording of any plan for a mobilehome park shall be in accordance with the provisions of Part 3 of this Chapter.
- (c) The plan of any mobilehome park shall comply with the requirements stated in Part 4 of this Chapter.
- (d) Design standards and licensing requirements as set forth in Chapter 18 (Mobile Home Park Ordinance) shall be applicable.
- (e) All streets within mobilehome parks shall meet all design criteria for Local Streets and shall be proposed as Private Streets to be owned and maintained by the Owner of the Mobilehome Park.
- (f) Mobilehomes are only permitted within a Mobilehome Park.

## Part 8

### Administration and Amendment

#### Section 801. Fees.

- (a) The Township Supervisors shall establish, by resolution, a Schedule of Fees to be paid by the Subdivider or Developer. The Schedule may be amended from time to time by resolution of the Board of Supervisors.
- (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 and all disputes resolved.
- (d) All recreation contributions shall be paid prior to Final Plan approval.

#### Section 802. Modifications.

- (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 or Developer, 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.

Section 803. 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.

Section 804. 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 Magisterial District Judge. 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) 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 except as provided by applicable law.

(e) 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. The Township election of remedies is cumulative and not exclusive.

(f) 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.

(g) 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.

Section 805. 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.

Section 806. Responsibility. The Subdivider or Land Developer shall be responsible for observing the procedures established in this Chapter and for submitting all plans and documents as may be required.

Section 807. Conflicts.

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

conflict with state law and state law is not pre-emptive, then the more stringent requirement applies.

(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.

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Section 808. Revision and Amendment. The Township Supervisors may amend this Chapter. Any amendments shall be made in accordance with the procedures established by law.

Section 809. 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.



## Part 9

### Definitions

Section 901. Terminology. This section attempts to clarify by DEFINITION terminology used within and in relationship to this Chapter.

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Section 902. 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.

Section 903. Definitions. Other terms or words used herein shall be interpreted or defined as follows:

**Access Drive.** An improved travelway designed and constructed to provide for vehicular movement between a street and a tract or tracts of land containing any use other than one (1) single-family dwelling unit or a farm.

**Applicant.** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns. [MPC]

**Application for Development.** Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan. [MPC]



**Appointing Authority.** The Board of Supervisors of Tilden Township.

**Authority.** A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945." [MPC]

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

**Board.** Anybody granted jurisdiction under a land use ordinance or under this act to render final adjudications. [MPC] (the Tilden Township Board of Supervisors)

**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.** That portion of a street right-of-way that is intended for vehicular movement. (equals travelway plus shoulders)

**Certification.** A signed statement included on a plan or other document whereby the signer represents that to the best of their knowledge and belief said plan or document is true and correct and that the Township may rely upon the accuracy thereof.

**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.

**Common Facilities.** Improvements in a development that may or may not be required by this Ordinance, but have been constructed as part of a development for the common use and/or enjoyment of the residents of that development.

**Comprehensive Plan.** The Comprehensive Plan adopted by Township Board of Supervisors pursuant to Article III of the MPC which indicates the general locations recommended for the various functional classes of public works, places and structures and for the general physical development of the Township, and includes any unit or part of such plan separately adopted and any amendment to

such plan or part thereof. (The Joint Comprehensive Plan for Northern Berks County)

**Consistency.** An agreement or correspondence between matters being compared which denotes a reasonable rational, similar, connection or relationship. [MPC]

**Construction.** The act of constructing and/or to put together by assembling parts. The building, reconstruction, demolition activities for reconstruction, extension, expansion, alteration, substantial improvement, erection or relocation of a building or structure, including mobile homes. This shall include the placing and fastening of construction materials in a permanent position.

**County.** Any county of the second class through eighth class. [MPC] (The County of Berks, Commonwealth of Pennsylvania)

**County Comprehensive Plan.** A land use and growth management plan prepared by the county planning commission and adopted by the county commissioners which establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plan and land use regulation. [MPC]

**County Planning Commission.** The Berks County Planning Commission and its professional staff.

**Decision.** Final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the court of common pleas of the county and judicial district wherein the municipality lies. [MPC]

**Dedication.** The deliberate appropriation of land by its landowner for any general and public, or limited public, use, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

**Department of Environmental Protection, Pennsylvania (PA DEP).** The Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto.

**Department of Transportation, Pennsylvania (PennDOT).** The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.



**Determination.** Final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following: [MPC]

(1) the governing body. [MPC]

(2) the zoning hearing board. [MPC]

(3) the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. [MPC]

Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal. [MPC]

**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. [MPC]

**Development Plan.** The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition. [MPC]

**Driveway.** An improved travelway designed and constructed to provide for vehicular movement between a street and a tract or tracts of land serving one (1) single-family dwelling unit or a farm.

**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, Professional.** A person duly licensed as a professional engineer by the State of Pennsylvania.

**FEMA.** Federal Emergency Management Agency.

**Financial Security.** A letter of credit, bond, or other form of guarantee in accordance with the requirements of Article V of the MPC posted by a developer to secure the completion of all improvements indicated on an approved plan.

**Governing Body.** The council in cities, boroughs and incorporated towns; the board of commissioners in townships of the first class; the board of supervisors in townships of the second class; the board of commissioners in counties of the second class through eighth class or as may be designated in the law providing for the form of government. [MPC] (the Tilden Township Board of Supervisors)

**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.

**Guarantee, Improvement (Completion).** Any security which is accepted by the Township to guarantee that all site 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.

**Guarantee, Maintenance.** The financial security that may be accepted by the Township as a guarantee that improvements required as part of an application for subdivision and/or land development will be in first class condition, state of repair and working order for a specific period of time up to eighteen (18) months. Such financial security shall be similar to that accepted for a completion guarantee.

**Hearing.** An administrative proceeding conducted by a board pursuant to section 909.1. [MPC]

**Improvements.** Those physical additions and changes to the land that are necessary to produce usable and desirable lots.

**Land Development.** Any of the following activities: [MPC]

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: [MPC]

(i) 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 [MPC]

(ii) 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. [MPC]

(2) A subdivision of land. [MPC]

(3) The expansion or addition to a non-residential building or a multi-family residential building.

(4) Campgrounds, Mobilehome Parks, Junk Yards, and other projects if deemed necessary by Township Personnel.

**Land Use Ordinance.** Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the MPC. [MPC]

**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. [MPC]

**Licensed Professional.** Professional engineers, landscape architects, geologists and land surveyors licensed to practice in this Commonwealth. [PA DEP]

**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.

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

**Mobilehome.** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation. [MPC] This structure has a Vehicle Title.

**Mobilehome Lot.** A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome. [MPC]

**Mobilehome Park.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes. [MPC]

**Modification (Waiver).** A partial or total deviation from the requirements of this Ordinance granted by the Board of Supervisors, pursuant to the provisions of this Ordinance and the MPC.

**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.

**Municipalities Planning Code (MPC), Pennsylvania.** The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as reenacted and amended by Act 170 of 1988, and as may in the future be amended. (referenced herein as "[MPC]").

**Municipal Authority.** A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the "Municipality Authorities Act of 1945." [MPC]

**Municipal Engineer.** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency or joint planning commission. [MPC] (Township Engineer)

**Municipality.** Any city of the second class A or third class, borough, incorporated town, township of the first or second class, county of the second class through eighth class, home rule municipality, or any similar general purpose unit of government which shall hereafter be created by the General Assembly. [MPC] (The Township of Tilden, Berks County, Pennsylvania)

**PA DEP.** Pennsylvania Department of Environmental Protection.

**PennDOT.** Pennsylvania Department of Transportation.



**Plan.** The map or plan of a subdivision or land development, whether preliminary, or final.

**Plan, As-Built.** A plan of the original approved improvements showing changes made during the construction process.

**Plan, Final.** A plan including all necessary information and details to construct all improvements. A Developer's Agreement with financial security, and all necessary easement and maintenance agreements, are requirements of a final plan. A final plan will be recorded and building permits may be issued.

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

**Plan, Preliminary.** A plan including all necessary information and details to construct all improvements. A Developer's Agreement with financial security, and all necessary easement and maintenance agreements, are not requirements of a preliminary plan. A preliminary plan will not be recorded and building permits cannot be issued.

**Plan, Preliminary/Final.** A plan which by agreement with the Board of Supervisors may be submitted in a one-step process for minor or smaller scale subdivision and land development projects, containing all information required by this ordinance, and prepared for official recording as required by statute.

**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, Revised Final.** A plan that is a replatting of a recorded plan due to survey corrections or revisions.

**Plan, Concept.** An informal plan showing existing features of a tract and its surroundings, with the general layout of a proposed features including streets, access drives, lots, and other pertinent proposed features.

**Planning Agency.** A planning commission, planning department, or a planning committee of the governing body. [MPC]

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

**Planning Commission, Township.** The Planning Commission of the Township of Tilden, Berks County, Pennsylvania.

**Planning Module for Land Development.** A revision to the Township's Official Act 537 Sewage Facilities Plan submitted in connection with the request for approval of a subdivision and/or land development in accordance with PA DEP regulations.

**Plat.** A map or plan of a subdivision or land development, whether preliminary or final. [MPC]

**Private.** Not publicly owned, operated, or controlled. Belonging to or for the use of one particular person or group of people only. (Example: private street)

**Professional Consultants.** Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners. [MPC]

**Public.** Not privately owned, operated, or controlled. Belonging to or for the use of all persons and groups of people. (Example: Township street)

**Public Grounds.** Includes: [MPC]

(1) parks, playgrounds, trails, paths and other recreational areas and other public areas [MPC]

(2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities [MPC]

(3) publicly owned or operated scenic and historic sites. [MPC]

**Public Hearing.** A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the MPC. [MPC]

**Public Meeting.** A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings). [MPC]

**Public Utility.** A structure, owned, and operated by a company regulated by the Pennsylvania Public Utility Commission, designed and used to support transmission lines.



**Recreation Area, Active.** A private or public space associated with a residential development, including accessory structures such as fences, backstops and bleachers and other equipment, used for play and/or recreation by individuals, and including, but not limited to, golf courses, basketball, volleyball and tennis courts, baseball, football and soccer fields, and playgrounds.

**Recreation Area, Passive.** A private or public space associated with a residential development, not including any accessory structures used for inactive recreation by individuals, and including, but not limited to, trails, picnic areas, community gardens, and lawns.

**Recorder of Deeds.** The Recorder of Deeds in and for Berks County, Pennsylvania.

**Regional Planning Agency.** A planning agency that is comprised of representatives of more than one county. Regional planning responsibilities shall include providing technical assistance to counties and municipalities, mediating conflicts across county lines and reviewing county comprehensive plans for consistency with one another. [MPC]

**Report.** Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction. [MPC]

**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.

**Re-subdivision.** Any re-platting 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.

**Review.** The process of making a determination whether a subdivision or land development plan and required accompanying documents and data, conform with the ordinance and other applicable ordinances, laws, rules, and regulations.

**Right-of-Way, Existing.** An area of land reserved or dedicated as a street, road, or other public or semi-public purposes.

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**Right-of-Way, Future.** An area of land to be served as required by this Ordinance and the Tilden Township Zoning Ordinance to provide adequate width for future street improvements.

**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.

**Sewage Enforcement Officer (SEO).** The Township official, who being certified by the State Board of Certification or Pennsylvania Department of Environmental Protection, issues and reviews permit applications and conducts such investigations, inspections and tests as are necessary to implement the Pennsylvania Sewage Facilities Act as amended, and the rules and regulations issued thereunder, and Township Ordinances.

**Shoulder.** The portion of the roadway, contiguous to the traffic lanes, for accommodation of stopped vehicles, for emergency use, and for lateral support of base and surface courses and pavements. [PennDOT]

**Sight Distance, Stopping.** The distance required by the driver traveling at a given speed to stop the vehicle after an object on the roadway becomes visible to the driver. [PennDOT]



**Site Improvements.** Physical additions or changes to the land that may be necessary to provide usable and desirable lots, including but not limited to, utilities, streets, curbing, sidewalks, street lights, and storm water facilities.

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

- (1) Local Street. A street designed for low volumes of slow-moving traffic which provides access to abutting properties.
- (2) Cul-de-Sac Street. A street that is terminated on one (1) end with a vehicular turnaround area.
- (3) Collector Street. A street designed for moderate volumes of fast-moving traffic from local streets to arterial streets with access to abutting properties being restricted.
- (4) Arterial Street. A street designed for large volumes of high-speed traffic with access to abutting properties being restricted.

**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 (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. [MPC]

**Subdivision, De Facto (Natural).** A subdivision of an existing lot described on one (1) deed that is traversed by an existing street (or streets) right(s)-of-way with no required site improvements.

**Subdivision, Lot Line Adjustment / Lot Annexation.** The temporary creation of a separate lot from an existing lot, and the simultaneous uniting of the created lot with another adjacent existing lot.

**Subdivision, Major.** A subdivision not classified as a MINOR SUBDIVISION which includes required site improvements.

**Subdivision, Minor.** A subdivision in which all lots front on a street with no required site improvements.

**Subdivision, Reverse (Lot Assemblage, Lot Consolidation, Lot Combination).** A plan prepared to join together two (2) or more existing lots into one (1) lot with no required site improvements.

**Substantially Completed.** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to section 509) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be lawfully used, occupied or operated for its intended use. [MPC]

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

**Tile 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.

**Travelway.** The portion of the roadway for the movement of vehicles, exclusive of shoulders and auxiliary lanes. [PennDOT]

**US ACOE.** United States Army Corps of Engineers.

**Utility, Public or Private.** Any regulated agency which under public franchise or ownership, or under certificate of convenience and necessity, provides the public



with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or similar service.

**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.

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**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.

**Zoning Officer.** The duly constituted municipal official designated to administer and enforce the Township Zoning Ordinance and the terms of the MPC.

APPENDIX I

CERTIFICATION OF OWNERSHIP AND ACKNOWLEDGMENT OF PLAN  
INDIVIDUAL(S)

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/she/they is/are the Landowner(s) of the property shown on this plan, that the plan thereof was made at his/her/their direction, that he/she/they acknowledge(s) the same to be his/her/their act and plan, and that he/she/they desire(s) the same to be recorded as such according to law.

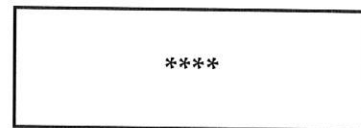
\_\_\_\_\_  
\*\*  
(Landowner)

\_\_\_\_\_  
\*\*  
(Landowner)

\_\_\_\_\_  
\*\*  
(Landowner)

My Commission Expires \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
\*\*\*



- \* Insert Landowner's name(s)
- \*\* Signature of the Landowner(s)
- \*\*\* Signature of Notary Public
- \*\*\*\* Stamp of Notary Public

(Note: If the plan involves several different lots with different Landowners, then separate Certificates shall be provided for each.)

CERTIFICATE OF OWNERSHIP AND ACKNOWLEDGMENT OF PLAN

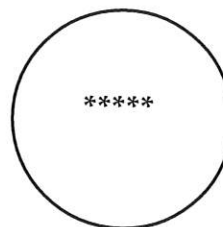
**CORPORATION**

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 \_\_\_\_\_\*\* is the Landowner of the property shown on this plan, that  
the plan thereof was made at his/her direction, that he/she acknowledges the same to  
be his/her act and plan, and that he/she desires the same to be recorded as such  
according to law.

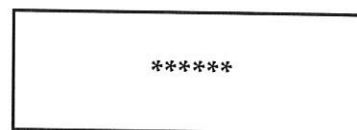
\_\_\_\_\_  
\*\*\*  
(President)

\_\_\_\_\_  
\*\*\*\*  
(Secretary)



My Commission Expires \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
\*\*\*\*\*



- \* Insert President of Corporation's name
- \*\* Insert name of Corporation, which is the Landowner
- \*\*\* Signature of the President
- \*\*\*\* Signature of the Secretary
- \*\*\*\*\* Seal of Corporation
- \*\*\*\*\* Signature of Notary Public
- \*\*\*\*\* Stamp of Notary Public

**APPENDIX II**

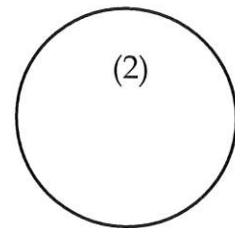
## CERTIFICATION OF ACCURACY

The following certification, in the wording shown, must be labeled and completed on all Plans.

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

\_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_(1)\_\_\_\_\_



(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

#### CERTIFICATES OF MUNICIPAL APPROVAL

At a meeting held on \_\_\_\_\_, 20\_\_\_\_, the Planning Commission of the Township of Tilden, recommended approval of the (5) plan of the property of \_\_\_\_\_(1)\_\_\_\_\_, as shown hereon.

(1) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

At the meeting held on \_\_\_\_\_, 20\_\_\_\_, the Board of Supervisors of the Township of Tilden, approved the (5) plan of the property of \_\_\_\_\_(1)\_\_\_\_\_, as shown hereon.

(2) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(4)

- (1) insert name of property owner or owners
- (2) signatures of at least three Township Planning Commission members
- (3) signature of at least two of the Township Supervisors
- (4) municipal seal
- (5) subdivision, land development, or subdivision/land development

APPENDIX IV

OFFER OF DEDICATION STATEMENT

By this Plan, I/we, the Landowner(s) of the property shown on this plan, hereby offer to the Tilden Township the dedication of \_\_\_\_\_

\_\_\_\_\_ .

\_\_\_\_\_  
(Landowner)

\_\_\_\_\_  
(Landowner)

\_\_\_\_\_  
(Landowner)

**FORM TT-1**

**APPLICATION FOR APPROVAL OF A SUBDIVISION AND/OR LAND  
DEVELOPMENT PLAN**

**Plan Status:** (check one) ☐ Preliminary ☐ Preliminary/Final ☐ Final

**Project Name:** \_\_\_\_\_

\_\_\_\_\_

**Project Size (acres):** \_\_\_\_\_

**Project Location (Street Name(s)):** \_\_\_\_\_

\_\_\_\_\_

**Project Type:** (check those that apply)

☐ De Facto (Natural) Subdivision

☐ Reverse Subdivision (Lot Assemblage, Lot Consolidation, Lot Combination)

☐ Lot Line Adjustment / Lot Annexation

☐ Minor Subdivision

☐ Major Subdivision and/or Land Development

☐ Campground

☐ Mobilehome Park

☐ Other (specify) \_\_\_\_\_

**Landowner:** (if more than one Landowner, make copies of this page and complete)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Applicant:** (if same as Landowner, check here \_\_\_\_\_ and leave this section blank)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Plan Preparer:**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_

Address, continued: \_\_\_\_\_



Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**Total Number of Lots:** existing \_\_\_\_\_ proposed \_\_\_\_\_

**Zoning District:** (see Zoning Map of Tilden Township)

_____ R-1 Rural Residential	_____ C-3 Highway Commercial
_____ R-2 Residential	_____ L-1 Limited Industrial
_____ R-3 Residential	_____ L-2 Industrial
_____ R-4 Multi-Family Residential	_____ L-3 Educational Industrial
_____ C-1 Neighborhood Commercial	_____ OS Open Space
_____ C-2 General Commercial	_____ A Agricultural

**Type of Use Proposed:** (see Tilden Zoning Ordinance, Parts 3 to 14)

\_\_\_\_\_

**Zoning Approvals:**

Have all zoning approvals been obtained (special exception, conditional use, variance, zoning amendment)? (specify approvals, or write "Not Applicable")

\_\_\_\_\_

\_\_\_\_\_

**Type of Water Supply:**

\_\_\_\_\_ Public \_\_\_\_\_ Community \_\_\_\_\_ Individual

**Type of Sewage Treatment:**

\_\_\_\_\_ Public    \_\_\_\_\_ Community    \_\_\_\_\_ Individual

**Lineal feet of new street:** \_\_\_\_\_

Are Streets to be Dedicated to the Township?    \_\_\_\_\_ Yes    \_\_\_\_\_ No

Are Streets to be Private?    \_\_\_\_\_ Yes    \_\_\_\_\_ No

**Landowner's Certification:** (to be executed if Applicant is Landowner)

By signing this Application, I certify that all facts in the Application are true and correct. This application is being made by me to induce official action on the part of Tilden Township.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Landowner

**Applicant's Certification:** (to be executed if Applicant is not Landowner)

By signing this Application, I certify that all facts in the Application are true and correct. This application is being made by me to induce official action on the part of Tilden Township. I also certify that I have the permission of the Landowner to make this submittal on behalf of the Landowner.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Applicant

for Township to complete

**Plan Review & Approval Timing:**

Date of Original Plan Submittal (a): \_\_\_\_\_

30 days after Date of Original  
Plan Submittal (b = a + 30 days): \_\_\_\_\_

Date of First Planning Commission  
Meeting Plan was Discussed/Reviewed (c): \_\_\_\_\_

Date for Start of 90-day Clock for Supervisors  
to Act on Plan (d = earlier date from b or c): \_\_\_\_\_

Date for End of 90-day Clock for  
Supervisors to Act on Plan (e = d + 90 days): \_\_\_\_\_

Time Extension Granted by Applicant by letter dated \_\_\_\_\_  
until \_\_\_\_\_

Time Extension Granted by Applicant by letter dated \_\_\_\_\_  
until \_\_\_\_\_

Time Extension Granted by Applicant by letter dated \_\_\_\_\_  
until \_\_\_\_\_

**SECTION 2.** The Ordinances of Tilden Township, Berks County, Pennsylvania, shall be and remain unchanged and in full force and effect except as amended, supplemented or modified by this Ordinance. This Ordinance shall become a part of the Ordinances of Tilden Township, Berks County, Pennsylvania, upon adoption.

**SECTION 3.** All ordinances or parts of ordinances of the Township which are inconsistent herewith are hereby repealed.

**SECTION 4.** This Ordinance shall become effective on the earliest date permitted by law.

**DULY ENACTED AND ORDAINED** this 11<sup>th</sup> day of November, 2020.

**TILDEN TOWNSHIP,  
BERKS COUNTY, PENNSYLVANIA**

By: Gene S. Schappell  
Gene Schappell, Chairman

By: Fred Herman  
Fred Herman, Vice Chairman

By: Richard DeLong  
Richard DeLong, Supervisor

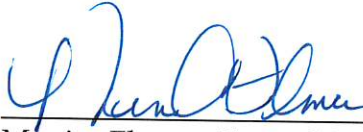
Attest: Monica Flower  
Monica Flower, Township Manager / Secretary



MUNICIPAL CERTIFICATION

I, Monica Flower, Township Manager / Secretary of the **TILDEN, BERKS COUNTY, PENNSYLVANIA**, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 243-200 adopted at a regular meeting of the Board of Supervisors of Tilden Township, Berks County, Pennsylvania held on the 11<sup>th</sup> day of November, 2020.

[SEAL]



\_\_\_\_\_  
Monica Flower, Township Manager / Secretary  
Tilden Township  
Berks County, Pennsylvania