

SUBDIVISION AND LAND
DEVELOPMENT CODE
ORDINANCE NUMBER 349
AS AMENDED BY ORDINANCE 412 (1978)

ATTACHED:

ORDINANCE 472
(Sediment & Erosion Requirement)

RESOLUTION 1992 - 07

OF THE
BOROUGH OF FLEETWOOD
BERKS COUNTY
PENNSYLVANIA

Revised 10-09-78

TABLE OF CONTENTS

Section 1	<u>SHORT TITLE AND PURPOSE</u>
1.00	Short Title
1.10	Purpose
Section 2	<u>SUBMISSION PROCEDURES</u>
2.00	General
2.10	Submission of Sketch Plan
2.20	Submission of Preliminary Plan
2.30	Review of Preliminary Plan
2.40	Submission of Final Plan
2.50	Review of Final Plan
2.60	Recording of Final Plan
2.70	Plans Exempted from Standard Procedures
2.80	Resubdivision Procedure
Section 3	<u>PLAN REQUIREMENTS</u>
3.10	Sketch Plans
3.20	Preliminary Plans
3.30	Final Plans
Section 4	<u>DESIGN STANDARDS</u>
4.10	Application and General Standards
4.20	Streets
4.40	Blocks
4.50	Lots and Parcels
4.60	Sanitary Sewage Disposal
4.70	Water Supply
4.80	Storm Drainage
4.90	Public Use and Service Areas
Section 5	<u>IMPROVEMENT SPECIFICATIONS</u>
5.10	General Requirements
5.20	Required Improvements
5.40	Recommended Improvements

Section 6 DEFINITIONS

Section 7 ADMINISTRATION

 7.00 Authority, Amendments

 7.10 Amendments

 7.20 Validity and Conflicts

 7.30 Modifications

 7.40 Reconsideration, Appeals

 7.50 Penalties

B O R O U G H O F F L E E T W O O D

SUBDIVISION AND LAND DEVELOPMENT CODE

The Borough of Fleetwood, Berks County, Commonwealth of Pennsylvania, pursuant to Article 247 - the Pennsylvania Municipalities Planning Code - 53 P.S. 10101 et seq and its Ordinance of March 8, 1971, hereby adopts the following regulations governing subdivision of land within the Borough limits.

Section 1. SHORT TITLE AND PURPOSE

Section 1.00 Short Title

This resolution shall be known and may be cited as "The Subdivision and Land Development Code of the Borough of Fleetwood".

Section 1.10 Purpose

These regulations are for the purpose of assuring sites suitable for building purposes and human habitation, and to provide for the harmonious development of the Borough, for adequate open spaces for traffic, recreation, light and air, and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens.

Section 2. SUBMISSION PROCEDURES

Section 2.00 Submission Procedures

2.10 Submission of Sketch Plan

2.11 Subdividers are urged to prepare subdivision sketch plans for review, with the Borough Planning Commission and technical staff of the County Planning Commission. Such plans should include at least those items listed in Section 3.1.

2.12 Such sketch plans shall be considered as submitted for informal and confidential discussion between the subdivider and the Planning Commission. Submission of a subdivision sketch plan shall not constitute official submission of a plan to the Planning Commission, except as provided in Section 2.70.

2.13 Based on the information shown on such sketch plan, the Planning Commission will, as promptly as possible, advise the subdivider of the extent to which the proposed subdivision confirms to the applicable requirements of these regulations. The Planning Commission will also suggest any modifications of the plan which are deemed advisable or necessary to secure conformance.

2.20 Submission of Preliminary Plan

- 2.21 Preliminary plans for all proposed subdivisions and all required supplementary data shall be submitted by the subdividers to the Borough Secretary by letter and directly to the County Planning Commission for review.
- 2.22 If the Preliminary Plan submission complies with Section 3.2, the County Planning Commission shall acknowledge such compliance, and shall certify its intention to review the Preliminary Plan, by issuance, to the subdivider, of a Preliminary Subdivision Plan Notice of Receipt and Review. A copy of this receipt shall also be mailed to the Secretary of the Borough and a copy to the Secretary of the Borough Planning Commission.
- 2.23 Upon receipt of a Preliminary Subdivision Plan Receipt, the Borough Secretary shall transmit such plans to the Borough Planning Commission for its review.
- 2.24 Where a Preliminary Plan shows the proposed subdivision of only a part of the subdivider's total property, a sketch may be required, showing the prospective street system in the remainder of the property so that the street system in the submitted portion may be considered in relation to future connections with the unsubmitted portion. To prevent undue hardships in the case of extremely large properties, the Borough Planning Commission may, based on existing natural or man-made features, delimit the area for which a prospective street system may be sketched.
- 2.25 Official submission of a Preliminary Plan to the County Planning Commission shall comprise:
 - 2.251 Two black-on-white or blue-on-white prints on paper ----- which shall fully comply with Section 3.2 and Section 4 of the Borough's Regulations.
 - 2.252 Plus one additional print where the development fronts on a legislative route.
 - 2.252 Plus one additional print where on-site sewer and water is proposed.
 - 2.253 Plus one additional print where the Department of Forests & Water Review is necessary.
 - 2.254 Submission of two copies of all other required information and plans.
- 2.26 Official submission of a Preliminary Plan to the Borough shall comprise:
 - 2.261 Submission of a completed Borough application for review of Preliminary Subdivision Plan.
 - 2.262 Submission of five (5) black-on-white or blue-on-white prints on paper of the Preliminary Plan, which shall fully comply with Section 3.2 and Section 4 of these regulations; and
 - 2.263 Submission of five (5) copies of all other required information and plans.

- 2.27 Distribution of Preliminary Plan and supporting data submitted to Borough - upon the submission, the Borough Secretary shall refer one (1) copy to the Borough Engineer, two (2) copies to the Planning Commission, and one (1) copy to the Borough Zoning Officer for recommendations as to changes, alterations and modifications, if any

The report of the Borough Engineer shall be in writing and shall be submitted to the Planning Commission prior to the regularly scheduled meeting at which the plan is to be considered by the Planning Commission.

2.30 Review of Preliminary Plan

2.31 By County Planning Commission

- 2.311 When a Preliminary Plan has been officially submitted, such plan shall be placed on the agendum of the Berks County Planning Commission for review at its next regular meeting, provided that such official submission has occurred no less than 10 working days prior to such regular meeting. Such plan will then be reviewed in accord with all applicable Borough Regulations.

2.32 By Borough Planning Commission

- 2.321 When a Preliminary Plan has been officially submitted, such plan shall be placed on the agendum of the Planning Commission for review at its next regular meeting, provided that such official submission has occurred no less than ten (10) calendar days prior to such regular meeting.
- 2.322 At a regular meeting, the Planning Commission shall review the Preliminary Plan to determine its conformance to the standards contained in these regulations and shall require or recommend such changes and modifications as it deem necessary.
- 2.323 During the review of the Preliminary Plan, the Planning Commission shall also consider the written reports of the Borough Engineer and the Borough Zoning Officer while making its decision.
- 2.324 Within five (5) days after the meeting at which the Preliminary Plan is reviewed by the Planning Commission, the Planning Commission Secretary shall notify the following of the action taken by the Planning Commission regarding the Preliminary Plan:
- 2.3241 Borough Secretary
 - 2.3242 Borough Engineer
 - 2.3243 Borough Zoning Officer
 - 2.3244 County Planning Commission
 - 2.3245 The Subdivider or his Agent

- 2.325 If all the requirements of this resolution are met and review is favorable, the Chairman of the Planning Commission shall note such fact, together with the data on copies of the Preliminary Plan and forward them to the Secretary five (5) days before the next meeting of the Borough Council together with a recommendation that they approve the Preliminary Plan.
- 2.326 If review by the Planning Commission is unfavorable, because the requirements of this resolution have not been met, or the Planning Commission deems changes or modifications of the plan as submitted to be advisable or necessary, such decision and the reasons therefore shall also be given in written form to the persons listed in Section 2.324.
- 2.33 By Borough Council
- 2.331 When a Preliminary Plan has been officially submitted to the Borough Council by the Planning Commission, such plan shall be placed on the agenda for review at its next regular meeting, provided that such official submission has occurred no less than five (5) calendar days prior to such regular meetings.
- 2.332 At a regular meeting, the Borough Council shall review the Preliminary Plan and the written reports thereon of the Borough Planning Commission, the County Planning Commission, the Borough Engineer and the Borough Zoning Officer, to determine its conformance to the standards contained in these regulations, and shall require or recommend such changes and modifications as it shall deem necessary.
- 2.333 No recommendations shall be made with respect to a Preliminary Plan until the Borough has received the written report of the County Planning Commission, provided however, that if the County Planning Commission shall fail to report thereon within thirty (30) days after issuing a Preliminary Subdivision Plan Receipt, then the Borough may officially act without having received and considered such report.
- 2.334 Within five (5) days after the meeting at which the Preliminary Plan is reviewed, the Borough Secretary shall notify the following, in writing, of the action taken by the Borough Council regarding the Preliminary Plan:
- 2.3341 Borough Planning Commission
 - 2.3342 Borough Engineer
 - 2.3343 Borough Zoning Officer
 - 2.3344 County Planning Commission
 - 2.3345 The Subdivider or his Agent.
- 2.335 Action by the Borough Council may be favorable, preliminarily approving the plan, or disapproving the application of which the plan forms a part. The findings and reasons upon which their action is based shall be given in writing to the persons listed in Section 2.334.

2.336 The action of the Borough Council shall be noted, together with the date of action and signature of the President on four sets of plans. These plans then shall be distributed as follows:

2.3361 2 sets to the subdivider

2.3362 1 set to the Secretary of the Borough Planning Commission

2.3363 1 set to be filed in the office of the Borough Secretary

2.337 The Borough shall render its decision and communicate it to the subdivider or his agent not later than forty (40) days after such application is filed, providing the county report is received for Borough Council action.

2.40 Submission of Final Plan

2.41 Within twelve (12) months after Borough approval of the Preliminary Plan, a Final Plan and all necessary supplementary data shall be officially submitted to the Borough Secretary by letter and at the same time to the County Planning Commission for final review; provided, however, that an extension of time may be granted by the Borough Planning Commission and the County Planning Commission upon written request. Otherwise, the plan submitted may be considered as a new Preliminary Plan.

2.42 The Final Plan and all required supplementary data shall comply with all applicable provisions of these regulations. Failure to do so shall be cause for refusal by the Borough Planning Commission and/or the County Planning Commission to accept the Final Plan for review.

2.43 The Final Plan shall conform in all important respects to the Preliminary Plan as previously reviewed by the Borough Planning Commission and the County Planning Commission, but shall incorporate all modifications required by the Borough in its review of the Preliminary Plan. The Borough Planning Commission and the County Planning Commission may, however, accept a Final Plan so modified as to reflect any substantial changes which have occurred on the site of the proposed subdivision, or in its surroundings, since the time of Preliminary Plan review.

2.44 The Borough may permit submission of the Final Plan in sections, each covering a reasonable portion of the entire proposed subdivision as shown on the reviewed Preliminary Plan.

2.45 If the Final Plan submission complies with Section 3.3 the County Planning Commission shall acknowledge such compliance, and shall certify its intention to review the Final Plan, by issuance, to the subdivider, of a Final Subdivision Plan Receipt. A copy of this receipt shall also be mailed to the Borough Secretary and a copy to the Secretary of the Borough Planning Commission.

- 2.46 Upon receipt of a Final Subdivision Plan Receipt, the Borough Secretary shall transmit such plans to the Borough Planning Commission for its review.
- 2.47 Official submission of a Final Plan to the County Planning Commission shall comprise:
- 2.471 Two black-on-white or blue-on-white prints on paper -----which shall fully comply with Section 3.3 and Section 4 of the Borough's Regulations.
 - 2.472 Plus one additional print where the development fronts on a legislative route.
 - 2.473 Submission of two copies of all other required information and plans.
- 2.48 Official submission of a Final Plan to the Borough shall comprise:
- 2.481 Submission of a completed Borough application for review of Final Subdivision Plan;
 - 2.482 Submission of six (6) black-on-white or blue-on-white prints on paper of the Final Plan, which shall fully comply with Section 3.3 and Section 4 of these regulations; and
 - 2.483 Submission of four (4) copies of all other required information and plans; and
 - 2.484 Distribution of Final Plans and supporting data submitted to the Borough - Upon submission, the Borough Secretary shall refer one (1) copy to the Borough Engineer, one (1) copy to the Borough Zoning Officer and four (4) copies to the Borough Planning Commission for recommendations as to changes, alterations and modifications, if any; and
 - 2.485 All offers of dedication, and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.
- 2.50 Review of Final Plan
- 2.51 By County Planning Commission
- 2.511 When a Final Plan has been officially submitted, such plan shall be placed on the agenda of the Berks County Planning Commission for review at its next regular meeting, provided that such official submission has occurred no less than 6 working days prior to such regular meeting. Such plan will then be reviewed in accord with all applicable Borough Regulations.

2.52 By Borough Planning Commission

- 2.521 When a Final Plan has been officially submitted, such plan shall be placed on the agendum of the Borough Planning Commission for review at its next regular meeting, provided that such official submission has occurred no less than ten (10) calendar days prior to such regular meeting.
- 2.522 At a regular meeting, the Planning Commission shall review the Final Plan.
- 2.523 During review of the Final Plan, the Planning Commission shall also consider the written reports of the Borough Engineer and the Borough Zoning Officer while making its decision.
- 2.524 Within five (5) days after the meeting at which the Final Plan is reviewed by the Planning Commission, the Planning Commission Secretary shall notify the following of the action taken by the Planning Commission regarding the Final Plan:
- 2.5241 Borough Secretary
 - 2.5242 Borough Engineer
 - 2.5243 Borough Zoning Officer
 - 2.5244 County Planning Commission
 - 2.5245 The Subdivider, or his Agent.
- 2.525 If all the requirements of this resolution are met and review is favorable, the Commission shall authorize its chairman to endorse the Plan Reviewed and Approved by the Planning Commission, together with the date of such action and forward to Borough Council.
- 2.526 If the Final Plan is recommended to be disapproved, reasons for such action shall be explicitly stated in writing, copies of which shall be distributed by the Secretary of the Planning Commission to the persons listed in Section 2.524 of these regulations.

2.53 By Borough Council

- 2.531 When a Final Plan has been officially submitted to the Borough Council by the Planning Commission, such plan shall be placed on the agendum for review at its next regular meeting, provided that such official submission has occurred no less than five (5) calendar days prior to such regularly scheduled meeting.
- 2.532 At a regular meeting, Borough Council shall review the Final Plan and the written reports thereon of the Planning Commission, the County Planning Commission, the Borough Engineer and the Zoning Officer.

- 2.533 No action shall be taken with respect to a Final Plan until the Borough has received the written report of the County Planning Commission, provided however, that if the County Planning Commission shall fail to report thereon within thirty (30) days after issuing a Final Subdivision Plan Receipt, then the Borough may act without having received and considered such report.
- 2.534 Within five (5) days after the meeting at which the Final Plan is reviewed, the Borough Secretary shall notify the following, in writing, of the action taken by the Borough Council regarding the Final Plan:
- 2.5341 The Borough Planning Commission
 - 2.5342 Borough Engineer
 - 2.5343 Borough Zoning Officer
 - 2.5344 County Planning Commission
 - 2.5345 The Engineer or Surveyor of the subdivider, and
 - 2.5346 The Subdivider, or his Agent.
- 2.535 Before acting on a Final Plan, the Borough Council may arrange for a public hearing, giving such notice as it may deem desirable in each case.
- 2.536 Action by the Borough Council may be favorable, finally approving the plan, or disapproving the application of which the plan forms a part. The findings and reasons upon which the action is based shall be given in writing to the persons listed in Section 2.534.
- 2.537 The action of the Borough Council shall be noted, together with the date of action and signature of the President and Secretary on the Final Plan. Copies of the Final Plan, with the appropriate endorsement of the Borough Council and the Planning Commission shall be distributed as follows:
- 2.5371 2 copies to the subdivider,
 - 2.5372 1 copy to the Planning Commission,
 - 2.5373 1 copy to the County Planning Commission,
 - 2.5374 1 copy to be filed in the office of the Borough.
- 2.538 The Borough shall render its decision and communicate it to the subdivider or his agent not later than forty (40) days after such application is filed.

2.60 Recording of Final Plan

2.539 Performance Guarantee

2.540 Prior to approval of the Final Plan and prior to release for recording, the subdivider shall guarantee the installation of all required improvements by one of the following methods:

2.5401 By installing the required improvements, which shall include among others, sidewalks, sewers, curbs, monuments, streets, water supply and fire hydrants to the satisfaction of the Borough Engineering and Borough Council and obtaining a certificate from Borough Engineer and all improvements have been installed in accordance with the standards and requirements contained in these regulations or required by the Borough.

2.5402 In lieu of completing all of the improvements required, the subdivider may post a performance guarantee in the amount of 120% of the cost of all improvements required by this Ordinance and as estimated by the Borough Engineer for that portion of the subdivision which the subdivider has submitted to the Borough for Final Plan approval. The performance guarantee may be either a performance bond with corporate surety, or a certified check payable to the Borough, or a deposit in escrow of cash or securities. Performance guarantees shall be submitted in a form and with a surety approved by the Borough Solicitor guaranteeing the construction and installation of all improvements within a stated period which shall not be longer than three (3) years from the date of final subdivision approval.

Upon written application signed by both the obligor and surety of a performance guarantee, in a form approved by the Borough Solicitor, the Borough Council may at its discretion extend said period by not more than three (3) additional years.

The amount of the performance guarantee may be reduced by Borough Council by resolution as and when portions of the required improvements have been installed. In the event of default, the obligor and surety shall be liable thereon to the Borough for the cost of the improvements or parts thereof not installed. Upon receipt of the proceeds thereof, the Borough shall install the improvements. If cost of the improvements exceeds the amount of the performance guarantee, then the subdivider shall be liable for the amount in excess which the Borough has actually expended for such improvements. In case the amount of the performance guarantee exceeds the actual cost of improvements made, the Borough shall return the unused sum to the surety or the person who has paid or deposited the performance guarantee.

Performance guarantees shall not be released except by written permission from Borough Council.

2.60 RECORDING OF FINAL PLAN

- 2.61 After completion of the procedures required by these regulations, and after approval action by the Borough Council and the Borough Planning Commission, and review action by the County Planning Commission, such endorsements shall be so indicated on the Record Plan and on as many other copies of the Final Plan as may be desired. No subdivision plan may be recorded unless it bears the Borough's endorsements and the corporate seal of the Borough.
- 2.62 The Record Plan shall be a clear and legible blue-on-white or black-on-white print on linen.
- 2.63 After endorsement by the Borough Council, the subdivider shall file the Record Plan with the County Recorder of Deeds within ninety (90) days of the date of Final Approval by the Borough. If the subdivider fails to record the Final Plan within such period, the action of the Borough shall be null and void, unless an extension of time is granted in writing by the Borough upon written request by the subdivider.
- 2.64 After the Final Plan has been approved by the Borough Council the Borough Planning Commission, and the County Planning Commission; the Borough shall require one reproducible copy and five paper prints of the Plan of Record bearing the Borough seal and endorsement. The County Planning Commission shall require one reproducible copy and two paper prints of the Plan of Record bearing the Borough seal and endorsement.
- 2.65 Recording of the Record Plan shall have the effect of an irrevocable offer to dedicate all streets and other public ways shown thereon to the public use, unless a notation is placed on the Plan by the subdivider stating that there is no offer of dedication of certain designated streets, and to dedicate or reserve, as specified on the Plan all park reservations, school sites and other such areas to the public use; recording of the Plan, however, shall not impose any duty upon the Borough concerning improvement or maintenance of any such dedicated street or dedicated or reserved area, until the proper authorities of the Borough have made actual appropriations of the same by legal action.
- 2.70 Plans Exempted from Standard Procedures
- 2.71 In the case of any proposed subdivision which does not involve the provision of any new street or easements for access (i.e., one in which all proposed lots will have frontage on an existing public street or road), the following procedure may, at the subdivider's discretion, be followed to obtain review of the plan by the Borough and by the County Planning Commission:
- 2.711 The subdivider shall prepare a Sketch Plan of the proposed subdivision in accordance with Section 3.10 of these regulations,

- 2.712 Two (2) copies of the Sketch Plan shall be submitted to the Borough Secretary and three (3) copies directly to the County Planning Commission by the subdivider.
- 2.713 Upon submission of the Sketch Plan to the Borough Secretary, he shall refer one (1) copy thereof to the Borough Planning Commission. The Borough and County Planning Commissions shall investigate the plan and make recommendations as to changes, alterations and modifications. The second copy shall be retained for the permanent files and use of the Borough.
- 2.714 The Sketch Plan shall then be reviewed in accordance with the procedure outlined in Section 2.10 of these regulations.
- 2.715 Following Sketch Plan approval the subdivider may then prepare a Final Plan in full accordance with Section 3.30 of these regulations, and such Final Plan shall be submitted in accordance with Section 2.4 of these regulations.
- 2.72 In the case of proposed subdivision of land by process of auction sale, the following procedure may be used by the subdivider:

2.721 The subdivider shall prepare and submit a Preliminary Plan, in accordance with these regulations:

2.722 The Preliminary Plan shall comply with the requirements of Section 3.2, and, in addition, shall contain the following notation:

This property is intended to be sold by auction on or about _____, 19 ____, in whole or in part according to this plan. Sale of lots at such action shall be in the form of agreement to purchase, and no actual transfer of ownership or interest in such lots shall proceed until a Final Plan showing such division of property shall have been approved by the Borough Council in accordance with its regulations, and recorded in the office of the County Recorder of Deeds.

2.723 The auction sale may then proceed in accordance with the above notation, after which the subdivider shall prepare and submit a Final Plan in accordance with these regulations.

2.73 Minor Subdivisions

Where the character of the land parcel is unique or the intent of the subdivider so expressed in writing will create two (2) and only two (2) parcels, lots, or tracts of land of the original tract, and fronting on an existing, improved Borough or State road or street, the Planning Commission may require the subdivider to prepare a Sketch Plan for record, showing the simple subdivision accompanied by the required data outlined in Section 3.10 of these regulations, and if each resulting lot, together

with any land immediately adjacent to said lot (and not separated therefrom by a public street or private easement) which land will be held in identical ownership as said lot after subdivision, fronts upon an existing, improved public street and, with the buildings, if any, thereon, complies with all the provisions of this Code and of all other Borough Ordinances and Regulations then in effect, the minor subdivision may be approved without further proceedings.

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2.80 Resubdivision Procedure

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

2.811 lot lines may be changed from those shown on a recorded plan, provided that in making such changes:

2.8111 no lot or tract of land shall be created or sold that is smaller than the minimum dimensions required by Borough regulations, and

2.8112 easements or rights-of-way reserved for drainage shall not be changed, and

2.8113 street locations and block sizes shall not be changed, and

2.8114 no lot shall be created which does not abut a street, and

2.8115 the character of the area shall be maintained.

2.812 In every case wherein lot lines are changed as permitted above, the subdivider shall, at the completion of each section:

2.8121 submit, to the Fleetwood Planning Commission, a copy of the Final Plan revised to show such changes, whereupon the Fleetwood Planning Commission, will, in writing, advise the subdivider and the Borough Secretary if the revised plan complies with Section 2.811, and

2.8122 when the plan does comply, prepare a photo-litho reproducible on cloth of the Record Plan, submit the Record Plan to the Borough for the endorsements of the Planning Commission and Borough Council and to the County Planning Commission for its endorsement (which shall specifically identify the previous Record Plan thus superceded), and then record the plan. Distribution of reproducible and prints as in Section 2.64.

Section 3. PLAN REQUIREMENTS

Section 3.00 PLAN REQUIREMENTS

3.10 Sketch Plans

3.11 If a sketch plan is submitted, the scale and sheet size shall be as required in Section 3.21 for preliminary plans. The sketch plan shall contain at least the following data, legibly drawn to scale, but not necessarily showing precise dimensions:

- 3.111 tract boundaries, accurately labeled,
- 3.112 name of the municipality in which the subdivision is located,
- 3.113 north point
- 3.114 written and graphic scales,
- 3.115 significant topographical and physical features,
- 3.116 proposed general street and lot layout.

3.20 Preliminary Plans

- 3.21 The Preliminary Plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except that:
 - 3.211 if the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan may be drawn to a scale of one (1) inch equals one hundred (100) feet, or
 - 3.212 if the subdivision proposes lots within average frontage of less than fifty (50) feet, the plan may be drawn to a scale of one (1) inch equals twenty (20) feet, or
 - 3.213 if the subdivision contains more than two hundred (200) acres, the plan may be drawn to a scale of one (1) inch equals two hundred (200) feet.

The original drawing, and all submitted prints thereof, shall be made on sheets either:

- 3.214 eighteen (18) inches by twenty-four (24) inches, or
 - 3.215 twenty-four (24) inches by thirty-six (36) inches, or
 - 3.216 thirty-six (36) inches by forty-two (42) inches.
- 3.22 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.
 - 3.23 The Preliminary Plan shall show:
 - 3.231 name of the proposed subdivision or otherwise identifying title, and of the Borough of Fleetwood.
 - 3.232 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 revision,
 - 3.233 name of record owner (and subdivider),

- 3.234 name and address of registered engineer, surveyor or land planner responsible for the subdivision plan,
- 3.235 names of all abutting subdivisions, if any, with the book and page numbers where recorded.
- 3.236 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.
- 3.237 total tract boundaries of the property being subdivided, showing bearings and distances, and a statement of total acreage of the property,
- 3.238 zoning data, including all of the following which are applicable:
- 3.2381 zoning district lines, existing and proposed shall be provided. A separate print of the plan may be submitted showing this information. Bulk and use regulations shall be provided on the Application for Review of An Official Sketch or Preliminary Plan.
- 3.239 contour lines at vertical intervals of at least two (2) feet for land with average natural slope of four (4) percent or less, and at intervals of at least five (5) feet for land with average natural slope exceeding four (4) percent,
- 3.240 location and elevation of the datum to which contour elevations refer; where reasonably practicable, datum used shall be a known, established bench mark.
- 3.241 all existing sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroads, water courses, flood plain areas based on a thirty (30) year storm and other significant man-made or natural features within the proposed subdivision and within fifty (50) feet from the boundaries of the proposed subdivision,
- 3.242 all existing buildings or other structures, and the approximate location of all existing tree masses, within the proposed subdivision,
- 3.243 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 approximate grades,
- 3.244 the full plan of proposed development, including:
- 3.2441 location and width of all streets and rights-of-way, with a statement of any conditions governing their use,

- 3.2442 suggested street names and utility easement locations,
 - 3.2443 building reserve (setback) lines along each street,
 - 3.2444 lot lines with approximate dimensions,
 - 3.2445 a statement of the intended use of all non-residential lots and parcels,
 - 3.2446 lot numbers and a statement of the total number of lots and parcels,
 - 3.2447 sanitary and/or storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities,
 - 3.2448 parks, playgrounds and other areas dedicated or reserved for public use, with any conditions governing such use.
- 3.25 The Preliminary Plan shall be accompanied by the following supplementary data as applicable:
- 3.251 typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown on either the Preliminary Plan or on the profile sheets required by Section 3.252,
 - 3.252 tentative profiles along top of cartway (pavement) edges or along the top of curb for both sides of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades at one of the following sets of scales or any combination thereof:
 - 3.2521 one (1) inch equals ten (10) feet horizontal and one (1) inch equals one (1) foot vertical, or
 - 3.2522 one (1) inch equals twenty (20) feet horizontal and one (1) inch equals two (2) feet vertical, or
 - 3.2523 one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical, or
 - 3.2524 one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical,
 - 3.253 in lieu of the separate profile sheets required by Section 3.252, above, the tentative finished cartway (pavement) edge or top of curb grades for both sides of each street may be labeled on the Preliminary Plan,

- 3.254 where deemed necessary by the Planning Commission, a plan for the surface drainage of the tract to be subdivided. Such plan shall include storm water run-off calculations for the entire property being subdivided, and shall show the proposed method of accommodating the anticipated run-off,
- 3.255 preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Water and Power Resources Board and/or the Pennsylvania Department of Highways.
- 3.30 Final Plans
- 3.31 The Final Plan of a proposed subdivision shall be clearly and legibly drawn to a scale of one (1) inch equals fifty (50) feet, except that:
- 3.311 if the average size of the proposed lots in the subdivision is five (5) acres or larger, the plan may be drawn to a scale of one (1) inch equals one hundred (100) feet, or
- 3.312 if the subdivision proposes lots with an average frontage of less than fifty (50) feet, the plan may be drawn to a scale of one (1) inch equals twenty (20) feet.
- The original drawing, and all submitted prints thereof, shall be made on sheets either:
- 3.313 eighteen (18) inches by twenty-four (24) inches, or
- 3.314 twenty-four (24) inches by thirty-six (36) inches, or
- 3.315 thirty-six (36) inches by forty-two (42) inches.
- 3.32 If the Final Plan requires more than one sheet, a key diagram showing the relative location of the several sections shall be drawn on each sheet.
- 3.33 The Final Plan shall show:
- 3.331 name of proposed subdivision (or other identifying title), and of the Borough of Fleetwood.
- 3.332 north point, graphic scale, written scale, and date, including the month, day and year that the original drawing of the Final Plan was completed and the month, day and year that the original drawing was revised, for each revision,
- 3.333 name of the record owner (and subdivider) of the tract, and the source(s) of title to the land being subdivided, as shown by the records of the County Recorder of Deeds,

- 3.334 the name, address, license number and seal of the registered professional engineer or surveyor responsible for the plan,
- 3.335 the names of all abutting subdivisions, if any, with the book and page numbers where recorded, and the names of the owners of all adjacent unplatted land, if any, and the book and page number where recorded,
- 3.336 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.)
- 3.337 the total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to one quarter ($\frac{1}{4}$) of a minute. These boundaries shall be determined by accurate survey in the field, 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(s) adjoining additional unplatted land of the subdivided (for example, between separately-submitted Final Plan sections) are 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, using the form specified in Appendix II, to the accuracy of the survey, the drawn plan and the placement of the monuments.
- 3.338 zoning data, including all of the following which are applicable:
- 3.3381 zoning district lines, existing and proposed shall be provided. A separate print of the plan may be submitted showing this information. Bulk and use regulations shall be provided on the Application for Review of a Final Plan.
- 3.339 the name (or number) and cartway width and lines of all existing public streets and the name and location of all other roads within the property,
- 3.340 the following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets, within the property;
- 3.3401 the length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or chord) of all curved lines (including curved lot lines), and

- 3.3402 the width (in feet) of the cartway, right-of-way and, if required, of the ultimate right-of-way, and (in degrees, minutes and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
- 3.341 all lot lines shall be completely dimensioned in feet and hundredths of a foot if straight, and by length of arc and radius if curved with central angle in degrees, minutes and seconds. All internal angles within the lots shall be designated to the nearest second.
- 3.342 lot numbers and a statement of the total number of lots (and parcels),
- 3.343 a statement of the intended use of all non-residential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number,
- 3.344 the proposed building reserve (setback) line for each lot, or the proposed placement of each building,
- 3.345 the location (and elevation, if established) of all existing and proposed street monuments as required by Section 5.294.
- 3.346 all easements or rights-of-way where provided for or owned by public services and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities,
- 3.347 location, size and invert elevation of all sanitary, and/or storm sewers and location of all manholes, inlets and culverts (this data may be submitted as a separate plan).
- 3.348 if the subdivision proposes a new street intersection with a state Legislative Route, the intersection Occupancy Permit number(s) shall be indicated for all such intersections,
- 3.349 a certification of ownership, acknowledgement of plan and offer of dedication shall be lettered on the plan, using the form specified in the Appendix I and shall be duly acknowledged and signed by the owner(s) of the property before an officer authorized to take acknowledgement of deeds,
- 3.350 certificate for approval of the plan by the Borough (form to be substantially as specified in Appendix III), and, where applicable, by the Borough planning commission and the Borough engineer,

- 3.351 a blank space measuring three and one-half (3½) inches square shall be left, preferably adjacent to the municipal certification, in which the endorsement stamp of the County Planning Commission may be applied,
- 3.352 a blank space measuring three (3) inches square shall be left along the lower edge of the sheet, in order that the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented,
- 3.36 The Final Plan shall be accompanied by the following supplementary data, where applicable:
 - 3.361 typical street cross-section drawing(s) for all proposed streets. Cross-section drawings may be shown either on the Final Plan or on the profile sheets required by Section 3.362.
 - 3.362 profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
 - 3.3621 existing (natural) profile along both cartway edges or along the center-line of each street,
 - 3.3622 proposed finished grade of the center-line, or proposed finished grade at the top of both curbs, or proposed finished grade at both cartway (pavement) edges,
 - 3.3623 the length of all vertical curves,
 - 3.3624 existing and proposed sanitary sewer mains and man-holes,
 - 3.3625 existing and proposed storm sewer mains, inlets, manholes, and culverts,
 - 3.363 the profile sheets required by Section 3.362 shall be legibly drawn at one of the following sets of scales or any combination thereof:
 - 3.3631 one (1) inch equals ten (10) feet horizontal and one (1) inch equals one (1) foot vertical, or
 - 3.3632 one (1) inch equals twenty (20) feet horizontal and one (1) inch equals two (2) feet vertical, or
 - 3.3633 one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical, or
 - 3.3634 one (1) inch equals fifty (50) feet horizontal and one (1) inch equals five (5) feet vertical.

- 3.364 all offers of dedication, and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the County or municipal solicitor as to their legal sufficiency,
- 3.365 such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided,
- 3.366 whenever a subdivider proposed to establish a street which is not offered for dedication to public use, the Planning Commission may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Borough on behalf of his heirs and assigns, and signed by the municipal solicitor, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:
- 3.3661 that the street shall conform to the municipal specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the municipal engineer, to restore the street to conformance with the municipal specifications,
- 3.3662 that an offer to dedicate the street shall be made only for the street as a whole,
- 3.3663 that the method of assessing repair costs be as stipulated, and
- 3.3664 that agreement by the owners of 51% of the front footage thereon shall be binding on the owners of the remaining lots.

Section 4. DESIGN STANDARDS

Section 4.00 Design Standards

4.10 Application and General Standards

- 4.11 The standards and requirements contained in Sections 4 and 5 are intended as the minimum for the promotion of the public health, safety and general welfare, and shall be applied as such by the Borough Planning Commission in reviewing all subdivision plans.
- 4.12 Whenever other Borough regulations impose more restrictive standards and requirements than those contained herein, such other regulations shall be observed.
- 4.13 Land subject to hazards to life, health, or property, such as may arise from fire, floods, disease, or other causes, shall not be subdivided for building purposes unless such hazards have been eliminated or unless the subdivision plan shall show adequate safeguards against them, which shall be approved by the appropriate regulatory agencies.

4.14 Subdivision plans shall give due recognition to the "Official Plans" of the Borough and of the County or to such parts thereof as may have been adopted pursuant to statute.

4.20 Streets

4.21 General Standards

4.211 The location and width of all streets shall conform to the "Official Plans" or to such parts thereof as may have been adopted by the Borough.

4.212 The proposed street system shall extend existing or recorded streets at the same width, but in no case at less than the required minimum width.

4.213 Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.

4.214 New minor streets shall be so designed as to discourage through traffic, but the subdivider shall give adequate consideration to provision for the extension and continuation of major and collector streets into and from adjoining properties.

4.215 Where a subdivision abuts an existing street of improper width or alignment, the Planning Commission may require the dedication of land sufficient to widen the street or correct the alignment.

4.216 Private streets (streets not to be offered for dedication) are prohibited, unless they meet the design standards of these regulations.

4.22 Partial and Half Streets

4.221 New half or partial streets will not be permitted, except where essential to reasonable subdivision or a tract in conformance with the other requirements and standards of these regulations and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be obtained.

4.222 The subdivider shall provide the entire required right-of-way (as specified by Section 4.231), or as much thereof as is possible within his property, along all existing streets which traverse or abut his property.

4.23 Street Widths

4.231 Minimum street right-of-way and cartway (pavement) widths shall be as shown on the Official Map or Comprehensive Plan, or, if not shown on such plans, shall be as follows:

<u>Street Type</u>	<u>Minimum Required Widths (in feet)</u>
Minor Street	
Right-of-way	54
Cartway	34
Collector Street	
Right-of-way	60
Cartway	36
Major Street	
Right-of-way	See Note (a)
Cartway	See Note (a)
Permanent Cul-de-sac Street	
Right-of-way	50
Cartway	26
Marginal Access Street	
Right-of-way	See Note (b)
Cartway	26
Service Street	
Right-of-way	25
Cartway	20

NOTES: (a) As specified in the Official Map or Comprehensive Plan, or as determined after consulting with the Borough, the County Planning Commission and the Pennsylvania Department of Highways.

(b) Variable, depending on the width of the adjacent right-of-way, but not less than 36 feet.

4.232 Additional right-of-way and cartway widths may be required by the Planning Commission for the purpose of promoting the public safety and convenience, or to provide parking in commercial and industrial areas and in areas of high density residential development.

4.24 Street Grades

4.241 There shall be a minimum centerline grade of three-quarters (3/4%) percent. The 3/4% percent grade may be waived in certain instances by the approval of the Borough Engineer.

4.242 Centerline grades shall not exceed the following:

4.2421 Minor Street: ten (10) percent;

4.2422 Collector Street: six (6) percent;

4.2423 Major Street: six (6) percent;

4.2424 Street Intersection: five (5) percent.

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

4.25 Horizontal Curves

4.251 Whenever street lines are deflected in excess of five (5) degrees, connection shall be made by horizontal curves.

4.252 To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

4.2521 Minor Streets; one hundred fifty (150) feet;

4.2522 Collector Streets: three hundred (300) feet;

4.2523 Major Streets: five hundred (500) feet;

4.253 A tangent of at least one-hundred (100) feet shall be introduced between all horizontal curves on collectors and major streets.

4.254 To the greatest extent possible, combinations of the minimum radius and maximum grade shall be avoided.

4.26 Vertical Curves

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

4.2611 Minor Streets: two hundred (200) feet;

4.2612 Collector Streets: three hundred (300) feet;

4.2613 Major Streets: four hundred (400) feet.

4.27 Intersections

4.271 Streets shall intersect as nearly as possible at right angles, and no street shall intersect another at an angle of less than sixty (60) degrees, or more than one-hundred and twenty (120) degrees.

4.272 No more than two streets shall intersect at the same point.

4.273 Streets intersecting another street shall either intersect directly opposite to each other, or shall be separated by at least one hundred fifty (150) feet between centerlines, measured along the centerline of the street being intersected.

- 4.274 Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5%) percent within fifty (50) feet of the intersection of the nearest right-of-way lines.
- 4.275 Intersections with major streets shall be located not less than one thousand (1,000) feet apart, measured from centerline to centerline, along the centerline of the major street.
- 4.276 Street curb intersections shall be rounded by a tangential arc with a minimum radius of:
- 4.2761 twenty (20) feet for intersections involving only minor streets;
 - 4.2762 thirty (30) feet for all intersections involving a collector street;
 - 4.2763 fifth (50) feet for all intersections involving a major street.
- 4.277 Street right-of-way lines shall be parallel to (concentric with) curb arcs at intersections.

4.28 Sight Distance at Intersections

- 4.281 Clear sight triangles shall be provided at all street intersections. Within such triangles, no vision-obstructing object shall be permitted which obscures vision above the height of thirty (30) inches and below ten (10) feet measured from the centerline grade of intersecting streets. Such triangles shall be established from a distance of:
- 4.2811 seventy-five (75) feet from the point of intersection of the centerlines, except that,
 - 4.2812 clear sight triangles of one-hundred and fifth (150) feet shall be provided for all intersections with Major Streets.
- 4.282 Wherever a portion of the line of such triangles occurs behind (i.e., from the street) the building setback line, such portion shall be shown on the Final Plan of the subdivision, and shall be considered a building setback reserve line.

4.29 Cul-de-Sac Streets

- 4.291 Dead-end streets are prohibited unless designed as cul-de-sac streets or designed for future access to adjoining properties.

- 4.292 Any street dead-end 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.
- 4.293 Cul-de-sac streets, permanently designed as such, shall not exceed five-hundred (500) feet in length and shall not furnish access to more than twenty (20) dwelling units.
- 4.294 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.
- 4.295 All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround:
- 4.2951 The minimum radius to the pavement edge or curb line shall be fifty (50) feet, and the minimum radius of the right-of-way line shall be sixty (60) feet.
- 4.296 Drainage of cul-de-sac streets shall preferably be towards the open end. If drainage is toward the closed end, it shall be conducted away in an underground storm sewer.
- 4.297 The centerline 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.

4.30 Street Names

- 4.301 Proposed streets which are obviously in alignment with other already existing and named, shall bear the names of the existing streets.
- 4.302 In no case shall the name of a proposed street duplicate an existing street name in the Borough, irrespective of the use of the suffix street, road, avenue, boulevard, drive, way, place, court, lane etc., and wherever possible, the names of proposed streets shall not duplicate existing names in the same postal district.
- 4.303 All street names shall be subject to the approval of the Borough Council.

4.31 Service Streets (Alleys)

- 4.311 Service streets are prohibited in subdivisions for single-family detached residences, except where required to avoid direct driveway access to major streets.

- 4.312 No part of any dwelling, garage or other structure shall be located within a minimum distance of sixteen (16) feet of the edge of a cartway of a service street.
- 4.313 Except where other adequate provision is made for off-street loading and parking consistent with the use proposed, service streets shall be required in commercial and industrial districts and shall have a minimum paved width of twenty (20) feet.
- 4.314 Dead-end service streets shall be avoided.
- 4.315 Service street intersections and sharp changes in alignment shall be avoided, but where necessary, corners shall be rounded or cut back sufficiently to permit safe vehicular circulation.

4.40 Blocks

4.41 Layout

- 4.411 The length, width and shape of blocks shall be determined with due regard to:
 - 4.4111 provision of adequate sites for buildings of the type proposed;
 - 4.4112 zoning requirements;
 - 4.4113 topography;
 - 4.4114 requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with major streets.

4.42 Length

- 4.421 Blocks shall have a minimum length of five-hundred (500) feet and a maximum length of one-thousand six-hundred (1,600) feet.
- 4.422 In the design of blocks longer than one thousand (1,000) feet, special consideration shall be given to the requirements of satisfactory fire protection.
- 4.423 Where practicable, blocks along major and collector streets shall not be less than one thousand (1,000) feet long.

4.43 Crosswalks

- 4.431 Crosswalks shall be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities, as well as in blocks of over one thousand (1,000) feet in length.
- 4.432 Such crosswalks shall have a width of not less than ten (10) feet and a paved walk of not less than four (4) feet.

4.44 Depth

4.441 Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except:

4.4411 where reverse frontage lots are required, or

4.4412 where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Planning Commission may approve a single tier of lots.

4.45 Commercial and Industrial Blocks

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

4.50 Lots and Parcels

4.51 General Standards

4.511 The size, shape and orientation of lots shall be appropriate for the type of development and use contemplated.

4.512 Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

4.513 Where feasible, lot lines shall follow municipal boundaries rather than cross them, in order to avoid jurisdictional problems.

4.514 Generally, the depth of residential lots shall be not less than one (1) nor more than two and one half ($2\frac{1}{2}$) times their width.

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

4.516 If, after subdividing, there exists remnants of land, they shall be either:

4.5161 incorporated in existing or proposed lots, or

4.5162 legally dedicated to public use, if acceptable to the Borough Council.

4.52 Lot Frontage

- 4.521 All lots shall have direct access to an existing or proposed public street, or to a private street if it meets the requirements of these regulations.
- 4.522 Double or reverse frontage lots shall be avoided except where required to provide separation of residential development from major streets or to overcome specific disadvantages of topography or orientation.
- 4.523 All residential reverse frontage lots shall have a rear yard with a minimum depth of seventy-five (75) feet, measured in the shortest distance from the proposed dwelling unit to the ultimate right-of-way and shall, within such rear yard and immediately adjacent to the right-of-way, have a planting screen easement of at least ten (10) feet in width, across which there shall be no right of access.

4.53 Driveways and Off-Street Parking

- 4.531 Off-street parking shall be not less than specified in the Borough's Zoning Ordinance.
- 4.532 Private driveways on corner lots shall be located at least forty (40) feet from the point of intersection of the nearest street right-of-way lines.
- 4.533 In order to provide a safe and convenient means of access, grades on private driveways should not exceed fourteen (14%) percent. In addition, driveways should be paved.

4.54 Lot Size

- 4.541 Lot dimensions and areas shall be not less than specified in the Borough's Zoning Ordinance.
- 4.542 Markers: Metal Markers shall be accurately placed at all lot corners.

4.55 Row House Structures

4.551 There shall be no more than ten (10) dwelling units in any continuous single family row house structure.

4.552 There shall be no more than twelve (12) dwelling units in any continuous two family or multiple family row house structure.

4.553 There shall be a minimum distance of twenty (20) feet between the ends of adjacent row house structures.

4.60 Sanitary Sewage Disposal

4.61 The subdivider shall provide plans to connect to the sanitary sewer collection system for the Borough of Fleetwood subject to prevailing specifications and approval of the engineer for the public body owning the sewer system. The entire cost of the sewer system to be borne by the sub-divider.

4.70 Water Supply

4.71 The subdivider shall provide plans to connect to the water system for the Borough of Fleetwood subject to prevailing specifications and approval of the engineer for the public body owning the water system. The subdivider shall bear the cost of the pipe and appurtenant fittings and the Borough of Fleetwood at its expense shall install same and furnish and install fire hydrants.

4.80 Storm Drainage

4.81 Storm sewers, culverts and related installations shall be provided to:

4.811 permit unimpeded flow of natural water courses;

4.812 ensure adequate drainage of all low points along the line of streets;

4.813 intercept storm water run-off along streets at intervals related to the extend and grade of the area drained;

4.814 provide positive drainage away from on-site sewage disposal facilities.

4.82 Storm sewers and related installations shall be required only when the run-off of storm water cannot be satisfactorily handled within the street cartway.

- 4.83 Where existing storm sewers are reasonably accessible, proposed subdivisions shall be required, if necessary, to connect therewith.
- 4.84 In the design of storm drainage facilities, special consideration shall be given to avoidance of problems which may arise from the concentration of storm water runoff onto adjacent developed or undeveloped properties.
- 4.85 Storm drainage facilities should be designed not only to handle the anticipated peak discharge from the property being subdivided, but also the anticipated increase in run-off that will occur when all the property at a higher elevation in the same watershed is fully developed.
- 4.86 Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a drainage easement conforming substantially with the line of such water-course, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities. Any changes in the existing drainage way shall be subject to the approval of the Pennsylvania Water and Power Resources Board.
- 4.87 All streets shall be so designed as to provide for the discharge of surface water from their rights-of-way.
- 4.88 The slope of the crown on proposed streets shall be not less than 1/8th of an inch per foot and not more than 1/3rd of an inch per foot.
- 4.89 Adequate facilities shall be provided at low points along streets and where necessary to intercept run-off, especially at pedestrian crossings.
- 4.90 Public Use and Service Areas
- 4.91 Public Grounds
- 4.911 In reviewing subdivision plans, the Planning Commission shall consider whether community facilities, especially schools, in the area are adequate to serve the needs of the additional dwellings proposed by the subdivision, and shall make such report thereon as it deems necessary in the public interest.
- 4.912 Subdividers shall give consideration to the providing of facilities and the reserving of areas for facilities normally required in residential neighborhoods, including churches, libraries, schools and other public buildings; parks, playgrounds and playfields; shopping and local business centers. Areas provided or reserved for such community facilities should be suitably prepared for its end use at the expense of the subdivider and should

be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. Prior to the preparation of plans, subdividers of large tracts should review with the Planning Commission the minimum standards for various community facilities applicable to the tract being subdivided.

- 4.913 In subdivisions which are intended to provide housing for more than fifty (50) families, the Planning Commission shall consider the need for suitable open areas for recreation and shall make a recommendation thereon. Standards to be used by the Planning Commission in requesting the reservation of space for recreation shall be as follows:

<u>Families to be Served</u>	<u>Minimum Playground & Neighborhood Park Acreage to be Recommended</u>
50-174	3.0
175-374	5.5
375-624	6.5
625-800	8.0
for each additional 175 families	1.5

4.92 Community Assets

- 4.921 Consideration shall be shown for all natural features such as large trees, water courses, historic areas and structures, and similar community assets which, if preserved, will add attractiveness and value to the remainder of the subdivision.

4.93 Utility Easements

- 4.931 Easements with a minimum width of 15 feet shall be provided for poles, wires, conduits, storm and sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements.
- 4.932 To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- 4.933 There shall be a minimum distance of twenty-five (25) feet from the right-of-way line, measured in the shortest distance, between any proposed dwelling unit and any petroleum, petroleum products or natural gas transmission line which traverses the subdivision.
- 4.934 Subdividers are urged to avail themselves of the services provided by the various public utility companies in determining the proper locations for utility line easements.

4.935 Where gas or petroleum transmission lines are a part of the proposed development, either existing within or required relocation, construction shall occur on a minimum of a 50 foot right-of-way and shall comply to the applicable requirements of the Pennsylvania Public Utilities Commission Regulations.

4.936 Utility service for residential development is recommended to be provided through the use of underground facilities in accord with the standards and approval of the utility company having appropriate jurisdiction.

Section 5. IMPROVEMENT SPECIFICATIONS

Section 5.00 Improvement Specifications

5.10 General Requirements

- 5.11 Physical improvements to the property being subdivided shall be provided, constructed and installed as shown on the Record Plan, in accordance with the requirements of the Borough.
- 5.12 As a condition to review of a Final Plan by the Planning Commission, the subdivider shall agree with the Borough as to installations of all improvements shown on the Plan and required by these regulations. Before the Record Plan may be endorsed by the Planning Commission, the subdivider shall submit a completed original copy of the Borough subdivision improvements agreement.
- 5.13 All improvements installed by the subdivider shall be constructed in accordance with the design specifications of the Borough where there are no applicable Borough specifications furnished, through the County Planning Commission, by the Berks County Engineer, or the Pennsylvania Department of Highways, or the Pennsylvania Department of Health, or the Pennsylvania Department of Forests and Waters, or such other State agency as applicable. If there are no applicable County or State regulations, the Commission may authorize that specifications be prepared by a Registered Professional Engineer.
- 5.14 Supervision of the installation of the improvements required by Section 5.20 following shall in all cases be the responsibility of the Borough or of the appropriate state regulatory agency.
- 5.20 Required Improvements: The following improvements, as shown on the Record Plan, shall be provided by the subdivider.
- 5.21 Street Grading: All streets shall be graded at full right-of-way width.

5.22 Cartway Paving: The sub-divider shall prepare an approved sub-grade the full width of the cartway upon which one of the two base courses shall be applied in accordance with Penna. Dept. of Highway Specifications as set forth in Form 408 (latest revision). Base courses to be aggregate-bituminous in conformance with Section 320 compacted to a minimum depth of 5", finished with a uniform cover by an approved pressure distributor type E-3 asphalt emulsion at the rate of 1.85 gallons per square yard and cover coating of 1-B crushed stone for filling voids and properly rolled to key together or, soil cement base course according to the specification set forth in Section 331 to a minimum compacted depth of 6", with uniform cover applied by an approved distributor class RT-2-C, RT-2-W, E-1 or MC-30 bituminous material to seal the surface. Sub-grade and base course to be approved by the Borough Council. On the approved base course, the subdivider shall construct a bituminous surface course of two-and-one-half (2½) inches minimum thickness conforming to Penn DOT specifications for Bituminous Surface (Wearing) Course ID-2A, Form 408, latest revision, Section 420. Surface course to be approved by the Borough Council.

- 5.23 Curbs: Curbs shall be installed along both sides of all streets, except along service streets. Curbs shall be either the vertical type or the rolled curb and gutter type, except that rolled curbs shall be used only by special permission and not on streets whose grade exceeds six (6%) percent, or on any collector or major streets. The transition from one type of curb to another shall be made only at a street intersection, and adequate provision shall be made for driveway entrances. Type to be approved by the Borough Council.
- 5.24 Sidewalks:
- 5.241 Sidewalks shall be a minimum of five (5) feet in width and shall be installed on both sides of all streets.
- 5.2411 No sidewalks shall be required along service streets; and
- 5.2412 Where required, sidewalks shall be installed on only one (1) side of marginal access streets.
- 5.242 Wherever sidewalks are required, curbs shall also be required, and in accordance with the specifications of Section 5.23 and in accordance to Borough Ordinances for sidewalks.
- 5.25 Storm Sewers: Storm sewers and related facilities shall be installed consistent with the design principles and requirements contained in Section 4.80 of these regulations.
- 5.26 Sanitary Sewage Disposal: Sanitary sewage disposal system shall be installed consistent with the design principles and requirements contained in Section 4.60 of these regulations.
- 5.27 Water Supply: Water supply systems shall be installed consistent with the design principles and requirements contained in Section 4.70 of these regulations.
- 5.28 Fire Hydrants: Wherever a public water supply system is provided, fire hydrants shall be installed within six hundred (600) feet of all existing and proposed structures, measured by way of accessible streets (as specified by the Middle Department Association of Fire Underwriters).
- 5.29 Monuments:
- 5.291 Permanent stone or concrete monuments shall be accurately (as specified by Section 3.337) placed at the intersection of all lines forming angles and at changes in directions of lines in the boundary (perimeter) of the property being subdivided.

- 5.292 All monuments shall be placed by a Registered Professional Engineer or Surveyor so that the scored (by an indented cross in the top of the monument) point shall coincide exactly with the point of intersection of the lines being monumented.
- 5.293 Monuments shall be set with their top level with the finished grade of the surrounding ground, except:
- 5.2931 Monuments which are placed within the lines of existing or proposed sidewalks shall be so located (preferably beneath the sidewalks) that their tops will not be affected by lateral movement of the sidewalks, and
- 5.2932 Where monuments are located beneath a sidewalk, proper access shall be provided for their use.
- 5.294 All streets shall be monumented (preferably on the right-of-way lines) at the following locations:
- 5.2941 At least one monument at each intersection;
- 5.2942 At changes in direction of street lines, excluding curb arcs at intersections;
- 5.2943 At each end of each curved street line, excluding curb arcs at intersections;
- 5.2944 At intermediate monument wherever topographical or other conditions make it impossible to sight between two otherwise required monuments;
- 5.2945 At such other place along the line of streets as may be determined by the Borough Engineer to be necessary so that any street may be readily defined in the future.
- 5.31 Street Signs: Street name signs shall be provided and installed by the Borough at all street intersections.
- 5.32 Street Lights: In accordance with the conditions to be agreed upon by the subdivider, the Borough Council and the appropriate public utility, street lights are to be installed in all subdivisions.
- 5.33 Recommended Improvements: The following improvements, intended to enhance the sales value of the subdivision as well as to benefit the Borough are recommended:

- 5.401 Shade Trees: Reasonable efforts should be made by the subdivider to preserve existing shade trees and, in addition, deciduous hardwood trees with a minimum caliber of one and one-half (1½) inches should be provided, in accordance with conditions to be agreed upon by the Borough and, if necessary, the appropriate public utility. Where provided, such trees shall be planted between the public street right-of-way line and the building reserve (setback) line at least ten (10) feet from the public street right-of-way line. No trees or bushes shall be planted between the sidewalk and curb.

Section 6. DEFINITIONS

Section 6.00 Definitions

- 6.10 Unless otherwise expressly stated, the following terms shall, for the purposes of these regulations have the meaning indicated:
- 6.11 Words in the singular include the plural and those in the plural include the singular.
- 6.12 Words used in the present tense include the future tense.
- 6.13 The words "person", "subdivider", and "owner" include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- 6.14 The word "building" includes structure and shall be construed as if followed by the phrase "or part thereof".
- 6.15 The word "watercourse" includes channel, creek, ditch, dry ryn, spring, stream and river.
- 6.16 The words "should" and "may" are permissive; the words "shall" and "will" are mandatory and directive.
- Section 6.20 Other terms or words used herein shall be interpreted or defined as follows:
- 6.21 Alley: See Service Street
- 6.22 Block: An area bounded by three (3) or more streets.
- 6.23 Borough: The Borough of Fleetwood, Berks County, Commonwealth of Pennsylvania.
- 6.24 Building Setback Reserve Line: The line within a property defining the minimum required front yard distance between any building to be erected, and an adjacent right-of-way.
- 6.25 Cartway (Roadway): The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

- 6.26 Clear Sight Triangle: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.
- 6.27 County: The County of Berks, Commonwealth of Pennsylvania.
- 6.28 County Planning Commission: The Planning Commission of the County of Berks.
- 6.29 Crosswalk (interior walk): A publicly or privately owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.
- 6.30 Dwelling Unit: Any structure, or part thereof, designed to be occupied as living quarters as a single housekeeping unit.
- 6.31 Easement: A right-of-way granted, but not dedicated, for limited use or private land for a public or quasi-public purpose, and within which the owner of the property shall not erect any permanent structures, but shall have the right to make any other use of the land which is not inconsistent with the rights of the grantee.
- 6.32 Endorsement: The application of the County Planning Commission's appropriate (review) stamp and the signature of the Executive Director to the Final Plan.
- 6.33 Engineer: A licensed professional engineer registered by the Commonwealth of Pennsylvania.
- 6.34 Executive Director: The Executive Director of the Planning Commission of the County of Berks.
- 6.35 Flood Plain: Plain areas based on 2" of rainfall per hour.
- 6.36 Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.
- 6.37 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 having a remaining term of not less than forty years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of these regulations.
- 6.38 Lot: Any parcel of land, regardless of size, intended as a unit for transfer of ownership, use, or improvement or for development.
- 6.39 Lot Area: The area contained within the property lines of a lot (as shown on the Plan), excluding space within all streets and within all permanent drainage easements, but including the areas of all other easements.

- 6.40 Marker: A metal pipe or pin of at least 3/4" outside diameter and at least 30" in length.
- 6.41 Monument: A stone or concrete monument with a flat top at least 4" in diameter or square, and at least 30" in length.
- 6.42 Multiple Dwelling Building: A building providing separate dwelling units for three or more families.
- 6.43 Municipality: The Borough of Fleetwood.
- 6.44 Original Tract: A tract of land as the same existed on the effective date of this Code.
- 6.45 Parcel: See Lot.
- 6.46 Performance Guarantee: A bond or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements.
- 6.47 Plan, Sketch: An informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision.
- 6.48 Plan, Preliminary: A tentative subdivision plan (and including all required supplementary data), in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.
- 6.49 Plan, Final: A complete and exact subdivision plan (and including all required supplementary data), prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.
- 6.50 Plan, Record: The copy of the Final Plan which contains the original endorsements of the County Planning Commission, the Borough Planning Commission and the Fleetwood Borough Council, and which is intended to be recorded with the County Recorder of Deeds.
- 6.51 Plan, Major Street: That element of the Comprehensive Plan, now or hereafter adopted, which shows the general location, alignment and dimensions, and the identification and classification of existing and proposed streets, highways and other thoroughfares.
- 6.52 Plan, Official: The Comprehensive Development Plan and/or Master Plan and/or Future Land Use Plan and/or Ultimate Right-of-Way Plan and/or Official Map and/or Topographical Survey and/or other such Plans, or portions thereof, as may have been adopted, pursuant to statute, for the area of the Borough of Fleetwood in which the subdivision is located.
- 6.53 Plat: A map or plan of a subdivision, whether preliminary or final.
- 6.54 Planning Commission; or Borough Planning Commission: Shall mean the Fleetwood Borough Planning Commission.

- 6.55 Reserve Strip: A parcel of ground in separate ownership separating a street from other adjacent properties, or from another street.
- 6.56 Resubdivision: Any replatting or resubdivision of land, limited to changes in lot lines on approved Final Plan or Recorded Plan as specified in these regulations. Other replattings shall be considered as constituting a new subdivision of land. See also Subdivision.
- 6.57 Reverse Frontage Lot: A lot extending between and having frontage on two generally parallel streets, (excluding service streets), with vehicular access solely from one street.
- 6.58 Review: Wherever the Borough Planning Commission possesses such jurisdiction, the action of "Review" shall also include "Review-and-Approval", or, if necessary, "Review-and-Disapproval".
- 6.59 Right-of-Way: The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semi-public purposes.
- 6.60 Roadway: See Cartway.
- 6.61 Row House Structure, Single-Family: A series of three (3) or more attached dwelling units housing one family between each set of party walls.
- 6.62 Row House Structure, Two-Family: A series of attached dwelling units housing two (2) families between each set of party walls.
- 6.63 Row House Structure - Multi-Family: A series of attached dwelling units housing three or more families between each set of party walls.
- 6.64 Sanitary Sewage Disposal: A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.
- 6.65 Secretary (Borough): The person designated by the Borough to perform the duties of the Secretary of the Borough of Fleetwood.
- 6.66 Sight Distance: The required length of roadway visible to the driver of a motor vehicle at any given point on the roadway when the view is unobstructed by traffic. Sight distance measurements shall be made from a point 4.5' above the centerline of the road surface to a point 0.5' above the centerline of road surface.
- 6.67 Street: A strip of land, including the entire right-of-way (i.e., not limited to the cartway) intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes thoroughfare, avenue, boulevard, court, expressway, highway, lane, road and alley. Streets are further classified according to the functions they perform:

- 6.671 Minor or Local Streets: A street used primarily to provide access to abutting properties;
- 6.672 Cul-De-Sac Street: A minor street intersecting another street at one, and terminating in a vehicular turn-around at the other;
- 6.673 Half (Partial) Street: A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street;
- 6.674 Marginal Access Street: A minor street, parallel and adjacent to a major street (but separated from it by a reserve strip) which provides access to abutting properties and control of intersections with the major street;
- 6.675 Collector Street: A street which, in addition to providing access to abutting properties, intercepts minor streets to provide a route serving fifty (50) or more dwelling units to give access to community facilities and/or other collector and major streets (Streets in industrial and commercial subdivisions shall generally be considered collector streets);
- 6.676 Private Street: A privately owned street not dedicated by the Borough.
- 6.677 Major Street: A street serving a large volume of comparatively high-speed and long-distance traffic, including all facilities classified as main and secondary highways by the Pennsylvania Department of Highways;
- 6.678 Service Street (Alley): A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.
- 6.68 Subdivider: Any individual, co-partnership or corporation (or agent authorized thereby) which undertakes the subdivision of land, as defined by these regulations, as the owner, equitable owner (or agent authorized thereby) of the land being subdivided.
- 6.69 Subdivision:
- 6.691 "Subdivision" is hereby defined as the division, over any period of time after the enactment of these regulations, on a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land including changes in street lines or lot lines, for the purpose, immediate or future, of transfer of ownership or of building development.

- 6.692 A subdivision as defined above, includes division of a parcel of land having frontage on an existing street, into two or more parcels having frontage on the existing street.
- 6.693 For the purpose of these regulations, division of land for agricultural purposes in parcels of more than ten (10) acres, and not involving any new street or easement of access, shall not be deemed a subdivision.
- 6.694 The term subdivision shall also include any development of a parcel of land (for example, as an industrial park, a shopping center or a multiple dwelling project), which involves installation of streets and/or alleys, even though the streets and/or alleys might not be dedicated to public use and the parcel might not be divided immediately for purposes of conveyance, transfer, or sale, or even though the owner does not transfer legal or equitable title (for example, structures for rental purposes).
- 6.695 The term subdivision includes resubdivision.
- 6.696 The term subdivision shall refer, as appropriate in these regulations, to the process of subdividing land or to the land proposed to be subdivided.
- 6.70 Surveyor: A licensed surveyor registered by the Commonwealth of Pennsylvania.
- 6.71 Water Distribution System, On-site: A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.
- 6.72 Water Distribution System, Community: A system for supplying and distributing water from a common source to two or more dwellings and/or other buildings within a single neighborhood.
- 6.73 Water Distribution System; A system for supplying and distributing water from a common source to dwellings and other buildings.

Section 7. ADMINISTRATION

Section 7.00 Authority, Amendments

7.10 Amendments

- 7.101 Amendments to these regulations shall become effective only after a public hearing held pursuant to public notice. A brief summary setting forth the principal provisions of the proposed amendment and a reference to the place where copies of the proposed amendment may be secured or examined shall be incorporated in the public notice. Publishing a notice thereof once a week for two (2) consecutive weeks in one (1) newspaper of general circulation in the Borough, said hearing not to be held less than fifteen (15) days after the date of the appearance of the first publication of notice.

7.102. In the case of an amendment other than that prepared by the Borough Planning Commission, the Borough Council shall submit each such amendment to the Borough Planning Commission for recommendations at least thirty days prior to the date fixed for the public hearing on such proposed amendment.

7.20 Validity and Conflicts.

7.21 Should any action or provision of these regulations be declared by the courts to be invalid, such decision shall not affect the validity of the regulation as a whole, nor the validity of any other section or provision of the regulations than the one so declared.

7.22 Whenever there is a difference between the minimum standards specified herein and those included in other official regulations, the most stringent requirements shall apply.

7.23 All existing ordinances or parts of ordinances which are contrary to the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect.

7.30 Modifications

7.31 The provisions of these regulations are intended as minimum standards for the protection of the public health, safety and welfare. The Planning Commission reserves the right to modify or to extend them conditionally in individual cases as may be necessary in the public interest, provided, however, that such variation shall not have the effect of nullifying the intent and purpose of these regulations. The list of such modifications and the reasons for them shall be entered in the minutes of the Planning Commission and a copy of this entry shall be transmitted to the Borough Secretary, together with the approved plans, for their approval. Upon approval by Borough Council, said modifications shall be clearly defined and entered on the Final Plan and signed by the President of the Borough Council.

7.32 The Borough may alter any subdivision plan and specify changes or modifications therein which it deems necessary and may make its approval subject to such alterations, changes and modifications.

7.40 Reconsideration, Appeals

7.41 Any subdivider aggrieved by a finding, decision or recommendation of the Planning Commission may request and shall receive an opportunity to appear before the Planning Commission, to present additional relevant information and request, in writing, reconsideration of the original finding, decision or recommendation.

7.42 Any persons aggrieved by a finding, decision or recommendation of the Planning Commission, may appeal, in writing, to the Borough Council, within ten (10) days after the date of action of the Planning Commission.

- 7.43 Upon receipt of such appeal the Borough Council shall hold a hearing, after proper notification to all parties in interest and in a manner prescribed by law.
- 7.44 After such hearing the Borough Council may affirm or reverse the action of the Planning Commission by a recorded vote and in the manner prescribed by law: The findings and reasons for the disposition of the appeal shall be stated on the records of the Borough Council, and a copy shall be given to the applying party. Affirmative action shall authorize the subdivider to continue application from the point at which it was interrupted.
- 7.45 The decisions of the Borough with respect to the approval or disapproval of plans may be appealed directly to the Court of Common Pleas, and shall be filed not later than thirty days after issuance of the decision of the Borough Council.
- 7.50 Penalties
- 7.51 No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision shall be issued, and no building shall be erected in a subdivision until a Final Plan of such subdivisions shall have been approved and properly recorded and until improvements have been either constructed or guaranteed.
- 7.52 Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless or until a final plat has been prepared in full compliance with the provisions of these regulations and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel or in default in the payment thereof imprisonment in the Berks County Prison for not more than 30 days. All fines collected for such violations shall be paid over to the Borough of Fleetwood. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

APPENDIX I

CERTIFICATION OF OWNERSHIP, ACKNOWLEDGEMENT OF PLAN, AND OFFER OF DEDICATION

The following certification, in the wording shown, must be labeled and completed on the final subdivision plan:

Commonwealth of Pennsylvania
County of Berks

SS

On this, the _____ day of _____, 19 _____, before me, the undersigned officer, personally appeared _____, who being duly sworn according to law, deposes and says that he is the _____ (1)
of the property shown on this plan, that the subdivision plan thereof was made at his/its direction, that he acknowledges the same to be his/its act and plan _____ (2), and that all streets _____ (3)
shown and not heretofore dedicated are hereby dedicated to the public use _____ (4).

_____ (5) _____ (6) _____ (7)

_____ (8) _____ (9)

My commission expires _____, 19 _____.

- (1) insert either: owner
equitable owner
president of the (name of corporation) which is the owner
- (2) whenever applicable, insert: and desires the same to be recorded as such according to law
- (3) whenever applicable, insert: and open spaces contained in lots number _____
- (4) if necessary, insert: except those labeled "not for dedication" (and any other restrictions or reservations)
- (5) where necessary, signature of secretary of corporation
- (6) signature of individual, of partners, or of president of corporation
- (7) if necessary, corporate seal
- (8) signature and (9) seal of notary public or other officer

CERTIFICATION OF ACCURACY

The following certification, in the wording shown, must be labeled and completed on the final subdivision plan:

I hereby certify that the plan shown and described hereon, as well as all drawings bearing my seal, are true and correct to the accuracy required by the Fleetwood Borough Land Subdivision Regulations, and were prepared by me or under my direction and for which I accept full responsibility. The perimeter monuments have been accurately placed as required by Article VI, Section 602.

_____, 19 ____

(1) _____ (2)

(1) signature of the registered engineer or surveyor responsible for the preparation of the plan.

(2) seal of the engineer or surveyor.

APPENDIX III

CERTIFICATE OF BOROUGH APPROVAL

The approval of the Final Plan must be indicated on the Record Plan, in substantially the following form:

At a meeting held on _____, 19 ____, the Borough Council of the Borough of Fleetwood, by (1) _____, duly enacted, approved the subdivision plan of the property of (2) _____, as shown hereon.

(3)

(4)

(1) insert either a Resolution or Ordinance #

(2) insert name of property-owner

(3) signature of the Borough Council President and the Borough Secretary

(4) Borough seal

COPY

ORDINANCE NO. 472

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE SUBDIVISION AND LAND DEVELOPMENT CODE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AS ADOPTED BY ORDINANCE NO. 349 ON MARCH 8, 1971, BY INCLUDING THEREIN PROVISIONS FOR SEDIMENT AND EROSION CONTROL PLANS.

BE IT ORDAINED and ENACTED and IT IS HEREBY ORDAINED and ENACTED by the Council of the Borough of Fleetwood, Berks County, Pennsylvania, that the Subdivision and Land Development Code of the Borough of Fleetwood, Berks County, Pennsylvania, as adopted by Ordinance No. 349 on March 8, 1971, be and the same is hereby amended as follows:

SECTION 1. The following shall be added to Section 2 entitled "Submission Procedures", subsection 2.48 thereof:

2.486 A sediment and Erosion Control Plan approved by the Berks County Conservation District shall be submitted to the Borough by the subdivider. Such Plan shall also be approved by the Borough. Provided, that in the case of a subdivision reviewed under this Ordinance in which all homes will be constructed by individual lot purchasers, in lieu of an erosion and sediment control plan the Borough may permit the subdivider to place on the plan a note that the individual lot owners will be responsible for contacting the Berks County Conservation District for its approval prior to any earth-moving activities.

SECTION 2. The following subsection shall be added to Section 4 entitled "Design Standards" thereof:

4.100 Sediment and Erosion Control Plans. No Final Plan shall be approved by the Borough until a Sediment and Erosion Control Plan approved by the Berks County Conservation District shall be submitted to the Borough by the subdivider.

Such Plan shall also be approved by the Borough. Provided, that in the case of a subdivision reviewed under this Ordinance in which all homes will be constructed by individual lot purchasers, in lieu of an erosion and sediment control plan the Borough may permit the subdivider to place on the plan a note that the individual lot owners will be responsible for contacting the Berks County Conservation District for its approval prior to any earth-moving activities.

SECTION 3. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

ORDAINED AND ENACTED as an Ordinance by the Borough Council of the Borough of Fleetwood, in lawful session duly assembled, this 12th day of June, 1989.

BOROUGH OF FLEETWOOD

By: Alexander J. Lyke
President

Attest:

Jeanette Aulenbach
Secretary

APPROVED this 12th day of June, 1989.

Denton L. Schuck
Mayor

ORDINANCE NO. 78-412

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE SUBDIVISION AND LAND DEVELOPMENT CODE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AS ADOPTED BY ORDINANCE NO. 349 ON MARCH 8, 1971, BY INCLUDING THEREIN PROVISIONS FOR PERFORMANCE GUARANTEES; BY DELETING CERTAIN SECTIONS THEREFROM; BY SETTING FORTH PROVISIONS FOR CONFORMANCE WITH THE BOROUGH ZONING ORDINANCE; BY INCREASING THE PENALTY FOR VIOLATION OF SAID CODE; AND REPEALING CERTAIN ORDINANCES

BE IT ORDAINED and ENACTED and IT IS HEREBY ORDAINED and ENACTED by the Council of the Borough of Fleetwood, Berks County, Pennsylvania, that the Subdivision and Land Development Code of the Borough of Fleetwood, Berks County, Pennsylvania, as adopted by Ordinance No. 349 on March 8, 1971, be and the same is hereby amended as follows:

SECTION 1. The Subdivision and Land Development Code of the Borough of Fleetwood, Berks County, Pennsylvania, ordained and enacted by the Council of the Borough of Fleetwood on the 8th day of March, 1971, is hereby amended as follows:

A. The following shall be added to Section 2 thereof:

2.539 Performance Guarantee

2.540 Prior to approval of the Final Plan and prior to release for recording, the subdivider shall guarantee the installation of all required improvements by one of the following methods:

2.5401 By installing the required improvements, which shall include among others, sidewalks, sewers, curbs, monuments, streets, water supply and fire hydrants to the satisfaction of the Borough

Engineering and Borough Council and obtaining a certificate from Borough Engineer and all improvements have been installed in accordance with the standards and requirements contained in these regulations or required by the Borough.

- 2.5402 In lieu of completing all of the improvements required, the subdivider may post a performance guarantee in the amount of 120% of the cost of all improvements required by this Ordinance and as estimated by the Borough Engineer for that portion of the subdivision which the subdivider has submitted to the Borough for Final Plan approval. The performance guarantee may be either a performance bond with corporate surety, or a certified check payable to the Borough, or a deposit in escrow of cash or securities. Performance guarantees shall be submitted in a form and with a surety approved by the Borough Solicitor guaranteeing the construction and installation of all improvements within a stated period which shall not be longer than three (3) years from the date of final subdivision approval.

Upon written application signed by both the obligor and surety of a performance guarantee, in a form approved by the Borough Solicitor, the Borough Council may at its discretion extend said period by not more than three (3) additional years.

The amount of the performance guarantee may be reduced by Borough Council by resolution as and when portions of the required improvements have been installed. In the event of

default, the obligor and surety shall be liable thereon to the Borough for the cost of the improvements or parts thereof not installed. Upon receipt of the proceeds thereof, the Borough shall install the improvements. If cost of the improvements exceeds the amount of the performance guarantee, then the subdivider shall be liable for the amount in excess which the Borough has actually expended for such improvements. In case the amount of the performance guarantee exceeds the actual cost of improvements made, the Borough shall return the unused sum to the surety or the person who has paid or deposited the performance guarantee.

Performance guarantees shall not be released except by written permission from Borough Council

B. Section 4.531 thereof shall be deleted and in lieu thereof shall be amended to hereafter read as follows:

4.531 Off-street parking shall be not less than specified in the Borough's Zoning Ordinance.

C. Section 4.5311 thereof shall hereafter be deleted.

D. Section 4.5312 thereof shall hereafter be deleted.

E. Section 4.534 thereof shall hereafter be deleted.

F. Section 4.535 thereof shall hereafter be deleted.

G. Section 4.541 thereof shall be deleted and in lieu thereof shall be amended to hereafter read as follows:

4.541 Lot dimensions and areas shall be not less than specified in the Borough's Zoning Ordinance.

H. Section 5.22 thereof shall be amended by adding thereto the following:

On the approved base course, the subdivider shall construct a bituminous surface course of two-and-one-half (2-1/2) inches minimum thickness conforming to Penn DOT specifications for Bituminous Surface (Wearing) Course ID-2A, Form 408, latest revision, Section 420. Surface course to be approved by the Borough Council.

I. Section 7.52 thereof shall be deleted and in lieu thereof shall be amended to hereafter read as follows:

7.52 Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or otherwise, or erect any building thereon, unless or until a final plat has been prepared in full compliance with the provisions of these regulations and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding One Thousand Dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel or in default in the payment thereof imprisonment in the Berks County Prison for not more than 30 days. All fines collected for such violations shall be paid over to the Borough of Fleetwood. The description by metes and bounds in the

instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

ORDAINED and ENACTED this ninth day of October, 1978.

BOROUGH OF FLEETWOOD

By Richard J. Spoke
President of Council

Attest:

Raymond W. Boyer
Secretary

Approved this ninth day of October, 1978.

E. Richard Boyer
Mayor

COPY

ORDINANCE NO. 472

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE SUBDIVISION AND LAND DEVELOPMENT CODE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AS ADOPTED BY ORDINANCE NO. 349 ON MARCH 8, 1971, BY INCLUDING THEREIN PROVISIONS FOR SEDIMENT AND EROSION CONTROL PLANS.

BE IT ORDAINED and ENACTED and IT IS HEREBY ORDAINED and ENACTED by the Council of the Borough of Fleetwood, Berks County, Pennsylvania, that the Subdivision and Land Development Code of the Borough of Fleetwood, Berks County, Pennsylvania, as adopted by Ordinance No. 349 on March 8, 1971, be and the same is hereby amended as follows:

SECTION 1. The following shall be added to Section 2 entitled "Submission Procedures", subsection 2.48 thereof:

2.486 A sediment and Erosion Control Plan approved by the Berks County Conservation District shall be submitted to the Borough by the subdivider. Such Plan shall also be approved by the Borough. Provided, that in the case of a subdivision reviewed under this Ordinance in which all homes will be constructed by individual lot purchasers, in lieu of an erosion and sediment control plan the Borough may permit the subdivider to place on the plan a note that the individual lot owners will be responsible for contacting the Berks County Conservation District for its approval prior to any earth-moving activities.

SECTION 2. The following subsection shall be added to Section 4 entitled "Design Standards" thereof:

4.100 Sediment and Erosion Control Plans. No Final Plan shall be approved by the Borough until a Sediment and Erosion Control Plan approved by the Berks County Conservation District shall be submitted to the Borough by the subdivider.

ORDINANCE NO. 78-412

AN ORDINANCE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AMENDING THE SUBDIVISION AND LAND DEVELOPMENT CODE OF THE BOROUGH OF FLEETWOOD, BERKS COUNTY, PENNSYLVANIA, AS ADOPTED BY ORDINANCE NO. 349 ON MARCH 8, 1971, BY INCLUDING THEREIN PROVISIONS FOR PERFORMANCE GUARANTEES; BY DELETING CERTAIN SECTIONS THEREFROM; BY SETTING FORTH PROVISIONS FOR CONFORMANCE WITH THE BOROUGH ZONING ORDINANCE; BY INCREASING THE PENALTY FOR VIOLATION OF SAID CODE; AND REPEALING CERTAIN ORDINANCES

BE IT ORDAINED and ENACTED and IT IS HEREBY ORDAINED and ENACTED by the Council of the Borough of Fleetwood, Berks County, Pennsylvania, that the Subdivision and Land Development Code of the Borough of Fleetwood, Berks County, Pennsylvania, as adopted by Ordinance No. 349 on March 8, 1971, be and the same is hereby amended as follows:

SECTION 1. The Subdivision and Land Development Code of the Borough of Fleetwood, Berks County, Pennsylvania, ordained and enacted by the Council of the Borough of Fleetwood on the 8th day of March, 1971, is hereby amended as follows:

A. The following shall be added to Section 2 thereof:

2.539 Performance Guarantee

2.540 Prior to approval of the Final Plan and prior to release for recording, the subdivider shall guarantee the installation of all required improvements by one of the following methods:

2.5401 By installing the required improvements, which shall include among others, sidewalks, sewers, curbs, monuments, streets, water supply and fire hydrants to the satisfaction of the Borough

default, the obligor and surety shall be liable thereon to the Borough for the cost of the improvements or parts thereof not installed. Upon receipt of the proceeds thereof, the Borough shall install the improvements. If cost of the improvements exceeds the amount of the performance guarantee, then the subdivider shall be liable for the amount in excess which the Borough has actually expended for such improvements. In case the amount of the performance guarantee exceeds the actual cost of improvements made, the Borough shall return the unused sum to the surety or the person who has paid or deposited the performance guarantee.

Performance guarantees shall not be released except by written permission from Borough Council

B. Section 4.531 thereof shall be deleted and in lieu thereof shall be amended to hereafter read as follows:

4.531 Off-street parking shall be not less than specified in the Borough's Zoning Ordinance.

C. Section 4.5311 thereof shall hereafter be deleted.

D. Section 4.5312 thereof shall hereafter be deleted.

E. Section 4.534 thereof shall hereafter be deleted.

F. Section 4.535 thereof shall hereafter be deleted.

G. Section 4.541 thereof shall be deleted and in lieu thereof shall be amended to hereafter read as follows:

4.541 Lot dimensions and areas shall be not less than specified in the Borough's Zoning Ordinance.

instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

SECTION 2. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as they are inconsistent herewith.

ORDAINED and ENACTED this ninth day of October, 1978.

BOROUGH OF FLEETWOOD

By Richard J. Spoke
President of Council

Attest:

Raymond W. Boyer
Secretary

Approved this ninth day of October, 1978.

E. Richard Boyer
Mayor