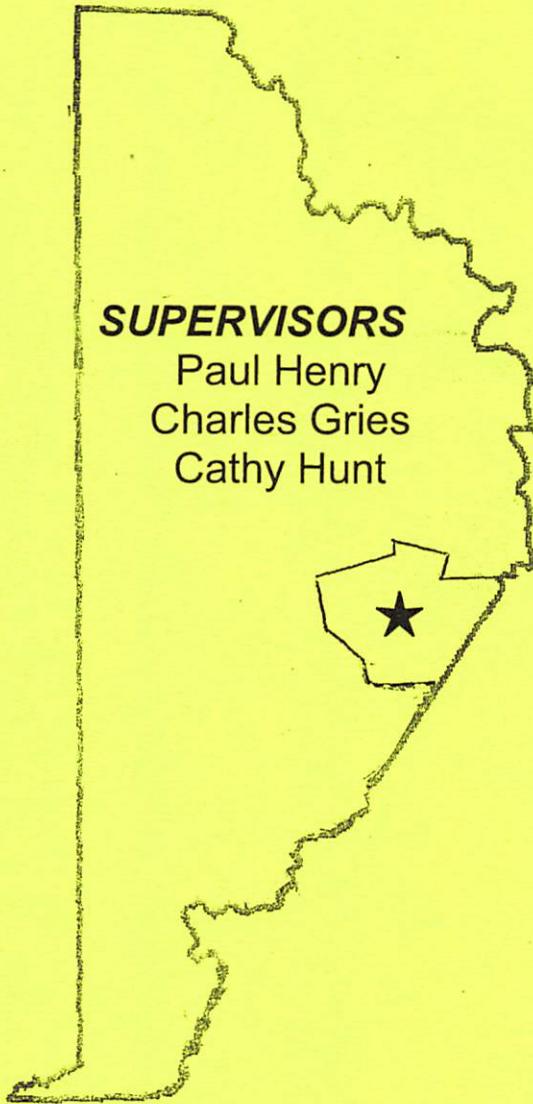


# Berlin Township

Wayne County, Pennsylvania



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# Subdivision and Land Development Ordinance

Adopted January 18, 2011

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SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

OF BERLIN TOWNSHIP

WAYNE COUNTY, PENNSYLVANIA

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## ARTICLE I

### GENERAL PROVISIONS

#### General Provisions

1.100 Title - This Ordinance shall be known and may be cited as the "Subdivision and Land Development Ordinance of Berlin Township, Wayne County, Pennsylvania."

1.200 Authority and Jurisdiction - The authority of the Berlin Township Supervisors to adopt this Ordinance regulating subdivision and land development within Berlin Township, Wayne County is granted by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended. No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance or other Township ordinances which regulate such activity. The jurisdiction of the approval powers of this Ordinance shall be limited to land within Berlin Township, Wayne County.

The Berlin Township Supervisors shall be in charge of the administration of this Ordinance and shall have the power to act on the approval of all subdivisions and land developments. The Governing Body shall have the power to establish procedures for the submittal of applications by resolution.

1.201 As mandated by the Pennsylvania Municipalities Planning Code, all applications for subdivision and land development located within Berlin Township shall be submitted to Berlin Township for review and report together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Also, a copy of the plans and supplementary data (including the County review fee) shall be forwarded by Berlin Township to the Wayne County Department of Planning for appropriate review by that agency.

1.202 The provisions and requirements of these regulations shall apply to and control all subdivision and land development for which plans have not been legally recorded in the Office of the Recorder of Deeds in and for Wayne County, Pennsylvania prior to the effective date of this Ordinance.

1.203 Unless and until a subdivision and land development plan including the construction or guarantee of all improvements has been approved by the Berlin Township Board of Supervisors and recorded with the Office of the Recorder of Deeds of the County of Wayne, the following activities are prohibited.

1.203.1 No lot in a subdivision or land development may be sold or sales agreement entered into and;

1.203.2 No permit to erect or alter any building(s) upon land in a subdivision or land development may be issued and;

1.203.3 No building may be erected in a subdivision or land development.

1.203.4 No driveway or other means of ingress and egress may be constructed to the subdivision.

1.203.5 No roadways within the proposed subdivision may be constructed.

1.203.6 No advertisement for the sale of lots or lands within the proposed subdivision may take place.

1.300 Purposes - It is the intent, purpose, and scope of this Ordinance to help:

1.301 Protect and provide for the public health, safety, and general welfare of the residents of Berlin Township, Wayne County, Pennsylvania.

1.302 Guide the future growth and development within Berlin Township.

1.303 Provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.

1.304 Protect the character and the social and economic stability of all parts of BERLIN TOWNSHIP and to encourage the orderly and beneficial development of all parts of Berlin Township, Wayne County, Pennsylvania.

1.305 Protect and conserve the value of land, buildings, and building improvements throughout Berlin Township and to minimize conflicts.

1.306 Guide public and private policy and action in order to insure a high quality of life through adequate and efficient transportation, water, sewage, parks, playgrounds, recreation, and other public requirements and facilities.

1.307 Provide for the most beneficial relationship between land and buildings and the circulation of traffic throughout Berlin Township having particular regard to the avoidance of congestion in the streets and highways, and pedestrian traffic movements, and to provide for the proper location and width of streets and building lines.

1.308 Establish reasonable standards of design and procedures for subdivisions and land developments in order to further the orderly layout of land, and to insure proper legal description and monumenting of subdivisions and land developments.

1.309 Provide for innovation in subdivision and land development design that offers developmental options, makes the most appropriate and efficient use of the Township's land and natural resources, and preserves open space.

1.310 Insure that improvements for public facilities are available and will have a sufficient capacity to serve the proposed subdivision or land development.

1.311 Permit Berlin Township to minimize such problems as may presently exist or which may be foreseen.

1.312 Compensate Berlin Township for all costs incurred in the reviewing and approval process as allowed in the Pennsylvania Municipalities Planning Code, Act 247.

1.400 Interpretation - The provisions of this Ordinance shall be interpreted to be the minimum requirements to meet the purposes of this Ordinance.

The requirements of this Ordinance may be modified whenever a subdivision or land development plan is of such wide scope; it proposes the development of a functionally integrated community or neighborhood

(ie. a mixed-use conservation subdivision). Such a proposal may include some unique design elements that may not comply with all of this Ordinance's provisions, but do conform to the Ordinance's general purpose and intent.

1.500 Township Liability - The granting of approval of a subdivision or land development plan shall not constitute a representation, guarantee, or warranty of any kind by the Township or by an official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon Berlin Township, its officials, or employees.

1.600 Constitutional Construction - The provisions of this Ordinance shall be severable and, if any of its provisions shall be held to be unconstitutional, the validity of any of the remaining provisions of this Ordinance shall not be affected. It is hereby declared as the legislative intention that this Ordinance would have been adopted had such unconstitutional provision not been included therein.

ARTICLE II  
DEFINITIONS

Definitions

2.100 Interpretation - Unless the context clearly indicates to the contrary:

2.101 The word shall is mandatory, the word may is optional.

2.102 Words used in the present tense include the future tense.

2.103 Words in the singular include the plural and those in the plural include the singular.

2.104 The words person, developer, subdivider, and landowner shall be construed to include a corporation, partnership, firm, association, company, or other similar business entity, as well as individuals.

2.105 The word building includes structure and shall be construed as if followed by the phrase, "...or part thereof."

2.200 General - For the purposes of this Ordinance, the following words and phrases shall have the meaning as given in this Article:

Addition or Lot Improvement: A subdivision of land which is created with the intent and purpose of conveying one lot to the owner of an adjoining lot, tract, or parcel. Once approved in accordance with the terms of this Ordinance, the lot to be conveyed shall be considered an integral part of the adjoining landowner's former lot and not a new lot, tract, or parcel of land, and said lot shall not be sold separately without subdivision approval at the time of any future division.

Agent: A duly authorized person designated by the landowner to act on his behalf.

Alley: A public or private street right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on an approved street.

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

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities.

Building: Any structure having a roof supported by columns or walls and intended for the enclosure, housing, or shelter of any animal, equipment, good, individual, material, process, or service of any kind or nature.

Building Setback Line: A line within a property defining the minimum required distance between any structure to be erected and the adjacent right-of-way or side and rear lot lines.

Campsite: A lot within a recreational land development used for tent camping or as a site for recreational vehicles; or a tract of land otherwise offered by the developer or operator through sale, lease, rent, membership or other means, for camping purposes. Campsites in transient developments may be clustered and not necessarily specifically defined, however, provided the gross density does not exceed



that permitted herein.

Cartway: The graded or paved portion of a street used for vehicular travel, excluding shoulders.

Change in Lot Lines: Any change or alteration in existing lot lines. A change in lot lines constitutes a subdivision.

Comprehensive Plan: The complete plan or any part of the plan for the development of Berlin Township adopted in accordance with the Pennsylvania Municipalities Planning Code.

Conditional Approval: Special approval of a subdivision or land development granted by the Berlin Township Board of Supervisors with conditions attached thereto.

Construction Guarantee: A written instrument which may be accepted by the Township Supervisors in lieu of a requirement that certain improvements be made by a developer before the final plan is granted final approval and released for recording, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, sanitary sewage facilities, water supply and distribution facilities, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements and buffer or screen planting which may be required.

County: The County of Wayne, Commonwealth of Pennsylvania.

DEP: The Pennsylvania Department of Environmental Protection.

Developer: Any landowner, agent of such landowner, or tenant with the permission of such landowner who makes or causes to be made a subdivision or land development.

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

Dwelling: A building, shelter, or structure in which people reside.

Single-Family Dwelling: A dwelling accommodating a single family.

Two-Family Dwelling: A dwelling accommodating two families living independently of each other in segregated dwelling units.

Multi-Family Dwelling: A building or buildings designed for the occupancy of three or more families living independently of each other in segregated dwelling units.

Dwelling Unit: One or more rooms in a structure including; a kitchen, restroom facilities, and sleeping facilities that are used for the residency of people.

Easement: A right to use the land of another for a specific purpose.

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

Engineering Land Surveys: Surveys for:

- (1) The development of any tract of land including the incidental design of related improvements, such as line and grade extension of roads, sewers, and grading but not requiring independent engineering judgment provided; however, that tract perimeter surveys shall be the function of the Professional Land Surveyor;
- (2) The determination of the configuration or contour of the earth's surface, or the position of fixed objects thereon or related thereto by means of measuring lines and angles and applying the principles of mathematics, photogrammetry, or other measurement methods;
- (3) Geodetic or cadastral survey, underground survey, and hydrographic survey;
- (4) Sedimentation and erosion control survey;
- (5) The determination of the quantities of materials;
- (6) Tests for water percolation in soils; and
- (7) The preparation of plans and specifications and estimates of proposed work.

Final Plan: The ultimate map and supporting material drawn and submitted as required in these regulations for a subdivision or land development.

Final Plat: The ultimate map showing the layout of the subdivision or land development, which, if approved by the Berlin Township Board of Supervisors, shall be stamped and signed indicating final approval and shall be the plat of record (required to be recorded).

Frontage: The distance measured along the street right-of-way line, between the lot side lines.

Highway Occupancy Permit: A document granting permission for a driveway, street or Other means of passage of vehicles between the highway and abutting property, including Acceleration and deceleration lanes and such drainage structures as may be necessary for the proper construction and maintenance thereof. The Pennsylvania Department of Transportation shall have the responsibility of issuing Highway Occupancy Permits along State Roads. Berlin Township shall have the responsibility of issue highway occupancy permits along Township roads.

Improvements: Any physical additions, installations and changes to land intended or required to render land suitable for the proposed use, including, but not limited to, any excavation, clearing, or any alteration of the subject parcel of land.

Land Development: Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - (A) A group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - (B) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the

purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) The definition of land development shall not include the following:

(A) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium; or

(B) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.

Landowner: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner.

Location Map: A map insert or miniaturized map of the proposed subdivision or land development placed on the plat for the purpose of locating the property as it relates to other adjoining lands of the owner, the surrounding street network, villages, and natural features.

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

Lot Area: The area contained within the property lines of the individual parcels of land as shown on a subdivision and land development plan, excluding any area within a street right-of-way, but including the area of any easement so long as the easement is intended for no greater use than private access to no more than one adjoining lot.

Lot Depth: The distance measured from the front lot line to the rear lot line.

Lot of Record: Any lot or parcel of land which is not to be considered a subdivision for any of the following reasons:

(1) The same described lot or parcel of land was legally recorded prior to the enactment of this Ordinance or any other duly enacted Subdivision of Berlin Township, either by a deed or upon a plat; or

(2) Any lot or parcel of land which is all of the remaining land following subdivision or land development.

Lot Width: The horizontal distance between the two (2) property side lines measured parallel to the street at the required building setback line.

Mobilehome: A transportable, single family dwelling intended for permanent occupancy, office or place of assembly contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

Mobilehome Lot: A parcel of land in a mobilehome park, improved with the necessary utility connections

and other appurtenances necessary for the erections thereon of a single mobilehome. The mobilehome lot in a mobilehome park may be either owned by the occupant of the mobilehome or leased from the mobilehome park owner.

Mobilehome Park: A parcel of land which may be a single parcel of land or contiguous parcels which have been designated as a mobilehome park, and is, by improvement, intended for use as three (3) or more mobilehome lots.

Modifications: A relief of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, as determined by the Board of Supervisors in Berlin Township, provided that such modifications will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed. Procedures and criteria for granting such relief are provided in Article VIII, *Modifications*.

Municipality: Berlin Township, Wayne County, Pennsylvania.

Newly Created Lot: Any lot or parcel created by the subdividing of a larger parcel that has no previous record of existence, either in the form of a deed description, recorded map, or by any other legal means. An existing agreement of sale does not constitute a lot of record.

One Hundred Year Flood Plain: The one hundred (100) year floodway and that maximum area of land that is likely to be flooded by a one hundred (100) year flood shown on flood plain maps approved or promulgated by the United States Department of Homeland Security, Federal Emergency Management Agency.

Open Space: Undeveloped land (including water) or land set aside in its natural condition or land designated and intended for conservation, preservation, or recreational purposes.

Active Open Space: Includes land set aside for organized and informal group activity that may include improvements specifically intended for these functions. Examples of active open space include; baseball and soccer fields, basketball and tennis courts, biking trails, community gardens, equipment storage facilities, pavilions... etc.

Passive Open Space: Includes land set aside for less formal activity that does not typically rely on group activities, such land may include minor improvements intended for these functions. Examples of passive open space include; hiking trails and accompanying signage, wildlife viewing areas and accompanying blinds and platforms... etc.

Preserve Open Space: Includes land set aside as it currently exists with no improvements. Examples of preserve open space include any unimproved lands such as; natural habitat areas, sensitive environmental lands... etc.

Common Open Space: A parcel or parcels of land or an area of water, or a combination of land and water within a subdivision or development that is designed and intended for the use or enjoyment of residents of said subdivision or development; not including areas set aside for public facilities, off-street parking areas, or streets.

PennDOT: Pennsylvania Department of Transportation.

Planning Agency: A planning commission, planning department, or a planning committee or planning board of Berlin Township.

Planning Commission: The Berlin Township Planning Commission.

Plat: The map of a subdivision or land development, whether sketch, preliminary, or final.

Practice of Land Surveying: The practice of that branch of the profession of engineering which involves the establishment, location, relocation, re-establishment, or retracement of any property line or boundary of any parcel of land or any alignment, easement, or street right-of-way; the use of principles of land surveying, determination of the position of any monument or reference point which marks a property line boundary, or corner setting, resetting, or replacing any such monument or individual point including the writing of deed descriptions; procuring or offering to procure land surveying work for himself or others; managing or conducting as managers, proprietors, or agent any place of business from which land surveying work is solicited, performed, or practiced; the performance of the foregoing acts and services being prohibited to persons who are not granted certificates of registration as a professional land surveyor unless exempt under other provisions of the Professional Engineers and Professional Land Surveyors Registration Law.

Preliminary Plan: The tentative map and supporting material drawn and submitted as required in these regulations for a proposed subdivision or land development.

Preliminary Plat: The tentative map showing the proposed layout of the subdivision or land development which, if approved by the Berlin Township Board of Supervisors, shall be stamped and signed indicating preliminary approval. The preliminary plat which has been approved is not for recording purposes.

Professional Consultants: Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners as defined in Act 247 or any other Act of the Commonwealth of Pennsylvania which shall apply.

Professional Engineer: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of engineering. A professional engineer may not practice land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

Professional Land Surveyor: An individual licensed and registered under the laws of this Commonwealth to engage in the practice of land surveying. A professional land surveyor may perform engineering land surveys but may not practice any other branch of engineering.

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

Reapproval: The act of reapproving a lot or parcel of land which had been approved but not recorded in the Register and Recorder's Office of Wayne County within the ninety (90) day window, as required by this Ordinance.

Recreational Land Development: The division or re-division of a lot, tract or parcel of land, by any means, into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot line for the purpose, whether immediate or future, of lease, rent, sale or transfer of ownership, for the purpose of providing a site for travel trailers, truck campers, camper trailers, motor homes and tents, for transient use. Campgrounds, recreational vehicle parks, primitive camping facilities and other similar facilities shall fall under this definition. This definition is not, however, intended to cover second-home

communities of single-family dwellings or mobile home parks.

Transient recreational subdivision or land developments: Publicly operated facilities, or businesses, offering sites with the usual accessory recreational and service facilities, not normally including eating facilities, for use for tent camping and/or recreational vehicle camping by the public at large on a transient basis. Sites are rented on a daily or weekly basis.

Non-transient recreational subdivisions or land developments: Planned private communities with recreational and service facilities, including central water and sewage and usually a restaurant and/or bar, lounge, chapel, and community hall for use only by occupants of tent and/or recreational vehicle sites within the campground. Sites may be owned in common or may be owned individually by deed conveyance or may be leased on an annual basis.

Recreational Vehicle: A vehicular unit primarily designed as temporary living quarters for recreational camping or travel use, which either has its own automotive power or is mounted on, or drawn by, another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home.

Regulatory Flood Elevation: The one hundred (100) year flood elevation plus a free board safety factor of one and a half (1 ½) feet.

Right-of-way: The right of use, which is reserved and/or conveyed as an easement or a public thoroughfare for vehicular and/or pedestrian traffic.

Sewage Disposal, Central: A sewage collection and disposal system in which sewage is carried from more than one (1) individual lot, by a system of pipes, to a central treatment plant which involves a point discharge to the waters of the Commonwealth; in compliance with the applicable Pennsylvania Department of Environmental Protection regulations.

Sewage Disposal, Individual On-Lot: A sewage collection and disposal system utilized by a single lot and used for collecting, treating, and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

Sewage Disposal, Subsurface: A system of piping, tanks, or other facilities serving one (1) or more lots and collecting, treating, and disposing of sewage in a manner in which renovation is dependent upon disposing of sewage, in whole or in part, into or onto the soil for final disposal in compliance with the applicable Pennsylvania Department of Environmental Protection regulations. Examples include: conventional in-ground systems, sand mounds, spray irrigation systems or other similar community systems.

Sketch Plan: An informal plan indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development presented for discussion purposes only and not for approval.

Sketch Plat: An informal map indicating existing features of a tract and its surroundings and the general layout of the proposed subdivision or land development presented for discussion purposes only and not for approval.

Street: Any way or travelway; including accesses, alleys, avenues, boulevards, expressways, freeways, highways, lanes, parkways, roads, thoroughfares, viaducts, and any other way used or intended to be used by vehicular or pedestrian traffic, whether public or private.

Private Street: A street, road, access, easement, or right-of-way, constructed to the standards of

Berlin Township, used for access which is not being dedicated or offered for dedication to Berlin Township and which will be owned and maintained by the landowner, association or other persons.

Public Street: A street, road, access, easement, or right-of-way, constructed to the standards of Berlin Township, used for access which is dedicated to Berlin Township, constructed to the standards of the Township Road Ordinance and the applicable sections of this Ordinance, which will be maintained by Berlin Township upon the Township's acceptance of the same.

Cul-de-sac: A dead-end street that may have one (1) or more spurs terminating in a vehicular turnaround.

Dead-end street: A street that provides only one (1) means of ingress and egress with the other end(s) being closed, as with a cul-de-sac, or not open permanently to the continued flow of all vehicular traffic.

Lot Driveway: A privately owned vehicular access from a private or public street into a lot, tract, or parcel of land which is used or intended to be used to provide access to not more than one (1) lot, parcel, or tract of land.

Structure: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivider: Any landowner, or agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land.

Subdivision: The division or re-division of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres of land, not involving any new street or easement of access or any residential dwelling shall be exempt from these regulations.

Major Subdivisions or Land Developments: All subdivisions and land developments not classified as minor subdivisions and land developments.

Minor Subdivisions or Land Developments: All subdivisions and land developments that meet the criteria specified in Section 3.100.

Residential Subdivisions or Land Developments: All subdivisions and land developments that involve buildings or structures used solely for the residence of people. Mixed-use buildings, with the exception of home occupations, shall be considered non-residential for the purposes of this Ordinance.

Non-Residential Subdivisions or Land Developments: All subdivisions and land developments that involve buildings or structures used for purposes other than the residence of people.

Conservation Subdivision: A subdivision characterized by compact lots and designated open space in which the natural features of the land are maintained to the greatest extent possible.

Lot Improvement Subdivision: The realignment of lot lines or the transfer of land to increase the size of an existing lot provided the grantor's remaining parcel complies with all provisions of this

Ordinance and no new lots are created; or the combination or reallocation of small lots into a larger lot or lots.

Un-subdivision: The act of eliminating an existing subdivision by combining lots or parcels of land into one (1) deed describing the entire tract as one (1) lot or parcel.

Supervisors: The Township Board of Supervisors for Berlin Township, Wayne County, Pennsylvania.

Township: Berlin Township, Wayne County, Pennsylvania.

Township Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Berlin Township.

USGS: The United States Geological Survey.

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

Water System or Supply, Community or Public Water: Service by a water system that maintains facilities and distributes water through a system of pipes from a common source to two (2) or more dwelling units or individual lot. In most cases, this would involve service to a number of lots.

Water System or Supply, On-Lot or Individual Water: Service by a water system that does not meet the definition of a "community or public water." In most cases, this would involve an individual well serving an individual lot.

Wetlands: An area of land where the presence of water (at least during part of the year) determines the soil characteristics of the site and the species of vegetation growing on the site; said areas meeting the most current applicable state and federal criteria; and being regulated by the PA DEP and the U.S. Army Corps of Engineers.

Undefined Terms: Where terms or words are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.



## ARTICLE III

### PROCEDURES, SPECIFICATIONS, AND SUPPORTING MATERIALS

Procedures, Specifications and Supporting Materials - From the date of enactment of this Ordinance, the following procedures, specifications and supporting materials shall be observed by all subdividers and developers.

Prior to the official act of submitting a plan for review by the Township Planning Commission, and to insure that the applicants understand the provisions of this Article, a pre-application sketch may be submitted by the potential applicant at any regularly scheduled meeting of the Planning Commission. No fee is required for such pre-applications. Pre-application sketches shall include all natural features that affect site design such as; existing land use or land cover, slope characteristics, trees and tree masses, water features... ect. and shall include all existing and proposed man-made features such as; buildings, stonewalls, utilities, wells... etc.

The applicant shall prepare preliminary plans where required. Preliminary plans shall be designed by an Architect, Engineer, Land Surveyor, or Professional Planner and as may be required by state statute. Preliminary plans shall not be submitted in instances where they are not required by the provisions set forth in this Ordinance. In some instances, a preliminary plan may not be required for major subdivision applications in cases where; no improvements are proposed, such as a major subdivision utilizing public road frontage for each of its proposed lots.

3.100 Minor Subdivisions and Land Developments - A minor subdivision or land development requires a final plan, but a sketch plan is optional. In determining the number of lots, each newly created lot from the parent parcel, extracted since *APPLICABLE DATE*, the date of the enactment of the original Berlin Township Subdivision and Land Development Ordinance, shall be counted, including the parent parcel. Once the number of lots exceeds ten (10) whether in one (1) submission or over a period of time and several submissions, the said subdivision or land development shall no longer be a minor subdivision or land development. Any subdivision or land development shall be considered a minor subdivision only if it meets all of the following requirements:

3.100.1 Contains ten (10) lots or less.

3.100.2 Fronts on an existing public or private street.

3.100.3 Does not involve the construction of any new streets.

3.100.4 Does not involve the construction or extension of public or private water service facilities.

3.100.5 Does not involve the creation of any improvements other than survey lot markers.

3.100.6 Does not landlock or limit the ultimate use of interior adjacent land.

3.100.7 Does not conflict with any provision or portion of Berlin Township's comprehensive plan, these subdivision regulations, or any other applicable ordinance in effect at the time.

3.100.8 Is not a mobile home park, recreational land development, or non-residential land development.

3.101 Sketch Plan Procedures: Any subdivider or developer may, prior to subdividing or

developing land as defined in this Ordinance, submit to Berlin Township a sketch plan or plat (pre-application sketch) showing the information required in Section 3.102. A sketch plan is informal and intended for discussion purposes only. Berlin Township will not formally by way of written correspondence communicate to the applicant regarding the submission and review of the sketch plan. Any comments and/or correspondence from the Township regarding such submission shall not, in any way, constitute, nor be construed to be, a formal response to such submission and shall not be binding upon the Township relevant to any formal subdivision at any later date. A sketch plan submission shall consist of a minimum of seven (7) copies of the letter of intent stating that it is only a sketch plan and a minimum of seven (7) copies of the plat. The submission shall be prepared and presented to Berlin Township in a minimum of seven (7) individual packages, each package must include all required information. The submission of a sketch plan shall not constitute an official submission of a plan to the Township and no formal action is mandated.

**3.102 Sketch Plat Specifications:** The sketch plat shall be at a sufficient scale to show the entire tract on one (1) sheet and shall show or include the following:

3.102.1 Location map.

3.102.2 All existing and proposed lot lines, with approximate dimensions of straight lines, radii, arcs, and central angles of curved lines and the location and proposed layout of that portion which is to be subdivided or developed in relationship to the entire tract.

3.102.3 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.

3.102.4 Locations of all existing and proposed man-made features or structures, within the project area, including but not limited to; buildings and their ancillary structures, culverts, drain pipes, public facilities, stone walls, streets, systems and utilities (electric, gas, sewer, water... etc.), wells... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.102.5 Locations of all existing natural features, within the project area, including but not limited to; fields, land cover, land use, landscape characteristics, trees or tree masses, water related features (direction of flow shall be included in water course descriptions) including wetlands (Affected portions of a Department of the Interior, U.S. Fish and Wildlife Service, National Wetlands Inventory map shall be illustrated on the plat if wetlands are present)... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.102.6 The name and mailing address of the landowner and the names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

3.102.7 Name of municipality and county in which tract is located.

3.102.8 North arrow.

3.102.9 Graphic scale.

3.102.10 Date map was drawn.

3.103 Final Plan Procedures: The applicant shall submit a minimum of seven (7) copies of the final plat and a minimum of seven (7) copies of all supporting material as specified in Section 3.105 to Berlin Township. The submission shall contain a minimum of seven (7) individual packages. Each package must include all required information. Only original unaltered prints of the plat shall be accepted.

3.103.1 All applicable items listed in Section 3.104 and 3.105 shall be required for a complete submittal.

3.103.2 The Berlin Township Planning Commission shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance. The Berlin Township Planning Commission shall make a report of its recommendations to the Berlin Township Board of Supervisors.

3.103.3 All applications shall be submitted for consideration following procedures established by the Township.

3.103.4 All applications for final approval shall be acted upon by the Berlin Township Board of Supervisors who shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the formal submission of the application to Berlin Township. The decision shall be in writing and shall be communicated to the applicant personally or mailed to them at their last known address not later than fifteen (15) days following the decision.

3.103.5 As mandated by the Municipalities Planning Code, applications for subdivision and land development within Berlin Township shall be forwarded upon receipt by Berlin Township to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Berlin Township shall not approve such applications until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County. The one (1) copy of the final plat forwarded to the Department of Planning shall be retained in their files.

3.103.6 If the final plan is approved, each copy of the plat shall be stamped and signed. Three (3) copies shall be returned to the applicant. One (1) copy shall be retained by the Berlin Township Board of Supervisors.

3.103.7 The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat contains the official seal of Berlin Township and has a minimum of two (2) Berlin Township Supervisors' signatures.

3.104 Final Plat Specifications: The final plat shall be dark print on white background and clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than two (2) feet by three (3) feet and not less than eleven (11) inches by seventeen (17) inches. The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:

3.104.1 Location map

3.104.2 Tract, subdivision, or land development name, if any.

3.104.3 All existing and proposed lot lines, with approximate dimensions of straight lines, radii, arcs, and central angles of curved lines and the location and proposed layout of that portion which is to be subdivided or developed in relationship to the entire tract.

3.104.4 Boundaries of the tract and approximate location of abutting properties (including those across streets).

3.104.5 Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.

3.104.6 Each lot identified by number and/or letter.

3.104.7 Proposed use of each lot.

3.104.8 Area of each proposed lot.

3.104.9 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.

3.104.10 Total area remaining in parent parcel, if any.

3.104.11 Locations of all existing and proposed man-made features or structures, within the project area, including but not limited to; buildings and their ancillary structures, culverts, drain pipes, public facilities, stone walls, streets, systems and utilities (electric, gas, sewer, water... etc.), wells... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.104.12 Locations of all existing natural features, within the project area, including but not limited to; fields, land cover, land use, landscape characteristics, trees or tree masses, water related features (direction of flow shall be included in water course descriptions) including wetlands (Affected portions of a Department of the Interior, U.S. Fish and Wildlife Service, National Wetlands Inventory map shall be illustrated on the plat if wetlands are present)... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.104.13 Where the subdivision or land development lies partially or completely in any designated one hundred (100) year flood plain, those areas shall be identified and the boundaries shown. Department of Homeland Security, Federal Emergency Management Agency, Flood Insurance Rate Maps shall be used in the determination of one hundred (100) year flood plain boundaries.

3.104.14 The location of all existing and proposed streets with information concerning; easements indicating dimensions and purpose including any limitations on their use, right-of-way lines and widths, street lines and widths, street names, and types of street surfaces.

3.104.15 The location, dimension, and purpose of all easements or other rights-of-way including any limitations on their use.

3.104.16 The location, dimension, and identification of building setback lines.

3.104.17 Contour lines, stating whether derived from a field survey or based on USGS topographic maps, with a maximum twenty (20) foot interval, if found to be necessary by the Township.

3.104.18 A site data table listing the proposed number of lots, sewer and water service facilities, area of impervious surface (acreage or square feet), total acreage, and any other relevant information, as determined by the applicant or Berlin Township.

3.104.19 The final plat shall contain the following statements:

“[The applicant] certifies the information contained in this application is true and correct. Alterations from this approved plan by the present or future owners is a violation of the Berlin Township Subdivision and Land Development Ordinance. Changes in the scope and/or limits of the project and its features will require a new application to be submitted. {signature of applicant}”

This statement must appear on the map with an original signature of the applicant on every copy submitted for approval.

“It is the responsibility of the landowner and contractor, prior to any construction, to determine if any wetlands exist on any portion of the property and if such wetlands will be affected by the installation of any improvements. The developer and/or the lot purchaser assume full responsibility for obtaining any state or federal permits and/or approvals relating to wetlands. This subdivision and/or land development approval by the Township Supervisors shall not in any manner be an approval of compliance with statutes or regulations relating to wetlands.”

“It is the responsibility of the land owner and contractor, prior to any construction, to determine if DEP and other applicable regulations in regard to water body and water course setbacks have been satisfactorily met.”

3.104.20 Name and mailing address, of present landowner.

3.104.21 Name and mailing address, of applicant if different from landowner.

3.104.22 Name, certification by stamp or seal, mailing address, and signature of professional land surveyor who certified the map and survey. Each print shall be individually signed and sealed or stamped by the professional land surveyor.

3.104.23 Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional land surveyor who certified the survey.

3.104.24 Name of municipality and county in which tract is located.

3.104.25 Tax map and parcel identification number of tract.

3.104.26 Deed book and page identification number of tract and all tracts identified on the plat.

3.104.27 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

3.104.28 Graphic scale.

3.104.29 North arrow indicating true, magnetic, or other reference meridian source.

3.104.30 Date map was drawn and dates of all revisions.

3.104.31 An area approximately three and a half (3 ½) inches by five (5) inches shall be provided which shall be free of all writing and drawing, for use by Berlin Township to stamp any approval.

3.104.32 A statement on the plat disclosing the status of any mineral, oil, gas or other similar sub-surface agreement of lease, easement or sale along with the record book and page number as recorded in the county Recorder of Deeds Office. If no sub-surface right agreements for lease, easement or sale exist, a statement to that effect shall be placed on the plat.

3.105 Final Plan Supporting Materials: The following items shall be submitted by the applicant in support of and as a part of the final plan:

3.105.1 A letter of intent, signed by the applicant, including a statement indicating which lots are to be included for consideration. The letter should concisely explain the scope of the proposal. The letter shall authorize that Berlin Township Officials or their representatives can enter the property for inspections required by the application. A minimum of one (1) original and six (6) copies are required.

3.105.2 All applicable fees as required in Article IX, *Fees*, of this Ordinance.

3.105.3 The completed appropriate components of the DEP "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act, the Clean Streams Act, or any other Act of the Commonwealth of Pennsylvania which shall apply. All items must be either filled in or marked non-applicable (n/a). A minimum of the original plus six (6) copies of the planning modules, with attachments, shall be submitted.

3.105.4 Sewage Service Facilities

3.105.4.1 If sewage service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, a minimum of an original plus six (6) copies of a letter from the sewer authority in whose service area the subdivision or land development is located stating that they will provide sewage service to this subdivision or land development.

3.105.4.2 If the sewage service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, a minimum of an original plus six (6) copies of a community sewage system

agreement shall be submitted by the applicant to the Township. The agreement shall stipulate the responsibilities of the owner of the community sewage system that will serve the subdivision or land development as well as the individual property owner located within the subdivision or land development. In addition to the forementioned agreement, the Berlin Township Supervisors reserve the right to require execution and recording of an appropriate installation and maintenance agreement inclusive of bond document relative to the subject system.

### 3.105.5 Water Service Facilities

3.105.5.1 If water service is proposed by means of a hook-up to an existing line by the applicant of this subdivision or land development, a minimum of an original plus six (6) copies of a letter from the water authority or water company in whose service area the subdivision or land development is located stating that they will provide water service to this subdivision or land development.

3.105.5.2 If the water service is proposed by means of a hook-up to an existing line by the applicant for this subdivision or land development, a minimum of an original plus six (6) copies of a community well agreement shall be submitted by the applicant to the Township. The agreement shall stipulate the responsibility of the owner of the community water system that will serve the subdivision or land development as well as the individual property owner located within the subdivision or land development. In addition to the forementioned agreement the Berlin Township Board of Supervisors reserve the right to require execution and recording of an appropriate installation and maintenance agreement inclusive of bond document related to the subject system.

3.105.6 A plan from the applicant indicating how they intend to implement and maintain erosion and sedimentation control measures to comply with the requirements of the Pennsylvania Code, Title 25 Environmental Resources, Chapter 102 *Erosion Control*, requirements as set forth by the Wayne Conservation District and Berlin Township as contained within the Township Stormwater Management Ordinance or any other Act of the Commonwealth of Pennsylvania which shall apply. This plan must be submitted to the Wayne Conservation District for review and comment. Upon review by the Wayne Conservation District the applicant shall submit the plan with all comments to Berlin Township.

3.105.7 Applications involving additions and lot improvements, as addressed under other sections of this Ordinance, supporting material as required in Section 5.302, "Required supporting material for an addition or lot improvement" shall be submitted.

3.200 Major Subdivisions and Land Developments - Any subdivision or land development which is not classified as a minor subdivision or land development in Section 3.100 shall be considered as a major subdivision or land development. For a major subdivision or land development: a sketch plan is optional, both preliminary plan and a final plan are mandatory.

3.201 Sketch Plan Procedures: Any subdivider or developer may, prior to subdividing or developing land as defined this Ordinance, submit to Berlin Township a sketch plat showing the information required in Section 3.202. A sketch plan is informal and intended for discussion purposes only. The Township will not formally by way of written correspondence communicate

to the applicant regarding the submission and review of the sketch plan. Any comments and/or correspondence from the Township regarding such submission shall not, in any way, constitute, nor be construed to be, a formal response to such submission and shall not be binding upon the Township relevant to any formal submission at any later date. A sketch plan submission shall consist of a minimum of seven (7) copies of the letter of intent stating that it is only a sketch plan and a minimum of seven (7) copies of the plat. The submission shall be prepared and presented to Berlin Township in a minimum of seven (7) individual packages, each package must include all required information. The submission of a sketch plan shall not constitute an official submission of a plan to Berlin Township and no formal action is mandated.

3.202 Sketch Plat Specifications: The sketch plat shall be at a sufficient scale to show the entire tract on one (1) sheet and shall show or include the following:

3.202.1 Location map.

3.202.2 All existing and proposed lot lines, with approximate dimensions of straight lines, radii, arcs, and central angles of curved lines and the location and proposed layout of that portion which is to be subdivided or developed in relation to the entire tract.

3.202.3 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.

3.202.4 Locations of all existing and proposed man-made features or structures, within the project area, including but not limited to; buildings and their ancillary structures, culverts, drain pipes, public facilities, stonewalls, streets, systems and utilities (electric, gas, sewer, water... etc.), wells... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.202.5 Locations of all existing natural features, within the project area, including but not limited to; fields, land cover, land use, landscape characteristics, trees or tree masses, water related features (direction of flow shall be included in water course descriptions) including wetlands (Affected portions of a Department of the Interior, U.S. Fish and Wildlife Service, National Wetlands Inventory map shall be illustrated on the plat if wetlands are present.)... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.202.6 The name and address of the landowner and the names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

3.202.7 Name of municipality and county in which tract is located.

3.202.8 North arrow.

3.202.9 Graphic Scale.

3.202.10 Date map was drawn.

3.203 Preliminary Plan Procedures: The applicant shall submit a minimum of seven (7) copies of the preliminary plat and the applicable number of copies of all supporting material as specified



in Section 3.205 to Berlin Township. The submission shall be prepared and presented to Berlin Township in a minimum of seven (7) individual packages; each package must include all required information. Only original unaltered prints of the plat shall be accepted. Preliminary plans may not be required, at the discretion of the supervisors, for major subdivision applications in cases where no improvements are proposed, such as a major subdivision utilizing public road frontage for each of its proposed lots.

3.203.1 All applicable items listed in Sections 3.204 and 3.205 shall be required for a complete submittal.

3.203.2 The Berlin Township Planning Commission shall review the preliminary plan to determine its conformance with the requirements and standards contained in this Ordinance. The Township Planning Commission shall make a report of its recommendations to the Berlin Township Board of Supervisors.

3.203.3 All applications shall be submitted for consideration following procedures established by the Berlin Township Board of Supervisors.

3.203.4 All applications for preliminary approval shall be acted upon by the Berlin Township Supervisors who shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the formal submission of the application to Berlin Township. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

3.203.5 As mandated by the Municipalities Planning Code, all applications for subdivision and land development within Berlin Township shall be forwarded upon receipt by Berlin Township to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant.

3.203.5.1 Berlin Township shall not approve such application until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County. The one (1) copy of the preliminary plan forwarded to the Department of Planning shall be retained in their files.

3.203.5.2 Berlin Township may also submit the plans for review to the Wayne Conservation District, or any other agency or consultant which it deems necessary.

3.203.6 If the preliminary plan is approved, each copy of the plat shall be stamped, signed and dated. Three (3) copies shall be returned to the applicant. One (1) copy shall be retained by the Berlin Township Board of Supervisors. One (1) copy shall be forwarded to DEP.

3.203.7 When a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided.

3.203.7.1 When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the

applicant, no subsequent change or amendment in the subdivision and land development or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

3.203.7.2 When final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt, as to the terms of a preliminary approval, the terms shall be construed in light of the provisions of the governing ordinances or plans as they stood at the time when the application for such preliminary approval was duly filed.

3.203.8 If an application is properly denied, any subsequent application shall be subject to any intervening changes in governing regulations.

3.203.9 Approval of the preliminary plan by the Berlin Township Board of Supervisors constitutes approval of the subdivision or land development as to the character of the development, general layout, approximate dimension of streets and lots, and other planned features as required by this Ordinance. The approval binds the applicant to the general scheme of the subdivision or land development shown and permits the applicant to proceed with the installation of site improvements, subject to obtaining work permits and plan approvals from utility companies, federal and state agencies, Berlin Township, and other agencies where required.

3.203.10 Approval of the preliminary plan does not authorize the development or initiation of an agreement of sale, sale of lots or the recording of the preliminary plat.

3.203.11 The approved preliminary plan shall be effective for five (5) years from the date of preliminary approval and the preliminary approval shall automatically expire at the conclusion of any five (5) year period unless the applicant shall have submitted an application for final approval.

3.203.12 If deemed necessary by the Berlin Township Board of Supervisors, a public hearing may be scheduled for the purpose of receiving public input on the plan. The costs of same shall be borne by the applicant as set forth in Article IX, *Fees*, of this Ordinance. Failure to hold a public hearing shall not invalidate a subdivision or land development approval nor shall the decision not to hold a public hearing be determined as an incomplete review of the plans on behalf of the Township.

3.204 Preliminary Plat Specifications: The preliminary plat shall be dark print on white background and clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than two (2) feet by three (3) feet and not less than eleven (11) inches by seventeen (17) inches. The plat shall be labeled to indicate the subdivision or land development is a "Preliminary Plan". The plat shall be designed in compliance with applicable provisions of this Ordinance, and shall show the following information:

3.204.1 Location map.

3.204.2 Tract, subdivision, or land development name, if any.

3.204.3 All existing and proposed lot lines, with approximate dimensions of straight

lines, radii, arcs, and central angles of curved lines and the location and proposed layout of that portion which is to be subdivided or developed in relation to the entire tract..

3.204.4 Boundaries of the tract and approximate location of abutting properties (including those across streets).

3.204.5 Each lot identified by number and/or letter.

3.207.6 Proposed use of each lot.

3.204.7 Area of each proposed lot.

3.204.8 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.

3.204.9 Total area remaining in parent parcel, if any.

3.204.10 Locations of all existing and proposed man-made features or structures, within the project area, including but not limited to; buildings and their ancillary structures, culverts, drain pipes, public facilities, stonewalls, streets, systems and utilities (electric, gas, sewer, water... etc.), wells... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.204.11 Locations of all existing natural features, within the project area, including but not limited to; water related features (direction of flow shall be included in water course descriptions) including wetlands (Affected portions of a Department of the Interior, U.S. Fish and Wildlife Service, National Wetlands Inventory map shall be illustrated on the plat if wetlands are present.)... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.204.12 Where the subdivision or land development lies partially or completely in any designated one hundred (100) year flood plain, those areas shall be identified and the boundaries shown. Department of Homeland Security, Federal Emergency Management Agency, Flood Insurance Rate Maps shall be used in the determination of one hundred (100) year flood plain boundaries.

3.204.13 The location of all existing and proposed streets with information concerning; easements indicating dimensions and purpose including any limitations on their use, right-of-way lines and widths, street lines and widths, street names, and types of street surfaces.

3.204.14 The location, dimension, and purpose of all easements or other rights-of-way including any limitations on their use.

3.204.15 The location, dimension and identification of building setback lines.

3.204.16 Any open space reserved.

3.204.17 Contour lines, stating whether derived from a field survey or based on United States Geological Survey (USGS) topographic maps, with a maximum twenty (20) foot

interval, if found to be necessary by the Township.

3.204.18 A site data table listing the proposed number of lots, sewer and water service facilities, area of impervious surface (acreage or square feet), total acreage, and any other relevant information, as determined by the applicant or Berlin Township.

3.204.19 Name and mailing address of present landowner.

3.204.20 Name and mailing address of applicant, if different from landowner.

3.204.21 Name, certification by stamp or seal, mailing address, and signature of professional land surveyor who certified the map and survey. Each print shall be individually signed and sealed or stamped by the professional land surveyor.

3.204.22 Name, mailing address, signature and title of person who prepared the map if done by someone other than the professional land surveyor who certified the survey.

3.204.23 Name of municipality and county in which tract is located.

3.204.24 Tax map and parcel identification number of tract.

3.204.25 Deed book and page identification number of tract and all tracts identified on the plat.

3.204.26 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

3.204.27 Graphic scale.

3.204.28 North arrow indicating true, magnetic, or other reference meridian source.

3.204.29 Date map was drawn and dates of all revisions.

3.204.30 An area approximately three and a half (3 ½) inches by five (5) inches shall be provided which shall be free of all writing and drawing, for use by Berlin Township to stamp any approval.

3.204.31 **Developer's Agreement:** All major subdivisions and land developments may be subject to the requirement that the developer enter into an agreement with the Berlin Township Board of Supervisors prior to final approval. The legally binding developer's agreement would guarantee the installation and performance of all improvements made in the development. The developer's agreement must be in a form suitable for execution by the Berlin Township Supervisors and contain the following, as may be applicable:

3.204.31.1 A schedule for the completion of any improvements not completed and covered under a financial guarantee.

3.204.31.2 Developer's acknowledgement of accepting responsibility for all damages to adjoining and neighboring properties.

3.204.31.3 Financial (construction) guarantee approved by the Berlin Township Supervisors guaranteeing the installation of required improvements.

3.204.31.4 A maintenance guarantee approved by the Berlin Township Supervisors guaranteeing the repair of those improvements that fail to perform to the satisfaction of the Township Engineer for a period of twenty-four (24) months following the date the Township formally approved the improvements.

3.204.31.5 A save harmless clause protecting Berlin Township from any and all liability.

3.204.32 A statement on the plat disclosing the status of any mineral, oil, gas or other similar sub-surface agreement of lease, easement or sale along with the record book and page number as recorded in the county Recorder of Deeds Office. If no sub-surface right agreements for lease, easement or sale exist, a statement to that effect shall be placed on the plat.

3.205 Preliminary Plan Supporting Materials: The following items shall be submitted by the applicant in support of and as a part of the preliminary plan:

3.205.1 A letter of intent, signed by the applicant, including a statement that the application is for preliminary approval and clearly indicating which lots are to be included for consideration. The letter should concisely explain the scope of the proposal. The letter shall authorize that township officials or their representatives can enter the property for inspections required by the application. A minimum of one (1) original and six (6) copies are required.

3.205.2 All applicable fees as required in Article IX, *Fees*, of this Ordinance.

3.205.3 The completed appropriate components of the DEP "Planning Module for Land Development" to meet the requirements of the Pennsylvania Sewage Facilities Act, the Clean Streams Act, or any other Act of the Commonwealth of Pennsylvania which shall apply. All items must be either filled in or marked non-applicable (n/a). A minimum of the original plus six (6) copies of the planning modules, with attachments, shall be submitted.

3.205.3.1 A minimum of seven (7) copies of evidence (usually in the form of a letter) that DEP has reviewed and accepted the subdivision or land development as a revision to Berlin Township's Official Plan in accordance with the provisions of the Pennsylvania Sewage Facilities Act and Chapter 71, *Administration of the Sewage Facilities Program*; or

3.205.3.2 If the evidence in Section 3.205.3.1 has not been submitted, any preliminary approval of a subdivision or land development shall be conditioned upon the approval of the Planning Module(s) for Land Development by Berlin Township as a revision to the Township's Official Plan and the approval of that revision by DEP. If Berlin Township and/or DEP has disapproved or not granted these approvals within six (6) months of the date of preliminary approval, the preliminary approval shall automatically become null and void.

3.205.4 Streets

Streets shall conform to the requirements as set forth within the Township Road Ordinance in effect at the time of the submission and the applicable sections of this

Ordinance that follow.

### 3.205.5 Stormwater Management Facilities.

3.205.5.1 A stormwater management plan is required for all major subdivisions and land developments. The plan shall provide for the implementation, construction, and maintenance of such measures and devices consistent with the provisions of the applicable DEP Laws and regulations and/or the Township Stormwater Management Ordinance and/or the County Stormwater Management Plan, the contents of which are incorporated herein by reference thereto, as are reasonably necessary to prevent injury to; health, safety, and property. Such measures and devices shall include such actions as are required to manage the direction, quality, quantity, velocity, and volume of resulting stormwater runoff in a manner which adequately protects health, safety, and property from possible injury.

3.205.5.2 Drawings of existing and proposed facilities for stormwater management, including grades, dimensions, materials, calculations, etc. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.6 Water Service Facilities - The applicant shall provide evidence of the availability of water to each lot by complying with and providing the required information pertaining to one of the methods listed in the following subsections:

3.205.6.1 When Water Service to the proposed subdivision or land development is to be provided by connecting to an existing public or private central system, the applicant shall submit a letter from the owner or operator of the system which states that they can provide the subdivision or land development with water and lists the source of supply. Plans and profiles of the proposed water distribution system shall be submitted showing: accurate depths, dimensions, and grades; the location of fire hydrants, lines, and valves; and a minimum of seven (7) copies of drawings, one (1) of which shall be returned to the applicant.

3.205.6.2 When water service to the proposed subdivision or land development is to be provided by a new public or private central system, the applicant shall supply a report specifying the following items: proposed source of water supply; a statement from the Delaware River Basin Commission indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from DEP indicating their awareness of this proposal and the requirements, if any, which the applicant must meet; a statement from the Pennsylvania Public Utility Commission indicating their awareness of this proposal and the requirements, if any, which the applicant must meet. The applicant shall provide a statement specifying who will own the community water system and who shall be responsible and how that responsibility for the maintenance of the system will be provided. Plans and profiles of the proposed water distribution system shall be submitted showing: materials; pipe sizes; location lines, valves, and fire hydrants; and accurate grades, dimensions, and depths.

In addition, where applicable, detailed plans shall be submitted showing: water

storage tanks, hydropneumatic tanks, water booster pumps, water treatment facilities including but not limited to disinfection facilities and all other major components of the system. Where a Public Water Supply Permit is required from the Pennsylvania Department of Environmental Protection (DEP), all the plans, specifications, and Design Engineer's Report information required for the permit application submittal to DEP shall also be submitted to the Township for review.

A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

If the water service facilities to be provided are as described in 3.205.6.1 and/or 3.205.6.2, then the applicant shall include in the plans the following:

(A) The public water system referred to herein shall be capable of delivering at least two hundred fifty (250) gallons per minute (gpm) for a period of two (2) hours or five hundred (500) gallons per minute for one (1) hour for fire prevention plus consumption at the maximum daily rate with a minimum residual water pressure of twenty (20) pounds per square inch (psi) during flow. For water systems with two hundred (200) or more existing or proposed connections, the flow shall be at least five hundred (500) gpm for a period of two (2) hours, or one thousand (1,000) gpm for one (1) hour for fire prevention plus consumption at the minimum residual water pressure of twenty (20) psi. Water flow for commercial buildings shall be based on the standards of the National Fire Prevention Association (NFPA) as applicable.

(B) Fire hydrants required by this section shall conform to American Waterworks Association (AWWA) standards for dry barrel fire hydrants (AWWA C502). Hydrants shall have at least two (2) outlets: one outlet shall be a four and a half (4 ½) inch pumper outlet and one shall be at least two and a half (2 ½) inch nominal size. Hose threads on outlets shall conform to National Standards' dimensions. Local fire departments should be contacted to confirm these dimensions. Hydrants shall have six (6) inch or larger connections to mains with a minimum of five inch valve opening. Hydrant spacing of six hundred (600) feet shall be measured as hose can be laid by fire apparatus at the designation of the fire chief. A valve shall be provided on connections between hydrants and street mains. The location of such hydrants or valves shall be selected and maintained so as to provide year round access by fire company personnel. The adoption of a maintenance and inspection schedule for fire hydrants which includes annual flushing and winter snow removal completed by the owners and/or property owners association.

(C) Water mains shall be at least six (6) inches in diameter arranged so that they form a good gridiron in all areas of the distribution system. Where long lengths of pipe are necessary, eight (8) inch or larger mains shall also be used: Eight (8) inch or larger mains shall also be used where dead end and/or poor gridiron are likely to exist for a considerable period or where the layout of the streets and the topography are not well adapted to a good gridiron. The increase in

main size provided for herein is and shall be determined solely by the township or its engineer or appropriate consultant.

(D) If water is to be provided as part of the subdivision, land development, or any related project filed hereunder, by means other than private wells owned and maintained by the individual owners of the lots within the subdivision or land development, applicants shall present evidence to Berlin Township, that the subdivision or land development is to be supplied by a certified public utility, a bona fide co-operative association of lot owners, or a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a co-operative agreement or a commitment or agreement to serve the area in question, whichever is appropriate shall be acceptable evidence hereof and shall be submitted with the preliminary application made under the Ordinance.

3.205.6.3 When connection to an existing system or construction of a new system cannot feasibly be accomplished, individual on-lot water supply systems may be utilized.

3.205.6.4 Where the applicant proposes water service other than in one of the three ways above, the applicant shall submit a narrative describing the proposed method with appropriate plans and specifications. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.6.5 Notwithstanding anything herein to the contrary, it is and shall be prohibited to service more than two (2) buildings, dwellings, residences, or structures with one on-site water system or to build, construct, or maintain more than one on-site water system on any single lot; provided, however, an applicant shall comply with any and all conditions imposed by the Township.

3.205.6.6 The Township shall have the authority to require the applicant to provide a report prepared by a hydro-geologist. The report shall verify the availability of an adequate water supply to serve the proposed subdivision or land development as well as the impact of said development on the existing water supply.

3.205.7 Sewer Service Facilities - The applicant shall submit evidence that sewage service for each lot shall be provided by complying with and providing the required information pertaining to one of the methods listed in the following subsections:

3.205.7.1 When sewer service to the proposed subdivision or land development is to be provided by connecting to an existing public or private central collection and treatment system, the applicant shall submit a letter from the owner or operator of the system which states that they will accept the sewage flows generated by the proposed subdivision or land development. Plans and profiles of the proposed sewerage system showing accurate dimensions, accurate depths, accurate grades, the location of manholes, materials, pipe sizes, and other pertinent information shall also be submitted. In addition, where applicable, detailed plans shall be submitted showing sewage treatment plants, sewage



pump stations, and all other major components of the system.

Where a Water Quality Management Permit is required from the Pennsylvania Department of Environmental Protection (DEP), all plans, specifications, and Design Engineer's Report information required for the permit application submittal to DEP shall also be submitted to the Township for review. The requirements found in this Subsection are intended to be in addition to the sewage planning requirements found in Section 3.205.3; however, it is not necessary to submit information under this Subsection that has been made a part of the submission under Section 3.205.3. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.7.2 When sewer service to the proposed subdivision or land development is to be provided by a new public or private central collection and treatment system, the applicant shall submit plans and profiles of the proposed sewerage system showing accurate dimensions, accurate depths, accurate grades, the location of manholes, materials, pipe sizes, and other pertinent information. The applicant shall provide a statement specifying who will own the community treatment system and who shall be responsible and how that responsibility for the maintenance of the system will be provided. In addition, where applicable, detailed plans shall be submitted showing: the sewage treatment plant, sewage pump stations and all other major components of the system.

Where a Water Quality Management Permit is required from the Pennsylvania Department of Environmental Protection (DEP), all the plans, specifications and Design Engineer's Report information required for the permit application submittal to DEP shall also be submitted to the Township for review. The requirements found in this Subsection are intended to be in addition to the sewage planning requirements found in Section 3.205.3; however, it is not necessary to submit information under this subsection which has been made a part of the submission under Section 3.205.3. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.7.3 When connection to an existing system or construction of a new system cannot feasibly be accomplished, individual on-lot sewage systems may be utilized. The items submitted to meet the requirements of Section 3.205.3 shall constitute the plans under this Subsection. The location and construction of individual on-lot sewer systems shall meet the requirements of DEP and the Township Sewer Ordinance as then in effect.

3.205.7.4 When the applicant proposes sewer service other than in one of the three ways above, the applicant shall submit a narrative describing the proposed method with appropriate plans and specifications. A minimum of seven (7) copies of drawings shall be submitted, one (1) of which shall be returned to the applicant.

3.205.7.5 Notwithstanding anything herein to the contrary, it is and shall be prohibited to service more than one building, dwelling, residence, or structure with one on-site septic system or sewage disposal system or to build, construct, or maintain more than one on-site septic system or sewage disposal system on any single lot. Provided, however, this provision is not intended to prohibit

multiple use of an on-site system nor multiple systems on a single parcel as long as the subject parcel is not less than four (4) acres and constitutes sufficient area to satisfy all of the general subdivision provisions of this Ordinance and any and all other Township, County, State, or Federal regulations to allow for and accomplish separation and subdivision of subject residences and/or structures into separate and distinct parcels.

3.205.8 Electric Service Facilities - A minimum of seven (7) copies of a letter from the electric utility company in whose service area the subdivision or land development is located stating that they will provide electric service to this subdivision or land development.

3.205.9 Telephone Service Facilities - minimum of seven (7) copies of a letter from the telephone company in whose service area the subdivision or land development is located stating that they will provide telephone service to this subdivision or land development.

3.205.10 Gas Service Facilities - If gas service is proposed by the applicant for this subdivision or land development, a minimum of seven (7) copies of a letter from the gas company in whose service area the subdivision or land development is located stating that they will provide gas service to this subdivision or land development.

3.205.11 Cable Television Service Facilities - If cable television service is proposed by the applicant for this subdivision or land development, a minimum of seven (7) copies of a letter from the cable television company in whose service area the subdivision or land development is located stating that they will provide cable television service to this subdivision or land development.

3.205.12 Property Owners Association - At the discretion of Berlin Township Supervisors, a Property Owners Association (POA) may be required for submissions that entail the construction of improvements required by this ordinance. Such improvements shall include, but are not limited to: streets, sanitary sewers, storm water facilities, water systems, parks and open space, and any other improvement where continued ownership, maintenance and oversight is needed by the collective owners of the development to insure for a sustainable operation. Membership in the POA shall be mandatory of all property owners. Documentation shall be submitted that will demonstrate the organization of the POA and how they will assume responsibility for the improvements. Such documentation shall serve as a covenant to be contained in the deeds of all property owners.

3.205.13 If the applicant proposes to dedicate all or some portion of the amenities and/or facilities to Berlin Township at some future date, the applicant shall submit a narrative description of how responsibility for maintenance and care of those amenities and/or facilities shall be handled during the period before the offer of dedication to the local municipality. In no case shall Berlin Township be bound to accept a dedication of such amenities.

3.205.14 A plan from the applicant indicating how they intend to implement and maintain erosion and sedimentation control measures to comply with the requirements of the Pennsylvania Code, Title 25 Environmental Protection, Chapter 102 *Erosion Control*, requirements as set forth by the Wayne Conservation District and Berlin Township as contained within the Township Stormwater Management Ordinance. This plan must be submitted to the Wayne Conservation District for review and comment.

Upon review by the Wayne Conservation District the applicant shall submit the plan with all comments to Berlin Township.

3.205.15 Where the subdivision or land development lies partially or completely in any designated one hundred (100) year flood plain, the applicant shall submit plans showing the relationship of the subdivision or land development with respect to the elevations and extent of flood plain areas as shown on Berlin Township's flood plain maps provided by the Federal Emergency Management Agency. The plans shall include a description as to how the subdivision or land development will be made to comply with the Township's flood plain management regulations, if any. A minimum of seven (7) copies of plans shall be submitted.

3.205.16 Berlin Township may require the public dedication of lands suitable for the use intended; and, upon agreement with the applicant or developer, the construction of recreation facilities, the payment of fees in lieu thereof, the private reservation of land, or a combination, for park or recreational purposes as a condition precedent to final plan approval. The applicant shall provide to the Township a plan identifying the amount and location of land to be dedicated for use as park and recreational facilities, detailed drawing of the specific facilities, a narrative describing the maintenance responsibility, replacement construction as well as a fee schedule identifying cost associated with the use of the park and recreational facility by the property owner.

3.206 Final Plan Procedures: The applicant shall submit a minimum of seven (7) copies of the final plat and the applicable number of copies of all supporting material as specified in Section 3.208 to Berlin Township. The submission shall be prepared and presented to Berlin Township in a minimum of seven (7) individual packages, each package must include all required information. Only original unaltered prints of the plat shall be accepted. Such submission shall be made by the applicant within five (5) years from the date of preliminary approval. Failure of the applicant to submit the final plan within this period of time shall make the approval of the preliminary plan null and void. The Berlin Township Supervisors may extend this time limit at their discretion upon receipt of a written request from the applicant prior to the expiration of the time limit, describing in detail the reasons for the necessity of this extension of time.

3.206.1 No major subdivision or land development, or portion thereof, shall be considered for final approval unless it has a valid preliminary approval in effect.

3.206.2 Application for final approval may be submitted in sections or stages of development involving portions of the approved preliminary plan if so desired by the applicant. However, such piece meal shall not extend beyond the five (5) year preapproval deadline unless specifically authorized by the Township. The Berlin Township Supervisors shall review the application and determine what, if any, requirement or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the subdivision or land development. In determining these requirements or guarantees, the Berlin Township Board of Supervisors shall insure that each section or stage shall relate logically and provide continuity of access, extension of utilities, and availability of amenities and services. The requirements or guarantees as determined shall become a part of the requirements of this Ordinance which shall be met by the applicant prior to the granting of final approval by the Township Board of Supervisors and shall carry the same weight as if they had been incorporated into the Ordinance at the time of adoption.

3.206.3 The final plan shall conform to the approved preliminary plan. Where, in the

opinion of the Berlin Township Supervisors, there have been significant modifications or changes to the approved preliminary plan, final approval shall be denied and the applicant shall be required to resubmit the subdivision or land development for preliminary approval.

3.206.4 All applicable items listed in Section 3.207 and 3.208 shall be required for a complete submittal.

3.206.5 The Berlin Township Planning Commission shall review the final plan to determine its conformance with the requirements and standards contained in this Ordinance. The Township Planning Commission shall make a report of its recommendations to the Township Board of Supervisors.

3.206.6 All applications shall be submitted for consideration following procedures established by the Berlin Township Board of Supervisors.

3.206.7 All applications for final approval shall be acted upon by the Berlin Township Board of Supervisors who shall render their decision and communicate it to the applicant not later than ninety (90) days following the date of the formal submission of the application to Berlin Township. The decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

3.206.8 As mandated by the Municipalities Planning Code, all applications for subdivision and land development within Berlin Township shall be forwarded upon receipt by Berlin Township to the Wayne County Department of Planning for review and report, together with a fee sufficient to cover the costs of the review and report, which fee shall be paid by the applicant. Berlin Township shall not approve such applications until the County's report is received or until the expiration of thirty (30) days from the date the application was forwarded to the County.

3.206.9 If the final plan is approved, each plat shall be stamped and signed. Three (3) copies shall be returned to the applicant.

3.206.10 The applicant shall record the approved plat with the Register and Recorder's Office of Wayne County, Pennsylvania within ninety (90) days from the date of approval placed on the approved plat. The approval shall be deemed to have lapsed if the applicant has failed to record the approved plat within that time period. The Register and Recorder's Office shall not accept any plat for recording unless such plat contains the approval stamp of the Berlin Township Supervisors and has a minimum of one (1) Berlin Township Supervisors' signature.

3.206.11 The completion of improvements as set forth in Article X, *Improvements*, or a suitable guarantee thereof as set forth in Article XI, *Improvement Guarantees*, is a prerequisite to final approval.

3.207 **Final Plat Specifications**: The final plat shall be clearly and legibly drawn on a sheet or multiple sheets (with match lines) not more than two (2) feet by three (3) feet and not less than eleven (11) by seventeen (17) inches. The plat shall be labeled to indicate the subdivision or land development is a "Final Plan". The plat shall be designed in compliance with applicable provisions of this Ordinance and shall show the following information:

3.207.1 Location map.

3.207.2 Tract, subdivision, or land development name, if any.

3.207.3 All existing and proposed lot lines, with accurate dimensions and bearings of straight lines and radii, arcs, and central angles of curved lines and the location and proposed layout of that portion which is to be subdivided or developed in relationship to the entire tract..

3.207.4 Boundaries of the tract and approximate location of abutting properties (including those across streets).

3.207.5 Location and type of all lot corners and other permanent monuments, designating which have been set in place or found.

3.207.6 Each lot identified by number and/or letter.

3.207.7 Proposed use of each lot.

3.207.8 Area of each proposed lot.

3.207.9 The tentative layout of the remainder of the tract owned by the subdivider or developer, if any.

3.207.10 Total area remaining in parent parcel, if any.

3.207.11 Locations of all existing and proposed man-made features or structures, within the project area, including but not limited to; buildings and their ancillary structures, culverts, drain pipes, public facilities, stone walls, streets, systems and utilities (electric, gas, sewer, water... etc.), wells... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.207.12 Locations of all existing natural features, within the project area, including but not limited to fields, land cover, land use, landscape characteristics, trees or tree masses, water related features (direction of flow shall be included in water course descriptions) including wetlands (Affected portions of a Department of the Interior, U.S. Fish and Wildlife Service, National Wetlands Inventory map shall be illustrated on the plat if wetlands are present.)... etc. When these features affect or are affected by the same on adjacent lands or when these features cross property boundaries, the approximate locations of those features shall be shown as well.

3.207.13 Where the subdivision or land development lies partially or completely in any designated one hundred (100) year flood plain, those areas shall be identified and the boundaries shown. Department of Homeland Security, Federal Emergency Management Agency, Flood Insurance Rate Maps shall be used in the determination of one hundred (100) year flood plain boundaries.

3.207.14 The location of all existing and proposed streets with information concerning; easements indicating dimensions and purpose including any limitations on their use, right-of-way lines and widths, street lines and widths, street names, and types of street surfaces.

3.207.15 The location, dimension, and purpose of all easements or other rights-of-way including any limitations on their use.

3.207.16 The location, dimension, and identification of building setback lines.

3.207.17 Any open space reserved.

3.207.18 Contour lines, stating whether derived from a field survey or based on USGS topographic maps, with a maximum twenty (20) foot interval Township.

3.207.19 A site data table listing the lineal feet of new streets, proposed number of lots, sewer and water service facilities, area of impervious surface (acreage or square feet), total acreage, and any other relevant information, as determined by the applicant or Berlin Township.

3.207.20 The final plat for a major land development shall contain the following statements:

“[The applicant] certifies the information contained in this application is true and correct. Alterations from this approved plan by the present or future owners is a violation of the Township Subdivision and Land Development Ordinance. Changes in the scope and/or limits of the project and its features will require a new application to be submitted. {signature of applicant}”

This statement must appear on the map with an original signature of the applicant on every copy submitted for approval.

“It is the responsibility of the landowner and contractor, prior to any construction, to determine if any wetlands exist on any portion of the property and if such wetlands will be affected by the installation of any improvements. The developer and/or the lot purchaser assume full responsibility for obtaining any state or federal permits and/or approvals relating to wetlands. This subdivision and/or land development approval by the Berlin Township Supervisors shall not in any manner be an approval of compliance with statutes or regulations relating to wetlands.”

“It is the responsibility of the land owner and contractor, prior to any construction, to determine if DEP and other applicable regulations in regard to water body and water course setbacks have been satisfactorily met.”

3.207.21 Name and mailing address of present landowner.

3.207.22 Name and mailing address of applicant, if different from landowner

3.207.23 Name, certification by stamp or seal, mailing address, and signature of professional land surveyor who certified the map and survey. Each print shall be individually signed and sealed or stamped by the professional land surveyor.

3.207.24 Name, mailing address, signature, and title of person who prepared the map if done by someone other than the professional land surveyor who certified the survey.

3.207.25 Name of municipality and county in which tract is located.

3.207.26 Tax map and parcel identification number of tract.

3.207.27 Deed book and page identification number of tract and all tracts identified on the plat.

3.207.28 The names of all adjoining property owners (including those across streets) as disclosed by the most recent deed and tax records.

3.207.29 Graphic scale.

3.207.30 North arrow indicating true, magnetic, or other reference meridian source.

3.207.31 Date map was drawn and dates of all revisions.

3.207.32 A statement on the plat disclosing the status of any mineral, oil, gas or other similar sub-surface agreement of lease, easement or sale along with the record book and page number as recorded in the county Recorder of Deeds Office. If no sub-surface right agreements for lease, easement or sale exist, a statement to that effect shall be placed on the plat.

3.207.33 An area approximately five (5) inches by five (5) inches shall be provided which shall be free of all writing and drawing, for use by the Berlin Township Board of Supervisors to stamp any approval.

3.208 Final Plan Supporting Materials: The following items shall be submitted by the applicant in support of and as part of the final plan:

3.208.1 A letter of intent, signed by the applicant, including a statement that the application is for final approval and clearly indicating which lots are to be included for consideration. The letter should concisely explain the scope of the proposal. The letter shall authorize that Township officials or their representatives can enter the property for inspections required by the application. A minimum of one (1) original and six (6) copies are required.

3.208.2 All applicable fees as required in Article IX, *Fees*, of this Ordinance.

3.208.3 A minimum of seven (7) copies of evidence (usually in the form of a letter) that DEP has reviewed and accepted the subdivision or land development as a revision to the Township's Official Plan in accordance with the provisions of the Pennsylvania Sewage Facilities Act and Chapter 71, *Administration of the Sewage Facilities Program*.

3.208.4 Streets

Streets shall conform to the requirements as set forth within the Berlin Township Road Ordinance in effect at the time of submission and the applicable sections of this Ordinance that follow. In addition, the applicant shall submit final as-built drawings of the cross sections and profile of the streets.

3.208.5 Stormwater Management Facilities

3.208.5.1 If the stormwater management facilities have been improved or installed as required by, and in accordance with this Ordinance, a minimum of seven (7) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.5.2 In lieu of the completion of the construction of the stormwater management facilities, the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI, *Improvement Guarantees*, of this Ordinance.

### 3.208.6 Water Service Facilities

3.208.6.1 If the method for the provision of water service facilities is other than individual on-lot wells for each individual residential dwelling unit and the water service facilities have been improved or installed as required by, and in accordance with this Ordinance, a minimum of seven (7) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.6.2 If the method for the provision of water service facilities is other than individual on-lot wells for each individual residential dwelling unit, in lieu of the completion of the construction of the water service facilities, the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI, *Improvement Guarantees*, of this Ordinance.

### 3.208.7 Sewer Service Facilities

3.208.7.1 If the method for the provision of sewer service facilities is other than individual on-lot sewage systems for each individual residential dwelling unit and the sewer service facilities have been improved or installed as required by, and in accordance with this Ordinance, a minimum of seven (7) copies of the final as-built drawings of the facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.7.2 If the method for the provision of sewer service facilities is other than individual on-lot sewage systems for each individual residential dwelling unit, in lieu of the completion of the construction of the sewer service facilities, the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI, *Improvement Guarantees*, of this Ordinance.

### 3.208.8 Electric Service Facilities

3.208.8.1 If the electric service facilities have been improved or installed as required by, and in accordance with this Ordinance, the electric utility company's requirements, and the pertinent laws and regulations of the Commonwealth; a minimum of seven (7) copies of the final as-built drawings of the electric service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.8.2 If the electric service facilities have not been improved or installed, a minimum of seven (7) copies of an approved plan from the utility company shall



be submitted.

3.208.8.3 If electric service facilities are to be improved and or installed, in lieu of the completion of the electric service facilities the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI, *Improvement Guarantees*, of this Ordinance.

### 3.208.9 Telephone Service Facilities

3.208.9.1 If the telephone service facilities have been improved or installed as required by, and in accordance with this Ordinance, the telephone company's requirements, and the pertinent laws and regulations of the Commonwealth of Pennsylvania; a minimum of seven (7) copies of the final as-built drawings of the telephone service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.9.2 If the telephone service facilities have not been improved or installed, a minimum of seven (7) copies of an approved plan from the telephone company shall be submitted.

3.208.9.3 If telephone service facilities are to be improved and or installed, in lieu of the completion of the telephone service facilities the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI, *Improvement Guarantees*, of this Ordinance.

### 3.208.10 Gas Service Facilities

3.208.10.1 If the gas service facilities have been improved or installed as required by, and in accordance with this Ordinance, the gas company's requirements, and the pertinent laws and regulations of the Commonwealth of Pennsylvania; a minimum of seven (7) copies of the final as-built drawings of the gas service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.10.2 If the gas service facilities have not been improved or installed, a minimum of seven (7) copies of an approved plan from the gas company shall be submitted.

3.208.10.3 If gas service facilities are to be improved and or installed, in lieu of the completion of the gas service facilities the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI, *Improvement Guarantees*, of this Ordinance.

### 3.208.11 Cable Television Service Facilities

3.208.11.1 If the cable television service facilities have been improved or installed as required by, and in accordance with this Ordinance, the cable television company's requirements, and the pertinent laws and regulations of the Commonwealth of Pennsylvania; a minimum of seven (7) copies of the final as-built drawings of the cable television service facilities shall be submitted, one (1) of which shall be returned to the applicant.

3.208.11.2 If the cable television service facilities have not been improved or installed, a minimum of seven (7) copies of an approved plan from the cable television company shall be submitted.

3.208.11.3 If cable television service facilities are to be improved and or installed, in lieu of the completion of the cable service facilities the applicant shall provide a financial security in accordance with the provisions as set forth in Article XI, *Improvement Guarantees*, of this Ordinance.

3.208.12 Developer's Agreement: All major subdivisions and land developments may be subject to the requirement that the developer enter into an agreement with the Berlin Township Board of Supervisors prior to final approval. The legally binding developer's agreement would guarantee the installation and performance of all improvements made in the development. The developer's agreement must be in a form suitable for execution by the Berlin Township Supervisors and contain the following, as may be applicable:

3.208.12.1 A schedule for the completion of any improvements not completed and covered under a financial guarantee.

3.208.12.2 Developer's acknowledgement of accepting responsibility for all damages to adjoining and neighboring properties.

3.208.12.3 Financial (construction) guarantee approved by the Berlin Township Supervisors guaranteeing the installation of required improvements.

3.208.12.4 A maintenance guarantee approved by the Berlin Township Board of Supervisors guaranteeing the repair of those improvements that fail to perform to the satisfaction of the Township Engineer for a period of twenty-four (24) months following the date the Township formally approved the improvements.

3.208.12.5 A hold harmless clause protecting Berlin Township from any and all liability.

## ARTICLE IV

### DESIGN STANDARDS

Design Standards - The following standards shall be applicable to the design of all subdivision and land developments in Berlin Township, Wayne County. The standards and requirements contained in this Article are intended as minimums for the promotion and protection of the public health, safety, and general welfare.

#### 4.100 Lots

##### 4.101 General

4.101.1 Unless particular circumstances of the property make it impractical, side lot lines shall be as near as possible to right angles with straight street lines and on radial lines to curved street lines.

4.101.2 All lots shall front on, and have direct access to, an existing public or private street or a proposed street which meets the requirements of the Berlin Township Road Ordinance in effect at the time of submission and the applicable sections of this Ordinance that follow.

4.101.3 A waiver may be granted by the Berlin Township Board of Supervisors, in their sole discretion, to the requirement of a lot fronting on a street if certain conditions exist.

If particular circumstances of the application warrant a waiver and if granted the proposed action would not be contrary to the public interest, and would maintain the spirit and the intent of this Ordinance, then a waiver may be granted. The application must demonstrate that due to circumstances which exist such as topography, shape of the parcel, or other constraints; road frontage is not attainable. A waiver may be granted provided the following conditions are met:

4.101.3.1 Access to the lot is provided via a "common/private driveway" which serves only one (1) lot that does not front on a street.

(A) The "common/private driveway" is located in a right-of-way that is equal to or greater than the minimum width required in the Berlin Township Road Ordinance. The right-of-way shall also be adequate to accommodate a cul-de-sac as required by the Berlin Township Road Ordinance. If the "common/private driveway" is a dead-end it shall be no longer than the maximum length allowed for such a road as provided for in Section 4.201.8 of this Ordinance.

(B) The deed for the lot contains appropriate restrictive covenants acceptable to Berlin Township setting forth the manner in which the costs of repair, upgrade and maintenance of the driveway will be apportioned as well as the costs of repair, upgrade and maintenance in the event of future development.

(C) A copy of the proposed deed containing the following restrictions must be submitted as part of the application.

(D) The deed for the lot shall contain a restrictive covenant indicating

the described easement for a common/private driveway is under and subject to the following conditions, restrictions, and covenants that state:

1. The parcel being conveyed is the only parcel not abutting a street that this common/private driveway may serve.
2. No further subdivision of the parcel being conveyed may use this common/private driveway unless approved by the Berlin Township Supervisors.
3. Covenants one (1) and two (2) herein may only be removed from further deeds of conveyance if the common/private driveway is upgraded to meet the standards of the Berlin Township Road Ordinance in effect at the time when a further subdivision or increased use of said common/private driveway is proposed.
4. The parties involved mutually agree for themselves, their heirs, and their assigns that the determination that the standards of the Berlin Township Road Ordinance have been met will be acceptable to them, their heirs and assigns, if the Supervisors of Berlin Township accept the same in writing which may be recorded in the Wayne County Recorder of Deeds Office.
5. The grantee, for whose self, heirs, and assigns, by the acceptance of the indenture, agree with the grantor, their heirs, and their assigns that said restrictions, conditions, and covenants shall be covenants running with the land, and that in any deed of conveyance of said premises, said restrictions, conditions, and covenants shall be incorporated by reference to the indenture and the record thereof or as fully as the same is contained herein.

(E) A statement is placed on the plat stating;

“The ‘common/private driveway’ shown on this plan is for the purpose of access to the lot shown. This is not a private or public street. Any further subdivision involving additional lots along this ‘common/private driveway’ will require the ‘common/private driveway’ to be upgraded to meet the standards of the Berlin Township Road Ordinance.”

4.101.4 Unless particular circumstances of the property make it impractical, lot lines shall follow Township boundaries rather than cross them, in order to avoid jurisdictional problems.

#### 4.102 Lot Size

All lots shall meet the following minimum requirements:

Minimum road frontage: fifty (50) feet

<u>Development Type</u>	<u>Average Width</u>	<u>Minimum lot size</u>
With Central Sewer AND Community Water	100 feet	0.50 acre
With On-lot Sewer OR On-lot Water	150 feet	1.0 acre
With On-lot Sewer AND On-lot Water	200 feet	2.0 acres

Minimum lot size requirements may be reduced when a conservation subdivision is proposed or when a subdivision or land development is of such wide scope it proposes the development of a functionally integrated community or neighborhood.

#### 4.103 Building Setbacks

##### 4.103.1 Residential

<u>Along road right-of-way (front yard)</u>	<u>50 feet</u>
<u>Along common private drive</u>	<u>20 feet</u>
<u>Side yard</u>	<u>20 feet</u>
<u>Rear yard</u>	<u>20 feet</u>

##### 4.103.2 Non-Residential

<u>Along any right-of-way (front yard)</u>	<u>100 feet</u>
<u>Side yard</u>	<u>50 feet</u>
<u>Rear yard</u>	<u>50 feet</u>

4.103.3 When non-residential uses abut other non-residential uses or are proposed as part of mixed-use developments, the applicable building setbacks described herein may be relaxed to accommodate the scope of the development. In these instances, the minimum Side and Rear yard setback requirements shall be reduced to twenty-five (25) feet.

4.103.4 Multi-family residential uses shall be subject to and considered “non-residential uses” for the sake of this Section 4.103 with the exception that the front yard setback for multi-family residential uses shall be seventy-five (75) feet.

4.103.5 Setback requirements shall apply to the construction of sewage systems and shall include any part of the system, including the berm or toe of the mound.

4.103.6 Setback requirements shall not apply to the construction of fences or utility lines. These items are typically found on property lines.

#### 4.104 Open Space

4.104.1 A minimum of ten (10) percent open space, exclusive of lakes or ponds, shall be set aside in all multi-family subdivisions and land developments and major subdivisions and land developments. This requirement may be waived in instances

where the average lot size is three (3) acres or more or less than 25 residential lots are involved.

4.104.2 At least fifty (50) percent of the open space must be for active open space. The following and similar facilities shall meet this requirements: swimming pools, tennis courts, riding and cycling paths, playgrounds, community centers, and other open areas.

4.104.3 Such areas designed for play lots, parks and other outdoor recreational facilities shall be of a size, shape and other physical characteristics so as to be free of health and safety hazards and suitable for the designated use.

4.104.4 A minimum of ten (10) percent open space shall be set aside in all non-residential subdivisions and land developments.

4.104.5 At least fifty (50) percent of any required open space shall be comprised of contiguous land area.

#### 4.200 Streets

##### 4.201 General

4.201.1 In general, all streets shall be continuous and in alignment with existing streets and shall compose a convenient system to insure circulation of vehicular and pedestrian traffic. This Section 4.200 shall include all streets as defined in Section 2.200 being exclusive of those ways used solely for agricultural purposes.

4.201.2 Proposed streets shall provide for the connection, continuation, and projection of streets in surrounding areas and shall conform to all plans and policies as may have been adopted by Berlin Township.

4.201.3 Proposed streets shall be properly related to the street and highway plans of the state, county, and Berlin Township. Streets shall be designed to provide adequate vehicular access to all lots and with regard for topographic conditions, projected volumes of traffic, and subdivision or land development possibilities in the area.

4.201.4 The street system of a proposed subdivision or land development shall be designed to distribute vehicular and pedestrian traffic as evenly as possible throughout the system. Instead of collecting and feeding traffic into streets of greater volume, an inter-connected or grid-like street system should be proposed that spreads traffic out throughout the system, wherever practicable, as opposed to a branching and hierarchical street system.

4.201.5 All streets shall be designed with proper drainage to avoid future damage to the street. The design shall assure that the surface sheds water, side ditches collect and carry water away, and an adequate number and sizing of culverts has been planned.

4.201.6 Access to a state road requires authorization from the Pennsylvania Department of Transportation (PennDOT) and receipt of a valid highway occupancy permit.

4.201.7 Access to Township streets shall require authorization from the Berlin Township Board of Supervisors.

4.201.8 Cul-de-sac streets shall not exceed one thousand, two hundred (1,200) feet in length measured from the centerline of the intersection that provides two (2) or more means of ingress and egress, to the centerline of the turnaround.

4.201.9 All streets proposed in excess of one thousand, two hundred (1,200) feet in length shall not be permitted as dead-end streets and shall provide two (2) means of ingress and egress.

4.201.10 All non-residential subdivisions and land developments and residential subdivisions containing ten (10) or more dwelling units and/or lots (whether initially proposed or cumulatively developed) shall provide sidewalks that connect the development or subdivision to its road frontage; connect to current, and provide connections to future, adjacent development; and promote intra-development pedestrian transportation.

4.201.11 Roads accessing all nonresidential subdivisions or land developments and residential subdivisions containing ten (10) or more dwelling units and/or lots (whether initially proposed or cumulatively developed) shall connect directly to a non-dead end street.

#### 4.202 Private Streets

New private streets shall be constructed to the standards that are required by the Berlin Township Road Ordinance in effect at the time of submission and the applicable sections of this Ordinance.

#### 4.203 Public Streets

New public streets shall be constructed to the standards that are required by the Berlin Township Road Ordinance in effect at the time of submission and the applicable sections of this Ordinance.

#### 4.204 Non-Residential Access Roads or Streets

4.204.1 Non-Residential access roads or streets that front on a Township road shall be constructed to the standards for a minor street as defined within the Berlin Township Road Ordinance in effect at the time of submission and the applicable sections of this Ordinance.

4.204.2 Non-Residential access roads or streets that front on a state road shall be constructed to the standards as defined by the Pennsylvania Department of Transportation. The applicant must obtain the required driveway permit from PennDOT. In cases where the Pennsylvania Department of Transportation standards are not applied to the entire length of the non-residential access road or street, Township standards as defined within Section 4.204 shall apply.

4.204.3 All non-residential access roads or streets shall be paved and shall connect directly to a non-dead end road.

4.204.4 All non-residential access roads or streets shall provide sidewalks that connect the development or subdivision to its road frontage and connect to current, and provide connections to future, adjacent development.

#### 4.205 Engineering Standards for Public/Private Streets

Streets shall be designed according to the engineering standards and specifications as set forth within the Berlin Township Road Ordinance in effect at the time of submission and the applicable sections of this Ordinance.

#### 4.300 Signs

Street signs shall be required and constructed to the standards that are required by the Berlin Township Road Ordinance and other applicable Township ordinances in effect at the time of submission the applicable sections of this Ordinance.

4.301 Each new street shall be named and the names of new streets shall not duplicate or approximate existing or platted street names within Berlin Township, adjacent local municipalities within the County, or postal delivery district; or approximate such names by the use of suffixes such as avenue, court, drive, lane, way, etc.

4.302 Street name signs shall be provided and installed by the applicant at each intersection prior to final approval. The signs shall conform to the requirements of Berlin Township, the PennDOT, the Federal Highway Administration's "Manual on Uniform Traffic Control Devices", or any other applicable regulations.

4.303 Signs indicating "no outlet" shall be provided and installed by the applicant on each cul-de-sac street prior to final approval. The sign shall conform to the requirements of all applicable regulations (as noted above) and shall be located on the right hand side of the street, facing the intersection(s) with the road(s) on which the cul-de-sac connects, and be between fifty (50) and one hundred (100) feet from the centerline of said intersection(s).

#### 4.400 Utilities

4.401 Easements. Utility easements shall be provided for conduits, sanitary sand storm sewers, and gas, water, and/or other utility lines intended to service abutting lots. Utility companies shall be consulted by the applicant when locating utility easements. The requirements of the utility company shall serve as the minimum standards.

4.402 The Pennsylvania Public Utility Commission order regulating underground and overhead electrical distribution shall be complied with by the applicant.

#### 4.500 Survey Markers

4.501 Survey markers shall be established or located at each existing and proposed lot corner. If it is impossible or impractical to set a survey marker precisely on the corner, then survey markers may be established on the line of the lot and offset a distance from the actual corner. Such distance shall be so noted on the final plat.

4.502 Survey markers shall be made of concrete, iron or steel bars, iron pipe, stone, or other similar durable material. Wooden stakes or other similar less durable material shall be prohibited.

4.503 A wooden stake or other suitable object shall be placed or found near each survey marker as a witness with a notation made on it which identifies the lot by letter, name or landowner, or number.



#### 4.600 Drainage Easements

Drainage across and along streets shall be designed so as to meet the requirements in the Berlin Township Road Ordinance in effect at the time of submission, other applicable sections of this Ordinance, and other applicable sections of stormwater management ordinances affecting Berlin Township.

#### 4.700 Sewage Disposal

4.701 All subdivision and land developments shall be required to have provisions for disposal of sewage and all other wastewater. The applicant shall provide for the most effective type of sanitary sewage disposal consistent with Pennsylvania Act 537 or any other act of the Commonwealth of Pennsylvania which shall apply, and the Berlin Township Sewer Ordinance as then in effect.

4.702 The applicant shall comply with all appropriate State and Township regulations for inclusion of the proposed subdivision or land development in Berlin Township's Official Plan for sewage systems.

4.703 If the applicant proposes to construct or connect to a public or private collection and treatment system, the system shall be designed in accordance with specifications of the Commonwealth of Pennsylvania, Department of Environmental Protection.

4.704 If the applicant proposes that individual on-lot sewage systems will be used, the requirements of the PA DEP and Berlin Township governing the location and design of such systems shall be followed by the applicant and all present and future owners.

4.705 If the applicant proposes sewage service other than as described in Section 4.703 and this Section 4.704, the design of such facilities shall meet accepted engineering practices.

4.706 The applicant shall design the sewage system utilizing the standards as set forth within Section 3.205.7, *Sewage Service Facilities*.

4.707 Approval of a subdivision or land development proposing the use of on-lot sewage disposal shall in no way indicate or guarantee approval of any on-lot disposal system.

4.708 The applicant and/or all present and future owners shall be required to obtain appropriate permits from the State or Township prior to the construction of any sewage disposal system.

4.709 If the applicant proposes a community subsurface sewage disposal system as the means of treating and disposing of sewage, disposal areas shall be on separate "sewage disposal lot(s)". Each sewage disposal lot shall be a minimum of one (1) acre.

#### 4.800 Water Supply

4.801 If the applicant proposes to construct or connect to a public or private water supply and distribution system, the system shall be designed in accordance with Federal and State specifications. If no such Federal, State, or Township specifications exist or apply, the system shall be designed to meet accepted engineering practices.

4.802 If the applicant proposes a water supply and distribution system other than as described in Section 4.801, the design of such system shall meet accepted engineering practices and any Federal, State, or Township specifications that may apply.

4.803 The applicant shall design the water system utilizing the standards as set forth within Section 3.205.6, *Water Service Facilities*.

4.804 If the applicant proposes a new central water system, the well shall be located on a "well lot" if the system is intended to serve three (3) or more lots. The "well lot" must be a minimum of twenty-five (25) feet by twenty-five (25) feet. If the central system will serve only two (2) lots, and is simply a "shared well" no "well lot" will be required.

#### 4.900 Erosion and Sedimentation Control

4.901 The erosion and sedimentation control measures, control plan, and restoration work shall comply with PA DEP rules and regulations, as well as requirements set forth by the Wayne Conservation District.

4.902 The applicant shall comply with the standards as set forth within the Berlin Township Stormwater Management Ordinance as adopted.

4.903 If the earthmoving activity proposed requires the obtaining of a PA DEP erosion and sedimentation control permit, the PA DEP rules and regulations governing the issuance of permits shall be adhered to.

#### 4.1000 Stormwater Management

4.1001 Stormwater runoff shall be computed using the methods of calculation of runoff flow parameters as described within the Berlin Township Stormwater Management Ordinance, in effect at the time of submission.

4.1002 Stormwater management plans shall be drawn to the specifications and requirements of State, County, and/or Township regulations in effect at the time of submission, including, but not limited to, the Berlin Township Stormwater Management Ordinance.

4.1003 Culverts, storm sewers, and related facilities shall be provided in order to insure adequate drainage of all low points and areas along streets, intercept water runoff along streets at intervals that are properly related to the extent and grade of the area drained, and permit the unimpeded flow of natural water courses.

4.1004 Measures shall be implemented to assure that the maximum rate and volume of stormwater runoff is no greater after subdivision and land development than prior to subdivision and land development activities. Measures shall also be implemented to manage the direction, quantity, velocity, and volume of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

4.1005 The applicant shall be responsible to pay all fees associated with the approval, inspection, and review process as defined within the Township's Stormwater Management Ordinance, in effect at the time of submission.

#### 4.1100 Flood Plain Management

4.1101 All subdivisions and land developments shall comply with the provisions of State, County, and the Township Flood Plain Management Regulations.

4.1102 In addition thereto, the following shall be applied:

4.1102.1 The general health, safety, and welfare of the community shall be preserved and promoted.

4.1102.2 Each subdivision lot or land development site within designated one hundred (100) year flood plains shall be provided with a safe building lot or site with adequate access. Public facilities which serve such lots or sites shall be designed and installed to preclude flood damage.

4.1102.3 Where not prohibited by this or any other codes or ordinances, land located in designated one hundred (100) year flood plains may be subdivided or developed with the provision that the applicant construct all buildings and structures to preclude flood damage in accordance with this and any other codes or ordinances regulating such subdivision or land development.

4.1102.4 The finished elevation or proposed streets within designated one hundred (100) year flood plains shall be no more than one (1) foot below the one hundred (100) year flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.

4.1102.5 All new or replacement sewer service facilities, water service facilities, and utilities, whether public or private, located in designated one hundred (100) year flood plains, shall be flood-proofed up to a point one and a half (1 ½) feet above the one hundred (100) year flood elevation.

#### 4.1200 Non-Residential Subdivisions and Land Developments

4.1201 Application. All non-residential subdivisions and land developments shall conform with the provisions of the applicable section(s) of this Ordinance and any other applicable regulations which are not addressed in this Section 4.1200.

4.1202 Size. Approval of lot or parcel size will be determined by the following factors:

4.1202.1 Total area shall be sufficient to provide adequate space for landscaping, off-street parking and loading, and other facilities.

4.1202.2 Whenever possible, non-residential parcels should include enough land to provide for a group of non-residential establishments that are developed, operated, and planned as a unit. Developments that propose a pre-packaged, box-like appearance shall be discouraged and developmental options including clustering, context sensitive, and sustainable design shall be encouraged. When these desired developmental options are pursued but do not adhere to all aspects of this ordinance, a relaxation of this ordinance's requirements may be administered.

4.1202.3 The open space requirements of Section 4.104 shall be met.

4.1203 Street Systems.

4.1203.1 Ingress and egress of non-residential areas shall be designed to provide the least amount of interference on external traffic. Such designs shall not create hazardous traffic flows.

4.1203.2 The design of internal streets, pedestrian ways, and service drives shall provide for safe and hazard-free circulation.

4.1203.3 All dead-end streets shall be designed as cul-de-sacs and shall conform to the regulations of the Township Road Ordinance, or other applicable sections of this Ordinance.

4.1204 Block Layout.

Block layout shall conform with due consideration of site conditions, with best possible service to customers, pick up and delivery service, and traffic and parking circulation.

4.1205 Off-Street Parking

The following off street parking requirements in this Section 4.1205 shall apply to all multi-family residential and non-residential subdivisions and land developments.

4.1205.1 Off street parking for multi-family, non-residential, and service oriented land developments shall be provided to fulfill the anticipated need of said development. Internal street and parking design shall be designed to accommodate emergency response and prospective traffic.

4.1205.2 Space for the following parking requirements shall be made available for the types of development described.

<u>Development Type</u>	<u>Parking Space(s) Required</u>
<u>Bars and Taverns</u>	<u>1 per 100 sq. ft. floor area</u>
<u>Boarding Houses, Motels, Hostels, Hotels...etc.</u>	<u>1 per unit</u>
<u>Commercial Entertainment or Recreation Facilities</u>	
<u>Indoor</u>	<u>1 per 4 users (max capacity)</u>
<u>Commercial Entertainment or Recreation Facilities</u>	
<u>Outdoor</u>	<u>1 per 4 users (peak usage)</u>
<u>Eating Facilities</u>	
<u>Drive-in (primary usage)</u>	<u>1 per 250 sq. ft. floor area</u>
<u>Eating Facilities</u>	
<u>Sit-down (primary usage)</u>	<u>1 per 100 sq. ft. floor area</u>
<u>Industrial/ Manufacturing</u>	<u>1 per 500 sq. ft. floor area</u>
<u>Multi-family Residential Facilities</u>	<u>1.5 per dwelling unit</u>
<u>Personal or Professional</u>	
<u>Offices</u>	<u>1.5 per employee</u>
<u>Services</u>	<u>2 per employee</u>
<u>Places of Assembly</u>	<u>1 per 4 seats or equivalent</u>
<u>Public and Semi-public Uses</u>	<u>1 per 4 seats or equivalent</u>
<u>Retail</u>	
<u>Food</u>	<u>1 per 200 sq. ft. floor area</u>
<u>General</u>	<u>1 per 300 sq. ft. floor area</u>

4.1205.3 Proposed parking areas shall be those indicated on the plat and parking plan that will be offering the subdivision or land development mud-free or otherwise permanently passable parking spaces. Reserved parking areas shall be those indicated on

the plat and parking plan that will be offering parking spaces, in addition to the proposed parking, in cases where additional parking needs to be made available. These reserved parking areas shall be indicated on the plat and set aside in the event they are needed for parking use.

4.1205.4 A parking plan shall be submitted as part of the preliminary plan materials for a non-residential subdivision or land development proposal. This plan may be provided in a number of ways to Berlin Township but at minimum the following minimum requirements shall apply:

4.1205.4.1 Parking spaces shall be a minimum of 10 feet by 20 feet, unless other sizes are necessary due to oversized vehicle use or trucks.

4.1205.4.2 The proposed parking facilities shall be graphically indicated on the preliminary plat and described in the plat's data table.

4.1205.4.3 The area set aside for the required parking described in Section 4.1205.2 including both proposed and reserved parking areas.

4.1205.4.4 The anticipated amount of traffic, number of employees, and development usage shall be included as part of the plat's data table or as supplementary information.

4.1205.4.5 Any additional information requested by the Township, which may be required prior to preliminary or final approval.

4.1205.5 Any applicant may request, in writing, a modification of parking standards described herein or described in the preliminary planning process. The amount of parking may, in such instances, be reduced or increased by the Berlin Township Board of Supervisors, or may not be directly applicable based upon evidence provided in the parking plan and/or the following. The following may also be included as part of the parking plan in support of the subdivision or land development plan's proposed parking.

4.1205.5.1 Industry studies of parking needs for the type of use proposed or actual case-study comparisons for projects of similar character. The Berlin Township Board of Supervisors may require the developer or applicant to gather and submit such data in support of its proposed parking provisions.

4.1205.5.2 Demographic studies, documentation of existing community features, survey results, and the like, describing the characteristics of the proposed customers, occupants, residents, or visitors to a given facility.

4.1205.5.3 The expected number of employees, occupancy rates, and traffic levels in connection with any enterprise and the degree to which these traffic levels directly relate to parking requirements as demonstrated and documented with evidence such as community, company, industry, and traffic studies... etc.

4.1205.5.4 Recommendations, if any, from consultants, information sources, or other agencies that suggest, based on evidence or experience, the appropriate amount of parking in connection with a given use.

4.1205.5.5 The hours of operation as compared to other neighborhood

activities, the impact of daily peak visitation or use periods on demand, the likelihood of off-site or on-street parking, the likelihood of shared rides or shuttle services, or likelihood that parking will be shared with adjoining facilities.

4.1205.5.6 The availability of reserve areas designated on the site plan for future parking development in the event of demonstrated need, as determined and directed by the applicant, the Berlin Township Building Inspector, or the Berlin Township Board of Supervisors.

4.1205.6 A parking plan, as described in the previous section shall also be submitted as part of the final plan materials for a non-residential subdivision or land development.

4.1205.7 Where a subdivision or land development proposes or is required to provide fifteen (15) or more parking spaces or when deemed necessary by Berlin Township, dedicated bicycle parking facilities shall be provided. This shall be a minimum requirement and additional bicycle parking facilities may be required as per Berlin Township recommendations, in cases where a substantial need is recognized, or where the proposed or required parking greatly exceeds the minimum described above.

4.1205.8 When twenty-five (25) or more parking spaces are proposed or required or when deemed necessary by Berlin Township; planting strips shall be provided to separate rows of parking spaces. These strips must be a minimum of ten (10) feet wide and stormwater flow from the parking lot shall be designed to direct and provide water to the planting strips. This information shall all be depicted and described as part of the parking or plat plan.

4.1205.9 To ensure pedestrian links are in place to connect to current and future pedestrian facilities and provide for an uninterrupted flow of intra and inter-development pedestrian circulation;

4.1205.9.1 Sidewalks shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting public parking areas. Such sidewalks shall be located at least five (5) feet from the building façade to provide for planting bed landscaping. Stormwater from the site shall be designed to direct and provide water to the planting beds.

4.1205.9.2 Sidewalks shall be provided that connect to current and future adjacent development.

4.1205.9.3 Sidewalks shall be provided connecting the development to its road frontage.

4.1205.10 Proposed non-residential parking lots shall provide vehicular access to parking lots previously developed on adjacent parcels. This shall be in order to share parking resources and provide connections allowing customers and visitors to travel between the two subdivisions or land developments without having to enter the highway system, thus reducing congestion.

4.1205.11 All proposed parking lots shall provide for the connection of proposed parking resources to current and future adjacent development.

4.1205.12 Non-residential subdivisions shall provide a sufficient number of permanently passable parking spaces to accommodate the number of employees' vehicles, and visitors to the site.

4.1205.13 In cases where there is a change of shift for employees, the number of parking spaces required would be determined by the estimated number of employees per two shifts.

4.1205.14 Truck loading areas shall be provided such that all truck loading, maneuvering, and unloading can be accommodated within the property lines.

4.1205.15 Any lighting used to illuminate off-street parking shall be so arranged as to reflect the light away from adjoining premises and public right-of-ways and be directed downward to illuminate the parking areas without any illumination propagating above a plane horizontal to the origin of illumination.

4.1205.16 No more than fifty (50) percent of the proposed or reserved off-street parking area for the entire property of multi-family or non-residential developments shall be located between the front facade of the principal building and the primary abutting street.

4.1205.17 A fifteen (15) foot vegetated buffer shall abut the outer edge of every parking area. This buffer shall provide at least ten (10) feet of vertical vegetation within five (5) years of planting and be in addition to all applicable buffers and vegetative screening requirements described in this Ordinance.

4.1205.18 All non-residential land developments shall provide and maintain a vegetative screening strip of planted or natural growth, along the exterior property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable [three to five (3-5) year] time period.

4.1205.19 A planting plan specifying location, size, and type of existing and proposed plant material shall be required and shall meet the approval of the Berlin Township Board of Supervisors. Stormwater from a development site shall be directed toward vegetated areas.

4.1205.20 When a non-residential subdivision or land development abuts another non-residential subdivision or is part of a mixed-use development, the requirements of Section 4.1205.15 and 4.1205.16 shall be amended as follows:

4.1205.20.1 When a parking lot abuts another parking lot, the vegetated buffer required in Section 4.1205.17 shall be reduced to five (5) feet in width and shall be applied to each parking lot. The two buffers of adjacent parking lots may be developed as a single, shared, ten (10) foot buffer.

4.1205.20.2 When a non-residential subdivision or land development abuts another non-residential subdivision or land development, the vegetated buffer required in Section 4.1205.18 shall be reduced to ten (10) feet in width and shall be applied to each non-residential lot or development. The two buffers of adjacent non-residential lots or developments may be developed as a single, shared, ten (10) foot buffer.

#### 4.1300 Conservation Subdivisions and Land Developments

Conservation Subdivisions – As provided for in Act 247, The Pennsylvania Municipalities Planning Code, Section 503(5) this section is intended to provide “...for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivision and land developments.” Site requirements and/or design may be altered when the developer chooses to employ conservation development techniques that will maximize open space and/or conserve natural features. Such alterations must be consistent with the spirit, intent and purposes of this subdivision and land development ordinance. Procedural requirements shall follow those as contained in Article III of this Ordinance.

4.1301 Sketch plan requirements – Prior to submitting a preliminary plan for a conservation subdivision or land development, an applicant may prepare a sketch plan and submit the plan to Berlin Township. The purpose of the sketch plan submission is to enable the applicant to provide to the Township a general idea of their proposed conservation subdivision or land development. This will also enable the applicant to obtain feed back from the Township in order that the conservation subdivision or land development may continue in a direction that is mutually agreed upon by both the applicant and the Township.

4.1302 General Design Considerations –

4.1302.1 Conservation subdivisions or land developments must contain a minimum of 10 lots or units.

4.1302.2 Conservation design shall provide, to the greatest extent possible, for the accommodation of common open space and sensitive natural sites. A minimum of 35% of the total development tract must be permanent open space. At a minimum 25% of the common open space must be open to active recreation for the enjoyment of the residents of the development and not include floodplains, wetlands and slopes over 25%.

4.1302.3 Access to all lots or units shall be from interior roads and not from existing state or township roads.

4.1302.4 All roads and other improvements must be designed to minimize earth disturbance in order to enhance the conservation aspects of the development.

4.1302.5 Stormwater management facilities shall be designed to insure that there is no increase in the rate of stormwater runoff after development than existed prior to development.

4.1303 Permitted number of lots or units – The total permitted number of lots or units shall be determined by dividing the area by the minimum lot size as provided for a convention subdivision or land development.

4.1304 Lot size and width – Lot sizes and widths may be reduced provided adequate sewage sites and alternate sites are identified, tested and approved through the sewage enforcement officer. Developments served with central sewage facilities may be reduced to the extent that the design does not create unsafe or impracticable projects.

4.1305 Property Owners’ Association (POA) – Every conservation subdivision or land development shall contain provisions through a POA for the permanent protection of the open space in the development along with all other common property, which may include (but not limited to) such amenities as roads and sewer and water.



4.1305.1 It shall be mandatory for all lot or unit owners to be a member of the POA.

4.1305.2 The POA shall be designed to provide flexibility in its dues structure in order to meet changing needs.

4.1305.3 The POA must also have the ability to file liens on properties where dues are not paid.

4.1306 Permanent Open Space Protection – A conservation easement shall be granted to the POA which will have the responsibility for the permanent protection and the insurance, taxes and maintenance of all common open space. If it can be demonstrated to the Township that another organization, such as a land conservancy or other similar group could provide better oversight for the open space protection element, the Township may grant approval for such an arrangement Conservation Subdivisions - As provided for in Act 247, The Pennsylvania Municipalities Planning Code; site requirements and/or design may be altered when the developer chooses to employ conservation development techniques that will maximize open space and/or conserve natural features. Such alterations must be consistent with the intent, purposes, and spirit of this Subdivision and Land Development Ordinance. Procedural requirements shall follow those contained in Article III, *Procedures, Specifications, and Supporting Materials*, of this Ordinance.

#### 4.1400 Multi-Family Residential Subdivisions and Land Developments

4.1401 Application. All multi-family residential subdivisions and land developments shall conform with the provisions of the applicable section(s) of this Ordinance and any other applicable regulations which are not addressed in this Section 4.1400. Application must make clear and declare whether the dwelling units are for transfer of ownership or as rental units as this will affect the requirements for maintenance of common ownership and services.

4.1402 Application Requirements. The following information, in addition to all applicable information required by Article III of this ordinance, shall be included with a multi-family residential subdivision or land development plan. These requirements can be incorporated within the typical subdivision or land development plan, described in Article III.

4.1402.1 A letter from the developer or developer's assigns to Berlin Township that describes the organization and management of the project and indicates how the project will meet the general site requirements.

4.1402.2 A plan showing the location of all proposed buildings and improvements.

4.1402.3 A plan showing building layouts, floor plans, and profiles that describe the details of the multi-family project such as; building dimensions, common ownership areas, lighting, and the number and sizes of the proposed dwelling units.

4.1402.4 A plan and proposed agreements with the Township or a property owners' association that identify the ownership and use status of any common ownership areas or open space. This plan and proposed agreements shall include; covenants, restrictions, and maintenance responsibilities attributed to the common ownership areas and open space.

4.1402.5 In the determination of the minor/major status of a multi-family application, each dwelling unit shall be considered an individual lot.

4.1403 Property Owners' Association (POA) - Every multi-family residential subdivision or land development shall contain provisions through a POA for the permanent protection of the open space in the development along with all other common property, which may include (but not limited to) such amenities as roads, driveways, sewer, water, common hallways, etc.

4.1403.1 It shall be mandatory for all lot or unit owners to be a member of the POA.

4.1403.2 The POA shall be designed to provide flexibility in its dues structure in order to meet changing needs.

4.1403.3 The POA must also have the ability to file liens on properties where dues are not paid.

4.1403.4 Permanent Open Space Protection - A conservation easement shall be granted to the POA which will have the responsibility for the permanent protection and the insurance, maintenance, and taxes of all common open space. If it can be demonstrated to the Township that another organization, such as a land conservancy or other similar group could provide better oversight for the open space protection element, the Township may grant approval for such an arrangement.

4.1404 The Berlin Township Board of Supervisors shall, in the case of a major subdivision or land development, act on the preliminary plan and DEP's "Planning Module for Land Development" concurrently thus making an approval of the preliminary plan subject to DEP's approval of the planning module.

4.1405 All proposed improvements for a multi-family residential project shall be completed or financially guaranteed prior to and as part of a final plan submission. No right of occupancy shall be granted until a final plan has been approved and the buildings to be occupied have been completed and inspected by the Township building permit officer.

4.1406 No legal entity shall agree, lease, sell, transfer, or enter any other legally binding contract to lease or sell any building, interest, or land or erect any building within the project area, except in accord with the provisions of this section, unless the project's final plan has been approved and recorded in the Wayne County Recorder of Deeds Office.

4.1407 Multi-family residential projects shall be subject to the non-residential lot dimension requirements of Section 4.103.2 of this ordinance.

4.1408 The number of dwelling units a multi-family dwelling shall be determined by dividing the total tract acreage (excepting land currently within easements or rights-of-way) by the minimum lot size (as determined by this Article IV of this Ordinance), then multiplying by four (4). The requirements of Section 4.1300 shall also apply where applicable. No more than eight (8) dwelling units shall be proposed for any one (1) multi-family dwelling.

4.1409 All areas of a multi-family subdivision or land development not conveyed to individual owners and not occupied by buildings or improvements (existing or proposed) shall remain as permanent open space. Open space requirements are as follows;

4.1409.1 The open space requirements of Section 4.104 shall be met

4.1409.2 Dedicated open space shall be part of the same parcel and contiguous with the multi-family dwelling.

4.1409.3 Open space set aside for recreation shall be accessible to all residents of the multi-family subdivision or land development.

4.1409.4 At least fifty (50) percent of the open space provided shall be dedicated to recreational uses set aside for the sole benefit and enjoyment of the multi-family development's residents.

4.1409.5 Land set aside as open space shall be maintained as such and may not be separately developed, sold, or subdivided excepting land reserved for future development within the proposed subdivision or land development plan.

4.1409.6 Reserved land shall be indicated on the plat as "reserved for future development" and shall only be capable of future development if all requirements of this Section 4.1400 are met at the time when future development takes place. The 'reserved' status of the land can be removed and this 'reserved' land can be added to the existing open space of the multi-family subdivision or land development through deed or other legal transfer of property.

4.1409.7 Open space areas shall be maintained and this maintenance responsibility shall be provided for by:

4.1409.7.1 Dedication to a property owners' association which assumes full responsibility for the open space maintenance;

4.1409.7.2 Deed-restricted private ownership which shall prevent development (other than recreational development) on the open space, provide for the maintenance of the open space, and protect the rights of the open space's users; or

4.1409.7.3 In the case of semi public use, a conservancy, non-profit, public, or other group shall be responsible for the open space maintenance.

4.1410 Where a property line is not wooded, a planting strip of fifty (50) feet in width shall be required to buffer adjoining properties.

4.1411 When a sub-surface sewage collection system or other shared sewage system is installed, a sewage district shall be created to provide for the maintenance and upkeep of the facility.

4.1412 Multi-family subdivisions and land developments shall be subject to the Township stormwater management ordinance and the stormwater management requirements of this ordinance. In general, the post development rate and volume of stormwater runoff leaving the site along any property line shall not exceed the estimated rate and volume of stormwater runoff leaving the site prior to development.

4.1413 Multi-family subdivisions and land developments shall be subject to the parking requirements for non-residential subdivisions and land developments found in Section 4.1205.

## ARTICLE V

### SPECIAL APPROVALS

Special Approvals - This Article sets forth various approvals which are not addressed within other articles of this Ordinance.

5.100 General - Where provisions of this Article differ from or are not addressed in other articles of this Ordinance, the provisions of this Article shall apply. All special approvals shall be subject to the provisions of other articles of this Ordinance.

#### 5.200 Conditional Approval

5.201 The Berlin Township Board of Supervisors may in their sole discretion decide when considering an application to offer the applicant a conditional approval. If the Berlin Township Supervisors decide to make such an offer to the applicant, the Berlin Township Supervisors shall specify in writing to the applicant the conditions and the time within which he may accept the same.

5.202 After the notice required under Section 5.201 has been sent to the applicant, a conditional approval shall be granted within the time specified by said notice if:

5.202.1 Both the Berlin Township Board of Supervisors and the applicant or their formal designee enter into a written agreement which conforms with the provisions of Section 5.203 that follow; and

5.202.2 Said written agreement is filed with the Berlin Township Board of Supervisors within a time period established by the Berlin Township Supervisors; and

5.202.3 No condition specified in the agreement shall in any way negate or vary the requirements of this Ordinance or any other ordinances as they shall pertain to the application.

5.203 The agreement between the applicant and the Berlin Township Board of Supervisors shall contain the following information:

5.203.1 Statement of Conditions.

5.203.2 A time period established by the Berlin Township Board of Supervisors in which the applicant must agree to the conditions of approval.

5.203.3 Signatures required include those of the applicant, the Chairman of the Berlin Township Board of Supervisors, and a witness.

5.203.4 The Berlin Township Board of Supervisors shall determine a time period in which the applicant must complete the conditions as set forth with the approval. Failure to complete the conditions within the time frame established by the Berlin Township Supervisors without requesting and receiving an extension of time will result in an automatic revocation of approval.

#### 5.300 Addition or Lot Improvement

5.301 An addition or lot improvement shall be considered as a minor subdivision or land development and all provisions provided for thereunder, shall apply.

5.302 Required supporting material for an addition or lot improvement:

5.302.1 A letter of intent, signed by the applicant, including a statement that the application is for an addition or lot improvement.

5.302.2 A copy of the proposed deeds which include the following: The first deed will include the acreage being conveyed as an addition or lot improvement to the parent parcel of the grantee and the second deed will describe the parent parcel and the addition or lot improvement as one (1) lot.

5.302.3 No planning module shall be required so long as both the remaining lots have existing septic systems. In the event that either lot does not have an existing septic system, a planning module shall be required.

5.302.4 The applicant shall submit copies of the proposed deed language with all applications. Two (2) deeds shall be recorded after approval of the plat. The first deed will include the acreage being conveyed as an addition or lot improvement to the parent parcel of the grantee. The second deed will describe the parent parcel and the addition or lot improvement as one (1) lot. The applicant agrees that the newly consolidated parcels shall not be further subdivided without the approval of the Berlin Township Supervisors.

5.302.5 A map depicting the grantor's remaining property in relationship to the newly created lot addition or lot improvement shall be submitted.

#### 5.400 Reapproval

5.401 A reapproval may be granted by the Berlin Township Supervisors.

5.402 Required supporting material for a reapproval:

5.402.1 A letter of intent, signed by the applicant, including a statement that the application is for reapproval. The letter shall also contain a statement indicating that the submission for reapproval has not been altered in any way from the original submission that had been previously approved.

5.402.2 No planning module shall be required so long as the lot or lots originally approved have existing septic systems. In the event that the lot or lots originally approved do not have an existing septic system, a planning module shall be required.

#### 5.500 Lot of Record

5.501 Approval may be granted to a lot of record by the Berlin Township Supervisors.

5.502 Required supporting material for a lot of record:

5.502.1 A letter of intent, signed by the applicant, including a statement that the application is for a lot of record. The applicant shall also provide evidence that the parcel in question is, in fact, a lot of record.

5.502.2 No planning module shall be required.

5.600 Change of Lot Lines

5.601 A change in lot lines shall be considered as a minor subdivision or land development and all provisions provided for thereunder, shall apply.

5.602 Required supporting material for a change in lot lines:

5.602.1 A letter of intent, signed by the applicant, including a statement that the application is for a change in lot lines.

5.602.2 No planning module shall be required so long as both of the resulting lots have existing septic systems. In the event that either lot does not have an existing septic system, a planning module shall be required.

5.602.3 The applicant agrees that the resulting parcel(s) are restricted to use for one (1) single family dwelling only and the subdivision map and deed of conveyance shall clearly note the restriction. The applicant further agrees that the newly created parcel(s) shall not be further subdivided without the approval of the Berlin Township Board of Supervisors. In addition the applicant agrees that any original development easements, right-of-ways or setbacks that were in existence prior to this change of lot lines shall not be altered by this action. Also, the grantors remaining lands which are re-subdivided or re-allocated, comply in all respects to the provision of this Ordinance and any other applicable Township ordinance as then in effect.

5.602.4 A map showing the newly created parcel in relationship to the remaining lands of the grantor shall be submitted.

5.700 Un-subdivision

5.701 An un-subdivision shall be considered as a minor subdivision or land development and all provisions provided for thereunder, shall apply.

5.702 Required supporting material for an un-subdivision:

5.702.1 A letter of intent, signed by the applicant, including a statement that the application is for an un-subdivision.

5.702.2 A copy of the proposed deed which includes the deed restriction related to the use of the proposed lot. The deed restrictions and the subdivision map shall also include a statement that this newly created lot(s) shall not be further subdivided.

5.702.3 No planning module shall be required so long as the newly created lot(s) or the remaining lands have an existing septic system. In the event that either the newly created lot(s) or the remaining lands of the grantor do not have an existing septic system a planning module shall be required.

5.703 No un-subdivision shall render any of the involved lot(s) or remaining lands of the grantor substandard and/or non-conforming with this Ordinance and/or any other applicable Township ordinance in effect at the time of application.

5.704 A map depicting the resulting lot(s) shall be submitted with the un-subdivision request.

## ARTICLE VI

### MOBILE HOME PARKS

Mobile Home Parks - This Article contains provisions setting forth minimum standards for the design, construction, alteration, and extension of mobile home parks and related utilities and facilities.

6.100 Classification - Mobile home parks shall be considered as major subdivisions or land developments and shall be subject to the provisions of other articles of this Ordinance. Where the provisions of this Article differ from or are not addressed in those other articles of this Ordinance, the provisions of this Article shall apply to the mobile home park. Mobile Home Parks, due to its consideration as a major subdivision or land development shall require separate and distinct preliminary and separate and distinct final plan submissions as provided for within this Ordinance.

6.200 Plat Requirements - In addition to the requirements of Article III, *Procedures, Specifications, and Supporting Materials*, Section 3.207 *Final Plat Specifications* of this Subdivision and Land Development Ordinance, the following plat requirements shall apply:

6.201 Location and dimension of all mobile home stands or pads.

6.202 Location and dimensions of all off-street parking areas.

6.203 Location and specifications for all pedestrian ways and sidewalks.

6.204 Location of proposed open space.

6.205 Location and specifications for all planting and landscaping.

6.206 Location, dimension, and proposed use of all service and accessory buildings.

6.300 Design Standards - In addition to the requirements of Article IV, *Design Standards*, of the Berlin Subdivision and Land Development Ordinance, the following design standards shall apply:

6.301 A mobile home park shall have a minimum size of 5 acres.

6.302 Mobile home lots within the park shall have a minimum area of fourteen thousand (14,000) square feet.

6.303 Mobile home lots within the park shall have a minimum width of one hundred (100) feet.

6.304 Building setbacks for each mobile home lot must meet the requirements of Section 4.103 of this ordinance.

6.305 A minimum of twenty (20) percent of the tract, excluding streets and parking areas, shall be provided for open space.

6.306 Central sewer disposal facilities shall be required.

6.307 Public or community water service facilities shall be required.

6.308 Streets and roadways within a mobile home park shall conform to the standards as set forth within the Berlin Township Road Ordinance in effect at the time of submission.



6.309 A minimum of two (2) off-street parking spaces with a minimum area of two hundred (200) square feet per space shall be provided for each lot.

6.310 Individual water riser pipes shall be provided on each mobile home stand or pad.

6.311 Design provisions shall be made to prevent freezing of service lines, valves, and riser pipes and protect them from heaving and thawing actions of the ground.

6.312 A shut-off valve below the frost line shall be provided on each mobile home lot.

6.313 Individual sewer riser pipes shall be provided on each mobile home stand or pad.

6.314 All fuel oil and liquefied petroleum gas systems provided for mobile homes, service buildings, or other structures shall be installed in conformity with any applicable rules and regulations.

6.315 Fire hydrants shall be installed within six hundred (600) feet of any mobile home, service building, or other structure within the mobile home park. Fire hydrants shall be maintained and inspected in accordance with a schedule which includes annual flushing and winter snow removal completed by the owners and/or property owners association.

6.400 Improvements - In addition to the requirements of Article X, *Improvements*, of this Ordinance, all mobile home parks shall be required to have installed the following as a minimum:

6.401 Mobile home stands or pads.

6.402 Off-street parking areas.

6.403 Fire hydrants.

6.404 Water riser pipes

6.405 Water shut-off valves.

6.406 Mobile home anchors, if any required.

6.407 Individual sewer riser pipes.

6.500 Permits

6.501 General

6.501.01 It shall be unlawful for any landowner, association or other persons to maintain, construct, alter or extend any mobile home park within Berlin Township, Wayne County, Pennsylvania, unless a valid permit has been issued by the Township of Berlin.

6.501.02 The Township of Berlin shall issue a permit which contains the number of mobile homes and lot locations (as numbered on the approved final plat), that may be occupied. The permit shall remain valid for one (1) year or until the Township establishes an annual renewal date for all mobile home park permits. The initial permit

shall be updated at the time of renewal to reflect any changes in the existing mobile home park.

6.502 Permit Issuance: The Township of Berlin shall issue a permit allowing continued occupancy of the lots having final approval, if the mobile home park meets the following conditions:

6.502.1 No lot or site in the mobile home park is in violation of this Subdivision and Land Development Ordinance or any other Township ordinance.

6.502.2 No lot or site is maintained in an unsightly or unsanitary manner.

6.502.3 The mobile home park was inspected by the Berlin Township Board of Supervisors or their designee and was found to be in compliance with Section 6.602.1.

6.502.4 That all fees to cover inspections are paid to the Township of Berlin. Said fees are established on an annual basis by resolution.

6.600 Environmental, open space and access requirements

6.601 Site location: The location of all mobile home parks shall comply with the following minimum requirements:

6.601.1 A mobile home park shall not be located on land with slopes in excess of 15%.

6.601.2 Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas or other potential breeding places for insects or rodents.

6.601.3 A mobile home park shall not be located in within the 100-year flood plain.

6.601.4 Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare.

6.602 Site Drainage Requirements

6.602.1 The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.

6.602.2 Surface water collectors and other bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection.

6.602.3 Stormwater management plans are required and shall meet the minimum standards of the Berlin Township Stormwater Management Ordinance.

6.603 Soil and Ground Cover Requirements

6.603.1 Exposed ground surfaces in all parks of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and the emanation of dust during dry weather.

6.603.2 Park grounds shall be maintained free of vegetative growth which is poisonous or

which may harbor rodent, insects or other pests harmful to man.

6.604 Park Area for Non-Residential Uses

6.604.1 No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

6.604.2 Nothing contained in this Ordinance shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to a pertinent utility.

6.605 Required Site Sizes, Setbacks, Buffer Strips and Screening

6.605.1 All mobile homes shall be located at least seventy-five (75) feet from any park property boundary line abutting upon a public street or highway and at least fifty (50) feet from other park property boundary lines.

6.605.2 There shall be a minimum distance of twenty (20) feet between an individual mobile home, including accessory structures and adjoining pavement of a park street or common parking area or other common areas and structures.

6.605.3 All mobile home parks shall contain screening such as fences, or natural growth along property boundary lines separating the park from adjacent properties. Such screening shall be a minimum of six (6) in height. Other design criteria may need to be considered depending upon changes in elevation between the mobile home park and adjacent properties.

6.605.4 In no case shall a mobile home be closer to another mobile home or any attached accessory structure than twenty (20) feet, regardless of how spaced or arranged on the site.

6.606 Park Street System

6.606.1 General Requirements: A safe and convenient vehicular access shall be provided for abutting public streets or roads.

6.606.2 Access: The entrance road connecting the park streets with a public street or road or highway shall have a minimum road pavement width of thirty-four (34) feet for a distance of at least one hundred (100) feet off a public road right-of-way into the park.

6.606.3 Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

6.606.1.1 Where parking is permitted on both sides, a minimum of thirty-four (34) feet.

6.606.1.2 A minimum road pavement width of twenty-eight (28) feet where parking is limited to one side of the street.

6.606.1.3 Dead end streets shall be provided at the closed end with a turn-around having an outside roadway diameter of at least one hundred (100) feet.

6.606.4 Required Illumination of Park Street Systems: All parks shall be furnished with

lighting units spaced not more than five hundred (500) feet distance between each light and eighteen (18) feet from the ground for the safe movement of pedestrians and vehicles at night. These lights to be operated by photo-electric switching.

**6.606.5 Street Construction and Design Standards:**

6.606.5.1 Streets: All streets shall be constructed to the standards that are required by the Berlin Township Road Ordinance in effect at the time of submission and any applicable sections of this Ordinance.

6.606.5.2 Grades: Grades of all streets shall be sufficient to insure adequate surface drainage, but shall be not more than eight (8%) percent. Short runs with a maximum grade of ten (10%) percent may be permitted, provided traffic safety is assured by appropriate surfacing, adequate leveling areas and avoidance of lateral curves.

6.606.5.3 Intersections: Within one hundred (100) feet of an intersection, streets shall be at approximately right angles. A distance of a least one hundred fifty (150) feet shall be maintained between centerlines of offset intersection streets. Intersections of more than two (2) streets at one point shall be avoided.

6.606.5.4 Construction and Design: In addition to the above items, street systems must conform to the construction and design requirements of Section 4.200 Streets of this ordinance.

**6.606.6 Off-Street Parking Areas:**

6.606.6.1 Off street parking areas must be provided in all mobile home parks for the use of park occupants and guests.

6.606.6.2 Required car parking spaces shall be so located as to provide convenient access to the mobile home, but shall not exceed a distance of two hundred (200) feet from the mobile home that it is intended to serve, however, spaces may be grouped into separate parking areas.

**6.606.7 Mobile Home Stands-Construction:**

6.606.7.1 The area of the mobile home stand shall be improved to provide an adequate foundation for the placement of the mobile home, and in such a position to provide for required setbacks.

6.606.7.2 The mobile home stand must conform to standards set forth in the Design Approval Primary Inspection Agency (D.A.P.I.A.) Manual.

6.606.7.3 The mobile home stand shall be designed so as not to heave, shift or settle unevenly under the weight of the mobile home because of frost action, inadequate drainage, vibration or other forces acting on the superstructure.

**6.606.8 Mobile Home Stands - Minimum Area:**

6.606.8.1 Each mobile home shall have an average minimum lot area of not less than fourteen thousand (14,000) square feet and an average minimum width

of one hundred (100) feet. Said lots shall be specifically shown on the plan and located on the park site.

6.606.8.2 No site shall be designed for or occupied by recreational vehicles of any nature.

6.606.8.3 Each site shall have plumbing and electrical connection that will allow a mobile home the use of the site independent of any other mobile home.

6.606.9 Mobile Home Skirting: Each mobile home will be required to have appropriate skirting around the base of the mobile home when more than six (6) inches off the ground.

#### 6.700 Water Supply

6.701 General Requirements: An adequate supply of water shall be provided for mobile homes, service buildings, and other accessory facilities as required by this Ordinance. Where a public water supply system of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply shall be used exclusively. Where a satisfactory public water supply system is not available, a private, community (off-site) water supply shall be provided in accord with the requirements of this ordinance.

#### 6.702 Individual Water-Riser Pipes and Connections:

6.702.1 Individual water-riser pipes shall be located within the confined area of the mobile home stand at a point where the water connection will approximate a vertical position, where by insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

6.702.2 The water-riser pipe shall have a minimum inside diameter of three quarter (3/4) inch and terminate at least four (4) inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy a site.

6.702.3 Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

6.702.4 A shut-off valve below the frost line shall be provided near the water-riser pipe on each mobile home site. Underground stop-and-waste valves are prohibited unless their type of manufacture and their method of installation are approved.

#### 6.800 Sewage Disposal

6.801 General Requirements: An adequate and safe sewerage system shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities. Such system shall be designed, constructed and maintained in accordance with Township and Pennsylvania Department of Environmental Protection regulations and generally accepted engineering standards. Wastewater from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.

#### 6.802 Individual Sewer Connections:

6.802.1 Each mobile home stand shall be provided with at least a four (4) inch diameter sewer riser pipe. The sewer riser pipe shall be so located on each stand that the sewer connection to the mobile home drain outlet will approximate a vertical position.

6.802.2 The sewer connection (see definition) shall have a nominal inside diameter of not less than three (3) inches, and the slope of any portion thereof shall be at least one-fourth (1/4) inch per foot. All joints shall be watertight.

6.802.3 All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.

6.802.4 Provisions shall be made for plugging the sewer riser pipe when a mobile home does not occupy the site. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least one-half (1/2) inch above ground elevation.

#### 6.900 Electrical Distribution System

6.901 General Requirements: Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with local electric power company's specifications regulating such systems.

#### 6.902 Power Distribution Lines

6.902.1 Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum horizontal clearance of three (3) feet between overhead wiring and any mobile home, service building or other structure.

6.902.2 All direct burial conductors or cable shall be buried at least eighteen (18) inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines.

#### 6.903 Individual Electrical Connections

6.903.1 Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per lot shall be 120/240 volts AC, 100 amperes.

6.903.2 All electrical connections must conform to the International Residential Code (IRC) 2009 Chapters 34-42 or most current version.

6.903.3 Where the calculated load of the mobile home is more than 100 amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

6.904 Required Grounding: All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

#### 6.1000 Service Buildings and Other Community Service Facilities

6.1001 Applicability: The requirements of this Section 6.1000 shall apply to service buildings, recreation buildings and other community service facilities when constructed: such as:

6.1001.1 Management officers, repair shops and storage areas;

6.1001.2 Laundry facilities;

6.1001.3 Indoor recreation areas;

6.1001.4 Commercial uses supplying essential goods or services for the exclusive use of park occupants.

6.1002 Structural Requirements for Buildings:

6.1002.1 All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather. All construction must conform to the International Residential Code (IRC) 2009 or most current version

6.1003 All Rooms Containing Lavatory Facilities Shall:

6.1003.1 Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions in lavatories and other plumbing fixtures shall be constructed of dense, non-absorbent, water-proof material or covered with moisture-resistant material.

6.1003.2 Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten (10%) percent of the floor area served by them.

6.1003.3 Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

6.1003.4 Toilets shall be located in separate compartments equipped with self-closing doors.

6.1100 Refuse Handling

The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with applicable Pennsylvania Department of Environmental Protection.

6.1200 Insect and Rodent Control

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Pennsylvania Department of Environmental Protection.

6.1300 Fuel Supply and Storage

6.1301 Natural Gas System

6.1301.1 Natural gas piping systems, when installed in Mobile Home Parks, shall be maintained in conformity with accepted engineering practices.

6.1301.2 Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

6.1302 Liquefied Petroleum Gas Systems: Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures when installed shall be maintained in conformity with the rules and regulations of the authority having jurisdiction and shall include the following:

6.1302.1 Systems shall be provided with safety devices to relieve excessive pressures shall be arranged so that the discharge terminates at a safe location.

6.1302.2 Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

6.1302.3 All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

6.1302.4 Vessels of more than twelve (12) and less than sixty (60) U.S. gallons gross capacity may be installed on a mobile home lot and shall be securely but not permanently fastened to prevent accidental overturning.

6.1302.5 No LPG vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are specially approved by the authority having jurisdiction.

6.1303 Fuel Oil Supply Systems

6.1303.1 All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the authority having jurisdiction when provided.

6.1303.2 All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely but not permanently fastened in place.

6.1303.3 All fuel oil supply systems provided for mobile homes, service buildings and other structures shall have shut-off valves located within five (5) inches of storage tanks.

6.1303.4 All fuel storage tanks or cylinders shall be securely placed and shall not be less than five (5) feet from any mobile home exit.

6.1303.5 Storage tanks located in areas subject to traffic shall be protected against physical damage.

6.1400 Fire Protection

6.1401 Mobile home park areas shall be kept free of litter, rubbish and other flammable



materials.

6.1402 Portable fire extinguisher of a type approved by the Fire Prevention Authority shall be kept in public service buildings under park control, if such buildings exist.

6.1403 Fire hydrants shall be installed in accordance with the following requirements:

6.1403.1 The water supply source shall permit the operation of a minimum of two (2), one and one-half (1 ½) inch hose streams.

6.1403.2 Each of two nozzles, held four (4) feet above the ground shall deliver at least seventy-five (75) gallons of water per minute at a flowing pressure of a least thirty (30) pounds per square inch at the highest point of the park.

6.1404 Fire hydrants shall be located within six hundred (600) feet of any mobile home, service building or other structure in the park.

6.1500 Miscellaneous Requirements

6.1501 The person to whom a permit for a mobile home park is issued shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

6.1502 The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

6.1503 The park management shall give the Township free access to all mobile home lots, service buildings and other community facilities for the purpose of inspection.

6.1600 Notices, Hearings and Orders - Mobile Home Parks

6.1601 Whenever the Berlin Township Board of Supervisors or their representatives determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance; the Subdivision and Land Development Ordinance, or any regulation adopted pursuant thereto, such authority shall give notice of such alleged violation to the person to whom the permit was issued, as hereinafter provided. Such notice shall (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the case may require; provided however, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been served with such notice by any other method authorized or required by the laws of the Commonwealth of Pennsylvania; (e) contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance; the Subdivision and Land Development Ordinance; or any part thereof, and with the regulations adopted pursuant thereto.

6.1602 Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Berlin Township Board of Supervisors or their representatives, provided, that such person shall file in the office of the Township a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and the suspension except in the case of any order

issued under Section 6.1700.5. Upon receipt of such petition, the Berlin Township Board of Supervisors or their representatives shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to be heard and shall be commenced not later than ten (10) days after the day on which the petition was filed; provided that upon application of the petitioner, the Berlin Township Board of Supervisors or their representatives may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when in its judgment the petitioner has submitted good and sufficient reasons for such postponement.

6.1603 After such hearing the Berlin Township Board of Supervisors or their representatives shall make findings as to compliance with the provisions of this Ordinance and regulations issued there under and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in Section 6.1800. Upon failure to comply with any order sustaining or modifying a notice, the license of the mobile home park affected by the order shall be revoked.

6.1604 The proceedings as such a hearing, including the findings and decision of the authority, and together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the health or municipal authority but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the health or municipal authority may seek relief there from in any court of competent jurisdiction, as provided by the laws of the Commonwealth.

6.1605 Whenever the authority finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately.

#### 6.1700 Revocation or Suspension of Permit

6.1701 Upon repeated violation by the same permittee, his right to the issuance of a permit, or to continued operation under a permit, may be suspended for a fixed term, or permanently revoked, after notice and hearing by the Berlin Township Board of Supervisors or their representatives, subject to the right of appeal to the Wayne County Court of Common Pleas in accordance with appropriate regulations.

6.1800 Application To Existing Mobile Home Parks - The regulations contained within Article VI, *Mobile Home Parks*, shall apply to any extensions of existing mobile home parks, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

## ARTICLE VII

### RECREATIONAL LAND DEVELOPMENTS

Recreational Land Developments - This Article contains provisions setting forth standards for the design, construction, alteration, and/or extension of recreational land developments and related utilities and facilities for any recreational land development purposes.

7.100 Classification - Recreational land developments shall be considered major subdivisions and land developments and shall be subject to the provisions of other articles of this Ordinance. Where the provisions of this Article differ from or are not addressed in those other articles of this Ordinance or other ordinances adopted by Berlin Township, the provisions of this Article shall apply to the recreational land development. Recreational land developments due to its consideration as a major subdivision or land development shall require separate and distinct preliminary and separate and distinct final plan submissions as provided for within this Ordinance.

7.200 Plat Requirements - In addition to the requirements of Article III, *Procedures, Specifications, and Supporting Materials*, Section 3.207 *Final Plat Specifications* of this Subdivision and Land Development Ordinance, the following plat requirements shall apply:

7.201 Location and dimensions of all recreational land development lots or camping sites.

7.202 Location and specifications for all pedestrian ways and sidewalks.

7.203 Location and dimensions of all off-street parking areas.

7.204 Location of all proposed open space.

7.205 Location and specifications of all plantings and landscaping.

7.206 Location, specifications and proposed use of all service and accessory buildings.

7.300 Design Standards - In addition to the requirements of Article IV, *Design Standards*, of this Subdivision and Land Development Ordinance, the following design standards shall apply:

7.301 A recreational land development shall have a gross area of at least five (5) contiguous acres of land in single ownership or under unified control.

7.302 Recreational land development lots or camping sites shall be at least fifty (50) feet wide and one hundred (100) feet deep, excepting transient recreational land developments which may be clustered. Gross density, however, shall not exceed a total of eight (8) sites per acre for the development. Frontages on cul-de-sacs may be varied.

7.303 Individual recreational land development lots or camping sites shall be separated from service building structures and other occupied buildings and structures by a minimum distance of fifty (50) feet.

7.304 All recreational land developments shall provide and maintain a vegetative screening strip of planted or natural growth, along the exterior property boundary lines. Such screening shall be at a depth of not less than twenty (20) feet, to effectively screen the area within a reasonable [three to five (3-5) year] time period. A planting plan specifying types, size and location of

existing and proposed plant material shall be required and shall meet the approval of the Berlin Township Board of Supervisors.

7.305 A minimum of two (2) off-street parking spaces with a minimum area of two hundred (200) square feet per space shall be provided for each lot.

7.306 No individual on-site sewage shall be permitted and all community systems for the common use of each site identified within the recreational land development shall comply as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection and Berlin Township.

7.307 No individual on-site water system shall be permitted, and all community systems for common use of each site identified within the recreational land development shall comply as evidenced by approved plans, with the standards imposed by the Pennsylvania Department of Environmental Protection and Berlin Township.

7.308 Streets and roadways within a recreational land development shall conform to the standards as set forth within the Township Road Ordinance in effect at the time of submission.

7.309 A minimum of twenty (20) percent of the recreational land development, excluding streets and parking areas shall be provided for open space.

7.310 If electric service is proposed to be provided within the recreational land development to individual sites or proposed sections it shall be required to be installed underground.

7.400 Flood Plain Regulations - All proposed recreational land developments and expansion of existing recreational land developments within designated one hundred (100) year flood plains shall meet the requirements as set forth in this Subdivision and Land Development Ordinance as well as all other applicable Township and State regulations.

7.500 Supplemental Regulations - The operational standards contained in this Section 7.500 shall be incorporated in restrictive covenants attached to the deeds for lots in non-transient recreational land developments and shall be made part of a management plan for any transient recreational land development, which covenants and/or plan shall be approved by the Berlin Township Board of Supervisors in its review of preliminary and final plans for the recreational land development. A management plan shall be required for all recreational land developments and restrictive covenants incorporating the standards of this Section shall be required of all non-transient recreational land developments. A plan or set of covenants which does not adequately provide for conformance with this Section shall not be approved. The plan and/or covenants shall also provide Berlin Township with the option (but not the obligation) of being a party to their enforcement and include a right for Berlin Township to periodically inspect the development for continued compliance with the plan and/or covenants. This provision shall also include that any enforcement undertaken by Berlin Township may include a request for any or all cost of enforcement including but not limited to filing costs, service costs, misc. cost and/or legal fees.

7.501 Appurtenances - No permanent external appurtenances, such as carports, cabanas, or patios, may be attached to any travel trailer or other recreational vehicle parked in a recreational land development, and the removal of wheels or placement of the unit on a foundation in such a park is prohibited. Buildings are prohibited at all campsites except storage sheds not exceeding fifty (50) square feet in floor area and eight (8) feet in height. Storage sheds must be placed a minimum of ten (10) feet from any recreational vehicle and five (5) feet from all property lines. Storage sheds may only be placed in the rear and side yard areas. No storage sheds shall be

placed in a front yard.

7.502 Location - A recreational land development shall be so located that no entrance or exit from a park shall discharge traffic into a densely populated residential area exceeding one dwelling unit per acre, nor require movement of traffic from the park through such an area to obtain access to a public highway. A minimum of one hundred fifty (150) feet of frontage on a State or Township highway shall be required.

7.503 Entrances and Exits - Entrances and exits to recreational land developments shall be designed for safe and convenient movement of traffic into and out of the park, and to minimize marginal friction with free movement of traffic on adjacent streets. All traffic into or out of the park shall be through such entrances and exits. No entrance or exit shall require a turn at an acute angle (less than seventy (70) degrees measured along intersecting centerlines), for vehicles moving in the direction intended, and the radii of curbs and pavements at intersections shall be such as to facilitate easy turning movement for vehicles with trailer attached. No intersection of an entrance and/or exit with a State or Township highway shall be located where less than five hundred (500) feet of sight distance exists in either direction along the State or Township highway, nor shall such intersection be located within one hundred fifty (150) feet of any other intersection.

7.504 Parking Areas - In connection with the use of any recreational land development, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, required buffer, right-of-way or any public grounds or any private grounds not part of the recreational land development, unless the owner has given written permission for such use. Each recreational land development operator shall provide off-street parking, loading and maneuvering space. The owner shall be responsible for the violation of these requirements.

7.505 Occupancy - Campsites shall be used only for camping purposes. No improvement or any mobile home designed for permanent occupancy shall be erected or placed on any campsite. All recreational vehicles in the development shall be maintained in a transportable condition at all times. An action toward removal of wheels or to attach the recreational vehicle to the ground for stabilizing purposes is hereby prohibited. Moreover, no campsite shall be occupied for more than twelve (12) consecutive months, and no campsite shall be the primary and principal residence of the owner or any other occupant; each campsite to be used and occupied (excepting occasional guests) for camping and recreational purposes only by a single household. Berlin Township may require any owner to remove a recreational vehicle from the campground for a period of seven (7) days, unless such owner can establish a prior removal within the immediately preceding twelve (12) months. These requirements shall be attached to each campsite sale or membership in non-transient recreational land developments by restrictive covenant, management plan and/or rules and regulations.

7.506 Records - The management of every recreational land development shall be responsible for maintaining accurate records concerning the occupancy of all campsites. The term "management" shall include a designation as to who is responsible and the manner in which maintenance and the operation of common facilities shall occur. Berlin Township shall have access to, and the right to inspect, records for evidence of permanent residency or lack thereof. The Berlin Township Supervisors shall, in addition, have the authority, when any provision of this Article is violated, to prohibit the occupancy of any and all campsites in a recreational land development until the owners and/or management provide evidence of compliance with these provisions. Any and all expenses, fees or cost associated therewith may be sought by Berlin Township in any legal proceeding.

7.507 Sanitary Waste Disposal - No owner or occupant of any campsite or recreational land development lot shall permit or allow the dumping or placement of any sanitary or other waste anywhere upon any campsite or elsewhere within the development, except in places designated therefore. No outside toilets shall be erected or maintained on any campsite. Plumbing fixtures within any recreational vehicles placed upon lots in the recreational land development shall be connected to the sewage disposal system for the development. Sanitary facilities, including showers, toilets, and urinals, shall be provided within six hundred (600) feet of each lot or campsite.

7.508 Fences - All property lines within the recreational land development shall be kept free and open. Fences, ledges or walls may be erected around the original property line for security purposes. However, all such fences, ledges, or walls shall have at least two (2) places where gates or barriers might be removed to permit the easy passage of emergency vehicles. Where such gates or barriers are secured with locks, a key shall be made available and be in the possession of the Berlin Township Board of Supervisors and the Fire Departments expected to serve the recreational land development.

7.509 Nuisances - No noxious or offensive activities noises or nuisances shall be permitted on any campsite.

7.510 Animals - No animals shall be kept or maintained on any campsite, except the usual household pets. Pets shall be kept confined so as not to become a nuisance.

7.511 Garbage and Refuse Disposal - No person shall burn trash, garbage or other like refuse on any campsite. All such refuse shall be placed and kept in airtight receptacles for the same. No owner shall permit the accumulation of litter or refuse.

7.512 Camping Accessories - Notwithstanding any provisions herein contained to the contrary, picnic tables, benches, storage sheds, fire boxes or fireplaces, and similar items of personal property, may be placed on a campsite. All personal property on a campsite shall be maintained in good condition so as not to become unsightly.

7.513 Ditches and Swales - In the absence of curbs and gutters each owner shall keep drainage ditches and swales located on his campsite free and unobstructed and in good repair, and shall provide for the installation of such culverts upon his campsite as may be reasonably required for proper drainage. He shall also prevent erosion on his campsite.

7.514 Drilling and Mining - No drilling, refining, quarrying or mining operation of any kind shall be permitted, nor shall drilling for water or digging of water wells be permitted on any individual campsite.

7.515 Vehicle Parking - No recreation vehicle shall be parked on any street or roadway within the recreational land development.

7.516 Fire Rims - Each campsite fireplace shall be provided with a fire rim of concrete construction at least eight (8) inches in height to contain the fire.

7.517 Water Supply - Potable water drinking fountains shall be provided within three hundred (300) feet of each campsite.

## 7.600 Permits

## 7.601 General

7.601.1 It shall be unlawful for any landowner, association or other person to maintain, construct, alter or extend any recreational land development within Berlin Township, unless a valid permit has been issued by the Township of BERLIN.

7.601.2 The Township of BERLIN shall issue a permit which contains the number of recreational land development sites and site locations (as numbered on the approved final plat), that may be occupied. The permit shall remain valid for one (1) year or until the Township establishes an annual renewal date for all recreational land development permits. The initial permit shall be updated at the time of renewal to reflect any changes in the existing recreational land development.

7.602 Permit Issuance - The Township of Berlin shall issue a permit to continue the operation of a recreational land development if the following conditions are met:

7.602.1 No site within the recreational land development is in violation of this Subdivision and Land Development Ordinance or any other Township ordinance.

7.602.2 No site is maintained in an unsightly or unsanitary manner.

7.602.3 The recreational land development was inspected by the Berlin Township Board of Supervisors or their designee and was found to be in compliance with Section 7.602.1.

7.602.4 That all fees to cover inspections are paid to the Township of Berlin. Said fees are established on an annual basis by resolution.

7.700 Application to Existing Recreational Land Developments - The regulations contained within Article VII, *Recreational Land Developments*, shall apply to any extensions of existing recreational land developments, including increases in the number of lots or available spaces, even though no addition to total land area is involved.

## ARTICLE VIII

### MODIFICATIONS

#### Modifications

8.100 General – The Berlin Township Board of Supervisors shall have the power, as determined in their sole discretion, to authorize such adjustments or modifications from the provisions or requirements of these regulations as will not be contrary to the public interest and will maintain the spirit and original intent of this Ordinance.

8.200 Applications – The Berlin Township Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision(s) of the Ordinance involved and the minimum modification necessary. The request for modification shall be referred to the Township Planning Commission for advisory comments. The Berlin Township Board of Supervisors shall keep a written record of all actions on all requests for modifications.

8.300 Modification Approval – The Berlin Township Board of Supervisors may grant a modification from these regulations providing the following findings are made where relevant in a given case:

8.301 That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topography or other physical conditions.

8.302 That because of such physical circumstances or conditions, there is no possibility that the property can be subdivided or developed in strict conformity with the provisions of this Ordinance and that the authorization of a modification is therefore necessary to enable the reasonable use of the property.

8.303 That such undue hardship has not been created by the applicant. Financial hardship is no grounds for a modification.

8.304 That the modification, if authorized, will not alter the essential character of the area in which the property is located, nor substantially or permanently impair the appropriate subdivision or land development of adjacent property, nor be detrimental to the public welfare.

8.305 That the modification, if authorized, will represent the minimum variation that will afford relief and will represent the least modification possible of the regulations in issue.

8.306 In granting any modification, the Berlin Township Supervisors may attach such conditions and safeguards as it may deem necessary.

8.307 The Township, in its sole and exclusive discretion, may schedule a public hearing to solicit comments and concerns regarding any applications for modification. The costs of any hearing shall be borne by the applicant as provided for under the appropriate provisions of this Ordinance.



## ARTICLE IX

### FEES

Fees - At the time an application for approval is submitted, a fee shall be paid to Berlin Township by the applicant. Such fee is to be determined from a schedule of fees as adopted by the Berlin Township Board of Supervisors. Checks shall be made payable to the Berlin Township Supervisors.

County Review and Report fees - Fees as required by Section 502(b) of Act 247, the Pennsylvania Municipalities Planning Code, to cover the costs of a County review of all applications, whether preliminary or final approval shall be paid by the applicant, at the time of the application's submission, and forwarded by Berlin Township to the Wayne County Department of Planning. Checks shall be made payable to the Wayne County Department of Planning.

ARTICLE X

IMPROVEMENTS

Improvements - Physical improvements to the proposed subdivision or land development shall be provided, constructed, installed or guaranteed by the applicant. All improvements shall be constructed in accordance with the design specifications of this Ordinance or, as applicable, those of the Pennsylvania Department of Environmental Protection, Department of Transportation, or such other federal, state, county, or Township agency having jurisdiction.

10.100 Minor Subdivisions and Land Developments - All minor subdivisions or land developments shall be required to have installed lot corner and/or line markers and wooden stake witnesses as a minimum.

10.200 Major Subdivisions and Land Developments - All major subdivisions or land developments shall be required to have installed or guaranteed the following as a minimum:

10.201 Lot corner and/or line markers and wooden stake witnesses.

10.202 Erosion and sedimentation control measures, facilities, and restoration work.

10.203 Stormwater management facilities.

10.204 Flood plain management measures, if any required.

10.205 All grading, excavation, and filling.

10.206 Streets: including sub-base, shoulders, ditches, culverts, base course, surface course, and grading.

10.207 Street signs.

10.208 Utility lines.

10.209 Fire hydrants, if any required.

10.210 Bridges, if any required.

10.211 Sidewalks and curbs, when required.

## ARTICLE XI

### IMPROVEMENT GUARANTEES

#### Improvement Guarantees

11.100 Completion of Improvements or Guarantee Thereof, Prerequisite to Final Plat Approval - No plat shall be finally approved unless the streets and other improvements required by this Ordinance have been installed in accordance with this Ordinance. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the applicant/developer shall deposit with Berlin Township a financial security in an amount sufficient to cover the costs of such improvements. Such guarantee shall be consistent with Act 247, Section 509, as amended.

11.200 Release From Improvement Bond - When the applicant/developer has completed all of the necessary and appropriate improvements, the applicant/developer shall notify the Township, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy to the Township Engineer. Release from the financial guarantee shall be consistent with the procedures and requirements of Act 247, Section 510, as amended.

11.300 Remedies To Effect Completion Of Improvements - In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accord with the approved final plat, Berlin Township is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, Berlin Township may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

## ARTICLE XII

### ADMINISTRATION, ENFORCEMENT AND PENALTIES

#### Administration, Enforcement And Penalties

12.100 Amendments to the Pennsylvania Municipalities Planning Code (Act 247) - All Pennsylvania laws enacted which amend the Pennsylvania Municipalities Planning Code shall automatically supersede and amend those portions of this Ordinance which are affected by such enacted laws, unless specifically not intended or mandated to do so under the law.

12.200 Amendments - Amendments to this Ordinance by the Berlin Township Supervisors shall become effective only when enacted in the manner prescribed by the Pennsylvania Municipalities Planning Code following public notice.

12.300 Appeals - The decisions with respect to the approval or disapproval of subdivision and land development plans may be appealed, as is provided for in the Pennsylvania Municipalities Planning Code.

12.400 Enforcement - In addition to those who may, by law, have the authority to enforce and/or prosecute, it is specifically designated that it shall be the duty of the Berlin Township Board of Supervisors to administer this Ordinance.

12.500 Penalties – Preventive and Enforcement Remedies – Berlin Township may, in addition to all other remedies herein provided, enforce the provisions of this Ordinance either in law or in equity for the purpose of carrying out the intent of this Ordinance as provided in Act 247, Section 515.1, 515.2 and 515.3, as amended.

12.600 Continuation - The modification or repeal of any prior ordinance, resolution, or regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty, or other liability incurred pursuant to such affected ordinance, resolution, or regulation.

12.700 Other Remedies – Nothing herein shall prevent the Township of Berlin from seeking an injunction or other legal remedies available to it to prevent or correct any violation of this ordinance. In the event such an action is filed, the developer shall be liable for all attorney fees and costs reasonably incurred by Berlin Township.

ARTICLE XIII

ENACTMENT

Enactment

13.100 Severability - If any section, subsection, or requirement of this Ordinance shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the legality of the remaining provisions of this Ordinance or of this Ordinance as a whole.

13.200 Repealer - The previous Subdivision Ordinance for Berlin Township, Wayne County, Pennsylvania is hereby repealed.

Ordained and enacted into an Ordinance this \_\_\_\_\_, 2011

\_\_\_\_\_  
Paul Henry, Chairman  
Berlin Township Board of Supervisors

\_\_\_\_\_  
Charles Gries, Vice Chairman  
Berlin Township Board of Supervisors

\_\_\_\_\_  
Cathy Hunt, Supervisor  
Berlin Township Board of Supervisors

ATTEST

\_\_\_\_\_  
Attest: Cathy Hunt, Secretary  
Berlin Township Board of Supervisors