

**Draft Colebrookdale Township Subdivision
and Land Development Ordinance Amendment**

ORDINANCE NO. ____

AN ORDINANCE OF COLEBROOKDALE TOWNSHIP TO AMEND THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, INCLUDING PROVISIONS REGARDING DEFINITIONS, SUBMITTAL REQUIREMENTS, IMPROVEMENT REQUIREMENTS AND RECREATION LAND AND FEES.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the Board of Commissioners of Colebrookdale Township hereby adopts the following amendment to the Colebrookdale Township Subdivision and Land Development Ordinance:

Part 1. Revisions to Article 2.

To provide consistency with the Zoning Ordinance, delete the following definitions: Dwelling Unit, Family, Forest, Lot Area, Lot Width, Lot Line- Rear, Lot Line - Side, Site Area, Steep Slopes.

Add the following to the beginning of Section 200(c):

"If a term is not defined by this Subdivision and Land Development Ordinance (SALDO), but is defined in the Zoning Ordinance, then the Zoning Ordinance definition shall apply to this SALDO."

Part 2. Revisions to Article 3.

Add the following to Section 301(b):

- “4. Pre-Submission Consultation. Applicants are encouraged to informally discuss their proposals with applicable Township Staff persons or other Township officials before preparing engineered plans.
5. Site Tour. Applicants are very strongly encouraged to cooperate in an on-site tour of the property by Township officials. See the language in the application form that requests permission for a site tour. This site tour should be scheduled as soon as possible after the applicant has provided copies of a map of existing conditions. At best, this would occur after a sketch plan has been submitted, but before preliminary plans have been completed. This site tour is intended to informally:
 - (i) familiarize Township officials with the property’s existing features, particularly including scenic views and the site’s relationship to surrounding areas,
 - (ii) identify potential site design issues that will need to be addressed, and
 - (iii) discuss site design concepts, including the general layout of proposed development and open spaces.

6. Comments made during the site visit shall not be binding upon the Township, and no formal action or recommendation shall be made during the site visit.”

Add the following to Section 301(a):

- “(1) Prior to the submission of a Preliminary Plan, applicants are very strongly encouraged to submit a Sketch Plan. **A Sketch Plan Review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning Township Ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.**
 - (i) No official action is required on a sketch plan, so it will not delay the submittal of a preliminary plan.”

Add the following to Section 302(b)(1):

“See Section 301 about the importance of first submitting a sketch plan, seeking a pre-submission conference with the Township, and conducting a site visit.”

The following is added as a new Section 302(f):

- “(f) Site Design Process. As part of the submittal of a sketch plan or preliminary plan, whichever comes first, for a Major Subdivision or Land Development that involves over 10 acres of land for a non-residential project or 20 or more dwelling units for a residential project, the applicant shall provide the following mapping and prove to the Planning Commission that the following process was followed in designing the proposed development.
 - (1) Applicants are strongly encouraged to submit these sketches as part of the sketch plan process, to avoid delays to the applicant in Preliminary Plan approval. Submittal at the sketch plan stage will greatly increase the likelihood that all issues will be able to be resolved in time to meet the standard 90 day time clock for approval of a preliminary plan, without needing time extensions.
 - (2) This process is intended to show everyone how the special features of the property relate to resource areas on adjacent lands, and how the development will properly relate to the features of the land that are most worthy of conservation. See the "Existing Resources and Site Analysis Map" provisions in Section 402. Existing conditions shall be accurately mapped. For the sole purposes of meeting this Section 302(f), the mapping of proposed development may be at a sketch plan level of detail.
 - (i) Delineation of Open Space. Using the map of Existing Resources and Site Analysis Map, the applicant shall delineate areas that are proposed to be preserved as Common Open Space (if required in an Open Space Development by other sections of the Zoning Ordinance) and/or otherwise through conservation easements. If common open space in a development is proposed, then the applicant shall show compliance with the applicable requirements of the Zoning Ordinance, including but not limited to the following:
 - [a] Providing calculations of the minimum percent and acreage of required common open space, which shall be submitted at the Sketch Plan stage or the Preliminary

Plan stage, whichever submission occurs first.

- [b] Proposed common open space shall be designated using the Existing Resources and Site Analysis Map as a base map. The applicant shall prove compliance with applicable provisions of the Zoning Ordinance. The following areas shall be shown: 100 year floodplains, wetlands and slopes over 25 percent.
 - [c] The proposed common open space shall maximize opportunities to interconnect open spaces with important natural features and common open space on neighboring properties (see the "Context Map").
 - [d] The applicant shall then prioritize natural and historic resources on the parcel in terms of their highest to least suitabilities for inclusion in the proposed Common Open Space in consultation with the Planning Commission and in accordance with applicable sections of the Zoning Ordinance.
 - [e] On the basis of those priorities and practical considerations given to the parcel's configuration, its context in relation to resource areas on adjoining and neighboring properties, and the applicant's subdivision objectives, priority areas for conservation shall be delineated to meet at least the minimum area percentage requirements for common open space and in a manner clearly indicating their boundaries as well as the types of resources included within them.
- (ii) If open space in a development is not proposed, the applicant shall show measures that will be used to minimize impacts upon important natural features. The applicant shall show that every reasonable effort has been made to locate development to: a) avoid the over 25 percent slopes, 100 year floodplain and wetlands and b) minimize impact upon other natural and historic resources. In addition to meeting any requirement for Common Open Space, important natural features should also be protected as part of individual lots (such as large rear yards and/or through conservation easements).
- (3) Potential Development Areas Concept Map. Based upon consideration of the Existing Features Map and the process described above, the Potential Development Areas shall be mapped. These Potential Development Areas are areas that are best-suited for the majority of the development on the parcel.
- (4) Location of Home Sites. In respect of the process described above, the approximate proposed locations of new homes/principal buildings shall then be selected. It is recognized that on-lot septic system suitability needs to influence these choices, when septic systems are used. It is also recognized that some intrusions into the natural and historic resources may be necessary to allow reasonable uses of the land, provided that such development is carefully located and designed to minimize impacts upon valuable resources and features.
- (i) While the mapping of existing features required by this Section is required to be accurate and to scale, the locations of proposed home sites, lot lines, roads and trails may be at a sketch plan level of detail for the purposes of complying with this Section.
 - (ii) The applicant shall provide a written and graphic analysis of how the proposed development will respect and incorporate the important resources of the site and be coordinated with resources, open space/trail corridors and views on surrounding properties. This may involve an "overlay" map that shows important natural features and proposed development.

- (5) Layout of Streets and Trails. A sketch of the tentative street layout shall then be designed to serve the appropriate building sites. Trails should also be considered to link together common open spaces, clusters of homes and other destinations (such as nearby stores, parks and schools). Building sites should be clustered together to minimize expensive wetland and creek crossings by roads.
- (6) Drawing the Lot Lines. Tentative lot lines should then be drawn on the site to encompass the proposed building sites - to result in a Development Concept Plan. Once this sketch is prepared, then more detailed engineering may be completed.”

Part 3. Revisions to Article 4.

In Section 401(c)(5), add “Context/” before “Location Map.” Add the following new text at the end of this sub-section:

“Such map shall also show any of the following features within 1,000 feet of the boundaries of the project: proposed streets, waterways, trails, preserved open spaces, parks, and municipal borders.”

Replace Section 401(d) regarding Preliminary Plan submission requirements with the following:

“(d) Existing Resources and Site Analysis Map.

- (1) Locations of soil types based upon the latest available mapping from the U.S. Natural Resource Conservation Service. Soils that are alluvial, hydric, have a depth to bedrock of less than 3 feet or a seasonally high water table of less than 3 feet shall be identified.
- (2) Existing contour lines shown at the same scale as the layout plan.
 - (i) The contours shall be based on a field survey or photogrammetric procedure, with an established bench mark.
 - (ii) A 2 foot contour interval shall be required, except 5 feet may be allowed for slopes of 25% or greater.
(Note- Contours are not required to be shown within areas of lots of 10 acres or more that are clearly not intended to be altered as a result of this proposed subdivision or land development, unless needed to determine adequacy of stormwater management)
- (3) Identification of any slopes of 15 to 25%, & greater than 25%
- (4) The locations and names (if any) of watercourses, natural springs, ponds, lakes and wetlands. Detailed delineations by a qualified professional of wetlands are required with the Preliminary Plan submission, with the locations accurately shown on the plan.
- (5) Rock outcrops, stone fields, sinkholes and topical depressions
- (6) Location of any areas within the 100 year floodplain (with differentiation between floodway and floodfringe if available from official Federal floodplain maps)
- (7) Ridgelines and watershed boundaries.
- (8) Area and location of any existing or proposed common/preserved open space
- (9) If any common open space is proposed: method of ownership and entity proposed to be responsible for maintenance
- (10) If any common open space is proposed: description of intended purposes, proposed improvements (such as rough grading) and any proposed recreation facilities
- (11) Any proposed recreation trails, existing trails and trail easements
- (12) Principal buildings estimated to be 60 years or older that could be impacted by the project, with name and description, and intended disposition
- (13) Existing and proposed utility easements and restrictive covenants and easements for

- purposes which affect development (stating which easements and rights-of-ways are proposed for dedication to the township).
- (14) Locations of treelines and existing forested areas, with a description of the approximate average trunk diameter of the older trees on the parcel (such as “less than 12 inches”)
 - (17) Areas of existing mature woods that are proposed to be protected and preserved or removed.”

Add the following as new Sub-Sections 402(k) and (l):

- (k) Required Plan Notations. The following wording shall be required to be placed on any final subdivision or land development plan, as applicable:
 - (1) If access will be provided onto a State highway and a required PennDOT Highway Occupancy Permit" has not been granted then the following or closely similar wording shall be stated:

"NOTICE - A PennDOT Highway Occupancy Permit for Lot No(s). ___ is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a state highway is permitted. Access to the state highway shall be only as authorized by a PennDOT Highway Occupancy Permit. No Building Permits, Zoning Permits or Certificates of Occupancy shall be issued for said lot until such time as a PennDOT Highway Occupancy Permit has been secured and filed with the Township. Township shall not be held liable for damages to persons or property arising out of issuance or denial of a Highway Occupancy Permit by the PA. Department of Transportation, pursuant to Section 508 of the PA. Municipalities Planning Code."
 - (2) "Any Well and sewage disposal systems shall be constructed in accordance with standards of the Pennsylvania Department of Environmental Protection."
 - (3) "Individual owners of lots must receive approval from the Township Sewage Enforcement Officer for a sewage permit prior to undertaking the construction of an on-lot sewage disposal system or building that will need to be served by such a system."
 - (4) "The Board of Commissioners and Township Staff have not made any determination about the feasibility of any individual lot or location within a lot being able to sustain any type of well or sewage disposal system, except for a sewage system if a permit has been issued by the Sewage Enforcement Officer."
- (l) Water Certification. If water service is proposed by means other than by private individual wells owned by the owner of each lot, the applicant shall present evidence to the Township that the service will be provided by a certified public utility, a bona fide cooperative association of property owners or by a municipal corporation, authority or utility, as permitted by the Township.
 - (1) This evidence shall include a copy of 1 or more of the following, as appropriate: a) the "Certificate of Public Convenience" from the PA. Public Utility Commission, b) a copy of an application submitted for such certificate or a cooperative agreement or c) a commitment or agreement to serve the area in question.”

Part 4. Revisions to Article 5.

In Section 515(b) regarding parking spaces, change “at least 200 square feet” to “meeting the minimum dimensions in the Zoning Ordinance”.

In change 521(d) for fill slopes, change “not be steeper than 2:1” to “not be steeper than 3:1”.

Replace Section 522 with the following:

522. RECREATION AREAS AND FEES.

522.A Purposes. To provide adequate open spaces, recreational lands and recreational facilities to serve new inhabitants/occupants of new developments, for both active and passive recreation. To recognize and work to carry out the Recreation portion of the Joint Comprehensive Plan, which is adopted as Recreation Plan for the Township or by a successor document that may be adopted as the Recreation Plan for Colebrookdale Township.

522.B. Applicability. This section shall apply to any subdivision or land development for which a preliminary plan or a combined preliminary/ final plan is submitted after the enactment date of this amendment.

1. This Section 522 shall not apply to plans that the Township determines only involve adjustments or corrections to an approved preliminary plan or a preliminary plan that was actively before the Township for consideration as of the date of the adoption of this Section, provided the adjustments do not increase the number of proposed dwelling units.

522.C. Limitations on Use of Fees.

1. Any fees collected under this section shall be accounted for separately in a Recreation Fee Account, or its successor account.
2. Such fees shall be used in a location that will serve the inhabitants of the developments that paid fees towards their cost. Such fees do not necessarily need to be expended within Colebrookdale Township.
3. Such fees shall only be used for the following: acquisition of public open space/recreation land and related debt payments, easements that allow public recreation use of land, development of public recreational facilities, landscaping of public open space and necessary engineering and design work.

522.D. Land to be Preserved. Any subdivision or land development regulated under this Section 522 shall be required to preserve the specified amount of recreation land, unless the Board of Commissioners and the applicant mutually agree that recreation fees shall be required in-lieu of land.

1. As a general guideline, it is the intent of this Section that smaller developments (such as 10 or fewer dwelling units) that do not include land that is adjacent to existing publicly-owned land shall pay a recreation fee in lieu of dedicating land.

2. The land and fee requirements of this section shall be based upon the number of new dwelling units that would be allowed on the lots of a subdivision or land development after approval.
3. Prime Recreation Land. For the purposes of this section, the term “Prime Recreation Land” shall mean land proposed to be established as recreation land that would meet all of the following standards:
 - a. less than 6 percent slope,
 - b. not a “wetland” under Federal and/or State regulations,
 - c. be part of a contiguous tract of at least 2 acres (which may include existing adjacent recreation land), and
 - d. not be within the “100 Year Floodplain” as defined by official floodplain maps of the Township.
4. Amount of Recreation land. If a subdivision or land development is required to include recreation land, the following amounts for each permitted new dwelling unit shall apply:

Percentage of the Total Required Recreation Land that Would Meet the Definition of “Prime Recreation Land”:	Minimum Required Recreation Land Per Permitted Dwelling Unit
0% to 25.0%	5,000 square feet
25.1% to 99.9%	2,500 square feet
100%	1,250 square feet

522.E. Fees. If the Board of Commissioners determines that a proposed subdivision or land development is required to pay fees-in-lieu of dedicating recreation land, this fee shall be \$2,000 for each new dwelling unit, unless such fee is updated by future action by the Board of Commissioners.

522.F. Decision on Land vs. Fees. The Board of Commissioners shall determine whether a land dedication would be in the public interest, or whether the payment of fees is required. This initial determination should, but is not required to, be made at the time of sketch plan review. The Township should, at a minimum, consider the following in this decision:

1. Whether the land in that location would serve a valid public purpose.
2. Whether there is potential to make a desirable addition to an existing public or School District recreation area or to create a greenway along a creek.
3. Whether the proposed land would meet the objectives and requirements of this section and any relevant policies of the Comprehensive Plan and any Recreation or Open Space Plan.
4. Whether the area surrounding the proposed development has sufficient existing recreation and open space land, and whether it is possible for pedestrians and bicyclists to reach those lands.
5. Any recommendations that may be received from the Planning Commission, the Township

Engineer, the local School Board or School District staff and the Township Parks and Recreation Board.

522.G. Recreation Land to be Preserved.

1. Suitability. Recreation land shall be suitable for its intended purpose, in the determination of the Board of Commissioners. The applicant shall state in writing what improvements, if any, he/she will commit to make to the land to make it suitable for its intended purpose, such as grading, landscaping, or development of trails. Such land shall be free of construction debris at the time of dedication. Proposed recreation land shall be suitable to meet the needs of the residents of the development.
2. Ownership. Required recreation land shall be dedicated to the Township, unless the Board of Commissioners agree to accept a dedication to any of the following: the School District, the County, a State agency charged with maintaining recreation land, a similar governmental agency, an incorporated property-owner association (such as a homeowner or condominium association) or an established environmental organization acceptable to the Board of Commissioners. In the case of a rental development, the Township may permit the recreation land to be retained by the owner of the adjacent principal buildings.
 - a. If recreation land is to be owned by a property-owner association, the developer shall be required to establish such association in a form that requires all property owners within the development to annually contribute to the maintenance of the recreation land.
 - 1) Any property-owner association agreements regarding required recreation land shall be subject to acceptance by the Board of Commissioners, based upon review by the Township Solicitor.
 - 2) Prior to the sale of any dwelling unit or lot, all deeds shall require each property-owner to pay fees on a regular basis for the maintenance and other expenses of owning such land. The property-owners shall be incorporated with covenants and bylaws providing for the filing of assessments. After providing notice to affected owners, the Township shall have the authority to establish municipal liens upon all properties in the association to fund maintenance of the land and Township legal costs if the property-owners association does not fulfill its responsibilities.
 - 3) An orderly process shall be established for the transfer of the land to the association. The dedication of maintenance responsibilities by a developer to a property-owners association shall not occur until such association is incorporated and able to maintain such land.
 - 4) The property-owners association shall be established in full compliance with applicable State law, including the Uniform Planned Community Act.
 - b. Transfer to another Entity. If the approved plan states that ownership of and/or responsibilities to maintain the recreation land are given to a particular entity, then any transfer of ownership or responsibilities to another entity shall require pre-approval by the Board of Commissioners. Where land is to be owned by a conservation organization, a process shall be established for the land to transfer to a different organization if the first organization is not able to fulfill its obligations.
 - c. The Board of Commissioners shall have the authority to refuse to accept an offer of dedication of recreation land to the Township, and/or to determine that an offer does not meet Township requirements.

3. Easements. Any required recreation land dedication shall include a conservation easement to permanently prevent its development for buildings, except buildings for approved types of non-commercial recreation or to support maintenance of the land. Such conservation easements shall, at a minimum, be enforceable by the Board of Commissioners. The Commissioners may require that the easements also authorize their enforcement by a suitable third party.
 4. Priorities. Priority shall be given to dedication of land that would be suitable for a) additions to existing public schools and public parks, or b) preservation of woods, steep slopes or other important natural features or land along a creek, or c) for centralized active recreation.
 5. Suitability. Land that is not suitable for active or passive recreation shall not be permitted to meet the requirements of this section. Any land area used to meet the requirements of this Section 522 shall meet the definition of "Recreation Land." Portions intended for active recreation shall be well-drained, of less than 6 percent average slope and not require filling in of a wetland for use.
 6. Access and Contiguousness. Recreation land within a subdivision or land development shall be contiguous, except as may be specifically exempted by the Board of Commissioners, if necessary considering the unique features of the site, and shall have a minimum of 20 feet of road frontage at a location that allows access for maintenance and by pedestrians.
 7. Other Ordinances. Any required land dedication or fees under this Section shall be in addition to any land dedication or improvement requirements of any other Township ordinance.
 - a. However, the Board of Commissioners may allow common open space provided under a zoning ordinance provision to also count towards the recreation land requirement if the land will be improved for recreation, capable of meeting all of the requirements of this Section, and be available without charge on a daily basis to the public.
 8. Residual Lands. If only a portion of a larger tract of land is currently proposed to be subdivided, or the applicant owns one or more adjacent tracts that are not currently proposed to be subdivided, the applicant shall provide a sketch of a possible future land dedication on these adjacent lands. The intent is to coordinate current plans with any future development, even in the long-term.
 9. Coordination With Future Adjacent Dedication. The Board of Commissioners may require that a required land dedication within a property currently being subdivided be placed along an edge of the property so that it may, in the future, be combined with a recreation land/ open space dedication on the edge of an adjoining property when that adjoining property is subdivided or developed.
- 522.H. Combination of Land and Fees. Upon mutual agreement of the Board of Commissioners and the applicant, the Township may accept a combination of recreation land and fees-in-lieu of land to meet the requirements of this section for a subdivision or land development. This combination shall be based upon the recreation land requirement applying for a certain number

of dwelling units and the fee-in-lieu of land requirement applying for the remaining development.

1. For example, if a development included 25 dwelling units, recreation land could be required for 15 dwelling units and fees could be required for 10 dwelling units.

522.I. Timing of Residential Fees. Fees required by this Section for all of the dwelling units shall be paid prior to the recording of the final plan, except as follows:

1. If the required fee would be greater than \$4,000, and the applicant and the Township mutually agree to provisions in a binding development agreement to require the payment of all applicable recreation fees prior to the issuance of any building permits within each clearly defined phase or sub-phase of the development, then fees are not required to be paid prior to recording of the final plan but may instead be paid within the requirements of that development agreement.
2. If the applicant agrees to pay such fees in installments, then all such fees shall not be considered to be "paid" for the purposes of any applicable time limitations for utilization under the Municipalities Planning Code until all such fees are paid in full, including all installments and phases.

522.J. Facilities in Place of Land or Fees. An applicant may submit a written request for a modification of the requirements of this section by offering to construct substantial permanent recreation facilities within the proposed subdivision or land development or on public parkland. Such modification shall only be approved if the applicant clearly proves to the satisfaction of the Board of Commissioners that the facilities will serve a valid public purpose, will be designed following modern standards in a durable manner and will have a higher market value than the land or fees that would otherwise be required.

1. A modification of these requirements may also be approved by the Board of Commissioners if the applicant donates or sells appropriate public recreation land to the Township or the School District. In such case, the applicant shall provide a written appraisal from a qualified professional that the market value of the donation or price reduction is greater than the value of the fee or land requirement that is waived. In such case, the land shall be determined to be suitable for public recreation by the Board of Commissioners."

In Section 527, replace "Sections 285 and 504" with "Articles 3 and 5".

Part 5. Revisions to Article 6.

Add the following to Section 604(c):

"All street pavements shall comply with the provisions of this Section, except that PennDOT shall determine the construction standard for a State road.

- (1) A 6 inch minimum compacted depth stable sub-base shall be provided, using PennDOT Type 2A aggregate or better, unless the Township pre-approves an alternative sub-base. The sub-grade shall be properly rolled and crowned.
 - a) The Township may require a greater depth where necessary considering the conditions of the sub-grade. Materials that are unsuitable, wet soils and soils subject to frost-heave

- shall be removed and replaced, drained or otherwise stabilized to handle anticipated loads.
- b) The Township may require field and/or laboratory testing of the sub-grade, particularly if on-site materials are proposed to be used.
- c) The Township may require compaction tests, with the Township's costs reimbursed by the developer.
- (2) A 4 inch minimum compacted depth 25 mm Superpave Hot Mix Asphalt Base Course shall be provided. This depth may be decreased to 3 inches if the depth of the sub-base is increased to 8 inches.
- (3) A 1.5 inch minimum depth 9.5 mm Superpave Hot Mix Asphalt Wearing Course or Township-approved equivalent shall be provided. Such depth shall be 2 inches for a collector street and 3 inches for an arterial street.
- (4) Where shoulders are required, PennDOT "Type 3" or better shoulders shall be provided on each side of the travelway."

Add ", Pathway or Bikeway" to the title of Section 606 and add the following new text to that section:

“(d)Pathway or Bikeway.

- (1) If deemed necessary for the convenient and safe circulation of bicycles and pedestrians, the Board of Commissioners, after a review by the Planning Commission, may require that a subdivision or land development include the construction of a pathway or bikeway.
- (2) A bikeway/pathway shall have a minimum width of 6 feet and a maximum width of 12 feet. It may be required to be placed within a street right-of-way in place of a sidewalk, or may be placed elsewhere on a lot within an easement or other right-of-way.”

Part 6. Revisions to Article 7.

Add the following as a new Section 701(d):

“(d)Amount of Security.

- (1) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer in the official development schedule, and within the process for increases to cover inflation as permitted by the PA Municipalities Planning Code.
- (2) The cost of the improvements shall be established by an estimate prepared by a PA Registered Professional Engineer, which shall be reviewed by the Township Engineer, within the arbitration process permitted by the PA Municipalities Planning Code.
- (3) If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

- (4) Inspection Fees. The amount of financial security shall also include an additional 5 percent of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs.”

Repealer.

Any portions of Township ordinances or resolutions which are clearly in direct conflict with this Ordinance Amendment are hereby repealed.

Enactment.

This Ordinance Amendment is hereby enacted and ordained on this date of _____ and shall become effective in five calendar days.

President of the Board of Commissioners

Attest, Township Secretary

**Draft Pike Township Subdivision
and Land Development Ordinance Amendment**

ORDINANCE NO. _____

AN ORDINANCE OF PIKE TOWNSHIP TO AMEND THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, INCLUDING PROVISIONS REGARDING DEFINITIONS, SUBMITTAL REQUIREMENTS, IMPROVEMENT REQUIREMENTS, RECREATION LAND AND FEES, AND NATURAL FEATURE CONSERVATION REQUIREMENTS.

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the Board of Supervisors of Pike Township, Berks County, Pennsylvania hereby adopts the following amendment to the Pike Township Subdivision and Land Development Ordinance:

Part 1. Revisions to Article 2.

Add the following as a new Section 201.A.:

"If a term is not defined by this Subdivision and Land Development Ordinance (SALDO), but is defined in the Zoning Ordinance, then the Zoning Ordinance definition shall apply to this SALDO."

In Section 202, to provide consistency with the Zoning Ordinance, delete the following definitions: Agriculture - Intensive, Building Coverage, Conservation Subdivision, Lot, Lot Area, Lot, Corner, Lot Coverage, Lot, Interior (Flag), Lot Line, Front, Lot Line - Rear, Lot Line - Side, Lot- Reverse Frontage, Lot Width, Mobile Home, Mobile Home Lot, Mobile Home Park, Recreational Vehicle, Recreational Vehicle Park, Yard, Yard- Front, Yard - Rear, and Yard - Side.

In Section 202, add the following new definition:

"Heritage Tree. Any tree greater than 30 inches diameter at breast height (dbh) shall be considered a Heritage Tree, with the exception of invasive alien trees including Norway maple (*Acer platanoides*), Siberian elm (*Ulmus pumila*), and Tree-of-heaven (*Ailanthus altissima*). An Aspen shall not be considered a Heritage Tree. However, such minimum dbh shall be 36 inches for Tulip Poplars and Sycamores. In the context of a subdivision or land development review or in consideration of any application for approval of special exception, variance, or conditional use, and upon the recommendation of a qualified forester or equivalent professional, the Township may designate as additional Heritage Trees any tree or other plant selected as uniquely representative of a class or group in terms of size, shape, form, age, historical importance, scenic qualities, visual prominence or other characteristics. Trees or other plants determined to be dead or diseased or in any manner constituting a safety hazard shall not be considered Heritage Trees."

In Section 202, in the definition of Conservancy Lot, change "in an Option 1 conservation subdivision (see Section 490 of the Township Zoning Ordinance)" to "in an Open Space Development".

Part 2. Revisions to Article 6.

Delete Section 632.C., to remove a Zoning Ordinance reference.

Replace Section 624.B.2 with the following:

“Where there is mutual consent of the Township and the applicant to allow the payment of fees-in-lieu of land, or where the applicant has not proposed recreation land that would meet the requirements of this Section 624 and/or would not be suitable for the recreation purposes, then recreation fees shall be required to be paid in lieu of providing recreation land. The recreation fee shall be \$2,000 per each new approved dwelling unit, unless such fee is amended by future action of the Board of Supervisors.”

Add the following as a new Section 625.C.(8):

“Such fees shall be used in a location that will serve the inhabitants of the developments that paid fees towards their cost. Such fees do not necessarily need to be expended within Pike Township. Such fees may also be used for following: acquisition of public open space/recreation land and related debt payments, easements that allow public recreation use of land, development of public recreational facilities, landscaping of public open space and necessary engineering and design work.”

To comply with the Municipalities Planning Code, replace Section 625.E. with the following:

“E. Modification. In response to a written application by the applicant, the Board of Supervisors may approve a modification to the requirements of this Section 625 if the modification will result in an equal recreation benefit to the inhabitants of the development and/or the residents of the Township. For example, the Board of Supervisors may approve the construction of recreation facilities in place of part or all of the recreation land or fee requirements.”

In Section 629.D., add the following:

“4. In locations where street trees are required by the Zoning Ordinance, such Zoning Ordinance provisions shall apply in place of street tree requirements of this Section 629.D.”

In Section 629.E. at the end of the first paragraph:

“In locations where a buffer yard with plant screening is required by the Zoning Ordinance, such Zoning Ordinance provisions shall apply in place of buffer yard and planting requirements of this Section 629.E.”

Add the following new Section 628.E.:

“628.E. Disturbance Thresholds for Woodland Replacement.

- 1. See the Zoning Ordinance, which includes a definition of “Woodland” and a “Woodland Classification Map”, which are hereby included by reference. See Section 508 of the Zoning Ordinance that establishes maximum disturbance limits for Woodland.*
- 2. If woodland disturbance that is allowed under Section 508 of the Zoning Ordinance and exceeds the following thresholds (measured as a percentage of the entire area of woodland*

within the respective designation), then woodland replacement shall be required under this Section:

- a. 5 percent of any area designated Class I Woodland on the Woodland Classification Map.*
- b. 10 percent of any Class II Woodland as indicated on the Woodland Classification Map.*
- c. 15 percent of any Class III Woodland as indicated on the Woodland Classification Map.*

3. Calculation of Required Vegetation Replacement.

- a. Where woodland replacement is required by Subsection E.2. above, replacement plantings shall be installed as follows:
 - 1) At a minimum, for each 300 square feet of woodland disturbance area in excess of each applicable threshold set forth in Section E.2., one tree at least 2 inch caliper shall be planted. A sample list of acceptable replacement plantings is provided below*
 - 2) Required Replacement Shrubs. At a minimum, for each 100 square feet of woodland disturbance area, in excess of the applicable standard set forth in E.2., one shrub at least 24 inches in height shall be planted (in addition to any required tree replacement). Shrubs planted in accordance with this requirement may be of restoration quality and not necessarily landscaping quality.**
- b. Required replacement plantings shall be in addition to any required street trees or any other landscape material required under applicable provisions of the Zoning Ordinance or this Ordinance.*
- c. Where approved by the Township as a condition of any building, zoning, subdivision or land development approval or as a condition of grant of modification under this Article, required replacement trees may be substituted for greater numbers of trees of smaller caliper than otherwise required or by vegetation other than trees (e.g., for purposes of reforestation).*
- d. If mutually agreed upon by the Township and the applicant as a condition of any subdivision or land development approval or modification under this Article, some or all of the required replacement plantings may be installed at a site other than that subject to required replacement planting.*
- e. In lieu of actual installation of replacement plantings, if mutually agreed upon by the Township and the applicant, the Township may permit any applicant to place the equivalent cash value, as agreed upon by the Township and the applicant, for some or all of the required replacement plantings into a special fund established for that purpose. Such fund shall be utilized at the discretion of the Township for the purchase and installation of plantings elsewhere in the Township. Installation of such plantings on private lands shall be dependent upon the establishment of conservation easement(s) or other restriction(s) acceptable to the Township that will reasonably guarantee the permanent protection of such plantings. Where the provisions of this*

Section are otherwise applicable, any grant of approval of modifications requested pursuant to this Article also may be conditioned upon the placement of equivalent cash value for otherwise required replacement plantings into such a fund.

- f. The locations, selected species, and sizes of all replacement plantings, along with a planting schedule tied to the timing and/or phasing of the development, shall be indicated on the Final Subdivision /Land Development Plan(s) or building permit application, as applicable.*
- g. Required replacement vegetation and their measurement shall conform to the standards of the publications "American or U.S.A. Standard for Nursery Stock," ANSI or U.S.A.S. Z60.1 of the American Association of Nurserymen, as amended. All plant material used on the site shall have been grown so as to have a high likelihood of survival on the site (grown specifically for planting in the applicable USDA hardiness zone) and shall be nursery grown, unless it is determined by the Township that the transplanting of trees partially fulfills the requirements of this section.*
- h. Species of replacement plantings selected and planting locations shall reflect careful site evaluation and in particular the following considerations:*
 - 1) Existing and proposed site conditions and their suitability for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.*
 - 2) Specific functional and design objectives of the plantings, which may include but not necessarily be limited to: replacement of woodland area removed, enhancement of existing woodland or oldfield area(s), reforestation of riparian buffer areas, mitigation of new woodland edge conditions as a result of land disturbance, provision for landscape buffer, visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.*
 - 3) Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.*
 - 4) Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, etc.), the use of nursery-grown free-fruited native trees and shrubs is strongly encouraged. Species selection should reflect species diversity characteristic of the native deciduous woodland.*
- i. All replacement plantings shall be guaranteed and maintained in a healthy and/or sound condition for at least 24 months or shall be replaced. In addition, the Applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the 24 month replacement period and to provide for the removal and replacement of vegetation damaged during construction, based upon the recommendation of the Township Engineer.*
- j. Invasive Species. Removal of recognized invasive species is allowed without regulation. See the definition in Article 2 of the Zoning Ordinance. Removal of dangerous or diseased trees and vegetation is also allowed.*
- k. Suggested Plant List. The following list includes species acceptable for woodland replacement plantings. Examples of species appropriate for use where screening or buffering is desirable or required are indicated with an asterisk (*). Appropriate*

species for street tree plantings are indicated by the notation “ST.” Specific species selection and planting locations shall reflect careful site evaluation as further set forth herein.

Tree, Common Name	Botanical Name
<u>Evergreen Trees</u>	
Eastern redcedar*	<i>Juniperus virginiana</i>
Canadian Hemlock	<i>Tsuga canadensis</i>
Red (Eastern or Yellow) spruce*	<i>Picea rubens</i>
Norway spruce*	<i>Picea abies</i>
Eastern White Pine*	<i>Pinus strobes</i>
<u>Shade Trees</u>	
Red maple, ST	<i>Acer rubrum</i>
Sugar maple, ST	<i>Acer saccharum</i>
White ash, ST	<i>Fraxinus americana</i>
Green ash, ST	<i>Fraxinus pennsylvanica</i>
Sycamore	<i>Platanus occidentalis</i>
White oak, ST	<i>Quercus alba</i>
Northern red oak, ST	<i>Quercus rubra</i>
Tulip poplar	<i>Liriodendron tulipifera</i>
Scarlet oak, ST	<i>Quercus coccinea</i>
Pin oak, ST	<i>Quercus palustris</i>
Shagbark hickory	<i>Carya ovata</i>
American basswood	<i>Tilia americana</i>
American beech	<i>Fagus grandifolia</i>
Black cherry	<i>Prunus serotina</i>
London plane tree	<i>Platanus acerifolia</i>
<u>Small Trees and Shrubs</u>	
Rhododendron	<i>Rhododendron sp.</i>
Black chokecherry	<i>Aronia melanocarpa,</i>
Shadbush/Serviceberry*	<i>Amelanchier canadensis</i>
Redbud	<i>Cercis canadensis</i>
Flowering dogwood*	<i>Cornus florida white</i>
Winterberry	<i>Ilex verticulata</i>
Washington hawthorn*	<i>Crataegus phaemopyrum</i>
New Jersey tea	<i>Ceanothus americanus</i>
Sourwood	<i>Oxydendrum arboreum</i>
Ironwood	<i>Ostrya virginiana</i>
Arrowwood	<i>Viburnum dentatum</i>
Black Haw	<i>Viburnum prunifolium</i>
Maple Leaf viburnum	<i>Viburnum acerifolium</i>
Mountain laurel	<i>Kalmia latifolia</i>
Highbush blueberry	<i>Vaccinium corybosum</i>
Lowbush blueberry	<i>Vaccinium vacillans</i>
Common juniper	<i>Juniperus communis</i>

Add the following new Section 628.D.:

“ 628.D. *Heritage Trees.* (See definition in Article 2)

1. *Heritage Trees shall be preserved and protected to the greatest extent feasible. This Section 628.D. shall not apply to Township-approved forestry. Heritage trees need to be identified on subdivision and land development plans, except within land areas where the plan designates that those land areas are not proposed for any disturbance or tree removal.*
2. *Where any land disturbance is proposed as part of any subdivision or land development application, removal of Heritage Trees shall only be allowed where the Applicant demonstrates to the satisfaction of the Township that such removal is essential to eliminate hazardous condition(s). In consideration of any need for tree removal, the Township may engage the services of an arborist, with the reasonable costs required to be funded by the Applicant.*
3. *Where any applicant for building, zoning, subdivision or land development approval establishes conservation restrictions acceptable to the Township which shall result in the conservation of Heritage Trees, all such Heritage Trees to be retained shall be credited toward any tree replacement required under Section 628.C., at the ratio of four trees credited for each Heritage Tree retained.*
4. *Where any minimum setback line for a dwelling as set forth in the Zoning Ordinance and measured from any applicable lot line is located so as to cause any permissible structure or land disturbance to intrude within the drip line of any Heritage Tree, such setback requirement may be reduced 50% where approved as a modification of this Ordinance if the applicant proves to the Board of Supervisors that such reduction shall minimize intrusion into the drip line of any Heritage Tree as applicable.”*

Part 3. Editorial/Typographic Corrections

Where a section references a section number of the previous zoning ordinance, it shall be interpreted as meaning the applicable section of the current zoning ordinance, as amended.

To correct a typo, on page 48, “502.D” shall be changed to “502.C.”

Wherever the term "Conservation Subdivision", “*Conservation Design*” or "Cluster Development" is used, it shall be changed to "Open Space Development."

Repealer.

Any portions of Township ordinances or resolutions which are clearly in direct conflict with this Ordinance Amendment are hereby repealed.

Enactment.

This Ordinance Amendment is hereby enacted and ordained on this date of _____ and shall become effective in five calendar days.

Chairperson, Board of Supervisors

Attest, Township Secretary

**Draft Boyertown Borough Subdivision
and Land Development Ordinance Amendment**

ORDINANCE NO. _____

*AN ORDINANCE OF BOYERTOWN BOROUGH TO AMEND THE SUBDIVISION
AND LAND DEVELOPMENT ORDINANCE, INCLUDING PROVISIONS
REGARDING DEFINITIONS, SUBMITTAL REQUIREMENTS
AND IMPROVEMENT REQUIREMENTS.*

Under the authority and procedures of the Pennsylvania Municipalities Planning Code, the Borough Council of Boyertown Borough, Berks County, Pennsylvania hereby adopts the following amendment to the Boyertown Borough Subdivision and Land Development Ordinance:

Part 1. Terms and Definitions.

Wherever the term "Department of Environmental Resources" is used, it shall be changed to "Department of Environmental Protection."

To provide consistency with the Zoning Ordinance, delete the following definitions: Comprehensive Plan, Lot Area-Net, Mobile Home, Mobile Home Lot, Mobile Home Park, Multiple Dwelling Building."

Part 2. Article 3.

Add the following to Section 311 regarding Sketch Plans:

- “3.111. Pre-Submission Consultation. Applicants are encouraged to informally discuss their proposals with applicable Borough Staff persons or other Borough officials before preparing engineered plans.
- 3.112. Site Tour. Applicants are very strongly encouraged to cooperate in an on-site tour of the property by Borough officials. This site tour should be scheduled as soon as possible after the applicant has provided copies of a map of existing conditions. At best, this would occur after a sketch plan has been submitted, but before preliminary plans have been completed. This site tour is intended to informally:
 - 3.1121 familiarize Borough officials with the property’s existing features, particularly including scenic views and the site’s relationship to surrounding areas,
 - 3.1122 identify potential site design issues that will need to be addressed, and
 - 3.1123 discuss site design concepts, including the general layout of proposed development and open spaces.
- 3.113. Comments made during the site visit shall not be binding upon the Borough, and no formal action or recommendation shall be made during the site visit.”
- 3.114 Prior to the submission of a Preliminary Plan, applicants are very strongly encouraged to

submit a Sketch Plan. **A Sketch Plan Review often allows an applicant to save substantial time and engineering costs, because many concerns about layout and issues concerning Borough Ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time.**

3.1141 No official action is required on a sketch plan, so it will not delay the submittal of a preliminary plan.”

Part 3. Article 4.

Add the following to sub-section 4.2606:

“The intended disposition of such buildings shall be described, such as whether the building is intended to be renovated, moved or demolished.”

Add the following as a new Section 4.3582:

“4.3582 Water Certification. If water service is proposed by means other than by private individual wells owned by the owner of each lot, the applicant shall present evidence to the Township that the service will be provided by a certified public utility, a bona fide cooperative association of property owners or by a municipal corporation, authority or utility, as permitted by the Borough.

4.35821 This evidence shall include a copy of 1 or more of the following, as appropriate:
a) the "Certificate of Public Convenience" from the PA. Public Utility Commission, b) a copy of an application submitted for such certificate or a cooperative agreement or c) a commitment or agreement to serve the area in question.”

Part 4. Article 5.

Add the following as a new Section 5.23:

“5.23 Street Construction Standards. All street pavements shall comply with the provisions of this Section, except that PennDOT shall determine the construction standard for a State road.

5.231 All materials, construction procedures and other specifications shall be in conformance with the PennDOT Publication 408.

5.232 A 6 inch minimum compacted depth stable sub-base shall be provided, using PennDOT Type 2A aggregate or better, unless the Borough pre-approves an alternative sub-base. The sub-grade shall be properly rolled and crowned.

5.2321 The Borough may require a greater depth where necessary considering the conditions of the sub-grade. Materials that are unsuitable, wet soils and soils subject to frost-heave shall be removed and replaced, drained or otherwise stabilized to handle anticipated loads.

5.2322 The Borough may require field and/or laboratory testing of the sub-grade, particularly if on-site materials are proposed to be used.

5.2323 The Borough may require compaction tests, with the Borough’s costs reimbursed by the developer.

5.233 A 4 inch minimum compacted depth 25 mm Superpave Hot Mix Asphalt Base Course shall be provided. This depth may be decreased to 3 inches if the depth of the sub-base is increased to 8 inches.

- 5.234 A 1.5 inch minimum depth 9.5 mm Superpave Hot Mix Asphalt Wearing Coure or Borough-approved equivalent shall be provided. Such depth shall be 2 inches for a collector street and 3 inches for an arterial street.
- 5.235 Where shoulders are required, PennDOT "Type 3" or better shoulders shall be provided on each side of the travelway. ”

Add a new Section 5.99 as follows:

“5.99 Pathway or Bikeway.

- 5.991. If deemed necessary for the convenient and safe circulation of bicycles and pedestrians, the Borough Council, after a review by the Planning Commission, may require that a subdivision or land development include the construction of a pathway or bikeway.
- 5.992. A bikeway/pathway shall have a minimum width of 6 feet and a maximum width of 12 feet. It may be required to be placed within a street right-of-way in place of a sidewalk, or may be placed elsewhere on a lot within an easement or other right-of-way.”

Repealer.

Any portions of Borough ordinances or resolutions which are clearly in direct conflict with this Ordinance Amendment are hereby repealed.

Enactment.

This Ordinance Amendment is hereby enacted and ordained on this date of _____ and shall become effective in five calendar days.

President of Borough Council

Attest, Borough Manager

Mayor