

Mount Penn Borough
Subdivision and Land Development
Ordinance of 2011

***Adopted by Mount Penn Borough via Ordinances 795 and 797 on
November 22, 2011***

Mount Penn Borough, Berks County, Pennsylvania Subdivision and Land Development Ordinance of 2011

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Article 1: Establishment and Application Provisions

Section 101: Preamble

An Ordinance establishing regulations, standards, specifications and restrictions for the subdivision and development of land within Mount Penn Borough, Berks County, Pennsylvania, and for said purposes establishing application procedures, plan requirements, design standards, improvement specifications, and providing for the administrative enforcement and amendment provisions in accordance with the Pennsylvania Municipalities Planning Code, as may be revised or amended.

Section 102: Short Title

This Ordinance shall be known as, and may be cited as the "Mount Penn Borough Subdivision and Land Development Ordinance of 2011" or as the "Subdivision and Land Development Ordinance".

Section 103: Purpose

(A) The Mount Penn Borough Subdivision and Land Development Ordinance of 2011 has been adopted in accordance with: the requirements of Pennsylvania Municipalities Planning Code; the goals, objectives and policies established within the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough; and for the overall character of Mount Penn Borough considering issues relative to growth, development, preservation and redevelopment. In addition, this Subdivision and Land Development Ordinance has been prepared and designed to accomplish the following:

- (1) To create and maintain conditions that are favorable to the health, safety, and general welfare of the residents and landowners of Mount Penn Borough
- (2) To identify, protect and preserve the physical and environmental amenities within Mount Penn Borough.
- (3) To provide opportunities for growth and development by considering environmental limitations, existing land uses, infrastructure, and the suburban characteristics of Mount Penn Borough.
- (4) To provide for a system of conservation areas through the preservation of floodplains, steep slopes, woodlands and farmlands, as well as providing areas for passive and active recreation.
- (5) To achieve and sustain a high quality natural resource system (water, biotic, land and air) to protect public health and safety, and support and protect a diversity of ecosystems.
- (6) To conserve and enhance scenic resources that reflects the natural, historical, agricultural, and cultural heritage within Mount Penn Borough.
- (7) To provide for the orderly, efficient, integrated, and harmonious development of land within Mount Penn Borough that will meet the needs of existing and future residents.
- (8) To provide for the efficient and orderly extension of community facilities and services, which meet the needs of the community while staying within the fiscal budget limitations of Mount Penn Borough
- (9) To provide parks, recreation facilities and open space areas, which meet the needs of the residents within the community and the region.
- (10) To improve, maintain and plan sanitary sewage disposal facilities and water supply facilities in an effort to meet the needs of the community, protect the environment and support development consistent with land use plans.

- (11) To ensure that basic utility services and facilities, including sanitary sewage facilities, water supply facilities, communication systems and energy supplies are available to serve existing and prospective uses within Mount Penn Borough.
 - (12) To promote, encourage and practice energy conservation.
 - (13) To plan, design, construct and maintain a safe, efficient and diversified transportation system, which optimizes mobility, strengthens the economy and protects the environment.
 - (14) To achieve a high level of intergovernmental planning by coordinating efforts with local and regional groups within the public and private sectors.
 - (15) To assure the equitable and just processing of subdivision and land development plans by providing uniform procedures and standards for the observance by both the applicant and municipal officials.
 - (16) To implement endorsed planning efforts including the Joint Comprehensive Plan and the Berks County Comprehensive Plan.
 - (17) To implement the policies established by the Berks County Conservation Zoning Incentive Program (CZIP).
 - (18) To preserve, restore and enhance the natural, historic, cultural and recreational resources of the community while encouraging sustainable practices and compatible economic development to create healthy and vibrant communities in accordance with the goals and objectives endorsed by the Schuylkill Highlands Grant Program and the Pennsylvania Department of Conservation and Natural Resources.
 - (19) To implement the planning goals and objectives of the Shared Municipal Services Program endorsed by the Pennsylvania Department of Community and Economic Development.
 - (20) To make a reasonable effort to comply with the intergovernmental agreement for the implementation efforts associated the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough.
- (B) The purpose statements contained under Section 103.A of this Subdivision and Land Development Ordinance are intended to provide overall guidance and direction, as well as to establish the foundation for community growth, development, preservation and redevelopment efforts within Mount Penn Borough. Should one (1) or more purpose statements become unfeasible or cannot be implemented for any reason, the validity of this Subdivision and Land Development Ordinance shall not be invalid or unconstitutional.

Section 104: Community Development Objectives

The Subdivision and Land Development Ordinance for Mount Penn Borough of 2011 attempts to emulate through its regulations the goals, objectives and policies of the Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough. These regulations have been established with considerations to the physical characteristics, population trends, housing characteristics, existing land use characteristics, community facilities and services and existing transportation characteristics of Mount Penn Borough.

Section 105: Application and Interpretation

- (A) Except as hereinafter provided, all subdivision or development of land within Mount Penn Borough shall be in conformity with the provisions established by Mount Penn Borough.
- (B) The provisions of this Subdivision and Land Development Ordinance shall be held to be the minimum requirements to meet the stated purposes indicated under Sections 103 and 104 of this Ordinance.
- (C) Where the provisions of this Subdivision and Land Development Ordinance impose greater restrictions than those of any other statute, ordinance or regulation, the provisions of this Subdivision and Land Development Ordinance shall be complied with unless otherwise directed by Mount Penn Borough Council.

- (D) Where the provisions of any other municipal statute, ordinance, or regulations impose greater restrictions than those specified in this Subdivision and Land Development Ordinance, the provisions of such other municipal statute, ordinance, or regulation shall be complied with unless otherwise directed by Mount Penn Borough Council.
- (E) Where the provisions of this Subdivision and Land Development Ordinance conflict with the specific provisions of the Pennsylvania Municipalities Planning Code, the specific provisions of the Pennsylvania Municipalities Planning Code shall be complied with unless otherwise directed by Mount Penn Borough Council.
- (F) No subdivision or land development of any lot, tract or parcel of land shall be made except in accordance with the provisions of this Subdivision and Land Development Ordinance.
- (G) No site improvements shall be made to any lot, tract or parcel of land shall be made except in accordance with the provisions of this Subdivision and Land Development Ordinance.
- (H) Unless and until a subdivision and/or land development plan has been approved and recorded in accordance with all standards and provisions of this Subdivision and Land Development Ordinance, no lots within a proposed subdivision or land development may be sold and no permits shall be issued in order to erect any building upon land within a development.
- (I) Where under special and unique conditions, a literal enforcement of these regulations would result in an unnecessary hardship, such reasonable exceptions thereto may be made, provided it will not affect the public health, safety and general welfare of the residents and property owners of Mount Penn Borough.
- (J) After approval or endorsement by Mount Penn Borough, all subdivision or land development plan shall be recorded in the office of the Berks County Recorder of Deeds.

Article 2: Definitions

Section 201: General Interpretation.

- (A) For the purpose of this Subdivision and Land Development Ordinance, certain terms and words are defined under Section 202. The following guidelines shall be utilized to interpret the terminology of this Subdivision and Land Development Ordinance:
- (1) Words used in the present tense shall include the future tense.
 - (2) Words in the singular shall include the plural and words in the plural shall include the singular.
 - (3) Words in the masculine shall include the feminine and the neuter.
 - (4) The word "shall", "must" or "will" is mandatory.
 - (5) The word "may" or "should" is permissive.
 - (6) The word "person" includes "individual", "corporation", "partnership", "organization", "association", "trust", or other similar entities.
 - (7) The words "used for" include "designed for", "arranged for", "intended for", "maintained for", or "occupied for".
 - (8) The word "building" shall be construed as if followed by the phrase "or part thereof".
 - (9) The word "structure" includes "building" and shall be construed as if followed by the phrase "or part thereof".
 - (10) The word "street" includes "expressway", "arterial", "highway", "thoroughfare", "avenue", "boulevard", "court", "lane" and "road".
 - (11) The word "watercourse" includes "channel", "creek", "ditch", "drain", "dry run", "spring", "stream" and "swale".
- (B) Any word or term not defined herein shall be used with a meaning of standard usage.

Section 202: Specific Terms

Terms or words used in this Subdivision and Land Development Ordinance, unless otherwise expressly stated, shall be construed as defined below. When terms, phrases or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Abut: The state of being side by side, next to or adjoining one another.

Access Drive: An improved cartway or paved service road designed to provide vehicular access between the public road and the off-street parking area for the designated use. The term "access drive" shall be considered synonymous with "access lane".

Access Point: A clearly defined point of ingress and egress for vehicles at the street line.

Accessory Building or Structure: A building subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal use.

Accessory Use: A subordinate use of a portion of a lot, which is customarily incidental to the main or principal use of land or of a building on a lot.

Acre: Forty-three thousand five hundred sixty (43,560) square feet.

Act: The Pennsylvania Municipalities Planning Code, as revised, amended and/or codified.

Act 247: The Pennsylvania Municipalities Planning Code, as revised, amended and/or codified.

Act 537: The Pennsylvania Sewage Facilities Act, as may be amended from time to time.

Act 537 Plan: The Sewage Facilities Plan for Mount Penn Borough, as prepared and adopted in accordance with Pennsylvania Act 537, as amended.

Adjacent: The state of being side by side, next to or adjoining one another.

ADT (Average Daily Traffic): The average number of vehicles that pass over a given point per day.

Agent: Any person other than the applicant or developer who, acting for the applicant or developer, submits subdivision or land development plans to Mount Penn Borough for the purpose of obtaining approval.

Alluvial Soils: Soils, which have been formed in alluvium and deposited by past stream or flooding conditions.

Alluvium: Soil material such as sand, silt or clay that has been deposited on land by past stream or flooding conditions.

Alteration(s): Any change or rearrangement in the structural parts or in the existing facilities of a building or structure, such as bearing walls, columns, beams, girders, joists, rafters, headers, or enclosed walls, or any enlargement or modification thereof, whether by extension on any side or by an increase in height, or the moving of such building from one location or position to another, or any other change of use of a building or a lot.

Annexation: The act of adding, joining or uniting one (1) lot or parcel of land to another lot or parcel of land in order to create out of the said two (2) lots or parcels of land a larger lot or parcel of land intended for separate use, building development, or transfer of ownership.

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

Application for Development: Every application, whether preliminary 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.

Appointing Authority: The governing body of the municipality with jurisdiction, which shall be either the Lower Alsace Township Board of Supervisors or Mount Penn Borough Council.

Architect: An architect registered by the Commonwealth of Pennsylvania.

Berm: An earth mound with a uniform side slope covered with grass, shrubbery or ground cover and which is designed and intended to obstruct views, create landscape interest, impound water and/or to establish final grade.

Block: A tract of land or a lot or group of lots bounded by streets, public parks, railroad rights-of-way, water courses or bodies of water, boundary lines of Mount Penn Borough, or by any combination of the above.

Board: The Lower Alsace Township Board of Supervisors, Berks County, Pennsylvania.

Board of Supervisors: The Lower Alsace Township Board of Supervisors, Berks County, Pennsylvania.

Borough: Mount Penn Borough, Berks County, Pennsylvania.

Borough Council: The Mount Penn Borough Council, Berks County, Pennsylvania

Buffer Yard: A continuous strip of land, which is clear of all buildings and paved areas and is adequately landscaped in accordance with the Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.

Building: Any combination of material forming any structure, which is erected on the ground and permanently affixed thereto, whereas the framed components or structural parts are designed for the complete enclosure (with walls and a roof) and support for individuals, animals or property of any kind.

Building Area: The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, excluding unroofed porches, paved terraces, steps, eaves and gutters, but including all enclosed extensions. The definition of "building area" should not be considered synonymous or be compared with the any subordinate definitions for "lot area" including "lot area (building)".

Building Coverage: The percentage of a lot covered by principal and accessory buildings.

Building Envelope: The area of a lot that has no building or construction restrictions such as, building set back requirements, rights-of-way, easements, floodplains, wetlands, slopes over twenty (20) percent in grade, or similar restrictions as defined within the Joint Zoning Ordinance.

Building Frontage: The front of a building considering the location of the main entrance and the public street providing access. For corner lots, the building frontage shall be established along both streets to which the building has frontage or access.

Building Height: The vertical distance measured from the grade plane to the average roof height, as further defined by the appropriate building codes adopted by Mount Penn Borough.

Building Length: The longest horizontal dimension of a building, as measured in a single straight direction.

Building Setback: The minimum distance a building must be setback from the ultimate street right-of-way line (where it exists) or from the street legal right-of-way line (where the ultimate right-of-way does not exist) of the street immediately adjacent thereto.

Building Setback Line: The line within a property establishing the minimum required distance between any building, or portions thereof, to be erected or altered and a street right-of-way (except the right-of-way of a service street). The distance shall be measured at right angles from the street right-of-way line, which abuts the property, and the building setback line shall be parallel to said right-of-way line.

Carsonia Avenue Overlay District: A special overlay to the underlying zoning districts within Mount Penn Borough and Lower Alsace Township that has been established to improve the aesthetics, architectural appearance, commercial centers, streetscape design and gateway within a defined corridor in accordance with the provisions specified under Section 502 of the Joint Zoning Ordinance.

Cartway: The portion of a street right-of-way, whether paved or unpaved designed for vehicular use.

Centerline (Street): A line measured midway between and parallel to the street right-of-way line, or as otherwise defined on plans and deeds of record.

Certificate of Use and Occupancy: A statement issued and enforced by the Zoning Officer or other code official designated by Mount Penn Borough, whereas upon the completion, conversion, extension or modification of a new building or existing building, a certificate of compliance is issued and the building can be lawfully occupied for the intended use or activity.

Clear Cutting: The removal or destruction of all vegetation from an area of land, or the removal or cutting of more than ninety (90) percent of the woodlands on any lot or parcel of land.

Clear Sight Triangle: An area of unobstructed vision at a street intersection, as prescribed by Mount Penn Borough and/or the Pennsylvania Department of Transportation, which shall be measured thirty (30) inches above the ground elevation to ten (10) feet above ground elevation. The area is further defined by connecting three (3) points consisting of the point of intersection of the streets and a point located at a specified linear distance along the centerline of the intersecting streets.

Commercial Use: A use or activity that includes, but not limited to, retail sales, businesses, offices, personal services, banks, financial institutions, restaurants, communications, recreation, and other similar commercial uses as determined by the Zoning Officer of the municipality with jurisdiction.

Commercial Vehicle: Any motor vehicle utilized for a business or trade activity of any kind, including construction, excavating, earthmoving equipment, or similar equipment, regardless of the use, excluding a Class I and II motor vehicle, which is properly licensed by the Commonwealth of Pennsylvania.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, within a development, designed and intended for use or enjoyment of all residents of the development in which it is located. Common open spaces shall not include: land areas within street rights-of-way; required open areas between buildings; required open areas between buildings and street rights-of-way, driveways and parking areas; and other areas that may be specified within the Joint Zoning Ordinance. No dwelling unit, accessory building or parking area may be located within common open spaces.

Common Parking Area: A parking facility other than those provided within the lot lines of a lot on which one (1) single-family detached dwelling, one (1) single-family semi-detached dwelling, or one (1) townhouse is located.

Completion: The act of bringing to a condition of physical completeness and readiness for use and occupancy.

Comprehensive Plan: The Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, as adopted by the Lower Alsace Township Board of Supervisors and Mount Penn Borough Council, including any related provisions, revisions, updates or amendments.

Conditional Use: A use in a particular zoning district by approval of the municipality with jurisdiction in accordance with the specific criteria set forth within the Joint Zoning Ordinance.

Conservation Overlay Districts: Overlay provisions established to consider conservation management, environmental resource protection, natural resources, and open space preservation. These provisions are intended to supplement and enhance the existing underlying zoning district regulations for certain land areas and water features including: floodplains; wetlands and hydric soils; steep slopes; woodlands; and riparian buffers.

Conservation Use: The preservation and utilization of land and surface water as wildlife habitats, forests, farmland, meadows, wetlands, lakes, streams, rivers, and other similar uses or features that involve no site improvements other than those required for education, recreation or municipal uses.

Consistency: An agreement or correspondence between matters being compared, which denotes a reasonable rational, similar, connection or relationship.

Construction: The placement of materials and equipment in a defined area to be assembled, built, applied and/or demolished in a temporary or permanent manner, as approved by the municipality with jurisdiction.

Construction Site: The total necessary land area required for all buildings or uses within a unified development before a zoning permit may be issued.

Conversion: To change or adapt land or structures to a different use, occupancy or purpose.

Council: The Lower Alsace Township Council, Berks County, Pennsylvania.

County: The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission: The Berks County Planning Commission.

Court: A portion of a lot unoccupied above grade but partially or wholly surrounded by the walls of a structure or buildings.

Critical Environmental Area: An area of land or water with one or more of the following characteristics: steep slopes; floodplain; wetlands; hydric soils; high water table soils; land subject to hazardous, municipal or industrial waste; fault areas; sinkholes; stream corridors; estuaries; habitats of endangered species; and/or other protected areas, species or habitats listed on the Pennsylvania Natural Diversity Inventory.

Crosswalk: A defined area within a public or private street right-of-way for pedestrian use extending from one side of the street or block to the other side of the street or block.

Curb Line: The point where the face of the curb meets the edge of the cartway. If no curb exists, the curblines shall be considered the edge of the improved cartway.

Dedication: The deliberate appropriation of land by its owner for general public or municipal use.

Deed: A written document whereby an estate in real property is described, conveyed and recorded.

Deed Restriction: Clauses included in a deed or other recorded document, which restricts, controls or limits the general use of a defined parcel of land or development.

Density: The total number of residential dwelling units per acre or lot area.

Depression: A low place or elevation of any size surrounded by higher ground on all sides and having no natural outlet for surface drainage.

Designated Common Open Space: The area designated as "common open space" within a residential development, containing open areas for recreational uses and natural resource conservation.

Developer: Any landowner, agent of such landowner, equitable owner, or tenant with the permission of the landowner, for whom subdivision or land development plans are being or have been made.

Development: Any man made change to improved or unimproved land, including but not limited to buildings or other structures, the installation of utilities, filling, grading, paving, excavation, mining, dredging or drilling operations.

Development Plan: A proposal for the development of land, prepared in accordance with the provisions specified by Mount Penn Borough, including a plan for subdivision or land development, 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 Subdivision and Land Development Ordinance shall mean the written and graphic materials referred to in this definition.

Diameter at Breast Height: The diameter of a tree trunk, as measured fifty-four (54) inches from the ground surface.

Distance Between Buildings: The shortest horizontal distance between buildings.

District: A portion of Mount Penn Borough and Lower Alsace Township within which certain uniform regulations, permitted uses, procedural requirement, utility provisions and dimensional specifications, or combinations thereof, as they apply under the provisions of the Joint Zoning Ordinance.

Driveway: A privately owned and improved access drive, which provides vehicular access between a public road or an approved private road into the lot or parcel having frontage on the road.

Dwelling: A building or structure or portion thereof arranged, intended, designed or used as the living quarters for one (1) or more families living independently of each other. Such buildings as hospitals, hotels, boarding, rooming, lodging houses, nursing homes, motels and institutional residences are not included in the definition of dwelling. The following dwelling types are further defined as follows:

- (1) **Single-Family Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for one (1) family and having no common wall with an adjacent building.
- (2) **Single-Family Semi-Detached Dwelling:** A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a vertical common wall.
- (3) **Two-Family Detached Dwelling Unit (Duplex):** A building arranged, designed or intended for occupancy of two (2) families, living independent of each other in separate dwelling units that are separated by a common horizontal floor as opposed to a common vertical wall: A building arranged, intended or designed to be occupied exclusively as a residence for two (2) families, one (1) family living on each side of a vertical common wall.
- (4) **Multi-Family Apartment Dwelling:** A building arranged, designed and intended to be occupied exclusively as a residence for three (3) or more families. Individual dwelling units may share up to three (3) part walls with other units and either have a common outside access areas or have individual outside access areas. Types of such buildings shall include apartments and/or condominiums.

- (5) **Townhouse:** A building arranged, designed and intended to be occupied exclusively as a residence for one (1) family, which is one (1) of a group of three (3) or more such buildings, placed side by side and separated by unpierced vertical common walls, each dwelling having at least one (1) separate entrance from the outside.
- (6) **Condominium:** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common open space solely for the owners of those portions, created under either the Pennsylvania Unit Property Act, as amended, or the Pennsylvania Uniform Condominium Act, as amended.
- (7) **Mobile Home:** A transportable, single-family dwelling constructed in accordance with the specifications of the Commonwealth of Pennsylvania intended for permanent occupancy contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.
- (8) **Modular or Manufactured Home:** Any structure designed primarily for residential occupancy, which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on the building site. Housing units defined as mobile homes are excluded from this definition.

Dwelling Unit: A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living sleeping, eating, cooking and sanitation.

Easement: A defined parcel area of land or right-of-way, which is granted or conveyed for the limited use of land for public, quasi-public or private purposes.

Egress: A point of exit from a property.

Electric Substation: An assemblage of equipment for purposes other than generation or utilization through which electric energy in bulk is passed for the purpose of switching or modifying its characteristics to meet the need of the general public.

Elevation: The horizontal alignment of a surface above mean sea level, as it exists in pre-development conditions or as it is proposed in post development conditions.

- (1) **Centerline Elevation:** The elevation of the street at the midpoint of the street.
- (2) **Curb Elevation:** The elevation of the street at the curb line.
- (3) **First Floor Elevation:** The elevation of the level of living space at the main entrance of the building.
- (4) **Garage Elevation:** The elevation of the garage floor at the center of the garage door.

Employee: A person hired by the owner or site manager of a permitted use in accordance with the provisions of the Joint Zoning Ordinance or this Subdivision and Land Development Ordinance. The following terms for "full-time employee" and "part-time employee" are hereby defined:

- (1) **Full Time Employee:** A person who works thirty-two (32) or more hours per week on average week throughout the year.
- (2) **Part Time Employee:** A person who works less than thirty-two (32) hours per week on average throughout the calendar year.

Employees: The total number of workers (including both part-time and full-time) present on a parcel of land at any given time, other than temporary or occasional construction workers.

Engineer: A professional engineer, licensed as such in the Commonwealth of Pennsylvania.

Environmental Impact Assessment Report: A detailed written report that provides an analysis of environmental impacts and provides reasonable alternatives, which would avoid, mitigate or minimize adverse impacts or enhance the quality of the environment.

Erosion: The removal of soil, rock or surface particles by the action of water, wind, ice or other agents.

Excavation: Any act by which earth, sand, gravel or rock is dug into, cut, quarried, or moved.

Facade: The front of a building facing a public or private street or any other building face that is given special architectural treatment.

Farm: An area of land, including all buildings, accessory buildings, farm buildings and one (1) single-family detached principal dwelling, which are utilized as part of an agricultural operation.

Fence: A manmade barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a wall.

Fire Apparatus Access Road: A road that provides fire apparatus access from the fire station to a facility, building or portion thereof. This is a general term inclusive of all other terms such as fire lane, public street, private street, parking lot lane and access roadway.

Floodplain Ordinance: The most recent version of the Mount Penn Borough Floodplain Ordinance, as adopted by Mount Penn Borough Council.

Floodplain Overlay District: A conservation overlay of land and water, which have been defined within the Flood Insurance Study, as prepared by the Federal Emergency Management Agency, which principally include areas located along the streams, creeks and waterways of Mount Penn Borough. The Floodplain Overlay District is further defined and regulated under Section 503 of the Joint Zoning Ordinance.

Geographic Information System (GIS): A computer-based system that links the geographic location of map features to text information or databases.

Geometric Design: The dimensions of a facility and the relationships of its features such as alignment, profile, grades, widths, sight distances, clearances, and slopes.

Ghost Lakes: Transient surface bodies of water formed in depressions after heavy rainfall events.

Glare: A sensation of brightness within a visual field, which may cause annoyance, discomfort, loss of vision and/or the ability to focus

Governing Body: The Mount Penn Borough Council.

Grade: The inclination of a street, surface area, site improvement or structure, whereas the grade is generally expressed by measuring the vertical rise or fall as a percentage of the horizontal distance.

Grade Plane: A reference plane representing the average of finished ground level adjoining the building at the exterior walls. Where the finished ground levels slope away from the exterior walls, the referenced plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building, between the building and a point six (6) feet from the building.

Greenway: A linear corridor of open space including natural features such as waterways, stream valleys, ridgelines, and scenic vistas, or along man-made features such as railroad beds or abandoned canals, which provide areas for wildlife habitats and recreational uses.

Height: The vertical distance measured from the average elevation of the ground or finished grade to the highest point of a building or structure.

High Water Table Soils: Surface soils, which are within three (3) feet of the seasonal high water table. High water table soils are further defined, described and mapped by the Soil Survey of Berks County.

Highway Access Point: A place of ingress/egress from or access to a street or highway created by a driveway or another street or highway. Measurement between them shall be from the centerline of one (1) such point to the centerline of another such point.

Highway Frontage: The lot dimensions measured along the right-of-way line of any one (1) street or highway abutting a lot.

Historic Preservation Overlay District: A special overlay district established to provide provisions for subdivision, land development, aesthetics, architectural appearance, landscaping, signs and streetscape design, as further specified in Section 504 of the Joint Zoning Ordinance.

Historical Resource or Historical Site: A place, building, structure or site, whereas because of its' local, state or national significance is considered as a historical site or resource. All such historical sites are identified as follows: by the National Register of Historical Places; by the Pennsylvania Historical and Museum Commission; and as identified in a planning document, reference manual, or publication that has been adopted by Mount Penn Borough.

Hydric Soil: A soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. Hydric soils are defined, described and mapped by the Soil Survey of Berks County.

Impervious Coverage: The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall.

Impervious Surface: A surface, which has been compacted or covered with a layer of material so that it is resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clayey soils, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces. "Net increase of impervious surface" refers to the difference between the existing impervious coverage and the total impervious surface proposed.

Improvement: Any type of structure, paved area and/or physical changes to the land, including but not limited to, grading, paving, stormwater management facilities, sidewalks, street signs, traffic control devices, monuments, utilities, water supply facilities and sewage disposal facilities.

Improvement Setback: The minimum distance an improvement must be set back from a street right-of-way and/or property line.

Improvements Agreement: An agreement that has been prepared in a form and manner acceptable to Mount Penn Borough requiring the applicant or developer to install the improvements required by this Subdivision and Land Development Ordinance and any improvements or amenities, which appear on the approved plan.

Industrial Use: A use or activity that includes, but not limited to, assembling, manufacturing, distributing, processing, storing or warehousing of products and materials, and other similar industrial uses as determined by the Zoning Officer with jurisdiction.

Ingress: A point of entrance to a property

Institutional Use: A use or activity that includes, but not limited to, educational uses, churches, religious uses, assisted living care facilities, and other similar institutional uses as determined by the Zoning Officer with jurisdiction.

Inter-Municipal Agreement: The Inter-Municipal Agreement for the Implementation of the Joint Comprehensive Plan, as endorsed by Mount Penn Borough and Lower Alsace Township.

Joint Comprehensive Plan: The Joint Comprehensive Plan for Lower Alsace Township and Mount Penn Borough, as adopted by the Lower Alsace Township Board of Supervisors and Mount Penn Borough Council, including any related provisions, revisions, updates or amendments

Joint Zoning Map: The Joint Zoning Map for Lower Alsace Township and Mount Penn Borough, as adopted as part of the Joint Zoning Ordinance, including any related provisions, revisions or amendments.

Joint Zoning Ordinance: The Joint Zoning Ordinance for Lower Alsace Township and Mount Penn Borough of 2011, including any related provisions, revisions or amendments.

Jurisdictional Determination (JD): A site survey and review performed by the United States Army Corps of Engineers to assess and officially determine whether or not a defined parcel of land or water body is subject to wetlands regulations.

Land Development: Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving: 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 the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development in accordance with the provisions established by Mount Penn Borough and the Pennsylvania Municipalities Planning Code.

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 under a written lease who has written authorization of the legal owner shall be deemed to be a landowner for the purpose of this Subdivision and Land Development Ordinance.

Landscape Architect: A landscape architect registered by the Commonwealth of Pennsylvania.

Landscape Screen: A planting composed of non-invasive vegetative material arranged to form both a low-level and a high-level screen between grade and to a height of six (6) feet, which may include a combination of an earthen berm, evergreen shrubs, trees, hardscape materials and/or other materials, as determined acceptable by Mount Penn Borough.

Light or Lighting: The illumination of an internal or external area with radiant energy that is capable of producing a visual sensation, whereas the electromagnetic spectrum typically extends from about 380 to 770 nanometers. Additional terms and definitions relative to "light" and "lighting" are contained within the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance..

Loading Space: A defined space located within a lot or parcel of land, which has accessibility to a public street, for temporary use of commercial vehicles while loading or unloading merchandise and materials to the principal use and building contained on the lot or parcel of land.

Lot: A designated parcel, tract, or area of land, established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit, regardless of size or ownership, which is occupied or capable of being occupied by buildings, structures and accessory buildings, including such open spaces as are arranged, designed or required. The term "lot" shall also mean parcel, plot, site or any similar term.

- (1) **Corner Lot:** A lot situated at and abutting the intersection of two (2) streets having an interior angle of intersection not greater than one hundred thirty five (135) degrees. The front yard and lot width requirements shall apply to each street to which the corner lot has frontage. The other yards shall be designated as side yards.
- (2) **Interior Lot:** A lot other than a corner lot, the sides of which do not abut a street.
- (3) **Reverse Frontage Lots:** Lots that have frontage on two (2) public streets while restricting vehicular access solely from the public street which would front along the commonly identified rear of the lot.
- (4) **Through Lot.** An interior lot having frontage on two (2) parallel or approximately parallel streets.
- (5) **Flag Lot or Keyhole Lot:** An irregularly shaped lot characterized by an elongated extension from a street to the principal part of the lot. The flag or keyhole shape of the lot is normally intended to provide for access to an otherwise land locked interior parcel.

Lot Area (Gross): The total space contained within the lot lines.

Lot Area (Net): The total land area contained within the lot lines, excluding the following land and water areas: 100 percent of all areas exclusively contained within the existing and ultimate limits of street rights-of-way; 100 percent of all areas exclusively designated as an easement to accommodate utilities and/or stormwater improvements; 50 percent of the lands designated as the floodway; 50 percent of the land delineated as wetlands; and 50 percent of lands classified as Category 3 Slopes. Pursuant to the terms of this definition, the following formula for calculating the net lot area is hereby specified:

$$GLA - 100\% \text{ of ROW} - 100\% \text{ of ESM} - 50\% \text{ of FLD} - 50\% \text{ of WET} - 50\% \text{ of C3S} = NLA$$

GLA	=	Gross Lot Area
ROW	=	Total area exclusively within the limits of the existing, future and ultimate street right-of-way
ESM	=	Total area exclusively designated as an easement for utilities and/or stormwater improvements
FLD	=	Total area exclusively within the defined limits of the floodway.
WET	=	Total area exclusively delineated as wetlands.
C3S	=	Total area exclusively classified as Category 3 Slopes.
NLA	=	Net Lot Area

The net lot area for all proposed lots shall be no smaller than the required minimum lot size for the zoning district in which the lot is located. The net lot area calculations shall utilize the order or hierarchy of features specified by the formula, whereas, land and water areas shall not be calculated or classified in more than one (1) category. If required by municipality with jurisdiction, special studies, delineations and/or calculations shall be completed by the applicant in order to accurately verify the limits of the natural features.

Lot Area, Building: The provisions and the formula for calculating the required building lot area shall only apply to newly created lots, which have been considered as part of a subdivision or land development application. All such provisions and formulas are contained within the Subdivision and Land Development Ordinance.

Lot Coverage: The percentage of a lot covered by all impervious surfaces, as determined by the appointed Engineer or Zoning Officer with municipal jurisdiction.

Lot Depth: The mean average horizontal distance between the front and the rear lot lines.

Lot Frontage: That portion of a lot, which fronts on a single street.

Lot Line: The property line forming the front, rear or side boundary of a lot.

- (1) **Front Lot Line:** The line separating a lot from a street. The front lot line is also the street line.
- (2) **Rear Lot Line:** The lot line, which is opposite the front lot line. The rear line of any triangularly or irregularly shaped lot shall be established such that it will be at least ten (10) feet long.
- (3) **Side Lot Line:** Any lot line other than a front or rear lot line.
- (4) **Street or Alley Lot Line:** A lot line separating the lot from a street or alley.
- (5) **Street or Alley Lot Line:** A lot line separating the lot from a street or alley.

Lot of Record: A lot or parcel recorded in the Office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Width: The width of a lot measured at the legal right-of-way line of the street immediately adjacent thereto, unless otherwise specified by the Zoning Ordinance.

Mount Penn Borough: Mount Penn Borough, Berks County, Pennsylvania.

Maintenance Guarantee: A form of security, which may be required of a developer by Mount Penn Borough in order to assure stability of improvements within a subdivision or land development over a given period of time, as prescribed by this Ordinance.

Marker: A metal pipe or pin of a least ¾ inch diameter and at least 30 inches in length utilized to mark or identify certain property corners or boundary limits.

Mean Sea Level: The average height of the sea for all stages of the tide, utilizing the most current National Geodetic Vertical Datum.

Mediation: A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

Monument: A stone or concrete monument with a flat top of at least 4 inches in diameter or square, a flat bottom of at least 6 inches in diameter or square, and at least 30 inches in length utilized to mark or identify certain property corners, boundary limits or rights-of-way. All stone monuments shall contain an indented cross or ¼ inch drill hole to signify the center of the mark. All concrete monuments shall contain a copper or brass dowel (plug) and shall have a distinctive feature on the top face to signify the center of the mark.

MPC: The Pennsylvania Municipalities Planning Code, as amended and codified.

Lower Alsace Township: Lower Alsace Township, Berks County, Pennsylvania.

Municipality: Mount Penn Borough, Berks County, Pennsylvania.

Municipality with Jurisdiction: The municipality on which a lot, use, subdivision, land development, building, structure, improvement, street, natural feature, stormwater management facility, utility and/or other feature is clearly located or proposed, which may require further review and approval by either Lower Alsace Township or Mount Penn Borough in accordance with the Joint Zoning Ordinance and/or this Subdivision and Land Development Ordinance.

Municipal Use: A use owned and maintained by Lower Alsace Township and/or Mount Penn Borough for public recreation, parks, open space, swimming pools, golf courses, spectator sports, municipal offices, police station, emergency management facilities, sanitary sewage disposal facilities, water supply facilities, utilities, community centers, solid waste disposal areas, recycling centers, composting facilities, road materials and equipment storage and similar governmental or municipal uses.

Obstruction: Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, structure, fence, stockpile, refuse, fill or other matter, which may impede, retard or change the normal direction or path of air, water or any modes of transportation.

Occupancy: The possession of any structure, building, land area or water body, with the intent to remain for the purpose of residing, conducting business, or performing social, recreational, cultural, educational, municipal, governmental, institutional, religious, charitable, or similar uses.

- (1) **Permanent Occupancy:** Occupancy for a period in excess of 120 consecutive days within one (1) calendar year.
- (2) **Temporary or Seasonal Occupancy:** Occupancy for a period less than 120 consecutive days within one (1) calendar year or as prescribed by the Joint Zoning Ordinance.

Official Map: A legally adopted map that depicts the location of existing and proposed streets, public utilities, public facilities and/or public areas, which may be adopted by Mount Penn Borough in accordance with the provisions of Article 4 of the Pennsylvania Municipalities Planning Code.

Official Zoning Map: The Joint Zoning Map of Lower Alsace Township and Mount Penn Borough.

Open Area: Land or water areas in which no buildings or impervious surfaces are located.

Open Space: The unoccupied space, land area, or water body, that is located on approved lot or development, which is open to the sky and not occupied by buildings, structures, sidewalks, off-street parking areas, access drives or other impervious areas.

Ordinance: The Mount Penn Borough Subdivision and Land Development Ordinance of 2011, including any related provisions or amendments.

PA: The Commonwealth of Pennsylvania.

Park: A tract of land, designed and utilized by the general public for active and/or passive recreation purposes.

Parking Lot: An off-street area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

Parking Perimeter: The external limits of the permitted or approved off-street parking area.

Parking Space: A reasonably level space, available for the parking of one (1) motor vehicle, not less than ten (10) feet wide and twenty (20) feet deep, which shall have an area of not less than two hundred (200) square feet exclusive of passageways or other means of circulation or access.

Paved Area: The percentage of lot area covered by any and all impervious materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces, which do not normally absorb rainfall.

Performance Guarantee: A form of security, which may be required of a developer by Mount Penn Borough in order to assure that certain improvements within a subdivision or land development are sufficiently completed in accordance with the approved plan over a given period of time, as prescribed by this Subdivision and Land Development Ordinance.

Perkiomen Overlay District: A special overlay to the underlying zoning districts within Lower Alsace Township that has been established to improve the aesthetics, architectural appearance, commercial centers, streetscape design and gateway within a defined corridor in accordance with the provisions specified under Section 505 of the Joint Zoning Ordinance

Permit: A document issued by the proper regulatory agency authorizing the applicant to undertake certain activities as specified on the application or permit.

Permitted Use: A use permitted in a particular district to occupy or use land for a specific purpose in accordance with the Joint Zoning Ordinance.

Person: The term shall be construed to include an individual, partnership, public or private association or corporation, limited liability company, firm, trust, business trust, estate, foundation, municipality, governmental entity, public utility, other association or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

Plan: A proposal for development, subdivision or land development, including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space and public facilities, which complies with the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance.

- (1) **Sketch Plan:** An informal plan, drawn to scale, indicating existing features of a tract and the general layout of the proposed subdivision or land development. The plan shall be presented for discussion purposes only and not for formal review or approval.
- (2) **Preliminary Plan:** A tentative subdivision or land development plan (including all required supplementary data) accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features, as required by this Subdivision and Land Development Ordinance.
- (3) **Final Plan:** A complete subdivision or land development plan (including all required supplemental data) accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Subdivision and Land Development Ordinance. All such final plans shall be prepared for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.
- (4) **Annexation Plan:** A complete and accurately prepared plan showing the transfer of certain land areas from one parcel of land to another parcel of land. All such annexation plans shall be prepared as final plans for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.

- (5) **Minor Land Development Plan:** A complete land development plan with minor improvements or impacts that is accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Subdivision and Land Development Ordinance. All such minor land development plans shall be prepared as final plans for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.
- (6) **Minor Subdivision Plan:** A complete subdivision plan containing three (3) or fewer lots with minor improvements or impacts that is accurately prepared and showing all lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Subdivision and Land Development Ordinance. All such minor subdivision plans shall be prepared as final plans for the consideration of municipal approval and recordation, as required by this Subdivision and Land Development Ordinance.
- (7) **Plan of Record or Record Plan:** An accurate set of plans of the entire tract, subdivision or land development showing all distinctive features and improvements as proposed to be constructed including lot lines, easements, rights-of-way, street, curbs, sidewalks, pathways, monuments, markers, off-street parking areas, off-street loading areas, buildings, structures, signs, stormwater management facilities, sanitary sewage disposal facilities, water supply facilities, utilities, landscaping, common open space, and other significant features determined appropriate by the municipality with jurisdiction. All such Plans of Record shall be prepared at the scale required by the provisions of this Subdivision and Land Development Ordinance and shall be recorded with the Berks County Recorder of Deeds.
- (8) **As-Built Plan:** An accurate set of plans of the entire tract, subdivision or land development showing all distinctive features and improvements as actually constructed including lot lines, easements, rights-of-way, street, curbs, sidewalks, pathways, monuments, markers, off-street parking areas, off-street loading areas, buildings, structures, signs, stormwater management facilities, sanitary sewage disposal facilities, water supply facilities, utilities, landscaping, common open space, and other significant features determined appropriate by the municipality with jurisdiction. All such As-Built Plans shall be prepared at the same scale as the approved Final Plan and shall be recorded with the Berks County Recorder of Deeds.

Planning Commission: The Mount Penn Borough Planning Commission, Berks County, Pennsylvania.

Preservation or Protection: When used in connection with natural and historic resources, shall include means to conserve and safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Principal Building: A building in which a principal use on a lot is carried on.

Principal Use: The main or primary purpose for which any land, structure or building is designed, arranged or intended, and for which they may be occupied or maintained under the terms of the Joint Zoning Ordinance. Unless otherwise specified by the Joint Zoning Ordinance, only one (1) principal use shall be permitted on a lot.

Professional: An occupation practiced or performed by an individual who has been formally educated or trained for such occupation and who is typically, but not necessarily, licensed or certified in such occupation.

Public Grounds or Land Areas: All such areas including: parks, playgrounds, trails, paths, and other recreational areas; dedicated common open space; sites for schools, sewage treatment, water supply, refuse disposal and other publicly owned or operated facilities; and publicly owned or operated scenic, cultural and historic sites.

Public Hearing: A formal meeting held pursuant to public notice by Mount Penn Borough, intended to inform and obtain public comment, prior to taking action in accordance with this Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code.

Public Meeting: A forum held pursuant to notice under the requirements of this Subdivision and Land Development Ordinance, the Pennsylvania Municipalities Planning Code and the "Pennsylvania Sunshine Law".

Public Notice: Notice published once each week for two (2) successive weeks in a newspaper of general circulation within Mount Penn Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

Recreation Area (Active): Land area containing recreational facilities, which may require visitors or participants to become involved in physical or energetic functions, primarily group functions. Active recreation areas may include, but not limited to, athletic fields, basketball courts, baseball fields, softball fields, football fields, soccer fields, tennis courts, playgrounds, tot lots, community centers, golf courses, hockey rinks, skateboard areas, swimming pools and volleyball courts.

Recreation Area (Passive): Land area containing recreation facilities, which may require visitors or participants to become involved in quiet functions that do not require physical or energetic functions. Passive recreation areas may include, but not limited to: common open space; trails for walking or bicycling; surface water for canoeing or fishing; land preserve areas for hunting; pavilions; picnic areas; cultural centers; scenic vistas; and amphitheaters.

Recreation Facilities: Land, water, buildings, structures, apparatuses and/or equipment, which are required to accommodate recreational uses.

Recreational Uses: An active or passive recreational use designed to accommodate physical, leisure, sporting or relaxation activities on land or water. Recreational uses may include, basketball, baseball, football, bicycling, walking, jogging, running, golfing, fishing, boating, hunting, hockey, lacrosse, skating, skateboarding, soccer, softball, swimming, tennis, volleyball, racquetball, exercise/fitness, bowling, billiards, bird watching, picnicking, equestrian events, rodeos, automobile racing events, motor vehicle exhibitions, skiing, archery, shooting ranges, or any other similar recreational uses, as determined by the municipality with jurisdiction.

Residential Use: A use within a permitted dwelling unit, designed and utilized as the living quarters for one (1) or more families living independently of each other. Residential uses may be permitted within single family detached units, single family semi-detached units, two family attached units, mobile homes, apartment units, townhouse units, and secondary housing units, provided the type of dwelling unit is a permitted use within the zoning district to which it is located, and provided that the dwelling unit is designed to comply with the standards and specifications referenced by the Joint Zoning Ordinance.

Resubdivision: Any change of lot lines, as identified on a previously approved subdivision plan. Any change of lot lines, replattings, or new division of land shall be considered as constituting a new subdivision of land.

Retail Business Use: A commercial establishment devoted to the sale of products and services to patrons within an enclosed building. Retail uses may include establishments selling food, groceries, beverages, clothing, business or office supplies, entertainment items, furniture, home improvement supplies, household products, personal care supplies, building supplies, sporting goods, equipment, machines, computers, electronics, pet supplies, medical supplies, agricultural supplies, automobile supplies, firearms, and other similar retail uses as determined by the municipality with jurisdiction.

Retention Pond: A reservoir, formed from soil or other material, which is designed to detain a certain amount of surface water within a defined area, which may also be designed to permanently or temporarily accommodate storm water runoff over a period of time. Retention ponds may also receive and relinquish surface water, but shall maintain a certain volume of water that may vary depending upon seasonal or climatic conditions.

Review: The formal or informal evaluation of a subdivision plan or land development plan, including all supplemental plans, reports, profiles and drawings, by the designated persons, agencies, consultants, officials and/or staff members of Mount Penn Borough.

Right-Of-Way: The width or area of land, which is dedicated or reserved to accommodate streets, utilities, stormwater management facilities, traffic control facilities, curbs, sidewalks, bicycle lanes, street lights, and other public improvements.

- (1) **Legal Right-Of-Way:** The existing width or area of land, which is currently owned and maintained by Mount Penn Borough, the Commonwealth of Pennsylvania, and/or other public agency or authority.
- (2) **Ultimate or Required Right-Of-Way:** The width or area of land, which is determined necessary to reserve and/or dedicate in order to accommodate future public improvements.

Riparian Buffer Overlay District: A conservation overlay of land and water, which include areas of stream valleys, floodplains, wetlands, hydric soils, high water table soils with hydric components, and steep slopes, as further defined and regulated by this Subdivision and Land Development Ordinance and the Joint Zoning Ordinance.

Sanitary Facilities: The required plumbing fixtures within a dwelling unit including a sink, toilet, bathtub or shower, which are functioning and compliant with the provisions of Mount Penn Borough.

Sanitary Sewage Disposal System: A system designed to collect, convey, treat and dispose of sewage from users in compliance with local, county, state and federal regulations.

- (1) **On-Lot System:** A sewage disposal system which collects, conveys, treats and disposes of sewage or holds sewage from only one (1) dwelling, principal use or lot.
- (2) **Community System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant, generally serving a neighborhood area.
- (3) **Public or Municipal System:** A sewage disposal system which collects, conveys, treats and disposes of sewage from more than one (1) source by a system of pipes to a central treatment and disposal plant.
- (4) **Optional System Requirement:** A special or unique use of land, which because of its wastewater disposal requirements may have the option to utilize on-lot sewage disposal methods or connect to a private, community, public or municipal treatment system. The selected method for wastewater collection, conveyance and treatment shall be consistent with the Act 537 Plan, the municipal sewer use ordinances, and Pennsylvania Sewage Facilities Act.

Screen or Screening: An assemblage of permissible materials, which are strategically arranged so as to effectively block or obstruct the views between adjacent or adjoining properties from ground level to a height of six (6) feet above grade level, or as determined by the Zoning Officer.

Seasonal Pool: An essential and unique wetland habitat, which is typically small, shallow, ephemeral water bodies, and have no permanent inlet or outlet. Seasonal pools are filled by rain and snow melt, which typically dry-up for a period of time during the summer season. They are considered essential since they support a number of species that require temporary wetland habitats for survival.

Setback Requirements: The setback requirements as established for any building or structure within the applicable Zoning District for which it is located.

Shade Tree: A deciduous tree, which normally grows with a single trunk and has a canopy which screens and filters sunshine during specific seasons during the year.

Sight Distance: The length of roadway visible to a driver of a standard passenger vehicle at any given point along the roadway when the view is unobstructed by traffic. Horizontal sight distance measurements shall be made in each direction from a point 10 feet from the edge of the cartway and 3.5 feet above the road surface to a point 3.5 feet above the centerline of the road.

Sign: Any structure, building, wall, or other outdoor surface, or any device or part thereof, which displays or includes any letter, word, model, banner, flag, pennant, insignia, device or other representations utilized for announcement, direction, identification or advertisement. The word "sign" includes the word "billboard", but does not include the flag, pennant or insignia of any nation, state, city or other political unit, nor public traffic or directional signs.

Single and Separate Ownership: The ownership of a lot by one or more persons, whereas the ownership is separate and distinct from that of any adjoining land areas.

Slope: Topographic conditions in which the percentage of vertical to horizontal relief is computed utilizing standard rise over run calculations and/or as defined by this Subdivision and Land Development Ordinance.

Soil Survey of Berks County: A document issued by the United States Department of Agriculture identifying the locations of soil groups within certain areas and providing detailed information concerning the characteristics of the soil groups.

Soil Percolation Test: A field test conducted to measure the absorption rate of water into the ground or soil at a given depth and location, whereas the results are utilized to determine the suitability for on-lot sewage disposal facilities, stormwater management facilities and/or other site improvements.

Solicitor: The legal consultant or attorney appointed by Mount Penn Borough Council to provide professional legal services, recommendations and opinions.

Solid Waste: Waste, including solid, liquid, semi-solid or contained gaseous materials.

Special Exception: A use by which the Zoning Hearing Board may grant permission to an applicant within a particular zoning district for the occupancy or use of land or water for a specific purpose, as specified within the Joint Zoning Ordinance.

Spook Lane Overlay District: A special overlay to the underlying zoning districts within Mount Penn Borough that has been established to provide high-profile commercial and entertainment uses within a rural atmosphere, preserve a sound tax base, encourage adaptive reuse and redevelopment opportunities, and to provide special land development requirements within a defined location in accordance with the provisions specified within the Joint Zoning Ordinance.

State: The Commonwealth of Pennsylvania and its designated agencies.

Steep Slopes: Areas of land in which the topographical conditions exceed a certain slope in pre-development conditions, as further defined under the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance. The following slope categories are hereby defined as part of the Steep Slope Overlay District:

- (1) **Category 1 Slopes:** All land areas in which the topographical conditions have a range of slope between 10 and 20 percent in slope in pre-development conditions, whereas the vertical elevation changes between 10 and 20 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category or any greater category prevail.
- (2) **Category 2 Slopes:** All land areas in which the topographical conditions have a range of slope between 20 and 30 percent in slope in pre-development conditions, whereas the vertical elevation changes between 20 and 30 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category or any greater category prevail.
- (3) **Category 3 Slopes:** All land areas in which the topographical conditions exceed a slope of 30 percent in pre-development conditions, whereas the vertical elevation changes exceeds 30 feet over a minimum horizontal distance of 100 feet, as measured in any given direction, over which steep slopes of this category prevail.

Steep Slope Overlay District: A conservation overlay of land and water, which have been defined by Section 508 of the Joint Zoning Ordinance.

Stormwater: Drainage runoff from the surface of the land resulting from precipitation in the form of rain, snow, sleet, hail or ice.

Stormwater Management: A program of controls and measures designed to regulate the quantity and quality of stormwater runoff from a defined area or development, while promoting the protection and conservation of surface water, groundwater and groundwater recharge.

Stormwater Management Facilities: Those controls and measures including, by not limited to, berms, terraces, bridges, dams, storm sewers, basins, infiltration systems, swales, watercourses, and floodplains, used to implement a storm water management regulations.

Stormwater Management Ordinance: An ordinance prepared and adopted by the Mount Penn Borough in order to comply with local, regional, state and federal requirements that are relative to stormwater management and site improvements within the Schuylkill River Watershed.

Story: That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above, including basements and mezzanines, and as further defined by the appropriate building codes adopted by Mount Penn Borough.

Stream: Any natural or man-made channel of conveyance of surface water with an annual or intermittent flow within a defined bed and bank

Street: A public or private right-of-way, excluding driveways, intended as a means of vehicular and pedestrian travel, furnishing access to abutting properties. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway and similar terms. The functional classification of all existing streets are defined in the Joint Comprehensive Plan.

- (1) **Expressways:** Routes providing for corridor movements that represent substantial statewide, interstate, or regional travel and movements between major urban areas. Expressways contain the most heavily traveled routes (10,000 to 100,000 trips per day) and including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (50 to 65 MPH) with a minimum of interference to through traffic. Expressways facilitate truck transport by providing optimum conditions. Mobility is the principal function and accessibility should be limited to carefully planned interchanges to preserve the functional classification of expressways.
- (2) **Arterials (Minor and Major Arterial):** Routes providing for corridor movements that represent substantial statewide or regional travel and movements between major urban areas. Arterial routes contain heavily traveled routes (5,000 to 25,000) including multi-lane roadways. This system provides links between developed areas and adjacent towns and cities. The system is designed for relatively high speeds (35 to 55 MPH) with a minor interference to through traffic. Arterial routes facilitate truck transport by providing favorable conditions. Mobility is the major function and accessibility should be limited to preserve the functional classification.
- (3) **Collectors (Minor and Major Collector):** Routes that serves primarily regional or intra-county trips and represents those routes with shorter travel distances than arterial routes. Collector roads contain well-traveled roads (500 to 10,000 trips per day) leading to specific destinations or to expressways and arterial routes. The system is designed for moderate speeds (25 to 45 MPH) with some interference with designed intersections to permit through traffic. Depending upon its structural integrity and design, collector routes can facilitate lightweight truck transport. Mobility is a significant function and accessibility should be limited to street intersections and driveways in order to preserve the functional classification of collector roads.
- (4) **Minor Streets or Local Access Streets:** Roads that primarily serve local trips and represents those routes with shorter travel distances than collector routes. Local roads contain low volume to moderately traveled roads (less than 500 trips per day) leading to collector and arterial routes. The system is designed for lower speeds (20 to 35 MPH) with interference with a number of designed intersections. Local roads are typically designed to facilitate lightweight truck transport for local deliveries. Mobility is a minor function and accessibility to street intersections, driveways and adjacent land areas is significant for local roads.
- (5) **Marginal Access Roads:** Roads that serve specific land uses, which are parallel or adjacent to an expressway, arterial or major collector roads. Marginal access roads are typically designed to accommodate the use(s) they directly serve. Accessibility between selective points is an essential design element with control at the point of destination. Many marginal access roads are privately owned and maintained.
- (6) **Cul-De-Sac Street:** A minor street intersecting another street at one end, and terminating in a vehicular turnaround at the other end.
- (7) **Internal Street:** A minor street used for circulation and access within a development involving multi-residential, commercial and/or industrial land uses.
- (8) **Service Street (Alley):** A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties.
- (9) **Public Street:** An improved cartway within a dedicated right-of-way that is owned and maintained by Mount Penn Borough or the Commonwealth of Pennsylvania.
- (10) **Private Street:** An improved cartway within a defined right-of-way that is not owned and maintained by Mount Penn Borough or the Commonwealth of Pennsylvania.
- (11) **Pedestrian Path:** An improved lane, sidewalk, trail or path, which is specifically designated for pedestrian use either along a street or contained within a park, common open space area, off-street parking area and/or other areas approved for community use.
- (12) **Bicycle Lane:** An improved travel lane, trail or path, which is specifically designated for persons riding bicycles and other permitted non-motorized vehicles.

Street Frontage: The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Line: The dividing line between a lot and the outside boundary of a public street, road or highway right-of-way legally open or officially mapped by a municipality or higher governmental authority, between a lot and the outside boundary of a street shown on a recorded subdivision or land development plan, or between a lot and a private street or road over which the owners or tenants of one or more lots held in single and separate ownership have a right-of-way.

Structure: Any manmade object having an ascertainable stationary location or in land or water, whether or not affixed to the land. The term structure shall include, but not limited to, buildings, signs, fences, walls, towers, swimming pools, porches, garages, flagpoles, windmills, water towers, silos, solar energy collectors, and similar structures.

- (1) **Permanent Structure:** A structure to be utilized for a specific purpose for more than one (1) year, provided the structure complies with the provisions established by Mount Penn Borough.
- (2) **Temporary Structure:** A structure to be utilized for a specific purpose for less than one (1) year, provided the structure complies with the provisions established by Mount Penn Borough.

Subdivider: Any landowner, whether an individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit, or an agent of said landowner authorized by the applicant, which undertakes the subdivision or development of land in accordance with the provisions of Mount Penn Borough.

Subdivision: The division or re-division 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. 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

Subdivision and Land Development Ordinance: The Mount Penn Borough Subdivision and Land Development Ordinance of 2011, including any related provisions, revisions or amendments.

Substantial Damage: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its previous condition would equal or exceed fifty (50) percent of the market value before the damage occurred.

Substantial Improvement: Any repair, addition, reconstruction, rehabilitation, or other improvement to a structure, whereby the cost of such improvement equals or exceeds fifty (50) percent of the market value of the structure before the improvements occurred.

Surveyor: An individual registered with the Commonwealth of Pennsylvania, as authorized to measure the boundaries of tracts of land, establish locations, and perform the requirements of a survey.

Township: Lower Alsace Township, Berks County, Pennsylvania.

Tract: One or more lots assembled for the purposes of subdivision or land development.

Transient: The temporary passing or crossing from one thing or person to another, or from place to place, provided the passing or crossing is temporary and not permanent.

Use: The specific purpose for which land, water, signage, structures, or buildings are designed, arranged or intended, to be utilized, occupied or maintained, or any activity, occupation, residence, business or operation, which may be carried on thereon or therein. The term "permitted use" or any equivalent term utilized within the Joint Zoning Ordinance shall not be deemed to include any non-conforming use.

- (1) **Permanent Use:** A permitted use conducted on a lot for more than one (1) year, provided the permanent use complies with all provisions of Mount Penn Borough.
- (2) **Seasonal or Special Use:** A permitted use conducted on a lot during certain defined segments of the year, provided the seasonal use complies with all provisions of Mount Penn Borough.
- (3) **Temporary Use:** A permitted use conducted on a lot for less than a one (1) year period of time, provided the temporary use complies with all provisions of Mount Penn Borough.

Utility: A service, facility, apparatus or use, which provides electric, telephone, cable, sewer, water, natural gas, and similar utility services, to customers within a defined service area, grid, neighborhood region, or municipality.

- (1) **Community Utility:** A utility, which is owned, operated or maintained by a public utility provider, municipality, municipal authority, homeowners association, or private agency for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area.
- (2) **Private Utility:** A utility, which is owned, operated or maintained by a private or independent utility provider for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area.
- (3) **Public Utility:** A utility, which is owned, operated or maintained by a public utility for the purposes of providing sanitary sewage disposal, water supply, energy, telephone, or other utility services within a defined service area.

Variance. Relief granted by the Zoning Hearing Board from the terms and conditions of the Joint Zoning Ordinance where literal enforcement would create unnecessary hardship and when granting of the relief would not be contrary to the public interest.

Vehicle: Any motor vehicle utilized for any lawful use, which is properly licensed and inspected in accordance with all local, state and federal laws.

Waste: A material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed. The term waste shall also include and apply to waste that may be considered as either hazardous, contaminated, toxic, residual, municipal or recyclable, as further defined by the Commonwealth of Pennsylvania, the United States Environmental Protection Agency, and/or other agency having jurisdiction.

Water Supply System: A system designed to transmit water from the source to users, in compliance with the requirements of the appropriate state agencies and the Township.

- (1) **On-Lot Water Supply System:** A water supply system, which transmits water from a source on the lot to one (1) dwelling, principal use or lot.
- (2) **Community Water Supply System:** A temporary water supply system which transmits from a common source to more than one (1) dwelling, principal use and/or lot within a single neighborhood. A community water supply system may be permitted on a temporary basis for developments, which are to be permanently serviced by a public water supply system. All such community water supply systems shall be designed to provide adequate pressure, distribution and storage for fire protection
- (3) **Public or Municipal Water Supply System:** A system of water collection, storage, transmission and delivery, which are to service a community, but not confined to a neighborhood. All such public or municipal water supply systems shall be designed to provide adequate pressure, distribution and storage for fire protection
- (4) **Optional System Requirement:** A special or unique use of land, which because of its water supply requirements may have the option to utilize on-lot water supply methods or connect to a private, community, public or municipal water supply system. The selected method for water supply shall be consistent with the provisions established by Mount Penn Borough and the Commonwealth of Pennsylvania.

Watercourse: A permanent or intermittent stream, river, brook, run, channel, swale, pond, lake, or other body of surface water carrying or holding water, whether natural or artificial.

Watershed: The total land area where water drains into a particular watercourse.

Wetlands: Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The major characteristics of wetlands include vegetation, soil and hydrology.

Wetlands Overlay District: A conservation overlay of land and water, which include areas of wetlands, as further defined and regulated under Section 509 of the Joint Zoning Ordinance.

Woodlands: An area of land in which one (1) or more contiguous acres are mostly occupied or covered by healthy mature trees (12 inches in caliper). The area of the woodlands shall be measured from the drip line of the outer trees.

Woodland Extraction: The clear cutting of healthy mature trees (12 inches or more in caliper) to provide area for development on an individual lot.

Woodlands Overlay District: A conservation overlay of woodlands and forested areas, which are further defined, categorized and regulated within the Joint Zoning Ordinance.

Yard: An open space on the same lot with a structure(s), which lies between the structure(s) and a lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

- (1) **Front Yard:** A yard extending the full width of the lot between a structure and the front lot line. On lots abutting more than one public street other than an alley the front yard requirement shall apply fronting each public street.
- (2) **Rear Yard:** A yard extending the full width of the lot between a structure and a rear lot line.
- (3) **Side Yard:** A yard extending from the front yard to the rear yard between a structure and the side lot line.

Zoning: Division of all of the land of an entire political subdivision into districts having different regulations pertaining to use of land; height, area, bulk and use of buildings; yard requirements; and in some states density of population. Zoning is affected by local ordinance under the police power of the state granted by specific legislation generally termed an "enabling act".

Zoning Hearing Board: The Mount Penn Borough Zoning Hearing Board and/or Lower Alsace Township Zoning Hearing Board, as appointed by the governing body of the municipality with jurisdiction to review and consider applications in accordance with the provisions established within the Joint Zoning Ordinance.

Zoning Map: Refer to the term "Joint Zoning Map".

Zoning Officer: The Mount Penn Borough Zoning Officer and/or Lower Alsace Township Zoning Officer, as appointed by the governing body of the municipality with jurisdiction to administer and enforce the Joint Zoning Ordinance.

Zoning Ordinance: Refer to the term "Joint Zoning Ordinance".

Article 3: Application Procedures

Section 301: General Procedures

- (A) Article 3 of this Subdivision and Land Development Ordinance provides an overview of the general procedures for the application, submission, review and the approval of all proposed subdivision plans or land development plans within Mount Penn Borough.
- (B) All subdivision plans and/or land development plans within the municipal limits or boundaries of Mount Penn Borough shall be subject to the review of Mount Penn Borough, as well as all other local, county, state or federal agencies, as deemed necessary by Mount Penn Borough, in accordance with the procedures specified by this Subdivision and Land Development Ordinance.
- (C) For all proposed subdivision plans and/or land development plans, except those exempted from standard procedures, a sketch plan, preliminary plan, and a final plan must be submitted to Mount Penn Borough for review and consideration. Those plans exempted from standard procedure shall comply with the procedures identified under this Subdivision and Land Development Ordinance.
- (D) The required application for subdivision and land development has been included within Appendix A of this Subdivision and Land Development Ordinance.

Section 302: Authority and Jurisdiction

- (A) The Mount Penn Borough Council shall have the primary authority of reviewing and considering subdivision and land development activity within Mount Penn Borough. In order to assist the Council members in its consideration of all subdivision plans and/or land development plans, the Mount Penn Borough Council hereby decrees and appoints the Planning Commission to serve the following functions:
 - (1) Upon submission to Mount Penn Borough, all proposed subdivision plans and/or land development plans shall be referred to the Planning Commission for review.
 - (2) The Planning Commission shall consider all plans, profiles, reports, and other pertinent information that has been submitted by the applicant as part of the subdivision plan and/or land development plan.
 - (3) The Planning Commission shall consider the review of any staff members or professional consultants designated by Mount Penn Borough prior to issuing a recommendation to Mount Penn Borough Council.
 - (4) The Planning Commission shall consider the review of Lower Alsace Township and the Berks County Planning Commission, as well as other local, county, state and/or federal agency plan prior to issuing a recommendation to Mount Penn Borough Council.
 - (5) The Planning Commission shall consider any written responses or requests submitted by the applicant prior to issuing a recommendation to Council.
 - (6) Upon review of the information submitted as part of the subdivision plan and/or land development plan, the Planning Commission shall make recommendations to Council concerning the approval, conditional approval, or disapproval of such subdivision plans and/or land development plans.
 - (7) Where appropriate, the Planning Commission may also provide recommendations to Council or Zoning Hearing Board concerning the interpretation of the Joint Zoning Ordinance.
- (B) Mount Penn Borough Council shall consider the recommendations offered by the Planning Commission prior to taking action on any proposed subdivision plan and/or land development plan.

Section 303: Sketch Plan Application and Review

- (A) A sketch plan shall be considered as an unofficial submission to Mount Penn Borough for the purposes of informal review and discussion between the applicant and the Planning Commission.
- (B) A sketch plan is recommended as a prerequisite to the formal submission of a preliminary subdivision and land development plan. For maximum usefulness, sketch plans should contain the information specified by Section 402 of this Subdivision and Land Development Ordinance.
- (C) The applicant shall meet with the Planning Commission at a regularly scheduled public meeting or at a special public meeting to informally discuss the Sketch Plan. As part of this process, the following issues should be discussed:
 - (1) The compatibility of the proposed development with the Joint Comprehensive Plan.
 - (2) The compatibility of the proposed development with the sanitary sewer and water supply services.
 - (3) The application procedures that may be required to obtain municipal approval, as specified within the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance.
 - (4) The conceptual suitability of the proposed development considering land use, community facilities, utilities, transportation, and other infrastructure needs.
- (D) The Mount Penn Borough Planning Commission may schedule a public meeting to conduct a site review of the area being considered for the subdivision plan and/or land development plan. The applicant may be present to provide a presentation of the proposed concept plan and site improvements.
- (E) Mount Penn Borough may recommend that a sketch plan be submitted as a prerequisite to the formal submission of a preliminary subdivision and land development plan. The sketch plan shall not be considered as an official plan submission in accordance with the review procedures of Mount Penn Borough and/or the provisions of the Pennsylvania Municipalities Planning Code.
- (F) Based upon the informal discussion at the public meeting, the Planning Commission shall provide recommendations and directions to the applicant considering the merits of the sketch plan.

Section 304: Preliminary Plan Application and Review

- (A) When a preliminary plan is required for a subdivision plan or land development plan, the applicant or developer shall comply with the application and review procedures, which are hereby established within this Subdivision and Land Development Ordinance.
- (B) The continuation or validity of a current preliminary plan application or an approved preliminary plan application shall be in accordance with provisions established by Mount Penn Borough and by the Pennsylvania Municipalities Planning Code.
- (C) When filing a preliminary plan for review and consideration, the applicant shall make an official submission to Mount Penn Borough at least fifteen (15) business days prior to the regularly scheduled monthly meeting of the Mount Penn Borough Planning Commission.
- (D) An official submission of a preliminary subdivision plan and/or a preliminary land development plan shall include the following information:
 - (1) Twelve (12) complete copies of the application (refer to Appendix A) of a subdivision plan or land development plan;
 - (2) Twelve (12) complete copies of the proposed preliminary plan, which shall comply with the requirements of Articles 4 and 5 of this Subdivision and Land Development Ordinance. If requested by Mount Penn Borough, additional copies of the proposed preliminary plan shall be supplied to Mount Penn Borough.

- (3) Six (6) copies of all other supportive plans, profiles, reports and other documentation, as may be required under Articles 4 and 5 of this Subdivision and Land Development Ordinance. If requested by Mount Penn Borough, additional copies of all other supportive plans, profiles, reports and other documentation shall be supplied to Mount Penn Borough.
 - (4) Filing or submission fees shall be required in order to cover all administrative costs and review fees, as permitted under the provisions of the Pennsylvania Municipalities Planning Code. The filing fees shall be established by Mount Penn Borough, which may be revised or amended by a municipal ordinance or by resolution enacted by Mount Penn Borough.
 - (5) No application shall be deemed filed and accepted for review until all information required under this Subdivision and Land Development Ordinance have been received, the application fees have been fully paid, and any other administrative requirements for submission have been met.
- (E) Upon determination that the application is complete by Mount Penn Borough, copies of the proposed preliminary plan shall be distributed as follows:
- (1) To the Mount Penn Borough Council;
 - (2) To the Mount Penn Borough Planning Commission;
 - (3) To the Mount Penn Borough Engineer;
 - (4) To the Mount Penn Borough Planning Consultant;
 - (5) To the Mount Penn Borough Zoning Officer;
 - (6) To the Mount Penn Borough Solicitor;
 - (7) To Lower Alsace Township; and
 - (8) To the Berks County Planning Commission.
- (F) At the discretion of Mount Penn Borough, additional copies of the proposed preliminary plan shall be submitted and distributed as follows:
- (1) To the municipal or county Parks and Recreation Board;
 - (2) To any appointed or designated professional consultants of Mount Penn Borough;
 - (3) To the Antietam Valley Municipal Authority;
 - (4) To the Lower Alsace Township Water Department;
 - (5) To the Central Berks Police Department;
 - (6) To the fire company with first response duties or jurisdiction;
 - (7) To the Pennsylvania Department of Transportation;
 - (8) To the Pennsylvania Department of Environmental Protection;
 - (9) To the Berks County Conservation District;
 - (10) To the Antietam School District;
 - (11) To the appointed Sewage Enforcement Officer of Mount Penn Borough; and
 - (12) To other local, county, state or federal agencies that are considered appropriate by Mount Penn Borough to review the proposed preliminary plan.

- (G) No application shall be deemed filed and accepted for review until all supplementary data, reports, and studies as may be required under Articles 4 and 5 of this Subdivision and Land Development Ordinance have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.
- (H) Mount Penn Borough in conjunction with its appointed officials and consultants shall review the preliminary plan to determine if it conforms to the provisions established by Mount Penn Borough. The Planning Commission may recommend changes, alterations or modifications, as they may deem necessary.
- (I) The preliminary plan shall be submitted to Lower Alsace Township to determine if it conforms with the Joint Comprehensive Plan, the Joint Zoning Ordinance, and any other relative inter-municipal agreements. Lower Alsace Township may recommend changes, alterations or modifications, as they may deem necessary. The review or report from Lower Alsace Township shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (J) The preliminary plan shall be submitted to the Berks County Planning Commission to determine if it conforms with local, county, state and federal provisions, as further outlined within the Pennsylvania Municipalities Planning Code. The Berks County Planning Commission may recommend changes, alterations or modifications, as they may deem necessary. The review or report of the Berks County Planning Commission shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (K) The preliminary plan shall be reviewed by the appointed officials and/or professional consultants of Mount Penn Borough, who may provide engineering, architectural, planning and/or legal advice to Mount Penn Borough. The review or report of the appointed officials and/or professional consultants shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (L) If required or requested by Mount Penn Borough, the preliminary plan shall be reviewed by other local, county, state or federal agencies, as identified under this Subdivision and Land Development Ordinance. The review or report of the local, county, state or federal agencies shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (M) When a preliminary plan has been officially accepted for review by Mount Penn Borough, such preliminary plan shall be reviewed by the Planning Commission at its next regularly scheduled public meeting, or at the discretion of the Planning Commission, at a special public meeting. During the review of the preliminary plan, the Planning Commission shall consider the written reports of the appointed municipal officials, professional consultants and Berks County Planning Commission, Lower Alsace Township, as well as other local, county, state, or federal agencies that have been requested to review the preliminary plan.
- (N) Upon consideration of the written reports, the Planning Commission shall make a formal recommendation concerning the status of the preliminary plan to Mount Penn Borough. The recommendation shall be forwarded to Council within ninety (90) days from the date the preliminary plan was officially accepted for review by Mount Penn Borough.
- (O) During the course of the review of the preliminary plan by the Planning Commission and prior to any action by Council within the required ninety (90) day period, the proposed preliminary plan may be revised by the applicant. Upon the submission of a revised preliminary plan, the applicant shall sign a statement withdrawing any previously submitted preliminary plans from consideration and a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised preliminary plan. The revised preliminary plans shall be submitted to the Planning Commission at least seven (7) days prior to the regularly scheduled monthly meeting of the Planning Commission.
- (P) Following the review of the preliminary plan and the accompanying reports and recommendations issued by the appointed municipal officials, professional consultants, Lower Alsace Township, the Berks County Planning Commission, as well as other local, county, state, or federal agencies that have been requested to review the preliminary plan, Mount Penn Borough shall approve, approve with conditions, table, or reject the proposed preliminary plan. Conditions for approval must be clearly stated in writing or by resolution. If rejected, Mount Penn Borough shall specify the reasons for rejecting the preliminary plan, including citation of or reference to the pertinent sections of the codes and ordinances adopted by Mount Penn Borough.

- (Q) The decision of Council shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to Mount Penn Borough. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth (30th) day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement between the applicant and Mount Penn Borough.
- (R) Approval or approval with conditions of a preliminary plan shall not constitute approval of the final plan. Rather, it shall be deemed an expression of approval of the layout shown on the preliminary plan as a guide to the preparation of the final plan. The final plan must also be reviewed and considered by Mount Penn Borough, as outlined under this Subdivision and Land Development Ordinance.
- (S) Where a conflict or discrepancy should arise concerning the procedural requirements specified by Mount Penn Borough, Lower Alsace Township and/or the Pennsylvania Municipalities Planning Code, the Mount Penn Borough Solicitor shall review the conflict or discrepancy and advise Mount Penn Borough of the procedural requirements that should be followed.
- (T) The provisions established for administration and enforcement, as established under this Subdivision and Land Development Ordinance shall be subject to the interpretation of Mount Penn Borough. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with Mount Penn Borough. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of Mount Penn Borough.

Section 305: Final Plan Application and Review

- (A) When a final plan is required for a subdivision plan or land development plan, the applicant or developer shall comply with the application and review procedures, which are hereby established within this Subdivision and Land Development Ordinance.
- (B) The continuation or validity of a current final plan application or an approved final plan application shall be in accordance with provisions established by the Mount Penn Borough and by the Pennsylvania Municipalities Planning Code.
- (C) Where a final plan application is preceded by a preliminary plan application, the applicant shall submit the final subdivision plan or final land development plan within twelve (12) months of the approval of the preliminary plan by Mount Penn Borough. An extension of time may be granted to the applicant if the request has been made in writing and provided that extenuating conditions prevent the applicant from submitting a final plan for municipal review and consideration. The length and terms of the time extension shall be subject to the review and approval of Mount Penn Borough. However, if the time period between the approval date of the preliminary plan and the application date of the final plan extends beyond the extension date specified by Mount Penn Borough, the applicant shall file a new preliminary plan in accordance with the provisions of this Subdivision and Land Development Ordinance.
- (D) Where a final plan application is preceded by a preliminary plan application, Mount Penn Borough may permit the submission of a final subdivision plan or final land development plan in phases or sections, provided that such submission covers at least twenty-five (25) percent of the overall development or a reasonable portion of the approved preliminary plan, as considered appropriate by Mount Penn Borough.
- (E) When filing a final plan for review and consideration, the applicant shall make an official submission to Mount Penn Borough at least fifteen (15) business days prior to the regularly scheduled monthly meeting of the Mount Penn Borough Planning Commission.
- (F) An official submission of a final subdivision plan and/or a final land development plan shall include the following information:
 - (1) Twelve (12) complete copies of the application (refer to Appendix A) of a subdivision plan or land development plan;

- (2) Twelve (12) complete copies of the proposed final plan, which shall comply with the requirements of Articles 4 and 5 of this Subdivision and Land Development Ordinance. If requested by Mount Penn Borough, additional copies of the proposed preliminary plan shall be supplied to Mount Penn Borough.
 - (3) Six (6) copies of all other supportive plans, profiles, reports and other documentation, as may be required under Articles 4 and 5 of this Subdivision and Land Development Ordinance. If requested by Mount Penn Borough, additional copies of all other supportive plans, profiles, reports and other documentation shall be supplied to Mount Penn Borough.
 - (4) Filing or submission fees shall be required in order to cover all administrative costs and review fees, as permitted under the provisions of the Pennsylvania Municipalities Planning Code. The filing fees shall be established by Mount Penn Borough, which may be revised or amended by a municipal ordinance or resolution enacted by Mount Penn Borough.
 - (5) No application shall be deemed filed and accepted for review until all information required under this Subdivision and Land Development Ordinance have been received, the application fees have been fully paid, and any other administrative requirements for submission have been met.
- (G) Upon determination that the application is complete by Mount Penn Borough, copies of the proposed final plan shall be distributed as follows:
- (1) To the Mount Penn Borough Council;
 - (2) To the Mount Penn Borough Planning Commission;
 - (3) To the Mount Penn Borough Engineer;
 - (4) To the Mount Penn Borough Planning Consultant;
 - (5) To the Mount Penn Borough Zoning Officer;
 - (6) To the Mount Penn Borough Solicitor;
 - (7) To Lower Alsace Township (if required or requested); and
 - (8) To the Berks County Planning Commission (if required or requested).
- (H) At the discretion of Mount Penn Borough, additional copies of the proposed final plan shall be submitted and distributed as follows:
- (1) To the municipal or county Parks and Recreation Board;
 - (2) To any appointed or designated professional consultants of Mount Penn Borough;
 - (3) To the Antietam Valley Municipal Authority;
 - (4) To the Lower Alsace Township Water Department;
 - (5) To the Central Berks Police Department;
 - (6) To the fire company with first response duties or jurisdiction;
 - (7) To the Pennsylvania Department of Transportation;
 - (8) To the Pennsylvania Department of Environmental Protection;
 - (9) To the Berks County Conservation District;

- (10) To the Antietam School District;
 - (11) To the appointed Sewage Enforcement Officer of Mount Penn Borough; and
 - (12) To other local, county, state or federal agencies that are considered appropriate by Mount Penn Borough to review the proposed final plan.
- (I) No application shall be deemed filed and accepted for review until all supplementary data, reports, and studies as may be required under Articles 4 and 5 of this Subdivision and Land Development Ordinance have been received, application fees have been fully paid, and any other requirements for submission specified herein have been met.
- (J) Mount Penn Borough in conjunction with its appointed officials and consultants shall review the final plan to determine if it conforms to the provisions established by Mount Penn Borough. The Planning Commission may recommend changes, alterations or modifications, as they may deem necessary.
- (K) If required or requested by Mount Penn Borough, the final plan shall be submitted to Lower Alsace Township to determine if it conforms with the Joint Comprehensive Plan, the Joint Zoning Ordinance, and any other relative inter-municipal agreements. Lower Alsace Township may recommend changes, alterations or modifications, as they may deem necessary. The review or report from Lower Alsace Township shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (L) If required or requested by Mount Penn Borough, the final plan shall be submitted to the Berks County Planning Commission to determine if it conforms with local, county, state and federal provisions, as further outlined within the Pennsylvania Municipalities Planning Code. The Berks County Planning Commission may recommend changes, alterations or modifications, as they may deem necessary. The review or report of the Berks County Planning Commission shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (M) If required or requested by Mount Penn Borough, the final plan shall be reviewed by other local, county, state or federal agencies, as identified under this Subdivision and Land Development Ordinance. The review or report of the local, county, state or federal agencies shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (N) The final plan shall be reviewed by the appointed officials and/or professional consultants of Mount Penn Borough, who may provide engineering, architectural, planning and/or legal advice to Mount Penn Borough. The review or report of the appointed officials and/or professional consultants shall be in writing and shall be submitted to Mount Penn Borough for consideration at a regularly scheduled public meeting or special public meeting.
- (O) When a final plan has been officially accepted for review by Mount Penn Borough, such final plan shall be reviewed by the Planning Commission at its next regularly scheduled public meeting, or at the discretion of the Planning Commission, at a special public meeting. During the review of the final plan, the Planning Commission shall consider the written reports of the appointed municipal officials, professional consultants, Lower Alsace Township and Berks County Planning Commission, as well as other local, county, state, or federal agencies that have been requested to review the final plan.
- (P) Upon consideration of the written reports, the Planning Commission shall make a formal recommendation concerning the status of the final plan to Council. The recommendation shall be forwarded to Council within ninety (90) days from the date the final plan was officially accepted for review by Mount Penn Borough.
- (Q) During the course of the review of the final plan by the Planning Commission and prior to any action by Council within the required ninety (90) day period, the proposed final plan may be revised by the applicant. Upon the submission of a revised final plan, the applicant shall sign a statement withdrawing any previously submitted final plans from consideration and a new ninety (90) day time period for formal review and notification shall commence from the date of submission of the revised final plan. The revised final plans shall be submitted to the Planning Commission at least seven (7) days prior to the regularly scheduled monthly meeting of the Planning Commission.

- (R) Following the review of the final plan and the accompanying reports and recommendations issued by the appointed municipal officials, professional consultants, Lower Alsace Township, the Berks County Planning Commission, as well as other local, county, state, or federal agencies that have been requested to review the final plan, Mount Penn Borough Council shall approve, approve with conditions, table, or reject the proposed final plan. Conditions for approval must be clearly stated in writing or by resolution. If rejected, Mount Penn Borough shall specify the reasons for rejecting the final plan, including citation of or reference to the pertinent sections of the codes and ordinances adopted by Mount Penn Borough.
- (S) The decision of Mount Penn Borough Council shall be rendered no later than ninety (90) days after the date of the regular Planning Commission meeting next following the date upon which the applicant has made a complete submission to Mount Penn Borough. However, if the next regular meeting of the Planning Commission is more than thirty (30) days after the submission date, the first day of the ninety (90) day review period shall commence on the thirtieth (30th) day after a complete submission has been given by the applicant. This review period may be extended by mutual agreement between the applicant and Mount Penn Borough.
- (T) The decision of Mount Penn Borough Council shall be in writing, which shall be issued to the applicant within fifteen (15) days following the decision.
- (U) The approved final plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions of Mount Penn Borough and the Pennsylvania Municipalities Planning Code.
- (V) Where a conflict or discrepancy should arise concerning the procedural requirements specified within this Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Code, the solicitor or legal consultant from Mount Penn Borough shall review the conflict or discrepancy and advise Mount Penn Borough of the procedural requirements that should be followed.
- (W) The provisions established for administration and enforcement, as established under this Subdivision and Land Development Ordinance shall be subject to the interpretation of Mount Penn Borough. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with Mount Penn Borough. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of Mount Penn Borough.

Section 306: Plans Exempted from Standard Procedures

- (A) **Annexation Plans:** Where the sole purpose of the proposed plan is to annex a lot or parcel to an adjacent lot or parcel, the applicant shall follow the following procedures:
 - (1) A final plan shall be submitted and reviewed in accordance with the provisions specified under Sections 305 and 404 of this Subdivision and Land Development Ordinance.
 - (2) The proposed annexation plan shall indicate that the purpose of the plan is for annexation purposes only and that no new building lots are proposed as a result of the annexation plan.
 - (3) Where appropriate, the lots or parcels of land affected by the annexation shall be joined as a common deed and new deed descriptions shall be prepared for recording purposes.
 - (4) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the annexation plan.
 - (5) The approved annexation plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions specified by this Subdivision and Land Development Ordinance and the policies of the Berks County Recorder of Deeds.
- (B) **Revised Plan of Record:** Any revision, replatting or resubdivision of land, which includes changes to the approved final and recorded plan shall be considered a revised plan of record, which shall be prepared in accordance with the following procedures:

- (1) A final plan shall be submitted and reviewed in accordance with the provisions specified under Sections 305 and 404 of this Subdivision and Land Development Ordinance.
 - (2) Lot lines may be changed from those on the approved final and recorded plan may be considered, provided that in making such changes: no lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by the Joint Zoning Ordinance; the easements or rights-of-way shall not be changed; the street locations and block sizes shall not be changed; no lot or tract of land shall be created that does not have proper access or abut an existing or proposed street; the area devoted to open space and recreational areas shall not be reduced.
 - (3) The revised plan of record shall specifically identify that this plan shall supersede the previously approved final and recorded plan considering the following references or revisions.
 - (4) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the revised plan of record.
 - (5) The approved revised plan of record shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions specified by this Subdivision and Land Development Ordinance.
- (C) **Minor Subdivision Plans:** Where the sole purpose of the proposed plan is to create three (3) or fewer lots with minor improvements or related impacts, a minor subdivision plan shall be prepared in accordance with the following procedures:
- (1) The applicant shall meet with the assigned staff members and the appointed consultants from Mount Penn Borough to determine if the subdivision will involve minor improvements or related impacts. If the proposed subdivision will result in major improvements or related impacts, the applicant shall comply with the standard application procedures established within this Subdivision and Land Development Ordinance.
 - (2) A final plan shall be submitted and reviewed in accordance with Sections 305 and 404 of this Subdivision and Land Development Ordinance.
 - (3) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the minor subdivision plan.
 - (4) The approved minor subdivision plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions of this Subdivision and Land Development Ordinance and the policies of the Berks County Recorder of Deeds.
- (D) **Minor Land Development Plans:** Where the sole purpose of the proposed plan is to develop a lot or tract of land with minor improvements or related impacts, a minor land development plan shall be prepared in accordance with the following procedures:
- (1) The applicant shall meet with the assigned staff members and appointed consultants from Mount Penn Borough to determine if the land development plan will involve minor improvements or related impacts. As a general guideline, the development of a property involving the construction, expansion or redevelopment of less than 5,000 square feet of gross floor area and/or the disturbance of less than 10,000 square feet of land area could qualify the development as a minor land development plan. If the proposed land development plan will result in major improvements or related impacts, the applicant shall comply with the standard application procedures established within this Subdivision and Land Development Ordinance.
 - (2) A final land development plan shall be submitted and reviewed in accordance with Sections 305 and 404 of this Subdivision and Land Development Ordinance.
 - (3) Prior to final plan approval, the applicant shall pay all municipal fees and contributions resulting from the minor land development plan.
 - (4) The approved minor land development plan shall be recorded with the Berks County Recorder of Deeds in accordance with the provisions of this Subdivision and Land Development Ordinance and the policies of the Berks County Recorder of Deeds.

Section 307: Land Development Plans

- (A) Unless specifically stated within this Subdivision and Land Development Ordinance, a complete "land development plan", shall be prepared and submitted to Mount Penn Borough for review and consideration. The complete land development plan shall accurately show lot lines, easements, rights-of-way, streets, utilities, municipal improvements and other features required by this Subdivision and Land Development Ordinance. All such preliminary and final land development plans shall be prepared to comply with the standard review and submission procedures established under this Subdivision and Land Development Ordinance.
- (B) The land development plan shall be submitted and reviewed in accordance with Sections 304, 305, 403 and 404 of this Subdivision and Land Development Ordinance
- (C) Section 306(D) of this Subdivision and Land Development Ordinance provides specific provisions for minor land development plans.

Section 308: Application Fees

- (A) Mount Penn Borough Council shall establish by municipal resolution or ordinance, a fee schedule for the submission and processing of all applications pertaining to this Subdivision and Land Development Ordinance. The proposed application shall not be considered by Mount Penn Borough until all pertinent fees are paid in full. All such fees shall be utilized to pay for all administrative costs as well as all review fees for any professional consultants appointed by Mount Penn Borough.
- (B) The applicant shall be required to pay any review fees required by the Berks County Planning Commission, as well as any other local, state, county or federal agency, which have been requested to review the proposed application in accordance with the provisions established by Mount Penn Borough.
- (C) If the expenses incurred by Mount Penn Borough for the review of an application exceed the total fees that have been paid by the applicant, such excess expenses shall be paid by the applicant prior to the release of the final plans by Mount Penn Borough.

Section 309: Modifications

- (A) The provisions of this Subdivision and Land Development Ordinance are intended as minimum standards for the protection of the public health, safety, convenience and general welfare of the residents and land owners of Mount Penn Borough. At the discretion of Mount Penn Borough, these provisions may be waived or modified on a case by case basis and where deemed necessary in the public interest, provided that such modification shall not have the effect of nullifying the purpose and intent of this Subdivision and Land Development Ordinance.
- (B) If the literal compliance with any mandatory provision of this Subdivision and Land Development Ordinance is demonstrated by the applicant to be unreasonable and causes undue hardship to his property, Mount Penn Borough may grant a waiver of such mandatory provision. As part of this procedure, the applicant shall submit a written waiver request to Mount Penn Borough for review and comment. The waiver request shall reference the applicable section of this Subdivision and Land Development Ordinance and indicate the reason or purpose for such a request. The Planning Commission with jurisdiction shall provide a recommendation to the governing body for each waiver requested by the applicant. Mount Penn Borough shall consider all waiver requests at a regularly scheduled public meeting or at a special public meeting.
- (C) The list of such modifications shall be entered in the minutes of Mount Penn Borough. If granted, the waiver shall be accurately referenced on the proposed plan, which shall include the section number, a summary of the requirement, any applicable conditions and the date the waiver was granted.

Section 310: Municipal Improvements and Contributions

- (A) All conditions, standards and provisions pertaining to the guarantee and/or the installation of all required site and municipal improvements have been included under Article 6 of this Subdivision and Land Development Ordinance.
- (B) All conditions and provisions pertaining to all developer contributions and impact fees have been included under Article 6 of this Subdivision and Land Development Ordinance.

Section 311: Approval and Recording of Plans

- (A) After the completion of the procedures required within Subdivision and Land Development Ordinance, the Planning Commission with jurisdiction shall place their endorsements on at least eight (8) copies of the approved final plan, which shall be considered by Mount Penn Borough Council. The plans recommended for approval shall be dated and signed by at least a majority of the members on the Planning Commission with jurisdiction.
- (B) After the completion of the procedures required within this Subdivision and Land Development Ordinance, Mount Penn Borough Council shall place their endorsements on at least eight (8) copies of the approved final plan, which is to be recorded. The plans shall be dated, sealed and signed by at least a majority of the Council members.
- (C) No changes, erasures, modifications or revisions shall be made to any approved final plan after it has been endorsed by Mount Penn Borough, unless the approved plan has been resubmitted to Mount Penn Borough for review and consideration, as required within this Subdivision and Land Development Ordinance.
- (D) After the approved final plan has been properly endorsed by Mount Penn Borough, the applicant shall submit the approved final plans to the Berks County Planning Commission for their endorsement. No plan may be legally recorded unless such plan has been properly reviewed and endorsed by Mount Penn Borough and the Berks County Planning Commission.
- (E) After the approved final plan has been properly endorsed by Mount Penn Borough and the Berks County Planning Commission, the applicant shall record the approved final plans with the Berks County Recorder of Deeds within ninety (90) days of the date the approved final plan was endorsed by Mount Penn Borough. If the applicant fails to record the approved final plan within the ninety (90) day time period, the action of Mount Penn Borough shall become null and void.
- (F) After the approved final plan has been recorded with the Berks County Recorder of Deeds, the applicant shall provide Mount Penn Borough with one (1) certified copy of the recorded plan plus one (1) mylar copy of the approved plan or in an electronic format acceptable to the Mount Penn Borough.

Section 312: Appeals

- (A) The decisions of Mount Penn Borough Council may be appealed in accordance with the provisions of the Mount Penn Borough and by the Pennsylvania Municipalities Planning Code.
- (B) All provisions for amendments, records, preventative remedies and enforcement procedures are further specified by this Subdivision and Land Development Ordinance and by the Pennsylvania Municipalities Planning Code.

Article 4: Plan Requirements

Section 401: Statement of Intent

- (A) Article 4 of this Subdivision and Land Development Ordinance provides the basic plan requirements for all proposed subdivision plans or land development plans within Mount Penn Borough.
- (B) The provisions established for plan requirements, as established under this Subdivision and Land Development Ordinance shall be subject to the interpretation of Mount Penn Borough. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with Mount Penn Borough Council. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of Mount Penn Borough.

Section 402: Sketch Plan Requirements

- (A) A sketch plan shall be considered as an unofficial submission to Mount Penn Borough for the purposes of informal review and discussion between the applicant and Mount Penn Borough.
- (B) When a sketch plan application is submitted to Mount Penn Borough, the sketch plan shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:
 - (1) Name or identifying title of the proposed subdivision or land development.
 - (2) The name and address of the record owner, equitable owner, developer, engineer, architect, planner and/or surveyor.
 - (3) Tract boundaries, accurately labeled
 - (4) Total acreage of the tract and total acreage being considered for development.
 - (5) North arrow.
 - (6) Written and graphic scales.
 - (7) Significant natural, topographical, physical and environmental features.
 - (8) A statement of the existing use and proposed use of the property being subdivided and/or developed.
 - (9) Proposed streets, buildings, lot layout and site improvements within the development.
 - (10) Proposed sewer and water facilities that will service the development.
 - (11) Other information or documentation that may be considered essential for the subdivision or land development, as determined by Mount Penn Borough.
- (C) If requested by Mount Penn Borough, the applicant shall provide additional information or other documentation to understand the conceptual plan and/or to provide direction to the applicant.
- (D) The sketch plan may be required by Mount Penn Borough as a prerequisite to the formal submission of a preliminary subdivision and land development plan. The sketch plan shall not be considered as an official plan submission under the review procedures and provisions of the Pennsylvania Municipalities Planning Code.

Section 403: Preliminary Plan Requirements

- (A) A preliminary plan shall be considered as an official submission to Mount Penn Borough for the purposes of formal review and discussion between the applicant and Mount Penn Borough.
- (B) Unless otherwise exempted from the standard application procedures of this Subdivision and Land Development Ordinance, all preliminary subdivision plans or preliminary land development plans shall contain the plan requirements specified under this section. Any modifications to these plan requirements shall be subject to the provisions of Section 309 of this Subdivision and Land Development Ordinance.
- (C) The preliminary plan application shall be subject to the following drafting or general layout standards:
 - (1) The preliminary plan shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except under the following conditions:
 - (a) The plan may be drawn at a scale of one (1) inch equaling one hundred (100) feet if the average size of the proposed lots within the subdivision is five (5) acres or larger;
 - (b) The plan may be drawn at a scale of one (1) inch equaling twenty (20) feet if the average frontage or lot width is less than fifty (50) feet; or
 - (c) The plan shall be prepared at a scale ranging between one (1) inch equaling twenty (20) feet and one (1) inch equaling fifty (50) feet if the applicant can sufficiently demonstrate that the scale is necessary to depict the amount of detail required by this Subdivision and Land Development Ordinance while conforming with the provisions for permitted sheet sizes.
 - (2) The plan and all submitted prints thereof, shall be made on sheets no smaller than twenty-four (24) inches by thirty-six (36) inches and no greater than thirty (30) inches by forty-two (42) inches.
 - (3) If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
 - (4) Where the preliminary plan shows the proposed subdivision or land development of only a part of the applicants total property, a sketch shall be required, showing the prospective street system and tentative lot layout of the remainder of the property, so that the total site improvements may be considered in relation to existing conditions. To prevent undue hardship in the case of extremely large properties, the Planning Commission may, based upon existing natural or man-made features, limit the area for which the prospective street system and tentative lot layout shall be sketched.
- (D) The preliminary plan application shall include the following general information:
 - (1) Name or identifying title of the proposed subdivision or land development.
 - (2) North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each plan revision.
 - (3) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1,000) feet of any part of the property. In addition, the name and approximate distance to the closest recognized city, town or village, or the approximate distance to the nearest existing street, shall be shown and a title, scale and north point shall be indicated.
 - (4) Name and address of the record owner, equitable owner and applicant or developer. Where requested by Mount Penn Borough, the relationship between all parties seeking subdivision or land development plan approval shall be confidentially disclosed to Mount Penn Borough.

- (5) A complete source of title, including all relevant information of the landowner (grantor and grantee), deed references and transfer dates.
 - (6) Name and address of the registered engineer, surveyor, architect or planner responsible for the plan.
 - (7) Names of all adjoining record owners, with reference to their respective tax parcel identification numbers and their deed reference, as recorded with the Berks County Recorder of Deeds.
 - (8) Names of all adjoining subdivision or land development plans, if any, with the appropriate plan book reference, as recorded with the Berks County Recorder of Deeds.
 - (9) Total tract boundaries of the property being subdivided or developed, showing bearings and distances.
 - (10) A statement of total acreage of the property and the total area being subdivided or developed.
 - (11) A statement of the existing use and proposed use of the property being subdivided and/or developed.
 - (12) Zoning data including all of the following which are applicable:
 - (a) Existing zoning district designations, requirements, use and bulk regulations;
 - (b) Any zoning district boundary lines traversing the land area proposed for the subdivision or land development;
 - (c) Any changes in the existing zoning including any variances, conditional uses, or special exceptions that have been granted; and/or
 - (d) Any changes in the existing zoning proposed to be requested by the applicant or developer.
 - (13) Other general information that may be considered essential for the subdivision or land development, as determined by Mount Penn Borough.
- (E) The preliminary plan application shall include the following existing and natural features:
- (1) Contour lines determined by acceptable surveying practices at vertical intervals of at least two (2) feet for land with average natural slope of twenty (20) percent or less, and at intervals of at least five (5) feet for land with average natural slope exceeding twenty (20) percent.
 - (2) Location and elevation of the datum to which contour elevations refer. Where reasonably practicable, the datum used shall be a known, established benchmark.
 - (3) All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths, and centerline road grades.
 - (4) All existing buildings or other structures located within the proposed development.
 - (5) All existing man-made features within the proposed development and within fifty (50) feet of the proposed development. This may include, but not limited to, sanitary sewer facilities, on-lot sewage facilities, water supply facilities, wells, fire hydrants, utility transmission lines, stormwater management facilities, culverts, bridges and railroad lines. Where applicable, the size, type, material and invert elevations shall also be identified on the preliminary plan.
 - (6) All existing natural features within the proposed development and within fifty (50) feet of the proposed development. This may include, but not limited to, water courses, floodplain areas, natural drainage patterns, soil types with descriptions, delineated wetlands, hydric soils, high water table soils, tree masses, steep slopes, sinkholes and rock out-crops.

- (7) The location, size and ownership of all existing utilities and utility rights-of-way within the proposed development. A statement of any conditions governing their ownership and use shall be included on the preliminary plan.
 - (8) The location, dimensions and ownership of all existing rights-of-way or easements within the proposed development. A statement of any conditions governing their ownership and use shall be included on the preliminary plan.
 - (9) Other existing or natural features that may be considered essential for the subdivision or land development, as determined by Mount Penn Borough.
- (F) The preliminary plan application shall be accurately designed considering the following requirements:
- (1) Location, dimensions and functional classification of all proposed streets and rights-of-way, with a statement of any conditions governing their ownership, maintenance and use.
 - (2) Suggested street names.
 - (3) Location and dimensions of all proposed easements and rights-of-way, with a statement of any conditions governing their ownership and use.
 - (4) Location, layout, dimensions and areas of all existing and proposed lots within the development.
 - (5) The minimum building setback lines for each lot within the development. This shall include the front, side, rear and reverse setbacks, as determined acceptable by the Zoning Officer.
 - (6) A statement of the intended use of all lots and parcels within the development.
 - (7) Lot numbers and a statement of the total number of lots and parcels being developed. The residue parcel shall be included as a separate lot, not intended for development.
 - (8) The location of all existing and proposed street monuments.
 - (9) The location of all existing and proposed property markers.
 - (10) The location of proposed sanitary sewage disposal facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed sanitary sewage disposal facilities and their relationship to existing sanitary sewage disposal facilities.
 - (11) Location of proposed water supply facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed water supply facilities and their relationship to existing water supply facilities.
 - (12) Location and arrangement of proposed stormwater management facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed stormwater management facilities and their relationship to existing stormwater management facilities.
 - (13) Parks, playgrounds and other areas dedicated or reserved for public use, with a statement of any conditions governing their ownership, operation, maintenance and use.
 - (14) Where on-lot sewage disposal is proposed, the location of the probe and percolations test sites shall be shown on the preliminary plan. The results of such tests shall be submitted to Mount Penn Borough for review and consideration.
 - (15) Other design elements relating to zoning, land use, community facilities, emergency management, utilities, stormwater management and transportation, as determined by Mount Penn Borough.

- (G) The preliminary plan application shall be accompanied with the following supplemental or supporting information:
- (1) Typical street cross-section drawing(s) for all proposed streets.
 - (2) Profiles along the centerline of each proposed street shown on the Preliminary Plan. Such profiles shall show at least the following information, properly labeled:
 - (a) Existing (natural) and proposed finished grades along the centerline and at the right-of-way line for both sides of each proposed street.
 - (b) The elevation, grades and length of all vertical curves.
 - (c) Existing and proposed storm sewer mains, manholes, inlets and culverts.
 - (d) Existing and proposed sanitary sewer main and manholes.
 - (e) Existing and proposed water distribution system and all appurtenances.
 - (f) All profiles shall show pipe crossings, storm sewers, sanitary sewers, water mains, and any other underground utility crossings.
 - (g) Profiles shall extend to points of connection with existing lines.
 - (3) Upon consulting with the Mount Penn Borough Engineer and Planning Consultant, the profile sheets shall be drawn at one of the following sets of scales:
 - (a) One (1) inch equals ten (10) feet horizontal, and one (1) inch equals one (1) foot vertical;
 - (b) One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals two (2) feet vertical;
 - (c) One (1) inch equals forty (40) feet horizontal, and one (1) inch equals four (4) feet vertical; or
 - (d) One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
 - (4) A stormwater management plan shall be prepared in accordance with Section 512 of this Subdivision and Land Development Ordinance.
 - (5) A riparian buffer plan shall be prepared in accordance with Section 513 of this Subdivision and Land Development Ordinance.
 - (6) A sediment and erosion control plan shall be prepared in accordance with Section 514 of this Subdivision and Land Development Ordinance.
 - (7) Preliminary designs of any bridges or culverts, which may be required. Such designs shall meet all applicable requirements of Mount Penn Borough, as well as all other local, county, state or federal laws and/or permitting procedures.
 - (8) The Pennsylvania Department of Transportation shall review all Plans when access is proposed onto a state road or when encroachment is proposed within a state right-of-way. All applicable permits shall be approved by the Pennsylvania Department of Transportation prior to municipal approval. The Highway Occupancy Permit Number shall be noted on the plan.
 - (9) Where considered appropriate by Mount Penn Borough, the preliminary plan application shall be accompanied with the following supplemental reports:
 - (a) An environmental impact assessment to comply with the provisions of Section 405 of this Subdivision and Land Development Ordinance.

- (b) A community facilities impact to comply with the provisions of Section 406 of this Subdivision and Land Development Ordinance.
 - (c) A traffic impact assessment to comply with the provisions of Section 407 of this Subdivision and Land Development Ordinance.
 - (d) A utility impact assessment to comply with the provisions of Section 408 of this Subdivision and Land Development Ordinance.
 - (e) A landscaping plan and lighting plan to comply with the provisions established by Mount Penn Borough.
- (10) Where considered necessary to meet the community development objectives specified by this Subdivision and Land Development Ordinance, additional studies to address concerns relative to zoning, land use, environmental features, natural habitats, community facilities, emergency management, utilities, flooding, stormwater management and transportation.

Section 404: Final Plan Requirements

- (A) A final plan shall be considered as an official submission to Mount Penn Borough for the purposes of formal review and discussion between the applicant and Mount Penn Borough.
- (B) Unless otherwise exempted from the standard application procedures of this Subdivision and Land Development Ordinance, all final subdivision plans or final land development plans shall contain the plan requirements specified under this section. Any modifications to these plan requirements shall be subject to the provisions of Section 309 of this Subdivision and Land Development Ordinance.
- (C) The final plan application shall be subject to the following drafting or general layout standards:
 - (1) The final plan shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except under the following conditions:
 - (a) The plan may be drawn at a scale of one (1) inch equaling one hundred (100) feet if the average size of the proposed lots within the subdivision is five (5) acres or larger;
 - (b) The plan may be drawn at a scale of one (1) inch equaling twenty (20) feet if the average frontage or lot width is less than fifty (50) feet; or
 - (c) The plan shall be prepared at a scale ranging between one (1) inch equaling twenty (20) feet and one (1) inch equaling fifty (50) feet if the applicant can sufficiently demonstrate that the scale is necessary to depict the amount of detail required by this Subdivision and Land Development Ordinance while conforming with the provisions for permitted sheet sizes.
 - (2) The plan and all submitted prints thereof, shall be made on sheets no smaller than twenty-four (24) inches by thirty-six (36) inches and no greater than thirty (30) inches by forty-two (42) inches.
 - (3) If the final plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet.
 - (4) Where the final plan shows the proposed subdivision or land development of only a part of the applicants total property, a sketch shall be required, showing the prospective street system and tentative lot layout of the remainder of the property, so that the total site improvements may be considered in relation to existing conditions. To prevent undue hardship in the case of extremely large properties, the Planning Commission may, based upon existing natural or man-made features, limit the area for which the prospective street system and tentative lot layout shall be sketched.

- (5) All final plans shall be prepared by the applicant and submitted to Mount Penn Borough with the anticipation that such plan may be approved by Mount Penn Borough and released for recording with the Berks County Recorder of Deeds.

(D) The final plan application shall include the following general information:

- (1) Name or identifying title of the proposed subdivision or land development.
- (2) North point, graphic scale, written scale, and date, including the month, day and year that the original drawing was completed, and the month, day and year that the original drawing was revised, for each plan revision.
- (3) A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch equals eight hundred (800) feet and showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, municipal boundaries, and recorded subdivision plans existing within one thousand (1000) feet of any part of the property. In addition, the name and approximate distance to the closest recognized city, town or village, or the approximate distance to the nearest existing street, shall be shown and a title, scale and north point shall be indicated.
- (4) Name and address of the record owner, equitable owner and applicant or developer. Where requested by Mount Penn Borough, the relationship between all parties seeking subdivision or land development plan approval shall be confidentially disclosed to Mount Penn Borough.
- (5) A complete source of title, including all relevant information of the landowner (grantor and grantee), deed references and transfer dates.
- (6) Name and address of the registered engineer, surveyor, architect or planner responsible for the plan.
- (7) Names of all adjoining record owners, with reference to their respective tax parcel identification numbers and their deed reference, as recorded with the Berks County Recorder of Deeds.
- (8) Names of all adjoining subdivision or land development plans, if any, with the appropriate plan book reference, as recorded with the Berks County Recorder of Deeds.
- (9) Total tract boundaries of the property being subdivided or developed with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be determined by accurate field survey, which shall be balanced and close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet; provided, however, that the boundary adjoining additional unplatted land of the applicant (for example, between separately submitted final plan sections) is not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of the monuments.
- (10) A statement of total acreage of the property and the total area being subdivided or developed.
- (11) A statement of the existing use and proposed use of the property being subdivided and/or developed.
- (12) Zoning data including all of the following which are applicable:
 - (a) Existing zoning district designations, requirements, use and bulk regulations;
 - (b) Any zoning district boundary lines traversing the land area proposed for the subdivision or land development;
 - (c) Any changes in the existing zoning including any variances, conditional uses, or special exceptions that have been granted; and/or
 - (d) Any changes in the existing zoning proposed to be requested by the applicant or developer.

- (13) A note relative to the "Certification of Ownership, Acknowledgement of Plan and Offer of Dedication" shall be provided on the final plan and shall be duly acknowledged and signed by the owner or owners of the property before an officer authorized to take acknowledgement of deeds. A sample certification note has been included within Appendix B of this Subdivision and Land Development Ordinance.
- (14) A note relative to the "Certification of Accuracy" shall be provided on the final plan and shall be duly acknowledged, signed and sealed by the professional engineer, surveyor, architect, landscape architect, or land planner, responsible for preparing the final plan. A sample certification note has been included within Appendix B of this Subdivision and Land Development Ordinance.
- (15) A note relative to the certification of any supplemental studies, plans, reports and/or assessments conducted to support the final plan shall be duly acknowledged, signed and sealed by the professional responsible for preparing the supplemental studies, plans, reports and/or assessments. All such certification notes shall be subject to the approval of Mount Penn Borough.
- (16) Certificates for municipal endorsement of the final plan by Mount Penn Borough. Sample endorsement or certification notes have been included within Appendix B of this Subdivision and Land Development Ordinance.
- (17) A blank space measuring three and one-half (3.5) inches by six (6) inches shall be provided on the final plan, preferably adjacent to the certificates of municipal endorsement, by which the endorsement stamp of the Berks County Planning Commission may be applied.
- (18) A blank space measuring three (3) inches square shall be left along the lower edge of the final plan, preferably adjacent to the certificates of municipal endorsement, by which the Berks County Recorder of Deeds may acknowledge receipt and recording of the final plan when it is presented.
- (19) Other general information that may be considered essential for the subdivision or land development, as determined by Mount Penn Borough.

(E) The final plan application shall include the following existing and natural features:

- (1) Contour lines determined by acceptable surveying practices at vertical intervals of at least two (2) feet for land with average natural slope of twenty (20) percent or less, and at intervals of at least five (5) feet for land with average natural slope exceeding twenty (20) percent.
- (2) Location and elevation of the datum to which contour elevations refer. Where reasonably practicable, datum used shall be a known, established benchmark.
- (3) All existing streets, including streets of record (recorded but not constructed), on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths, and centerline road grades.
- (4) All existing buildings or other structures located within the proposed development.
- (5) All existing man-made features within the proposed development and within fifty (50) feet of the proposed development. This may include, but not limited to, sanitary sewer facilities, on-lot sewage facilities, water supply facilities, wells, fire hydrants, utility transmission lines, stormwater management facilities, culverts, bridges and railroad lines. Where applicable, the size, type, material and invert elevations shall also be identified on the final plan.
- (6) All existing natural features within the proposed development and within fifty (50) feet of the proposed development. This may include, but not limited to, water courses, floodplain areas, natural drainage patterns, soil types with descriptions, delineated wetlands, hydric soils, high water table soils, tree masses, steep slopes, sinkholes and rock out-crops.
- (7) The location, size and ownership of all utilities and utility rights-of-way within the proposed development. A statement of any conditions governing their ownership and use shall be included on the final plan.

- (8) The location, dimensions and ownership of all rights-of-way or easements within the proposed development. A statement of any conditions governing their ownership and use shall be included on the final plan.
 - (9) Other existing or natural features that may be considered essential for the subdivision or land development, as determined by Mount Penn Borough Planning Commission, Engineer, Planning Consultant or Zoning Officer.
- (F) The final plan application shall be accurately designed considering the following requirements:
- (1) Location, dimensions and functional classification of all proposed streets and rights-of-way, with a statement of any conditions governing their ownership, maintenance and use.
 - (2) The names of all existing and proposed streets, as approved by Mount Penn Borough, Berks County Emergency Management Agency (Berks County 911) and the Post Office having jurisdiction.
 - (3) The precise location and dimensions of all proposed easements and rights-of-way, with a statement of any conditions governing their ownership and use.
 - (4) The precise location, layout, dimensions and areas of all existing and proposed lots within the development. All such dimensions, arc lengths and curve radii shall be shown and defined to the nearest one-hundredth (0.01) foot. Bearings or deflection angles at changes in direction of line as well as central angles of all curves shall be shown to the nearest fifteen (15) seconds
 - (5) The minimum building setback lines for each lot within the development. This shall include the front, side, rear and reverse setbacks, as determined acceptable by the Zoning Officer.
 - (6) A statement of the intended use of all lots and parcels within the development.
 - (7) Lot numbers and a statement of the total number of lots and parcels being developed. The residue parcel shall be included as a separate lot, not intended for development.
 - (8) The location and elevation of all existing street monuments and/or the proposed street monuments to be set as a condition of municipal approval.
 - (9) The location and type of all existing property markers and/or the proposed property markers to be set as a condition of municipal approval.
 - (10) The location of proposed sanitary sewage disposal facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed sanitary sewage disposal facilities and their relationship to existing sanitary sewage disposal facilities.
 - (11) Location of proposed water supply facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed water supply facilities and their relationship to existing water supply facilities.
 - (12) Location and arrangement of proposed stormwater management facilities, with a statement of any conditions governing the ownership, operation and maintenance of the proposed stormwater management facilities and their relationship to existing stormwater management facilities.
 - (13) Parks, playgrounds and other areas dedicated or reserved for public use, with a statement of any conditions governing their ownership, operation, maintenance and use.
 - (14) Where on-lot sewage disposal is proposed, the location of the probe and percolations test sites shall be shown on the final plan. The results of such tests shall be submitted to Mount Penn Borough for review and consideration.
 - (15) Other design elements relating to zoning, land use, community facilities, emergency management, utilities, stormwater management and transportation, as determined by Mount Penn Borough.

(G) The final plan application shall be accompanied with the following supplemental or supporting information:

- (1) Typical street cross-section drawing(s) for all proposed streets.
- (2) Profiles along the centerline of each proposed street shown on the Final Plan. Such profiles shall show at least the following information, properly labeled:
 - (a) Existing (natural) and proposed finished grades along the centerline and at the right-of-way line for both sides of each proposed street.
 - (b) The elevations, grades and length of all vertical curves.
 - (c) Existing and proposed storm sewer mains, manholes, inlets and culverts.
 - (d) Existing and proposed sanitary sewer main and manholes.
 - (e) All profiles shall show pipe crossings, storm sewers, sanitary sewers, water mains, and any other underground utility crossings.
 - (f) Profiles shall extend to points of connection with existing lines.
 - (g) Proposed water distribution system and all appurtenances (if applicable).
- (3) Upon consulting with Mount Penn Borough Engineer and Planning Consultant, the profile sheets shall be drawn at one of the following sets of scales:
 - (a) One (1) inch equals ten (10) feet horizontal, and one (1) inch equals one (1) foot vertical;
 - (b) One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals two (2) feet vertical;
 - (c) One (1) inch equals forty (40) feet horizontal, and one (1) inch equals four (4) feet vertical; or
 - (d) One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals five (5) feet vertical.
- (4) A stormwater management plan shall be prepared in accordance with Section 512 of this Subdivision and Land Development Ordinance.
- (5) A riparian buffer plan shall be prepared in accordance with Section 513 of this Subdivision and Land Development Ordinance.
- (6) A sediment and erosion control plan shall be prepared in accordance with Section 514 of this Subdivision and Land Development Ordinance.
- (7) Final designs of any bridges or culverts, which may be required. Such designs shall meet all applicable requirements of Mount Penn Borough, as well as all other local, county, state or federal laws and/or permitting procedures.
- (8) The Pennsylvania Department of Transportation shall review all Plans when access is proposed onto a state road or when encroachment is proposed within a state right-of-way. All applicable permits shall be approved by the Pennsylvania Department of Transportation prior to municipal approval. The Highway Occupancy Permit Number shall be noted on the plan.
- (9) Where considered appropriate by Mount Penn Borough, the final plan application shall be accompanied with the following supplemental reports:
 - (a) An environmental impact assessment to comply with the provisions of Section 405 of this Subdivision and Land Development Ordinance.

- (b) A community facilities impact assessment to comply with the provisions of Section 406 of this Subdivision and Land Development Ordinance.
 - (c) A traffic impact assessment to comply with the provisions of Section 407 of this Subdivision and Land Development Ordinance.
 - (d) A utility impact assessment to comply with the provisions of Section 408 of this Subdivision and Land Development Ordinance.
 - (e) A landscaping and lighting plan to comply with the applicable provisions of the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance.
 - (f) The appropriate planning modules for the planned sewage disposal facilities for the subdivision or land development plan, as may be required by Mount Penn Borough and the Pennsylvania Department of Environmental Protection.
- (10) Where considered necessary to meet the community development objectives specified by this Subdivision and Land Development Ordinance, Mount Penn Borough may require additional studies to address concerns relative to zoning, land use, environmental features, natural habitats, community facilities, emergency management, utilities, flooding, stormwater management and transportation.
 - (11) Where required by Mount Penn Borough, the supplemental or supporting information submitted with the final plan shall be recorded as part of the approved final plan.
 - (12) All conditions, standards and provisions pertaining to the guarantee and/or the installation of all required improvements have been included within this Subdivision and Land Development Ordinance. Where required by Mount Penn Borough, a municipal improvements agreement shall be properly executed between Mount Penn Borough and the developer prior to municipal approval.
 - (13) All conditions and provisions pertaining to contributions and fees have been included within this Subdivision and Land Development Ordinance. All pertinent agreements shall be properly executed between Mount Penn Borough and the applicant prior to municipal approval.

Section 405: Environmental Impact Assessment

- (A) If required by the Joint Zoning Ordinance or this Subdivision and Land Development Ordinance, a Phase I Environmental Impact Assessment (EIA) Report shall be completed by the applicant and submitted to Mount Penn Borough for review and consideration.
- (B) The Phase I EIA Report shall consider potential impacts relating to environmental, ecological and other natural features. Specific attention shall be provided to floodplains, wetlands, hydric soils, high water table soils, steep slopes, woodlands, carbonate geological formations, endangered habitats, biodiversity corridors and other natural features identified by Mount Penn Borough.
- (C) The Phase I EIA Report shall be prepared in accordance with the American Standards Testing Manual (ASTM), Standard Practice for Environmental for Phase I Environmental Site Assessments (E-1527-050).
- (D) All maps that are utilized as part of an EIA or are contained within the EIA Report shall be prepared at an appreciable scale utilizing information obtained from reliable sources. All such maps should accurately depict the location of the property and all proposed site improvements for the subdivision or land development plan.
- (E) The documentation presented as part of an EIA or included within an EIA Report shall be subject to the review and consideration by Mount Penn Borough as part of the proposed subdivision plan, land development plan, zoning variance application, special exception application, conditional use application and/or rezoning application.
- (F) Based upon the results of the Phase I EIA Report, a Phase II EIA Report may be required by Mount Penn Borough. The Phase II EIA Report shall be prepared in accordance with the American Standards Testing Manual (ASTM).

Section 406: Community Facilities Impact Assessment

- (A) A Community Facilities Impact Assessment (CFIA) shall be completed for all subdivision and land development applications. Where required by Mount Penn Borough, a formal report shall be submitted with the subdivision or land development application.
- (B) The CFIA shall consider potential impacts relating to community facilities and municipal services. Specific attention shall be provided to parks, recreation, open space, emergency management services, historical and cultural resources, educational facilities, and municipal services.
- (C) When a formal CFIA Report is not required by Mount Penn Borough, all such potential impacts, mitigation measures or other issues relating to the CFIA shall be adequately addressed with the appropriate agency, board, organization or authority.
- (D) When a formal CFIA Report is required by Mount Penn Borough, the format and contents of the CFIA should contain a detailed description of the proposed uses and activities, the potential impacts, and the recommended mitigation measures to be considered. The CFIA Report shall be submitted to the appropriate agency, board, organization or authority for review and consideration.
- (E) The documentation presented as part of a CFIA or included within a CFIA Report shall be subject to the review and consideration of Mount Penn Borough as part of the proposed subdivision plan, land development plan, zoning variance application, special exception application, conditional use application and/or rezoning application.

Section 407: Traffic Impact Assessment

- (A) A Traffic Impact Study (TIS) shall be submitted to Mount Penn Borough in the following conditions:
 - (1) A residential subdivision or land development which has or will have twenty-five (25) or more lots and/or dwelling units.
 - (2) A non-residential subdivision of five (5) or more lots.
 - (3) A non-residential land development containing 20,000 square feet or more of gross floor area.
 - (4) Any non-residential land development within one quarter (1/4) mile of an intersection involving an arterial road or two collector roads.
 - (5) Mount Penn Borough reserves the right to require a traffic study for any subdivision or land development other than a minor residential subdivision, lot annexation, and plan for revision to lot lines when Mount Penn Borough deems such a study necessary to adequately review the impact of the subdivision or land development on existing and proposed roads
 - (6) Mount Penn Borough may require that a TIS be completed as part of an initial application or as part of a supplemental application considering the cumulative impact of the development over time.
- (B) The TIS shall be prepared by a qualified professional traffic engineer with verified experience in preparing such transportation plans and studies.
- (C) The area for the TIS shall be based upon sound engineering judgment and an understanding of existing traffic conditions at the site as well as the area that is likely to be affected by the development. Prior to the commencement of work on the TIS, the applicant shall consult with Mount Penn Borough Engineer and Planning Consultant regarding the overall content of the TIS as well as the area to be studied as part of the TIS.
- (D) Unless otherwise directed by Mount Penn Borough, the TIS shall contain the following:
 - (1) The study area boundary and identification of the roadways included within the study area.
 - (2) A general description, including:

- (a) The size and location of existing and the proposed land use activity and dwelling types.
 - (b) Construction staging and the completion dates of the proposed development.
 - (c) Existing land uses, including any approved or proposed subdivision or land development activity that may have an impact.
 - (d) A description of the existing roadways and intersections (geometries and traffic signal control) as well as improvements contemplated by landowners, developers or governmental agencies.
 - (e) The TIS shall include documentation of the existing and proposed transit service within 1,000 feet of the site of the development.
- (3) Analysis of existing conditions, including:
- (a) Daily and Peak Hour(s) of Traffic Volumes. Schematic diagrams depicting daily and peak hour(s) traffic volumes within the study area. Turning movement and mainline volumes shall be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. The source and/or method of computation for all traffic volumes shall be included.
 - (b) Volume/Capacity Analysis 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 shall be described. The analysis shall be performed for existing conditions (roadway geometry and traffic signal control) for the appropriate peak hours.
 - (c) Level of Service at Critical Points. Based upon 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.
 - (d) A tabulation of accident locations during the most recent three-year period shall be provided.
- (4) Analysis of future conditions without the proposed development. The future year(s) for which projections are to be made shall be specified by Mount Penn Borough and will be dependent on the timing or phasing of the proposed development. The following information shall be included:
- (a) 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 specified by Mount Penn Borough in terms of location and times (daily and peak hours).
 - (b) Volume/Capacity Analysis at Critical Locations. The ability of the existing roadway system to accommodate future traffic (without site development) shall be described in this section. If roadway improvements or modifications are committed for implementation, the volume/capacity analysis shall be presented for these conditions. In 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.
 - (c) Levels of Service at Critical Points. Based upon the results obtained in the previous section, levels of service (A through F) shall be determined.
- (5) Trip Generation. The amount of traffic generated by the development shall be presented in this section for daily and three peak hour conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of Mount Penn Borough. Trip Generation (latest edition) published by the Institute of Transportation Engineers (ITE) shall be utilized.

- (6) 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 so that Mount Penn Borough can replicate these results.
 - (7) Traffic Assignment. This section shall describe the utilization of study area roadways by site generated traffic. The proposed traffic volumes shall be combined with the anticipated traffic volumes specified by the TIS in order to describe mainline and turning movement volumes for future conditions with the site developed in accordance with the implementation schedule for the proposed site improvements.
 - (8) 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 affecting traffic shall be considered. If staging of the proposed development is anticipated, analysis for each stage of completion shall be considered. The following information shall be included:
 - (a) 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.
 - (b) Volume/Capacity Analysis at Critical Points. A volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site developed as proposed.
 - (c) 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 for all movements.
 - (9) Recommended Improvements. In the event that the analysis indicated a decrease in the level of service for any movements will occur on study area roadways, a description of the proposed improvements to remedy the deficiencies shall be provided. These proposals should not include committed projects by Mount Penn Borough or the Commonwealth of Pennsylvania. The following information shall be included:
 - (a) Proposed Recommended Improvements. This section shall include the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Cost estimates shall be included for the recommended improvements.
 - (b) Volume/Capacity Analysis at Critical Points: An iteration of the volume/capacity analysis shall be described, which demonstrates the anticipated results of making these recommendations.
 - (c) Levels of Service at Critical Points. As a result of the revised volume/capacity analysis presented within the TIS, levels of service for the roadway system shall be presented.
 - (10) Conclusion. The last section of the TIS shall include a clear and concise description of the conclusions.
- (E) The applicant shall provide advanced notification to Mount Penn Borough Engineer and Planning Consultant regarding any meetings that may be scheduled with the Pennsylvania Department of Transportation.
 - (F) On-site traffic improvements may be required by Mount Penn Borough in order to control traffic patterns, to lessen traffic congestion, to facilitate the adequate provision for future community or transportation improvements, and/or when clearly in the interest of the public health, safety, or general welfare. On-site traffic improvements may include, but are not limited to, cartway widening, right-of-way dedication, shoulder stabilization, vertical or horizontal curve realignment, grading and/or traffic control devices. The TIS shall include a list of recommendations for on-site traffic improvements and shall assure safe interior circulation patterns by separating vehicular and pedestrian traffic within the site whenever possible.
 - (G) On-site pedestrian improvements may be required by Mount Penn Borough in to order to improve non-motorized modes of transportation, and/or when clearly in the interest of the public health, safety, or general welfare. On-site traffic improvements may include, but are not limited to, sidewalks, crosswalks, bicycle lanes, walking trails and handicapped ramps. The TIS shall include a list of recommendations for pedestrian improvements.

- (H) The applicant shall incur the cost of all required TIS as well as all on-site traffic and pedestrian improvements that may be required by Mount Penn Borough and/or the Pennsylvania Department of Transportation.
- (I) The documentation, analysis and recommendations presented within the TIS shall be subject to the review and consideration of Mount Penn Borough, as part of the proposed subdivision plan, land development plan, zoning variance application, special exception application, conditional use application and/or rezoning application

Section 408: Utility Impact Assessment

- (A) A Utility Impact Assessment (UIA) shall be completed for all subdivision and land development applications. Where required by Mount Penn Borough, a formal report shall be submitted with the subdivision or land development application.
- (B) The UIA shall consider potential impacts relating to sewage disposal, water supply and other utility services. Specific attention shall be provided to the capacities and condition of the existing utility infrastructure as well as the ability to accommodate the additional utility demands of the subdivision or land development.
- (C) When a formal UIA Report is not required by Mount Penn Borough, all such potential impacts, mitigation measures or other issues relating to the UIA shall be adequately addressed with the appropriate agency, board, organization or authority.
- (D) When a formal UIA Report is required by Mount Penn Borough, the format and contents of the UIA should contain a detailed description of the proposed uses and activities, the potential impacts and the recommended mitigation measures to be considered.
- (E) The documentation presented as part of a UIA or included within a UIA Report shall be subject to the review and consideration of Mount Penn Borough as part of the proposed subdivision plan, land development plan, zoning variance application, special exception application, conditional use application and/or rezoning application.
- (F) Where considered appropriate by Mount Penn Borough, the UIA Report shall be submitted to the appropriate agency, board, organization or authority for review and consideration

Section 409: As-Built Plans or Improvement Plans

- (A) Upon the completion of all site improvements required by the approved final plan and subsequent improvements agreement, the applicant or any successor of interest to the applicant, shall supply Mount Penn Borough with a complete set of as-built plans or improvement plans for the entire tract showing all lot lines as deeded and all surface and subsurface improvements as actually constructed.
- (B) The as-built plans or improvement plans shall be prepared at the same scale as the approved final plan.
- (C) The as-built plans shall be made on sheets no smaller than twenty-four (24) inches by thirty-six (36) inches and no greater than thirty (30) inches by forty-two (42) inches.
- (D) The applicant or any successor of interest to the applicant shall submit the as-built plans or improvement plans to Mount Penn Borough for review and consideration prior to the acceptance of any municipal improvements within the development. The as-built plans or improvement plan shall contain the following information:
 - (1) Street cartway and right-of-way, including the width, horizontal curves, vertical curves, curb radius, transitions for the cartway and curb, and center line road grades;
 - (2) Sidewalks, crosswalks and handicapped ramps, including the location, width and alignment;
 - (3) Driveways and curb cuts, including the locations and widths;
 - (4) Curbs, including elevations along all transitions involving horizontal curves and intersections;

- (5) Street monuments with elevations;
- (6) Public utilities, including gas, electric, cable and telephone;
- (7) Stormwater management facilities, including all detention basins, retention basins, infiltration trenches, pipes, catch basins, manholes, outlet structures, emergency spillways, berms and all other structures, with locations, elevations, dimensions, widths, lengths, slopes, inverts, volume and material;
- (8) Erosion and sedimentation control facilities, including location, type and specifications for permanent facilities;
- (9) Sanitary sewer facilities, including treatment facilities, pump stations, collection and conveyance facilities, manholes, clean-outs and laterals, with locations, dimensions, widths, lengths, slopes, inverts and material;
- (10) Water supply facilities, including treatment facilities, booster pump stations, mains, valves, fire hydrants, service lines, and connections, with locations, dimensions, widths, lengths, slopes, inverts and material;
- (11) Streetlights, including location, type, size and intensity;
- (12) Street and traffic control signs, including location, type and size;
- (13) Street addresses for each lot or building;
- (14) Landscaping and planting materials, including location, diameter and size;
- (15) Easements and rights-of-way, including location, width, description and purpose;
- (16) Tract boundaries and lot lines, including locations and descriptions;
- (17) Any additional information required by Mount Penn Borough Engineer and Planning Consultant.

(E) The following wording shall be required to be placed on the as-built plans or improvement plans:

- (1) Well and sewage disposal systems shall be constructed in accordance with standards of the Pennsylvania Department of Environmental Protection.
- (2) Individual owners of lots must receive approval from Mount Penn Borough for a sewage permit prior to undertaking the construction of an on-lot sewage disposal system or building that will need to be served by such a system.
- (3) Mount Penn Borough has not passed upon the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage system.
- (4) All on-site sewage disposal easements shall remain free and clear of all encroachments including, but not limited to, sheds, buildings or other structures. No grading without the prior written permission of Mount Penn Borough.
- (5) Mount Penn Borough shall have the right, but not the duty, to replace or maintain any drainage facilities shown within the easement(s) provided on the lot(s) at the lot owner's expense.
- (6) All drainage easements shall remain free and clear of all impediments including, but not limited to, sheds, fences, trees, shrubs, or other plantings or structures. No grading without the prior written permission of Mount Penn Borough shall be permitted.
- (7) Mount Penn Borough shall have the right to inspect the drainage facilities located on the lot(s) from time to time as deemed necessary.

(F) Mount Penn Borough shall review the as-built plans to determine if they are complete and acceptable. Upon determining if the as-built plans are acceptable, the applicant or developer shall provide Mount Penn Borough with the following:

- (1) One (1) complete mylar set of as-built plans or improvement plans;
- (2) Three (3) complete paper copies of the as-built plans or improvement plans, of which one (1) complete set shall be recorded with the Berks County Recorder of Deeds;
- (3) One (1) complete copy of the as-built plans or improvement plans in an electronic format acceptable to Mount Penn Borough; and
- (4) An aerial photograph of the project site extending five hundred (500) feet beyond the tract boundaries shall be provided at a scale of 1"=200' or larger.

Article 5: Design Standards and Specifications

Section 501: Statement of Intent

- (A) Article 5 of this Subdivision and Land Development Ordinance provides the design standards and specifications of the improvements for all proposed subdivision plans or land development plans within Mount Penn Borough.
- (B) The provisions established for design standards and specifications, as established under this Subdivision and Land Development Ordinance shall be subject to the interpretation of Mount Penn Borough. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with Mount Penn Borough. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of Mount Penn Borough.
- (C) The design standards and specifications contained within Article 5 are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by Mount Penn Borough in reviewing all subdivision plans and land development plans.
- (D) Whenever other regulations established by Mount Penn Borough impose more restrictive standards, specifications and requirements than those contained herein, such other regulations shall prevail.
- (E) Where, in the opinion of Mount Penn Borough after consulting with their appointed engineer, planning consultant, zoning officer and solicitor that the literal application of these design standards and/or required improvements would, in certain cases, cause undue hardship and/or is clearly unreasonable, Mount Penn Borough may consider reasonable exceptions. All such exceptions shall be consistent with the purpose statements and community development objectives of this Subdivision and Land Development Ordinance and shall be the minimum relief necessary to achieve the desired results. Mount Penn Borough shall have the power to grant such exceptions, as recommended by the Planning Commission, upon written request by the applicant. The written request submitted by the applicant shall include the section number, requirement, relief being requested, and justification for the request.
- (F) The design standards and specifications identified within this Subdivision and Land Development Ordinance may be modified in the case of plans for complete communities, neighborhood units or other large scale developments which, in the opinion of Mount Penn Borough, achieve substantially the objectives of these regulations and which are further protected by such covenants or other legal provisions as will assure conformity to and achievement of the subdivision or land development plan.
- (G) Land subject to hazards of life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided or developed unless such hazards have been eliminated or unless the subdivision or land development plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.
- (H) Subdivision and land development plans shall give due recognition to the Joint Comprehensive Plan, the Joint Zoning Ordinance, and other planning or land use document that has been adopted by Mount Penn Borough.
- (I) All proposed improvements that are to be considered as part of the subdivision or land development shall be planned and designed with consideration to nearby developments or neighborhoods. Mount Penn Borough may advise the applicant to include special notes or design criteria that should be added to the plan.
- (J) All required improvements that are required to support a subdivision or land development shall be installed by the applicant or developer in accordance with the provisions of this Subdivision and Land Development Ordinance and the Pennsylvania Municipalities Planning Code.

Section 502: Street Design Standards

- (A) **General Standards:** The following general design standards shall be applied to the proposed streets and transportation system providing service to a subdivision or land development:
- (1) The location, arrangement, extent, grade and width of all streets shall conform to the Joint Comprehensive Plan, Official Map and/or to all other "transportation plans", or such parts thereof, as may have been adopted by Mount Penn Borough.
 - (2) All proposed subdivisions or land developments applications shall have adequate access to the public street system of Mount Penn Borough.
 - (3) The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets, but in no case at less than the required minimum width identified within this Subdivision and Land Development Ordinance.
 - (4) Where, in the opinion of Mount Penn Borough, it is desirable to provide for street access to an adjoining property, street stubs shall be extended to the boundary of such property. The street stub shall meet the width requirements for a minor street or cul-de-sac street. The developer of the tract shall properly grade the street stub and provide an eight (8) inch stone base. The street stub or right-of-way shall be granted as an easement to Mount Penn Borough.
 - (5) If required by Mount Penn Borough, new minor streets shall be designed and located to facilitate through traffic. In addition, the applicant shall give consideration to the extension and continuation of collector streets into and from adjoining properties.
 - (6) Where a proposed subdivision or land development is of sufficient size to warrant an interior circulation system, a clear hierarchy of streets shall be designed and established and noted on the plan.
 - (7) Where a subdivision abuts an existing street of improper width, grade or alignment, Mount Penn Borough may require the dedication of land sufficient to widen the existing street, or correct the improper grade or alignment.
 - (8) Proposed streets shall be logically adjusted to the topographic conditions of the site so as to produce reasonable grades, proper drainage, sufficient erosion control and suitable building sites.
 - (9) Proposed streets shall be laid out to avoid environmentally sensitive areas such as floodplains, wetlands, riparian buffers, wellhead protection zones, sinkholes and steep slopes.
 - (10) Whenever a subdivision or land development encroaches upon the legal right-of-way of a state highway, a Highway Occupancy Permit shall be required from the Pennsylvania Department of Transportation for the encroachment and related site improvements.
 - (11) Whenever a tract to be subdivided or developed abuts or contains an arterial or a major collector street, Mount Penn Borough may require restriction of access to the street by one or more of the following methods:
 - (a) Provision of reverse frontage lots;
 - (b) Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or major collector streets;
 - (c) Provision of marginal access streets, provided that the reverse strips establishing such marginal access streets shall be placed within the jurisdiction of Mount Penn Borough;
 - (d) Provision of an internal street system on which the proposed lots would have frontage and access; or
 - (e) The restriction of ingress and egress involving left-hand turns onto or off of the arterial or major collector street.

- (12) Private streets (streets not to be offered for dedication) are prohibited, unless they meet the design standards of these regulations and are constructed to the specifications of Mount Penn Borough.
- (13) Dead-end streets are prohibited, unless designed and constructed as cul-de-sac streets.
- (14) New half or partial streets shall be prohibited.
- (15) Whenever a tract to be subdivided or developed borders on an existing half or partial street, the other part of the street shall be platted within such tract.
- (16) Service streets (alleys) are prohibited in developments containing single family dwelling units, except where required to avoid direct access onto an arterial street.
- (17) Service streets (alleys) may be permitted in developments containing multi-family dwelling units (townhouses and apartments) and non-residential land uses, provided that the service street is not the primary access point to the development. Where permitted, the service street shall have a minimum paved width of sixteen (16) feet.
- (18) The developer of any residential land development or subdivision involving fifteen (15) or more dwelling units shall contact the Antietam School District prior to municipal approval to establish an acceptable safe and convenient location for a school bus stop.
- (19) A matrix chart summarizing the design standards and specifications for proposed streets servicing a subdivision or land development has been included within Appendix C of this Subdivision and Land Development Ordinance. The provisions specified within this matrix chart shall be subject to the interpretation of Mount Penn Borough.

(B) **Street Widths:** The width or profile view of all proposed streets shall be designed in accordance with the following requirements:

- (1) Minimum streets right-of-way and cartway widths shall conform to all transportation plans, or such parts thereof, as may have been adopted by Mount Penn Borough or the Commonwealth of Pennsylvania. If not shown on such plans, the required right-of-way and cartway widths shall be as follows:

Street Width Requirements				
Functional Street Classification	Right-Of-Way	Cartway	Parking Lane	Shoulder
Minor/ Local Access Street ⁽¹⁾	50 feet	18 feet	8 feet per side	0 feet
	50 feet	24 feet	No Parking	8 feet per side
Cul-De-Sac Street ⁽¹⁾	50 feet	18 feet	8 feet per side	0 feet
	50 feet	24 feet	No Parking	8 feet per side
Collector Street ⁽²⁾	60 feet	24 feet	No Parking	8 feet per side
Arterial Street ⁽²⁾	80 feet	12 feet per lane	No Parking	10 feet per side
Marginal Access Street ⁽²⁾	33 feet	24 feet	No Parking	0 feet
<p>(1) Denotes that the design criteria shall be subject to the approval of Mount Penn Borough.</p> <p>(2) Denotes that the design criteria shall be subject to the approval of Mount Penn Borough and/or the Pennsylvania Department of Transportation.</p>				

- (2) Additional right-of-way and cartway widths may be required by Mount Penn Borough for the purpose of promoting the public safety and convenience, or to provide on-street parking for certain developments.
- (3) Where a subdivision or land development abuts or contains an existing street of inadequate right-of-way width and/or cartway width, additional right-of-way width and/or cartway width shall be dedicated and/or constructed to conform with the standards of this Subdivision and Land Development Ordinance.
- (4) Where a subdivision or land development abuts or contains an existing street of inadequate horizontal and/or vertical alignment, Mount Penn Borough may require additional right-of-way width or cartway width in order to improve public safety.

(C) **Centerline Road Grades:** The centerline road grades shall be designed in accordance with the following requirements:

- (1) With the exception of approaches at or through any street intersection, the minimum and maximum centerline road grade shall comply with the following design requirements:

Centerline Road Grade Requirements		
Functional Street Classification	Minimum Requirement	Maximum Requirement
Minor or Local Access Street	1 percent	10 percent
Cul-De-Sac Street	1 percent	10 percent
Collector Street	1 percent	8 percent
Arterial Street	1 percent	8 percent
Marginal Access or Service Street	1 percent	10 percent

- (2) All approaches to a controlled intersection shall have a leveling area not exceeding five (5) percent in grade for a distance of one hundred (100) feet, as measured from the centerline of the intersecting street. The approaches to an uncontrolled intersection shall be subject to the approval of Mount Penn Borough.
- (3) A crown or cross-slope shall be maintained with a minimum slope of 2.08 percent or ¼ inch per foot, as designed from the centerline to the curb or edge of the cartway. The crown or cross-slope shall be increased if required by Mount Penn Borough.

(D) **Horizontal and Vertical Curves:** The horizontal and vertical street curves shall be designed in accordance with the following requirements:

- (1) Whenever street lines are deflected in excess of two (2) degrees, the connection of such street lines shall be made by horizontal curve.
- (2) Whenever the algebraic difference of the centerline street grade exceeds one (1) percent, a vertical curve shall be designed to provide sufficient sight distance.
- (3) All proposed horizontal and vertical street curves shall be designed in accordance with the following minimum requirements:

Horizontal and Vertical Street Curve Requirements			
Design Speed (Miles/Hour)	Minimum Sight Distance	Minimum centerline radii for horizontal curves	Minimum sight distance for vertical curves
20 MPH	125 feet	100 feet	125 feet
25 MPH	150 feet	125 feet	150 feet
30 MPH	200 feet	200 feet	200 feet
35 MPH	250 feet	390 feet	250 feet
40 MPH	325 feet	400 feet	325 feet
45 MPH	400 feet	500 feet	400 feet
50 MPH	475 feet	600 feet	475 feet
55 MPH	550 feet	700 feet	550 feet

- (4) A tangent of no less than one hundred (100) feet, as measured along the street centerline, shall be provided between all horizontal street curves.
- (5) To the greatest extent possible, combinations of the minimum horizontal and vertical street curves shall be avoided.
- (6) Where in the best interest of the health, safety or general welfare of the community, Mount Penn Borough may require greater horizontal or vertical curve lengths in order to overcome obstacles such as, but not limited to, centerline street grades, street alignments, functional speed limits, existing land uses and proposed land development activities.

(E) **Street Intersections and Curb Radii:** The proposed street intersections shall be designed in accordance with the following requirements:

- (1) The centerlines of streets shall intersect at right angles unless existing conditions dictate otherwise. No street shall intersect another street at an angle of less than 70 degrees or more than 120 degrees.
- (2) Street intersections should be designed in a manner so the intersecting roads are directly opposite from each other. No more than two (2) streets shall intersect at the same point.
- (3) The minimum separation distance between street intersections shall be based upon the functional classification of the road to which the proposed street intersection is planned. The following design requirements shall apply to the minimum separation distance between the centerlines of all proposed street intersections and the minimum curb radii at all proposed street intersections.

Street Intersection and Curb Radius Requirements		
Functional Street Classification	Minimum separation distance between street intersections	Minimum tangential arc for each curb radius
Minor or Local Access Street	200 feet	20 feet
Cul-De-Sac Street	200 feet	20 feet
Collector Street	500 feet	30 feet
Arterial Street	1,000 feet	40 feet
Marginal Access or Service Street	100 feet	15 feet

(4) All proposed street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

(5) Where in the best interest of the health, safety or general welfare of the community, Mount Penn Borough may require greater isolation distances and curb radii in order to overcome obstacles such as, but not limited to, centerline street grades, street alignments, functional speed limits, existing land uses and proposed land development activities.

(F) **Street Intersection Capacity:** In order to provide safe and efficient modes of transportation, all subdivision and land development plans shall be designed in accordance with the following design criteria:

- (1) Developments containing (20) residential units or less in complete build-out of all phases shall be designed to provide at least one (1) point of vehicular ingress and egress along an existing public road in order to accommodate the anticipated traffic volumes. If required by Mount Penn Borough, a boulevard entrance or emergency access lane shall be designed for the development.
- (2) Developments containing between twenty-one (21) residential units and forty (40) residential units in complete build-out of all phases shall be designed to provide at least two (2) points of vehicular ingress and egress along an existing public road in order to accommodate the anticipated traffic volumes. The points of ingress and egress shall be separated by at least five hundred (500) linear feet of road frontage.
- (3) Developments containing between forty-one (41) residential units and one hundred (100) residential units in complete build-out of all phases shall be designed to provide at least two (2) points of vehicular ingress and egress along an existing public road in order to accommodate the anticipated traffic volumes. The points of ingress and egress shall be separated by at least five hundred (500) linear feet of road frontage and shall be capable of serving all of the residential units within the development. At least one (1) point of ingress and egress shall be located within one thousand (1,000) feet a collector or arterial road, which shall be capable of providing safe and convenient vehicular access to the collector or arterial road.
- (4) Developments containing more than one hundred (100) residential units in complete build-out of all phases shall be designed to provide at least three (3) points of vehicular ingress and egress along an existing public road in order to accommodate the anticipated traffic volumes. The points of ingress and egress shall be separated by at least five hundred (500) linear feet of road frontage and shall be capable of serving all of the residential units within the development. At least one (1) point of ingress and egress shall be safely designed to provide direct access onto a collector or arterial road.
- (5) If required by Mount Penn Borough, the use of a boulevard entrance or emergency access lane shall be designed for the development. The boulevard entrance or emergency access lane shall not be used to replace the design requirements specified by the Subdivision and Land Development Ordinance.
- (6) The intersection capacity for non-residential developments shall be based upon volume of traffic and level of service, which shall be accounted for in the Traffic Impact Study.

(G) **Clear Sight Triangles:** Clear sight triangles shall be provided at all street intersections in order to improve and maintain sight distance and visibility at the intersection. Within such triangles, nothing, except permitted street signs, traffic lights or signs, utility poles and mail boxes, which impedes vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow. Such triangles shall be established as follows:

- (1) For intersections involving a minor street, the dimension of the clear sight triangle shall be established for a distance of seventy-five (75) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- (2) For intersections involving a collector street, the dimension of the clear sight triangle shall be established for a distance of one hundred (100) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.

- (3) For intersections involving an arterial street, the dimension of the clear sight triangle shall be established for a distance of one hundred and fifty (150) feet, as measured from the middle of the intersection or where the centerlines of the intersecting streets cross.
- (H) **Sight Distance:** All proposed intersections shall have sufficient horizontal and vertical sight distance in order to provide a safe and convenient point of ingress and egress. The following provisions shall apply:
- (1) Sight distance measurements shall be made in each direction from a point 10 feet from the edge of the cartway and 3.5 feet above the road surface to a point 3.5 feet above the centerline of the road.
 - (2) The minimum sight distance requirements shall be based on the functional classification, speed limit and grade of the intersecting street, utilizing the latest standards of the American Association of State Highway and Transportation Officials (AASHTO) and the Pennsylvania Department of Transportation.
 - (3) A summary chart of the minimum sight distance requirements has been included within Appendix C of this Subdivision and Land Development Ordinance. Mount Penn Borough and/or the Pennsylvania Department of Transportation may require additional sight distance than those referenced on the summary chart by considering the functional classification of the road, traffic volumes, vehicular speed, pedestrian movements, land use and other relevant site conditions.
- (I) **Cul-De-Sac Streets:** The following provisions shall apply to the design of cul-de-sac streets:
- (1) Cul-de-Sac streets may be permitted if the physical development conditions and/or the tract configuration of the site limit the design options for a "through street" or a "loop street".
 - (2) Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.
 - (3) Any street dead-ended for access to an adjoining property or because of authorized stage development shall be provided with a temporary, all-weather turnaround, within the subdivision, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.
 - (4) Cul-de-Sac streets, permanently designed as such, shall not exceed one thousand (1,000) feet in length and shall not furnish access to more than twenty (20) dwelling units.
 - (5) Cul-de-Sac streets, permanently designed as such, shall have a minimum length of two hundred and fifty (250) feet measured from the edge of the cartway of an intersecting street to the center of the bulb of the cul-de-sac.
 - (6) Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width. Alternative designs may be considered by Mount Penn Borough, provided that such design does not limit accessibility to other parcels of land
 - (7) The center line grade on a cul-de-sac street shall not exceed ten (10) percent, and the grade of the diameter of the turnaround shall not exceed five (5) percent.
 - (8) All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround, having a minimum radius of fifty (50) feet. The right-of-way shall have a minimum radius of sixty (60) feet.
 - (9) Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, water shall be conducted away in an underground storm sewer or other means acceptable to Mount Penn Borough.

Section 503: Street Construction and Improvement Specifications

- (A) All proposed streets shall be graded, improved and surfaced to the grades and dimensions on the approved plans, profiles and cross-sections.
- (B) All proposed streets shall be constructed and improved in accordance with the standards and specifications adopted by Mount Penn Borough and/or as specified by the Mount Penn Borough Engineer.
- (C) Additional right-of-way and cartway widths, beyond what is required within this Subdivision and Land Development Ordinance, may be required by Mount Penn Borough in order to control traffic patterns, to lessen traffic congestion, to facilitate the adequate provision for future community or transportation improvements, and/or when clearly in the interest of the public health, safety, or general welfare.
- (D) Where a subdivision or land development abuts or contains an existing street of inadequate horizontal and/or vertical alignment, Mount Penn Borough may require adjustments in order to improve public safety.
- (E) All storm drainage facilities located within the ultimate right-of-way shall be designed and constructed in accordance with the provisions established by Mount Penn Borough.

Section 504: Street Names and Addresses

- (A) All proposed street names shall be subject to the approval of Mount Penn Borough, the Berks County Emergency Management Coordinator and the Postmaster having jurisdiction.
- (B) Proposed streets, which are obvious extensions of existing streets shall bear the same name as the existing street.
- (C) In no case shall the name of a street be duplicated within Mount Penn Borough and/or in the same postal district(s), irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court or lane.
- (D) Prior to municipal approval, street addresses should be assigned to all proposed lots and/or uses identified on the subdivision plan or land development plan.

Section 505: Street Signs and Lighting

- (A) All street signs, including but not limited to traffic control signs, street signs, and directional signs, shall be acquired and installed by the applicant. All such street signs shall meet the minimum requirements of Mount Penn Borough, the Pennsylvania Department of Transportation and the American Disabilities Act.
- (B) Where traffic control signs are required, the applicant shall prepare and submit the required documentation for procuring approval by Mount Penn Borough and/or the Pennsylvania Department of Transportation.
- (C) Streetlights shall be required for all proposed developments where public or private roads are to be constructed. The following chart depicts the lighting intensity requirements:

Streetlight Intensity Requirements by Type of Development and Zoning District				
Type of Development	Zoning District	Lighting Intensity Measurement in Footcandles		
		Minimum	Average	Maximum
Residential Developments ⁽¹⁾	RC, R-1 and R-2	0.2	0.4	2.4
Residential Developments	R-3, R-4 and R-5	0.2	0.4	2.4
Non-Residential Developments	C-1, C-2 and I-1	0.2	0.9	5.4
(1) Denotes that the provision may be waived if the density for the development is less than or equal to one (1) dwelling unit per acre and/or if the site conditions do not warrant street lighting throughout the development.				

- (D) Streetlights shall be provided at all street intersections and along road segments to comply with the streetlight intensity requirements specified by Section 505(C) of this Subdivision and Land Development Ordinance.
- (E) Mount Penn Borough may require additional streetlights in order to provide safe and convenient vehicular and/or pedestrian circulation.
- (F) The applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the proposed streetlights within the development and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare, both on the use or development site and on adjacent properties.
- (G) The type, quantity, positioning and illumination of the selected streetlight shall be subject to the review of Mount Penn Borough.
- (H) Electrical installations for all streetlights shall be in accord with prevailing regulations and specifications by the local utility company providing service. It shall be the responsibility of the contractor or his agent to have final construction by an electrical inspection agency and a written report attesting this fact shall be submitted to Mount Penn Borough and the local utility company providing service.

Section 506: Blocks, Lots and Parcels

- (A) The length, width and shape of blocks shall be determined with due regard to zoning requirements, topographic conditions, environmentally sensitive lands, and requirements for safe and convenient vehicular and pedestrian circulation. Unless otherwise permitted by Mount Penn Borough the following provisions shall apply:
 - (1) Blocks shall have a maximum length of two thousand (2,000) feet and a minimum length of five hundred (500) feet.
 - (2) In the design of blocks longer than one thousand (1,000) feet special consideration shall be given to the requirements of satisfactory fire protection and pedestrian accessibility.
 - (3) Residential blocks shall be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots are required along a major collector or arterial street, or where prevented by physical site conditions.
 - (4) Blocks in non-residential areas may vary from the design criteria indicated above if the applicant demonstrates that the alternative design is essential to the proposed development. In all cases, however, adequate provisions shall be made for off-street parking, loading areas and traffic circulation.
- (B) The size, shape and orientation of proposed lots shall be appropriate for the type of development and use contemplated. Unless otherwise permitted by Mount Penn Borough, the following provisions shall apply:
 - (1) Lots shall conform to the applicable minimum lot sizes, lot widths and setback requirements as set forth within the Joint Zoning Ordinance.
 - (2) Side lot lines shall be at right angles to street line tangents or radial to street line curves.
 - (3) The depth to width ratio of a residential lot shall not be less than 1 to 1 or greater than 3 to 1. Lot width shall be measured at the minimum building setback line and lot depth shall be the mean depth of irregularly shaped lots. Lots with an area more than three (3) times greater than the minimum lot area, as designated within the Joint Zoning Ordinance for the zoning district in which the lot is located, may exceed the 3 to 1 depth to width requirement.
 - (4) The depth to width ratio of lots designated for non-residential land development shall be adequate for the land use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, buffer yards and landscaping.

- (5) Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.
- (6) Where feasible, lots shall be orientated and sited to take advantage of solar energy.
- (7) Double or reverse frontage lots shall be avoided except as needed to avoid direct vehicular access onto an arterial or major collector street by individual driveways, or to overcome physical site conditions. All permitted residential reverse frontage lots shall have frontage onto a minor or minor collector street. The rear yard setback shall be established fifty (50) feet from the ultimate right-of-way line of the arterial or major collector street. Between the rear yard setback and the ultimate right-of-way line, a ten (10) foot wide planting screen easement shall be established in order to prohibit vehicular access onto the arterial or major collector street. The easement shall contain evergreen plantings meeting the standards of the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance.
- (8) The minimum lot width and front yard setback requirements shall be applied to each street on which the lot has frontage.
- (9) In cases in which a pre-existing lot of record is changed or converted into a corner lot, as the result of an adjacent subdivision or land development, the front yard of the pre-existing lot shall be established along the public street to which it originally had frontage as well as along the proposed or new road to which it will have frontage. The new road shall not create a non-conforming front yard on the existing lot of record. All other setback requirements shall conform with the appropriate side and rear yard setback requirements for the zoning district to which the pre-existing lot is located.

Section 507: Curbs, Sidewalks, Trails and Greenways

- (A) Vertical concrete curbs shall be required for all subdivision plans and land development plans in accordance with the following provisions:
 - (1) Vertical concrete curbs shall be installed along both sides of all proposed streets.
 - (2) Where in the interest to control drainage or traffic patterns, curbs shall be installed along an existing or exterior street on which a subdivision or land development abuts.
 - (3) Vertical curbs shall be installed within common parking areas for developments containing townhouses, apartments or non-residential uses.
 - (4) Vertical curbs shall be constructed and improved in accordance with the standards and specifications adopted by Mount Penn Borough or as specified by the Mount Penn Borough Engineer.
- (B) Sidewalks shall be required for all subdivision plans and land development plans in accordance with the following provisions:
 - (1) Sidewalks shall be installed along both sides of the cartway for all residential subdivisions and land developments when the gross residential density is greater than two (2) dwelling units per acre or when zoning district regulations permit the gross residential density to exceed two (2) dwelling units per acre.
 - (2) Sidewalks shall be installed along one side of the cartway in all residential subdivisions and land developments when the gross residential density is greater than one (1) dwelling unit per acre but less than two (2) dwelling units per acre or when zoning district regulations permit the gross residential density to exceed one (1) dwelling unit per acre.
 - (3) At the discretion of Mount Penn Borough, a concrete or macadam pedestrian trail shall be installed along one side of the cartway in all subdivisions (except where the lot width exceeds 200 feet) and land developments when the gross residential density is less than one (1) dwelling unit per acre or when zoning district regulations do not permit the gross residential density to exceed one (1) dwelling unit per acre. The pedestrian trail or pathway shall be at least five (5) feet in width.

- (4) A greenway or natural trail shall be required for all subdivisions and land development that are not required to provide sidewalks or impervious trails. The greenway or natural trail should be designed along the cartway or within areas designated as common open space. The location, width, composition and design specifications for all proposed greenways and natural trails shall be subject to the approval of Mount Penn Borough.
- (5) Sidewalks shall be integrated as part of the design for all non-residential subdivision and land development plans. If required, the sidewalks shall be located as follows: along the street to which the subdivision or land development has access; within the off-street parking areas; and to the main entrance(s) of the principal building(s).
- (6) Where in the interest of public safety, sidewalks or a pedestrian pathway shall be installed along an existing or exterior street on which a residential subdivision or land development abuts.
- (7) Sidewalks, trails and greenways shall be constructed and improved in accordance with the standards and specifications adopted by Mount Penn Borough or as specified by the Mount Penn Borough Engineer. All such improvements shall Uniform Construction Code, the Americans with Disabilities Act and all other pertinent state or federal laws.
- (C) Handicapped ramps shall be provided at all street intersection and crosswalks. All such handicapped ramps shall comply with the standards specified by Mount Penn Borough, the Uniform Construction Code, the Americans with Disabilities Act and all other pertinent state and federal laws.
- (D) Crosswalks shall be required whenever necessary to facilitate pedestrian circulation and to provide access to community facilities. All such crosswalks shall have a minimum width of ten (10) feet, which shall include a delineated pedestrian lane with a minimum width of five (5) feet. All such crosswalks shall comply with the standards specified by Mount Penn Borough, the Uniform Construction Code, the Americans with Disabilities Act and all other pertinent state and federal laws.

Section 508: Monuments and Markers

- (A) Monuments, as defined under Article 2 of this Subdivision and Land Development Ordinance, shall be accurately placed at the following locations within a development:
 - (1) At all external property corners forming the perimeter of the development;
 - (2) At the front corners of each lot at the required or ultimate right-of-way line.
 - (3) At each proposed street intersection;
 - (4) At the beginning and end of all horizontal street curves;
 - (5) At such places where topographical or other site conditions make impossible to establish a line of sight between two (2) otherwise required monuments; and
 - (6) At locations deemed necessary by Mount Penn Borough Engineer and Planning Consultant.
- (B) Property markers, as defined under Article 2 of this Subdivision and Land Development Ordinance, shall be accurately set at the following locations within a development:
 - (1) At all property corners and at all changes in course direction along a deed line;
 - (2) At all changes in course direction along the legal or ultimate right-of-way of an existing street; and
 - (3) At locations deemed necessary by Mount Penn Borough Engineer and Planning Consultant.

- (C) All required monuments and markers shall be accurately set by a professional engineer or land surveyor, who shall be registered within the Commonwealth of Pennsylvania.
- (D) Tract monuments existing prior to subdivision or land development shall not be removed or replaced unless damaged.

Section 509: Driveways and Access Lanes

- (A) All driveways and access lanes shall be located, designed and constructed in accordance with the applicable standards specified by Mount Penn Borough. Unless otherwise specified, the following specific provisions shall apply:
 - (1) All proposed driveways and access lanes serving a residential use located within the RC, R-1 and R-2 Zoning Districts shall be paved a minimum distance of forty (40) feet from the edge of the cartway to a designated off-street parking area for the residential use.
 - (2) All proposed driveways and access lanes serving a residential use located within the R-3, R-4, R-5, C-1, C-2 and I-1 Zoning Districts shall be paved a minimum distance of twenty (20) feet from the edge of the cartway to a designated off-street parking area for the residential use
 - (3) All proposed driveways, access lanes, parking areas and loading areas serving a non-residential use shall be paved.
 - (4) All driveways and access lanes serving agricultural or conservation uses within the RC, R-1 and R-2 Zoning Districts shall be maintained in a mud-free condition.
 - (5) The maximum centerline grade of any residential driveway or access lane shall not exceed twelve (12) percent.
 - (6) All driveways and access lanes shall be designed and constructed with a leveling area not to exceed a centerline grade of five (5) percent, as measured twenty (20) feet from the edge of the cartway of the public road to which the driveway or access land has access.
 - (7) Where a lot within an approved subdivision or land development plan fronts on either the arc of the curve of a public road or on a cul-de-sac bulb, the required driveway or part thereof, including any turnaround area, shall be located a minimum of five (5) feet from a property boundary line.
 - (8) Driveways serving residential uses shall have a minimum width of ten (10) feet and a maximum width of twenty-four (24) feet.
 - (9) Driveways serving non-residential uses shall have a minimum width of twelve (12) feet per travel lane and a maximum width of thirty-six (36) feet.
 - (10) Driveways or access lanes entrances shall not intersect the existing or proposed streets to which they intersect at angles of less than 60 degrees nor more than 120 degrees.
 - (11) In order to provide a safe and convenient point of ingress and egress, driveway entrances should be rounded with a minimum radius of five (5) feet.
- (B) All proposed driveways and related improvements shall be located, designed and constructed in order to control stormwater run-off, prevent sedimentation of public roads, maintain the structural stability of public roads, maintain the existing drainage patterns of the area and prevent undue traffic hazards.
- (C) Where required by Mount Penn Borough, a driveway pipe shall be installed under the driveway or access lane. The following minimum requirements shall apply:
 - (1) The applicant shall be responsible for the design, permitting, purchase and installation of the pipe.
 - (2) The design shall be submitted to Mount Penn Borough review and consideration. Where required, permits should be issued as part of the subdivision or land development plan.

- (3) If required, the design shall be submitted to the Pennsylvania Department of Environmental Protection and the Berks County Conservation District for their review and approval.
 - (4) The pipe material should be either reinforced concrete or smooth bore polyethylene meeting pipe, which shall be installed in accordance with the manufactures specifications. Unless otherwise permitted by Mount Penn Borough Engineer, the minimum diameter of the pipe should be fifteen (15) inches or an equivalent capacity and shall be installed with a minimum grade of one-half (0.5) percent.
- (E) No residential use shall have more than one (1) vehicular access point to a public road. In order to reduce the number of curb cuts along a given road, Mount Penn Borough may permit adjoining or common driveways.
- (F) A common or shared driveway may provide access to not more than three (3) residential lots within the RC, R-1 and R-2 Zoning Districts. If permitted, the following provisions shall apply:
- (1) The common driveway shall only be established if the property has frontage along a public road.
 - (2) The common driveway shall be located within a fifty (50) foot wide access easement or right-of-way
 - (3) The common driveway shall be paved at least sixteen (16) feet in width for the entire length that it is serves more than (1) residential use
 - (4) The common driveway shall terminate in a turnaround area with a paved radius of not less than forty (40) feet, which shall be located wholly within the required access easement or right-of-way, which shall be designed with a minimum radius of fifty (50) feet.
 - (5) A common off-street parking area shall be established within one hundred (100) feet of the public road and adjacent to the driveway to which the residential lots have access. The common off-street parking area shall be designed to accommodate one (1) vehicle per lot, which may be utilized by the lot owners.
 - (6) An ownership and maintenance agreement shall be prepared and recorded as a condition of municipal approval for the subdivision plan. The agreement shall be referenced on the proposed deeds for each residential lot. The contents of the ownership and maintenance agreement shall be subject to the approval of Mount Penn Borough.
 - (7) A release of responsibility holding Mount Penn Borough harmless for the provision of all municipal services shall be included on the subdivision plan and referenced on the proposed deeds for each residential lot. The notes on the plan and the references contained within the deed shall be subject to the review and approval of Mount Penn Borough.
 - (8) A fourth dwelling with access to a common driveway shall not be created unless the driveway is reconstructed (if necessary) to comply with the standards and specifications of a public street..
 - (9) Common driveways shall be constructed in accordance with the standards and specifications of Mount Penn Borough.
- (G) All driveways and access lanes shall be located, designed and constructed as to provide optimum sight distance and visibility at the intersection with the existing or proposed street. The following provisions shall apply:
- (1) Sight distance measurements shall be made in each direction from a point 10 feet from the edge of the cartway and 3.5 feet above the road surface to a point 3.5 feet above the centerline of the road.
 - (2) The minimum sight distance and safe stopping distance requirements specified by Mount Penn Borough and/or the Pennsylvania Department of Transportation shall be utilized to determine the optimum location for all driveways and access lanes. A summary chart of the minimum sight distance requirements has been included within Appendix C of this Subdivision and Land Development Ordinance.

- (3) Mount Penn Borough and/or the Pennsylvania Department of Transportation may require additional sight distance than those referenced on the summary chart by considering the functional classification of the road, traffic volumes, vehicular speed, pedestrian movements, land use and other relevant site conditions.
- (4) The sight distance triangles shall be depicted on the Plan and sight distance easements provided whenever the triangle crosses a portion of a lot or property outside of the street right-of-way lines. The easement shall prohibit the grading, re-grading, landscaping, construction of buildings or structures that would reduce the required sight distance.
- (H) Clear sight triangles shall be provided for all driveways and access lanes at all street intersections. Within such triangles, nothing, except permitted street signs, traffic control signs, traffic lights, street lights, mail boxes or utility poles, which impedes vision between a height of two and one-half (2-1/2) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, planted or allowed to grow. The dimension of the clear sight triangle shall be established for a distance of fifty (50) feet, as measured from the middle of the intersection or where the centerlines of the driveways or access roads intersect with the intersecting street.
- (I) If required by Mount Penn Borough, the developer shall prepare a typical cross-section for each driveway located within the subdivision or land development. The profiles should demonstrate how problems associated with slope and drainage will be overcome.
- (J) A Driveway Occupancy Permit, issued by Mount Penn Borough shall be required for all proposed driveways entering onto a road, which is currently either owned by or to be dedicated to Mount Penn Borough.
- (K) A Highway Occupancy Permit, issued by the Pennsylvania Department of Transportation, shall be required for all proposed driveways entering onto a state road.
- (L) Fire lanes and/or fire apparatus access roads shall be located, designed and constructed as per the specifications provided by Mount Penn Borough.

Section 510: Off-Street Parking and Loading

- (A) All proposed off-street loading areas and access drives shall be located, designed and constructed in accordance with the provisions of Mount Penn Borough and the Joint Zoning Ordinance.
- (B) All proposed off-street parking areas and access drives shall be located, designed and constructed in accordance with the provisions of Mount Penn Borough and the Joint Zoning Ordinance.

Section 511: Easements and Rights-Of-Way

- (A) Where easements or rights-of-way are required to accommodate utility installations, such easements shall have a minimum width of twenty (20) feet. New utility easements and rights-of-way shall be located only upon consultation with the appropriate utility company.
- (B) Where feasible, easements and rights-of-way shall be centered or adjacent to rear or side lot lines. No structures, materials and/or trees shall be placed within such easements and rights-of-way.
- (C) Where a proposed subdivision or land development is traversed by a watercourse, drainage way, channel or stream, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve the natural drainage channel and provide sufficient width for maintenance.
 - (1) Stormwater management and drainage easements shall be no less than twenty (20) feet in width, or as directed by Mount Penn Borough, the County of Berks and/or the Commonwealth of Pennsylvania.
 - (2) Stream and watercourse easements shall be no less than fifty (50) feet in width, as measured from the edge of the stream bank, or as specifically required by Mount Penn Borough, the County of Berks and/or the Commonwealth of Pennsylvania.

- (D) Right-of-way standards and installation procedures for natural gas and petroleum product transmission lines shall conform to all applicable federal and state regulations, including regulations governing the width of the right-of-way, location of pipeline within the right-of-way, the proposed depth of the pipeline, and the pipe wall thickness. There shall be a minimum setback distance of fifty (50) feet, as measured in the shortest distance, between any proposed or existing dwelling and any right-of-way designated for petroleum products or natural gas transmission line.
- (E) Where feasible, sanitary sewer collection lines and water supply lines shall be located and installed within the right-of-way of a public street.
- (F) All easements or rights-of-way shall be properly described by bearings and distances. The area occupied by any required easement or right-of-way shall not be calculated as part of the net lot area.
- (G) No easement or right-of-way shall be created, recited and/or described in any deed unless the same has been shown on the approved subdivision plan or land development plan.
- (H) Any deed conveying a lot from an approved plan shall make reference to the approved plan including all easements and encumbrances referenced on the approved plan. Where required by Mount Penn Borough, a representative description expressing the references by which easements and encumbrances will appear on all affected deeds shall be presented to Mount Penn Borough for review and consideration.

Section 512: Stormwater Management

- (A) As part of all subdivision and land development plan applications, the applicant shall prepare and submit a stormwater management plan considering the following criteria:
 - (1) The stormwater management plan shall be prepared considering all pertinent provisions relating to drainage, runoff, infiltration, erosion and discharge, as adopted by Mount Penn Borough.
 - (2) The stormwater management plan shall be prepared to comply with the Stormwater Management Ordinance and Plan for the Schuylkill River, as adopted by Mount Penn Borough.
 - (3) The stormwater management plan shall be prepared to consider the recommendations pertaining to natural resources, floodplains, wetlands, stormwater management and hydrological resource planning, as contained within the Joint Comprehensive Plan.
 - (4) The stormwater management plan shall be prepared to comply with the National Pollution Discharge Elimination System (NPDES) Phase II Stormwater Permitting Regulations.
 - (5) The stormwater management plan shall consider the implementation of "best management practices", as endorsed by Mount Penn Borough, the Joint Comprehensive Plan and/or as recommended by the engineer appointed by Mount Penn Borough.
 - (6) The stormwater management plan shall be prepared to consider all pertinent local, regional, state and federal permitting requirements.
- (B) The stormwater management plan shall contain the following:
 - (1) Mapping of the watershed area or areas in which the proposed subdivision or land development is located.
 - (2) A study shall be performed of the watershed in which the subdivision or land development is located to assess the impact the proposal will have on downstream conditions. The stormwater management plan shall address all identified impacts to the satisfaction of Mount Penn Borough.
 - (3) Computations of the stormwater runoff for all points of runoff concentration before and after development, including all supporting data.
 - (4) Complete drainage systems for the subdivision or land development. All existing drainage features, which are to be incorporated as part of the design shall be identified with a detailed explanation of the operations of the facilities.

- (5) Plans showing all existing and proposed drainage facilities affecting the subject property, including plan views, profile views and/or detail sheets.
 - (6) Computations for all existing and proposed drainage structures that are associated with the development.
 - (7) Plans showing proposed grading; including typical structure footprint(s) with first floor elevation(s).
 - (8) Construction details for all proposed facilities.
 - (9) If, in the course of preparing or reviewing the stormwater management plan Mount Penn Borough Engineer determines that off-site improvements are necessary to satisfactorily control the stormwater from the proposed development, the applicant or developer shall be responsible for the design, permitting and construction of the off-site improvements, which may also include obtaining any required easements or rights-of-way.
 - (10) A detailed plan of all required off-site drainage improvements.
 - (11) All other documentation that may be required to satisfy and address the compliance criteria specified under Section 512(A) of this Subdivision and Land Development Ordinance.
- (C) All stormwater management basins, ponds, pipes, structures and related site improvements shall be located, designed, constructed and installed in accordance with all requirements specified by Mount Penn Borough.
 - (D) All permits that are required to satisfy the provisions of this Subdivision and Land Development Ordinance shall be obtained prior to municipal approval of the subdivision or land development plan.
 - (E) Where certain stormwater management improvements are inadvertently omitted from the approved plan or if any inconsistencies arise between the approved plan and the adopted requirements specified by Mount Penn Borough, the applicant shall be responsible for the design, construction and installation of those site improvements, as directed by Mount Penn Borough.
 - (F) The engineer appointed by Mount Penn Borough may advise the applicant to include special notes or design criteria that should be added to the plan.
 - (G) All stormwater management improvements shall be inspected and approved by the authorized representative of Mount Penn Borough prior to the release of funds held in escrow and/or the issuance of permits

Section 513: Riparian Buffers

- (A) The Riparian Buffer Overlay District is a conservation overlay to the underlying zoning districts established by the Joint Zoning Ordinance. The purpose and objective of the Riparian Buffer Overlay District is further outlined within the Joint Zoning Ordinance.
- (B) The Riparian Buffer Overlay District shall apply to all perennial stream corridors within Lower Alsace Township and Mount Penn Borough. The following provisions shall apply:
 - (1) The limits of the Riparian Buffer Overlay District shall be recognized as a conservation overlay as part of Joint Zoning Ordinance. The design standards and specifications for the Riparian Buffer Overlay District are referenced under this Subdivision and Land Development Ordinance.
 - (2) Properties located along or adjacent to a perennial stream corridor, which are not subject to subdivision and land development activity shall be subject to an education and volunteer effort, whereas, the landowner may implement the design standards contained within this Subdivision and Land Development Ordinance. All such efforts may be coordinated with local, county, state or federal agencies, provided that such efforts enhances, restores, stabilizes and/or maintains the woodland and vegetation of the Riparian Buffer Overlay.

- (3) Properties located along or adjacent to a perennial stream corridor, which are subject to subdivision and land development activity shall be subject to a mandatory effort, whereas, the landowner or developer shall be required to implement the design standards contained within this Subdivision and Land Development Ordinance. All such efforts may be coordinated with other agencies, provided that such efforts enhances, restores, stabilizes and/or maintains the integrity woodland and vegetation within the Riparian Buffer Overlay.
 - (4) All land uses and site improvements should be located, design and conducted in a manner that meets the design standards contained within this Subdivision and Land Development Ordinance. Where appropriate, Mount Penn Borough may consider design waivers or modifications in accordance with the provisions of this Subdivision and Land Development Ordinance.
 - (5) All land uses and site improvements should be located, design and conducted in a manner that meets the design standards contained within the Stormwater Management Ordinance and Plan for the Schuylkill River. Where appropriate, Mount Penn Borough may consider design waivers or modifications in accordance with the provisions of the Stormwater Management Ordinance and Plan for the Schuylkill River.
 - (6) Volunteer and mandatory efforts should be reviewed by the Berks County Conservation District to determine if the selected landscape materials will implement the overall purpose and objective of the Riparian Buffer Overlay District.
- (C) The Riparian Buffer Overlay District shall be delineated in accordance with the following zones:
- (1) Zone 1 shall include the landward area located between the stream bank edge under typical flow conditions, as measured twenty (20) feet upland or perpendicular to the stream bank.
 - (2) Zone 2 shall include the area beginning at the inland edge of Zone 1, extending a minimum of fifty (50) feet inland from Zone 1, which shall include the 100-year floodplain and all areas delineated as wetlands.
 - (3) Zone 3 shall include the area beginning at the inland edge of Zone 2, extending a minimum of twenty (20) feet inland from Zone 2.
- (D) Unless otherwise permitted by Mount Penn Borough, the following uses and activities shall be permitted within the Riparian Buffer Overlay District:
- (1) Accessory uses and accessory buildings to a permitted land use provided that they are not located within Zone 1 or Zone 2.
 - (2) General agricultural uses provided that they are not located within Zone 1. Corridor crossings for farm vehicles and livestock and livestock watering facilities, all of which are approved by the Berks County Conservation District and have been completed considering best management practices.
 - (3) Conservation uses provided that they are not located within Zone 1.
 - (4) Municipal site improvements, including streets, curbs, sidewalks, sanitary sewer facilities, water supply facilities, stormwater management facilities, public utilities, and other similar improvement, provided they are located in a manner to minimize impacts on Zones 1, 2 and 3, and provided that they are designed and constructed in accordance with this Subdivision and Land Development Ordinance.
 - (5) Stormwater detention or retention facilities, provided they are not located within Zone 1 or Zone 2. All such improvements shall comply with the Stormwater Management Ordinance and Plan for the Schuylkill River.
 - (6) Passive recreation uses, provided they are not located within Zone 1 or Zone 2.
 - (7) Municipal uses.

- (E) The Riparian Buffer Overlay District shall be designed to include native vegetation that may exist prior to any earth disturbance activities. The following plantings for each zone are recommended and should be utilized as a guide to establish the desired riparian buffer:
- (1) Zone 1 should include mature canopy trees and a ground cover of native grasses. New tree plantings shall be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. New grass plantings shall be selected and managed to filter out pollutants and offer habitat. All vegetation selected for Zone 1 should thrive in wet conditions.
 - (2) Zone 2 should include mature canopy trees and natural undercover. New tree plantings shall be selected, arranged and managed to accelerate canopy growth, and offer native species habitat and food supply. The undercover plants shall be allowed to "evolve" with the canopy of Zone 2. All vegetation selected for planting within the 100 year floodplain should thrive in wet conditions.
 - (3) Zone 3 should be planted with natural ground cover that could mature naturally without maintenance, mowing or harvesting activities. The selected species shall accommodate overland stormwater flows and act as an upland filter to Zone 2.
- (F) Riparian buffers shall be maintained in a natural condition with minimal disturbance. Mature trees and native grasses and ground cover have the capacities to absorb more nutrients. As a result, best management practices are established, erosion is limited, hydrological resources are balanced, and biodiversity corridors are preserved. Unless otherwise permitted by Mount Penn Borough, the following maintenance activities and disturbance limitations shall apply to the Riparian Buffer Overlay District:
- (1) Zone 1 should require minimal maintenance. As trees mature, die and decay, the natural debris should be allowed to decompose within the stream. This will provide important food sources and habitats for beneficial microorganisms, fish and amphibious animals. However, any debris that may cause a rise in the floodplain due to obstruction or displacement shall be removed. Streamside grasses shall be allowed to seasonally flourish and recede.
 - (2) Zone 2 should receive significant attention since the objective is to develop a stable and broad canopy of tree cover. The trees within Zone 2 should be pruned and trimmed on an as-needed basis, but should not jeopardize the overhead canopy of shade. The natural undercover should be undisturbed.
 - (3) Zone 3 requires minimal maintenance. Native grasses and ground cover should flourish and recede with the seasons. Grazing and haying are permitted provided that the residual grass length is sufficient to disperse overland stormwater flows.
 - (4) Trees that have been damaged, contracted with disease, or create an unsafe situation may be removed within the Riparian Buffer Overlay Zone, provided that the tree is replaced with another tree that could survive and flourish within the Riparian Buffer Overlay District.
 - (5) Replacement trees shall be deciduous, noninvasive and native to Mount Penn Borough, which are nursery stock grown within a locale with similar climatic conditions as Mount Penn Borough. The replacement trees shall be balled and burlapped and not less than two (2) inches in diameter, as measured at breast height. The trees shall be at least ten (10) feet tall after planting and trimming. Branching shall start not less than six (6) feet from the top of the root ball.
 - (6) Replacement trees should not be used as credits to meet other planting requirements relative to street tree plantings, landscape buffers, unless the original trees would have satisfied such requirements.
 - (7) Replacement trees shall be planted within one hundred and twenty (120) days of the existing tree being removed from the Riparian Buffer Overlay District.

Section 514: Erosion and Sedimentation Control

- (A) No changes shall be made to the contour of the land, and no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced, until such time as a plan for minimizing erosion and sedimentation has been processed and reviewed by the appropriate local, county, state and/or federal agencies.
- (B) All permits required to implement the erosion and sedimentation control plan shall be obtained from the appropriate agencies prior to municipal approval of the subdivision plan or land development plan.
- (C) The approval of a plan does not relieve the developer's obligation to execute the erosion and sediment control measures, as specified on the approved plans or as otherwise required by local, state and federal laws.
- (D) When erosion and sedimentation control measures are required, the improvements shall be either: incorporated within the municipal improvements agreement; completed by the applicant prior to plan approval; or deferred to the building permit phase. All such options shall be subject to the approval of Mount Penn Borough, the Berks County Conservation District and/or the Pennsylvania Department of Environmental Protection.
- (E) During the development phase, Mount Penn Borough shall be provided with the opportunity to inspect the site improvements and enforce compliance with the approved subdivision plan or land development plan.
- (F) Prior to the issuance of an occupancy permit, Mount Penn Borough shall conduct a site inspection to determine compliance with the approved subdivision plan or land development plan. The occupancy permit shall not be issued until all site improvements have been completed to the satisfaction of Mount Penn Borough.

Section 515: Sanitary Sewage Disposal

- (A) As part of all subdivision and land development plan applications, the applicant shall develop a plan for the collection, conveyance and treatment of wastewater considering the following criteria:
 - (1) The plan for sewage disposal shall be consistent with the most recent plans and ordinances that have been adopted by Mount Penn Borough and with the provisions of the Pennsylvania Sewage Facilities Act (PA Act 537, as amended).
 - (2) The plan for sewage disposal shall consider the recommendations pertaining to land use, sewage disposal and water supply, as contained within the Joint Comprehensive Plan.
 - (3) The plan for sewage disposal shall be consistent with all provisions specified and adopted by the Antietam Valley Municipal Authority or other sanitary sewer service authority with jurisdiction.
 - (4) The plan for sewage disposal shall be consistent with all pertinent design requirements specified by the Pennsylvania Department of Environmental Protection.
 - (5) The plan for sewage disposal shall be prepared to consider all pertinent local, regional, state and federal permitting requirements.
- (B) All proposed land uses that are located within a designated sewer service district or planned growth area shall be required to connect to the municipal sanitary sewage disposal system subject to the following provisions:
 - (1) Mount Penn Borough shall review all such subdivision or land development plan applications, which shall review the adequacy of the proposed sanitary sewer improvements. Mount Penn Borough shall not approve a proposed subdivision or land development plan until a favorable recommendation appointed consultants for Mount Penn Borough and the permits have been for the sanitary sewer improvements have been issued by the agencies with jurisdiction.
 - (2) Unless otherwise permitted or required by Mount Penn Borough, all proposed sanitary sewer improvements shall be located, designed, constructed and installed in accordance with the sanitary sewer design standards and specifications that have been adopted by Mount Penn Borough. Where certain standards and specifications do not exist, the engineer appointed by Mount Penn Borough shall provide a designated requirement or alternative for the proposed sanitary sewer improvements.

- (3) The applicant shall be responsible for any required off-site sanitary sewage disposal improvements that may be necessary to accommodate the wastewater flow from the development. All such off-site improvements shall be coordinated with Mount Penn Borough.
 - (4) Where required, the appropriate planning modules or exemption requests shall be submitted to Mount Penn Borough and the Pennsylvania Department of Environmental Protection for review and consideration.
 - (5) All uses connected to the municipal sanitary sewer system shall be subject to the sanitary sewer use and maintenance provisions of Mount Penn Borough and the Antietam Valley Municipal Authority.
- (C) All proposed land uses that are located outside of a designated sanitary sewer service district or planned growth area shall be required to utilize on-lot sewage disposal technology, as the method for sewage disposal. All such on-lot sewage disposal systems shall be subject to the following provisions:
- (1) The sewage enforcement officer appointed by Mount Penn Borough shall review all subdivision or land development plans in which the proposed uses will utilize on-lot sewage disposal systems. All field testing procedures and applications requirements shall be subject to the approval of the sewage enforcement officer and the Pennsylvania Department of Environmental Protection. Mount Penn Borough shall not approve a proposed subdivision or land development plan until the sewage enforcement officer has received a favorable recommendation for the on-lot sewage disposal system.
 - (2) All proposed on-lot sewage disposal facilities shall be located, designed, constructed and installed in accordance with the standards and specifications of the Pennsylvania Department of Environmental Protection and by Mount Penn Borough.
 - (3) All proposed uses connected to an on-lot sewage disposal system shall be subject to all land use and maintenance provisions adopted by Mount Penn Borough.
 - (4) All proposed uses connected to a holding tank shall be subject to the provisions of Mount Penn Borough and the Pennsylvania Department of Environmental Protection.
- (D) If municipal sewage disposal service is not accessible to an approved subdivision or land development, but is planned to be accessible within five (5) years of final approval, the applicant shall install approved capped collection system within the limits of the subdivision or land development, in addition to the approved on-lot sewage facilities. The collection and conveyance system shall be capped at the limits of the subdivision or land development and the laterals shall be capped at the street right-of-way.
- (E) The required Sewage Facilities Planning Modules shall be approved by Pennsylvania Department of Environmental Protection prior to final plan approval.

Section 516: Water Supply

- (A) As part of all subdivision and land development plan applications, the applicant shall develop a plan for water supply considering the following criteria:
- (1) The plan for water supply shall be consistent with the most recent plans and ordinance adopted by Mount Penn Borough.
 - (2) The plan for water supply shall consider the recommendations pertaining to land use, sewage disposal and water supply, as contained within the Joint Comprehensive Plan.
 - (3) The plan for water supply shall be consistent with all pertinent design requirements specified by Mount Penn Borough, the municipal water authority with jurisdiction and the Pennsylvania Department of Environmental Protection.
 - (4) The plan for water supply shall be prepared to consider all pertinent local, regional, state and federal permitting requirements.

- (5) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, the developer shall present evidence to Mount Penn Borough that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be submitted to Mount Penn Borough.
 - (6) If required, the applicant shall submit evidence to Mount Penn Borough that the proposed water supply source and service is capable of providing sufficient fire protection for the proposed use and/or development. Such evidence may include current pressure and flow data for existing fire hydrant(s) in the water main(s) that will service the project together with calculated pressures and flows within the development at the proposed fire hydrant(s) location(s). The required flow and pressures will be determined by Mount Penn Borough and local fire departments.
 - (7) The applicant shall consult with Mount Penn Borough, municipal water authority with jurisdiction and/or the local fire department to determine if any existing fire hydrants or water supply sources should be evaluated in order to determine if the sufficient water supply and pressure are available.
- (B) All proposed land uses that are located within a designated water supply service district or planned growth area shall be required to connect to the municipal water supply system subject to the following provisions:
- (1) Mount Penn Borough shall review all such subdivision or land development plan applications, which shall review the adequacy of the proposed water supply improvements. Mount Penn Borough shall not approve a proposed subdivision or land development plan until the engineer appointed by Mount Penn Borough or water authority with jurisdiction have issued a favorable recommendation for the water supply improvements.
 - (2) All proposed water supply facilities shall be located, designed, constructed and installed in accordance with the standards and specifications of Mount Penn Borough and/or the municipal water authority with jurisdiction. Where certain standards and specifications do not exist, Mount Penn Borough and/or municipal water authority with jurisdiction shall provide a designated requirement or alternative for the proposed water supply improvements.
 - (3) The applicant shall be responsible for any required off-site municipal water supply improvements that may be necessary to provide a reliable supply of water to the development. All such off-site improvements shall be coordinated with Mount Penn Borough and water authority with jurisdiction.
- (C) All proposed land uses that are located outside of a designated water supply service district or planned growth area shall be required to utilize on-lot water supply facilities through individual well(s). All such water supply wells shall be subject to the following provisions:
- (1) All proposed individual on-lot wells shall be located, designed, drilled, constructed and installed in accordance with the standards and specifications of Mount Penn Borough and the Pennsylvania Department of Environmental Protection.
 - (2) Each lot to be served by individual on-lot water supply shall be of a size and shape to permit the safe location for each well. All proposed wells shall be located, designed, constructed and maintained in accordance with the provisions established by Mount Penn Borough.
 - (3) A hydrogeological study shall be required for subdivision plans involving twenty (20) or more lots or for land development plans in which the estimated water usage shall exceed 5,000 gallons per day. The hydrogeological study shall be prepared by a professional hydrogeologist, who shall provide documentation to conclude that the proposed individual well(s) will be capable of supplying each lot or use(s) with a dependable supply of safe potable water and that the proposed well(s) will not adversely affect the groundwater table or existing wells near the project site.

- (D) All proposed land uses that are located outside of a designated water supply service district or planned growth area may utilize a community water supply system through individual well(s). All such community water supply systems shall be subject to the following provisions:
- (1) All proposed community water supply wells shall be located, designed, drilled, constructed and installed in accordance with the standards and specifications of the Pennsylvania Department of Environmental Protection and Mount Penn Borough.
 - (2) All proposed community water supply wells shall be located at least two hundred (200) feet from any sewage disposal system, one hundred (100) feet from any external property line, and one hundred (100) feet from any watercourse or surface waters.
 - (3) A detailed hydrogeological study shall be prepared by a professional hydrogeologist, who shall provide documentation to conclude that the following:
 - (a) That the proposed community water supply well(s) will be capable of supplying each lot or use(s) with a dependable supply of water. At a minimum, the water source should be capable of supplying one hundred-fifty (150) percent of the average daily demand based on one hundred (100) gallons per day per person and/or four hundred (400) gallons per day per dwelling unit, for the design population of the development or the service area.
 - (b) That the water supply shall be drawn from an adequate and reliable source, which can supply the proposed storage facilities plus the water demands of the proposed service area at all times, including the fire flow demand during the average or peak daily consumption. A dynamic recovery rate and draw-down test shall be conducted prior to preliminary plan approval to demonstrate the capacity and safe daily yield of the community well sources.
 - (c) That the proposed community water supply well(s) will not adversely affect the groundwater table or existing wells near the project site.
 - (d) That the quality of the source shall conform to the minimum water quality requirements of the Pennsylvania Department of Environmental Protection.
 - (e) That a minimum static pressure shall exceed twenty (20) pounds per square inch at any point within the community water supply system during the average or peak daily consumption.
 - (4) All community water supply facilities shall be designed with a minimum of two (2) well sources.
 - (5) The community water supply wells shall be located within an open space water protection zone with a minimum area of one (1) acre in size. No structures other than community water facilities and accessory components shall be located within the protected zone.
- (E) All proposed subdivisions and land developments that are to be served by a public or community water supply system shall provide fire hydrants. The proposed fire hydrants shall comply with the following provisions:
- (1) Fire hydrants shall be located no further than one thousand (1,000) feet apart, as measured along the centerline of each road. All residential dwelling units and non-residential principal buildings shall be located no farther than six hundred (600) feet from an active fire hydrant.
 - (2) Fire hydrants shall be located in a manner to provide complete accessibility and so that possibility of damage from vehicles or injury to pedestrians will be minimized. Unless otherwise directed by Mount Penn Borough, the barrel of the fire hydrant shall be set so that no portion of the pumper or hose nozzle cap will be less than eighteen (18) inches from the curb line.
 - (3) The type and location of all required fire hydrants are subject to the review and approval of Mount Penn Borough and the local fire departments.

Section 517: Well Head Protection

- (A) Mount Penn Borough and/or municipal water authority with jurisdiction has the authority to establish well head protection zones in accordance with the provisions established by the Commonwealth of Pennsylvania as well as the Pennsylvania Municipalities Planning Code.
- (B) All subdivision and land development applications shall be consistent with any well head protection plans that have been adopted by Mount Penn Borough and/or municipal water authority with jurisdiction.

Section 518: Utilities

- (A) All basic utility service lines for electric, natural gas, cable television, and telephone shall be placed underground.
- (B) The installation of all utilities shall be in strict accordance with the engineering standards and specifications of the public utility company.
- (C) Where underground utilities are located under the cartway, they shall be put in place, connected, and approved before the streets are constructed and before any person is permitted to occupy any building to be served by such utilities.
- (D) Prior to municipal approval, the applicant shall be responsible for contacting all utility companies to determine the locations and depths of all underground utilities within the tract of land being subdivided or development.
- (E) A complete list of the applicable utility companies and their phone numbers shall appear on the approved subdivision plan or land development plan.

Section 519: Exterior Lighting

- (A) This section sets forth minimum criteria for the installation, use and maintenance of exterior lighting, the purposes of which are to require lighting in outdoor public places where safety and security are concerns; protect drivers and pedestrians on nearby streets from glare from non-vehicular light sources that shine directly into their eyes and thereby impair safe travel; shield neighboring properties from glare resulting from excessive light sources and from nonexistent or improperly directed or shielded light sources; limit the height of light standards to preclude or lessen light pollution; and promote efficient design and operation with regard to energy conservation.
- (B) Lighting facilities shall be required for all off-street parking areas and off-street loading areas and for all driveways providing ingress and egress thereto and for all subdivisions and/or land developments for business, commercial, retail, personal service, industrial, multi-family, recreational, institutional and public uses, and for all construction or reconstruction or improvement of any such use for which land development approval is not required. In the approval of any subdivision or land development plan, Mount Penn Borough shall have the authority to require lighting to be incorporated for other uses or locations where in their reasonable discretion such lighting is warranted. In addition, the provisions of this section shall apply to signs, architectural lighting, and landscape lighting.
- (C) Where required by Mount Penn Borough to demonstrate compliance with the provisions of the Joint Zoning Ordinance and the Subdivision and Land Development Ordinance, a lighting plan shall be prepared to comply with the following criteria:
 - (1) A lighting plan shall be submitted for review and approval for all applications and uses, which require exterior lighting.
 - (2) The lighting plan shall include a schematic layout of all proposed exterior fixture locations, footcandle data, and a plat demonstrating intensities and uniformities within the limitations established within the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance, as well as the manufacturer's description of the equipment (catalog cuts), glare control devices, lamps, mounting heights and means, proposed hours of operation of the lighting, and maintenance schedule. Illumination intensities shall be plotted on a ten-foot by ten-foot grid.

- (3) The applicant shall submit a visual impact photometric plan that demonstrates both light coverage and light spillage resulting from the exterior lighting and the provision for adequate measures to mitigate nuisance from light pollution and disabling glare, both on the use or development site and on adjacent properties.
- (D) The lighting plan shall be prepared to comply with the provisions specified within the Joint Zoning Ordinance.

Section 520: Landscaping

- (A) Pursuant to the provisions of Mount Penn Borough Zoning Ordinance, certain subdivision and/or land development applications may require specific landscaping criteria to be incorporated as part of the subdivision plan and/or land development plan. The following chart provides a summary of these requirements:

Landscaping Requirements for Subdivision and Land Development Activity			
Type of Development	Minimum Landscaping Requirements	Buffer Yard	Landscape Plan
Conventional single-family residential developments containing less than 10 dwelling units	1 tree per residential lot or unit plus 1 tree per acre to a maximum of 3 trees per residential lot or unit	No	Yes
Conventional single-family residential developments containing 10 or more dwelling units	1 tree per residential lot or unit plus 1 tree per acre to a maximum of 3 trees per residential lot or unit	No	Yes
Townhouse developments and multi-family apartment developments	1 trees per townhouse unit or apartment unit	Yes	Yes
Cluster Design for the RC, R-1 and R-2 Zoning Districts	2 trees per residential lot or unit	Yes	Yes
Age-qualified retirement communities and transitional age developments	1 tree per residential lot or unit	Yes	Yes
Personal care, assisted living care facilities, convalescent homes and nursing homes	1 tree per residential unit	Yes	Yes
Non-residential uses and developments with less than 5,000 cumulative square feet of gross floor area	2 trees per acre	Optional	Yes
Non-residential uses and developments with 5,000 cumulative square feet of gross floor area or more	2 trees per acre	Optional	Yes

General notes concerning this chart:

- Note 1: The provisions specified on this chart are intended to be the basic landscaping requirements. Additional provisions for landscaping, buffer yards and other general requirements may apply.
- Note 2: Mount Penn Borough may consider alternative design requirements as part of the subdivision plan application or land development plan application
- Note 3: The landscaping materials and trees shall be selected from the approved list of landscaping material, as referenced under Section 520.C of this Subdivision and Land Development Ordinance.
- Note 4: All subdivision and land development applications shall be subject to the provisions of woodland extraction and replacement, as specified under Section 521 of this Subdivision and Land Development Ordinance.
- Note 5: All subdivision and land development applications shall be subject to the provisions of tree protection and replacement, as specified under Section 522 of this Subdivision and Land Development Ordinance.

- (B) Where zoning district or development regulations require trees, buffer yards, screening and/or planting strips, the applicant shall prepare and submit a landscaping plan to comply with the following provisions:
- (1) The landscaping plan shall show the following information: the location and arrangement of each buffer yard; the species, placement and size of all plant material selected; the type, placement and size of all fences to be placed in such buffer yards; and the type and density of planting, which shall adequately provide the screening effect required.
 - (2) The plant materials utilized shall be selected from the approved list, as contained under Section 520.C of this Subdivision and Land Development Ordinance.
 - (3) All plant materials shall be permanently maintained and any plant material, which does not survive, shall be replaced within six (6) months.
 - (4) Any portion of a site which is not utilized for buildings, accessory structures, loading or parking spaces, aisles, sidewalks and designated storage areas shall be planted with an all-season ground cover and shall be landscaped according to an overall plan.
 - (5) Unless otherwise specified, a twenty (20) foot wide buffer yard shall be established between residential and non-residential uses. The landscaping screen contained within the buffer yard shall be subject to the review and approval of Mount Penn Borough as part of the subdivision plan and/or land development plan. The use of existing healthy mature trees (12 inches or more in diameter at breast height) should be utilized as part of the required buffer yard.
 - (6) Unless other wise specified, a twenty (20) foot wide buffer yard shall be established between residential and non-residential uses. The landscaping screen contained within the buffer yard shall be subject to the review and approval of Mount Penn Borough as part of the subdivision plan and/or land development plan. The use of existing healthy mature trees (12 inches or more in diameter at breast height) should be utilized as part of the required buffer yard.
 - (7) All buffer yards shall be maintained and kept clean of debris, rubbish, weeds and tall grass.
 - (8) If permitted by Mount Penn Borough, natural berms may be provided as a buffer yard. The applicant shall demonstrate that the soil type, hydrology, topography and selected landscaping material are appropriate for the area in which the buffer yard is to be located. All such natural berms shall be properly graded to a maximum side slope ratio of 4:1. The natural berms shall be properly stabilized by the developer in accordance with the standards specified by Mount Penn Borough and the Berks County Conservation District.
 - (9) Buffer yard or screening requirements between commercial and industrial uses shall be subject to the review of Mount Penn Borough as part of the subdivision plan or land development plan.
 - (10) As part of the application phase for a subdivision plan or land development plan, Mount Penn Borough shall have the right to modify or consider alternatives to any of the above specifications if the applicant can demonstrate that the existing conditions of the site exceeds all applicable requirements listed under this Subdivision and Land Development Ordinance.
 - (11) All selected trees shall be planted a minimum of ten (10) feet outside of the legal right-of-way of all existing and proposed streets.
 - (12) All selected plant or tree materials shall be located so as not to interfere with the installation and maintenance of sidewalks, drainage facilities and/or utilities.
 - (13) The strategic placement of trees throughout the development to serve as a buffer against the wind and sun is encouraged for energy conservation purposes.
 - (14) All plant materials shall be located so as not to create a potential traffic hazard.
 - (15) All selected trees and/or all other plant materials exceeding two (2) feet in height above average ground elevation at maturity shall not be located within the limits of the clear sight triangle, as further defined and regulated under Joint Zoning Ordinance and this Subdivision and Land Development Ordinance.

(16) As part of the application for a subdivision plan or land development plan, Mount Penn Borough shall have the right to modify or consider alternatives to any of the above specifications if the applicant can demonstrate that the existing conditions of the site exceeds all applicable requirements listed under the Joint Zoning Ordinance and this Subdivision and Land Development Ordinance.

(17) Landscaping plans shall be prepared by a professional landscape architect or qualified professional with landscaping experience.

(C) The following chart contains an approved list of selected trees, hedges and/or shrubs, which may be utilized to meet the standards and specifications for buffer yards and landscaping. Species selection shall be based upon the existing physical and natural conditions of the site:

(1) Street trees are permitted provided they are a minimum of three (3) inches in diameter. The following is an approved list of street trees:

Acer rubrum - Red Maple
Acer saccharum - Sugar Maple
Crataegus crusgalli - Cockspur Hawthorne
Fraxinus Americana - White Ash
Fraxinus pennsylvanica - Green Ash
Juniperous virginiana - Eastern Red Cedar
Liquidambar styraciflua - American Sweetgum
Nyssa silvatica - Blackgum
Ostrya virginiana - American Hophornbeam
Oxydendrum arboreum - Sourwood, Sorrel Tree
Quercus alba - White Oak
Quercus coccinea - Scarlet Oak
Quercus palustris - Pin Oak
Sassafras albidum - Common Sassafras

(2) Canopy trees are permitted provided they are a minimum of three (3) inches in diameter. The following is an approved list of canopy trees:

Acer rubrum - red maple
Acer saccharum - sugar maple
Betula alba - European white birch
Betula lenta - Black Birch
Betula nigra - River Birch
Carya ovata - Shagbark Hickory
Fagus grandifolia - American beech
Fagus sylvatica - European beech
Fraxinus americana - white ash
Fraxinus pennsylvanica lanceolata - gen ash
Ginkgo Biloba - Ginkgo (male only)
Gleditsia triacanthos inermis - thornless honey locust
Liquidambar styraciflua - sweet gum
Liriodendron tulipifera - tulip tree
Nyssa sylvatica - Black Gum, Sourgum
Ostra virginiana - American Hophornbeam
Phellondendron amurense - Amur cork tree
Platanus acerifolia - London plane tree
Quercus alba - White Oak
Quercus borealis - Red Oak
Quercus coccinea - Scarlet Oak
Quercus palustris - Pin Oak
Quercus phellos - Willow Oak
Robina psuedoacaia inermis - thornless black locust

Sassafras albidum - Sassafras
Sophora japonica - Japanese zelkova

- (3) Flowering trees are permitted provided they are a minimum of ten (10) feet in height. The following is an approved list of flowering trees:

Amelanchier canadensis - shadblow serviceberry
Cercis canadensis - Eastern Redbud
Chionanthus virginicus - Fringetree
Cornus florida - flowering dogwood
Cornus kousa - Kousa dogwood
Cornus mas - Cornelian cherry
Crataegus Phaenopyrum - Washington hawthorn
Koelreuteria paniculata - golden rain tree
Laburnum vossii - goldenchain
Magnolia soulangeana - saucer magnolia
Malus baccata - Siberian crab
Malus floribunda - Japanese flowering crab
Malus hopa - Hopa red-flowering shrub
Prunus calleryana - Kwanzan cherry
Prunus yedoensis - Yoshino cherry
Pyrus cultivars - Hybrid Ornamental Pear
Viburnum prunifolium - Blackhaw Viburnum

- (4) Evergreen trees are permitted provided they are a minimum of six (6) feet in height. The following is an approved list of evergreen trees:

Ilex opaca - American holly
Juniperus virginiana - Eastern Red Cedar
Picea abies - Norway spruce
Picea omorika - Serbian spruce
Picea pungens - Colorado spruce
Pinus nigra - Austrian pine
Pinus strobus - Eastern white pine
Pinus sylvestris - Scotch pine
Pinus thunbergii - Japanese black pine
Pseudotsuga menziesii - Douglas fir
Thuja occidentalis - arborvitae
Tsuga caroliniana - Carolina hemlock
Tsuga canadensis - Canada hemlock

- (5) Hedges or hedgerows are permitted for buffer and screening purposes provided they are a minimum of four (4) feet in height. The following is an approved list:

Crataegus crus-galli - cockspur thorn
Crataegus intricata - thicket hawthorn
Crataegus phaenopyrum - Washington hawthorn
Juniperus virginiana - Eastern Red Cedar
Forsythia intermedia - border forsythia
Rhododendron maxima - Great Rhododendron
Syringa chinensis - Chinese lilac
Syringa vulgaris - common lilac
Thuja occidentalis - arborvitae
Viburnum alatum - viburnum
Viburnum sieboldii - Siebold viburnum
Viburnum tomentosum - doublefile viburnum

- (6) Shrubs are permitted for buffer and screening purposes provided they are a minimum of three (3) feet in height. The following is an approved list of shrubs:

Hamamelis vernalis - vernal witch hazel
Hamamelis virginiana - common witch hazel
Ilex glabra - Inkberry
Ilex verticillata - winterberry
Juniper virginiana - upright juniper
Kalmia latifolia - Mountain Laurel
Myrica pennsylvanica - Bayberry
Juniper virginiana - upright juniper
Taxus capitata - upright yew
Taxus hicksi - Hicks yew
Viburnum dentatum - arrowwood viburnum
Viburnum lantana - Wayfaring tree viburnum
Viburnum trilobum - Highbrush Cranberry

- (D) As part of the application phase for a subdivision plan or land development plan, Mount Penn Borough may permit alternative trees, hedges and/or shrubs from those specified under Section 520.C provided the applicant or developer provides sufficient evidence from a landscape architect to demonstrate that the alternative tree, hedge and/or shrub will be more effective to meet the standards and specifications for buffer yards and landscaping. Species selection shall be based upon the existing physical and natural conditions of the site.
- (E) Where compliance with the landscaping provisions of this Subdivision and Land Development Ordinance cannot be achieved, Mount Penn Borough may permit the required trees or landscaping materials to be planted at an off-site location designated and approved by Mount Penn Borough. As an alternative to this provision, Mount Penn Borough may accept a contribution in lieu of the landscaping requirements, which shall be established by resolution
- (F) Any tree, plant, shrub, flower, vine or grass species, which has been classified as invasive, noxious or destructive by any local, county, state or federal agency, including the Pennsylvania Department of Agriculture, shall be specifically prohibited for use in landscaping and ground cover.
- (G) The following provisions shall be considered as a guarantee concerning the survival of all buffer yards and landscaping, which are required as part of the subdivision and/or land development plan application:
- (1) Any tree or shrub, which does not survive within eighteen (18) months of planting shall be replaced within a six (6) month time period.
 - (2) Substitutions for certain species may be permitted only when approved by Mount Penn Borough.
 - (3) Where appropriate, a landscape architect or other competent landscaping professional may provide a recommendation for the substitutions of species that may not survive or thrive.

Section 521: Woodland Extraction for Subdivision and Land Development

- (A) Woodland extraction shall be permitted within all underlying zoning districts, provided it is conducted in a manner to facilitate all necessary site improvements, as identified on an approved subdivision plan, land development plan, erosion and sedimentation control plan, and/or building permit. For the purposes of this Subdivision and Land Development Ordinance, "woodland extraction" is hereby defined as the clear cutting or removal of healthy mature trees (12 inches or more in diameter at breast height), to provide sufficient area for site improvements on an individual lot or parcel of land, as the mature trees exist in pre-development conditions.
- (B) All proposed subdivision and land development activity shall comply with the following criteria for woodland extraction:
- (1) Woodland extraction may be permitted in order to facilitate municipal site improvements including: areas within the street right-of-way; areas for stormwater management facilities; areas for public utilities; areas for active park and recreation uses; and other areas that may be required to complete the municipal site improvements in accordance with the approved subdivision or land development plan.

- (2) Woodland extraction shall be limited to 125 percent of the total area designated as the building envelope, which shall be identified on the approved subdivision or land development plan in order to facilitate internal lot improvements including: the area of the building(s); the area for the driveway; the area for the sanitary sewage facilities, water supply facilities and other public utilities; areas for stormwater management facilities; and other areas considered necessary by the landowner, provided that the total cumulative area does not exceed 125 percent of the designated building envelope.
- (3) If additional trees (other than those designated on the approved subdivision or land development plan) are removed or extracted for the purposes of grading or municipal improvements during the construction sequence, the applicant shall replace all such trees at a ratio of three (3) replacement trees (3 inches or more in diameter) for each healthy mature tree (12 inches or more in diameter at breast height) that has been incidentally timbered and/or cleared. The type and location of all such replacement trees shall be subject to the approval of Mount Penn Borough.
- (C) The approved subdivision and land development plan shall be utilized to regulate and control woodland extraction during the following phases: the initial construction activities required for the municipal site improvements; the building permit; and all other future site improvements that may be initiated by the prospective landowner. If a violation of the woodland extraction requirements should occur during any phase, the developer and/or landowner may be subject to fines, penalties and/or other enforcement remedies.
- (D) Compliance with the provisions for woodland extraction does not relieve the applicant or the prospective lot owners representing a subdivision or land development plan of the requirements specified for landscaping, woodland protection and tree replacement, which are specified under Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.

Section 522: Tree Protection and Replacement

- (A) The Woodlands Overlay District has been designated as a conservation overlay district as part of the Joint Zoning Ordinance. The Woodlands Overlay District shall include the following planning and zoning initiatives:
 - (1) Forestry, timber harvesting, tree harvesting and logging regulations, which apply to all operations involved with the cutting down of trees and removal of logs from woodlands or forests for the primary purpose of sale and commercial processing into wood products shall be subject to subject to the provisions of the Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.
 - (2) Woodland extraction and tree replacement provisions, which apply to all subdivision and land development activities shall be subject to provisions of the Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.
 - (3) Tree protection and replacement regulations, which apply to all earth disturbance activities including subdivision and land development activities, shall be subject to the provisions of the Joint Zoning Ordinance and the Subdivision and Land Development Ordinance.
- (B) The provisions for tree protection and replacement are intended to complement and not replace the provisions established by Woodlands Overlay District.
- (C) Where tree protection and replacement requirements apply to a subdivision or land development plan, the applicant shall submit a landscaping plan to Mount Penn Borough for review and consideration. The landscaping plan shall be prepared in accordance with the provisions established by Mount Penn Borough.
- (D) Mount Penn Borough may consider optional tree protection and replacement alternatives if the standard requirements are determined to be unwarranted or inappropriate.

Section 523: Community Facilities

- (A) During the review phase of any subdivision or land development plan, Mount Penn Borough shall consider the adequacy of existing or proposed community facilities to serve the proposed development. Mount Penn Borough shall utilize the applicable components of the Joint Comprehensive Plan to provide background support and guidance.
- (B) The applicant shall give earnest consideration to the desirability of providing or reserving areas for community facilities normally required in residential neighborhoods, including educational facilities, utility services, emergency management facilities and recreational facilities.
- (C) Land or water areas provided or reserved for community facilities should provide sufficient area to accommodate any proposed buildings, structures and off-street parking areas. All such areas should be located in an area of the development, which is accessible to the general public.

Section 524: Parks, Recreation and Open Space

- (A) Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Mount Penn Borough may require land and/or water areas be designated as parks, recreation and open space in order to accommodate the community needs for a subdivision plan and/or land development plan. The following general guidelines shall apply:
 - (1) The provisions and requirements for parks, recreation and open space should be consistent with the Joint Comprehensive Plan as well as all other relevant plans or studies that have been adopted by Berks County and Mount Penn Borough.
 - (2) During the review phase of a subdivision or land development plan, Mount Penn Borough shall determine if the parks, recreation and open space areas to be designated as common open space areas are sufficient to serve the proposed development and benefit the community.
 - (3) Mount Penn Borough shall determine if land within the proposed development should be devoted for recreation and open space or if a fee in lieu of recreation land shall be required from the applicant, as permitted under the authority of the Pennsylvania Municipalities Planning Code and by Mount Penn Borough.
 - (4) The guidelines, standards and formulas for land dedication and/or fees in lieu of land dedication shall be established by Mount Penn Borough, which may be amended from time to time.
 - (5) If land or water areas are to be dedicated as parks, recreation areas and/or open space, the applicant shall make arrangements for the perpetual ownership and maintenance of such land.
- (B) The National Recreation and Park Association (NRPA) have developed specific standards for improved park and recreation areas to serve the basic needs of a community. The following table provides a summary of the park, recreation and open space standards that have been endorsed and recommended by the NRPA.

NRPA Park, Recreation and Open Space Standards					
Type of Facility	Acres Per 1,000 People		Total Population Served		Service Area
	Minimum	Maximum	Minimum	Maximum	
Mini-Park	0.25 acres	0.50 acres	500	1,000	0.25 miles
Neighborhood Park	1.00 acres	2.00 acres	500	5,000	0.50 miles
Community Park	5.00 acres	8.00 acres	500	10,000	2.00 miles

- (C) The NRPA does recommend that a twenty (20) percent contingency should be applied to these standards in order to plan for projected recreational demands over a given time period. For the purposes of this Subdivision and Land Development Ordinance, a minimum of ten (10) acres of land shall be devoted as improved municipal parks and recreational areas for every 1,000 persons served by that facility.
- (D) As part of the subdivision plan or land development plan, Mount Penn Borough and the applicant shall consider the needs of the development and regional impacts. A minimum of ten (10) acres of land and/or water areas within the development shall be designated as "common open space" for every 1,000 persons served by that facility considering the following design criteria:
- (1) The permitted uses contained within the areas designated as parks, recreation and open space shall be limited to those uses specified within the Joint Zoning Ordinance. As part of the subdivision or land development plan application, Mount Penn Borough may permit other accessory uses to the principal use provided that such use is not calculated as part of the required common open space area.
 - (2) At least seventy-five (75) percent of the common open space shall be improved to accommodate active and passive recreation uses.
 - (3) No more than fifty (50) percent of the common open space shall be located on lands that are located within the 100-year floodplain, areas delineated as wetlands and/or areas designated as Category 3 Slope.
 - (4) No more than fifty (50) percent of the common open space shall include land areas that are burdened by or are proposed to contain utilities easements and/or stormwater management facilities, as further described and identified by Mount Penn Borough.
 - (5) The common open space shall be planned and located as a contiguous accessible area within the development. Existing and/or proposed roads may bisect the areas designated as common open space, provided a cross walk at grade is safely designed to link the common open space areas. Planned linkages to other common open space areas, preserved lands, recreation areas and/or natural features shall be encouraged and considered as part of any subdivision or land development application.
 - (6) Significant natural features shall be incorporated into the overall schematic of the design as common open space areas whenever possible.
 - (7) A system for pedestrian circulation throughout the development shall be provided by utilizing sidewalks and trails.
 - (8) The total land area designated to comply with the minimum open space requirements shall be comprised of areas not less than fifty (50) feet in width and shall not contain less than one (1) contiguous acre of land. In addition, there shall be at least one (1) designated common area that is contiguous within the development containing no less than twenty-five (25) percent of the required common open space.
- (E) The following provisions shall apply to the ownership and maintenance of areas designated as common open space:
- (1) Satisfactory written agreements that have been reviewed and approved by Mount Penn Borough Council shall be executed as a declaration of easements, covenants and restrictions in perpetuity for the preservation of the common open spaces, and shall be recorded with the Berks County Recorder of Deeds.
 - (2) The applicant or developer shall make arrangements, provisions and/or agreements to insure that the common open space shall continue to be adequately managed and maintained. The applicant or developer shall have the following options for ownership, management and maintenance of the common open space:
 - (a) Dedicate the land encompassing the common open space to a homeowners association which is comprised of all the residents of the development;
 - (b) Dedicate the land encompassing the common open space to Mount Penn Borough, who shall have the option to accept or refuse the land offered for dedication;

- (c) Dedicate the land encompassing the common open space to a conservation organization, as determined acceptable by Mount Penn Borough Council; or
 - (d) Retain the ownership, management and maintenance responsibilities
- (3) The selected options for the ownership, management and maintenance of the land and water areas, which are designated as common open space, shall be subject to the review and approval by Mount Penn Borough Solicitor.
- (F) In lieu of provisions for designating land and/or water areas as common open space, Mount Penn Borough may require a recreation impact fee as part of the subdivision or land development plan application. The required impact fee or the fee in lieu of mandatory land dedication for parks and recreation facilities shall be specified on the fee schedule adopted by Mount Penn Borough, which may be amended from time to time by resolution. The fees shall be utilized to implement the park, recreation and open space plans that have been adopted by Mount Penn Borough in accordance with the provisions of the Pennsylvania Municipalities Planning Code.
- (G) The provisions specified for common open space, as may be required to satisfy specific design criteria for the development shall not relieve the applicant of other requirements for open space and recreation as well as all requirements for recreation impact fees associated with the proposed development.

Section 525: Solid Waste Management

- (A) Provision shall be made in developments containing apartments and townhouses and in nonresidential developments to adequately store within containers all solid waste generated between collections.
- (B) All storage containers shall be located to permit efficient depositing of wastes in the containers and efficient collection from the containers.
- (C) Debris, rubbish, or other waste material resulting from grading or construction activities on the lot shall be removed from the lot prior to the issuance of a certificate of use and occupancy for the lot.
- (D) The provisions for land use, setback, fencing and buffering requirements are further specified under Section 729 of the Joint Zoning Ordinance.
- (E) All solid waste management, recycling and disposal methods shall comply with the provisions adopted by Mount Penn Borough.

Article 6: Contracts, Fees and Contributions

Section 601: Statement of Intent

- (A) Article 6 of this Subdivision and Land Development Ordinance provides the procedural requirements and general provisions for contracts, municipal improvement agreements, dedication of municipal improvements and maintenance guarantees, as well as all other contributions or fees that may be required as a result of a subdivision or land development application within Mount Penn Borough.
- (B) The provisions established under Article 6 shall be subject to the interpretation of Mount Penn Borough. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with Mount Penn Borough. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of Mount Penn Borough.
- (C) Where the provisions of this Subdivision and Land Development Ordinance conflict with the specific provisions of the Pennsylvania Municipalities Planning Code, the specific provisions of the Pennsylvania Municipalities Planning Code shall be held in compliance, unless otherwise directed by Mount Penn Borough.

Section 602: Improvement Guarantees and Contracts

- (A) No subdivision or land development plan shall be granted final approval unless the streets, curbs, gutters, sidewalks, walkways, streetlights, water mains, sanitary sewers, fire hydrants, storm sewers, stormwater management facilities, erosion and sedimentation control facilities, signs, street or shade trees, buffer or screen plantings, recreational facilities, open space improvements and other infrastructure improvements required to satisfy this Subdivision and Land Development Ordinance, have been designed, permitted, completed, installed and inspected in accordance with this Subdivision and Land Development Ordinance.
- (B) In lieu of the completion of any improvements, which may be required as a condition for the final approval of the subdivision or land development plan, including improvements and fees required by Mount Penn Borough, the applicant shall deposit with Mount Penn Borough an amount as hereinafter calculated to cover the costs of such required improvements or common amenity including, but not limited to, streets, curbs, gutters, walkways, streetlights, water mains, sanitary sewers, fire hydrants, storm sewers, stormwater management facilities, shade trees, buffer or screen plantings, recreational facilities, open space improvements and other required improvements.
- (C) When requested by the applicant to facilitate financing, Mount Penn Borough shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the applicant obtaining satisfactory financial security and executing a development agreement.
- (D) The final plan shall not be signed nor recorded until the financial security is tendered and a development agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security is not tendered and the development agreement is not executed within ninety (90) days of the date of the resolution or contingent approval. Mount Penn Borough may, at its discretion, grant a written extension, which shall be placed in writing at the request of the applicant.
- (E) In addition to cash deposits and escrow accounts, state or federal chartered lending institution irrevocable letters of credit extending for a term of one (1) year beyond completion of all improvements and restrictive or escrow accounts in such lending institution shall be deemed acceptable financial security for the purposes of securing the completion of the required improvements. Such financial security shall be posted with Mount Penn Borough by a bonding company or state or federal chartered lending institution chosen by the applicant, provided such bonding company or lending institution is authorized to conduct business within the Commonwealth of Pennsylvania. Such bond, or other security, shall provide for, and secure to the public the completion of any improvements, which may be required on or before the date, fixed in the formal action of approval or accompanying agreement for completion of the required improvements.

- (F) The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten (110) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the applicant, and all administrative and engineering inspections, fees, costs and expenses.
- (G) Mount Penn Borough may adjust the amount of the financial security on an annual basis, by comparing the actual cost of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the ninetieth (90th) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, Mount Penn Borough shall require the applicant to post additional security in order to assure that the financial security equals the one hundred ten (110) percent and administrative and engineering costs as specified above. If required by Mount Penn Borough, additional security shall be posted by the applicant.
- (H) The amount of required financial security shall be based upon the estimated cost of completion and inspection of the required improvements, submitted by the applicant or developer and prepared by a professional engineer licensed as such in the Commonwealth of Pennsylvania and certified by such engineer to be a fair and reasonable estimate of all such costs.
- (I) Upon the recommendation of its appointed engineer, planning consultant and/or solicitor, Mount Penn Borough may refuse to accept such estimate for good cause shown. If the applicant and Mount Penn Borough are not able to agree upon an estimate, then the estimate shall be recalculated and certified by another professional engineer licensed as such in the Commonwealth of Pennsylvania and chosen mutually by Mount Penn Borough and the applicant. The estimate certified by the third engineer shall be presumed fair and reasonable.
- (J) If the applicant requires more than one (1) year from the date of posting the financial security to complete the required improvements, the amount of financial security shall be increased by an additional ten (10) percent for each one (1) year period or portion thereof beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completion and inspection of the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the procedure described above.
- (K) In the case where development is projected over a period of years, Mount Penn Borough may at its discretion authorize approval of final plans by section, stages, or phases of development with the understanding that no sale of lots and no work within the areas reserved from development may commence until the required contracts are signed and the financial security posted with respect to those areas reserved from development. Mount Penn Borough shall also have the right to impose additional requirements and conditions in connection with the phases as they are approved so as to assure that each section or phase will not be dependent for access or other improvement or common amenity upon completion of improvements in the subsequent phase or stage.
- (L) As part of the municipal improvements agreement, the escrow shall contain a five (5) percent fee added to the total cost of the improvements and contingencies for administration, inspection and management of the escrow account.
- (M) As part of the municipal improvements agreement, the escrow shall contain a two (2) percent fee added to the total cost of the improvements and contingencies for the preparation and review of the required As-Built Plans.
- (N) As the work of installing the required improvements proceeds, the applicant or party posting the financial security may request Mount Penn Borough to release or authorize the release, from time to time, such portions of the financial security. Any such request shall be in writing addressed to Mount Penn Borough and the governing body of Mount Penn Borough shall have forty-five (45) days from receipt of such request within which appointed engineer, planning consultant and/or solicitor from Mount Penn Borough shall certify, in writing, whether such portion of the improvements has been completed in accordance with the approved plan and applicable specifications.
- (O) Upon certification of completion, Mount Penn Borough shall authorize release by the bonding company or lending institution of an amount as estimated by appointed engineer, planning consultant and/or solicitor from Mount Penn Borough fairly representing the value of the improvements completed or, if Mount Penn Borough fails to act within said forty five (45) day period, Mount Penn Borough shall be deemed to have approved the release of funds as requested.

- (P) Mount Penn Borough shall, prior to release at the time of completion and certification by the appointed engineer, planning consultant and/or solicitor from Mount Penn Borough, require retention of fifteen (15) percent of the estimated cost of the required improvements.

Section 603: Acceptance of Streets and Other Improvements

- (A) Mount Penn Borough shall at its discretion accept a part or all of the required improvements if satisfied that the applicant has complied with the approved plan and all specifications and ordinances of Mount Penn Borough.
- (B) The applicant shall furnish Mount Penn Borough with legal descriptions for all roads and easements. In addition, the applicant shall provide two (2) complete sets of prints of the completed required improvements including streets, curbs, sidewalks, stormwater management facilities, sanitary sewage disposal facilities, water supply facilities, street signs, street lights, profiles, utilities and other municipal site improvements. In addition, the applicant shall pay all costs for the recordation of the final plan, as-built plans and deeds of dedication with the Berks County Recorder of Deeds, as required by Mount Penn Borough for its acceptance of the required improvements and any deed of dedication for the same.
- (C) Unless permitted by Mount Penn Borough, no roads or other subsequent improvements will be accepted during the months of November, December, January, February and March of each calendar year.

Section 604: Maintenance Guarantee

- (A) Where Mount Penn Borough accepts dedication of all or some of the required improvements following completion, Mount Penn Borough shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design standards and specifications as shown on the final plan.
- (B) The maintenance period shall be eighteen (18) months from the date of acceptance of dedication. The financial security shall be of the same type as described previously in this Subdivision and Land Development Ordinance. The amount of financial security for maintenance shall be fifteen (15) percent of the actual cost of the installation of said improvements.

Section 605: Public Utilities and PADOT Improvements

- (A) If basic public utilities (electric, natural gas, cable television, and telephone) are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility and distinct from Mount Penn Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility providing service and shall not be included within the financial security as otherwise required by Mount Penn Borough.
- (B) If transportation improvements are required by the Pennsylvania Department of Transportation (PennDOT), a separate escrow with sufficient financial security shall be established between the applicant and the PennDOT to provide assurances that the required transportation improvements are completed in accordance with the Highway Occupancy Permit for the project. If the PennDOT does not require an escrow for the required improvements within the state right-of-way, Mount Penn Borough may require that the costs of such improvements are included within the municipal improvements agreement between the applicant and Mount Penn Borough.

Section 606: Final Release from the Improvement Bond and Agreement

- (A) When the applicant has completed all of the necessary and appropriate improvements, the applicant shall notify Mount Penn Borough, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy thereof to Mount Penn Borough. Pursuant to the provisions established by Mount Penn Borough and the Pennsylvania Municipalities Planning Code, Mount Penn Borough shall inspect all of the required improvements.

- (B) The appointed engineer and/or planning consultant from Mount Penn Borough shall file a report in writing via certified mail or first class mail to Mount Penn Borough and the applicant of the final review of the site improvements. The report shall be detailed and shall indicate approval or rejection of the improvements. If the improvements are not approved or are rejected by Mount Penn Borough, the report shall contain a statement of reasons for such non-approval or rejection.
- (C) Mount Penn Borough shall notify the applicant within fifteen (15) days of receipt of the report issued by the appointed engineer and/or planning consultant from Mount Penn Borough, in writing by certified and first class mail, of the action of Mount Penn Borough has taken concerning the recommendations of the appointed engineer and/or planning consultant from Mount Penn Borough.
- (D) If Mount Penn Borough fail to comply with the time limitation provisions contained within this Subdivision and Land Development Ordinance, all improvements will be deemed to have been approved and the applicant shall be released from liability for installation, pursuant to its performance guarantee bond, or other security agreement, but shall be liable for and shall provide a maintenance guarantee as otherwise provided for herein.
- (E) If any portion of said improvements shall not be approved or shall be rejected by Mount Penn Borough, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined within this Subdivision and Land Development Ordinance, shall be followed.
- (F) The applicant shall reimburse Mount Penn Borough for the reasonable and necessary expenses incurred for the inspection of improvements. Such fees shall be based on a normal fees approved by the governing body of Mount Penn Borough for engineering, planning and administrative services.
- (G) In the event that any required improvements have not been installed as provided for in these regulations, or in accordance with the approved final plan, Mount Penn Borough shall have the power to enforce any corporate bond, or other security, by appropriate legal and equitable remedies. If the proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, Mount Penn Borough may, at its option, install part of or all such improvements in the subdivision or land development and may institute appropriate legal action to recover the monies necessary to complete the remainder of the improvements.
- (H) In addition to the posting of security, the applicant shall be required to enter into a contract with Mount Penn Borough, in a form acceptable to Mount Penn Borough, covering the completion of the required improvements. The contract shall also provide for engineering inspections, insurance, and reimbursement of expenses to Mount Penn Borough, procedure upon default, and other subjects, deemed necessary by Mount Penn Borough to ensure proper and reasonable development of the land.

Section 607: Other Contributions and Fees

- (A) Mount Penn Borough shall have established by municipal resolution or ordinance, a fee schedule for the submission and processing of all applications pertaining to this Subdivision and Land Development Ordinance. The proposed application shall not be considered by Mount Penn Borough until all pertinent fees are paid in full. All such fees shall be utilized to pay for all administrative costs as well as all review fees for any professional consultants designated by Mount Penn Borough, as authorized by law.
- (B) The governing body of Mount Penn Borough may be alter or change the schedule of the fees by resolution in accordance the appropriate provisions established by Mount Penn Borough and the Pennsylvania Municipalities Planning Code.
- (C) Where design and improvement waivers are to be considered, the applicant or developer may offer a contribution or a fee in lieu of the requirement. All such contributions or fees shall be negotiated between Mount Penn Borough and the applicant or developer.
- (D) All other fees and contributions that may be required for transportation improvements, recreation facilities, community facilities and/or other infrastructure improvements shall be paid by the applicant prior to final approval of the subdivision or land development plan.

Article 7: Administration and Enforcement

Section 701: Statement of Intent

- (A) Article 7 of this Subdivision and Land Development Ordinance provides the procedural requirements and general provisions for amendments, records, preventive remedies and enforcement powers that may be utilized by Mount Penn Borough.
- (B) The provisions established under Article 7 shall be subject to the interpretation of Mount Penn Borough. Should a dispute arise concerning the interpretation of these regulations, the person aggrieved by the interpretation may file an appeal with Mount Penn Borough. In all cases, the burden of proof and submission of technical evidence shall be the responsibility of the applicant or person appealing the interpretation of Mount Penn Borough.
- (C) Where the provisions of this Subdivision and Land Development Ordinance conflict with the specific provisions of the Pennsylvania Municipalities Planning Code, the specific provisions of the Pennsylvania Municipalities Planning Code shall be held in compliance unless otherwise directed by Mount Penn Borough.

Section 702: Amendments

- (A) Before voting on the enactment of a proposed amendment to this Subdivision and Land Development Ordinance, Mount Penn Borough shall hold a public hearing pursuant to public notice. The amendment or a summary setting forth the principal provision of the amendment shall be published once each week for two (2) successive weeks in a newspaper of general circulation in Mount Penn Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than thirty (30) and the second publication shall not be less than seven (7) days from the date of the hearing. The notice shall include a reference to the place within Mount Penn Borough where copies of the proposed amendment may be secured or examined.
- (B) In case of an amendment other than that prepared by Mount Penn Borough, the proposed amendment shall be submitted to the Planning Commission for recommendation at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- (C) The recommendation of the Planning Commission shall be made in writing to the governing body of Mount Penn Borough within thirty (30) days. The recommendation shall include a specific statement as to whether or not the proposed amendment is in accordance with the objectives of the Joint Comprehensive Plan.
- (D) At least thirty (30) days prior to the hearing on the proposed amendment, Mount Penn Borough shall submit the proposed amendment to the Berks County Planning Commission and to Lower Alsace Township. The recommendation of the Berks County Planning Commission and Lower Alsace Township shall be made to Mount Penn Borough within thirty (30) days and the proposed action shall not be taken until such recommendation is made. If, however, the Berks County Planning Commission or Lower Alsace Township fails to act within thirty (30) days, Mount Penn Borough shall proceed without its recommendation.
- (E) Before voting on the enactment of a proposed amendment to this Subdivision and Land Development Ordinance, Mount Penn Borough shall publish the proposed amendment once in one (1) newspaper of general circulation in Mount Penn Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the amendment shall include either the full text or the title and a brief summary, prepared by Mount Penn Borough, setting forth all the provisions in reasonable detail.
- (F) In the event substantial amendments are made to the proposed amendment before voting on enactment, Mount Penn Borough shall, at least ten (10) days prior to enactment, advertise in one (1) newspaper of general circulation in Mount Penn Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

Section 703: Records

- (A) Mount Penn Borough shall keep a record of their findings, decisions, and recommendations relative to all subdivision and land development plans filed for review and action.
- (B) Upon written request to Mount Penn Borough, such records shall be made available to the public for review in accordance with state and federal laws.

Section 704: Preventive Remedies

- (A) In addition to other remedies, Mount Penn Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies provided.
- (B) Mount Penn Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Subdivision and Land Development Ordinance.

Section 705: Appeals

- (A) All appeals concerning the review, application, interpretation and decisions authorized by this Subdivision and Land Development Ordinance shall be in accordance with in accordance with the appropriate provisions that are established by Mount Penn Borough and the Pennsylvania Municipalities Planning Code.
- (B) All appeals concerning an alleged error in the processing or enactment of any components of this Subdivision and Land Development Ordinance shall raised by appeal taken directly from the action of Mount Penn Borough to the appropriate court, which shall not be filed later than thirty (30) days from the effective date of this Subdivision and Land Development Ordinance.

Section 706: Enforcement

- (A) Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable in a civil enforcement proceeding commenced by Mount Penn Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by a municipality as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, Mount Penn Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determines otherwise as prescribed by the Pennsylvania Municipalities Planning Code.
- (B) The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.
- (C) Nothing contained in this Subdivision and Land Development Ordinance shall be construed or interpreted to grant to any person or entity other than Mount Penn Borough the right to commence any action for enforcement pursuant to this Subdivision and Land Development Ordinance.

Article 8: Municipal Enactment

Section 801: Validity and Severance

- (A) If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in this Subdivision and Land Development Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of this Subdivision and Land Development Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word, or remaining portion of this Subdivision and Land Development Ordinance.
- (B) Mount Penn Borough hereby declare that it would have adopted the Subdivision and Land Development Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, and word thereof, irrespective of the fact that any one (1) or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, or words may be declared illegal, unconstitutional or invalid.

Section 802: Repealer

- (A) Except as otherwise required by law, this Subdivision and Land Development Ordinance is intended as a continuation of, and not a repeal of, existing regulations governing the subject matter. To the extent that this Subdivision and Land Development Ordinance restates regulations contained in ordinances previously enacted by the Mount Penn Borough shall be considered a restatement and not a repeal of such regulations.
- (B) It is the specific intent of Mount Penn Borough that all provisions of this Subdivision and Land Development Ordinance shall be considered in full force and effect as of the date such regulations were initially enacted. Any municipal ordinances or parts of any municipal ordinances that are considered conflicting or inconsistent with the provisions of this Subdivision and Land Development Ordinance are hereby repealed.
- (C) It is expressly provided that the provisions of this Subdivision and Land Development Ordinance shall not affect any act done, contract executed or liability incurred prior to its effective date, or affect any suit or prosecution pending or to be instituted to enforce any rights, rule, regulation or ordinance, or part thereof, or to punish any violation which occurred under any prior zoning regulation or ordinance.
- (D) In the event any violation has occurred under any prior regulation or ordinance established by Mount Penn Borough, prosecution may be initiated against the alleged offender pursuant to the provisions of said prior regulation or ordinance, and the provisions and penalties provided in said prior regulation or ordinance shall remain effective as to said violation.

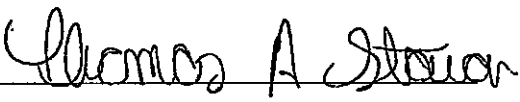
Section 803: Effective Date

- (A) The Subdivision and Land Development Ordinance of 2011 shall become effective five (5) days after municipal adoption by Mount Penn Borough.
- (B) An endorsed copy of this Subdivision and Land Development Ordinance, including any subsequent amendments or revisions thereto, shall be retained by Lower Alsace Township, Mount Penn Borough and the Berks County Planning Commission.


Section 804: Municipal Adoption by Mount Penn Borough

The Mount Penn Borough Subdivision and Land Development Ordinance has been adopted by Mount Penn Borough Council on November 22, 2011, as part of Mount Penn Ordinance 797.

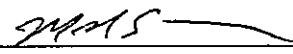
Mount Penn Borough Council



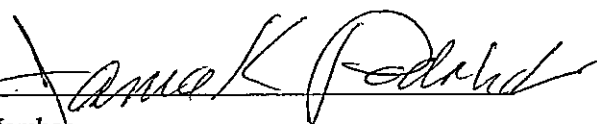
President



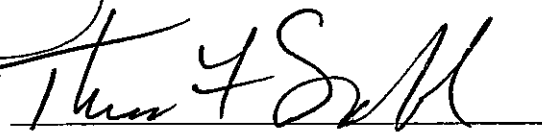
Vice-President



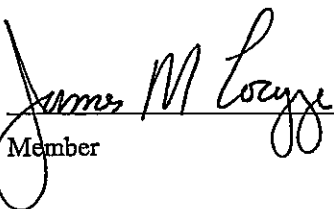
Member




Member



Member




Member

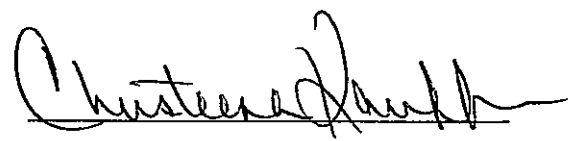


Member

ATTEST:



Mayor



Mount Penn Borough Secretary

Mount Penn Borough Subdivision and Land Development Ordinance of 2011

Appendices

Appendix A: Subdivision and Land Development Plan Application Form

Appendix B: Model Formats for Municipal Approval and Recording

**Appendix C: Summary Chart of Street Design Standards and Specifications
Minimum Sight Distance Requirements and Street Intersections**

**Mount Penn Borough Subdivision and
Land Development Ordinance of 2011**

Appendix A

Subdivision and Land Development Plan Application Form

Mount Penn Borough, Berks County, Pennsylvania

Subdivision and Land Development Plan Application: Page 1 of 3

Name of Development / Application			
Initial Date of the Application			
Location of the Property			
Tax Parcel Identification Number			
Type of Plan Submission (Please Check One)		History of this Plan Submission (Please Check One)	
Sketch Plan		New Plan Submission	
Preliminary Plan		Revised Application	
Final Plan		Phased Development	
Revised Plan of Record		Revised Plan of Record	
Other (Refer to Ordinance)		Other (Refer to Ordinance)	
Name of Applicant			
Mailing Address			
Telephone Number		Fax Number	
Email Address			
Name of Record Owner			
Mailing Address			
Telephone Number		Fax Number	
Email Address			
Name of Consultant # 1			
Mailing Address			
Telephone Number		Fax Number	
Email Address			
Name of Consultant # 2			
Mailing Address			
Telephone Number		Fax Number	
Email Address			
Legal Consultant			
Mailing Address			
Telephone Number		Fax Number	
Email Address			

Mount Penn Borough, Berks County, Pennsylvania

Subdivision and Land Development Plan Application: Page 2 of 3

Proposed Land Use (Please Check Type)	Specific Type of Land Use defined by Joint Zoning Ordinance	Total Number of Lots/Units	Total Square Footage of Non-Residential Buildings
Agriculture			
Conservation			
Residential			
Commercial			
Industrial			
Institutional			
Mixed Use			
Other			

Total Land Area (Acres)		Zoning District	
Total Developed Land Area (Acres)		Existing Land Use	
Total Length of New Roads (Linear Feet)		Residential Density	
Proposed Method of Sewage Disposal		Non-Residential GFA	
Proposed Method of Water Supply		Total Number of Phases	

The applicant shall answer the following questions with a "Yes", "No." or "N/A" (Not Applicable) Response. The applicant is advised to review the ordinances adopted by Mount Penn Borough and confer with their professional consultants or representatives prior to answering each question.

Does this application comply with the Joint Zoning Ordinance?	
Has there been any special relief granted in the past for this property being developed?	
Will a Zoning Variance be required to permit the proposed use prior plan approval?	
Will a Special Exception be required to permit the proposed use prior plan approval?	
Will a Conditional Use be required to permit the proposed use prior plan approval?	
Will any plan or design waivers be requested for this subdivision/land development plan?	
Will a homeowners association be created as a result of this project?	
Are the proposed streets within the development to be dedicated?	
Have all public utilities been notified concerning service and availability?	
Has a Phase I Environmental Assessment Report been completed for this project?	
Has a Traffic Impact Study been completed for this project?	
Has a Stormwater Management Plan been completed for this project?	

Mount Penn Borough, Berks County, Pennsylvania

Subdivision and Land Development Plan Application: Page 3 of 3

Complete sets of the plans along with the application, supplemental documents and fees shall be submitted to Mount Penn Borough in accordance with the Joint Zoning Ordinance and the Subdivision and Land Development Ordinance. The following information has been submitted with this application.

Title of the Submission and Description of the Contents	Copies	Reference Number	Date

I _____ am the authorized representative of the applicant and hereby request review of this application by Mount Penn Borough. To the best of my knowledge, all of the information contained within this application is correct and complete. Further, I hereby agree to the following specific terms and conditions:

- (1) I hereby permit any elected, appointed and/or assigned representative from Mount Penn Borough to enter the property in which this zoning, land use, subdivision or land development application pertains for the purposes of conducting a site inspection while the application is being reviewed and considered by Mount Penn Borough.
- (2) I hereby agree to pay for all administrative, consultant and/or application fees that are required to review this application.
- (3) I hereby agree to comply with the provisions established for zoning, land use, subdivision and development, as specified by Mount Penn Borough.

Signature of the Authorized Representative	Date of the Application
Signature of a Witness of the Authorized Representative	Date of the Witness Signature
Date the Application has been accepted for Municipal Review	
Review Fee for Mount Penn Borough	
Date the Application has been forwarded to the BCPC	
Review Fee for the Berks County Planning Commission	

**Mount Penn Borough Subdivision and
Land Development Ordinance of 2011**

Appendix B

Model Formats for Municipal Approval and Recording

**Mount Penn Borough, Berks County, Pennsylvania
Subdivision and Land Development Ordinance of 2011**

Appendix B: Model Formats

Certificate of Ownership, Acknowledgement of the Plan and Offer of Dedication

On this, the ____ day of _____, _____, before me, the undersigned officer, personally appeared (Name of Record Owner and/or Equitable Owner), who being duly sworn according to law, deposes and says that he is the owner or equitable owner of the property shown on this plan, that the plan was prepared at his direction, and that he acknowledges the same to be his act and plan, and desires the same to be recorded as such according to law, and that all streets shown and not heretofore dedicated are hereby dedicated to public use.

Notary Public Name/Seal
Commission Expiration Date

Record Owner or Equitable Owner

Certificate of Accuracy

I hereby certify that to the best of my knowledge, the plan shown and described hereon is true and correct to the accuracy required by the Joint Zoning Ordinance and the Subdivision and Land Development Ordinance, as adopted by Mount Penn Borough.

Professional Engineer or Surveyor
Name and Seal

Date

Appendix B: Model Formats

Certificate for Approval by the Mount Penn Borough Planning Commission

At a meeting held on _____, _____, the Mount Penn Borough Planning Commission has reviewed the (Name of Subdivision or Land Development Plan), as shown and described hereon, whereas, the Mount Penn Borough Planning Commission, by motion, recommends approval of the plan in accordance with the provision of Mount Penn Borough.

_____	_____
_____	_____
_____	_____
_____	_____

Certificate for Approval by the Mount Penn Borough Council

At a meeting held on _____, _____, the Mount Penn Borough Council has reviewed the (Name of Subdivision or Land Development Plan), as shown and described hereon, whereas, the Mount Penn Borough Council, by resolution, approves the plan in accordance with the provision of Mount Penn Borough.

_____	_____
_____	_____
_____	_____
_____	_____

Mount Penn Borough Subdivision and Land Development Ordinance of 2011

Appendix C

Summary Chart of Street Design Standards and Specifications
Minimum Sight Distance Requirements and Street Intersections

Mount Penn Borough, Berks County, Pennsylvania

Subdivision and Land Development Ordinance of 2011

Appendix C: Summary Chart of Street Design Standards and Specifications

Design Standards and Specifications ⁽¹⁾	Minor or Local Access Street	Cul-De-Sac Street	Minor or Major Collector ⁽²⁾	Arterial ⁽²⁾	Service Street or Access Drive
Design Speed	25 MPH	25 MPH	35 MPH	55 MPH	15 MPH
Right-of-Way Width	50 feet	50 feet	60 feet	80 feet	33 feet
Cartway Width	18 - 34 feet	18 - 34 feet	24 feet	12 feet per travel lane	24 feet
Minimum Centerline Grade	1 percent	1 percent	1 percent	1 percent	1 percent
Maximum Centerline Grade	10 percent	10 percent	8 percent	8 percent	10 percent
Maximum Grade within 100 feet of an Intersection	5 percent	5 percent	5 percent	5 percent	5 percent
Crown of Road or Cross Slope from Centerline	2.083 percent	2.083 percent	2.083 percent	2.083 percent	2.083 percent
Maximum Horizontal Curve	Refer to Section 503.D of this Subdivision and Land Development Ordinance				
Maximum Vertical Curve	Refer to Section 503D of this Subdivision and Land Development Ordinance				
Separation Distance between Intersections	200 feet	200 feet	500 feet	1,000 feet	100 feet
Minimum Curb Radius	20 feet	20 feet	30 feet	40 feet	15 feet
Clear Sight Triangle	75 feet	75 feet	100 feet	150 feet	50 feet
Minimum Sight Distance	Refer to Article 5 of this Subdivision and Land Development Ordinance for the minimum requirements for sight distance. The municipality with jurisdiction and/or the Pennsylvania Department of Transportation may require additional sight distance than those referenced in Appendix C by considering the functional classification of the road, traffic volumes, vehicular speed, pedestrian movements, land use and other relevant site conditions.				
Street Construction and Improvement Specifications	Standards and specifications for street construction are contained within this Subdivision and Land Development Ordinance and other ordinances adopted by Mount Penn Borough.				
Street Names, Street Signs and Street Lights	Standards and specifications for street construction are contained within this Subdivision and Land Development Ordinance and other ordinances adopted by Mount Penn Borough..				
Curb and Sidewalk Improvement Specifications	Standards and specifications for street construction are contained within this Subdivision and Land Development Ordinance and other ordinances adopted by Mount Penn Borough.				
Other Requirements	In addition to the general requirements specified within this summary chart, Mount Penn Borough may identify other requirements for subdivision and land development, which have been adopted or referenced within this Ordinance.				

General Notes and References:

- (1) The design standards and specifications referenced on this summary chart are intended to consider the public health, safety and general welfare, and shall be applied as such by Mount Penn Borough in reviewing all subdivision and land development plans.
- (2) Where collector or arterial roads are to be owned and maintained as state roads, the Pennsylvania Department of Transportation may apply optional design standards and specifications for the design and construction of streets.

Mount Penn Borough, Berks County, Pennsylvania

Subdivision and Land Development Ordinance of 2011

Appendix C: Minimum Sight Distance Requirements at Street Intersections (measured in feet)

Average Centerline Road Grade		Speed Limit of Intersecting Street (Miles Per Hour or MPH)						
		25 MPH	30 MPH	35 MPH	40 MPH	45 MPH	50 MPH	55 MPH
Positive Road Grade to Intersection	+ 10 %	135	177	221	274	330	392	454
	+ 9 %	136	178	224	277	334	397	461
	+ 8 %	137	180	226	280	339	403	468
	+ 7 %	138	182	228	284	343	409	475
	+ 6 %	139	183	231	287	348	415	482
	+ 5 %	140	185	233	291	353	422	490
	+ 4 %	142	187	236	295	358	429	499
	+ 3 %	143	189	239	299	364	436	508
	+ 2 %	144	191	242	304	370	444	517
	+ 1 %	145	194	245	309	376	453	527
Flat Grade: 0 %		147	196	249	314	383	462	538
Negative Road Grade to Intersection	- 1 %	148	199	252	319	390	471	550
	- 2 %	150	201	256	325	396	481	562
	- 3 %	151	204	260	331	406	492	576
	- 4 %	153	207	265	338	415	504	590
	- 5 %	155	210	269	345	425	517	606
	- 6 %	157	214	275	352	435	531	622
	- 7 %	159	217	280	360	447	546	641
	- 8 %	161	221	286	369	459	563	661
	- 9 %	164	226	292	379	472	581	682
	- 10 %	166	230	299	389	487	600	706

Note 1: The positive or negative road grade approach to the intersection shall be the average centerline grade within 300 feet of the centerline of the intersecting street.

Note 2: Sight distance measurements shall be made in each direction from a point 10 feet from the edge of the cartway and 3.5 feet above the road surface to a point 3.5 feet above the centerline of the road.

Note 3: Where the provisions contained on this chart are less than the sight distance requirements and/or safe stopping distance requirements established by the American Association of State Highway and Transportation Officials (AASHTO) and the Pennsylvania Department of Transportation, the more restrictive requirements shall apply.

Note 4: Mount Penn Borough and/or the Pennsylvania Department of Transportation may require additional sight distance than those referenced on this chart by considering the functional classification of the road, traffic volumes, vehicular speed, pedestrian movements, land use and other site conditions.