ORDINANCE NO. 2018-02

AN ORDINANCE OF THE BOROUGH OF ELVERSON, CHESTER COUNTY, PENNSYLVANIA, ENACTING A NEW SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ENTITLED “THE ELVERSON BOROUGH SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 2018”

IT HEREBY IS ENACTED AND ORDAINED by the Borough Council of the Borough of Elverson, as follows:
Approved by the Borough Council of the Borough of Elverson, Chester County, Pennsylvania, and ENACTED into an Ordinance of the Borough Council of the Borough of Elverson this 4th day of September, 2018.

BOROUGH COUNCIL OF THE BOROUGH OF ELVERSON

Dwight J. Frizen, President

Robert C. French, Vice President

John Stewart

J. Robert Clements

Mere Stoltzfus

Douglas H. Hoskins

ATTEST:

Lori Kolb, Secretary

APPROVED: Robert Broderick, Mayor
Elverson Borough
Chester County, Pennsylvania

2018 SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
Adopted September 4, 2018

Elverson Borough Council

Dwight Frizen - President
Bob French - Vice President
Jack Stewart
Bob Clements
Merle Stoltzfus
Doug Hoskins
George Firrantello

Borough Mayor - Bob Broderick

Borough Planning Commission

Dave Stoltzfus – Chairman
Bob Colmery – Vice Chairman
David Hall
John Carroll
Bob Clements

Borough Zoning Update Task Force

Merle Stoltzfus
Dwight Frizen
David Hall
Keith DeWalt
Robert Trout
Robert Clements
Shirley Crehan

Borough Zoning / Code Officer - Kraft Code Services

Borough Engineer - Spotts, Stevens, and McCoy

Borough Solicitor - Yergey-Daylor-Allenbach-Scheffey-Picardi Law Offices

Technical Assistance and Funding

This Subdivision and Land Development Ordinance was prepared by Elverson Borough with technical assistance provided by the Chester County Planning Commission. Funding was provided, in part, through a grant from the Vision Partnership Program sponsored by the Chester County Board of Commissioners. The Ordinance has been prepared in conjunction with the principles of the County’s policy plan, Landscapes, as a means of achieving greater consistency between local and county planning programs.
Elverson Borough Subdivision and Land Development Ordinance

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*September 4, 2018*
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SECTION 101  SHORT TITLE

This ordinance shall be known as and may be cited as "The Elverson Borough Subdivision and Land Development Ordinance of 2018," as may be amended from time to time.

SECTION 102  PURPOSE

The Purpose of this Ordinance is to support the policies (goals and objectives) of the Elverson Borough Comprehensive Plan (2014), as amended, the Elverson Borough Strategic Plan (2012), as amended, and to support and complement the provisions of the Elverson Borough Zoning Ordinance (2018), as amended, and the following purposes:

A. To protect and promote public safety, health, and welfare.

B. To secure sites suitable for building purposes and human habitation while protecting the natural and historic resources.

C. To accomplish coordinated development of the Borough.

D. To provide for the general welfare by guiding and protecting community character and amenities while providing for development of future governmental, economic, practical, social, and cultural facilities; as well as the improvement of governmental processes and functions.

E. To guide uses of land and structures, type and location of streets, public grounds, and other facilities.

F. To permit the Borough to minimize such problems as may presently exist or which may be foreseen.

G. To allow innovative, quality subdivision design.

H. To allow for flexibility in subdivision design.

SECTION 103  AUTHORITY AND SUBDIVISION AND LAND DEVELOPMENT CONTROL

A. Subdivision Control. No subdivision or resubdivision of a lot, tract, or parcel of land shall be affected, and no street, sanitary sewer, storm drain, water main, or other facility in connection therewith shall be laid out, constructed, opened, or dedicated for public use or travel, or for the common usage of the occupants of the buildings abutting thereon, except in strict accordance with the provisions of this Ordinance.

B. Land Development Control. No excavating, filling or grading of the soil, and no construction, demolition, or installation which directly or indirectly disturbs the soil, except in the process of gardening or farming operations, shall be effected, nor shall any structure or building,
whether prefabricated, precut, preassembled, or otherwise, be erected or placed on any lot, tract or parcel of land, except in strict accordance with the provisions of this Ordinance.

C. Sale of Lots, Issuance of Construction or Building Permits, or Erection of Buildings or On-Site Improvements. In a subdivision, no lot may be used or sold, no construction or building permit may be issued, and no building or other structure may be erected, unless and until:

1. a plan for such subdivision has been approved and fully recorded; and

2. a grading plan, including a complete conservation plan for erosion and sediment control, has been duly approved; and

3. until either the required public improvements in connection therewith shall have been constructed; or

4. the Borough has been assured, by means of a proper completion guarantee in the form of an acceptable bond or deposit of funds or securities in escrow sufficient to cover the cost of all required public improvements, as may be established by the Borough Engineer or authorized representative acting on behalf of Borough Council, that such public and on-site improvements will subsequently be installed by the subdivider or owner of the property.

SECTION 104 SCOPE AND INTERPRETATION

A. A subdivision or land development shall be in conformity with this Ordinance and all standards and specifications adopted as part of this Ordinance.

B. In the interpretation and application of the provision of this Ordinance, the said provisions shall be held to be minimum requirements for the promotion and protection of the public health, safety, and welfare. Where the provisions of this ordinance and all standards and specifications adopted under it impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any statute, other ordinance, or regulations impose greater restrictions than this Ordinance, the provisions of such statute, ordinance, or regulation shall be controlling.

SECTION 105 VALIDITY (SEVERABILITY)

Should any Section or provision of this Ordinance be declared by a Court of competent jurisdiction to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of the Ordinance as a whole or any other part thereof.

SECTION 106 JURISDICTION

The Borough Council shall have jurisdiction and control of subdivision and land development within the Borough limits. In order that the actions of the Borough Council under this Subdivision and Land Development Ordinance may be correlated with all relevant data and procedures, Council hereby designates the Borough Planning Commission as the agency of the Borough Council:
A. To which all applications relating to either preliminary or final approval of subdivision and land development plans shall be referred upon submission to Borough Council;

B. With which applicants shall hold all preliminary consultations relating to the plans;

C. Which shall make recommendations to Borough Council concerning approval, disapproval, modification, and conditions of approval of such plans; and

D. Which shall make recommendations to Borough Council concerning the interpretation of and the granting of waivers to the provisions and standards of this Ordinance.

SECTION 107 WAIVERS OR MODIFICATIONS

A. In any case in which an applicant demonstrates to the satisfaction of the Borough Council that literal compliance with any provisions of this Ordinance would be unreasonable, would cause undue hardship as applied to the proposed subdivision or land development, or when alternative standard(s) can be demonstrated to provide equal or better results, in accordance with Section 503(8) of Act 247, the Council may grant a modification or waiver to such provision(s), provided that the spirit and intent of this Ordinance is observed and that the public health, safety and welfare is assured.

B. All requests for a modification shall be in writing and shall accompany and be a part of the application for subdivision or land development. The request shall state in full the grounds and facts upon which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.

C. In granting modifications, the Borough Council may impose such conditions as will, in its judgement, secure substantially the objectives of the standards and requirements so modified.

SECTION 108 OVERVIEW OF PLAN REVIEW PROCESS

The purpose of this section is to review all steps in the plan preparation, submission and review process, to enable applicants to easily follow the process established by Elverson Borough, and thereby avoid unnecessary expense or delay. References in this Section are instructive only and nothing in this section shall be construed as preempts or waiving any other applicable provision of this ordinance.

A. Preliminary Steps.

1. The applicant shall review the Elverson Borough Comprehensive Plan, the Open Space & Recreation Plan, the Sewage Facilities Plan, the Strategic Plan, and the Zoning Ordinance prior to initiation of any application for plan approval.

2. While optional, it is strongly recommended that the applicant an informal discussion of potential subdivision or land development plans with representatives of the Elverson Borough Planning Commission and other Borough Boards/ Committees as appropriate, to facilitate familiarity and understanding of community planning objectives, prior to initiation of any formal application for plan approval.
3. Site Analyses. It is recommended that the applicant carefully review the specific Site Analysis Plan requirements in Article V, and become familiar with the subject property in the context of required site analyses.

B. Sketch Plan Submission and Review.

The Sketch Plan submission and review process comprises a period of informal discussion between the applicant and the Elverson Borough Planning Commission. It is an important part of the plan approval process. The Sketch Plan process aims to reconcile individual and community planning objectives, to demonstrate general feasibility of proposed development, and to resolve critical planning issues prior to undertaking of full scale engineering. Early resolution of critical planning issues can avoid expensive revisions later in the process. Sketch Plan submission does not constitute official submission of a plan to the Borough. Where appropriate, a Sketch Plan also may be submitted to the Chester County Planning Commission for informal review and comment.

1. Sketch Plan Submission Requirements. Formal submission requirements are not prescribed for Sketch Plans. The applicant is requested to abide by the requirements of Section 401 to the greatest degree feasible, in terms of scale and level of detail of information.

2. Site Analyses. It is strongly recommended that Sketch Plan submissions be accompanied by Site Analyses including all information required under Article V, as available at the time of Sketch Plan submission. Where required, information submitted in the course of application for conditional use approval may serve the purposes of Sketch Plan submission.

3. At least one (1) week prior to the first meeting of the Borough Planning Commission at which the applicant requests sketch plan discussion, the applicant shall supply the Borough with four (4) or more copies of Sketch Plans and accompanying Site Analyses, in accordance with Section 303.C.

4. Site Visit. It is recommended that the applicant seek to schedule a site visit with representatives of the Planning Commission and other Borough Boards and Committees as applicable, to familiarize all parties with potentially diverse development and community planning objectives in accordance with Section 302.C.

5. Planning Commission Review. The Planning Commission and/or a subcommittee thereof shall be available to review and discuss sketch plan(s) with the applicant at mutual convenience. Following such review/discussion, the Planning Commission shall, at regularly scheduled meetings as needed, make recommendations to the applicant, in accordance with Section 304 offering direction to his/her formal preliminary plan preparation and submission.

C. Preliminary Plan Submission and Review. The Preliminary Plan review and approval process is dedicated to demonstration of the feasibility of proposed development to fully comply with all applicable regulations. It may involve extensive survey, engineering, soils testing and other environmental investigation to fully resolve critical planning issues. Thus, it is recommended that the applicant submit preliminary plans for review only after satisfactory
resolution of basic planning concerns and establishment of general feasibility of
development through the Sketch Plan Process (Subsection B, above).

1. Filing and Review Fees. Submission of the Preliminary Plan shall not be deemed
   complete unless accompanied by required filing and review fees in accordance with
   Section 902.

2. Preliminary Plan Submission Requirements. Preliminary Plan submission shall conform
to the requirements of Section 304 and shall include the following:
   a. Site Analyses in accordance with the provisions of Article V.
   b. Subdivision/Land Development Plans.
   c. Storm Water Management Plan, per the Borough Stormwater Ordinance.
   d. Erosion/Sedimentation Control Plan, per Section 402.C.5.
   e. Grading Plan, per Section 402.C.6.
   f. Landscape Plan, per Section 609.B.
   g. Preliminary Open Space Management Plan, in accordance with Section 1226.F.3. of
      the Elverson Borough Zoning Ordinance, where applicable.

3. The applicant shall submit multiple copies of all plans and other submission in
   accordance with Section 304.D.

4. Documentation, as required under Section 402.C, shall be referred by the Borough to
   the Planning Commission, with copies distributed in accordance with Section 304.E.

5. Preliminary Plan Review.

   The Preliminary Plan and all required supplementary documentation will be reviewed in
   accordance with Sections 304.F. and 304.G. The Planning Commission will review the
   Plan and consider comments received from other reviewing parties/agencies and make
   recommendation for approval, conditional approval, or denial to the Borough Council.
   The Council will review the Plan, consider all recommendations and approve,
   conditionally approve, or deny approval of the Plan. Council action will occur within
   ninety (90) days following the date of the regular meeting of the Planning Commission
   next following the date of the initial submission of the complete Preliminary Plan, unless
   the applicant has granted an extension. When the next regular meeting of the Planning
   Commission occurs more than thirty (30) days following the submission of the complete
   Preliminary Plan, the ninety (90) day period shall be measured from the thirtieth day
   following the day the Plan is submitted.

   It is possible that plan revisions will be made during the course of preliminary plan
   review. Substantial revision to submitted plans may be deemed to constitute a new
   submission. Where the Borough and the applicant agree that revised plans may be
   considered as a continuation of original plan submission, the applicant shall submit to
   the Borough a written description of any substantive changes which have been made to
   originally submitted plans.

D. Final Plan Submission and Review. The Final Plan is intended to finalize all planning issues
   and ensure provision for appropriate documentation and performance and financial
   guarantees. As required under Section 305.C, the Final Plan shall be submitted within one
(1) year of approval of the Preliminary Plan, unless extended by the Borough Council upon written request; the Final Plan shall substantially conform to the approved Preliminary Plan.

1. Filing and Review Fees. Submission of the Final Plan shall not be deemed complete unless accompanied by any filing and review fees as may be required in accordance with Section 902.

2. Final Plan Submission Requirements. Final Plan submission shall conform to the requirements of Section 305.C. and shall include the following:
   a. Site Analyses in accordance with the provisions of Article V (Site Analyses submitted with the Preliminary Plan may suffice).
   b. Subdivision/Land Development plans.
   c. Subdivision and Land Development Improvements Agreement, including Offer(s) of Dedication, if any, as per Section 706.
   d. Storm Water Management Plan, in accordance with the Borough Stormwater Ordinance.
   e. Erosion/Sedimentation Control Plan, per Section 403.C.2.
   f. Grading Plan, per Section 403.C.2.
   g. Landscape Plan, per Section 403.C.1.
   h. Final Open Space Management Plan, where applicable.
   i. Documentation of Covenants and Restrictions, Easements, Establishment of Homeowners Association, etc., as applicable.

3. The applicant shall submit multiple copies of all plans and other submission documentation to the Borough which shall be distributed in accordance with Section 305.H.

4. Final Plan Review. The Final Plan and all required supplementary documentation will be reviewed in accordance with Section 305.I. The Borough Council will review the Plan, consider all recommendations and approve, conditionally approve, or deny approval of the Plan. Council action will occur within ninety (90) days following the date of the regular meeting of the Planning Commission next following the date of the initial submission of the complete Final Plan, unless the applicant has granted an extension. When the next regular meeting of the Planning Commission occurs more than thirty (30) days following the submission of the complete Final Plan, the ninety (90) day period shall be measured from the thirtieth day following the day the Plan is submitted.

5. Performance Guarantees. Prior to final approval of the Final Plan, the applicant shall guarantee installation of all required improvements in accordance with Article 7. Performance guarantees may be released during and/or upon completion of improvements as stipulated in Article 7.

6. The applicant shall provide for formal dedication and for maintenance guarantee(s) for improvements and/or lands offered to the Borough in accordance with Sections 706 and 708.

7. Recording of Final Plan. The applicant shall file the Final Plan with the Chester County
Recorder of Deeds within ninety (90) days of final approval, in accordance with Section 307.

SECTION 109    REPEALER

All Ordinances and part of Ordinances inconsistent herewith are hereby repealed to the extent that such ordinances or parts of ordinances are inconsistent herewith. The Borough of Elverson Subdivision and Land Development Ordinance of 1998, and subsequent amendments thereto, are hereby specifically repealed.
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ARTICLE 2
Definitions

SECTION 201  DEFINITIONS AND WORD INTERPRETATION

Unless otherwise expressly stated, the following words shall be construed throughout this Ordinance to have the meaning set forth in this Article.

A. Words used in the present tense include the future.
B. The singular includes the plural and the plural the singular.
C. The masculine gender includes the feminine and the neuter.
D. The words “shall” and “must” are mandatory.
E. The word “may” is optional.
F. The words “district” and “zone” shall be synonymous.
G. The word “used” shall include the words “arranged”, “designed”, or “intended to be used”.
H. The word “person” includes an individual, corporation, partnership, public or private association or corporation, firm, trust, estate, governmental unit, or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
I. Where terms, phrases, or words are not defined, they shall have their ordinarily accepted meaning or such as the context may imply.

SECTION 202  DEFINITIONS

For the purposes of this Ordinance and the Subdivision Ordinance, the following words and phrases shall have the meanings given to them in this Article:

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Act 209. Act 209 of 1990, as now and hereafter amended, as it relates to Traffic Impact Studies.


Adult. An individual considered in the law to be an adult, that is, a person of a minimum of eighteen (18) years of age.

Adult Use. Any adult bookstore, adult cabaret, or adult mini-picture theater, as defined herein and which, under the Pennsylvania Obscenity Code, must exclude minors or may not knowingly disseminate to minors.

A. Adult Bookstore. An establishment, having as a substantial or significant portion of its stock in trade, whether for sale or rental, books, magazines, novelties, or other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" as defined herein.

B. Adult Cabaret. A cabaret, tavern, theater, or club which features strippers, male or female impersonators or similar entertainers who exhibit, display, or engage in obscenity, sexual conduct or sadomasochistic abuse, as defined in the Pennsylvania Obscenity Code.
C. **Adult Mini-Motion Picture Theater.** An enclosed building offering video presentations distinguished or characterized by an emphasis on matters depicting, describing or relating to "specified sexual activities" for observation by patrons within private viewing booths and/or by use of token or coin operated projectors or other video machines.

D. **Adult Theater.** Any business, indoor or outdoor, which exhibits a motion picture show or other presentation which, in whole or in part, depicts obscenity, sexual conduct or sadomasochistic abuse as defined in the Pennsylvania Obscenity Code.

**Age-restricted Retirement Facility.** Housing and/or a facility designed and operated for mature adults, which meets the definition of “housing for older persons” as set forth in the Fair Housing Amendments Act of 1988, as amended, that may offer one or more levels of assistance, including but not limited to independent living, assisted living, and skilled nursing and may offer a continuum of housing (single family detached, attached, multifamily, etc.), services and health care systems, all in one building, campus, or on a site. Such housing units and/or facilities are operated for adults, generally fifty-five (55) years old or older, that may include one or any combination of the following:

A. **Independent Living.** Provides attentiveness for seniors who can essentially take care of themselves but need someone to sporadically check on them or be on call for certain needs. Independent living may take place in a congregate facility (communal setting), apartments, or facility where there are independent living units (single family detached, two-family, or multi-family dwellings) which may be rental assisted or market rate housing.

B. **Assisted Living.** Typically involve a congregate facility (communal) or apartment style facility designed to focus on providing assistance with daily living activities. Assisted living provides a higher level of service than Independent Living, which may include preparing meals, housekeeping, dressing, bathing, medication assistance, laundry, and regular check-ins on the residents. Assisted living is designed to bridge the gap between independent living and skilled nursing home facilities.

C. **Skilled Nursing (Nursing Home).** Traditionally considered as a “nursing home” typically in a congregate facility (communal) setting that provides medical nursing service for residents with serious illnesses or disabilities twenty-four (24) hours a day where patients generally rely on assistance for most or all daily living activities. These facilities require state and federal licenses in order for them to provide care by registered nurses, licensed practical nurses, and certified nurse aids.

**Agricultural Animal (Livestock).** Animals raised as a part of a commercial agricultural operation for sale, the production of other products, work animals, or for recreation, including but not limited to horses, mules, cattle, oxen, sheep, goats, pigs, and poultry.

**Agriculture (Farm).** The cultivation of soil and the raising and harvesting of the products of the soil, including nurseries, horticulture, commercial greenhouses, forestry, dairy farming, or growing crops, and the raising of livestock, horses, and poultry not to exceed a combined total of one thousand (1,000) pounds per acre, or one (1) animal equivalency unit (AEU) per acre, but excluding intensive agriculture. Agriculture also includes aquaculture.

**Agriculture, Intensive.** Agriculture uses involving the processing or production of agricultural products with a certain density which meet with the Environmental Protection Agency’s definition for Concentrated Animal Feeding Operations (CAFOs) or the Commonwealth of
Pennsylvania’s definition for Concentrated Animal Operations (CAOs) depending upon which type of operation is in place or a mushroom production facility, composting facility, or slaughterhouse.

**Alley.** A minor right-of-way providing secondary vehicular access to the side or rear of two (2) or more properties. See also Street.

**Alteration.** A rearrangement, renovation, relocation, or enlargement of any building, structure, or sign, including any change of use classification.

**Applicant.** A landowner or developer, as herein defined, who has filed an application for development including their agents, heirs, successors, and assigns.

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

**Athletic Equipment Sales and Repair Shop.** A store involved in the retail sales and repair of athletic equipment such as camping equipment, bicycles, skis, snowboards, kayaks, paddleboards, rock climbing equipment, snowshoes, field sports equipment (soccer, football, baseball), and similar equipment.

**Area and Bulk Regulations.** Provisions which regulate individual lot sizes and the spatial arrangement of structures within individual lot boundaries including, but not limited to, required minimum yards, building height restrictions, and maximum building and lot coverage.

**Bank or Financial Institution.** Any building wherein the primary occupation or use is concerned with such business as banking, savings and loan associations, credit unions, loan companies, mortgage companies, or investment companies.

**Basement.** An area of the building having its floor below ground level.

**Bed and Breakfast Establishment.** An accessory use to a dwelling unit in which temporary lodging accommodations are provided to transient persons for compensation, including the serving of meals.

**Block.** An area of land or lots bounded by streets.

**Borough.** The Borough of Elverson, Chester County, Pennsylvania.

**Borough Council.** The Borough Council of Elverson Borough, Chester County, Pennsylvania.

**Buffer (Buffer Yard).** An area to be used and maintained as a horizontal physical barrier between uses and/or where otherwise specified, consisting of a strip of land maintained to separate parcels or uses of land in conjunction with associated landscaping and screening, where required, that may include, but not be limited to, a berm, fence, wall, or vegetative plantings.

**Builder.** The person(s) responsible for the erection of any improvement or part thereof, whether such person be the applicant or otherwise.
Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.

Building, Principal. A building in which is conducted the principal use of the lot on which it is situated.

Building Code. The most current version of the building code adopted by the Borough of Elverson. (See UCC)

Building Code Official. An official appointed and authorized by the Elverson Borough Council to undertake official Borough actions including, but not limited to, the receipt, approval, and serving of Borough permits, enforcing the UCC, and other business, which shall include, but not be limited to, the Borough Zoning Officer, Building Code Official, Code Officer, and other officials as appointed by Borough Council.

Building Coverage. The ratio of the total ground floor area of all buildings on a lot to the total area of the lot on which they are located. The percentage of the lot area covered by buildings. See Figure 2-19

Building Envelope. The remaining area within a lot, inside of the minimum required yards, where a principal structure may be built, in compliance with maximum building coverage and building height requirements in the zoning districts of this Ordinance. See Figure 2-19

Building Footprint. The total ground floor area of a building.

Building Height. A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof, provided that chimneys, spires, towers, elevator penthouses, and similar projections shall not be included in calculating the height. See Figure 2-1

Building Length. The horizontal measurement of any continuous building wall.

Building Line. A line passing through the point of a building or structure nearest to the front lot line, parallel to such line and at a distance therefrom established by the actual location of the building or structure; the building line may be the same as the required minimum front yard or may be farther from the front lot line, but shall not be closer to the front lot line than the required minimum front yard. See Figure 2-19

Building Permit. A statement issued and signed by the Building Code Official, or other duly authorized agent of the Borough of Elverson, which authorizes the erection, construction, alteration, conversion, replacement, diminution or enlargement of a building or structure. The statement should indicate that the proposed activity complies with the applicable Borough Codes and Ordinances.

Bulk. A term used to describe the size of buildings or other structures and their relationship to each other, to open areas such as yards and or lot lines and includes: the size, height and floor area of a building or other structure; the relation of the number of dwelling units in a residential building to the area of the lot (density); and, all open areas in yard space relating to buildings.
and other structures in accordance with the area and bulk requirements and other applicable requirements of this Ordinance.

**Caliper.** The diameter of a tree trunk measured six (6) inches above the ground for trees up to and including four (4) inch caliper and measured twelve (12) inches above the ground for trees larger than four (4) inch caliper. See Figure 2-2.

**Cartway.** That portion of a street between faces of curbs or which is paved or otherwise intended for vehicular use.

**Cemetery.** Land used or intended to be used for the burial of bodies or cremated remains thereof, including columbariums and mortuaries when operated in conjunction with and within the boundary of such cemetery.

**Certificate of Use and Occupancy.** A statement signed, issued, and administered by the Building Code Official, or other duly authorized agent of the Borough, upon completion of construction of a new building or upon change or conversion of a structure or use of a building, which establishes that a building or use complies with all requirements and regulations as provided in this Ordinance and other applicable codes, and that the same may be occupied or used for the intended use.

**Clear Sight Triangle.** An area of unobstructed vision at street intersections defined by lines of sight between points at given distances from the intersection of street center lines in accordance with the Multimodal Circulation Handbook for Chester County, PA.

**Commercial Use.** A use of land or improvements thereto for the purpose of engaging in retail, wholesale, or service activities for profit.

**Community Facilities.** The services that provide for various community health, education, safety, leisure and like needs and the locations at which these services are provided. Typical community facilities include: schools; parks and recreation areas; libraries; hospitals and other health care facilities; public water and sewer facilities; fire protection; police, ambulance and rescue services; municipal buildings; and postal services.

**Comprehensive Plan.** The Comprehensive Plan of the Borough of Elverson, Chester County, Pennsylvania, as adopted and amended from time to time.

**Condominium.** A type of ownership, and not a type of use, wherein each commercial, industrial, office, apartment or townhouse unit is owned in fee, while the land and such appurtenances as driveways, parking areas, sidewalks, landscaping, swimming pools and other recreational facilities, street lighting, heating, facilities, entrance lobbies, halls, elevators and on-site utilities remain under the ownership, with full responsibility for maintenance, of the developer, or any corporation holding title to such land and appurtenances including a property owner’s association made up of the owners, subject to the provisions of the Pennsylvania Uniform Condominium Act of 1980, as now and hereafter amended.

**Congregate Care.** An Age Restricted Retirement Community or part thereof, where permitted, which shall be limited by deed or by lease where applicable, for providing lodging or boarding for compensation to adult individuals and/or couples, one of whom is at least fifty five (55) years
or older, and who do not have resident dependent children living in a single structure or
structures that contain multiple dwelling units and related facilities (foyer, management, dining,
recreation, etc.). A congregate care facility may include nursing care to sick, invalid, infirm,
disabled or convalescent persons.

**Conservation Plan.** A plan for the conservation of precipitation and soils meeting the standards
established and revised from time to time by the Pennsylvania Department of Environmental
Protection, the Chester County Soil and Water Conservation District and by the Natural

**Construction.** The erection, modification, or alteration of any structure. Limited disturbance to
soil or vegetation associated with the entering upon the premises for purposes of surveying,
staking, or to obtain necessary data on existing conditions shall not be deemed “Construction.”

**Conversion.** An alteration of a building, structure or land by change of use, theretofore existing,
to a new use.

**Council.** Borough Council of Elverson Borough, Chester County, Pennsylvania.

**Crematory.** A place where bodies are consumed by incineration and the ashes of the
deceased are collected for permanent burial or storage in urns.

**Curbl ine.** The outer edge of a cartway.

**Cur b.** A stone, concrete, or pavement boundary usually marking the edge of a roadway,
cartway, or paved area.

**Curb Cut.** A gap in a curb to enable vehicular access to a driveway or alley or for a sidewalk or
pedestrian facility.

**Curve, Horizontal.** A transition between two tangent strips of roadway, allowing a vehicle to
negotiate a turn at a gradual rate rather than a sharp cut.

**Curve, Vertical.** A transition between two sloped roadways, allowing a vehicle to negotiate the
elevation rate change at a gradual rate rather than a sharp cut.

**Cut.** A portion of land surface from which soil, rock, and other materials have been removed or
will be removed by excavation.

**Day Care.** A facility which, on a daily basis, exclusively provides supplemental care and
supervision and/or instruction to children or adults who are not all related to the care giver or
operator, where tuition, fees or other forms of compensation are charged, whether
governmentally subsidized or not, and which is licensed or approved to dispense such care by
the Commonwealth of Pennsylvania, and whether operated for profit or not-for-profit. The
following definitions are included herein but, where applicable, are subject to change by the PA
Department of Public Welfare and/or Department of Aging, which shall prevail in the case there
is a conflict:
A. Home Occupations:

1. **Family child day care home.** A location other than the child's own home, operated for profit or not-for-profit, in which child day care is provided at any one (1) time to four, five or six (4, 5, or 6) children unrelated to the operator. A family child day care home shall have a certificate of registration from the PA Department of Public Welfare in order to legally operate. This use is typically a home occupation.

2. **Group child day care home.** A premises in which care is provided at one (1) time for more than six (6) but fewer than sixteen (16) older school-age level children or more than six (6) but fewer than thirteen (13) children of another age level who are unrelated to the operator. The term includes a facility located in a residence or another premises. A group child day care home shall have a certificate of compliance (“license”) from the PA Department of Public Welfare in order to legally operate. This use is typically a home occupation.

3. **Home Child Day Care.** This is home occupation serving less than four (4) children unrelated to the homeowner, falling below the number of children requiring a license or registration required by the PA Department of Public Welfare.

B. **Day care center (Commercial Day Care).** A premises in which care is provided at any one (1) time for seven (7) or more children or adults unrelated to the operator. A day care center shall have a certificate of compliance (“license”) from the PA Department of Public Welfare in order to legally operate. This use is typically a non-residential use.

C. **Day-care center, Adult.** A premises operated for profit or not-for-profit in which older adult daily living services are simultaneously provided for nonresident clients who are not relatives of the operator for part of a twenty-four-hour day. Services provided to clients may include nursing, personal care, nutrition, social services, activities, and emergency care as defined by the Pennsylvania Department of Aging. Adult day-care centers are regulated by the Pennsylvania Department of Aging. This use is typically a non-residential use.

**Diameter at Breast Height (DBH).** The outside diameter of a tree at breast height which is defined as four and one half (4.5) feet (one and thirty-seven one-hundredths of a meter (1.37 m)) above the forest floor on the uphill side of the tree. See Figure 2-3

**Demolition.** Any act of pulling down, removing, dismantling, or razing a substantial portion of a structure or building. Substantial portion shall mean fifty (50) percent of the volume of the structure, building, or the roof structure.

**Density.** The number of dwelling units (du) per net or gross acres (#du/acre).

**Density, Gross.**

A. The numerical value obtained by dividing the total number of dwelling units on a tract by the total tract area expressed in dwelling units per acre.
B. The following definition is specific to Section 1226 of the Borough Zoning Ordinance: The total area within the title lines of a lot or tract divided by the total number of dwelling units existing and/or to be constructed thereon, expressed in dwelling units per acre, such area including internal streets having rights-of-way not over fifty (50) feet in width, common open space, permitted commercial uses, and all land devoted to residential use, but excluding exterior street rights-of-way and internal streets having rights-of-way greater than fifty (50) feet in width.

Density, Net.

A. The numerical value obtained by dividing the total number of dwelling units on a tract by the tract area minus easements, applicable natural resources in accordance with this ordinance, and street rights-of-way, expressed in dwelling units per acre.

B. The following definition is specific to Section 1226 of the Borough Zoning Ordinance: The number of dwelling units per acre, within only that portion of the lot or tract devoted to any one (1) particular housing type, including the yards, off-street parking and driveway facilities directly serving those particular dwelling types but excluding common open space, permitted commercial uses, public streets and other community facilities.

Detention Basin. An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate to cause the deposition of sediment and to retard the velocity and rate of surface flows leaving as a means of preventing erosion. Detention basins are designed to drain completely shortly after any given rainfall event.

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

Development. Any man-made change to improved or unimproved real estate including but not limited to the construction, reconstruction, renovation, repair, expansion, or alteration of buildings or other structures; the placement of manufactured homes; streets and other paving, utilities, filling, grading and excavation, mining, dredging, drilling operations, storage of equipment or materials, and the subdivision of land.

Disrepair (Vehicular). A vehicle with missing parts or pieces that would be obvious to a casual observer, however disrepair does not indicate an implied state of aesthetics. For example, an automobile missing a fender, hood, wheels, a door, or having major damage that would imply the automobile is non-functional or in disrepair would fit this definition; however an automobile with faded paint, scuffs, scratches, or other minor, superficial, or otherwise aesthetic imperfections would not be considered in a state of disrepair.

District, Base. A zoning district designated by this Ordinance and whose boundaries are depicted on the Zoning Map for the Borough of Elverson.

District, Overlay. A zoning district designated by this Ordinance and whose boundaries are depicted on the Zoning Map for the Borough of Elverson, apply only to specific designated areas, or for certain features as determined by the text of this Ordinance and delineated in Article 3, Establishment of Districts of the Borough Zoning Ordinance.
Diversions. A channel or ditch and embankment constructed across a sloping land surface, either on the contour or at predetermined gradient, to intercept and divert stormwater before it gains sufficient volume or velocity to scour or cause harmful erosion.

Domesticated Animals. Any of various non-farm (agricultural) animals, typically kept for personal enjoyment or companionship not raised for food, fur, or monetary gain, that have been tamed and made fit for a human environment and are generally kept inside the primary residence. Domestic animals are generally considered “pets”, and are generally smaller animals including, but not limited to dogs, cats, hamsters, rabbits, turtles, and fish but not fowl, herd animals, goats, cattle or horses or any exotic pets precluded by other laws or ordinances.

Domesticated Animal Shelter. A small accessory structure that provides a temporary outdoor shelter for a domesticated animal.

Drainage. The flow of water or other liquid and the means of structures for directing such flow, whether surface or sub-surface, and whether natural or artificial.

Drip Line. A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points. See Figure 2-4

Driveway, Private. That portion of a lot which is intended for vehicular use and which is privately owned, whether paved or unpaved.

Drive-Through. An accessory use to an establishment which by design, physical facilities, service or by packaging procedures, encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

Dump. Any lot upon which trash, debris and other refuse are periodically and illegally deposited; not a permitted use.

Dwelling, Principal. The primary use of a parcel in a residential zoning district.

Dwelling Unit. A single unit providing complete independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling Unit Types. Dwelling units may be arranged in the following manner. See Figure 2-5:

A. Single Family Detached. A building providing one (1) dwelling unit used exclusively for occupancy by one (1) family with building having independent access and yards on all four (4) sides of the dwelling: two (2) side yards, one (1) front yard, and one (1) rear yard.

B. Two-Family Dwelling. A building designed for and containing two (2) independent dwelling units, each with separate access and separated by a party wall. Two-family Dwellings may be referred to in one (1) of the following two (2) configurations or some other similar arrangement:

1. Twin. A building consisting of two (2) attached buildings (semi-detached) each containing one (1) independent dwelling unit separated by a vertical party wall and each
dwellingle unit existing on a separate lot. Each dwelling unit has one (1) side yard opposite
the side with the party wall, one (1) front yard, and one (1) rear yard. Dwelling units
could be considered “side by side.”

2. **Duplex.** One (1) building consisting of two (2) dwelling units separated by a horizontal
floor/ceiling assembly on the same lot. Dwelling units could be considered “over-under.”

C. **Multi-Family.** A building containing three (3) or more dwelling units. Multi-family units may
be arranged in the following configurations: townhouses, apartment building, mixed use.

1. **Townhouse.** A single-family attached dwelling unit in a row of a minimum of three (3)
attached units in which each dwelling unit has independent access to the outside, there
is only one (1) dwelling unit from ground to roof, and each dwelling unit is separated
from any other dwelling unit by one (1) or two (2) vertical fire-resistant party wall(s).
Dwelling units with two (2) party walls have no side yards and end units have one (1)
side yard opposite the side with the party wall. Townhouses may or may not exist on
independent lots.

2. **Apartment Building.** A building or part of a building containing three (3) or more
independent dwelling units for rent, separated by party walls, regardless of configuration.
Each dwelling unit has independent access, however, in some cases access to the
outside may be accomplished by a common hallway in accordance with building codes
and fire regulations.

D. **Mixed Use.** Dwelling unit(s) above or behind a non-residential use within the same building,
physically separated from any other dwelling unit or non-residential use. Each dwelling unit
shall have independent access to the outside, however, in some cases access may be
accomplished by a common hallway for dwelling units in accordance with building codes
and fire regulations. The outside access shall be separate from the access for the
associated non-residential use. Mixed use may qualify as multi-family where there are three
(3) or more dwelling units.

E. **Residential Conversion.** A change in residential use from one (1) single-family dwelling
unit to no more than three (3) dwelling units in the same building. One (1) unit shall be
considered a principal use owned and occupied by the owner of the property while the
second or third unit may be rented or leased.

F. **Apartment.** A dwelling for a single family that may occur in one of several variations,
including, but not limited to, apartments above or behind nonresidential uses (mixed use),
conversion of a single family detached dwelling to apartments (residential conversion), or an
apartment building (multi-family).

**Figure 2-5: Dwelling Unit Types**

| A. Single Family | B.1 Twin | B.2 Duplex | C.1 Townhouse | C.2-3 Multi-Family/Apartment |
**Earth Disturbance (or Earth Disturbance Activity).** A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing; grading; excavations; road maintenance; land development; building construction; and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

**Easement.** An interest in land owned by another that entitles the holder of the easement to a specific use or enjoyment of the land.

**Educational Use.** Use of land or building or buildings for the establishment and maintenance of a public or private college, secondary or elementary school, or other educational institution for the academic instruction but not including an institution or organization directed primarily to the physical training or development of physical or manipulative skills.

**Electric Substation.** Buildings, or structures and equipment erected and used for the purpose of transmission, switching or transforming of electrical current between customers and the Utility Company facilities, not including the storage of materials, trucks, repair facilities or housing of repair crews, such buildings or structures being effectively screened to blend the installation with the surrounding landscape.

**Enlargement.** An enlargement is an addition to the floor area of an existing building, an increase of size of another structure, or an increase in that portion of a lot occupied by an existing use.

**Engineer.** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Elverson Borough, its planning commission or authority.

**Erosion.** The process by which soils, vegetation, and man-made materials on the earth's surface are worn away by action of water, wind, frost, or a combination of such actions.

**Façade.** Any exterior face or front of a building.

**Family.** The Zoning Officer or other official Borough representative shall have the authority to determine whether a group of individuals is living together as the functional equivalent of a family for purposes of this Section.

A. A single person occupying a dwelling unit.

B. Any number of persons related by blood, marriage or adoption, including foster children and including not more than two (2) other persons, for example, boarders, lodgers or domestic help.

C. Not more than three (3) unrelated persons living together as a single cooperative household unit.

D. A group of individuals with disabilities living together as the functional equivalent of a family and entitled to a reasonable accommodation to allow them adequate housing choices pursuant to the Federal Fair Housing Amendments Act of 1988 (42 U.S.C.§§ 601 et. seq.) and the Pennsylvania Human Relations Act (43 P.S. §§ 951-963).
Fill. Any earth, sand, gravel, rock, inorganic material, or any other material, except landscape plantings or other customary landscape materials, which is deposited, or moved to a new location, including conditions resulting therefrom.

Floodplain Ordinance. The most current version of the Floodplain Ordinance adopted by the Borough.

Floor Area. Floor area as defined by the most current building code adopted by the Borough (UCC).

Floor Area, Gross. Gross floor area as defined by the most current building code adopted by the Borough (UCC).

Forestry/Timber Harvesting.

A. The management of forests and woodlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

B. Planning and activities necessary for the management of forest or woodlands. These include timber inventory, preparation of forest management plans, silviculture treatment, cutting budgets, logging road design and construction, timber harvesting, site preparation, and reforestation.

Glare. Excessive brightness in the field of view that causes loss in visual performance, so as to jeopardize health, safety or welfare. Light caused by either the direct viability of an exposed light source or by the reflection of a light source that is sufficient to cause discomfort or loss in visual performance or visibility.

Glare, Direct. Illumination beyond property lines caused by direct or specularly reflected rays from incandescent, fluorescent, or arc lighting, or from such high temperature processes as welding, petroleum or metallurgical refining.

Governing Body. Shall mean the Elverson Borough Council, Chester County, Pennsylvania.

Grade, Existing. The elevation, relative to a given datum, of the ground surface prior to any excavation or fill.

Grade, Finished. The elevation, relative to a given datum, of the ground surface after completion of any excavation or fill.

Grade, Proposed. The elevation, relative to a given datum, of the ground surface proposed to be achieved by excavation or fill.

Grading Plan. A plan to scale showing existing and proposed buildings and other structures, as well as existing and proposed contours at sufficient intervals to indicate any proposed change to existing grade and to define swale location, depth, gradient, and general slope of the ground.

Grading. The changing of the surface of the ground by excavation, filling, or combination of the two; the act of moving earth.
**Gross Sales/Service Area.** That portion of a nonresidential use that is used for display or sale of products, purchasing/transactions, sales/service offices, meeting rooms, public restrooms, or customer service areas that are intended for or open to and available to customers/patrons. Areas restricted from or not intended for customers including but not limited to storage areas, areas for employees where customer access is restricted (breakrooms/restrooms), and offices where customer service or interaction is not intended are not included in gross sales area.

**Group Care Facility.** A facility providing shelter, counseling, and other rehabilitative services in a family-like environment that may include minimum supervisory personnel, as required to meet standards of the licensing agency. A group care facility shall be licensed and/or approved if and as required by the appropriate agency. A group care facility shall be permitted within and considered a single-family detached dwelling.

**Guarantee, Completion.** An acceptable bond or funds in escrow, sufficient to cover the complete cost of required improvements, as estimated by the Borough Engineer, or other qualified person designated by Borough Council.

**Guarantee, Maintenance and Performance.** An acceptable bond or funds in escrow sufficient to cover maintenance costs of a given facility and to sustain operation of said facility to appropriate standards for a length of time to be determined by Borough Council. Appropriate standards and costs shall be determined by the Borough Engineer or other qualified person designated by the Borough Council.

**Hedgerow.** A linear plant community dominated by trees and/or shrubs. Hedgerows often occur along roads, fencelines, property lines, or between fields, and may occur naturally or be specially planted (e.g., as a windbreak).

**Historic Resource.**

A. Any building, wall, bridge, structure, road, trail, quarry, archeological site or cultural artifact listed on the National Register of Historic Places or identified as contributing in the nomination to the National Register of Historic Places for the Elverson Historic District, or identified in the Chester County Historic Sites Survey.

B. A structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior.

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   a. By an approved state program as determined by the Secretary of the Interior.
b. Directly by the Secretary of the Interior in states without approved programs.

**Homeowners Association.** A non-profit organization comprised of homeowners or property owners, planned and operated under negotiated and approved rules and regulations, for the purpose of administering the needs of residents, subject to the provisions of the Pennsylvania Uniform Planned Community Act of 1996.

**Home Occupation.** An accessory use constituting entirely or partly the livelihood of person(s) living in a dwelling unit, when in accordance with Section 1213 of the Borough Zoning Ordinance.

A. Minor home occupation (No-Impact home based business). A business or commercial activity administrated or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with the residential use. (MPC Section 107)

B. Major home occupation. A major home occupation exceeds the minimum requirements of a no-impact home based business, for example a home occupation that includes employees that are not residents of the dwelling unit in which the home occupation is located.

**Hospital.** An institution specializing in giving clinical, temporary, and emergency services of a medical or surgical nature to human patients and injured persons, and licensed by state law to provide facilities and services in surgery, obstetrics, and general medical practice. A hospital is typically capable of and permitted to provide twenty-four (24) hour emergency services or overnight lodging of patients.

**Hotel.** A facility offering transient lodging accommodations to the general public and providing additional services or accessory uses including but not limited to restaurants, meeting rooms, and recreational facilities made available to patrons.

**Illumination.** Quantity of light, measured in footcandles.

**Impervious Cover or Coverage.** A surface that has been compacted or covered with a layer of material so that it prevents or is resistant to infiltration of water, including but not limited to: structures such as roofs, buildings, storage sheds; other solid, paved or concrete areas such as streets, driveways, sidewalks, parking lots, patios, decks, swimming pools, tennis or other paved courts; or athletic playfields comprised of synthetic turf materials. Compacted soils or stone surfaces used for vehicle parking and movement shall be considered impervious. Surfaces that were designed to allow infiltration (i.e. areas of permeable pavement) will be considered on a case-by-case basis by the Municipal Engineer, based on appropriate documentation and condition of the material, etc. See Figure 2-6
**Improvement.** The construction of any type of structure, facility and/or pavement, including but not limited to grading, paving, curbing, street lights, street signs, fire hydrants, water mains, sanitary sewer mains (including laterals to the street right-of-way line), storm drains (including all necessary structures), sidewalks, street trees, and monuments.

**Industrial, Light.** Light industrial is defined as the creation, assembly, maintenance, disassembly, and recycling of products that are originally created products and materials that are commercially available in the marketplace. Examples of products and materials that are commercially available in the marketplace include fabrics, leather, paper and cardboard, plastic, glass, wood, paints and coatings, adhesives, pigments, dyes, colorants, and other commonly-used industrial chemicals.

Examples of uses which would be permitted in this category include the fabrication and assembly of wooden sheds, gazebos, lawn and patio furniture, and playground equipment; manufacturing of stationary, cardboard boxes and cartons, and packaging products. Additional examples of light industrial include manufacturing and packaging of pharmaceutical products, food products; bottling or packaging of dairy products, the manufacturing, assembly, and repair of professional, scientific, and electronic instruments; jewelry and watch manufacturing and repair; and the fabrication and assembly of office equipment, electrical appliances and electric or electronic equipment. Light industrial also includes metal-working and metal fabrication processes that involve machining, welding, and polishing operations and production of paints, coatings, sealants, and adhesives that are used by virtually all industrial sectors. The definition of light industrial specifically excludes the manufacturing of iron, steel, or other high-volume metals, rendering or slaughtering yards, and other heavy industrial operations including but not limited to chemical or pesticide manufacturing, metal foundries, saw mills, and salvage yards.

**Institutional Use.** A building or grounds, typically open to or available to the public by a public, non-profit, or governmental agency including, but not limited to libraries, fire companies, police headquarters, municipal uses, and similar uses.

**Isolation Distances.** A circular area around a well whose radius conforms to PaDEP and Chester County Health Department standards.

**Junkyard.** An area of land, with or without buildings, used for outdoor storage of used and discarded materials, including but not limited to house furnishings, machinery, vehicles, or parts thereof, with or without the dismantling, processing, salvage, sale or other use or disposition of the same. The deposit or storage on a lot of three (3) or more unlicensed, wrecked or disabled vehicles or the major part thereof, shall be deemed to constitute a “junkyard.”

**Kennel.** A use that is the principal use of land on which animals (excluding livestock, horses, or poultry) are kept, boarded, raised, bred, treated, or sold for a fee, including, but not limited to, dogs or cats. This use shall include but is not limited to commercial kennels or boarding kennels in accordance with applicable state laws. For the purpose of this definition, the production of more than two (2) litters in any calendar year shall be considered breeding.

**Laboratory.** A building or group of buildings in which are located the facilities for scientific research, investigation, testing and experimentation, but not including the manufacture of products for sale.
Land Development. Any of the following activities:

A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:

1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, commons areas, leaseholds, condominiums, building groups, or other features.

B. A subdivision of land.

C. Development Plan in accordance with Section 503(1.1) of the Municipalities Planning Code.

Land Disturbance. Any activity which exposes soils or alters topography, except for removal of hazardous or invasive alien vegetation (see definition of Woodland Disturbance). Customary agricultural practices such as tilling, plowing, mowing and harvesting are excluded from the definition of land disturbance.

Landowner. The legal or beneficial owner 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 they are authorized under the lease to exercise the rights of the landowner, or other person having a propriety interest in the land.

Landscaping. Living vegetative material required upon all lots, except where agricultural production or gardens are permitted, so as not to leave bare dirt exposed to erosion, including but not limited to grass and other plantings such as ground covers, trees, and shrubs.

Laundromat. A business premise equipped with individual clothes washing and/or drying machines for the use of retail customers, exclusive of laundry facilities provided as an accessory use.

License. According to usage:

A. When applied to mobile home parks, shall mean written approval to operate and maintain a mobile home park by Elverson Borough, a prerequisite of which shall be approval by the Department of Health and compliance with all applicable regulation of this, or other applicable Ordinances.

B. When applied to erection of signs, shall mean written approval by Elverson Borough, a prerequisite of which shall be compliance with all applicable regulations of this and other applicable Ordinances, and the posting of a liability insurance policy or an indemnity bond in an amount set by resolution and payable to Elverson Borough in a form satisfactory to the Borough Solicitor.

Lighting. Any method or equipment used to provide artificial illumination.
A. **Diffused.** That form of lighting wherein the light passes from the source through a translucent cover or shade or provides backlighting for recessed faces.

B. **Direct or Flood.** That form of lighting wherein the source is visible or the light is distributed directly from it to the object to be illuminated.

C. **Indirect.** That form of lighting wherein the light source is entirely hidden, the light being projected to a suitable reflector from which it is reflected to the object to be illuminated.

**Loading Space or Area.** A space, in a building or on a lot, for the temporary use of vehicles, while loading or unloading merchandise or materials.

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

**Lot, Corner.** A lot at the junction of and abutting on two (2) or more intersecting streets, or at the point of abrupt change in direction of a single street the interior angle of which is not greater than one hundred thirty-five (135) degrees. See Figure 2-7

**Lot, Coverage.** The percentage of lot area covered by any and all improved or hardened materials, such as buildings, paved parking areas, paved walks, terraces and similar surfaces which do not normally absorb rainfall.

**Lot, Interior.** Any lot which only has access to a street by either an easement or right-of-way and may be characterized as "landlocked"; or any lot which has limited frontage to a street by virtue of being "flag-shaped." See Figure 2-7

**Lot, Reverse Frontage.** A lot extending between and having frontage on two generally parallel streets with vehicular access only from the minor street. See Figure 2-7

**Lot Area.** The total horizontal area of land contained within the legal limits of the property lines bounding a lot, excluding any portions thereof within a street right-of-way.

**Lot Line.** A property boundary line of any lot held in single and separate ownership, except that, in the case of any lot abutting a street, the lot line for such portion of the lot as abuts such street shall be deemed to be the same as the street line, and shall. not be the center-line of the street or any other line within the street lines even though such may be the property boundary line in a Deed.

A. **Front Lot Line.** The line separating the lot from the street right-of-way. See Figure 2-19

B. **Rear Lot Line.** The property line in the rear yard except in the case of a double frontage lot where it shall be the right-of-way line of a street. See Figure 2-19
C. **Side Lot Line.** The property line in the side yard, except in the case of a corner lot the right-of-way line of the street. See Figure 2-19

**Lot Width.** The distance, in feet, between the two (2) opposite side lot lines, measured at the building line. See Figure 2-19

**Lumber Yard.** A use that primarily includes the retail sale of lumber, hardware, and home improvement goods to the general public.

**Manufacturing.** Uses involved in processing and/or converting of raw unfinished or finished materials or products, or of any combination, into an article or substance of a different character, or for use for a different purpose; or the refinishing of manufactured articles.

**Map, Official.** A plan, legally adopted by Borough Council, of officially dedicated, ordained, opened, or platted streets; existing parks and other public properties; or those proposed for acquisition by the Borough by condemnation, purchase, dedication, or otherwise. See Official Map.

**Massage.** Services that involve massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, operated by a medical practitioner, chiropractor or professional physical therapist licensed by the Commonwealth of Pennsylvania. This definition applies to any athletic club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Meadow.** A plant community or area of vegetation dominated by grasses and/or forbs, often managed through annual or seasonal mowing.

**Medical Office or Clinic.** A use involved in the examination and treatment of persons as outpatients by licensed physicians or medical specialists practicing medicine during office hours. Uses providing overnight lodging of patients or prolonged surgical procedures (inpatient) shall not be considered medical clinics. Medical clinics may include limited secondary facilities such as laboratory facilities and pharmacies to service patients. Medical clinics may include but not be limited to urgent medical care centers and facilities offering minor medical treatment for illnesses or minor outpatient surgeries.

**Minor Repair.** The replacement of existing materials for the purpose of its routine maintenance and upkeep, but not including the cutting of any structural beam or bearing support, or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements: nor shall minor repairs include alteration, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain, leader, gas, oil, waste, vent, or similar piping, electric wiring work affecting public health or general safety.

**Minor or Major Subdivision and/or Land Development.**

A. **Minor Subdivision or Land Development.** Any subdivision or land development where:

1. No public improvement intended to be dedicated to the Borough is to be constructed, with the exception of public water or sewer lines.
2. No street, public or private, is to be constructed, improved or widened.

3. No land disturbance/earth moving activities will take place except those incidental to construction of a single-family dwelling on a single lot or a two-family dwelling on one or two lots.

4. No more than five (5) lots are proposed.

5. No further subdivision can occur within the resulting lots.

6. Lot line adjustments are made where no development is proposed.

B. Major Subdivision or Land Development. Any subdivision or land development not considered Minor in accordance with A above.

Mitigation. An action undertaken to accomplish one or more of the following:

A. Avoid and minimize impacts by limiting the degree or magnitude of the action and its implementation.

B. Rectify the impact by repairing, rehabilitating or restoring the impacted environment.

C. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.

Mixed Use. More than one (1) principal use on a single lot or tract or within a single building (Mixed Use Building).

Mixed Use Building. Buildings that include more than one (1) category of principal use. Typical configurations include retail stores, offices, or personal service shops on the first floor with offices, studios, or residential dwelling units above.

Mobile (Manufactured) Home. A transportable single family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit, capable of again being separated for repeated towing on its own axles. A mobile home is built on a permanent chassis, 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 with or without a permanent foundation but with the same, or equivalent, electrical plumbing and sanitary facilities as for a conventional dwelling. A mobile home may be referred to as a manufactured home. This term does not include recreational vehicles or travel trailers. Such designation shall in no way alter the intent of this Ordinance.

Mobile (Manufactured) Home Lot. A parcel of land in a mobile (manufactured) home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile (manufactured) home.

Mobile (Manufactured) Home Park. Any lot, parcel, contiguous parcels, or tract of land designated, maintained, improved, or intended for the purpose of supplying a location for or accommodation of two (2) or more mobile home lots or upon which more than one (1) mobile home is provided or located, whether or not a charge is made for the use of the mobile home.
park and its facilities, and shall include all buildings and structures used or intended for use as part of the park. A mobile home park shall not include a mobile home sales lot upon which unoccupied mobile homes are parked for the purpose of inspection or sale.

**Mortuary.** A use involved with the provision of services including preparing human remains for burial, and arranging and managing funerals.

**Motor Vehicle.** Any automobile, van, recreational vehicle, racing car, bus, motorcycle, or any motorized means of human transport or any part thereof, regardless of functional condition or state of repair.

**Municipal Facility/Use.** Any building, structure or use of land by Elverson Borough or a municipal authority/commission created by the Elverson Borough Council.

**Municipal Authority of the Borough of Elverson (MABE).** The authority that operates Elverson Borough’s central sewage collection, treatment, and disposal system.


**Non-Conforming Lot.** A lot which does not conform to the Area or Bulk Regulations of the district in which it is located, either at the time of the enactment of this Ordinance or as a result of subsequent amendments thereto, but which did not violate such regulations prior to the enactment of such ordinance or amendments.

**Non-Conforming Structure.** A structure or part of a structure which does not comply with the applicable area and bulk provisions in this Ordinance or amendments thereto where such structure lawfully existed prior to the enactment of this Ordinance or amendments thereto.

**Non-Conforming Use.** A use whether of land or of a structure which does not comply with the applicable use provisions of this Ordinance or amendment thereto, where such use was lawfully in existence prior to the enactment of this Ordinance or amendments thereto.

**Office.** Business, administrative, or professional office including but not limited to architects, engineers, accountants, attorneys, planners, real estate brokers, and insurance agents.

**Office of a Contractor or Craftsman.** An office, generally of a registered or licensed contractor or craftsperson, which serves primarily as the administrative office of the business owner, but may also be used for business consultations in addition to minor storage of materials and minor repair, serving of items, or construction of materials on site. This use may include but shall not be limited to the office of a plumber, carpenter, HVAC professional, or electrician.

**Official Map.** The most current version of the Official Map and Ordinance adopted by the Borough.

**Oldfield.** An area undergoing natural succession characterized by the presence of grasses, forbs, shrubs and small trees (seedlings) whose branches do not form a complete or nearly complete aerial canopy.
**Open Space, Common.** Required areas within a development consisting of a parcel or parcels, designated land or water, or a combination of land and water, which is restricted from further subdivision or development for other than open space purposes permitted in accordance with this Ordinance for the use or enjoyment of residents of a development excluding streets, off-street parking areas, private yards, and areas set aside for public water and wastewater systems owned and operated by Elverson Borough and/or the Elverson Borough Authority.

**Open Space Management Plan.** A plan which provides for the long-term management over time of private, public, or common open space, in accordance with Section 1226 of the Borough Zoning Ordinance.

**Outdoor Dining.** An outdoor area of an associated restaurant, used for the express purpose of providing outdoor seating for patrons where food and/or beverages from the associated use are consumed on the premises at tables, chairs, or other furnishings in an area directly abutting and adjacent to and upon the same lot as the restaurant. Outdoor dining is typically located adjacent to a public street or a parking area, in most cases on a sidewalk. Outdoor dining does not refer to outdoor dining in areas not adjacent to a street or parking area, to the rear of the principal structure, or enclosed dining facilities with open windows.

**Outdoor Display.** An outdoor area of a tract utilized for purposes of displaying articles for sale as part of a retail establishment, typically on a sidewalk, front walkway, or otherwise in front of the associated business. Display areas shall not include outdoor storage as defined herein.

**Outdoor Storage.** The keeping of goods or materials for present or future use, in an unenclosed outdoor area including, but not limited to, building products, raw materials, parts, machinery, and storage containers kept in the same place for more than twenty-four (24) hours, excluding outdoor display areas as defined herein. Outdoor storage shall include that which is contained within containers, trailers, or similar vehicles.

**Park.** A tract of land designated and used for public active or passive recreation, typically owned and operated by a municipality or nonprofit organization.

**Parking.** The following definitions are associated with on and off-street parking:

A. **Parking, Connected.** Two or more required off-street parking lots on adjacent parcels that are connected across parcel lines as required and where permitted in accordance with the regulations of this Ordinance.

B. **Parking, Fee-in-lieu.** A fee provided for some or all required off-street parking where permitted in accordance with the regulations of this Ordinance.

C. **Parking, On-Street.** Parking for motor vehicles within the road right-of-way, typically parallel to the curb line.

D. **Parking, Off-Street.** Parking for motor vehicles outside of a road right-of-way as an accessory use required for each use to serve the parking requirements and needs of the associated use(s).

E. **Parking, Off-Site.** Off-street parking for a use that is not located on the same lot as the building for which the parking is required, where permitted.
F. **Parking, Private.** A parking lot for the exclusive use of the owners, occupants, or visitors of the lot on which the parking area is located.

G. **Parking, Public.** Parking spaces made available to the public by the municipality or a private organization or business for free or for a fee, including, but not limited to parking lots or on street parking that is not required to fulfill parking requirements associated with a specific use.

H. **Parking, Reserve.** A portion of required off-street parking spaces that may not be initially required to be built for a given development, in accordance with the applicable regulations of this Ordinance.

I. **Parking, Shared.** Required off-street parking that is shared between more than one (1) use in accordance with the applicable regulations of this Ordinance.

J. **Parking Lot.** An off-street ground level paved area designed and used for the parking of vehicles that shall include but not be limited to parking spaces, aisles, maneuvering space, interior islands, buffers, and access driveways but not include loading and unloading areas.

K. **Parking Space.** A space designed for the parking of one (1) motor vehicle.

**Pasture.** A plant community or area of vegetation dominated by grasses which is actively or periodically grazed by livestock or which is managed through mowing to maintain the appearance and vegetative characteristics of pasture.

**Paved Surface** (also paved area, pavement or other similar term). Areas consisting of brick, compacted stone, Portland cement concrete, Bituminous concrete, or other similar materials, subject to the interpretation of the Borough Engineer.

**Pedestrian Oriented Design.** The design of communities, neighborhoods, streetscapes, buildings, crosswalks, and other uses that promotes pedestrian comfort, safety, access and visual interest.

**Pedestrian Walkway.** An improved surface, primarily for use by pedestrians, typically located outside of the road right-of-way. A walkway is generally used for pedestrian transportation between buildings and parking areas or sidewalks, within parking lots, between buildings on a parcel or within a development, or between adjacent use, developments, or facilities.

**Permeable (pervious) Surface.** A surface that presents an opportunity for precipitation to infiltrate into the ground, including any surface not considered an impervious surface and when approved by the Borough Engineer.

**Person.** An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.

**Personal Service Shop.** A commercial establishment primarily engaged in providing services involving the care of a person or his or her apparel or merchandise and offering only limited, if any, products for sale, including, but limited to, barbershops, salons, tanning salons, tailors, optometrists, beauticians, repair of electronic goods, bicycle repair, and other similar uses.
**Place of Worship.** A building or structure, or groups of buildings or structures, which by use, design, and construction, are primarily intended for the conducting of organized religious services and accessory uses.

**Plan, As-built.** A revised working drawing corrected to show all changes in design, sizes, or location which may have been made during actual construction.

**Plan, Utilities.** A plan prepared by a registered engineer or surveyor, showing location, sizes, and types of all water, gas, cable television, and electric lines; all sanitary sewer mains (profiles and laterals); all storm sewers and gradients; all street lights and fire hydrants; all service connections; and all data pertaining to existing or proposed facilities.

**Planning Commission.** The Planning Commission of Elverson Borough duly appointed by Elverson Borough Council.

**Plat, Record.** A plan of streets and lots prepared by a registered engineer or surveyor, showing all information required for legal description, layout, and other data necessary for recording in the office of the Chester County Recorder of Deeds.

**Private.** Not publicly owned, operated, controlled, or available for use to the general public.

**Private Club and/or Fraternal Institution.** This use may include land, buildings, and/or structures for meetings, social quarters, restaurants, recreation facilities, and other similar uses provided that all services shall be provided solely for members and their guests and no particular activity shall be permitted that is customarily carried on as a business. Applicable institutions include associations of persons for some common nonprofit activity, but not including groups organized primarily to render a service which is customarily carried on as a business, and shall include, but not limited to, the Boy Scouts, Girl Scouts, Elks Club, Fraternal Order of Police, Military Veterans Association, Swim Clubs, YMCA, and similar groups.

**Private Garage.** An accessory building or part of a principal building used for the storage of motor vehicles owned and used by the owner or tenant of the premises.

**Public.** Owned, operated or controlled by a government agency (federal, state, or local), including a corporation and/or board created by law for the performance of certain specialized governmental functions or a use available for use by and to the general public (i.e.: not a private club, use, or organization or a commercial for-profit use).

**Public Hearing.** A formal meeting held pursuant to public notice by the Borough Council, Planning Agency, or Zoning Hearing Board, intended to inform and obtain public comment, prior to taking action in accordance herein.

**Public Meeting.** A forum held pursuant to notice under 65 Pa.C.S. Ch. 7 (relating to open meetings).

**Public Notice.** A notice published in accordance with the Municipalities Planning Code.

**Public Use.** Public and semi-public uses generally of a welfare or educational nature that are open and available to the general public, including, but not limited to, hospitals, schools, parks, churches, cemeteries, municipal buildings, and recreational facilities.
**Public Utility Corporation.** A corporation registered and regulated by the Pennsylvania Public Utility Commission which is engaged in regularly supplying the public with a commodity or service which is of public consequence and need such as electricity, gas, water, transportation, or communications.

**Public Utility Service Structures and Facilities.** Electric substations, sanitary sewer lines, water lines, fire hydrants, street lights, storm sewer lines, manholes, inlets, catch-basins, gas lines, electric lines, and other facilities of the same general character, but excluding wireless communications towers and communications facilities.

**Recreational Use.**

A. **Indoor Recreation.** An entirely enclosed, indoor facility within a building or structure providing a source of amusement, entertainment, or recreation. Indoor recreation may include but is not limited to bowling alleys, athletic courts (basketball, volleyball), indoor swimming pool, gyms for weight training and similar athletic training, indoor golf centers, indoor batting cages or any other similar use.

B. **Outdoor Recreation.** An unenclosed or outdoor facility providing recreational opportunities. Outdoor recreation may include but is not limited to parks, open space, playing fields (football, soccer), miniature or pitch and putt golf courses, batting cages, swimming pools, athletic courts, or any other similar use.

**Recreational Use, Commercial.** A commercial business or nonprofit organization where recreational facilities are provided in an entirely enclosed, indoor facility within a building or structure providing a source of amusement, entertainment, or recreation available for a fee. Indoor recreation may include but is not limited to athletic courts, indoor swimming pool, gyms for weight training and similar athletic training (martial arts, yoga, spinning, etc) or other similar use.

**Recreational Vehicle.** A vehicle which is (i) built on a single chassis; (ii) not more than 400 square feet, measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light-duty truck; (1) not designed for use as a permanent dwelling but is temporary housing quarters for recreational, camping, travel, or seasonal use.

**Recyclable.** Reusable material including, but not limited to, clear glass, colored glass, aluminum, steel and bimetallic cans, high grade office paper, newsprint, corrugated paper, plastics, electronic waste, and other materials designated as recyclable under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act.

**Related Equipment.** Any piece of equipment related to, incidental to, or necessary for, the operation of a Tower-Based WCF or Non-Tower WCF. By way of illustration, not limitation, "Related Equipment" includes generators and base stations.

**Residential Conversion.** The conversion of a single family residential dwelling into two (2) or more dwelling units.

**Restaurant.** A place of business serving food and beverages and providing table, sit-down or take-out service.
Retail Store. A commercial establishment primarily involved in the direct sale of goods to the general public including but not limited to clothing, food, beverages, prescription drugs, bicycles, furnishings and other household supplies, jewelry, flowers, time pieces, musical instruments, scientific instruments, antiques, books and variety merchandise.

Retention Basin. A reservoir, formed from soil or other material, designed to permanently retain stormwater runoff from a specified area as defined by this Ordinance. Retention basins always contain water and include man-made ponds and lakes.

Right-Of-Way. Area of land or water reserved or dedicated for any public or private access or utility purpose.
Right-of-Way, Street. A public thoroughfare for vehicular traffic and/or pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, road, avenue, boulevard, lane, alley, or however designated.

Riparian Buffer. An area of land adjacent to a body of water and managed to maintain vegetation to protect the integrity of stream channels and shorelines, to reduce the impact of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals, and to supply food, cover and thermal protection to fish and other aquatic species and wildlife. See Figure 2-8

Figure 2-8: Riparian Buffer (Forested)

Screen (Screening). The use of plant materials, fencing, walls, or berms to aid in the concealment of such features as parking areas and the vehicles within them, and to provide a vertical barrier between land uses which abut one another.

Screen, Architectural. A structure, the design and construction of which is compatible with that of the principal dwelling or structure on the lot, including, but not limited to, a fence or wall constructed to screen a use from an adjacent use or to create privacy for a designated space on a lot.

Screen, Effective Visual. Any arrangement of structural or vegetative materials capable of diverting or interrupting a clear view of an object or activity, but not necessarily one hundred (100) percent opaque during all seasons of the year.

Screen, Perimeter. A landscaped or planted strop along parcel boundaries.
**Sediment Basin.** A temporary dike or earth embankment downstream from an area of development, construction, grading, or other activity disturbing the natural surface which serves to regulate stormwater flow and trap sediment erected on the same property which is being disturbed or developed.

**Sediment.** The silt or small soil particles held or carried in suspension by water, including that which is thus deposited at a lower level.

**Self Storage Facility.** A commercial facility including a structure or structures containing separate, individual, and lockable private storage spaces of varying sizes leased or rented on an individual basis for the storage of tangible personal property.

**Setback.** The required distance an object shall be placed from another referenced point as specified by individual requirements within this Ordinance. Setbacks include but are not limited to required minimum yards, accessory use setbacks, or other setbacks for specific uses in Article 12, Supplemental Use Regulations of the Borough Zoning Ordinance.

**Sewage.** Any substance that contains any of the waste products or excrementitious matter or other discharge from the bodies of human beings or animals and laundry, bathroom and kitchen waste water.

**Sewage Facilities or Systems.**

A. **Individual On-Site.** An individual sewage disposal system as defined and regulated by the Chester County Health Department and/or the Pennsylvania Department of Environmental Protection.

B. **Community System.** A sanitary sewage system which carries sewage from individual dischargers by a system of pipes to one or more common treatment and disposal facilities, either on-site or offsite, and approved by the Pennsylvania Department of Environmental Protection. Community systems are typically constructed to serve a specific subdivision or land development.

C. **Public System.** An off-site system for treatment and disposal of sewage in which sewage is conveyed to a publicly operated treatment plant and disposed of through means approved by the Pennsylvania Department of Environmental Protection. Public systems are typically owned and/or operated by a municipality and have a broad service area.

**Sidewalk.** A pedestrian route, typically constructed of concrete and parallel to a street that provides a means for pedestrians to travel within the public right-of-way while physically-separated from vehicular traffic. Sidewalks are designed for pedestrian use.

**Sight Distance.** The unobstructed length of street visible to the driver of a vehicle.

**Sign.** A structure, building, wall or other outdoor surface, or any device used for visual communication which is used for the purpose of bringing the subject thereof to the attention of the public, or to display, identify, or publicize the name, product, or service of any person or use. Additional Sign definitions and figures are located in Section 1304 and at the end of Article 13 of the Borough Zoning Ordinance.
**Single and Separate Ownership.** The ownership of property by any person, which is separate and distinct from that of any other property.

**Silviculture.** The development and/or maintenance of a forest or wooded preserve.

**Site.** A lot, tract, or parcel of land on which grading, construction, or land development is taking place, or is proposed to take place; the location of the work.

**Site Analyses.** Investigation, study, and documentation of property proposed for subdivision and/or land development and adjacent areas, including review of established information sources as well as on-site investigation, in accordance with the provisions of the Elverson Borough Subdivision Ordinance.

**Slope.** The ratio of the change in elevation over the horizontal distance as measured between consecutive contour lines, expressed as a percentage.

A. **Slopes, Moderate.** Areas where the slope measured between consecutive contour intervals is greater than fifteen (15) percent and less than twenty five (25) percent.

B. **Slopes, Steep.** Areas where the slope measured between consecutive contour intervals is greater than or equal to twenty five (25) percent.

Such measurements shall be based upon mapping of contour lines at the minimum interval applicable in accordance with Section 1004 of the Borough Zoning Ordinance.

**Spa.** A personal service shop that specializes in providing certified therapeutic and personal grooming services, including haircuts and styling, waxing, facial treatments, body therapies such as massage, and nail treatments by providers licensed by the Commonwealth of Pennsylvania.

**Special Exception.** A use which is not permitted by right, but which, when deemed suitable, with or without the imposition of conditions or restrictions under applicable standards, may be allowed by the Zoning Hearing Board after public hearing.

**Specified Sexual Activities.**

A. Acts of masturbation, homosexuality, sexual intercourse, sexual bestiality, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or if such a person be female, breasts.

B. The condition of human male or female genitals when in a state of sexual stimulation or arousal.

C. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

**Specimen Tree.** Any tree equal to or exceeding twenty four (24) inches dbh.

**Statutory Review Period.** The period of time within which the Borough Council must grant approval or issue denial to a given plan as established by the Pennsylvania Municipalities Planning Code.
Storage. The deposit of goods, materials or products intended for future disposition.

Storage Capacity. The volume of silt or water capable of being impounded in a sediment, detention, and/or retention basin after deducting the required free-board.

Storage Garage. A building, not a private or public garage, one story in height, used solely for the storage of motor vehicles (other than trucks), but not for the service or repair thereof nor for the sale of fuel, accessories or supplies.

Stormwater. Any precipitation, but usually rainfall, which is sufficient to flow on any natural or man-made surface; frequently termed “run-off”.

Stormwater Ordinance. The most current version of the Stormwater Ordinance adopted by the Borough.

Story. That portion of a building comprised between the surface of any floor and the surface of any floor or roof next above.

Stream. Any watercourse.

Street. A public (dedicated) or private (not dedicated) right-of-way intended for use as a means of vehicular and pedestrian circulation to provide access to more than one (1) lot. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, road or similar terms. Streets are further classified within the Elverson Borough Comprehensive Plan.

Street, Marginal Access. A street used primarily as a means of access to abutting residential lots with little or no through traffic.

Street, Private. Those streets not offered for dedication.

Street, Public. A public thoroughfare which has been dedicated and deed to the Borough and which affords the principal means of access to the abutting property.

Street, Service. See Alley.

Street Line. The dividing line between a lot and the outside boundary or right-of-way line of a public street, road, or highway legally open or officially platted; or between a lot and a privately owned street, road, or way over which the owners or tenants of two (2) or more lots each held in single and separate ownership have the right-of-way.

Streetscape. The space formed by buildings located close to the street, embellished with sidewalks, street trees, street lights, hanging baskets, decorative awnings, window boxes, planters, raised plantings, benches, decorative lighting, decorative paving, curbs, street furniture, and/or on-street parking. The streetscape is framed by generally two-story buildings which create the “walls” of an “outdoor room” that is characteristic of a traditional town center. The following associated definitions coincide with items that assist in the formation of a streetscape:
A. **Bench.** Outdoor seating provided as part of a streetscape to the public. See Figure 2-9.

![Figure 2-9: Bench](image)

B. **Bricks or Textured Paving.** Paving in the form of colored and/or stamped concrete, colored or patterns of brick pavers, and the like to provide visual interest as opposed to standard concrete paving for example. See Figure 2-10.

![Figure 2-10: Decorative Paving](image)

C. **Decorative Lighting.** Lighting in addition to necessary street lighting, required lighting for safety, or otherwise required that provides aesthetics to a streetscape at night. See Figure 2-11.

![Figure 2-11: Decorative Lighting](image)
D. Hanging Basket. A planter hung from a street light or cantilevered from a structure. See Figure 2-12.

![Figure 2-12: Hanging Basket](image)

E. Raised Planting. A raised planting bed built either as part of a structure, a wall, or freestanding to provide green space and aesthetics as part of a streetscape. See Figure 2-13.

![Figure 2-13: Raised Planting](image)

F. Street Planter. A planter placed at ground level to provide green space and decoration. See Figure 2-14.

![Figure 2-14: Street Planter](image)
G. **Window Box.** A planter attached at the base of a window. See Figure 2-15.

*Figure 2-15: Window Box*

![Window Box Image](image)

H. **Courtyard.** A public space smaller than a plaza. Smaller open spaces typically providing seating and landscaping where the public may use as a waiting area, eating lunch, having meetings, or enjoying the outdoors. See Figure 2-16.

*Figure 2-16: Courtyard*

![Courtyard Images](image)

I. **Plaza.** A public space larger than a courtyard. Larger open spaces serving the same function as a Courtyard but may include larger grassed areas, more substantial landscaping, and areas for community gatherings, concerts, or performances. See Figure 2-17.

*Figure 2-17: Plaza*

![Plaza Images](image)

J. **Civic Space.** Civic spaces are primarily informal public open spaces spatially defined in part by landscaping and by buildings, either public or privately owned but open to the public. Civic spaces typically provide a means of seating whether through tables and chairs, benches, or low seating walls serving as enclosures for landscaping or water features. A majority of the surface of civic spaces is paved using concrete, in some cases decorative either through color, texture, or pattern, or by brick pavers, flagstone or
similar material. Civic spaces may include grassed areas, particularly for larger plazas, in addition to water features and informational kiosks. Landscaping and trees should be scattered throughout civic spaces in addition to landscaped planters or beds containing flowers, shrubs, or other vegetation, particularly along the periphery of the space. Civic spaces may take the following forms: 1) Courtyard or 3) Plaza (see above).

**Structural Alteration.** Any change in or addition to the supporting structural members of a building, or other structure, such as the bearing walls, partitions, columns, beams or girders, or any change which could convert an existing building or other structure into a different structure, or adapt it to a different use, or which, in the case of a non-conforming building or other structure, would prolong the life of such building or other structure.

**Structural Unit.** One (1) or more buildings enclosed by continuous exterior walls and a continuous roof.

**Structure.** Anything constructed or erected on the ground or attached to the ground including, but not limited to buildings, sheds, manufactured homes, and other similar items. This term includes any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to land.

**Structure, Temporary.** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

**Studio.** A building or portion of a building used as a place of instruction where students are taught for a fee. Including, but not limited to: an art studio involved in the creation of products including but not limited to art, crafts, paintings, pottery, wood products (woodworking); or for instruction for art, photography, dance, music, linguistics, athletics, martial arts, specific educational tutoring, or other similar specialized subjects. A studio is not a public or private educational use such as an elementary or high school pursuant to the review of the State Board of Education.

**Subdivider.** A person who is the registered owner, or authorized agent of the registered owner, of the land to be subdivided.

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

**Subdivision Ordinance.** The most current version of the Subdivision and Land Development Ordinance (SLDO) adopted by the Borough.

**Subgrade.** Any finished surface or elevation of compacted fill or natural earth upon which materials of construction are placed.

**Subsoil.** Clay, sand, gravel, or other natural earth material below the surface soil and low organic matter.
Substantial or Substantially Change. (1) Any increase in the height of a Wireless Support Structure by more than ten (10) percent, or by the height of one (1) additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing Antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than ten (10) percent of its originally approved height or by the height of one additional Antenna array.

Supplemental Dwelling Unit. An accessory secondary and subordinate dwelling unit within or attached to a principal single family detached residential dwelling unit or within a detached accessory structure.

Swimming Pool. A structure, above or below ground level, for the purpose of containing water to a depth, at any point, in excess of two (2) feet and intended primarily for recreation without regard to materials of its construction.

Topsoil. Natural and friable loam containing sufficient nitrogen phosphorus and potassium to support plant growth and extending in depth to the extent of penetration of feeder roots of the prevailing native grasses.

Tract. One (1) or more lots assembled for the purpose of unified development, including but not limited to development under the Site Responsive Residential Community Option, and development of more than one principal use on a single tract such as a shopping center, office or industrial park.

Traditional Neighborhood Development (TND). A development designed and developed in accordance with and consistent with Section 102 and Article 7 of the Pennsylvania Municipalities Planning Code.

Traffic Impact Study. A study that assesses the impacts of a proposed development on the existing and future multi-modal transportation network in a community or a portion thereof. The study must recommend mitigation techniques for the anticipated impacts and must analyze the adequacy of the development's planned access points.

Trail. An improved facility generally constructed outside of a road right-of-way to facilitate pedestrian and/or bicycle transportation. Trails may include but are not limited to:

A. Shared-Use/Multi-Use Trails. A facility that is physically separated from the roadway and typically accommodates bi-directional travel by both cyclists and pedestrians. The trail can be located within a publicly owned right-of-way, an exclusive right-of-way, or an easement. Shared use trails typically have an improved surface and recommended width (per AASHTO) of ten (10) feet, although a minimum width of eight (8) feet may be used where space is constrained or in environmentally-sensitive areas.

B. Use-Restricted/Single Use Trails. Trails that are primarily used for one form of travel or by one type of user such as cyclists or pedestrians. These trails are typically paved or have an improved surface.
**Trail surface, Improved.** A man made or placed material on the traveled part of the trail, such as asphalt, concrete, stone dust, or similar surface, but not a naturally occurring surface such as dirt or grass, or wood chips.

**Travel Trailer.** Any vehicle used for temporary living or sleeping purposes for transient use.

**Tree Protection Zone.** An area that is radial to the trunk of a tree in which no construction activity can occur. See Figure 2-18

![Figure 2-18: Tree Protection Zone](image)

**Truck Terminal.** An area and/or building for the maintenance and storage of trucks and where cargo is stored and where trucks load and unload cargo on a regular basis.

**Turf-Grass.** Cultivated lawn grasses capable of being mowed to form a dense matting of roots and stems, other than the native, wild grasses or weeds.

**Turn-Around.** A paved area, usually but not necessarily circular, terminating a cul-de-sac or single access street.

**Undeveloped Land.** Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building.

**Uniform Construction Code (UCC).** The statewide building code adopted by the Pennsylvania General Assembly or the most current version adopted by the Borough of Elverson applicable to new construction in the Borough whether administered by the Borough, a third party, or the Department of Labor and Industry.

**Use.** Any purpose or activity for which a building or other structure, or a tract, or lot of land may be designed, arranged, intended, maintained, occupied, or utilized.

**Use, Accessory.** A building, structure, land, or use thereof that is not a principal permitted use, but which is clearly incidental and subordinate to the associated principal permitted building, structure, or use on the same lot.

**Use, By-Right.** A use permitted without special considerations, conditions, or hearings, so long as it is a named use permitted by-right in the district which it is located and meets all of the applicable area and bulk requirements in addition to other applicable requirements of this Ordinance.
Use, Conditional. A use which is not permitted by right and is not wholly appropriate to a zoning district, but may be suitable to a particular area when deemed appropriate in accordance with the criteria within Article 17 of the Borough Zoning Ordinance or any other applicable standards, with or without the imposition of conditions or restrictions under applicable standards, where approved by Borough Council after public hearing as provided in the Municipalities Planning Code.

Use, Nonconforming. See Nonconforming Use.

Use, Permitted. All uses allowed in accordance with the provisions of this Ordinance.

Use, Principal. The primary use of a lot. Except as specifically permitted by this Ordinance, there shall be only one (1) principal use on each lot.

Use, Special Exception. A use which is not wholly appropriate to a zoning district, but may be suitable to a particular area within a zoning district. Special Exceptions are allowed or denied by the Zoning Hearing Board after considering standards and criteria set forth in this Ordinance and the Municipalities Planning Code.

Use, Temporary. A use established and permitted for a fixed period of time and discontinued upon the expiration of the time period specified.

Variance. A modification of the regulations of the Zoning Ordinance granted by the Zoning Hearing Board on grounds of physical conditions or unnecessary hardship, not self-imposed, pursuant to the provisions of the Zoning Ordinance and the Municipalities Planning Code.

Vegetation, Permanent. Perennial grasses, legumes, or other long-lived plant materials, such as Crown Vetch, Fescues, and Bluegrasses, etc. depending upon the degree of refinement desired.

Vegetation, Temporary. Fast growing grasses, usually annuals, such as rye, oats, sedan, or other appropriate cover to prevent erosion until permanent vegetation can be installed.

Vehicle Service Station. Any area of land, including structures thereon, or any building or part thereof, that is used for the sale of gasoline or other motor vehicle fuel or accessories, and which may or may not include facilities for lubricating, washing, or otherwise servicing motor vehicles, but which shall not include painting or body and fender repairs, or the storage for sale of new or used motor vehicles.

Vehicle Repair Shop. Any land, structure, or any building or part thereof, that is primarily used for the mechanical repair or servicing of vehicles (including, but not limited to, changing oil and/or other liquids) or painting of bodies, chassis, wheels, fenders, bumpers and/or accessories of automobiles and other vehicles of conveyance.

Vehicle Sales and Service. The use of any building, land area or the premise for the display, sale and leasing of new or used automobiles, trucks or vans, trailers, or recreational vehicles, including boats and motorcycles, and which may include a vehicular repair shop as an accessory use for warranty repair work and other repair service conducted as an accessory use.

Waiver. A modification to the requirements of the Subdivision and Land Development Ordinance granted by Borough Council as provided in the Municipalities Planning Code.
Walkway, Public. Any space designed or maintained solely for public pedestrian use, without regard to ownership.

Water Supply Systems.

A. Individual On-Lot System. A safe and healthful supply of water, to a single user from a private well located on the lot in which the use is located.

B. Community or Public Supply System. A system for supplying water from a common source or sources to all dwellings and other buildings within a development or service area. The water supply source may be located on-site and/or off-site and may be publicly or privately-owned.

Waters of the Commonwealth. Any and all rivers, streams, creeks, lakes, rivulets, dammed water, ponds, springs, and all other bodies of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

Watercourse. A permanent of intermittent stream or other body of water, whether natural or man-made, which gathers or carries surface water.

Wetlands. Those areas that are inundated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. More specifically, any area meeting the official wetland definition of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection (PADEP). Where a discrepancy exists between the wetland definitions of the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection, the more restrictive definition shall apply.

Wholesaling. A commercial activity comprising the sale of commodities in large quantities or in bulk, as to retailers or contractors, rather than to individual consumers directly, including the warehousing, loading and unloading, and shipping of such commodities.

Wireless Communications Facility (WCF). The following definitions shall apply wherever found within this Ordinance but primarily apply to Section 1231 Wireless Communications Facility (WCF) of the Borough Zoning Ordinance, and thereby grouped together here:

A. Antenna. Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional Antenna (rod), directional Antenna (panel), parabolic Antenna (disc) or any other wireless Antenna. An Antenna shall not include Tower-Based Wireless Communications Facilities as defined herein.

B. Co-location. The mounting of one (1) or more Wireless Communication Facilities, including Antennae, on an existing Tower-Based Wireless Communication Facility Wireless Communication Facility, or on any structure that already supports at least one Non-Tower Wireless Communication Facility.

C. Communication Tower. A support structure and the reception and/or transmission antenna(e) upon it intended for transmitting or receiving radio, television, telephone or digital communications.
D. **Distributed Antenna Systems (DAS).** Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

E. **FCC.** Federal Communications Commission.

F. **Height of a Tower-Based Wireless communication Facility (CWF).** The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including Antennae mounted on the tower and any other appurtenances.

G. **Monopole.** A wireless communication facility or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

H. **Non-Tower Wireless Communications Facility (Non-Tower WCF).** All non-tower wireless communications facilities, including but not limited to, Antennae and Related Equipment. Non-Tower WCF shall not include support structures for Antennae or any Related Equipment that is mounted to the ground or at ground-level.

I. **Stealth Technology.** Camouflaging methods applied to wireless communications towers, Antennae and other facilities which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

J. **Tower.** A structure, such as a lattice tower, guy tower or monopole tower, constructed as a freestanding structure or in association with a building, other permanent structure or equipment. The term includes microwave towers, common carrier towers and cellular telephone towers on which is located one or more antennas intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication.

K. **Tower-Based Wireless Communications Facility (Tower-Based WCF).** Any structure that is used for the purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles, utility poles and light poles. DAS hub facilities are considered to be Tower-Based WCFs.

L. **Wireless Communications Facility (WCF).** The Antenna, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services.

M. **Wireless Communications Facility Applicant (WCF Applicant).** Any person that applies for a wireless communication facility building permit, zoning approval and/or permission to use the public right-of-way (ROW) or other Borough owned land or property.

N. **Wireless Support Structure.** A freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement for installation of a Wireless Communications Facility if approved by the Borough.
O. **WBCA.** Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

**Woodland.** Any land area of at least one-quarter (0.25) acre with a natural or naturalized ground cover (excluding manicured turf grass) and that has an average density of two (2) or more viable trees per one thousand five hundred (1,500) square feet with a DBH of six (6) inches or greater and where such trees existed at any time within three (3) years of the time of land development application submission of the proposed project. The land area to be considered woodlands shall be measured from the outer drip lines of the outer trees. Woodlands shall include any area where timber has been harvested within the previous three (3) years and/or woodland disturbance has occurred within the previous three (3) years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards, hedgerows, or oldfields.

**Woodland Disturbance.**

A. Any activity which alters the existing structure of a woodland or hedgerow. Alterations include the cutting or removal of canopy trees, sub-canopy trees, understory shrubs and vines, woody and herbaceous woodland floor species.

B. Any activity which constitutes a land disturbance (exposes soils, alters topography) within a woodland or hedgerow.

C. Woodland disturbance does not include the selective cutting or removal of invasive alien trees, shrubs, vines or herbaceous species including; Rosa multiflora (Multiflora Rose), Eleagnus umbellata (Autumn Olive), Lonicera japonica (Oriental Honeysuckle), Celastrus orbiculatus (Oriental Bittersweet), Acer platanoides (Norway Maple) and Polygonum perfoliatum (Mile-a-Minute Weed).

**Yard.** An open, unoccupied space, except for permitted accessory structures or uses, situated between the nearest portion of the principal structure and the adjacent lot line.

**Yard, Front.** A yard extending the full width of the lot along the front lot line and extending in depth from the front lot line to the minimum required setback line. See Figure 2-19

**Yard, Rear.** A yard extending the full width of the lot along the rear lot line and extending in depth from the rear lot line to the minimum required setback line. See Figure 2-19
Yard, Side. A yard extending the full depth of the lot along a side lot line and extending in width from such side lot line to the minimum required setback line. See Figure 2-19

Yard, Required Minimum. The minimum required depth of a yard as specified in the Zoning Districts in this Ordinance. The remaining portion of the lot (interior) exclusive of the required minimum yards is referred to as the building envelope where a principal structure or structures may be placed.

Zoning. The designation of specified districts within a community reserving them for certain uses together with limitations on lot size, density, heights of structures and other stipulated requirements.

Zoning Hearing Board. The Zoning Hearing Board of Elverson Borough.

Zoning Map. The official Zoning Map of the Borough of Elverson, Chester County, Pennsylvania.

Zoning Officer. The municipal officer charged with enforcing the literal terms of this Ordinance.

Zoning Ordinance. The Zoning Ordinance of the Borough of Elverson.

Zoning Ordinance Amendment. An addition, revision, or deletion to the Elverson Borough Zoning Ordinance text and/or Elverson Borough Zoning Ordinance Map. The authority for any amendment lies solely with the Borough Council.

Zoning Permit. A document signed by a zoning officer as required and defined in this Ordinance.
ARTICLE 3
Plan Submission and Review Procedures

SECTION 301  GENERAL APPLICATION SUBMISSION AND REVIEW REQUIREMENTS

The Borough has adopted the procedures set forth herein which shall be observed by all applicants and their agents.

A. Authority for Plan Approval. Final authority for approval or denial of approval of all subdivision and land development plans shall be the responsibility of the Borough Council in accordance with the procedures set forth herein.

B. Plan Classification. All applications for subdivision or land development shall be classified as either Minor or Major as determined by Borough Council, according to the following:

1. Minor Subdivision or Land Development applications shall include a subdivision or land development where:

   a. No public improvement intended to be dedicated to the Borough is to be constructed, with the exception of public water or sewer lines.

   b. No street, public or private, is to be constructed, improved or widened.

   c. No land disturbance/earth moving activities will take place except those incidental to construction of a single-family dwelling on a single lot or a two-family dwelling on one (1) or two (2) lots.

   d. No more than five (5) lots are proposed.

   e. No further subdivision can occur within the resulting lots.

   f. Lot line adjustments are made where no development is proposed.

2. All applications not considered Minor in accordance with Section 301.B.1, shall be considered Major subdivision or land development applications.

C. MPC Requirements. Preliminary and final plans shall be reviewed in accordance with the requirements of Act 247 and as set forth herein.
SECTION 302 PLAN APPLICATION PROCESS

A. Overview of the Plan Submission and Review Process. The plan review steps included in Figure 3-1 represent the standard approach used in Elverson Borough.

![Figure 3-1: Plan Review Steps](image)

B. Pre-Application Meeting. Prior to any formal plan submission, it is strongly recommended that the applicant for any subdivision or land development meet with an authorized representative of the Borough. The purpose of this pre-application meeting is to introduce the applicant to the Borough’s planning objectives and applicable regulations and procedures, and to discuss the applicant’s objectives.

C. Site Visit. Applicants for subdivision or land development approval may be requested by the Planning Commission or Borough Council to arrange for a site visit of the property by Borough representatives that may include the Borough Engineer and any other federal, state, or County representatives or consultants as the Borough deems appropriate.

1. Applicants shall agree to reimburse the Borough for any reasonable costs charged by Borough consultants in relation to such site visit when such consultants have been requested by the applicant to attend.

2. Applicants are encouraged to accompany Borough representatives.

3. Purpose. The purpose of the site visit is to:

   a. Familiarize Borough representatives with the property’s existing conditions;

   b. Identify potential site design issues; and

   c. Provide an informal opportunity to discuss site design concepts, including:

      1) The general layout of open space,

      2) undisturbed areas and landscaped areas,

      3) potential locations for proposed buildings and road alignments,

      4) stormwater management concepts, and

      5) protection of natural and cultural resources.
4. The site visit may be requested by the Borough at any time during which the subdivision or land development application filed in accordance with this Ordinance is pending Borough approval.

5. Comments made by the Borough or their staff or authorized representative during the site visit shall be advisory only and are not binding on either the Borough or the applicant. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site visit or during the sketch plan process.

6. Site Access for Purposes of Plan Review. The owner of the parcel of land to be subdivided or developed shall submit a written statement granting the Borough Council, its authorized agents and representatives, and the Borough Planning Commission the right to enter the parcel of land for the purpose of evaluating the site and the proposed development thereof. The Borough shall make every reasonable effort to contact the applicant to notify them of the Borough’s scheduled site access at least two (2) days in advance of such site visit.

SECTION 303 SKETCH PLAN

A. Purpose and Applicability. The Borough strongly recommends that a Sketch Plan be submitted for both Minor and Major subdivision and land development applications in accordance with Section 302.A. The purpose of the sketch plan is to afford the applicant an opportunity to consult early and informally with the Planning Commission and Borough before submission of formal plans (preliminary and final, as applicable) for subdivision and land development approval on the following issues:

1. The environmental conditions of the tract.
2. The historic resources that may be present on the tract.
3. Potential uses for the tract.
4. Layout and design options.
5. Water and sewer needs for the proposed use.
6. Potential future uses for the whole tract if developed in phases.

B. Guidelines for the recommended contents of a Sketch Plan can be found in Section 401.B.

C. Sketch Plan Submission.

1. The applicant shall submit five (5) black-on-white or blue-on-white prints on paper of the Sketch Plan and the required filing fee to the Borough Secretary. The Borough Secretary shall distribute one (1) copy each to the Chair of the Planning Commission, the Borough Engineer, the Municipal Authority’s Engineer, the Chester County Planning Commission, and shall retain one (1) copy for the permanent files of the Borough.
2. Where feasible and at the request of the Borough upon recommendation of the Borough Engineer or the Municipal Authority's Engineer, the Sketch Plan shall also be submitted to the Borough and Municipal Authority electronically in the format specified by the Borough Engineer.

D. At the next regularly scheduled public meeting subsequent to the submission in accordance with Section 303.C. above, the applicant shall present the Sketch Plan and supporting materials to the Planning Commission. The Planning Commission shall review the Sketch Plan to analyze and discuss the application with the applicant in accordance with the purpose identified in Section 102.

E. In discussing the Sketch Plan with the applicant, the Planning Commission may review

1. its conformance to the requirements of this Ordinance,
2. its compatibility with the objectives and recommendations of the Borough Comprehensive Plan, and
3. whether the proposed development is permitted under the Borough Zoning Ordinance.

When the Planning Commission discusses such conformance issues, it may suggest any modifications to the Plan which it deems necessary to secure conformance to the regulations of this Ordinance or which it believes are in the public interest.

F. To the extent that sufficient information has been submitted, the Planning Commission shall undertake a general review which may encompass, but shall not be limited to:

1. The location of all areas proposed for land disturbance.
2. The proposed building density and impervious coverage.
3. The potential for vehicular and pedestrian connections with existing or proposed roads, sidewalks or trails, and existing or potential development on neighboring properties.
4. The location of proposed access points along the road network.
5. The need for waivers or modifications from otherwise applicable ordinance standards, including any waivers or modifications which the Planning Commission would recommend in order to permit the proposal to better conform to Borough planning objectives.

G. Written Notice. After the final meeting at which the Sketch Plan is reviewed by the Planning Commission, the Planning Commission Secretary shall send written notice of the Planning Commission's acceptance or recommended modifications to the Sketch Plan, to: Borough Council, the Borough Secretary, and the applicant or their agent.

H. The applicant may request further review of the Sketch Plan by the Borough Council. Upon receiving written request by the applicant, the Borough Council may consider the sketch plan. At one or more regularly scheduled or special meetings, the Borough Council may meet with the applicant to review the sketch plan and may advise the applicant as to their concerns.
I. If Borough Council receives a request for comments from either the applicant or the Planning Commission it may, at its sole discretion, choose to review the Sketch Plan and submit comments to the applicant or the Planning Commission.

J. All comments and recommendations made by Borough representatives in regard to Sketch Plan review are non-binding. No comment, recommendation, nor the failure of the Planning Commission or any Borough representative, to proceed or act in accordance with this section, shall be deemed to be a decision with respect to any subdivision or land development plan or to vest any rights in the applicant.

SECTION 304    PRELIMINARY PLAN

A. Purpose and Applicability.

1. All applicants for major subdivision and land development shall submit a Preliminary Plan application. Applicants for Minor subdivision and land development are not required to submit a Preliminary Plan application in accordance with Section 302.A.

2. All applicants for Preliminary Plan approval should follow the pre-application procedures set forth in Section 302, and are recommended to submit a Sketch Plan as set forth in Section 303 prior to formal submission of a Preliminary Plan application. Applicants who choose to submit a Preliminary Plan without taking advantage of the Sketch Plan option, may incur additional engineering expenses. Evaluation of planning, design, and ordinance issues that can occur during Sketch Plan review can facilitate the formal plan review processes by addressing a number of issues at an early stage during plan preparation.

B. Preliminary Plan Submission and Acceptance of Review. As required for Major Subdivision and Land Development Applications, Preliminary Plans and required supplementary data for all proposed subdivisions and land developments shall be submitted by the applicant or their agent to the Borough Secretary a minimum of five (5) days prior to the next regular meeting of the Planning Commission.

C. All preliminary plans submitted pursuant to this Ordinance shall conform to the requirements of Section 402.

D. Official submission of a Preliminary Plan shall include:

1. Seven (7) completed Applications for Review of Preliminary Plan (Form 2).

2. Seven (7) blue-on-white or black-on-white prints on paper of the Preliminary Plan.

3. Six (6) copies of the Sewage facilities planning module required by the Chester County Health Department at the time the Plan is submitted, with all supplemental data, if percolation tests are required.

4. Seven (7) copies of all other information and plans which are required by
Section 402.

5. Payment of the required application fees and escrow deposits as specified in the Borough fee schedule.

6. Where feasible and at the request of the Borough upon recommendation of the Borough Engineer or the Municipal Authority’s Engineer, the Sketch Plan shall also be submitted to the Borough and Municipal Authority electronically in the format specified by the Borough Engineer.

E. Preliminary Plan Distribution. The Borough Secretary shall distribute submitted information in accordance with Figure 3-2 below:

<table>
<thead>
<tr>
<th>Party</th>
<th>Copies of Plan</th>
<th>Sewage Module*</th>
<th>Preliminary Plan Application</th>
<th>Other Required Materials</th>
</tr>
</thead>
<tbody>
<tr>
<td>Borough Planning Commission</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Borough Engineer</td>
<td>1</td>
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<td>Borough</td>
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<td>Municipal Authority Engineer</td>
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<tr>
<td>Chester County Planning Commission</td>
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<tr>
<td>Chester County Health Department</td>
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<td>1</td>
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</tr>
<tr>
<td>Chester County Conservation District</td>
<td>1</td>
<td>n/a</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

* a copy of the Sewage Facilities Planning module, if on-site disposal of sewage is to be used.

F. Review by the Planning Commission. When a Preliminary Plan has been received for review and deemed complete administratively, the Planning Commission shall review the Plan at one (1) or more regularly scheduled or special meetings to determine its conformance to the standards contained in this Ordinance and shall identify any deficiencies and may recommend such changes and modifications as it shall deem necessary to assure compliance with this Ordinance.

1. Review by Borough Engineer.
   a. The Borough Engineer shall review each Preliminary Plan to determine whether the Plan meets the requirements of this Ordinance and the Borough Zoning Ordinance, and to identify any deed restrictions.
   b. If the Plan does not meet the requirements of this Ordinance or the Borough Zoning Ordinance or violates any deed restrictions, the Borough Engineer shall identify such deficiencies and may recommend modifications to the Plan to secure compliance with said requirements.

2. When reviewing a Plan at a regularly scheduled or special meeting, the Planning Commission Engineer should consider, in addition to its own comments, written reports regarding the subdivision in question from the following parties, including, but not limited to:
a. The Borough Engineer. The Borough Engineer should evaluate the following:

1) That all information required by this Ordinance is presented in the plans submitted.

2) Compliance with all other Borough Ordinances.

3) That any Sketch Plan recommendations offered to the applicant have been considered or addressed or shall confirm the extent to which the same have been or have not been addressed.

4) That any conditions set forth in any previous order of approved conditional use, special exception, or variance approval have been complied with, if applicable.

5) That, in the opinion of the Engineer, the various schemes presented for the location, alignment of roads, grade of roads, stormwater management/best management practices (in accordance with the Borough Stormwater Ordinance), erosion and sedimentation control, physical site constraints, site grading, sanitary sewers, water supply, and any other proposed improvements are feasible from an engineering perspective.

b. The Chester County Planning Commission. The Chester County Planning Commission shall be provided with the opportunity to review and comment on the Preliminary Plan as required by Act 247.

c. The Chester County Health Department. The Health Department shall review all plans for the adequacy of the proposed method of sewage disposal and water supply.

d. Pennsylvania Department of Transportation (PennDOT). When the subject property abuts a State Route.

e. Chester County Conservation District (CCCD). The report of the CCCD on the erosion and sediment control plan, when the application has required submission to the CCCD for review.

f. Other Agencies. County, state, federal, or other reviewing or regulatory agencies having jurisdiction over all or a portion of the property subject to the application shall be provided the opportunity to review and comment on permitting or other agency-specific matters.

3. Conditions. The Borough Planning Commission may make its recommendation to the Borough Council subject to conditions, including receipt of written reports from the entities mentioned above, and upon the applicant's acceptance of such conditions.

4. Planning Commission Recommendation. Within fifteen (15) calendar days after the final meeting at which the Preliminary Plan is reviewed by the Planning Commission, the Planning Commission shall notify the Borough Secretary, the
Borough Engineer, and the applicant or their agent of the recommendation being made regarding the Preliminary Plan application:

a. If the review of the Planning Commission is unfavorable because the requirements of this Ordinance or the Zoning Ordinance have not been met or because the Planning Commission deems modifications in the Plan as submitted necessary in the public interest, the recommended modifications in the Plan and the specific provisions of this Ordinance or the Zoning Ordinance which have not been met shall be noted.

b. If the Preliminary Plan is recommended to be approved subject to conditions, those conditions shall be noted.

c. If the Preliminary Plan is recommended to be approved as submitted, that fact shall be noted.

G. Review by Borough Council. After a Preliminary Plan has been reviewed by the Planning Commission, the Plan shall be forwarded for review at one (1) or more regularly scheduled or special meetings of the Borough Council.

1. The Borough Council shall review the Preliminary Plan and the written reports of the Planning Commission, the Chester County Health Department, the Borough Engineer, the Borough, and all other reports which may have been received from County, state, or federal agencies. No official action shall be taken by the Borough Council with respect to a Preliminary Plan until the Borough Council has received the written report of the County Planning Commission, provided that the report is received within thirty (30) days after the Chester County Planning Commission received a request to review the Preliminary Plan.

2. Before acting on a Preliminary Plan, the Borough Council may arrange for a public hearing on the Plan, giving public notice in accordance with Act 247.

3. The Borough Council shall act upon the Preliminary Plan and shall transmit written notice to the applicant or their agent of the action taken within ninety (90) days following the date of the regular meeting of the Planning Commission following the date the Preliminary Plan application was deemed administratively complete, unless applicant has granted an extension. When the next regular meeting of the Planning Commission occurs more than thirty (30) days following the submission of the complete Preliminary Plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the day the Plan is submitted.

4. The action of the Borough Council may be favorable, approving the Preliminary Plan, or unfavorable, disapproving the Preliminary Plan. The findings and reasons upon which Borough Council's action is based shall be given in writing to the applicant and/or their agent and stated in the minutes of the meeting at which the action was taken on the Preliminary Plan. When the Plan as submitted is not approved, the report shall specify the requirements of this Ordinance or the Zoning Ordinance which have not been met and may recommend changes which should be made to the Plan to secure approval. Copies of all written notices to the applicant shall be made available to the Planning Commission and Borough Engineer.
5. The approval of a Preliminary Plan does not authorize the recording of a Subdivision or Land Development Plan, nor the construction, sale, lease or transfer of lots or dwelling units.

SECTION 305 FINAL PLAN

A. Purpose. The purpose of the Final Plan application for subdivision or land development is to assure full compliance with this Ordinance, with applicable zoning provisions, and with all other applicable laws and regulations prior to formal recording of all relevant planning documents and land records, and to ensure long-term proper functioning for all proposed improvements.

B. Applicability. Upon submission of any Final Plan application, the Borough shall determine within ten (10) business days whether the plan is a Minor or Major Plan submission, as defined in Section 301.B.

1. If the application is a Major Plan submission, but no Preliminary Plan application has previously been submitted or approved, the application will be returned to the applicant or, upon the request of the applicant, submitted as a Preliminary Plan in accordance with Section 304.B.

2. If the application is a Major Plan submission following a Preliminary Plan application previously submitted and approved, or if the Application is a Minor Plan submission, the application shall be retained by the Borough for review in accordance with this Section.

3. For a Major Plan application, the Final Plan shall conform to the terms of the approved Preliminary Plan.

4. For a Major Plan application, the Borough Council may permit submission of the Final Plan in Sections, consistent with Section 508 of the MPC.

5. Final Plan application shall conform to any conditions in any applicable order or approval for a conditional use, special exception, or zoning variance.

C. Final Plan Submission and Acceptance for Review. Within one (1) year of approval of the Preliminary Plan by the Borough Council, the applicant or their agent shall submit a Final Plan with all necessary supplementary information to the Borough Secretary. Upon request by the applicant, a reasonable extension of time may be granted by the Borough Council when good cause can be shown. Unless an extension is granted, failure to meet the one (1) year time limitation shall result in a determination by the Borough that it will consider any plan submitted after one (1) year as a new Preliminary Plan.

D. All Final Plans submitted pursuant to this Ordinance shall conform to the requirements of Section 403.

E. Official submission of a Final Plan shall include:

1. Eight (8) completed Application for Review of Final Plan (Form 3).
2. Ten (10) black-on-white or blue-on-white prints on paper of the Final Plan.

3. Ten (10) copies of all other supplementary data and plans.

4. Payment of the required application fees and escrow deposits as specified in the Borough fee schedule.

F. If permission is granted by the Borough Council, the applicant may submit a Final Plan in geographical sections, each section covering a reasonable portion of the entire proposed subdivision or land development as shown on the approved Preliminary Plan. If the Final Plan is submitted in sections, the first section shall be submitted to the Borough for review within one (1) year of approval of the Preliminary Plan, unless an extension of time as provided for in Section 305.C is granted. No more than one (1) year shall elapse between submission of Final Plan sections unless extensions of time are granted by the Borough Council.

G. The Final Plan shall conform to the approved Preliminary Plan, but shall incorporate all modifications required by the Borough Council in their approval of the Preliminary Plan. Failure to comply with these shall constitute grounds for the Borough Council to refuse to approve the Final Plan.

H. Distribution. Distribution of Final Plans and supporting data submitted to the Borough Secretary shall be in accordance with Figure 3-3 below:

![Figure 3-3: Final Plan Distribution](image)

I. Review of the Final Plan and Rendering of Decision.

1. Official Review Period. The Borough Council shall render a decision in regard to the Final Plan application not later than ninety (90) days following the date of the next regular meeting of the Planning Commission following the date of filing, provided that the next regular meeting be more than thirty (30) days following the date of filing. The ninety (90) day period shall be measured from the thirtyieth (30th) day following the date of filing.

2. Review of the Borough Engineer and other Borough Staff and Consultants. The Borough Engineer shall submit their written comments to the Borough. The Borough’s engineering review fees shall be the responsibility of the applicant.
a. The review of the Borough Engineer shall assure that all information required by this Ordinance is presented in the submitted plans, that all applicable laws and regulations are complied with, that the Final Plan conforms with the approved Preliminary Plan, and that any conditions set forth in any previous Order of approval for any applicable conditional use, special exception, or zoning variance have been complied with. The Borough Engineer shall submit their written comments to the Borough. The Borough’s engineering review fees shall be the responsibility of the applicant.

b. The Borough may request additional review by the Borough Engineer, Borough Solicitor, Borough staff, Borough commissions or committees, or other consultants to ascertain the accuracy of the Final Plan and submitted supplementary data, materials, documentation, as it deems necessary. All such additional review fees shall be the responsibility of the applicant.

c. The Borough Engineer shall review each Final Plan to determine whether the Plan meets the requirements of this Ordinance and the Borough Zoning Ordinance, and to identify any deed restrictions.

d. If the Plan does not meet the requirements of this Ordinance or the Borough Zoning Ordinance or violates any deed restrictions, the Borough Engineer shall identify such deficiencies and may recommend what modifications to the Plan are necessary to secure compliance with said requirements or restrictions.

3. Review by Chester County and other agencies.

a. Chester County Planning Commission. The Chester County Planning Commission shall be provided the opportunity to review and comment on the Final Plan submission as required by the Municipalities Planning Code (Act 247).

b. Chester County Conservation District. As deemed necessary by the Borough and as required by state regulations, the Chester County Conservation District shall be provided the opportunity to review and comment on matters relating to site drainage, control and abatement of soil erosion and sedimentation, stormwater management, Best Management Practices, open space management where applicable, and compliance with NPDES Phase II requirements.

c. Chester County Health Department. The Chester County Health Department will be provided the opportunity to review and comment on matters relating to adequacy of drinking water and methods of sewage disposal.

d. Other Agencies. County, state, federal or other reviewing or regulatory agencies having jurisdiction over all or a portion of the property subject to the application will be provided with the opportunity to review and comment on permit or other agency-specific matters, as applicable.

4. Review by the Planning Commission. When a Final Plan has been received for review in accordance with Section 305.C, the Planning Commission shall review
the Plan at one (1) or more regularly scheduled or special meetings to determine its conformance to the standards contained in this Ordinance and shall identify any deficiencies and may recommend such changes and modifications as it shall deem necessary to assure compliance with this Ordinance.

a. When reviewing a Plan at a regularly scheduled or special meeting, the Planning Commission should consider, in addition to its own comments, written reports regarding the subdivision or land development from the Borough Engineer, the Borough Secretary, and the Chester County Health Department, and any other reports which may have been received regarding the Final Plan.

b. Within fifteen (15) calendar days after the final meeting at which the Final Plan is reviewed by the Planning Commission, the Planning Commission Chairman shall notify the Borough Secretary, the Borough Engineer, and the applicant or their agent in writing of the recommendation being made by the Planning Commission regarding the Final Plan.

c. If the review of the Planning Commission is not favorable, the Planning Commission shall recommend that the Plan not be approved and explicitly state the reasons for such action. Any modifications in the Plan which the Planning Commission feels should be prerequisites to approval of the Final Plan shall also be noted. If the Planning Commission recommends that the Final Plan as submitted be approved, this fact shall be noted.

5. Review by the Borough Council. After a Final Plan has been reviewed by the Planning Commission, the Plan shall be forwarded for review by the Borough Council at one or more regularly scheduled or special meetings.

a. The Borough Council shall review the Final Plan and any written reports regarding the Plan from the Planning Commission, the Borough Engineer, the Chester County Health Department, the Borough Secretary and, where applicable, County, state, and federal agencies.

b. Before acting on a Final Plan, the Borough Council may arrange for a public hearing on a plan, giving public notice as defined by Act 247, as amended.

c. The Borough Council shall take one of the following actions on any subdivision or land development application submitted to the Borough:

1) The action may be favorable, giving approval to the Final Plan; or

2) The action may be unfavorable, denying approval to the Final Plan. If the Borough Council denies approval of said plan, the findings and reasons upon which the Borough Council’s denial is based shall be given in writing to applicant and/or his agent and also stated in the minutes of the Borough Council. Any modifications to the Plan required as conditions prerequisite to approval of the Final Plan shall be stated. Failure on the part of the Applicant to accept such conditions shall constitute a denial for the reasons stated.

d. A Final Plan shall not be endorsed by the Borough Council, nor recorded
until the requirements of Section 307, Recording of Final Plan, have been met.

SECTION 306        APPROVAL OF PLANS

A. All applications for subdivision and land development, whether preliminary or final, shall be acted upon by the Borough Council no later than ninety (90) days following the date of the regular meeting of the Planning Commission next following the date of the initial submission of such plans, unless Applicant has granted an extension. When the next regular meeting of the Planning Commission occurs more than thirty (30) days following the submission of the plans, the ninety (90) day period shall be measured from the thirtieth (30th) day following the day the Plan is submitted.

B. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to their last known address no later than fifteen (15) days following the decision.

C. Failure of the Borough Council to render a decision or communicate the decision to the applicant within the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have the like effect.

D. Changes in ordinances shall affect plans as follows:

1. No change or amendment to the zoning, subdivision, or other governing ordinance or provision shall affect the Borough's decision regarding any application, whether preliminary or final, that was duly filed prior to such change.

2. When an application, whether preliminary or final, has been approved without conditions, or approved by the applicant's acceptance of conditions, the applicant shall have five (5) years to commence and substantially complete the approved plan in accordance with the terms of approval. The five (5) year period shall start on the date of preliminary approval. In the case that preliminary approval is not required, the five (5) year period shall start on the date of the final approval.

3. When it is anticipated that completion of improvements associated with a plan will exceed the five (5) year period, the applicant shall prepare a schedule detailing the deadlines within which applications for final approval for each section of the plat are intended to be filed. The schedule shall be included with the preliminary plat plan, or when one is not required, with the final plan. Said schedule shall be updated annually on or before the anniversary of the preliminary plat approval until such time as final approval for the final section is granted. Any modification to the schedule shall be subject to the approval of Borough Council at its discretion.

4. Failure of the applicant to adhere to the schedule of submission of plan applications for the various sections shall subject any such section to any and all changes in zoning, subdivision and land development, or any other governing ordinance enacted by the Borough.
SECTION 307  RECORDING OF FINAL PLAN

A. Prior to Final Plan approval by Borough Council and before a major plan application may be endorsed or recorded and before the issuance of any building permits, the applicant shall deliver to the Borough Council an improvements guarantee in the form of a corporate bond or other financial security approved by the Borough Council, with advice from the Borough Solicitor, in an amount sufficient, as determined in accordance with Section 704, to cover the cost of all improvements required by this ordinance, their engineering and their inspection.

B. Endorsement by the Borough Council.

1. After the completion of the procedures required by this Ordinance, the Borough Council shall place their endorsements on the Record Plan and on as many other copies of the Final Plan as may be desired or required. The Record Plan shall be signed by at least a majority of the members of the Borough Council and the Borough seal shall be affixed to the Plan. No subdivision or land development plan may be legally recorded unless it bears Borough endorsement indicated by the signatures of at least a majority of the Borough Council and the Borough seal. The Borough shall receive two (2) paper prints of the Final Plan as endorsed by the Borough.

2. The Record Plan shall be a clear and legible black-on-white or blue-on-white on material acceptable to the Recorder of Deeds.

C. Endorsement by the County Planning Commission. After the Plan has been endorsed by the Borough Council, the Record Plan shall be submitted by the applicant or his agent to the Chester County Planning Commission for endorsement. No subdivision or land development plan may legally be recorded unless it has been endorsed by the Chester County Planning Commission.

D. Filing with Recorder of Deeds. After endorsement by the Borough and by the County Planning Commission, the applicant shall file the Record Plan with the County Recorder of Deeds within ninety (90) days of the date of the meeting at which the Borough Council approved the Final Plan. If the applicant fails to record the Final Plan within such period, the action of the Borough shall be null and void without any further action on its part.

E. Dedication of Improvements. All streets, parks or other improvements shown on the Final Plan shall be deemed to be private until such time as the same have been offered for dedication to the Borough and accepted by resolution of the Borough Council. The acceptance of any improvement shall be by a separate action of the Borough Council. The Borough Council may require a Title Insurance Certificate before acceptance of any property.
SECTION 401    SKETCH PLAN

A sketch plan shall consist of and be prepared in accordance with the following standards:

A. Drafting Standards. Specific drafting standards are not required for sketch plan submission, however, to the extent feasible at the time of sketch plan submission, it is recommended that the drafting standards set forth in Section 402.A. for preliminary plan submission be employed.

B. Recommended Contents of Sketch Plan.

1. Name and address of the record owner, the equitable owner, and the applicant.
2. A brief narrative description of the subdivision or land development proposal.
3. Tax parcel numbers(s) from current Chester County tax assessment records, the name of the proposed subdivision or land development, and the date of the plan.
4. Approximate tract boundaries of the property being subdivided, accurately labeled, showing bearings and distances, and a statement of the total acreage of the tract.
5. Precise scale and dimensions are not required at the time of Sketch Plan submission. When the Sketch Plan is drawn to scale, the minimum scale shall be one (1) inch = fifty (50) feet.
6. The name of the person or firm responsible for the design of the subdivision or land development.
7. The names of owners and tax parcel numbers of adjoining properties.
8. A location map with sufficient information to enable the Borough Planning Commission to locate the property being subdivided.
9. Significant topographical, historical, and physical features (i.e., waterbodies, quarries, floodplain, steep slopes, tree masses, railroad tracks, streets, existing buildings, etc.) on the tract.
10. Proposed general street and lot layout. When apartments and/or townhouses are proposed, the general building, street, and parking layout shall be shown.
11. In the instance that open space or recreation areas are to be included in the Plan, the location, size, and future ownership should be identified.
12. A statement describing the methods of water supply and sewage disposal intended to be used.
13. A statement describing the proposed use for each lot, parcel, and building indicated on the plan.

14. Applicable zoning district(s), including overlays.

15. The Plan shall clearly be titled Sketch Plan.

SECTION 402 PRELIMINARY PLAN REQUIREMENTS

A Preliminary Plan shall be prepared and submitted to the Borough for review in accordance with Section 302.A. of this ordinance and the following:

A. Drafting Standards.

1. Scale and Sheet Size. The Preliminary Plan and all accompanying plans shall be clearly and legibly drawn to a scale of no less than one (1) inch equals fifty (50) feet, with all dimensions shown in feet and hundredths of a foot.

2. The original drawing and all submitted prints thereof shall be made on sheets either seventeen (17) inches by twenty-two (22) inches, twenty-two (22) inches by thirty-four (34) inches, or thirty-four (34) inches by forty-four (44) inches.

3. If the Preliminary Plan requires more than one sheet, a master sheet at a scale not smaller than one (1) inch equals two hundred (200) feet showing the location of each section shall accompany the Plan. Each sheet shall be numbered and shall show its relationship to the total number of sheets.

4. The Preliminary Plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed.

5. If more than one (1) scale is used in the Plan, a key must be provided that indicates the difference in scale.

B. Site Analysis Plan. A Site Analysis Plan as required in Article 5 shall accompany the Preliminary Plan and shall be drawn at the same scale as the Preliminary Plan.

C. Required Contents of the Preliminary Plan:

1. Locations Map. A location map for the purpose of locating the property being subdivided showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads and municipal boundaries within one thousand (1,000) feet of the subdivision or land development. The scale shall be no less than one (1) inch equals eight hundred (800) feet and a north arrow shall be indicated.

2. Existing Conditions Plan. A series of plan sheets prepared in accordance with the drafting standards set forth above, with accompanying narrative as needed, showing the following existing conditions:

   a. Name and address of the record owner, the equitable owner, and the applicant.
b. Name of the proposed subdivision or land development or other identifying title and the name of the Borough.

c. Total lot or tract boundaries of the property being subdivided, showing bearings and distances and along all existing rights of way within and adjacent to the tract prepared by a registered professional land surveyor, and a statement of the total acreage of the property to the nearest square foot.

d. North arrow, graphic scale, written scale and date, including the month, day, and year that the original drawing was completed, and in the case of revised drawings, the month, day, and year that the original drawing was revised and a description of each revision.

e. Name, address, and seal of registered engineer or surveyor responsible for preparing the plan. If a registered engineer, architect, or landscape architect collaborated in the preparation of the plan, their name and address and seal shall also appear. All plans showing the subdivision of land must be signed and sealed by a registered surveyor.

f. The names of any abutting subdivisions and the book and page numbers where any abutting subdivisions are recorded, and the names of the owners of any adjacent unplatted land and the book and page numbers where any adjacent unplatted land is recorded, and the tax map parcel numbers of abutting parcels.

g. Zoning Information.

1) District lines within the property and zoning district designations and area, yard, and height requirements applicable to the property;

2) The applicable front, side, and rear setbacks of the underlying zoning district(s) shall be shown for the existing lot, parcel, or tract, including applicable required setbacks form pipeline rights-of-way or other utilities.

h. Contour lines at vertical intervals of one (1) foot for slopes of twenty (20) percent or less and not more than five (5) feet for slopes exceeding twenty (20) percent. Datum used shall be North American Vertical Datum of 1988 (NAVD88) or approved alternate datum.

i. Man-made Features. All existing buildings, structures, sewer lines, water lines, fire hydrants, utility transmission lines, culverts, bridges, railroad tracks, and other significant man-made features within the proposed subdivision or land development and within fifty (50) feet from the boundaries of the proposed subdivision or land development.

j. Natural Features. All existing watercourses, tree masses, meadows, floodplain areas, moderate slopes, steep slopes, and other significant natural features within the proposed subdivision or land development.

k. Streets. All existing streets and streets of record (recorded, but not constructed) on or abutting the tract, including names, right-of-way widths, cartway (pavement) widths and approximate grades.
I. All existing property lines, easements, and rights-of-way and the purposes for which the easements or rights-of-way have been established.

m. Conditions of approval from any conditional use, special exception, variance application or other form of zoning relief granted by the Borough for all or part of the application property.

n. Waivers. All waivers or modifications, including a statement for justification of the waiver, being requested by the Applicant as well as all waivers or modifications previously granted to the applicant by the Borough Council, shall be clearly stated on the first sheet of the preliminary plan submission, and also filed simultaneously in letter form to the Borough.

o. Original date of preparation, revision dates, with concise descriptions of each revision.

3. The full plan of proposed development, prepared in accordance with the drafting standards set forth in Section 402.A. above, including at a minimum:

a. For all proposed streets, their location, suggested name, right-of-way and cartway widths, a statement of any condition governing their use, and suggested type (i.e., collector). The designation of minor, collector, and arterial streets is subject to the approval of the Borough and shall be in accordance with the Borough Comprehensive Plan.

b. Location, width, and purpose of all proposed easements (street and utility) and rights-of-way.

c. Building setback lines along each street and the proposed placement of each apartment building, townhouse, and nonresidential building. For each apartment building and row of townhouses, the number of one, two, three, and four bedroom units shall be indicated.

d. Lot lines, with approximate dimensions, and lot numbers and a statement of the total number of lots and parcels.

e. The location, size, and intended use of all nonresidential lots and parcels.

f. The location of all common parking areas and access drives to the parking areas, the size and number of parking stalls, width of aisles and access drives, and proposed grades of parking areas and access drives.

g. Water mains and sanitary and/or storm sewers (and other drainage facilities), with the size and materials of each indicated and any proposed connections with existing facilities.

h. Location, size, and expected use of all parks, playgrounds, recreation, and other open space areas. Areas to be dedicated to the Borough shall be noted. Areas to be reserved for public use, but not to be dedicated, shall be noted. Any conditions governing such areas and the arrangements to be made for the administration and
maintenance of these areas also shall be noted, including submission of an Open Space Management Plan in accordance with Section 1226.F.3.of the Zoning Ordinance where required.

i. Provisions for pedestrian circulation (trails and paths) throughout the tract, when provided by means other than sidewalks.

j. The location of all permanent stormwater management facilities including but not limited to retention ponds, basins, culverts, swales, and sewers in accordance with Borough Stormwater Ordinance.

k. Locations of all water supply facilities.

l. Any proposed improvements or land disturbances requiring a permit from the U.S Army Corps of Engineers, the PaDEP, or the Chester County Conservation District shall be so indicated.

m. In any case where individual on-lot sewage disposal systems are proposed in accordance with Section 617, percolations test holes and deep probe test pits shall be performed and the exact locations of the successful and failed percolation and deep holes for the primary and replacement disposal areas shall be shown. Minimum horizontal isolation distances shall be maintained for the sewage disposal system as required by Pennsylvania Code, Title 25 Environmental Resources, Chapter 73, Standards for Sewage Disposal Facilities, as amended and shall be indicated on the plan.

4. The Lot Layout and Site Analysis Plan have several common attributes. As such, it is suggested that a Base Sheet be prepared with those attributes common to both the Lot Layout and the Site Analysis Plan.

5. Erosion and Sediment Control Plan. An Erosion and Sediment Control Plan for the entire tract shall be required as part of the Preliminary Plan Application and shall comply with the following:

a. The Erosion and Sediment Control Plan shall include a narrative description and all required calculations.

b. The Plan shall comply with the design standards set forth in Article VI, Section 605.

c. A copy of the approved Erosion and Sediment Control Plan shall be available at the earthmoving site at all times during construction.

d. Subdivision and land development applicants shall also comply with 25 Pa Code Chapter 92a, and obtain a PaDEP “NPDES Construction Activities” permit for regulated earth disturbance activities. Evidence of an necessary permit(s) for Regulated Earth Disturbance Activity from the Southeast Regional DEP office or Chester County Conservation District must be provided to the Borough prior to the commencement of any earth disturbance activity for which any such permit may be required.
e. The limit of disturbance shall be delineated in the field prior to any clearing or earth disturbance activities and shall remain in effect during all construction activities on the site. The limit of disturbance delineation shall consist of the placement of four (4) foot temporary fencing of a highly visible color.

6. Grading Plan. All preliminary and final plans shall be accompanied by a grading plan which shall include the following:

a. Scale and north arrow. A key map shall be included if the grading plan consists of more than one (1) sheet.

b. Existing contours shown as required by Section 402.C.2.h. herein.

c. Proposed streets and proposed locations of houses or other buildings, with proposed contours in solid line to show proposed grading, proposed location of drainage channels and swales, and, where appropriate, the dikes and impounding basins for silt retention, including spot elevations to permit calculation of storage capacity.

d. Proposed grades shown at each lot corner and at corners of proposed house locations.

e. The location of all existing and proposed storm sewers, sanitary sewers, and water lines. Existing and proposed facilities shall be shown by different line types.

f. The location of all proposed lot lines and easements.

7. Supplemental Data. The Preliminary Plan shall be accompanied by the following supplementary data, as applicable:

a. A preliminary Erosion and Sedimentation Control Plan, prepared in accordance with Section 605.

b. A preliminary Stormwater Management Plan, prepared in accordance with the Borough Stormwater Ordinance.

c. A preliminary Landscaping Plan in accordance with Section 609.

d. Typical street cross-section drawing(s) for all proposed streets.

e. Tentative profiles along the centerlines of each proposed street shown on the Preliminary Plan. Such profiles shall show natural (existing) and finished grades at one of the following sets of scales, or any combination thereof:

1) One (1) inch equals ten (10) feet horizontal and one (1) inch equals two (2) feet vertical.

2) One (1) inch equals twenty (20) feet horizontal and one (1) inch equals four(4) feet vertical.

3) One (1) inch equals forty (40) feet horizontal and one (1) inch equals ten(1)
feet vertical.

4) One (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical.

f. Preliminary designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Transportation and the Pennsylvania Department of Environmental Protection.

g. Eight completed copies of the sewage facilities planning module, whenever soil percolation tests are required by Section 617.

h. Where a Preliminary Plan shows the proposed subdivision of only a part of the subdivider’s total property, the plan shall be accompanied by a plan of the proposed street system for the remainder of the property, so that the street system in the submitted portion can be considered in relation to future connections with the unsubmitted portion. In the case of extremely large properties, the Borough Planning Commission may delimit the area for which a prospective street system on adjacent property must be shown. The subdivider shall also include a statement indicating proposed future land use for the unsubmitted portion of his property.

i. Details as appropriate, including:

1) Typical manholes, catchbasins, and inlets, with type and specifications for frames and grates or solid covers.

2) Where sanitary sewers are involved, all construction details necessary for obtaining bona fide bids.

3) Where storm sewers are involved, all sizes and types of pipe, details of headwalls, aprons, and outfall toes.

4) Curbs and sidewalks in accordance with Sections 615 and 618 herein.

SECTION 403 FINAL PLAN REQUIREMENTS

Final plans shall conform in all important details to approved preliminary plans where applicable, including any conditions of approval specified by the Borough Council.

A. Drafting Standards. Final Plans shall conform to the drafting standards set forth in Section 402.A.

B. Site Analysis Plan. Final Plans shall include a Site Analysis Plan in accordance with Article 5.

C. Required Contents of the Final Plan. Final Plan submissions shall include all information and data set forth below, except that the Borough may waive any specific submission requirement where deemed not relevant to the subject application upon the recommendation of the Borough Engineer. Information and data already supplied at the time of Preliminary Plan submission, where applicable, and satisfactorily meeting requirements
for the Final Plan submission need not be resubmitted except to the extent that additional copies are needed by the Borough to facilitate review.

1. Lot Layout Plan.

a. Name of the record owner and subdivider and the source(s) of title to the land being subdivided, as shown by the records of the County Recorder of Deeds.

b. Name of proposed subdivision or land development and the Borough.

c. The total tract boundary lines of the area being subdivided with accurate distances to hundredths of a foot and bearings to one-quarter (1/4) of a minute. These boundaries shall be balanced and closed with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet, provided, however, that the boundary(s) adjoining additional unplatted land of the subdivided (example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The proposed location and elevation (if elevation is established) of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. The engineer or surveyor responsible for the plan shall certify as to the accuracy of the survey and the drawn plan.

d. North arrow, graphic scale, written scale, and date, including the month, day and year that the original drawing of the Final Plan was completed, and in the case of revised drawings, the month, day and year that the original drawing was revised, and a description of each revision.

e. The name, address and seal of the registered professional engineer or surveyor responsible for preparing the plan.

f. The names of all abutting subdivisions and/or properties, if any, with the book and page numbers where recorded, and the names of the owners of all adjacent unplatted land, if any, the book and page number where recorded, and tax assessment identification numbers.

g. A location map for the purpose of locating the property being subdivided, showing the relation of the property, differentiated by tone or pattern, to adjoining property and to all streets, roads, and municipal boundaries within one thousand (1,000) feet of the subdivision. In addition, a scale and north arrow shall be indicated.

h. Zoning district lines within the property, and zoning district designations and area, yard, and height requirements applicable to the property.

i. The location and name (and/or number) and right-of-way and cartway width and lines of all existing roads within the property.

j. The following data for the cartway edges (or curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets, and for the right-of-way lines of all existing streets within or abutting the property to be subdivided:

k. The length, in feet to the second decimal point, of all straight lines and any two
functions of a chord of all curved lines, and

l. The width (in feet) of the cartway, right-of-way, and, if required, of the ultimate right-of-way, and (in degrees, minutes and seconds) of the delta angle of all curved lines, including curved lot lines.

m. All lot lines shall be shown and shall be completely dimensioned in feet to the second decimal point, if straight, and if curved, with central angle in degrees, minutes and seconds and length of arc and radius. Bearings to one-quarter (1/4) of a minute shall be shown for all lot lines. Each lot shall be balanced to an accuracy of one (1) foot in ten thousand (10,000) feet. For each lot, the total lot area in square feet or acres shall be stated.

n. Lot numbers, numbered consecutively, and a statement of the total number of lots and parcels.

o. Location, size, and intended use of all nonresidential lots and parcels, including all parks, play grounds, and recreation areas, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots and, if recorded, the book and page number of the County Deed Book.

p. Building setback lines along each street and the proposed placement of each apartment, townhouse, and nonresidential building. For each apartment building and row of townhouses the number of one, two, three, and four bedroom units shall be indicated.

q. Clear sight triangles, as required by Section 621.

r. The location of all existing and proposed monuments and markers as required by Section 613.

s. All easements and rights-of-way and any limitations from and on such easements or rights-of-way. Rights-of-way shall be shown and accurately identified on the plan, and easements shall either be shown or specifically described on the plan. Easements should be located in cooperation with the appropriate public utilities.

u. Location, size, materials and invert elevation of all sanitary sewers and location of all manholes, inlets and culverts and the location, size and material of water mains.

v. The location of all permanent stormwater management facilities including but not limited to retention ponds, basins, culverts, swales, and sewers.

w. Provisions for pedestrian circulation (trails and paths) throughout the tract, when provided by means other than sidewalks.

x. The location of all common parking areas and access drives to the parking areas, the size and number of parking stalls, width of aisles and access drives, and proposed grades of parking areas and access drives.

y. A certificate of ownership, acknowledgement of plan and offer of dedication shall be lettered on the Plan, using the form specified in Appendix F, and shall be signed by
the owner(s) of the property and be notarized.

z. Certificate for approval of the plan by the Borough Council.

aa. A space in which the appropriate endorsement of the Chester County Planning Commission may be applied.

bb. A space in which the Recorder of Deeds may acknowledge receipt and recording of the plan when it is presented.

c. A final Landscape Plan(s) in accordance with Section 609.

2. Supplemental Data. The Final Plan shall be accompanied by the following supplementary data, where applicable:

a. A Final Storm Water Management Plan for the tract, in accordance with the Borough Stormwater Ordinance.

b. A Final Erosion and Sediment Control Plan for the tract shall accompany the Final Plan, including a narrative description and all required calculations in accordance with Section 605.

c. Grading Plan. All final plans shall be accompanied by a final grading plan in accordance with the provisions of Section 606.

d. A completed Plan Revision Module, as required by the PaDEP, shall accompany the Final Plan.

e. Typical street cross-section drawing(s) for all proposed streets, showing the following:

   1) Existing grade shown by dashed lines, proposed grade shown as solid lines. Separate treatment shall be shown for cut sections and fill sections.

   2) Width of cartway, curbs, grading extending to rights-of-way, sidewalks (where required), and street trees (where required).

   3) Type, thickness, and cross slope of paving.

f. Profile sheets for all proposed streets within the tract.

   1) Street profiles sheets shall show at least the following information, properly labeled:

      a) Existing (natural) profile along both curb lines or the centerline of each street.

      b) Proposed finished grade of the centerline or proposed finished grade at the top of both curbs.

      c) The length of all vertical curves.
d) Existing and proposed sanitary sewer mains and manholes.

e) Existing and proposed storm sewer mains, inlets, manholes and culverts.

2) The profile sheets shall be legibly drawn at one of the following sets of scales, or any combination thereof:

a) One (1) inch equals ten (10) feet horizontal, and 1 inch equals 2 feet vertical.

b) One (1) inch equals twenty (20) feet horizontal, and one (1) inch equals four (4) feet vertical.

c) One (1) inch equals forty (40) feet horizontal, and one (1) inch equals ten (10) feet vertical. or

d) One (1) inch equals fifty (50) feet horizontal, and one (1) inch equals ten (10) feet vertical.

g. All offers of dedication and all covenants governing the reservation and maintenance of undedicated open space.

h. Such Private deed restrictions as may be imposed upon the property as a condition to sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided.

i. Whenever a subdivider proposes to establish a street which is not offered for dedication to public use, the Borough may require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Borough on behalf of his heirs and assigns, which shall establish the conditions under which the street may later be offered for dedication.

j. Eight (8) copies of the Improvements Agreement in effect at the time the submission is made.

k. Two (2) copies of any stream encroachment or wetlands permit(s) which may be required by the PaDEP.

l. Official street names and official house numbers as established or approved by Borough Council and the United States Post Office shall be shown.

m. Details as appropriate, including:

1) Typical manholes, catchbasins, and inlets, with type and specifications for frames and grates or solid covers.

2) Where sanitary sewers are involved, all construction details necessary for obtaining bona fide bids.
3) Where storm sewers are involved, all sizes and types of pipe, details of headwalls, aprons, and outfall toes.

4) Curbs and sidewalks.

n. A Site Analysis Plan as required in Article V and drawn at the same scale as the Final Plan.

o. Copy of any Highway Occupancy Permit (HOP) which may be required by PennDOT.
SECTION 501  SITE ANALYSIS PLAN

A. Applicability. In order to properly inform the design process, facilitate realization of community resource protection objectives, preclude unnecessary engineering expense on behalf of the applicant, and provide an adequate information base for plan review, applicants for subdivision or land development shall thoroughly investigate the tract under proposal and immediately surrounding areas, providing data, plans, and narrative descriptions in accordance with the provisions of this section. A Site Analyses Plan shall be required under the following circumstances:

1. Preliminary or Final Plan. As partial fulfillment of the requirements for submission of preliminary or final subdivision or land development plans;

2. Conditional Use. As partial fulfillment of the requirements for application for conditional use approval ultimately involving submission of subdivision or land development plans or as otherwise required by the Elverson Borough Zoning Ordinance; and

3. Sketch Plan Submission. To the degree appropriate information is available at the time of sketch plan submission, Site Analyses should accompany any Sketch Plan submission.

B. A Site Analysis Plan submission shall include the following:

1. Base Plan, prepared in accordance with the provisions of Section 502.A;

2. Engineering Data, provided in accordance with the provisions of Section 502.B;

3. Natural and Cultural Resources, provided in accordance with the provisions of Section 502.C; and

4. Traffic Impact Studies where required by Borough Council, provided in accordance with the provisions of Section 502.D.

C. The Borough Council may retain such consultants as necessary to review and certify the accuracy and completeness of any Site Analysis Plan submission, reasonable and necessary fees or charges shall be the responsibility of the Applicant.

D. Where a Site Analysis Plan has been provided in full compliance with the provisions of this ordinance, the same Site Analysis Plan may be resubmitted for any subsequent plan application involving the same tract of land, where such application is made within five (5) years of the original submission and where no land disturbance or other significant change affecting the subject property has occurred since the time of that submission.
For example, where full site analyses have been submitted with a conditional use application, the same site analyses may be resubmitted with preliminary or final land development plans.

SECTION 502 SITE ANALYSIS PLAN REQUIREMENTS

A. Base Plan. The applicant shall prepare a reproducible Base Plan depicting all information required in accordance with this subsection. The Base Plan need not be submitted by itself, but shall serve as a template (base) upon which all Site Analyses required under Section 501 shall be submitted.

1. The Base Plan shall depict the following information in all cases:

   a. Title Block and Tract Information:

      1) Proposed name or identifying title of the tract;
      2) North arrow, graphic scale, and date of plan preparation;
      3) Total acreage of the tract;
      4) Zoning of the tract (Note: If the tract lies within more than one zoning district, indicate the total acreage per zoning district);
      5) Name, address, and telephone number of the landowner;
      6) Name, address, and telephone number of the applicant (if different from landowner);
      7) Name and signature of the person who prepared the base plan.

   b. Location Map. The Location Map is to be a plan inset, at a scale of one (1) inch = eight hundred (800)' or greater, and shall identify the subject tract and its boundaries, showing its relationship to all areas within a minimum radius of one-half (½) mile, including indication of the following within the entire one-half (½) mile radius:

      1) All public and private streets and roads, water courses, municipal boundaries, zoning districts including the Flood Plain District and zoning boundaries;
      2) All wetlands as shown on National Wetland Inventory (NWI) Maps;
      3) All woodlands as shown on U.S.G.S. quadrangle maps and/or, available aerial photography.

   c. The Base Plan shall depict the following information for the entire tract subject to application and all adjacent areas within one-hundred (100) feet of the boundaries of said tract:
1) Adjacent property information. All property boundaries; The names of the owners of all adjacent tracts, and the names of all adjacent subdivisions or developments shall be indicated.

2) Topography. Existing topographic contours shall be indicated at two (2) foot intervals throughout the subject tract and all areas located within one-hundred (100) feet of said tract. Elevations shall be indicated and, where reasonably practical, datum shall refer to established USCG elevations. Except for sketch plan purposes, topographic data shall be prepared from an actual field survey of the tract or, via photogrammetry using aerial photographs not more than two years old. For sketch plan purposes, topographic contours may be derived from USGS quadrangle maps.

3) Soils. The limits of all soil types are to be plotted and identified with an appropriate symbol (MgB2, WoA, etc.), as mapped by the Soil Conservation Service for the Soil Survey of Chester and Delaware Counties.

4) Streams, Ponds, Watercourses, and Drainage Courses. Stream mapping shall include all stream center lines & channel boundaries. Water resource information also shall be prepared from an actual field survey of the site or, via photogrammetry using aerial photographs not more than two years old.

5) Floodplains. The limits of all areas within the 100-Year Flood Plain (zone A) as shown on the most recent F.E.M.A. Maps, in accordance with the Borough Floodplain Ordinance.

6) Buildings and Structures. All existing principal and accessory structures and facilities, including but not limited to buildings, wells, septic fields, underground tanks, fences, walls, and sheds.

7) Roads and Other Infrastructure. All existing roads, road rights-of-way, and appurtenant works, including but not limited to bridges, culverts, guardrails, etc.

8) Utilities. All existing utilities and utility rights-of-way, including but not limited to locations of poles, overhead and underground lines, and transformers.

9) Existing Vegetation. All existing tree lines, forest edges, hedgerows, and tree masses; within areas proposed for disturbance, the locations of any individual trees greater than twenty-four (24) inches diameter at breast height (dbh) and their approximate canopy spreads (tree dripline) shall be indicated.

10) Legal Encumbrances. The limit lines and nature of all private easements, deed restricted areas, and rights-of-say within the entire subject tract shall be indicated.

B. Site Analysis: Engineering Data. All information required in accordance with this subsection shall be depicted upon a copy of and at the same scale as the Base Plan. Tabular and/or narrative information may be presented as plan notations or on separate sheets where insufficient space is otherwise available.

1. The Site Analysis: Engineering Data shall depict the following information in all
cases:

a. Map Title and Date. This Plan shall be entitled, *Site Analysis - Engineering Data*. The name and signature of the person who prepared the plan shall be included, if different from that of the Base Plan.

b. Boundary Survey Data. The bearings and distances along all tract boundary lines, and all corner markers, monuments, etc., shall be indicated.

c. Legal Encumbrances. The dimensions of all easements, deed restricted areas, and rights-of-way within the tract shall be indicated. Where the tract lies within more than one zoning district, zoning district boundaries shall be indicated.

2. The Site Analysis - Engineering Data shall depict the following information for the entire tract subject to application and all adjacent areas within one-hundred (100) feet of the boundaries of said tract:

a. Topography. Moderate slope areas between fifteen (15) and steep slope areas equal to or greater than twenty-five (25) percent shall be separately indicated through shading of the appropriate areas as bounded by the contour intervals shown on the Base Plan.

b. Soils. The following soils information, as indicated in the Soil Survey for Chester and Delaware Counties, shall be provided; where appropriate, a tabular or narrative format may be utilized to present such information:

1) Infiltration rates, and erodibility (K values) for each soil type;

2) Engineering properties including: septic suitability; suitability for buildings with basements; suitability for construction of roads and streets.

3) Locations of prime agricultural soils (agricultural capability classes I, II, and III), hydric soils, soils with seasonal high ground water, soils with hydric inclusions, and alluvial soils;

4) Percolation Tests where available; If the applicant has already performed percolation tests, the locations of all test holes and data results for each test hole shall be provided.

c. Wetlands. All wetland boundaries shall be indicated. Wetland boundaries within the tract shall be determined from on-site delineation and plotted from actual field survey. Where undertaken for compliance with applicable state or federal regulation, a Wetland Delineation Report shall be provided to the Borough. For wetlands situated outside the subject tract but within one-hundred (100) feet of tract boundaries, wetland boundaries may be approximated from field observations (i.e. they do not need to be surveyed).

d. All fractures, faults, and the limits of all geologic formations shall be indicated based on published geologic data (*Chester County Geology*); from the same or
similar sources, the following information shall be indicated in tabular or narrative form, as appropriate, for each geologic formation identified:

1) General potential groundwater yields;

2) General potential for groundwater contamination;

3) Generalized engineering constraints including: ease of excavation; cut slope stability; and foundation stability;

4) All sinkholes and rock outcroppings shall be indicated (including identification of the extent and type of rock), as obtained from field investigation; and

5) The dimensions of all identified roads, road rights-of-way, utility rights-of-way, easements, and culverts shall be provided, along with the invert elevations for all identified culverts.

C. Site Analysis: Natural & Cultural Resources. All information required in accordance with this subsection shall be depicted upon a copy of and at the same scale as the Base Plan. Tabular and/or narrative information may be presented as plan notations or on separate sheets where insufficient space is otherwise available.

1. The Site Analysis - Natural & Cultural Resources shall depict the following information in all cases:

   a. Map Title and Date. This Plan shall be entitled, Site Analysis - Natural & Cultural Resources. The name and signature of the person who prepared the plan shall be included, if different from that of the Base Plan.

2. The Site Analysis - Natural & Cultural Resources shall depict the following information for the entire tract subject to application and all adjacent areas within one-hundred (100) feet of the boundaries of said tract:

   a. Wetlands. As also shown on the Site Analysis - Engineering Data, all wetland boundaries shall be indicated, as required under subsection 502.B.2.c.

   b. All sinkholes and rock outcroppings shall be indicated as also shown on the Site Analysis - Engineering Data, as required under subsection 501.B.2.d.4.

   c. Vegetation:

      1) All vegetation cover types shall be indicated in terms of the general type of vegetative cover in any given area. Examples of generalized types of vegetation cover include: woodlands, tree masses, thickets, hedgerows, meadows, pastures, oldfields, cultivated lands, orchards, lawns, disturbed areas (bare soil), etc. The approximate limits of each vegetation cover type shall be plotted based on field investigation.
2) Within areas proposed for disturbance, the locations of all trees greater than twenty-four (24) inches DBH shall be identified based upon field investigation and the location and extent of all tree protection zones.

d. All historic resources, including districts, sites, structures, ruins, walls, transportation traces (trails & abandoned roads), and quarry sites shall be identified and described, based on the Chester County Historic Sites Survey, the Comprehensive Plan, and on-site investigation.

e. Scenic resources as mapped in the Comprehensive Plan, including the following:

1) The limits of areas defined as "Scenic Open Landscape" and "Scenic/Historic Village;"

2) Vista Points; and

3) Visual Accents.

f. Environmental Hazards or Intrusions. All environmental, visual and/or safety hazards or intrusions shall be located and described, based on field investigation. Such investigation shall include, but not be limited to the following:

1) Areas of erosion, evidence of bare soil and/or overgrazing,

2) Debris/junk/soil piles, poor sight distances, poor road drainage or configuration, and

3) Problems associated with culverts and other stormwater management facilities.

D. Traffic Impact Studies.

1. Determining the Need for a Traffic Impact Study.

   a. Traffic impact studies are conducted to enable the Borough to identify the potential impacts of a proposed development and determine any roadway improvements necessary to provide an acceptable level of service. These studies are to be conducted during the preliminary plan or conditional use review process in order to adequately consider the impacts the development will have on the local transportation network.

   b. Not all developments will have a significant enough impact to require a traffic impact study. The use of engineering judgment is necessary in making this determination and consideration should be given not only to changes in projected traffic volume changes but also safety or capacity deficiencies which could impact the highway system. At a minimum, a traffic impact study shall be required when either of the following conditions is satisfied:

   1) The proposed development is expected to generate one-thousand (1,000) or more vehicle trips per day (total inbound and outbound development traffic).
2) Traffic on any adjoining roadway plus development traffic will together exceed seven hundred (700) vehicles per hour during the adjoining roadway's peak hour, and eighty (80) or more of these vehicles are newly generated peak direction trips to or from the site.

c. In all cases, a traffic impact study must be conducted when, in the opinion of the Borough, the site development is expected to have a significant impact on the safety and/or traffic flow of the affected roadway(s).

2. Preparation of the Study.

a. When it has been determined that a traffic impact study is required for a proposed site development, it shall be the responsibility of the developer to ensure the study is conducted and a final report submitted in accordance with these guidelines. The traffic impact study and final report shall be prepared under the supervision of a registered Professional Engineer who possesses a license issued by the Pennsylvania State Registration Board for Professional Engineers.

b. Engineers. The final traffic impact study report must have the seal of the supervising engineer on it when submitted. The conduct of the traffic impact study must be in cooperation with and coordination with the appropriate State and local officials. Where the recommended improvements will require a commitment from the Borough for continued maintenance and/or operation, such as with traffic signals, the report shall so indicate.

3. Study Procedures.

a. General Requirements.

1) The traffic impact study shall be conducted using currently accepted traffic engineering practices and procedures. The use of computer programs to conduct the required analyses is acceptable; provided, the programs reflect the most current provisions of the analysis procedures upon which they are based. Recommended traffic operations improvements must meet or exceed all applicable PennDot minimum design criteria.

2) The study engineer shall be responsible for the collection of all information and data required to support the study effort. At the developer's request, the Borough will make available appropriate information and data which will assist in the study effort. When traffic counts are required for the study, the study engineer shall collect such data to include peak hour turning movements on an average day as defined in PennDot Publication 201.

b. Study Area Characteristics.

1) The limits for the study area shall be based upon engineering judgement and a knowledge of the existing traffic conditions in the vicinity of the
proposed site development. The area must be of sufficient size to include the key roadway corridors and critical intersections which may be impacted by the proposed site traffic. Designation of the study area boundaries shall be a cooperative effort between the developer and the Borough Engineer. In those instances where agreement cannot be reached on the boundaries, the Borough Engineer will establish the boundaries to be used for the study. Designation of the future design year(s) as the basis for the study shall be made by the Borough Engineer dependent on the timing and/or phasing of the proposed development.

2) Existing and proposed land uses in the study area must be considered in the study. This consideration must include not only the current/proposed zoning of the various tracts within the study area but also the specific use for the development site. Where the current/proposed land use of the site is being modified, an analysis of the proposed changes should be made to determine the extent to which traffic volumes for the site will be modified.

3) Characteristics of the study area roadway network, intersections and the proposed site access point(s) to include geometries and traffic control shall be identified as part of the study. Included in this identification shall be all driveways adjacent to or across from the proposed site access point(s). In addition, all committed roadway and traffic operational improvements to the study area network, which will occur during the designated time period on which the study is based, are to be identified. Roadway improvements which have been identified on a Transportation Capital Improvement Plan developed under the provisions of Act 209/1990 also shall be included.

c. Traffic Analysis. The study area roadway network is to be analyzed for safety and capacity sufficiency for three separate conditions: existing network conditions, future network conditions without the proposed development and future network conditions with the proposed development. For each of the three conditions the following analyses shall be completed:

1) Turning movement volumes for all critical intersections within the study area shall be determined for the AM peak hour, PM peak hour, and the proposed development peak hour, if other than either the AM or PM peak hour of the network.

2) The effectiveness of the traffic signal control at all critical intersections shall be evaluated by approach in terms of vehicle stops and delays.

3) Queue length studies shall be completed to evaluate the potential for a backup of traffic from controlled intersections which could impact other intersections including access points to the proposed development.

4) An analysis of the volume and capacity of the network and all critical intersections shall be conducted utilizing the most current Highway Capacity
Manual procedures. Levels of service shall be determined and documented.

5) The analysis of the existing roadway and intersection conditions in the study area shall be based upon the current geometric conditions and traffic control operations. This analysis shall serve as a basis for determining the current adequacy of the roadway network and to document any deficiencies.

6) The analysis of the future conditions without the proposed development shall document the adequacy of the study area network to accommodate traffic in the design year(s) without the proposed development. This analysis shall include a full consideration of all committed roadway improvements to the study area network when determining the expected levels of service.

7) For the analysis of the future conditions with the proposed development, one of the key factors will be the development of the projected site generated traffic and its distribution on the study area network. The study preparer shall fully document the methodology which was used to complete this effort and provide sufficient information such that the Borough can verify the results. Site generated traffic shall be based upon Trip Generation, 5th Edition or subsequent update, from the Institute of Transportation Engineers, unless more reliable or site specific data is available.

d. Improvement Recommendations.

1) The overall goal of this section is to detail necessary improvements to the study area roadway network which will provide for an adequate level of service for the design year(s) in the context of the projected development. Based upon a comparison of the traffic analysis for the future conditions with and without the proposed development, roadway and traffic operational improvements which will support this goal are to be identified and analyzed. These improvements may include both on-site and off-site roadway and traffic operational changes as determined by the preceding analyses.

2) In developing the proposed improvements, the study preparer shall consider the following:

   a) All highway capacity evaluations shall consider not only the overall intersection level of service and delay but also evaluate each approach and movement to identify any substandard values which need to be improved.

   b) For locations where the level of service of the design year without the proposed development is F, the improvements shall provide an estimated delay which will be no worse than the delay for the design year without the proposed development.

   c) Where new intersections are being established to serve as access to the proposed development, these intersections shall be designed to at
least operate at Level of Service C or better.

d) For access points to the proposed development, which are not proposed to be controlled by a traffic signal, an analysis shall be completed to determine the need for a separate left turn lane on the adjoining highway, based upon AASHTO criteria.

e) For access points to the proposed development where traffic signal control is being proposed, a traffic signal warrant analysis shall be performed in accordance with the requirements of the PennDot Publication 201. An analysis shall be completed to determine the type of signal phasing required.

3) The final recommended study area network with proposed improvements also shall be subjected to all the traffic analyses required herein. These analyses will serve to document the adequacy of the improvements.


a. General.

1) A final report shall be prepared to document the results of the traffic impact study and the recommended improvements to accommodate the projected traffic due to the proposed development. Since this report will be reviewed by officials with varying levels of technical expertise, the report shall be presented in a format and context which can be understood by both technical and non-technical parties.

2) The presentation of data and analyses results shall be accomplished on schematic diagrams of the study area and through the use of charts and/or tables. All sources of data and methodologies which were used in the study (including computer programs) shall be properly referenced and documented. Any modifications to the referenced procedures shall be properly documented to enable a review of the appropriateness of the modification.

b. Contents. The final report shall include the following:

1) Executive summary which provides a concise description of the study area, results of the traffic analyses and any recommended improvements.

2) Description of the proposed development site to include a map showing the site's location in regards to the region and the area highway network.

3) Schematic diagram/ map of the designated study area showing all major highways and critical intersections.

4) Results of the traffic analyses for the three traffic conditions. At a minimum, the following data must be shown for each of the three conditions:

5) Mainline ADT and intersection turning movement counts.
6) Levels of service.

7) Projected traffic distribution and network assignment for the proposed site.

8) Recommended improvements to the study area network to include preliminary cost estimates, proposed implementation schedule and expected levels of service for the recommended network.
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ARTICLE 6
Design Standards

SECTION 601  APPLICATION AND GENERAL STANDARDS

A. The standards and requirements contained in this Article are intended as the minimum for the promotion of the public health, safety, and general welfare, and shall be applied as such to all subdivision and land development plans under review by the Planning Commission and the Borough Council.

B. Subdivision and land development plans shall give due recognition to the Official Map of the Borough.

C. The plan of the proposed subdivision or land development shall be coordinated with existing adjacent development in order to provide for harmonious development of the area as a whole, and promote efficient and uninterrupted vehicular and pedestrian circulation.

D. Lands subject to hazards to life, health, or property, such as may result from fire, flood, disease or other causes, shall not be subdivided or developed for building purposes until all such hazards have been eliminated or adequate safeguards against such hazards are provided by the subdivision plan.

E. Whenever municipal or other applicable regulations impose more restrictive standards and requirements than those outlined herein, such regulations shall control.

F. The Borough reserves the right to waive or modify any of the minimum standards set forth herein if conditions so warrant or as may be necessary in the public interest, or where requested by an applicant as set forth in Section 107 of this Ordinance.

SECTION 602  BRIDGES AND CULVERTS

Bridges and culverts shall be designed to meet the requirements and approval of the Borough Engineer with regard to adequacy and location. Wherever the drainage area involved consists of more than one half (½) square mile, a permit shall be obtained from the PaDEP, Commonwealth of Pennsylvania, and submitted to the Borough Council who shall make appropriate notation of receipt of same upon, and prior to approval of, the Preliminary Plan. All culverts and bridges not under Department of Environmental Protection shall be designed for a fifty (50) year storm.

SECTION 603  COMMUNITY FACILITIES

A. In reviewing subdivision plans, the Planning Commission shall consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision or land development.

B. Applicants shall provide or reserve areas for community facilities appropriate to the scale of residential development proposed, such as libraries, schools, and other public buildings, parks, playgrounds, and playfields. The applicant shall refer to the Borough
Comprehensive Plan and/or Open Space, Recreation, and Environmental Resources Plan, as applicable, and any other Official Plans which may be adopted.

C. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping, and off-street parking as appropriate to the use proposed. Such areas shall be located in a manner to best serve the public likely to use the same and to utilize, to the greatest degree, any topographical features.

SECTION 604 DEVELOPMENT PATTERNS AND GENERAL STANDARDS

A. General. The length, width, and shape of development patterns shall be determined with due regard to:

1. Providing adequate area to accommodate lots and sites for buildings of the type proposed;

2. Requirements for safe and convenient vehicular and pedestrian circulation;

3. Topography and natural and scenic resources.


5. Adequacy of existing utilities or proposed extension thereof.

B. Commercial and Industrial Development Patterns. Patterns in commercial and industrial areas may vary from the elements of design detailed above if required by the size, scope, and nature of the proposed use. In the case of commercial and industrial patterns, adequate provisions shall be made for off-street parking and loading areas, in accordance with the Borough Zoning Ordinance, as well as for traffic circulation and parking for employees and customers.

SECTION 605 EROSION AND SEDIMENTATION CONTROL

A. Earth disturbance activities are regulated herein and under existing state law and implementing regulations. These provisions shall operate in coordination with those parallel requirements; the requirements of this Ordinance shall be no less restrictive in meeting the purposes of this Ordinance than state law.

B. All earth disturbance activities of the following kinds shall be designed, implemented, operated, and maintained in compliance with this Ordinance and the Borough Stormwater Ordnance.

1. Erosion and sediment control and stormwater management during earth disturbance activity (e.g.during construction).

2. Stormwater management and water quality protection measures after completion of an earth disturbance activity, including operations and maintenance.

C. No earth disturbance activity shall commence until the requirements of this Ordinance have been fulfilled.
D. Erosion and Sediment Control Plan. The Plan shall meet all requirements of applicable state laws and regulations, including the Pennsylvania Clean Streams Law and Chapter 102, Erosion and Sedimentation Control Rules and Regulations, as amended, as well as all standards of the Pennsylvania Department of Environmental Protection Erosion and Sediment Pollution Program Control Manual, as amended. For that part of the Borough included in Special Protection Waters (French Creek basin), standards contained within the Special Protection Waters Implementation Handbook and all subsequent guidance, as applicable, also shall be met.

1. The Plan shall identify all areas where earth and/or vegetation is to be removed.

2. The Plan shall show the type of vegetation intended to be removed.

3. Where phased development will occur, the general timing or phasing for disturbance shall be indicated.

4. The Plan shall identify the intended devices or methods intended to control erosion such as temporary vegetation, temporary detention basins, diversion terraces, rock filter berms, and silt fences.

E. Erosion and sediment control during earth disturbance activities:

1. No earth disturbance activity shall commence until approval of an erosion and sediment control plan to be submitted by an applicant for subdivision or land development approval at the time of preliminary and final plan submittals.

2. The erosion and sediment control plan shall be prepared by a person trained and experienced in erosion and sediment control methods and techniques and shall encompass the minimum limit of disturbance necessary to construct the required improvements.

3. Subdivision and land development applicants shall also comply with PaDEP regulations that require submittal of erosion and sediment control plan for any earth disturbance activity of 5,000 square feet or more, and that require implementation and maintenance of erosion and sedimentation control BMPs to minimize the potential for those activities which disturb less than 5,000 square feet, under 25 Pa Code Chapter 102.

4. Subdivision and land development applicants shall also comply with 25 Pa Code Chapter 92a, and obtain a PaDEP “NPDES Construction Activities” permit for regulated earth disturbance activities. Evidence of any necessary permit(s) for Regulated Earth Disturbance Activity from the Southeast Regional DEP office or Chester County Conservation District must be provided to the Borough prior to the commencement of any earth disturbance activity for which any such permit may be required.

5. The limit of disturbance shall be delineated in the field prior to any clearing or earth disturbance activities and shall remain in effect during all construction activities on the site. The limit of disturbance delineation shall consist of the placement of four (4) foot temporary fencing of a highly visible color.
F. Until the site is stabilized, all temporary erosion and sediment control BMPs must be maintained properly. Maintenance must include inspections by the applicant/developer of all erosion and sediment BMPs after each rainfall event and on a weekly basis. All preventive and remedial work, including cleanout, repair, replacement, regrading, reseeding, remulching, and retentment must be performed immediately. If erosion and sediment control BMPs fail to perform as expected, then immediate replacement BMPs or modifications of those controls previously installed is required.

G. Erosion and sediment control designs shall comply with the Borough’s Separate Storm Sewer System (MS4) NPDES II permit requirements, including the necessary Total Maximum Daily Load (TMDL) requirements. Stream and stormwater runoff from the site may be required to be tested, by the applicant, for all pollutants as listed in the approved TMDL plan. Any pollutant increases must be mitigated to return the site runoff to the original pollutant levels or below. Mitigation measures shall be proposed by the applicant and approved by the Borough.

H. Grading. All proposed earth disturbance activity shall comply with the following standards related to grading and earthwork:

1. Natural and existing slopes exceeding one (1) vertical unit to four (4) horizontal units shall be benched or continuously stepped into competent materials prior to placing all classes of fill. Cut slopes shall not exceed one (1) vertical unit to three (3) horizontal units, except that cut slopes up to one (1) vertical unit to two (2) horizontal units may be permitted where the Borough is satisfied that such slopes will reduce the negative impacts of the grading disturbance overall and that adequate erosion control is provided.

2. Fills toeing out on natural slopes steeper than one (1) vertical unit to three (3) horizontal units shall not be made unless approved by the Borough after receipt of a report by a soils engineer certifying that they have investigated the property and made soil tests and that in their opinion such steeper slopes will safely support the proposed fill.

3. Fill areas shall be properly prepared prior to the placement of any new material. If excessive wetness, springs, or other seepage of water can be observed, drainage must be provided before placement of fill is undertaken. Under no circumstances shall fill be placed upon frozen ground or ground underlain by tree stumps, branches, or other material subject to rot or decomposition.

4. The top or bottom edge of filled or cut slopes shall be at least three (3) feet from property or right-of-way lines of roads in order to permit the normal rounding of the edge without encroaching on the abutting property or right-of-way line.

5. Retaining Walls, including all tie backs shall not be permitted to be installed within the public or private right-of-way or directly adjacent to the right-of-way that may impact the safety and welfare of the general public. All walls, retaining or otherwise, shall be setback from the right-of-way line or property line a minimum distance of the wall height, unless a stricter requirement is provided for within the Borough Zoning Ordinance.

6. Adequate provisions shall be made for dust control as deemed acceptable by the Borough.
7. All graded surfaces shall be seeded, sodded, planted, or otherwise protected from erosion as soon as practicable and shall be watered, tended, and maintained until growth is well-established at the time of completion and final inspection.

I. Stormwater Management. Stormwater management shall be in accordance with the Borough Stormwater Ordinance.

SECTION 606 FINISHED GRADING

The finished grading for a street or cul-de-sac shall extend the full width of the required right-of-way. The maximum slope between right-of-way line and top of curb or edge of the cartway if there is no curb, shall be one (1) inch per foot, except that the area from the outside edge of sidewalk to the curb or edge of road shall slope one-quarter (¼) inch per foot, unless otherwise permitted by the Borough Council.

SECTION 607 FIRE HYDRANTS

Wherever a public water distribution system is provided or available, a fire protection water system suitable for the coupling of equipment serving the Borough shall be installed. Fire hydrants shall be installed as specified by the Insurance Services Office of Pennsylvania and shall comply with local Fire Company standards. Location of hydrants shall be subject to approval by Borough Council.

A. Generally, all fire hydrants shall be located on a line of six (6) inches minimum diameter. Where a dead-end line is required to contain a fire hydrant, the portion of the line between the main loop and the hydrant shall be an eight (8) inch minimum diameter.

B. Fire hydrants shall be spaced in a development so that all proposed building(s) will be no more than (six hundred) 600 feet from the hydrant measured along traveled ways.

C. All public water systems shall provide a minimum of five-hundred (500) GPM at a residual pressure of twenty (20) psi for a two (2) hour period.

SECTION 608 FLOODPLAIN REGULATIONS

The regulation of Floodplains shall be in accordance with the Borough Floodplain Ordinance.

SECTION 609 LANDSCAPING AND SCREENING

A. Applicability. Except for individual lots occupied by single-family or two-family dwellings, landscaping conforming to the provisions of this Section shall be provided on any tract subject to subdivision and land development approval, or any lot or tract occupied by a use or activity subject to the provisions of Sections 1105 and 1106 of the Elverson Borough Zoning Ordinance, as follows:

1. General Landscaping Requirement. Any part or portion of any lot or tract which is not occupied by buildings or structures or used for loading and parking spaces and aisles, sidewalks, trails, and designated storage areas shall be landscaped according to an overall landscape plan, prepared and approved as part of the development plan or shall
be left in its natural vegetated state (e.g. forest, meadow, hedgerow).

2. Effective Visual Screen. An effective visual screen shall be established and maintained in accordance with the provisions of Section 609.C.4. herein and the Borough Zoning Ordinance.

3. Conservation of Existing Vegetation and Natural Features. All development shall be designed to maximize conservation of existing woodlands, hedgerows, specimen trees, and riparian buffer areas in accordance with Article 10: Natural Resource Protection of the Borough Zoning Ordinance.

4. All mechanical equipment and waste disposal facilities not enclosed in a structure shall be screened from view in a manner compatible with the architectural and landscaping style of the remainder of the lot.

5. Water towers, storage tanks, processing equipment, fans, skylights, antennae, communications towers, cooling towers, vents and any other structures or equipment which rise above the roof line shall be architecturally compatible or effectively shielded from view from any public street by an architecturally sound method which shall be approved, in writing, by the Borough before construction or erection of said structures or equipment.

6. Any activities for which a landscape buffer or screening is required by this ordinance or the Zoning Ordinance or imposed by the Zoning Hearing Board, or by the Borough Council, as a condition of approval.

7. Parking Lot Landscaping Requirement. Landscaping shall be required within any parking area subject to the provisions of Section 609.C.6, below.

B. Landscape Plan. All required landscaping shall be installed and maintained in accordance with a Landscape Plan prepared by a Landscape Architect registered in the Commonwealth of Pennsylvania or a similarly qualified professional as approved by the Borough. The Landscape Plan shall depict all proposed plantings required to complement, screen or accentuate building, roads, parking areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, and other site features and/or structures. Plant sizes, spacing and types shall be in accordance with this Section.

1. All required Landscape Plans shall be submitted at the time when all other required applications and/or plans are submitted, as required by Sections 304 and 305, or any other applicable Borough regulation. Plans shall be based on and reflect the following:

   a. A replacement program for non-surviving plants shall be included.

   b. A design which is responsive to the functional and aesthetic characteristics of the tract or lot, and existing and proposed principal and accessory buildings and other structures.
c. A design which demonstrates an effective proposal for screening the proposed use or activity from the adjoining properties, where required.

d. A design which enhances views and creates visual interest for the users and/or residents of the proposed project.

2. Submitted Landscape Plans shall include plans, notes, diagrams, sketches, or other depictions appropriate to demonstrate the following:

   a. Analysis of existing site conditions, including topography and existing vegetation, and views to and from areas of proposed development.
   b. Analysis of any screening or buffering requirements related to the proposed development of use.
   c. Calculation of the minimum number of trees and shrubs required, as set forth in Section 609.D.
   d. Indication of modifications requested to the standards set forth herein and specific justification thereof.
   e. Depiction of how required plantings and any additional plantings shall be allocated in order to complement, buffer, screen or accentuate buildings, roads, parking areas, stormwater management areas, sidewalks, walkways, sitting areas, service or maintenance structures, courtyards, entry road treatments, and other site features or structures.
   f. Indication of all areas to be retained in a natural state, any areas to be established as naturalized woodland replacement areas, and any tree protection zones.
   g. Indication of all plant materials to be utilized, including botanical common names and the minimum quantities, sizes, and spacing of each.
   h. Design specifications for all non-vegetative landscape material to be utilized, including earthen berms, fences and walls, as applicable.

C. Landscape Design Standards. All required landscaping shall be designed, installed, and maintained in accordance with the standards herein:

1. Total Plantings Required.
   a. The minimum number of plantings required on any lot or tract shall be determined in accordance with Section 609.D.
   b. The total number of required plantings may be utilized anywhere on the subject site for purposes of compliance with general landscape standards as well as specific standards for effective visual screening, street trees, and parking lot landscaping, as applicable. Additional plantings may be provided to further the purposes of this Section.
   c. Regardless of the total number of plantings provided, required plantings utilized for street trees and parking lot landscaping and screening shall not be less than as specified in Section 609.D. as applicable. Plantings provided in excess of minimum requirements need not comply with the dimensional standards within.
d. Existing trees and shrubs to be retained and protected may be credited towards the Minimum Planting Standards on a one (1) to one (1) basis, subject to review and approval of the Borough.

e. Where existing trees have been identified for credit, the Borough shall require the Applicant to protect trees during construction with the establishment of a tree protection zone, and commit to a tree replacement program for non-surviving plants.

2. The Tree Protection Zone. An area that is radial to the trunk of a tree or a group of trees in which no construction activity shall occur.

   Figure 6-1: Tree Protection Zone

   a. Individual Tree. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk of the tree to two (2) feet beyond the dripline, whichever is greater.

   b. Group of Trees. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

3. General Landscape Design. The following standards shall apply to any planting or landscaping installation.

   a. Plantings and other landscape improvements shall be provided in arrangements and locations in response to specific site conditions and which best mitigate impacts of the applicant's proposed site disturbance and land development actions. The amount, density, and types of plantings in any given location shall be based upon physiographic features, proximity to existing dwellings, compatibility of adjacent uses, nature of views into and across the subject site, and in consideration of privacy of neighboring residential development.

   b. Native plant species shall be used to the maximum extent practicable, consistent with the design objectives set forth within.

   c. Use of linear measurements for purposes of calculation is not intended to specify linear arrangement of plantings. Groupings of plantings are encouraged in lieu of linear arrangement, consistent with the provisions of this Section.

   d. The locations, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, including, but not limited to, moisture and sunlight. In selecting locations of shade
trees, consideration shall be given to aesthetic qualities of the site and to the protection of solar access.

e. Limitations on Planting. Plantings shall be limited or carefully selected for locations where they might be disturbed or contribute to conditions hazardous to public safety. Examples of such locations include but shall not be limited to: the edges of parking areas; public street rights-of-way; underground and above ground utilities; and sight triangle areas required for unobstructed views at street intersections. No trees shall be planted closer than fifteen (15) feet from fire hydrants, street lights, or stop signs. Other than as may be required for street tree planting, no trees shall be placed with their centers less than five (5) feet from any property lines, and no shrubs with their centers less than three (3) feet from any property line.

f. The height and size of required plantings shall be as provided in Section 609.D.4.

g. Where specific need(s) for visual screening or privacy have been identified, evergreen plantings shall be provided of sufficient height and density to establish an effective screen.

4. Effective Visual Screening. Where an effective visual screen is required under this section or in accordance with the Borough Zoning Ordinance, or where a need for effective screening has been identified during the plan review process, an effective visual screen shall be provided, subject to review and approval by the Borough. An effective visual screen shall be accomplished by a combination of plantings, berming, and fencing as may be required to achieve the desired screening effect: either a filtered view or an opaque visual barrier.

a. Filtered View. Vegetative buffer plantings providing for a filtered view, as set forth below, shall generally be considered an effective visual screen. Where the Borough is satisfied that the use of vegetative buffer plantings to provide for a filtered view shall result in the establishment of an effective visual screen, the following standards shall apply:

1) Plantings shall include a variety of native deciduous and evergreen species planted in groupings rather than linear strips.

2) In keeping with the character of Elverson Borough, deciduous species should be used to the greatest extent possible on the side of the screen facing the property’s exterior or the street.

3) At a minimum, one (1) deciduous tree and two (2) evergreen trees shall be provided for each forty (40) feet of screen, each tree of a size and height consistent with the provisions of Section 609.D.4. Tree species provided may be augmented by shrubs and flowering trees.

b. Opaque Visual Barrier. Where the Borough determines that a use or structure or portion thereof is incompatible with the character of the neighboring properties or its neighborhood generally, establishment of an opaque visual barrier may be required. To the maximum extent practicable, an opaque visual barrier shall be established to screen outdoor storage areas, truck or heavy equipment parking, loading docks, trash dumpsters and mechanical equipment from view from neighboring properties or public view in accordance with the following standards:
1) A combination of earthen berms(s), fence(s), or evergreen plantings, as appropriate, shall be installed to establish an opaque visual barrier at least eight (8) feet in height.

2) Evergreen plantings may be used in lieu of fencing where an eventual rather than immediate opaque visual barrier is acceptable to the Borough. In addition, deciduous trees shall be added in naturalized groupings on the side of the screen facing the property’s exterior or the street, as applicable, and may be augmented by shrubs and flowering trees in order to blend the screen into the surrounding landscape.

3) At a minimum, one (1) deciduous tree and two (2) evergreen trees shall be provided for each thirty (30) feet of screen, each tree of a size and height consistent with the provisions of Section 609.D.4.

c. General Design Standards for Effective Visual Screening.

1) Wherever landscaping is required to provide for an effective visual screen, the specific location(s) within the subject lot or tract shall be approved by the Borough and shall be determined based on site conditions and the relationship of the use or structure(s) to be screened to the view of neighboring properties and public view.

2) Except as otherwise specifically approved at the discretion of the Borough, the overall width of the landscape area comprising the effective visual screen shall not be less than twenty (20) feet regardless of otherwise applicable minimum yard area setbacks.

3) All plants shall be installed at intervals sufficient to create an effective visual screen, while allowing the plants to thrive (i.e., specific plant spacing shall depend upon the species used).

4) Berms. Where earthen berms are used to achieve an effective visual screen, plantings shall be installed in groupings on both sides and the top of the berm, and not solely in a line along the top of the berm. Side slopes shall not exceed a 3:1 ratio, and berms shall be designed to blend with adjoining properties.

5) Vegetative screening shall be continuously maintained for the duration of the operation of the use for which the effective visual screen is required. During such period, any plant material which does not survive shall be replaced prior to the start of the next growing season (April thru October).

5. Street Trees. Shade trees of varying species shall be planted along all streets in accordance with the following:

a. All subdivisions and land developments shall provide street trees of varying species along the entire length of any existing or proposed public street that forms a property boundary and on both sides of any street within the subdivision and land development.

1) Street trees shall not be planted so close to the cartway edge that they become a maintenance problem, but close enough to the cartway edge to provide shade.

2) The arrangements and locations of all street trees should be shown on the Landscape Plan and are subject to review and approval of the Borough.
3) The specific arrangements and locations of street tree plantings shall respond to specific site conditions and development design objectives, consistent with the criteria set forth herein.

b. Selected street trees shall be hardy, native species with minimal maintenance requirements, and shall be selected such that, at maturity, they shall provide adequate summer shade along the public roads while not interfering with utility installations. Selected street trees shall be of a non-grafted type. Recommended plant lists are included in Appendix A. Tap-rooted species shall be required in locations adjacent to streets or sidewalks.

c. Street tree spacing. The spacing between street trees shall be no greater than fifty (50) feet, staggered, on each side of the road.

6. Parking Lot Landscaping. All off-street parking areas shall be landscaped with trees and shrubs of varying species.

a. Off-street parking areas shall be landscaped to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to reduce the level of carbon dioxide; to provide shade; to ameliorate storm water drainage problems; to replenish the groundwater table; to provide for a more attractive setting; to protect the character and stability of residential, business, institutional, and industrial areas; and to conserve the value of land and buildings on surrounding properties and neighborhoods. Use of deciduous shade trees with ground cover or low shrubs is suggested as the primary landscape material within parking lots, avoiding tall shrubs or low-branching trees that may restrict visibility or movement of vehicles or pedestrians.

b. Planting areas shall be placed so as to facilitate snow removal and to provide for safe movement of traffic without interference of proper surface water drainage. Planting areas shall be elevated above the parking lot surface or bordered appropriately to prevent erosion or damage from automobiles. Bollards may be used to afford protection of trees from vehicular movement.

c. Any parking for five (5) or more vehicles shall be buffered from any adjacent property and from the street by an effective visual screen along the entire length of such parking lot where bordering or in direct view from an adjacent property, in accordance with the requirements of this Section.

1) Any parking for five (5) or more vehicles which abuts a residential use or district, whether single-family or multifamily, shall be screened from the adjacent property with an effective visual screen of not less than ten (10) feet in width.

2) TC District Exception. The requirement above may be reduced or substituted by other landscape treatments (such as an architectural fence or wall) within the TC District where the Borough agrees that potential impacts to neighboring properties have been adequately minimized and/or mitigated.
d. The interior of each parking lot shall have one (1) deciduous shade tree for every five (5) parking spaces. Shrubs and other plant materials are encouraged to be used to complement the trees, but shall not be the sole contribution to the landscaping.

e. The landscaping and planting areas shall be reasonably dispersed throughout the parking lot, except where there are more than twenty (20) spaces in which case the following shall apply.

1) Landscaped areas at least five (5) feet wide shall be provided around the periphery of parking areas. Such areas shall, at a minimum, extend the full length and width of the parking areas, except for necessary access ways.

2) Landscaped islands at the end of each parking bay shall be provided and shall be the length of one (1) parking space and at least five (5) feet in width.

f. Parking lots which do not conform to the criteria listed above shall be planted with the same ratio of trees to parking spaces as conventional parking lots but these may be planted in more varied configurations.

7. Planting areas shall be selected and designed to reflect natural landscape or existing neighborhood characteristics existing prior to site disturbance, as well as those environmental conditions to be created following site disturbance by the applicant.

8. Pedestrian Access. All parking lots shall be designed to provide for safe, reasonable pedestrian access. Parking lots with more than fifty (50) spaces shall include paved pedestrian walkways. Pedestrian walkways may be located along or through landscaped islands or other landscaped areas adjacent to the parking lot.

D. Minimum Planting Standards. Plantings and other landscape material shall be provided as necessary to meet the design standards of this Section

1. The total number of plantings shall not be less than the total calculated in Figure 6-2, as applicable. Calculations resulting in fractions shall be rounded up to the nearest whole number. The total number of required plantings for general landscaping, perimeter buffering and screening may be dispersed throughout the tract to meet the objectives of this section. Plantings required as street trees and for parking lot landscaping and screening shall not be less than the numbers set forth herein. Additional plantings may be provided.

2. To the greatest extent possible, plants shall be installed in locations and under conditions similar to those in which they occur naturally (e.g., hydrophytes in wetter situations, drought tolerant plants on ridge tops, etc.)

3. Plantings and other landscape material shall be provided as necessary to meet the design standards of this Section. Introduced landscaping may be minimized where Applicant can demonstrate to the satisfaction of Borough Council that retaining existing plant material or other means of landscaping substantially achieves the objectives of this Section.
Figure 6-2: Total Number of Plantings

<table>
<thead>
<tr>
<th>Improvement/Conditions</th>
<th>Trees</th>
<th>Shrubs</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Landscaping and Screening (where required)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Per 1,000 square feet of gross floor area of the ground floor</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Per 100 linear feet of new and existing public or private road frontage, measured on both sides where applicable.</td>
<td>3</td>
<td>5</td>
</tr>
<tr>
<td>Per 100 linear feet of existing tract boundary, where not coincident with existing or proposed road frontage.</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>Parking Lot Landscaping – Per 10 parking spaces</td>
<td>2</td>
<td>Not Specified</td>
</tr>
<tr>
<td>Parking Lot Buffering – Per 2000 square feet of off-street parking or loading area, excluding driveways less than 18 feet wide and in additional to plantings required under subsection</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Street Trees – Per 100 linear feet of new or existing public or private road frontage, measured on both sides where applicable.</td>
<td>2</td>
<td>Deciduous Trees Only 0</td>
</tr>
<tr>
<td>Replacement Landscaping – Per 500 square feet of woodland disturbance area or fraction thereof, wherever exceeding a threshold of 15,000 square feet maximum woodland disturbance.</td>
<td>1</td>
<td>Native deciduous trees only 0</td>
</tr>
</tbody>
</table>

4. Plantings intended to meet the design standards of this Section shall be sized as follows:
   a. Deciduous trees: two and one half (2 ½) inch caliper, minimum;
   b. Shrubs: eighteen (18) to twenty four (24) inches in height, minimum.

5. Additional decorative plantings may be provided at the discretion of the Applicant, without regard to the minimum size requirements herein.

6. Plantings 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 within the same USDA hardiness zone as the site and shall be nursery grown, unless it is determined by the Borough that the transplanting of trees partially fulfills the requirements of this Section.
7. At the discretion of the Borough, plantings required as above may be substituted for greater numbers of smaller plantings where utilized for purposes of general landscaping or reforestation of naturalized areas.

E. Criteria for Selection of Plant Material.

1. Species selected by the Applicant shall reflect careful evaluation of the required Site Analysis Plan and in particular the following considerations:
   a. Existing and proposed site conditions and their suitabilities for the plant materials, based upon the site's geology, hydrology, soils, and microclimate.
   b. Specific functional and design objectives of the plantings, which may include but not necessarily be limited to: provision for landscape buffer, effective visual screening, noise abatement, energy conservation, wildlife habitats, and aesthetic values.
   c. Maintenance considerations such as hardiness, resistance to insects and disease, longevity, and availability.

2. Native Plant Species. Because of the many benefits of native plants (ease of maintenance, longevity, wildlife habitat, compatibility with natural setting of Borough, etc.), Applicant is urged to conform to the requirements of this Section through the use of nursery grown native trees and shrubs in accordance with Appendix A. Associations of native street trees, hedgerow vegetation, and woodland vegetation throughout the Borough shall be utilized as a reference.

3. Species for shade trees, including street trees, shall be selected with particular emphasis on hardiness, growing habit for pedestrian and vehicle passage, minimal need for maintenance, and compatibility with other features of the site and surrounding environs. Traditional, native street tree species found throughout the Borough shall be emphasized.

4. For the purposes of promoting disease protection, minimum maintenance, diverse natural plant associations, and long-term stability of plantings, the applicant is encouraged to choose those combinations of species which may be expected to be found together under more-or-less natural conditions on sites comparable to those where the trees and shrubs are to be planted.

F. Site Maintenance and Guarantee

1. All landscape improvements to be provided in accordance with this Section, shall be installed and maintained by accepted practices as recognized by the American Association of Nurserymen. Planting and maintenance of vegetation shall include, as appropriate, but not necessarily be limited to, provisions for: surface mulch, guy-wires and stakes, irrigation, fertilization, insect and disease control, pruning, mulching, weeding, and watering.

2. Applicant shall make arrangements acceptable to the Borough that all landscape improvements installed in accordance with this ordinance shall be guaranteed and maintained in a healthy and/or sound condition, or otherwise be replaced once by equivalent improvements, for a period of at least eighteen (18) months. After installation and
prior to Borough acceptance of the site improvements, representatives of the Borough shall perform an inspection of the finished site for compliance with approved landscape plan(s).

3. Installation of landscape improvements shall be guaranteed along with all other site improvements in accordance with Section 704 herein. The costs of landscape material and installation shall be considered in determining the amount of any performance guarantee required. At the Borough's discretion, the Applicant may be required to escrow sufficient additional funds for the maintenance and/or replacement of the proposed vegetation during the eighteen (18) month replacement period. In addition, an escrow may be required for the removal and replacement of specimen trees damaged during construction. At its sole discretion, the Borough may remedy failure to complete installation or to maintain required landscape improvements.

G. Fee-in-Lieu of Landscaping and Screening – TC District. An applicant may choose the following option for multi-family development in the Town Center (TC) District.

1. While it is the preference of Borough Council that required landscaping or screening be provided on-site, an applicant for a multi-family use in the Town Center district may seek approval from Borough Council to pay a one-time fee-in-lieu of required landscaping and/or screening.

2. The amount of the fee shall be specified in the fee schedule adopted by resolution of the Borough Council.

3. All fees collected and all interest earned thereon shall be recorded and designated in the Borough General Fund. Such collected fees shall be expended within ten (10) years of the receipt thereof.

SECTION 610 LIGHTING STANDARDS

A. Purpose and applicability. See Section 1108 of the Borough Zoning Ordinance.

B. General Standards. The following standards shall apply to all exterior light fixtures within Elverson Borough, except street lighting and associated traffic safety devices provided by a public utility or governmental entity within a public right-of-way:

1. The light from any exterior light fixture (the light source and its enclosure, including any reflectors or other devices for the control of light) shall be shaded, shielded, or directed to prevent direct light from being cast beyond an angle of ninety (90) degrees from a vertical plane and to prevent glare or other objectionable problems to surrounding areas.

2. No lighting fixture shall have any blinking, flashing, moving, or fluttering lights or other illuminating device which has a changing light intensity, brightness, or color, nor will any beacon lights be permitted, except for temporary seasonal decorative lighting.

3. Neither the direct nor reflected light from any lighting fixture shall create a disabling glare that would be a potential traffic hazard for motor vehicle operators on public roads.

4. Illumination at any point on the perimeter of the lot shall not exceed one half (0.5) of one footcandle when measured with a calibrated, stable reading photometer, regardless of
the attitude or angle of the meter to the light source.

5. Illuminated areas visible beyond the perimeter of a lot, including building facades, shall not be illuminated so that the reflected light is in excess of an average of one (1.0) footcandles and shall not exceed five (5.0) footcandles at any point when measured at a distance of one (1) foot from the reflecting surface with a calibrated, stable reading photometer, regardless of the attitude or angle of the meter to the lighted surface.

6. Illuminated areas not visible beyond the perimeter of a lot, including building facades, shall not be illuminated so that the reflected light is in excess of an average of two (2.0) footcandles and shall not exceed ten (10.0) footcandles at any point when measured at a distance of one (1) foot from the reflecting surface with a calibrated, stable reading photometer, regardless of the attitude or angle of the meter to the lighted surface.

7. Where approved by the Borough Council, lighting in excess of the requirements of this section may be permitted, including but not limited to low level specialized lighting of buildings, accent lighting, security lighting, or lighting of recreational or other major outdoor facilities, for which the standards herein are inappropriate and unattainable. The applicant shall demonstrate that the proposed lighting system is designed and will be operated to minimize lighting pollution, overhead sky glow, and lighting trespass onto other properties and public roads.

C. Design Requirements.

1. Illumination Levels. Lighting, where required by this Ordinance, shall have intensities and uniformity ratios in accordance with, but not limited, to those listed in Figure 6-3:

<table>
<thead>
<tr>
<th>Use/Task</th>
<th>Illumination (Avg)*</th>
<th>Uniformity Ratio** (Avg/Min)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pedestrian Walkways</td>
<td>0.2 – 0.4 Avg</td>
<td>5:1</td>
</tr>
<tr>
<td>Local Commercial Streets – Intersections of Streets-Parking Areas</td>
<td>0.4 – 1.0 Avg</td>
<td>6:1</td>
</tr>
<tr>
<td>Local Residential Streets – Intersection of Streets-Parking Areas</td>
<td>0.4 – 0.6 Avg</td>
<td>4:1</td>
</tr>
<tr>
<td>Parking: Multi-Family</td>
<td>0.6 Min – 0.8 Max</td>
<td>4:1</td>
</tr>
<tr>
<td>Parking: Commercial/Industrial</td>
<td>0.6 Min – 1.2 Max</td>
<td>4:1</td>
</tr>
<tr>
<td>Illuminated Signs</td>
<td>0.6 – 1.0 Avg</td>
<td>6:1</td>
</tr>
<tr>
<td>Recreational Uses/Parks</td>
<td>As appropriate for the specific proposed use</td>
<td>As appropriate for the specific proposed use</td>
</tr>
</tbody>
</table>

* Illumination levels are maintained horizontal footcandles on the task, e.g., pavement or area surface.
** Uniformity ratios dictate that average illumination values shall not exceed minimum values by more than the product of the minimum value and the specified ratio (e.g., for commercial parking, high activity, the average footcandles shall not be in excess of 3.6 [0.9 x 4]).
Abbreviations: Avg – Average; Min – Minimum; Max – Maximum

2. Fixtures shall be of a type and design appropriate to the lighting application and shall comply with the Uniform Construction Code (UCC).

3. Unless otherwise specified elsewhere within this Ordinance, for the lighting of predominantly horizontal surfaces such as, but not limited to, roadways, vehicular and
pedestrian passage areas, merchandising and storage areas, automotive-fuel dispensing facilities, loading docks, active and passive recreational areas, building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall meet IESNA “full-cutoff” criteria (no light output emitted above ninety (90) degrees at any lateral angle around the fixture and no more than ten (10) percent light output above eighty (80) degrees). See Figure 6-4

4. For the lighting of non-horizontal (vertical) surfaces including but not limited to, facades, landscaping, signs, billboards, fountains, displays, flags and statuary, the use of floodlighting, spotlighting, wall-mounted fixtures and other fixtures not meeting IESNA full-cutoff criteria, the following requirements shall apply:

a. Lighting fixtures shall be installed and aimed so their output is not projected into the windows of adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

b. To redirect offending light distribution, fixtures shall be equipped with light-directing devices such as shields, visors, or hoods as approved by the Borough Council, based upon acceptable glare control and their consistency with the character of the surrounding area.

Figure 6-4: Full Cut-Off Lighting

5. For the lighting of non-horizontal (vertical) surfaces including but not limited to, facades, landscaping, signs, billboards, fountains, displays, flags and statuary, the use of floodlighting, spotlighting, wall-mounted fixtures and other fixtures not meeting IESNA full-cutoff criteria, the following requirements shall apply:

a. Lighting fixtures shall be installed and aimed so their output is not projected into the windows of adjacent uses, past the object being illuminated, skyward, or onto a public roadway.

b. To redirect offending light distribution, fixtures shall be equipped with light-directing devices such as shields, visors, or hoods as approved by the Borough Council, based upon acceptable glare control and their consistency with the character of the surrounding area.
D. Control of Glare.

1. Floodlighting and outdoor lighting in all districts, whether or not required by this Ordinance:
   
a. Shall not be aimed, installed, or directed so as to project into the windows of neighboring residential uses, and shall not be directed skyward or onto a roadway.

b. Shall be diffused, directed, shielded, located, designed, and maintained in such a manner as not to present any hazardous situations for passing vehicular or pedestrian traffic or create a nuisance by objectionable light projected beyond its lot line onto a neighboring use or property.

2. All fixtures shall be equipped with light directing or shielding of a type and design appropriate to the lighting application, for the purpose of redirecting offending light or reducing direct or reflected glare, and no glare shall be discernable beyond its lot line onto adjacent properties.

3. The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured line-of-sight at the property line.

4. Vegetation screens shall not serve as the primary means for controlling glare. Rather, glare control shall be achieved through the use of full-cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.

5. Reduction of night time lighting.
   
a. All non-essential lighting of businesses and parking lots shall be reduced within one hour after the end of business hours to the minimum level required for security purposes as approved by the Borough when the use was permitted, including but not limited to lowering or extinguishing display, aesthetic, parking, and sign lighting.

b. Where all-night safety or security lighting is deemed necessary, the lighting intensity levels shall generally not exceed twenty five (25) percent of the levels permitted by this Section but in no case shall they be less than the minimum levels for safety or security as invoked by IESNA.

c. The use of automatic switching devices, timers, motion detectors, and photocells is encouraged for extinguishing lighting.

6. Externally illuminated signs shall be lit by fixtures mounted at the top of the sign or billboard and aimed downward. The fixtures shall be designed, fitted and aimed to place the light output on and not beyond the sign or billboard.

7. All outdoor lighting fixtures and ancillary equipment shall be maintained as to continuously meet the requirements of this Ordinance.

E. Installation.

1. Electrical feeds for lighting shall be run underground, not overhead.
2. Pole mounted fixtures for lighting horizontal surfaces shall be aimed straight down.

F. Nuisance Glare and Inadequate illumination Levels.

1. When the Borough judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this Ordinance, the Borough may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.

2. If the infraction so warrants, the Borough may act to have the problem corrected as in Section 610.F.1. above at the expense of the owner violating the Ordinance.

SECTION 611 LOTS AND PARCELS

A. General Lot Design Standards.

1. The size, shape, and orientation of lots shall be appropriate for the type of development and use contemplated, and be in accordance with the provisions of the Borough Zoning Ordinance.

2. Insofar as practical, side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Borough may accommodate flexibility in lot layout so that the siting of buildings takes maximum advantage of solar energy, e.g., the orientation of buildings with their long axis in an east-west direction.

3. Where feasible, lot lines shall follow municipal boundaries, rather than cross them.

4. Depth and width of parcels intended for nonresidential uses shall be adequate for the use proposed and sufficient to provide satisfactory space for on-site parking, loading and unloading, setbacks, landscaping and screening as required in Section 609.

5. Where land has been dedicated for widening of existing streets, lots shall begin at such adjusted right-of-way line, and all setbacks shall be measured from such adjusted right-of-way line.

6. Subdivisions shall not create non-conforming lots that do not meet minimum area and bulk requirements for the applicable zoning district. All land shall be incorporated into existing or proposed conforming lots unless special usage for a specific piece of land is applied for, and approved by Borough Council, as part of a subdivision or land development proposal.

B. Lot Access. All lots shall have access to an existing or proposed public street, or to a private street.

C. Lot Size. The minimum lot size, width and building setback requirements are found in the Borough Zoning Ordinance. The minimum lot area requirements found in the Zoning Ordinance may be increased by the Borough Planning Commission according to the results of the soil percolation tests required by Section 617.C. of this Ordinance.
D. Driveways and Off-Street Parking

1. All driveways and off-street parking shall be designed in accordance with this Ordinance and the Borough Zoning Ordinance.

2. Each proposed dwelling unit in a subdivision or land development, including mobile homes in a mobile home park, shall be provided with at least two (2) off-street parking spaces.
   a. In the case of single-family or two-family dwellings, such off-street parking spaces shall be provided behind the street right-of-way line and may be provided in an attached or separate garage, carport, or stable all-weather driveway.
   b. In the case of multiple-family dwellings, such off-street parking shall be provided in paved parking lot(s) located adjacent to or near the multiple-family dwellings. Parking lots shall comply with the standards of Section 609.

3. Commercial and industrial development shall meet the off-street parking requirements of Article 14 of the Borough Zoning Ordinance.
   a. Parking areas shall include provisions to retain stormwater on the applicant’s premises in accordance with the Borough Stormwater Ordinance.
   b. Travel lanes within parking areas shall be designed according to the following:
      1) When there is a one (1)-way flow of traffic and individual parking spaces are at an angle greater than sixty (60) degrees there shall be a minimum aisle width of eighteen (18) feet.
      2) When there is a one-way flow of traffic and individual parking spaces are at an angle less than sixty degrees (60°) there shall be a minimum aisle width of eighteen (18) feet.
      3) When there is a two (2)-way flow of traffic there shall be a minimum aisle width of twenty-four (24) feet.
   c. Parking shall meet all standards and requirements of the Americans with Disabilities Act of 1990, including but not limited to, required handicapped parking spaces, access ramps, access aisles, and signage.

4. All accessways to any public street or highway shall be setback from any intersecting street line in accordance with the following:
   a. When the proposed access is along an arterial street, the proposed access shall be setback from an intersecting street line in accordance with the following:
      1) Where the intersecting street line is another arterial street, the access shall be setback a minimum of two-hundred and thirty (230) feet.
2) Where the intersecting street line is a collector street, the access shall be setback a minimum of one hundred seventy-five (175) feet.

3) Where the intersecting street line is a local street, the access shall be setback a minimum of one hundred (100) feet.

b. When the proposed access is along a collector street, the proposed access shall be setback from the intersecting street line in accordance with the following:

1) Where the intersecting street line is an arterial street, the access shall be setback a minimum of two hundred (200) feet.

2) Where the intersecting street line is another collector street, the access shall be setback a minimum of one hundred (100) feet.

3) Where the intersecting street line is a local street, the access shall be setback a minimum of fifty (50) feet.

5. Subdivisions shall be designed to minimize the number of driveway intersections with existing public roads. Whenever feasible, subdivisions shall be provided with an internal street system on which proposed lots will front.

6. Private driveways shall have such grades as to furnish safe and convenient parking spaces. Within the legal right-of-way of the intersected street the driveway shall have a maximum grade of five (5) percent.

7. Entrances to private driveways serving one and two-family dwellings should be rounded at a minimum radius of five (5) feet and entrances to private driveways serving multiple-family dwellings shall be rounded at a minimum of ten (10) feet.

8. Driveways to single-family residences shall intersect streets at angles of no less than sixty (60) degrees. All other driveways shall intersect streets at right angles, where practical, and in no case less than seventy-five (75) degrees. The angle of intersection is defined as the acute angle made by the intersection of the centerline of the driveway with the centerline of the road.

9. The width of driveways serving one-family should not be less than eight (8) feet, nor more than sixteen (16) feet at the street line, excluding the radius.

10. To allow safe ingress and egress, driveway entrances into all non-residential, single-use properties shall be no less than sixteen (16) feet in width, shall not exceed twenty four (24) feet in width as the street line unless provided with a median divider, and shall be clearly defined by the use of curbing.

11. Driveways shall be graded so that, wherever possible, surface drainage will be discharged to the owner’s property. Otherwise, adequately sized pipes, inlets, or headwalls shall be installed and gutter improvements shall be made to direct surface drainage into the road drainage system and not onto the paving of the intersecting road.
a. The gutterline, wherever possible, shall be maintained as a paved swale. It shall have a maximum depth of four (4) inches and a minimum width of twenty-four (24) inches. A pipe may be placed under a driveway entrance only when approved by the Borough engineer.

b. The acceptability of such a pipe will be governed by the gutter depth on each side of the driveway. The minimum pipe size under a driveway will be determined by the Borough Engineer.

12. All driveways shall be paved with a base of Pennsylvania No. 2A stone compacted to four (4) inches and a surface of a minimum one and one-half (1½) inches ID-2 bituminous wearing course within the legal right-of-way of a public street.

13. Clear sight triangles shall be provided at all driveway entrances in accordance with the provisions of Section 621.1 and shall be shown on plans.

14. Common Driveways. Except in the case of multi-family dwellings, single driveway may be shared by no more than five (5) lots or units provided that the following standards are met:

   a. A common driveway shall have a minimum cartway width of ten (10) feet.

   b. The design of the common driveway shall meet Borough public street standards for grade.

SECTION 612 MANUFACTURED/MOBILE HOME PARK STANDARDS

Manufactured/Mobile home parks shall comply with the standards of Article 8, herein.

SECTION 613 MONUMENTS AND MARKERS

A. Monuments shall be placed at sufficient locations to define the exact location of all streets and to enable the re-establishment of all street right-of-way lines. Monuments shall be placed at street intersections, angle points, beginning and ending of all curves, and at such other locations along the right-of-way lines as the Borough Engineer shall designate. Monuments shall be placed at the tract perimeter where no markers exist, as required by the Borough. All such monuments shall be shown on the record plat.

B. Prior to sale of lots, marker pins of five eighths (5/8) inch steel rod at least twenty-four (24) inches long shall be placed by the subdivider at all points where lot lines intersect road lines or other lot lines and at all angle points in lot lines and driven flush with the ground.

C. Monuments shall be standard concrete survey monuments that are twenty-four (24) inches long, four (4) inches square at the top and six (6) inches square at the bottom. They shall contain a one-half (½) inch diameter steel or iron rod and shall have a defined center point on top. They shall be installed so that the top is flush with the surrounding finished grade.
D. Utility easements shall be marked at their beginning, their end, and at all directed changes. The markers shall be placed in the ground after final grading is completed. The monumentation shall be either a concrete monument or marker, as required by the Borough.

E. All monuments and markers shall be certified for accuracy by the registered surveyor responsible for their installation. Accuracy shall be in accordance with the Pennsylvania Society of Land Surveyors “Manual of Practice”, July 10, 1998 edition of most recent revision.

SECTION 614 NATURAL RESOURCES

All natural resources identified in the required Site Analysis Plan shall be preserved and protected in accordance with Article 10: Natural Resource Protection of the Borough Zoning Ordinance.

SECTION 615 PAVING AND CURBING

A. All streets, public or private, shall be paved and curbed in accordance with this section or as otherwise specified by the Borough regulations. All materials and constructions methods shall be in accordance with PennDOT Publication 408, latest revision.

B. Pavement Specifications shall be in accordance with Figure 6-5:

<table>
<thead>
<tr>
<th>Pavement Layers</th>
<th>Minor Streets</th>
<th>Collector and Non-Residential Streets</th>
</tr>
</thead>
<tbody>
<tr>
<td>No. 2A PennDOT Subbase</td>
<td>6&quot;</td>
<td>6&quot;</td>
</tr>
<tr>
<td>Superpave Asphalt Mixture Design, 25.0 mm, PG64-22, Base Course, 0.0 to 0.3 million ESAL’s</td>
<td>5&quot;</td>
<td>5&quot;</td>
</tr>
<tr>
<td>Superpave Asphalt Mixture Design, 19.0 mm, PG64-22, Binder Course, 0.3 to 3.0 million ESAL’s</td>
<td>n/a</td>
<td>1.5&quot;</td>
</tr>
<tr>
<td>Superpave Asphalt Mixture Design, 9.5 mm, PG64-22, Wearing Course, 0.0 to 0.3 million ESAL’s</td>
<td>1.5&quot;</td>
<td>1.5&quot;</td>
</tr>
</tbody>
</table>

Notes: 1. Mixes may be hot Mix or Warm Mix  
2. Design ESAL range for collector and non-residential streets shall be subject to Borough Engineer review of expected traffic volumes.  
3. Pavement design for streets serving industrial traffic shall be subject to Borough Engineer review

F. Joint Seal. After application of the wearing course, all curb, inlet, manhole, etc., joints shall be sealed with a PennDOT approved joint sealer applied in neat lines with a minimum width of six (6) inches.

G. Crown. All Borough Streets shall have a crown of between two (2) and three (3) percent sloping away from the centerline, unless otherwise directed by the Borough Engineer.
H. Curbing.

1. Curbing may be required in those cases where Borough Council deems it necessary for stormwater management purposes, protection against soil erosion, or protection and circulation of pedestrians, and/or other reasons.

2. All curbs shall conform to SSM Drawing No. 7233-001-D-001.

3. Where it is necessary to replace existing vertical curbs with depressed curbing, existing curb shall be removed beyond the depressed curbing area to the nearest joint on either side, down to the subgrade without disturbing the adjacent cartway paving. The depressed curb shall conform to SSM drawing No. 7233-001-D-001. Any portions of the cartway disturbed during curbing removal or installation shall be repaired to new condition.

4. Any depressed curb sections that are unused when a development or phase of a development is completed, shall be completely removed and replaced with vertical curbing to line and grade of adjacent curbing in accordance with SSM drawing No. 7233-001-D-001. Forming and pouring vertical curbing on top of an existing curb depression will not be permitted.

5. All aspects of curb shall also conform to the Elverson Borough Sidewalk and Curb Ordinance of 1993, as amended.

I. Copy of Delivery Slips. Delivery slips for all stone, bituminous concrete and Portland cement concrete materials shall be furnished to the Borough.

J. Failure to Comply with Construction and Paving Standards. In addition to other remedies available to the Borough under the law, failure to adhere to the requirements of this Section shall give the Borough Council cause to refuse to accept streets for dedication.

SECTION 616 RECREATIONAL AREAS

A. In all subdivisions, consideration shall be given to the provision of appropriate open spaces for parks, playgrounds, and other recreational use. Due consideration shall be given to the preservation of natural and cultural features such as large trees, woods, waterways, scenic points, and historic areas.

B. For subdivisions in which the average lot size is less than one half (½) acre, the reservation of space for recreation shall be two (2.0) acres per twenty-five (25) – fifty (50) dwelling units and 1.0 additional acre of space for recreation for each additional fifty (50) dwelling units in accordance with Section 616.D.

C. Fee-in-lieu of Reservation Standards. As an alternative to such open space provision, the Council may accept a fee-in-lieu of land reservation if the set aside requirement, when applied to a particular tract of land, is illogical or impractical in terms of the criteria and standards established herein. Such fee shall help the Borough defray the costs of providing public open space and public recreational facilities to serve the residents of the Borough.
1. The amount of any fee in lieu of land for open space shall be equal to the average fair market value of the land otherwise required by Section 616.B, or the proportional equivalent thereof. The formula to be used in computing the fee shall be: \( \text{Fee} = \frac{DU}{25} \times \text{average FMV} \); where \( DU \) is the number of proposed dwelling units, and \( \text{FMV} \) is the fair market value of one (1) acre.

2. Determination of the market value of the land shall be the responsibility of the applicant, and shall result in a reasonable value acceptable to the Borough Council.

3. The fee shall be paid prior to commencement of any construction, excavation, or grading.

4. All monies collected in lieu of land reservation shall be kept in the Borough open space capital reserve fund, which shall be used solely for the acquisition of open space land or capital improvements for open space and park and recreation purposes within the Borough at locations consistent with the Borough’s Comprehensive Plan.

D. Open Space Characteristics and Design Standards. In designating areas for open space and recreation within the subdivision or land development plan, the following criteria and standards shall be adhered to by the applicant. Required areas shall be:

1. Consistent with the Borough’s Comprehensive Plan.

2. Suitable for active recreational uses to the extent deemed necessary by Borough Council, without interfering with adjacent dwelling units, parking, driveways, and roads.

3. Comprised of no more than thirty (30) percent environmentally sensitive lands, including floodplains, woodlands, slopes exceeding fifteen (15) percent, and surface waters.

4. Comprised of areas not less than seventy-five (75) feet in width, and not less than fifteen thousand (15,000) square feet of contiguous area, except when part of a trail system or pathway network.

5. Interconnected with common open space areas on abutting parcels wherever possible, including provisions for pedestrian pathways for general public use to create linked pathway systems within the Borough.

6. Provided with sufficient perimeter parking when necessary, with safe and convenient access by adjoining street frontage or other rights-of-way or easements capable of accommodating pedestrian, bicycle, maintenance, and vehicle traffic, and containing appropriate access improvements.

7. Undivided by any public or private streets, except where necessary for proper traffic circulation, and then only upon recommendation of the Borough Engineer and Planning Commission.
8. Free of all structures, except those related to outdoor recreational use.

9. Suitably landscaped either by retaining existing natural cover and wooded areas or by a landscaping plan for enhancing open space areas in accordance with Section 609 herein.

10. Made subject to such agreement with the Borough and such deed restrictions duly recorded in the office of the County Recorder of Deeds as may be required by Borough Council for the purpose of preserving the open space for such use.

SECTION 617 SANITARY SEWAGE TREATMENT

Each lot in a subdivision or land development shall have a permitted sewage disposal facility in accordance with the rules and regulations of the PaDEP, the Chester County Health Department and the Borough’s Act 537 Sewage Facilities Plan, as amended.

A. Elverson Borough Sanitary Sewer System.

1. Applicants for subdivision and/or land development must undertake the appropriate studies in conjunction with the Municipal Authority to address connection feasibility, cost sharing, and other relevant issues in order to determine if connections can be made to the Sanitary Sewer System. Where connection is determined to be feasible, a written approval of service feasibility shall be provided to the Borough by the Municipal Authority. Approval reports shall state:
   a. Existing/proposed treatment capacity available and the timeframe for availability.
   b. All actions required for connection to the sanitary sewer system.
   c. The estimated cost for connection and related construction.

2. In cases where connection to the Sanitary Sewer System does not exist, but where studies approved by the Borough indicate that construction or extension of sanitary trunk sewers to serve the property being subdivided or developed appears probable within five (5) years from the date of filing of a Preliminary Plan, the Borough shall require the installation and capping of sanitary sewer mains and house connections, in addition to installation of interim individual or community on-site sanitary sewage disposal systems. Individual house connections (l laterals) on capped sewer systems shall extend to the right-of-way line, and shall be centered within the lot frontage. It shall be the responsibility of the applicant to consult with the Borough and the Municipal Authority with regard to the sewer line locations prior to finalizing sewer design. Design of capped sewer systems shall be subject to approval of the Borough and the Municipal Authority, as well as the PaDEP.

3. If any private sanitary sewage facility or community sewage system, as described in the Borough's Act 537 Sewage Facilities Plan, is proposed to provide sewage service for a subdivision or land development that cannot be feasibly
connected and/or cannot be serviced by the Municipal Authority within a projected five (5) year period, the design criteria described in Sections 617.B. and 617.C. shall be utilized in the design and construction of such sewage facilities, as appropriate.

4. Where immediate or future connection to the Municipal Authority system will be provided in subdivisions or land developments utilizing private streets, the applicant shall execute a recordable covenant with the Borough that states, for the purposes of sewer connections, assessments and rentals, that the rights and liabilities of the applicant, his grantees, heirs, successors and assigns shall be the same as if his property abutted a public street.

5. Once connected to the Sanitary Sewer System, all sanitary sewers and appurtenances shall be dedicated to the Municipal Authority in accordance with Section 805.

B. Community On-Lot Disposal System (COLDS)

1. The design and installation of any community sewage disposal systems, as defined herein, shall be subject to the approval of the Borough, the Municipal Authority, PaDEP, and the Chester County Health Department, as required.

2. Where lots are one (1) acre or larger and the Sewer Authority System does not connect to these lots and has no plans to connect to these lots within a period of five (5) years, an acceptable form of on-site sewage treatment system (individual or community) shall be used, preferably land-based. Installation of a capped sewage collection system as provided in Section 617.A.2. shall not be required in such cases.

3. Lots to be provided with an on-site sewage treatment system shall be subject to the design standards of Title 25, Chapter 73, Rules and Regulations of PADEP, the Chester County Health Department standards, and Borough standards. The applicant shall either provide for these on-site sewage treatment systems as part of the subdivision and land development process or the applicant shall guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision and/or land development, that such facilities can be installed by the purchaser of such lot or parcel.

4. The Borough shall require that a statement of suitability for any on-site sewage treatment system be received from the Chester County Health Department and/or PADEP before Preliminary Plan approval is granted. A note shall be required on the Preliminary and Final Plans indicating that if proposed final on-site sewage permits for each lot cannot be obtained from the Chester County Health Department and/or PADEP, then said plan shall be resubmitted to the Borough and Municipal Authority depicting only lots or development for which permits can be obtained.

5. In such cases where connection to the Sewer Authority System is not feasible and where individual on-site sewage treatment systems are not approved, the applicant must provide a complete community sewage treatment system.
a. The design and installation of any such systems shall be subject to the review and approval of the Borough, the Municipal Authority Engineer, the Chester County Health Department, and PADEP, as appropriate.

b. Such systems shall be further subject to satisfactory provisions for proper maintenance thereof and shall be subject to inspection by the Borough and/or Municipal Authority at any time.

c. All necessary permits and approvals for such systems must be submitted to the Borough with the Final Plan submission.

d. In addition, the applicant shall, prior to approval of a Final Plan for subdivision or land development, post a bond in a form acceptable to the Borough Solicitor, in an amount sufficient to cover a period of five (5) years the cost of maintenance, repair, and hiring of personnel qualified to operate the system in the event that the system owner fails to properly maintain and operate the system within design standards. The bond shall remain in effect for the length of time the system remains in operation.

e. Operation of the system shall at all times be under the supervision of an operator duly licensed by the Commonwealth of Pennsylvania.

6. The Borough reserves the right to promulgate rules and regulations for the installation, maintenance and use of such systems.

7. Applicants are strongly encouraged to investigate the feasibility of land-based community systems which recharge groundwater and/or utilize treated wastewater to irrigate and fertilize a growing crop. Any type of stream discharge system in either the French Creek watershed, waters designated as Exceptional Value/Special Protection waters by the PaDEP, or the Conestoga Creek watershed of the Chesapeake Bay drainage system should be avoided. A copy of all approval(s) of such systems, as appropriate, shall be submitted to the Borough with the Final Plan.

8. If on-site sanitary sewage disposal facilities are to be utilized in portions of the Borough not served by the Sanitary Sewer System, the Borough may require that the applicant submit a Feasibility Report. Such Report shall compare the cost of providing on-site facilities and the cost of a community sanitary sewer system versus connection to the public Sanitary Sewer System. Based on the analysis of this Report, the Borough may require the installation of a community or public sanitary sewer system or capped sewer.

9. Where on-site sewage treatment systems are to be utilized, each lot so served shall be of a size and shape to accommodate the necessary length of tile fields at a safe distance from, and at a lower elevation than, the proposed building(s) to facilitate, if possible, gravity flow of such system. All such systems shall be in accordance with Borough, County, and State regulations, and shall be so plotted.
C. Soil Percolation Test Requirements.

1. Soil percolation tests to determine site suitability shall be performed for all subdivisions and/or land developments utilizing land-based on-site sewage treatment systems or a new land-based community sewage treatment system, where buildings(s) at the time of construction will not be connected to the Sewer Authority System or to a non-land-based community sewage treatment system. Deep hole test pits are required as a further means of guaranteeing suitability of a site.

2. Soil percolation tests shall be made in accordance with the requirements of the Chester County Health Department and the PaDEP, by either an engineer or registered sanitarian and/or the Pennsylvania Sewage Facilities Act sewage enforcement officer, at the site of any proposed on-site sanitary sewage treatment system (individual or community).

3. The results of the soil percolation tests shall be analyzed in relation to the physical characteristics of the tract being subdivided or developed and the general area surrounding the tract. The lot layout in the Preliminary and Final Plans shall be based on this analysis, in accordance with requirements set forth in this section.

4. If the analysis of soil percolation test results reveals that the soil is unsuitable for the intended use(s) at the lot size(s) originally proposed, the Borough may require that the lot size(s) be increased and/or the lot layout modified and/or the proposal otherwise modified in accordance with the test results.

5. The backfilling of all percolation test holes and related test pits on the tract shall be accomplished within the time period specified in 35 P.S. §750.7(b)(8) of the Pennsylvania Sewage Facilities Act (Act 537, as amended).

SECTION 618 SIDEWALKS & TRAILS.

A. Sidewalks.

1. Sidewalks shall be required:
   a. Along all streets within a subdivision where the average lot size per dwelling unit is one-half (1/2) acre or less;
   b. Along all streets within one-thousand feet of and leading to a school;
   c. Along all streets in a commercial zone;
   d. At other location deemed necessary for safety and convenience by Borough Council.

2. Sidewalks shall be placed within the street right-of-way parallel to and at least three (3) feet from the edge of cartway. Gradient and paving of all sidewalks shall be in accordance with SSM drawing No. 7233-001-D-001 and any applicable ADA requirements.

3. The width of sidewalks shall be in accordance with SSM drawing No. 7233-001-D-001.

4. All sidewalks shall conform to the Elverson Borough Sidewalk and Curb Ordinance of 1993, as amended.
B. Trails. At the discretion of the Borough, the applicant for any subdivision or land development may be required to establish a system of bicycle and pedestrian trails for public use. The said trails shall be secured by dedication or easement. The following design standards shall be used for trails:

1. The trail shall be designed to accommodate only non-motorized traffic.

2. An easement or right-of-way, as required by the Borough, of at least fifteen (15) feet shall be established for the entire length of the trail.

3. The Borough may, but shall not be required to, accept dedication of a trail easement or right-of-way, provided: a) the trail is constructed to Township specifications; b) there is no cost to the Township for acquiring the easement of right-of-way; and c) the Township agrees to and has access to maintain the trail.

4. Trails shall be logically related to environmental features so as to minimize disturbance to such features while permitting observation of such features. Disturbance of sensitive natural features such as wetlands should be avoided. When it is necessary to cross a watercourse, the applicable Township floodplain regulations shall be adhered to.

5. Trails shall be constructed on reasonable grades, have proper drainage, and provide adequate sight distances for the safety of trail users.

6. Trails shall be constructed to be a minimum of six (6) feet wide, except along collector and arterial streets, and adjacent to shopping centers, schools, recreation areas, and other community facilities, or where bicycle use is anticipated, where they shall be a minimum of eight (8) feet wide.

7. Trails shall cross roadways and parking areas at a ninety (90)-degree angle.

8. Trail grades shall be consistent with the Americans with Disabilities Act Accessibility Guidelines for Outdoor Developed Areas, latest version.

   a. Cross Slope - The cross slope shall not exceed 1:50 (2%) maximum.

   b. Running slope. Running slope of trail segments shall comply with one or more of the provisions of this section. No more than thirty (30) percent of the total trail length shall exceed a running slope of 1:12.

      1) Running slope shall be 1:20 or less for any distance.

      2) Running slope shall be 1:12 maximum for two hundred (200) feet maximum. Resting intervals shall be provided at distances no greater than two hundred (200) feet apart.

      3) Running slope shall be 1:10 maximum for thirty (30) feet maximum. Resting intervals shall be provided at distances no greater than 30 feet apart.

      4) Running slope shall be 1:8 maximum for ten (10) feet maximum. Resting intervals shall be provided at distances no greater than ten (10) feet apart.
c. Resting intervals shall be sixty (60) inches minimum in length, shall have a width at least as wide as the widest portion of the trail segment leading to the resting interval, and have a slope not exceeding 1:50 (2%) in any direction.

9. Trails shall be constructed with appropriate drainage swales and surface pitch or crowning so that water flows off the trail in a perpendicular sheet flow.

10. The Borough may require the trail to be installed prior to the issuance of the certificate of occupancy for the residential or non-residential structures.

11. These design requirements may be waived if environmental or topographic constraints preclude the use of a paved trail. Stone or mulch trails may be permitted, if recommended by the Planning Commission and approved by Borough Council.

12. Trail construction shall be in accordance with the DCNR’s Pennsylvania Trail Design and Development Principles.

SECTION 619 SOIL DISTURBANCE AND REMOVAL

The following standards shall apply to all proposed land developments, uses, and other activities within Elverson Borough regarding the disturbance or removal of soil.

A. Unless expressly permitted by the Borough, no use, land development, or other activity shall be permitted to willfully and actively remove soil from the Borough.

B. Where a land development will require earth disturbance associated with installation of improvements, structures or grading, measures shall be taken to protect the soil against erosion in accordance with Section 605.

C. Whenever earth disturbance occurs, the disturbed soil shall remain on the same site unless constraints of the site create a potential harm to residents or to the environment.

D. Where the installation of improvements or buildings creates a surplus of soil that is unable to be adequately used on a given site, soil may be transported to another site. Once relocated, measures shall be taken to protect the soil against erosion in accordance with Section 605.

SECTION 620 STORMWATER MANAGEMENT

Stormwater management shall be in accordance with the Borough Stormwater Ordinance.

SECTION 621 STREETS

A. Purpose. The following standards shall apply to all new public and private streets in the Borough in order to:

1. Provide adequate accessibility within the Borough.

2. Ensure safe conditions for vehicular and non-vehicular traffic; and
3. Create consistent standards for streets which reflect the village character of the Borough.

B. General Standards.

1. Street Construction and Grading. All materials entering into the construction of streets and the methods of construction shall be in accordance with the applicable requirements of the Pennsylvania Department of Transportation (PennDot) Whenever regulations of the Borough impose more restrictive standards or requirements, such Borough standards or regulations shall control.

2. Context-sensitive design of streets and their relationship to the arrangement of lots is required. Streets shall be related to the topography so as to produce a smooth flow of traffic, to avoid poor sight distance, to avoid traffic congestion and to promote public safety.

3. The proposed street system shall extend existing or recorded streets at the same width as the existing or recorded streets

4. Streets shall be extended by dedication to the boundary of an adjoining property where connection is desired by the Borough Council. If a subdivision proposes lots, all of which front on existing public roads, the Borough may require the applicant to provide additional right-of-way, paving, or other improvements built to the specifications established by the Borough.

5. If a portion of the applicant's property is not proposed for subdivision, but could be subdivided in the future, the Borough shall require a master plan be prepared in sketch form which identifies the location of intended future access points for the portion of the property that is not subdivided and may require the reservation of land adequate to provide for future street access to land which could be subdivided in the future and require that the location of land reserved for future streets be coordinated with the street system shown on the subdivision plan.

6. New local streets shall be so designed as to discourage through traffic, but the applicant shall relate to existing streets, and planned settlement patterns to provide opportunity for the extension and continuation of streets into and from adjoining properties.

7. Where a subdivision or land development abuts an existing street which does not meet the standards of this Ordinance, the Borough may require the dedication of land sufficient to widen the street to meet the standards of this Ordinance, and may require the Applicant to construct said widening for their entire frontage.

8. The applicant shall be required to provide standard traffic control signs for all streets within the subdivision. The proposed location of said signs must be shown on the final plans.
C. Street Widths.

1. Minimum street right-of-way and cartway (pavement) widths shall be in accordance with Figure 6-6.

2. Additional right-of-way and cartway widths may be required by the Borough for the purpose of promoting public safety and convenience.

3. Borough Council may require construction of a four (4)-foot shoulder on each side of the cartway when no parking will be permitted along roads, and curbs will not be provided.

![Figure 6-6: Street Width Specifications](image-url)

<table>
<thead>
<tr>
<th>Right-of-Way</th>
<th>Cartway</th>
<th>Curbed Cartway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local Streets and Permanent Cul-de-Sacs (No Parking Permitted)</td>
<td>50'</td>
<td>24'</td>
</tr>
<tr>
<td>Local Streets and Permanent Cul-de-Sacs (Parking Permitted)</td>
<td>60'</td>
<td>34'</td>
</tr>
<tr>
<td>Service Street (alley) No Parking Permitted</td>
<td>24'</td>
<td>18'</td>
</tr>
<tr>
<td>Marginal Access Street (No Parking Permitted)</td>
<td>50'</td>
<td>20'</td>
</tr>
<tr>
<td>Collector Street (No Parking Permitted)</td>
<td>50'</td>
<td>24'</td>
</tr>
<tr>
<td>Collector Street (On-Street Parking Permitted)</td>
<td>60'</td>
<td>36'</td>
</tr>
</tbody>
</table>

D. Restriction of Access. Whenever a subdivision or land development abuts or contains an arterial or collector street according to the Comprehensive Plan, the Borough may require restriction of access to the arterial or collector street by:

1. Provision of reverse frontage lots, or

2. Provision of service streets along the rear of the abutting lots, together with prohibition of private driveways intersecting the arterial or collector street, or

3. Provision of marginal access streets, provided that the reverse strips establishing such marginal access streets shall be placed within the jurisdiction of the Borough under an agreement meeting the approval of the Borough, or

4. Provision of a system of minor streets which would intersect the arterial or collector street on which lots would front.
E. Street Grades.

1. There shall be a minimum centerline grade of one (1) percent.

2. Centerline grades shall not exceed the following:
   
   a. Minor Street: ten (10) percent;
   
   b. Collector Street: six (6) percent;
   
   c. Arterial Street: as per PennDOT requirements;
   
   d. Street Intersection, within seventy-five (75) feet of the intersection of respective cartway lines: five (5) percent.

F. Horizontal Curves.

1. Wherever street lines are deflected in excess of one (1) degree, connection shall be made by horizontal curves.

2. Minimum centerline radii for horizontal curves shall be as follows:

   a. Minor Streets: one-hundred and fifty (150) feet
   
   b. Collector Streets: three hundred (300) feet
   
   c. Arterial Streets: as per PennDOT requirements;

3. A tangent section of road of at least one hundred (100) feet shall be introduced between all horizontal curves on minor streets and a tangent section of road of at least two hundred (200) feet shall be introduced between horizontal curves on collector streets.

G. Vertical Curves shall be used at changes of grade exceeding one (1) percent. The minimum length of vertical curves shall be designed to meet the PennDOT standards for Stopping Sight Distance (SSD) and Headlight Sight Distance (HSD).

H. Intersections.

1. Streets shall intersect as nearly as possible to a ninety (90) degree angle and no street shall intersect another at an angle of less than seventy (70) degrees, nor more than one hundred ten (110) degrees. The angle of intersection with arterial streets shall not be less than eighty (80) degrees, nor more than one hundred (100) degrees.

2. No more than two (2) streets shall intersect at the same point.

3. Two opposing streets shall intersect the perpendicular street directly opposite to each other. If two opposing streets do not intersect directly opposite to each other, they shall be separated by a minimum distance according to the following, unless reduced at the discretion of the Borough Council:
a. Along Arterial or collector streets, intersecting streets shall be separated by a minimum of four hundred (400) feet between centerlines, measured along the centerline of the street being intersected.

b. Along minor streets, streets shall be separated by a minimum of three hundred (300) feet, measured as above.

4. Intersections shall be approached on all sides by a straight leveling area, the grade of which shall not exceed five (5) percent within seventy-five (75) feet of the intersection of the nearest cartway lines.

5. All street cartway intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) feet. The Borough may increase this standard for purposes of public safety.

I. Sight Distances at Intersections and Driveways. Clear sight triangles and clear sight distance shall be provided at all street intersections and driveways in accordance with the Multi-Modal Circulation Handbook for Chester County, PA, latest edition.

J. Cul-de-Sac Streets.

1. Dead-end streets are prohibited, unless designed as cul-de-sac streets, and in the case of streets planned for future extension into adjoining tracts and which will be no longer than the depth of one (1) lot and which will not be the primary means of access to any lot, the Borough may waive the requirement of providing a turnaround.

2. Except as provided in Section 621.J.1., any street dead-ended for access to adjoining property or because of authorized stage development shall be provided with a turnaround within the subdivision or land development and the use of such turnaround shall be guaranteed to the public until such time as the street is extended.

3. The turnaround right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

4. All cul-de-sac streets, whether permanently or temporarily designed as such, shall be provided at the closed end with a fully paved turnaround. Minimum radius to the pavement edge or curb line shall be fifty (50) feet, and minimum radius to the right-of-way line shall be sixty (60) feet except where islands are provided in which case the minimum radius shall be determined by the Borough Council.

5. Drainage of cul-de-sac streets shall be located to drain toward the open end. If drainage is toward the closed end, water shall be conducted away in an underground storm sewer or by other means approved by the Borough.

6. The centerline grade on a cul-de-sac street shall not exceed eight (8) percent and the grade within the turnaround shall not exceed five (5) percent.
K. Street Names and Signs.

1. Proposed streets that are in alignment with existing streets, shall bear the names of the existing streets.

2. In no case shall the name of a proposed street duplicate an existing street name in the Borough and the postal district, irrespective of the use of the suffix street, road, avenue, boulevard, driveway, place, court, lane, etc.

3. All street names shall be subject to the approval of the Borough, the postmaster, and the 911 Emergency Coordinator having jurisdiction.

4. Street name signs shall be installed at all street intersections, identifying both intersecting streets. The design and placement of such signs shall be subject to approval of the Borough. The signs shall be visible from all directions of approach to an intersection. Signs shall be parallel to the street identified, made of rust-proof material, or shall be adequately protected against corrosion, a type and size with mounting and supports as specified by the Borough.

5. Street signs, including stop and speed limit signs, shall be erected prior to occupancy of the first dwelling on the street.

6. All signs shall be high grade reflectivity signage in accordance with PennDOT standards.

L. Service Streets (Alleys).

1. Where permitted, service streets in residential developments shall have a minimum paved width of twelve (12) feet for one way alleys, and sixteen (16) feet for two way alleys. Alleys serving commercial industries shall have a minimum paved width of twenty (20) feet.

2. Dead-end service streets shall be prohibited.

3. Sharp changes in alignment of service streets shall be avoided. Design of service streets which will encourage their use for through traffic (i.e. intersecting service streets) shall also be avoided.

4. No parking shall be permitted in the alley.

5. The maintenance of the alley, including its snow plowing, shall be the responsibility of a homeowner’s or property owner’s association and shall be addressed in covenants creating the association. In the event no homeowner’s or property owner’s association is required for the subdivision or land development, maintenance shall be the responsibility of the lot owner.

M. Private Streets.

1. Private streets shall be constructed to the same standards as public streets and
shall be classified according to the function which they serve: collector or local access. Right-of-way width may be decreased at the discretion of Borough Council.

2. Provisions for the maintenance of private streets shall be stated in the Homeowners Association document or Condominium Association document to be submitted with the Preliminary Plan.

3. Lots fronting on private streets shall meet the requirements of the Borough Zoning Ordinance with regard to lot width and setbacks.

N. Obstructions. No fences, hedges, free-standing walls, or planting (except approved street trees), shall be permitted within the right-of-way of a street.

O. Street Lights. Poles and standards for street lights, with underground "parkway" cable service lines shall be furnished and installed by the subdivider, when and wherever required by Borough Council, located in the street right-of-way. Borough Council shall reserve approval as to the type and location of street lights along each right-of-way. Street lights shall be provided with approved screens.

P. Driveways.

1. All driveways And related improvements shall be located and constructed in a manner as to provide safe access to Borough and State roads and not to impair the drainage or normal maintenance within road rights-of-way, to alter the stability of any roadway, subgrade, or roadway embankment, to change the drainage of adjacent areas, nor to interfere with the traveling public. Sufficient area for and access to off-street parking shall be provided for.

2. Clear sight triangles shall be provided at all driveway entrances and shall be shown on the subdivision plan along with a note detailing the maintenance responsibilities for the triangle by the lot owner.

3. Private driveways, whether individual or shared, on corner lots shall be located at least forty (40) feet for local roads and one hundred (100) feet for collector and arterial roads from the point of intersection of the nearest street right of way lines.

4. No driveway shall be situated within five (5) feet of a side or rear property line, except where shared driveways are utilized.

5. No more than three (3) lots shall be served by a private driveway in cases of common ownership or shared use of a private driveway. As a condition of final plan approval, an agreement providing for the maintenance, repair, construction, and reconstruction, including drainage facility maintenance and snowplowing of the shared driveway, shall be approved by the Borough and shall be recorded against the lots in question.

6. Driveways shall intersect streets as nearly as possible at ninety (90) degrees, but in no case less that seventy-five (75) degrees or greater than one hundred five (105) degrees.
SECTION 622  UTILITY EASEMENTS

A. Easements shall be provided for poles, wires, conduits, storm and sanitary sewers, storm water conveyance, retention, detention, and infiltration facilities, gas, water and other utility lines intended to service the abutting lots. No structures or trees shall be placed within such easements except where approved by the Borough. Local utility companies shall be consulted when locating utility easements.

B. Easements abutting or within street rights-of-way shall be a minimum of (10) feet in width. Other easements shall be a minimum of twenty (20) feet in width.

C. There shall be a minimum distance of fifty (50) feet, measured in the shortest distance, between any proposed dwelling unit and any petroleum products or natural gas transmission line traversing or adjacent to the subdivision or land development.

D. Where gas or petroleum transmission lines are a part of the proposed development, either proposed or requiring relocation, construction of such facilities shall occur within a right-of-way of fifty (50) feet minimum and shall comply with the applicable requirements of the Pennsylvania Public Utility Commission Regulations.

E. Underground electric distribution lines shall be installed in all new subdivisions and land developments of five (5) dwelling units or more. In existing subdivisions with five (5) or more unimproved lots, any extensions of the electric distribution lines shall be placed underground. An approved plan for the utilization of an electric distribution system shall be submitted to the Borough prior to recording of a Final Plan.

F. Drainage easements may be required to be dedicated to the Borough along stormwater conveyances and watercourses in accordance with the Ordinance No. 2014-1, as amended.

G. Any easement or right-of-way required herein shall be made part of the deeds to all affected properties. Any error found in a deed shall be immediately corrected and re-recorded in the Chester County Recorder of deeds office at the sole expense of the applicant. The applicant shall be solely responsible to the buyer for any failure to record an easement or right-of-way shown on the approved plan. Failure to record and easement or right-of-way shown on the approved plan shall not prevent its intended use from being utilized. All easements and rights-of-way shown on the final plan shall be deemed to be incorporated in the appropriate deed.

SECTION 623  WATER SUPPLY

A. The provisions of this Section are intended to ensure that each dwelling unit and each commercial or industrial building in all subdivisions and land developments hereafter granted approval shall have an adequate supply of water which meets and/or exceeds all water quality standards.

1. Public water supply service is provided in the Borough by the Elverson Water Company, Inc., a private investor-owned and Public Utility Commission regulated water supplier. All of Elverson Borough is included within the PUC-established water service franchise area. Similar to the centralized sewage treatment system in the Borough, it is the desire of the Borough to have all subdivisions and/or land
developments connect to this centralized Water System, wherever feasible. When connection to this existing Water System is not feasible, that water supply shall be provided by either individual on-site wells or alternative public water systems.

2. In those cases where proposed subdivisions and/or new land developments are to be connected to the Elverson Water Company Water System, applicants must provide documentation that the Water Company has been contacted and has indicated both a willingness and ability to provide water service (average and peak) to the proposed development.

3. Where public water supply is determined not reasonably feasible, applicants must supply documentation that the Company has been contacted and has indicated an inability to provide water service (average and peak), as requested and/or connection to the Water System is not economically feasible (to be provided by the applicant).

4. In those cases where water service is not to be supplied through connection to the existing Elverson Water Company Water System and is to be supplied through individual on-site wells or an alternative public water supply system, the rules and regulations of the Chester County Health Department and/or the PADEP, pursuant to the Pennsylvania Safe Drinking Water Act and the Federal Safe Drinking Water Act, shall apply.

B. All community water systems shall be designed, connected and installed to meet the specifications and requirements of the PaDEP, the Pennsylvania Utility Commission, the Chester County Health Department, and the National Fire Prevention Association, the Borough Engineer and all Borough ordinances. The complete design of the proposed distribution system shall be provided as a part of all final plans.

C. Where the applicant proposes that individual on-site water supply systems shall be utilized within the subdivision or land development, the applicant shall be responsible either to install such facilities or to guarantee (by deed restriction or otherwise), as a condition of the sale of each lot or parcel within the subdivision, that the facilities can be installed by the purchaser of such lot or parcel. The proposed locations of wells shall be shown on the Preliminary Plan for each lot; existing wells on the property, or on adjoining properties, must also be shown. Isolation distances (a circular area whose radius conforms to PADEP and Chester County Health Department regulations) from on-site sewage systems, where proposed, must also be indicated on the Plan. Individual water supply systems shall be designed and installed in accordance with all applicable standards of PADEP and the Chester County Health Department.

D. If the subdivision or land development is provided with a public (i.e., community or non-community) water system, design and installation shall be subject to the approval of the Borough, in addition to review and approval by all other regulatory bodies having jurisdiction (i.e., Chester County Health Department and PADEP). The design and installation of a community system shall be subject to the approval of PADEP, and such system shall be further subject to satisfactory provisions for the maintenance thereof. Standards and materials for the construction of any public water supply system shall meet or exceed those requirements described in the Public Water Supply Manual of the Pennsylvania Department of Environmental Protection and shall be subject to the approval of the Borough Engineer.
1. Where permit and approvals are required by said Departments, the permits and approvals shall be presented to the Borough as evidence of such review and approval before construction commences.

2. In accordance with the Water Code of the Delaware River Basin Commission, as amended, applicants whose proposed well (or wells) in such a system will withdraw more than an average of 10,000 gallon a day over a 30 (thirty) day period shall register their well(s) with PaDEP and, where applicable, the Chester County Health Department.

E. All new public water supply systems, not owned and operated by the Elverson Water Company, Inc., shall be operated under the relevant regulations of the Pennsylvania Public Utility Commission (PUC).

F. In all subdivisions or land developments served by a public water system, the following water pressure and gallonage requirements shall apply:

1. Residential use: a minimum working pressure of sixty (60) pounds per square inch shall be provided at each house to be connected to the water supply main. The system to which the residential unit is connected shall have sufficient capacity to supply a minimum of two-hundred (200) gallons of water per residential unit per day to all residential units within the subdivision or land development.

2. Commercial or industrial use: a minimum working pressure of sixty (60) pounds per square inch shall be provided at each commercial or industrial building connected to the water supply main. A study shall be made to determine if there is adequate excess capacity in the system to supply the building and use.

F. For purposes of fire protection in residential districts, the system shall be demonstrably capable of providing fire flow water requirements of not less than five-hundred (500) gallons per minute at residential pressures of twenty (20) pounds per square inch for a two (2) hour period.

G. Fire Protection for non-residential uses shall be in accordance with the requirements of the Insurance Services Office (ISO).

SECTION 624   WOODLANDS, HEDGEROWS, AND SPECIMEN VEGETATION

The purpose of this section is to promote conservation of woodland, hedgerow and specimen vegetation throughout the Borough through establishment of specific limitations to land development activities, replacement requirements, and management planning provisions.

A. Limitations to Woodland Disturbance.

1. Developers shall make all reasonable efforts to harmonize their plans with the preservation of existing trees. Woodland disturbance, including alteration or removal of any hedgerows shall be minimized.
2. No specimen vegetation (tree greater than twenty-four (24) inches dbh) shall be removed from any lot or tract except where Applicant demonstrates to the satisfaction of the Borough Council that such removal is essential to eliminate hazardous condition(s) or otherwise permit lawful use of the lot or tract; where permitted, removal of specimen vegetation shall be minimized. Specimen trees to be retained shall be credited toward any tree replacement required under Section below. For purposes of compliance with this section, specimen trees need only be identified in areas proposed for disturbance.

3. Woodland replacement in accordance with Section 624.B. below shall be required wherever permitted woodland disturbance on any lot or tract involves more than 20,000 square feet of woodland area for each principal use permitted or disturbance to more than twenty-five (25) percent of any woodland area, whichever is greater. For purposes of this section, the extent of any area of woodland disturbance shall be measured to include the entire area within the drip line of any tree part of a woodland, where any part of the area within the drip line of such tree is subject to woodland disturbance. Measurement of woodland areas may be based upon aerial photography or actual survey.

4. When proposed development necessitates woodland disturbance, the developer shall be guided by the following criteria in selecting vegetation for retention or clearing:
   a. The location(s) and benefit of conservation of healthy mature woodland stands;
   b. The impacts, in terms of functions and values to wildlife, of separating, dividing and/or encroaching on wildlife travel corridors and/or extensive habitat areas, especially woodlands exceeding ten (10) acres in area.
   c. Aesthetic values (autumn coloration, types of flower and fruit, bark and crown characteristics, amount of dieback present).
   d. Susceptibility to insect attack and/or disease.
   e. Species longevity.
   f. Wind firmness and capability of soil to hold trees.
   g. Existence of disease, rot, or other damage to the tree (trees in poor physical condition should be removed).
   h. Protection of buildings (e.g., dead and large limbs hanging over buildings should be removed).

5. In areas of permitted woodland disturbance and areas adjacent to permitted woodland disturbance, care shall be exercised to protect remaining trees from damage. The following procedures shall be utilized during construction in order to protect remaining trees:
   a. The Tree Protection Zone. An area that is radial to the trunk of a tree or a group of trees in which no construction activity shall occur. See Figure 6-1.
      1) Individual Tree. The tree protection zone shall be fifteen (15) feet from the trunk of the tree to be retained, or the distance from the trunk of the tree to two (2)
feet beyond the dripline, whichever is greater.

2) Group of Trees. Where there is a group of trees or woodlands, the tree protection zone shall be the aggregate of the protection zones for the individual trees.

a. Where existing trees are to remain, no change in existing grade shall be permitted within the tree protection zone. Appropriate fencing or other means of demarkation acceptable to the Borough Council shall be placed at the drip line of trees to remain, wherever adjacent to proposed construction. Such fencing shall be maintained in place throughout the duration of construction activity. Roots shall not be cut within the drip line of any trees to remain.

b. Trees within twenty-five (25) feet of a building, or bordering entrances or exits to building sites, shall be protected by a temporary barrier to be maintained in place throughout the duration of construction activity.

c. No boards or other material shall be nailed or otherwise attached to trees during construction.

d. Construction materials, equipment, soil and/or debris shall not be stored nor disposed of within the drip lines of trees to remain, except for mulched vegetative matter used to prevent soil compaction.

e. Tree trunks, limbs, and exposed roots damaged during construction shall be protected from further damage by being treated immediately in accordance with accepted professional landscape procedures.

B. Required Vegetation Replacement:

1. Where woodland disturbance involves more than the maximum area permitted under Section 324.A.3. above, one tree and two shrubs shall be planted for each three-hundred (300) square feet of woodland disturbance area, or fraction thereof, in excess of the maximum permitted area of disturbance. All specimen trees to be retained on any tract proposed for subdivision or land development shall be credited toward any tree replacement requirement, at a ratio of three trees credited for each individual specimen tree retained.

2. Plantings used to comply with the minimum number of replacement plantings required above shall conform to the Planting Standards set forth in Section 609.D. and the Criteria for Selection of Plant Material as provided in Section 609.E.

3. The species, sizes, and locations of required replacement plantings shall be acceptable to the Borough Council. The Borough Council, at its sole discretion, may approve the location of replacement plantings on lots or tracts other than that under application, where such placement furthers the objectives of this Ordinance.

C. Woodland Management Planning. Applicant shall specify, as part of preliminary and final plan submission, the long-term management provisions which will be established for
any woodland area not subject to woodland disturbance and any area selected for introduction of replacement plantings in accordance with Section 624.B. Such management provisions shall be indicated in narrative and/or graphic form of sufficient detail to satisfy the Borough that the following issues can be adequately addressed:

1. The manner in which any retained woodland area will be owned and by whom it will be managed and maintained;

2. The conservation and/or land management techniques and practices which will be used to conserve and protect such areas, as applicable; and

3. The professional and personnel resources that are expected to be necessary in order to maintain and manage the property. A statement of woodland management objectives also shall be included, and shall demonstrate to the satisfaction of the Borough Council the feasibility of intended management practices, aiming to ensure the success of stated objectives, including the viability of introduced plantings, deterrence of invasive species, and means to minimize any future woodland disturbance. Applicants are strongly encouraged to seek woodland management assistance through the Pennsylvania "Forest Stewardship Program" administered by the Pennsylvania Bureau of Forestry.

D. Replacement Guarantee. All replacement plantings shall be maintained in a healthy and/or sound condition and guaranteed in accordance with the provisions of Section 609 herein. In addition, an escrow may be required for the removal and replacement of specimen vegetation damaged during construction.
ARTICLE 7
IMPROVEMENT GUARANTEES AND ACCEPTANCE

SECTION 701  GENERAL ADMINISTRATION

A. Construction Improvements. The applicant or developer shall construct and be responsible for (at no cost to the Borough) all roads, streets, lanes, or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, trails, street lights, fire hydrants, water mains, street signs, trees and other landscaping, stormwater management facilities, sanitary sewers, traffic control devices, open space and recreation areas, and erosion and sediment control measures in conformance with the final plan as approved, the applicable specifications and regulations of PennDOT and PaDEP, and any other applicable regulations.

B. Physical improvements to the property being subdivided, resubdivided, or developed shall be provided, constructed and installed as shown on the Record Plan, and all supplemental plans and drawings accompanying the approved Final Plan, in accordance with the requirements of the Borough.

C. The subdivider shall agree with the Borough as to the installation of all improvements shown on the Plan and required by this Ordinance and shall execute and file Subdivision Improvements Agreement, Form 4 (Appendix E), or such other Improvements Agreement as may be prepared by the Borough Solicitor and approved by Borough Council from time to time.

D. All improvements installed by the subdivider shall be constructed in accord with the applicable design specifications of the Borough and applicable authorities, or, where none exist, as prepared by the Borough Engineer. Where required, the specifications of the applicable State or Federal agency shall be used.

E. Supervision of the installation improvements required by this Ordinance shall be the responsibility of the Borough or the appropriate State regulatory agency.

F. No application shall be granted final approval and no building permits shall be issued until the applicant has completed all required improvements or has provided an improvement guarantee in accordance with Section 704.

G. No occupancy permit for any building or buildings to be erected shall be issued by the Borough until:

1. The roads, streets, or lanes providing access to and from existing public roads to such building or buildings have been improved to a permanently passable condition by application of at least an asphalt base course.

2. All other improvements depicted on the approved final plan, either upon the lot or lots or beyond the lot or lots in question and necessary for the reasonable use of or occupancy of any such building have been completed.
SECTION 702    INSPECTION

A. The construction or installation of all improvements shall at all times be subject to inspection by representatives of the Borough or any other governing authority at the expense of the applicant or developer. If such inspection reveals that work is not in accordance with the approved plans and specifications, that construction is not being done in a satisfactory manner, or that erosion sediment is being deposited on adjacent areas as a result of the land development, the said representative is empowered to require corrections to be made and/or the suspension of the subdivision approval and to issue a cease and desist order, which may include any or all of the following sanctions:

1. That all construction of any lot for which a building permit has been issued shall cease; and/or
2. That no further building permits for any lots shall be issued.

B. The said cease and desist order shall be terminated upon the determination by Borough Council or by the Borough representative that the said defects or deviations from plan requirements have been corrected.

C. All inspection procedures and methods shall be at the discretion of the Borough Engineer or, where applicable, the Municipal Authority Engineer.

D. It shall be the responsibility of the applicant or developer to notify the Borough Engineer, Municipal Authority Engineer, or other duly authorized representative of the Borough, at least two (2) working days in advance of the commencement or installation of any facility or utility required by this ordinance or by the approved subdivision or land development plan in order that provisions may be made for inspection by the Borough.

E. In addition to the advance notice required in subsection D above, it shall be the responsibility of the applicant or developer to notify the Borough Engineer, Municipal Authority Engineer, or other duly authorized Borough representative at least one (1) working day in advance of the time anticipated for the required inspection:

1. Key trench for stormwater management basins following excavation but prior to the placement of backfill.
2. Underground stormwater management facility prior to excavation.
3. All pipe work, including outlet pipe and anti-seep collars in stormwater management basins, storm drains, and utilities, before backfill begins.
4. Utility work within existing roadways prior to road opening or saw-cutting of roadway.
5. Footings for structures following excavation but prior to the commencement of any further construction work on the structure.
6. Fill placement in existing or future Borough rights-of-ways prior to placement.
7. Road subgrade when completed, but before the start of installation of curbs or stone base course.
8. Curbs and sidewalks, when stone base is in place, and during the subsequent concrete pours.

9. Stone subbase course during its installation.

10. Bituminous surface binder course during its installation.

11. Bituminous surface wearing course during its installation.

12. Erosion and sedimentation control facilities removal, including conversion of sediment basins/traps to permanent prior to conversion.

13. Final inspection.

SECTION 703 REVIEW AND INSPECTION FEES

A. The applicant shall be required to pay for all reasonable and necessary expense incurred by the Borough in the review of subdivision and land development plans and for the inspection of improvements. Such expenses shall be based upon a fee schedule established by resolution of the Borough Council.

B. Such review and inspection fees shall be reasonable and in accordance with the ordinary and customary charges by consultants to the Borough for similar services, but in no event shall the fees exceed the rate or cost charged by such consultants to the Borough. In the event the applicant contests the amount of the inspection fees, the applicant and the Borough shall follow the procedure for dispute resolution set forth in the Municipalities Planning Code (Act 247).

SECTION 704 IMPROVEMENTS GUARANTEE

A. Improvements Guarantee. Prior to Final Plan approval by Borough Council and before a major plan application may be endorsed or recorded and before the issuance of any building permits, the applicant shall deliver to the Borough Council an improvements guarantee in the form of a corporate bond or other financial security approved by the Borough Council in an amount sufficient, as determined in accordance with Section 704.B., to cover the cost of all improvements required by this ordinance, their engineering and their inspection.

1. The improvements guarantee shall guarantee the construction and installation, within one (1) year from the deliverance of the guarantee, of those improvements to be located within that portion of the subdivision or land development for which a Final Plan has been approved by the Borough Council. The Borough Council may, at its discretion, extend the one (1) year period.

2. The improvements guarantee shall be required for all improvements required by this ordinance including but not limited to roads, sewer lines, water lines, landscaping, stormwater facilities, and erosion and sediment control facilities.
B. Amount of Improvements Guarantee.

1. The improvement guarantee shall equal one hundred and ten percent (110%) of the cost of completing the improvements estimated as of ninety (90) days following the date scheduled for completing said improvements.

2. The Borough may make an annual adjustment to the improvement guarantee, determined by comparing the cost of completed improvements to the estimated cost of improvements and estimating the cost of completing the remaining improvements. The annual adjustment shall ensure the improvement guarantee equals one hundred and ten (110) percent of the cost to complete all improvements as of ninety (90) days following the original date scheduled for completion or a revised date for completion.

3. The amount of improvement guarantee shall be based on a cost estimate submitted by the applicant or developer, prepared and certified by a Pennsylvania licensed professional engineer.

4. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept the estimate of the applicant or developer.

5. If the Borough and applicant or developer cannot agree on an estimate, then another professional engineer, mutually selected by the Borough and applicant, shall prepare and certify another estimate. The cost of the third engineer shall be paid equally by the Borough and the applicant or developer.

6. Where development is projected over a period of years, the Borough Council may authorize submission of final plats in sections or stages subject to requirements or guarantees for improvements in future sections or stages it finds essential for the protection of any approved section of the development.

C. Release of Improvements Guarantee.

1. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the Borough Council, and the Borough Council shall have forty-five (45) days from receipt of the request within which to allow the Borough engineer to certify, in writing, to the Borough Council that such portion of the work upon improvements has been completed in accordance with the approved plat. Upon such certification the governing body shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough engineer fairly representing the value of the improvements completed or, if the Council fails to act within the forty-five (45) day period, the Council shall have deemed to have approved the release of funds as requested. The Council may, prior to final release at the time of completion and certification by its engineer, retain ten (10) percent of the original amount of posted financial security for the aforesaid improvements.
2. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough Council, in writing by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall thereupon file a report in writing with the Borough Council and shall promptly mail a copy of the same to the developer by certified or registered mail.

3. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected, said report shall contain a statement of reasons for such non-approval or rejection.

4. The Borough Council shall notify the developer, within fifteen (15) days of receipt of the engineer's report, in writing by certified or registered mail of their action.

5. If any portion of the said improvements shall not be approved or shall be rejected by the Borough Council, the developer shall proceed to complete the same and upon completion, the same procedure of notification as outlined herein shall be followed.

D. Remedies to Effect Completion of Improvements. In the event that any improvements which are required by this ordinance, including those listed under Section 704 have not been installed as provided in this ordinance or in accord with the approved Final Plan, the Borough may enforce any corporate bond or other security by appropriate legal and equitable remedies. If the proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the applicant, the developer, or both, shall be used solely for the installation of the improvements covered by such security, including the Borough's cost to enforce the completion of the improvements.

E. Maintenance Guarantee. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.

F. Release From Improvements Guarantee. Upon completion and approval of improvements the improvement guarantee held by the Borough shall be released to the applicant.
SECTION 705  AS-BUILT PLANS

A. Within thirty (30) days after completion and approval of improvements as shown on the Final Plan, and before acceptance of any improvements by the Borough, the applicant shall submit to the Council an as-built plan (a corrected copy of the final plans) showing actual dimensions and conditions of streets and all other improvements, certified by a professional engineer, to be in accordance with actual construction, including but not limited to:

1. Concrete monuments and lot pins.
2. Cartway edges and centerline location and elevations.
3. Sanitary sewer mains, manholes, cleanouts, and laterals.
4. Storm sewers, inlets, manholes, and culverts.
5. Water mains, valves, and hydrants.
6. Street lights and utility poles.
7. All known utilities including gas, electric, cable, and telephone.
8. Stormwater management facilities.
9. Landscaping (including buffer areas and screening).
10. Easements.
11. Certification of the accuracy of the plan and the applicant’s or developer’s engineer or surveyor.

B. In addition, the as-built plan shall indicate that the resulting grading, drainage structures and systems and erosion and sediment control practices, including vegetative measures, are in substantial conformance with the previously approved drawings and specifications. The Plan shall note all deviations from previously approved drawings. Four copies of the As-Built shall be submitted as follows: One (1) copy each to the Borough Engineer, the Municipal Authority Engineer, the Borough, and the Municipal Authority.

SECTION 706  DEDICATION AND ACCEPTANCE OF PUBLIC IMPROVEMENTS

A. Upon completion of the public improvements shown on an approved subdivision or land development plan and within ninety (90) days after approval of such public improvements as herein provided, the developer shall submit a written offer of such public improvements for dedication to the Borough using the certification form shown in Appendix F, completed in its entirety. The Borough shall have the discretion to accept such public improvements or not.

B. The applicant shall be responsible for maintenance of all improvements until the time that such improvements are accepted by the Borough.
C. The Borough may require that stormwater management facilities remain in private ownership, with the maintenance responsibility placed on individual lot owners, a homeowners association or similar entity, or an organization capable of carrying out such maintenance responsibilities.

D. Where maintenance of stormwater management facilities is to be the responsibility of individual owners, a homeowners association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Borough may require that an initial escrow maintenance fund be established in a reasonable amount, that provision is made for periodic review of the adequacy of capital reserves for repairs and replacements of such facilities, and that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowner's successors in interest, all in such instruments and on such items are acceptable to the Borough, upon review by the Borough Solicitor at the applicant or developer's expense.

SECTION 708 MAINTENANCE GUARANTEE

Prior to the Council's acceptance of some or all of the improvements required for a subdivision or land development plan, the Council may require the applicant to post a maintenance guarantee in accordance with Section 704.E.
ARTICLE 8
MOBILE HOMES AND MOBILE HOME PARKS

SECTION 801 PURPOSE

In accordance with the provisions of Act 247, separate provisions regulating mobile home parks and their design, development, alteration, extension, operation and maintenance; licensing; setting forth certain street, parking, walk, open space and density requirements; and providing penalties for violations, are incorporated within this ordinance.

SECTION 802 DEFINITIONS

In addition to the applicable definitions contained in the Elverson Borough Zoning Ordinance and herein, the following additional terms are used in this Article. For purposes of this Article, they shall be defined as follows:

A. Anchoring. The fastening of a mobile home to its pad (or stand) in order to prevent upset or damage due to wind, erosion, flooding, or other natural forces.

B. Hitch. A device which is part of the frame or attaches to the frame of a mobile home and connects it to a vehicle for the purpose of transporting the unit.

C. Mobile Home Pad. A concrete pad, at least six (6) inches in thickness with at least six tie-down rings, to which the mobile home shall be secured, and equal in length and width to the dimensions of the mobile home to be placed thereon.

D. Mobile Home Park Permit. A written permit issued by the Zoning Officer and subject to annual renewal, permitting the mobile home park to operate under this Ordinance and other pertinent Ordinances and regulations.

E. Skirt. A panel specifically designed for the purpose of screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground elevation below.

SECTION 803 APPLICATION PROCEDURE

Submission Requirements. The requirements of Article III of this Ordinance shall govern the submission, processing, and review of all applications for mobile home park development.

A. Content of Application. All applications for mobile home park development shall be considered land development applications. The requirements of Article 3: Plan Submission and Review Procedures, herein, shall apply. Information submitted by Applicant during the course of consideration of conditional use approval may be used to satisfy the requirements of Article 4 where appropriate.

B. In addition to the requirements contained in Article 3, an application for preliminary or final approval of a mobile home park shall indicate by drawings, diagrams, maps, text, affidavit, or other legal instrument, the following:
1. The parcel or lot for which application is made is held in single and separate ownership.

2. The placement, location, and number of mobile home lots and mobile home pads, consistent with the terms of Section 805 of this Ordinance, on a layout map of the tract at a minimum scale of one (1) inch equals fifty (50) feet.

3. The location and dimension of all driveways, pedestrian ways, sidewalks, parking facilities and access roads with notation as to type of impervious cover.

4. The location, dimension, and arrangement of all areas to be devoted to lawns, buffer strips, screen planting, and common open space, including areas for recreation.

5. The location, dimension, and arrangement of all buildings existing or proposed to be built and all existing tree masses and trees of over six (6) inches diameter, measured at breast height (DBH).

6. Proposed provisions for handling of stormwater drainage, street and on-site lighting, water supply and electrical supply in the form of written and diagrammatic analysis with calculations and conclusions prepared by a registered professional engineer.

7. Proposed provisions for treatment of sanitary sewage together with proof that the treatment and disposal of such sewage meets with the approval of the agency of the Commonwealth having jurisdiction over such matters.

SECTION 804 GENERAL STANDARDS

A. Where approved as a conditional use in accordance with Article XVII of the Elverson Borough Zoning Ordinance, the maximum gross density on any tract developed as a mobile home park shall not exceed four (4) mobile homes per acre, calculated by multiplying the net tract area in acres times four (4).

B. Each mobile home lot shall be clearly marked and shall contain a driveway with unobstructed access to a street.

C. Each mobile home shall be located on the lot so that there will be a minimum of thirty (30) feet between mobile homes and no mobile home will be less than fifty (50) feet from any exterior boundary of the mobile home park.

D. Permitted accessory structures shall be located so that there will be a minimum of thirty (30) feet between any accessory structure and any mobile home to which it is not accessory and so that no accessory structure will be less than fifty (50) feet from any exterior boundary of the mobile home park.

E. The minimum size of any mobile home lot shall be six thousand (6,000) square feet.

F. The minimum frontage for any mobile home lot shall be sixty (60) feet.

G. The maximum impervious surface coverage permitted on any individual mobile home lot
shall not exceed forty (40) percent, and across the entire tract shall not exceed twenty-five (25) percent of net tract area.

H. The minimum setback from the edge of cartway of any street within the mobile home park shall be fifteen (15) feet for any structure.

I. While complying with all other minimum area and density requirements herein, all principal and accessory structures shall be located at least five (5) feet from any lot line within the mobile home park.

SECTION 805  SITE LAYOUT

A. Mobile homes placed on individual lots are encouraged to be placed off-center on the lots so as to provide a large usable open yard space and outdoor living area in one (1) section of the lot.

B. Groups or clusters of units, so placed as to create interior spaces and courtyards, shall be incorporated whenever feasible.

C. There shall be variety in the arrangement and orientation of mobile homes, with particular attention given to topography and existing trees. Site layout shall ensure that mobile home units are offset to avoid long, uninterrupted corridors between the units.

D. To the extent feasible, the mobile home park should be designed so that the units have their long axis east-west, offering southern exposure to their longest wall and roof areas. When topographic conditions make a street layout for good solar orientation of units difficult or undesirable, lots should be laid out so that units can be oriented to the south to the greatest extent possible.

E. Each mobile home shall be located in a well-drained area and the lot shall be properly graded so as to prevent the accumulation of storm water or other water. Mobile homes placement shall observe the riparian buffer zones as per the Section 1007 of the Borough Zoning Ordinance, as amended.

SECTION 806  STREET SYSTEM

With the exception of those standards specified in this Section, the design and construction of streets in a mobile home park shall be governed by all standards pertaining to streets set forth in Section 621, herein. Designation of public rights-of-way is not required within a mobile home park.

A. Access and street frontage. Access to any mobile home lot shall be from a street interior to the mobile home park. Where mobile home lots are created having frontage on an existing street within the Borough, the mobile home park street pattern shall provide reverse frontage access to an interior street within the mobile home park, and not to the existing street.

B. The width of interior streets shall be in accordance with the Local Street standards set forth in Figure 6-6 and shall be constructed to comply with the requirements set forth in Section 621 herein.
C. Curbs and sidewalks (parallel to streets) may be required in accordance with Sections 615 and 618 herein.

SECTION 807 PARKING AND WALKWAYS

The requirements for driveways contained in Section 621.P. of this Ordinance shall be applicable to all mobile home parks.

A. Off-street parking shall be provided on each mobile home lot in accordance with Section 1402 of the Borough Zoning Ordinance.

B. Additional parking spaces for vehicles of non-residents shall be provided at the rate of one (1) space for every three (3) mobile home lots. Such parking spaces shall be provided through off-street common parking areas, and shall be in locations that are sufficiently dispersed throughout the park to serve all mobile home units.

C. Parking is prohibited on internal roads. It shall be the duty of the owner or operator of the mobile home park to enforce this provision.

D. All mobile home parks shall provide safe, convenient, Portland cement concrete or bituminous concrete pedestrian walkways between the park streets and all community facilities for park residents.

1. Where pedestrian traffic is concentrated, each walk shall have a minimum width of three and one half (3 ½) feet.

2. All mobile home lots shall be connected to common walks, and to streets or to driveways connecting to a paved street. Each such walk shall have a minimum width of two feet.

E. Applicant is strongly encouraged to utilize pervious paving material for all required parking areas and walkways, as appropriate, in order to reduce stormwater runoff generation.

SECTION 808 STORMWATER MANAGEMENT

Stormwater management shall be in accordance with the Borough Stormwater Ordinance.

SECTION 809 WATER SUPPLY AND SEWAGE DISPOSAL

All mobile home parks shall be served by a public water supply system and public sewage treatment and disposal system, meeting the provisions of Section 617 and Section 623 of this Ordinance, as applicable.

SECTION 810 UTILITY DISTRIBUTION SYSTEM

All utilities shall be installed and maintained in accordance with utility company specifications regulating such systems and shall be underground.
SECTION 811  OPEN SPACE AND RECREATION AREAS

A. Common open space areas shall be located and designed as areas easily accessible to residents and preserving natural features. Common open space areas shall include both active recreation areas for all age groups and, particularly where the site includes a watercourse, steep slope, or wooded area, land which is left in its natural state. At least twenty-five (25) percent of the open space areas shall be located in an area not subject to flooding and which is usable for active recreational use. No such active recreational open space areas shall be less than one-quarter acre in size. Active recreational open space areas shall be equipped with suitable playground equipment.

B. Development of any mobile home park shall comply with the trail requirements of Section 618 herein. Lands within a mobile home park reserved for park or recreational use, and otherwise conforming to the requirements for dedication, may be retained in single ownership with the remainder of the mobile home park, subject to restriction to park or recreational use acceptable to the Borough.

C. Maintenance Responsibilities. The owner and operator of the mobile home park shall be responsible for the maintenance of the recreational area and prior to approval of development plans must submit for review and approval covenants detailing the maintenance responsibilities. These covenants shall be recorded at the Office of the Chester County Recorder of Deeds. Failure to properly maintain the recreational area shall constitute a nuisance. In the event that the recreational area is not maintained, the Borough may proceed to remedy such deficiency by enforcement of any applicable Borough ordinance, by injunctive relief or by performing the necessary maintenance and assessing the cost of such maintenance, plus a penalty in the amount of fifteen percent (15%) of the cost of such maintenance, against the owner and operator and filing such cost and penalty as a municipal claim against the property. Maintenance of the recreational area by the Borough shall not relieve the owner and operator from prosecution or penalties under this Ordinance or other applicable ordinances.

SECTION 812  LANDSCAPING AND SCREENING

A. A vegetative screen conforming to the provisions of Section 609.C.4. shall be installed along the entire perimeter of the mobile home park tract, broken only by vehicular and pedestrian accessways. Where the Applicant demonstrates to the satisfaction of the Borough that existing vegetation and/or topographic relief buffer views into a tract to be developed as a mobile home park, buffer requirements may be reduced as a condition of conditional use approval in accordance with Article 17 of the Elverson Borough Zoning Ordinance.

B. All introduced plantings shall conform to the planting, design, and plant selection standards and criteria of Section 609 of this Ordinance and shall be maintained permanently and replaced within one year in the event of death of any plant material. Plantings shall not be placed closer than three feet from any property line.

SECTION 813  SERVICE BUILDINGS AND FACILITIES

A. Every mobile home park shall have a structure clearly designated as the Office of the mobile home park manager.
B. Service and accessory buildings located in a mobile home park shall be used only by the residents and employees of the mobile home park.

C. Where a service building is provided, it must contain a toilet and lavatory for each sex and storage areas for occupants of the park. In addition, the mobile home park owner may provide laundry facilities, management office, repair shop, indoor recreational facilities and/or commercial uses to supply essential goods and services to park residents only. It is required that the owner provide a mail box area for residents.

D. Construction of service buildings shall be in compliance with all applicable building codes, plumbing codes, etc., Service buildings shall be maintained in a clean, sanitary and structurally safe condition. 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 as to prevent the entrance of penetration of moisture and weather.

SECTION 814  FUEL SUPPLY AND STORAGE

A. Liquefied petroleum gas system.

1. The design, installation, and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gasses shall conform to the Act of the Pennsylvania Legislature of December 27, 1951, P.L. 1793, as it may be amended; and the latest update to the Pennsylvania Uniform Construction Code (UCC).

2. Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures, when installed, shall be maintained in conformance with the latest update to the Pennsylvania Uniform Construction Code (UCC) and shall include the following:

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

   b. Systems shall have at least one (1) accessible means for shutting off gas to each individual unit. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.

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

   d. Vessels of at least twelve (12) U.S. gallons and less than sixty (60) U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer to a mobile home exit than five (5) feet, and no closer to any window than three (3) feet.

   e. No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.

   f. All pipe connections shall be of a flare type.
B. Fuel oil supply systems.

1. All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformance with all applicable federal, state, and local rules and regulations.

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

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.

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, and not less than three (3) feet from any window.

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

C. Natural Gas System.

1. Natural gas piping systems installed in mobile home parks shall be maintained in conformity with the specifications of the gas company serving the area and the latest update to the Pennsylvania Uniform Construction Code (UCC).

2. Each mobile home lot provided with piped gas shall have an approved shut off 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.

SECTION 815 ELECTRICAL DISTRIBUTION SYSTEM

A. 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 the electric power provider's specifications regulating such systems and the latest update to the Pennsylvania Uniform Construction Code (UCC).

B. Power distribution lines. Main power lines shall be located underground. All conductors and cables shall be buried at least thirty-six (36) inches below the ground surface and insulated and specially designed for the purpose. Such conductor; and cables shall be located not less than one (1) foot radial distance from water, sewer, gas, or communication lines.

C. Individual electrical connections.

1. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per lot shall be 120/240 volts AC, one hundred (100) amperes.

2. The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

3. Where the calculated load of the mobile home is more than sixty (60) amperes, either
a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

4. Meter poles shall have a maximum height of six (6) feet.

D. 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.

SECTION 816       FIRE PROTECTION

A. As a prerequisite to conditional use approval in accordance with the provisions of Article 17 of the Elverson Borough Zoning Ordinance, the Borough shall be satisfied upon the recommendation of the local fire prevention authority that appropriate provisions for fire protection shall be incorporated into the design and development of any mobile home park.

B. Portable hand-operated fire extinguishers of a type and size suitable for use on oil, chemical, and electrical fires and approved by the local fire prevention authority shall be kept in each service building under park control. Two (2) portable fire extinguishers shall be placed in each mobile home in the park, located inside the mobile home in a fixed location preferably near a door but not in close proximity to cooking facilities. Each mobile home also shall be equipped with a smoke alarm and a carbon monoxide sensor. It shall be the responsibility of the mobile home park operator to enforce these requirements.

C. The mobile home park manager shall consult annually with the local fire prevention authority as to proper fire prevention practices, accessibility of streets, testing of fire hydrant pressure if applicable, location and operation of equipment, community education programs, and the like.

D. Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.

E. Adequate water capacity for fire protection shall be stored within, or immediately adjacent to, the mobile home park. Freeze protection must be provided for all fire protection water.

SECTION 817       SOLID WASTE COLLECTION, DISPOSAL, AND RECYCLING

A. The storage, collection, recycling and disposal of solid waste in any mobile home park shall be so managed by the mobile home park owner, as to create no health hazard, odors, rodent harborage, insect-breeding area, accident or fire hazard, or air pollution. Provisions shall be made by the mobile home park operator to have garbage waste and recyclables collected at least once every week and shall be deposited at an approved disposal/recycling facility.

B. All mobile home parks shall be provided with solid waste collection stations at convenient but inconspicuous locations, each serving not more than fifteen (15) mobile homes, and consisting of self-closing containers, with separate containers for garbage, trash, and recyclable materials, placed on a concrete slab and accessible for truck pick-up, and completely screened from view by solid fencing.
SECTION 818  MISCELLANEOUS STRUCTURAL REQUIREMENTS

A. Additions and alterations. No addition shall be built onto or become a part of any mobile home, and no plumbing or electrical alteration or repair shall be made, unless in accordance with all applicable state, county, and/or Borough laws, Ordinances, and regulations.

B. Mobile home pad. A concrete pad with dimensions sufficient to support the intended unit shall be provided for all mobile homes. The base for such pad shall be properly graded, placed, and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.

C. Anchoring. Every mobile home placed within a mobile home park shall be anchored to the mobile home pad where it is located prior to the unit being occupied or used in any other way, or prior to the expiration of seven (7) days, whichever occurs first. The anchoring system shall be constructed as an integral component of the mobile home pad and shall be designed to resist a minimum wind velocity of ninety (90) miles per hour and to prevent tilting of the unit.

D. Skirts. Each mobile home placed within a mobile home park shall, prior to occupancy or other use, have a skirt installed which is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.

E. Hitch. If a hitch or towbar is attached to a mobile home for transport purposes, it shall be removed and remain removed from the mobile home when it is placed on its mobile home pad.

SECTION 819  PERMITS, LICENSES, AND INSPECTIONS

A. Permits required. It shall be unlawful for any person to construct, alter, extend, or operate a mobile home park within the Borough unless and until he obtains:

1. A valid license to operate/permit issued by the Chester County Health Department, in the name of the operator, for the specified construction, alteration, or extension proposed;

2. A permit issued by the Borough in the name of the operator, which shall not be issued until a copy of the Health Department permit has been furnished, all permits for water supply and sewage systems shall have been obtained, and all other requirements contained herein have been complied with, and final approval of the application has been granted by the Borough; and

3. A building permit issued by the Borough for the placement of any mobile home on a mobile home lot, including the relocation of an existing mobile home from one lot to another within a mobile home park.

B. Annual licenses. In addition to the initial permits, the operator of a mobile home
park shall apply to the Chester County Health Department and to the Borough Manager on or before the first day of December of each year for an annual license to continue operation of the mobile home park. The Borough shall issue the annual license upon satisfactory proof that the park continues to meet the standards of this Ordinance, including continued maintenance of appropriate financial security. The license so issued shall be valid for one year from the date of Issuance.

C. Fees.

1. Fees for the initial application, preliminary and final approvals, and the annual license shall be prescribed by resolution of the Borough Council.

2. The fee for the annual license shall be submitted to the Borough with the application for the annual license.

3. The amount and submission of the fee required for a building permit shall be in accordance with the fee schedule for such permits established by the Borough.

D. Inspections.

1. Upon notification to the licensee, operator, or other person in charge of a mobile home park, a representative of the Borough may inspect a mobile home park at any reasonable time to determine compliance with this Ordinance.

2. Upon receipt of the application for annual license and before issuing such annual license, the Borough or designated representative of the Borough shall make an inspection of the mobile home park to determine compliance with this Ordinance. The Borough or other representative shall thereafter notify the licensee of any instances of non-compliance with the Ordinance and shall not issue the annual license until the licensee has corrected all such violations.

E. Register of Occupants. The park operator shall maintain a register containing the number of occupied mobile home pads and the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

F. Removal of mobile homes. No mobile home shall be removed from the Borough without first obtaining a removal permit from the Borough Tax Collector as required by Act 54 of 1969 of the Pennsylvania General Assembly. Such permit shall be issued upon payment of a fee which shall be set by resolution of the Borough Council and real estate taxes assessed against the home and unpaid at the time the permit is requested.

G. Transfer or change in terms of permit. No mobile home park permit issued under this Ordinance shall be transferable to a different location. No person holding a permit under this Ordinance shall extend or reduce the area of any mobile home park, add any new facility or structure, or eliminate any existing facility or structure unless appropriate conditional use approval has been obtained, and/or the Borough shall have ascertained,
after investigation as in the case of an original application for a permit, that such proposed change is in accordance with all requirements of this Ordinance, and shall have signified that fact by his written approval.

SECTION 820 MAINTENANCE

A. Maintenance of facilities. The operator and owner of a mobile home park shall be responsible for maintaining all common facilities including, but not limited to roads, parking areas, sidewalks or walkways, lighting, signage, recreational and open space areas and facilities, water supply and sewage disposal systems and service buildings, in a condition of proper repair and maintenance. If, upon inspection by the Borough or designated representative, it is determined that the mobile home park is not in compliance with this standard of maintenance, the licensee shall be considered to be in violation of this Ordinance and the Borough shall notify the operator or licensee of the particulars of any such violation.

B. Failure to maintain. After notice has been given pursuant to Section 820 above, the operator and licensee shall thereafter have thirty (30) days in which to correct any such violations, except that if the violation is determined by the Borough or designated representative to constitute a hazard to the health or safety of the residents of the mobile home park, the violation shall be corrected forthwith. Upon written request of the operator and licensee and at the discretion of the Borough Council extended time for correction of violations may be granted.

C. Maintenance guarantee.

1. The licensee of a mobile home park shall, prior to issuance of any certificate of occupancy pursuant to final approval of an application, provide the Borough financial security for maintenance of the mobile home park in a form and an amount to be approved by Borough Council.

2. In the event of non-compliance with an order pursuant to Section 820.C. whether a thirty (30) day order or an order to correct violations forthwith, the Borough may utilize the financial security to effect correction of the violations.

SECTION 821 REVOCATION OR SUSPENSION OF LICENSE

Upon repeated violations by the same permittee, his/her right to the issuance of a permit, or to continued operation under a permit, may be suspended for a fixed term or permanently revoked by Borough Council, after notice and hearing, subject to the right of appeal to the Chester County Court of Common Pleas.
ARTICLE 9
ADMINISTRATION AND AMENDMENTS

SECTION 901  GENERAL ADMINISTRATION

A. The Borough Council is authorized to enforce the provisions of this ordinance. The Borough Council may designate another party, including but not limited to the Borough Secretary or Manager, Borough Zoning Officer or Assistant Zoning Officer(s), the Borough Engineer, or the Borough Solicitor, to enforce the provisions of this Ordinance and the accompanying design standards and improvement specifications.

B. The Borough Council may institute and maintain appropriate legal proceedings in law or in equity to restrain, correct, or abate violations including, but not limited to:

1. Require compliance with the provisions of this Ordinance;
2. Recover damages;
3. Prevent the illegal occupancy of a building, structure, or premises; and
4. Undertake any of the preventive remedies set forth in the MPC, Section 515.1.

C. Inspection of actual construction under any approved subdivision or land development plan shall be the sole responsibility of the Borough, which may undertake any reasonable measures to provide an adequate inspection of all projects.

D. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. The authority to deny such a permit shall apply to any of the following:

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation with regard as to whether such vendee or lessee has actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner has actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for the issuance of a permit or the granting of an approval to any such owner, current, owner, vendee, or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.
SECTION 902 FEES

A. Borough Council shall establish by resolution a schedule of fees to be paid by the applicant.

B. The schedule of fees shall be obtained from the Borough Secretary or Manager.

C. No application of a preliminary plan or final plan shall be accepted until all required fees have been paid in full. No final plan will be approved or signed until all fees have been paid in full.

D. The subdivider shall pay directly to the Borough a fee for field inspection by the Borough Engineer as defined herein. Such field inspections shall be made by the Borough Engineer as are necessary to insure compliance with the provisions of the Ordinance.

SECTION 903 PLAN MODIFICATIONS

If, during the course of construction or completion of a subdivision or land development, minor changes, erasures, modifications or revisions of a final plan become necessary, such changes may be approved only after written acceptance by the Borough Engineer and written approval by Borough Council are received. Substantial revisions to any such final plan shall cause the re-recording of the final plan after such approvals are obtained.

SECTION 904 AMENDMENT

Any amendment to this Ordinance shall be in accordance with Section 505 of the Pennsylvania Municipalities Planning Code. Resolutions adopted by Borough Council pursuant to the terms and conditions of this Ordinance regarding fees, paving and construction standards and timely changes in other design criteria as specifically permitted by resolution of the Borough Council shall not require an amendment to this Ordinance.

A. Power of Amendment. The Borough Council may, from time to time amend, supplement, or repeal this Ordinance. When doing so, the Council shall proceed in the manner prescribed in this Article, and in accordance with law.

B. Sources of Amendment. Proposals for amendment, supplement, or repeal may be initiated by the Borough Council on its own motion, or by the Planning Commission, as follows:

1. Proposals originated by the Borough Council. The Borough Council shall refer every proposed amendment, supplement, or repeal originated by said Borough Council to the Borough Planning Commission and the Chester County Planning Commission. Within thirty (30) days of the submission of said proposal, the Borough Planning Commission shall submit to the Borough Council a report containing its recommendations including any additions or modifications to the original proposal.

2. Proposals originated by the Planning Commission. The Borough Planning Commission may, at any time, transmit to the Borough Council any proposal for the amendment, supplement, or repeal of this Ordinance.
C. Hearings. Before voting on the enactment of any amendment, the Borough Council shall hold a public hearing thereon with notice as required by law. No amendment shall become effective until after such hearing at which parties in interest and citizens shall have an opportunity to be heard. If, after any public hearing held upon an amendment, the proposed amendment is revised, or further revised, the Council may hold another public hearing, pursuant to public notice, before proceeding to vote on the amendment.

SECTION 905 KEEPING OF RECORDS

The Borough Planning Commission and Borough Council shall keep a record of their findings, decisions, and recommendations relative to all subdivision and land development plans filed for review. Such records shall be made available to the public for review.

SECTION 906 CONFLICTS

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

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

SECTION 907 HARDSHIP

A. If any mandatory provisions of this Ordinance are shown by the applicant, to the satisfaction of the Borough Council, to be unreasonable and cause undue hardship as they apply to his proposed subdivision, the Borough Council may grant a modification to such applicant from such mandatory provisions, so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the intent and purpose of this Ordinance.

B. In granting modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so modified.

SECTION 908 ENFORCEMENT

A. Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgement of not more than $500.00 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgement, the Borough may enforce the judgement pursuant to the application rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day
following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

B. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.

C. Nothing contained in this Section shall be construed or interpreted to grant any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.
## DECIDUOUS TREES

Required canopy tree plantings shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Trees marked with a check mark tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Acer campestre</em></td>
<td>Hedge Maple</td>
<td>15-30’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Acer ginnala</em></td>
<td>Amur Maple</td>
<td>15-30’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Acer negundo</em></td>
<td>Box Elder</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Acer rubrum</em></td>
<td>Red Maple</td>
<td>75-100’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Acer Palmatum</em></td>
<td>Japanese Maple</td>
<td>10-20’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Acer saccharum</em></td>
<td>Sugar Maple</td>
<td>75-100’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Betula lenta</em></td>
<td>Black Birch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Betula nigra</em></td>
<td>River Birch</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Carpinus betulus</em></td>
<td>European Hornbeam</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Cladratus lutea</em></td>
<td>American Yellowood</td>
<td>30-50’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Carya ovata</em></td>
<td>Shagbark Hickory</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Crataegus crusgalli</em></td>
<td>Cockspur Hawthorne</td>
<td>20-35’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Crataegus viridis 'Winter King'</em></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Fagus grandifolia</em></td>
<td>American Beech</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Fagus sylvatica</em></td>
<td>European Beech</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Fraxinus americana</em></td>
<td>White Ash</td>
<td>75-100’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Fraxinus pennsylvania</em></td>
<td>Green Ash</td>
<td>75-100’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Ginkgo biloba</em></td>
<td>Ginkgo (male only)</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Larix kaempferi</em></td>
<td>Japanese Larch</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Liquidambar stryraciflua</em></td>
<td>Sweet Gum</td>
<td>75-100’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Liriodendron tulipfera</em></td>
<td>Tulip Tree, Yellow Poplar</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Metasequoia glyptostroboïdes</em></td>
<td>Dawn Redwood</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Nysyssa Sylvatica</em></td>
<td>Black Gum, Sourgum</td>
<td>50-75’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Ostrya virginiana</em></td>
<td>American Hophornbeam</td>
<td>35-50’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Platanus acerifolia</em></td>
<td>London Planetree</td>
<td>75-100’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Platanus occidentalis</em></td>
<td>American Sycamore</td>
<td>75-100’</td>
<td>✓</td>
</tr>
<tr>
<td>+ <em>Quercus alba</em></td>
<td>White Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Quercus coccinea</em></td>
<td>Scarlet Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Quercus palustris</em></td>
<td>Pin Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Quercus phellos</em></td>
<td>Willow Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Quercus rubra</em></td>
<td>Red Oak</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ <em>Sassafras albidum</em></td>
<td>Common Sassafras</td>
<td>35-50’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Sophora japonica</em></td>
<td>Japanese Pagodatree</td>
<td></td>
<td></td>
</tr>
<tr>
<td><em>Tilia americana</em></td>
<td>American Linden</td>
<td>50-70’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Tilia cordata</em></td>
<td>Littleleaf Linden</td>
<td>70-100’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Zelkova serrata</em></td>
<td>Japanese Zelkova</td>
<td>40-65’</td>
<td>✓</td>
</tr>
<tr>
<td><em>Ulmus parviflora</em></td>
<td>Lacebark Elm</td>
<td>40-50’</td>
<td>✓</td>
</tr>
</tbody>
</table>
DECIDUOUS/FLOWERING TREES

Required flowering tree plantings shall be selected from the following list or a species hardy to the area. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Trees with a check mark tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Amelanchier canadensis</td>
<td>Shadblow Serviceberry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Cercis canadensis</td>
<td>Eastern Redbud</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Chionanthus virginicus</td>
<td>Fringetree</td>
<td>20-35’</td>
<td>✓</td>
</tr>
<tr>
<td>+ Cornus florida</td>
<td>Flowering Dogwood</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cornus kousa</td>
<td>Kousa Dogwood</td>
<td>20-35’</td>
<td>✓</td>
</tr>
<tr>
<td>Cornus mas</td>
<td>Cornelian Cherry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Crataegus species</td>
<td>Any Hawthorn species</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Gleditsia Triacanthos inermis</td>
<td>Thornless Honey Locust</td>
<td>30-100’</td>
<td>✓</td>
</tr>
<tr>
<td>+ Halesia carolina</td>
<td>Carolina Silverbell</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Magnolia soulangeana</td>
<td>Saucer Magnolia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Magnolia virginiana</td>
<td>Sweetbay Magnolia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Malus species</td>
<td>Crabapple species</td>
<td>20-40’</td>
<td>✓</td>
</tr>
<tr>
<td>+ Oxydendrum arboreum</td>
<td>Sourwood, Sorrel Tree</td>
<td>35-50’</td>
<td>✓</td>
</tr>
<tr>
<td>Prunus species</td>
<td>Cherry - various</td>
<td>20-40’</td>
<td>✓</td>
</tr>
<tr>
<td>Pyrus species</td>
<td>Pear - various</td>
<td>20-40’</td>
<td>✓</td>
</tr>
<tr>
<td>Stewartia koreana</td>
<td>Korean Stewartia</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Viburnum prunifolium</td>
<td>Blackhaw Viburnum</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

EVERGREEN TREES/SHRUBS

Required evergreen tree plantings shall be selected from the following list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged. Trees marked with a check mark tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
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<th>SIZE</th>
<th>STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abies concolor</td>
<td>Concolor Fir</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Ilex opaca</td>
<td>American Holly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Juniperus communis</td>
<td>Common Juniper</td>
<td>5-10’</td>
<td>✓</td>
</tr>
<tr>
<td>+ Juniperus virginiana</td>
<td>Eastern Redcedar</td>
<td>40-50’</td>
<td>✓</td>
</tr>
<tr>
<td>+ Kalmia latifolia</td>
<td>Mountain Laurel</td>
<td>4-8’</td>
<td>✓</td>
</tr>
<tr>
<td>Picea abies</td>
<td>Norway Spruce</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Picea omorika</td>
<td>Serbian Spruce</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pinus nigra</td>
<td>Australian Pine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Pinus strobus</td>
<td>Eastern White Pine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pseudotsuga menziesii</td>
<td>Douglas Fir</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxus baccata</td>
<td>English Yew</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxus cuspidata</td>
<td>Japanese Yew</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Tsugas canadensis</td>
<td>Eastern Hemlock</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
DECIDUOUS SHRUBS
Required shrubs shall be selected from the following list or a species hardy to the area. Shrubs marked with a (+) before their botanical name are native species and the use of these shrubs is strongly encouraged. Trees marked with a check mark tolerate urban conditions such as salt, drought, and soil compaction. The mature height is included for consideration in applications where overhead wiring or other facilities are located. Street trees shall be in accordance with applicable American National Standards Institute (ANSI) Standards.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>STREET</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Hamamelis vernalis</td>
<td>Vernal Witch Hazel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Hamamelis virginiana</td>
<td>Common Witch Hazel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Ilex glabra</td>
<td>Inkberry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Ilex verticillata</td>
<td>Winterberry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Kalmia latifolia</td>
<td>Mountain Laurel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Myrica pensylvanica</td>
<td>Bayberry</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pyracantha coccinea 'lalandi'</td>
<td>Laland Firethorn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rhamnus frangula</td>
<td>Glossy Buckthorn</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxus cuspidata 'capitata'</td>
<td>Upright Yew</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxus x media 'hicksii'</td>
<td>Hicks Yew</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Viburnum dentatum</td>
<td>Arrowwood Viburnum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Viburnum lantana</td>
<td>Wayfaring Tree Viburnum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Viburnum trilobum</td>
<td>Highbush Cranberry</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

RIPARIAN BUFFER DECIDUOUS TREES AND SHRUBS
Required tree and shrub plantings shall be selected from the following list or a species hardy to the area, attractive to wildlife species (mast production), and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Acer rubrum</td>
<td>Red Maple</td>
</tr>
<tr>
<td>+ Alnus rugosa</td>
<td>Speckled Alder</td>
</tr>
<tr>
<td>+ Amelanchier arborea</td>
<td>Shadbush</td>
</tr>
<tr>
<td>+ Amelanchier laevis</td>
<td>Alleghany Serviceberry</td>
</tr>
<tr>
<td>+ Betula lutea</td>
<td>Yellow Birch</td>
</tr>
<tr>
<td>+ Betula nigra</td>
<td>Black Birch</td>
</tr>
<tr>
<td>+ Carya cordiformis</td>
<td>Bitternut Hickory</td>
</tr>
<tr>
<td>+ Carya glabra</td>
<td>Pignut Hickory</td>
</tr>
<tr>
<td>+ Carya ovata</td>
<td>Shagbark Hickory</td>
</tr>
<tr>
<td>+ Cornus alternifolia</td>
<td>Alternate-Leaved Dogwood</td>
</tr>
<tr>
<td>+ Cornus amomum</td>
<td>Silky Dogwood</td>
</tr>
<tr>
<td>+ Cornus florida</td>
<td>Florida Dogwood</td>
</tr>
<tr>
<td>+ Cornus stolinifera</td>
<td>Redosier Dogwood</td>
</tr>
<tr>
<td>+ Fagus grandifolia</td>
<td>American Beech</td>
</tr>
<tr>
<td>+ Juglans nigra</td>
<td>Black Walnut</td>
</tr>
<tr>
<td>Prunus avium</td>
<td>Sweet Cherry</td>
</tr>
<tr>
<td>+ Prunus pennsylvanica</td>
<td>Pin Cherry</td>
</tr>
<tr>
<td>+ Prunus serotina</td>
<td>Black Cherry</td>
</tr>
<tr>
<td>+ Prunus virginiana</td>
<td>Choke Cherry</td>
</tr>
<tr>
<td>+ Rhus glabra</td>
<td>Smooth Sumac</td>
</tr>
</tbody>
</table>
Rhus typhina Staghorn Sumac
Quercus alba White Oak
Quercus bicolor Swamp White Oak
Quercus muehlenburgii Chinquapin Oak
Quercus palustris Pin Oak
Quercus prinus Chestnut Oak
Quercus rubra Northern Red Oak
Quercus velutina Black Oak

RIPARIAN FOREST BUFFER EVERGREEN TREES AND SHRUBS
Required evergreen tree and shrub plantings shall be selected from the following list or a species hardy to the area and appropriate to the use. Trees marked with a (+) before their botanical name are native species and the use of these trees is strongly encouraged.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Tsuga Canadensis</td>
<td>Eastern Hemlock</td>
</tr>
<tr>
<td>+ Pinus strobus</td>
<td>Eastern White Pine</td>
</tr>
<tr>
<td>Pinus rigida</td>
<td>Pitch Pine</td>
</tr>
<tr>
<td>+ Juniperous virginiana</td>
<td>Eastern Red Cedar</td>
</tr>
<tr>
<td>Pinus sylvestris</td>
<td>Scotch Pine</td>
</tr>
</tbody>
</table>

RIPARIAN BUFFER FORBS AND GRASSES (WARM SEASON)
Required plantings shall be selected from the following list or a species hardy to the area and appropriate to the use.

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aster novea angiae</td>
<td>New England Aster</td>
</tr>
<tr>
<td>Bernonia noveboracensis</td>
<td>New York Ironweed</td>
</tr>
<tr>
<td>Cassia fasciculata</td>
<td>Partridge Pea</td>
</tr>
<tr>
<td>Coreopsis lanceolata</td>
<td>Lanceleaf Coreopsis</td>
</tr>
<tr>
<td>Echinacea purpurea</td>
<td>Purple Cone Flower</td>
</tr>
<tr>
<td>Heliopsis helianthoides</td>
<td>Ox-eye Sunflower</td>
</tr>
<tr>
<td>Rudbeckia hirta</td>
<td>Blackeyed Susan</td>
</tr>
<tr>
<td>Verbena hastata</td>
<td>Blue Vervain</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andropogon gerardii</td>
<td>Big Bluestem</td>
</tr>
<tr>
<td>Panicum virgatum</td>
<td>Switchgrass</td>
</tr>
<tr>
<td>Andropogon scoparius</td>
<td>Little Bluestem</td>
</tr>
<tr>
<td>Sorghastrum nutans</td>
<td>Indiangrass</td>
</tr>
<tr>
<td>Tripsacum dactyloides</td>
<td>Eastern gamagrass</td>
</tr>
</tbody>
</table>
INVASIVE OR NOXIOUS SPECIES

Invasive or noxious plants grow or reproduce aggressively, which can so dominate an ecosystem that they kill off or drive out most other plant species. They can be native or exotic species. The use of those plants included in the following list of plants is prohibited in Elverson Borough:

<table>
<thead>
<tr>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acer platanoides</td>
<td>Norway Maple</td>
</tr>
<tr>
<td>Alliaria pertiolata</td>
<td>Garlic Mustard</td>
</tr>
<tr>
<td>Berberis thunbergii</td>
<td>Japanese Barberry</td>
</tr>
<tr>
<td>Berberis vulgaris</td>
<td>European Barberry</td>
</tr>
<tr>
<td>Broussonetia papyrifera</td>
<td>Paper Mulberry</td>
</tr>
<tr>
<td>Ailanthus altissima</td>
<td>Tree-of-Heaven</td>
</tr>
<tr>
<td>Carduus nutans</td>
<td>Musk or Nodding Thistle</td>
</tr>
<tr>
<td>Celastrus orbiculatus</td>
<td>Oriental Bittersweet</td>
</tr>
<tr>
<td>Cirsium arvense</td>
<td>Canadian Thistle</td>
</tr>
<tr>
<td>Cirsium vulgare</td>
<td>Bull or Spear Thistle</td>
</tr>
<tr>
<td>Clematis terniflora</td>
<td>Leatherleaf Climatis</td>
</tr>
<tr>
<td>Coronilla varia</td>
<td>Crown Vetch</td>
</tr>
<tr>
<td>Daturum stramonium</td>
<td>Jimsonweed</td>
</tr>
<tr>
<td>Eleagnus umbellula</td>
<td>Autumn Olive</td>
</tr>
<tr>
<td>Festuca elatior</td>
<td>Tall Fescue</td>
</tr>
<tr>
<td>Ligustrum obtusifolium</td>
<td>Border Privet</td>
</tr>
<tr>
<td>Ligustrum vulgare</td>
<td>Common Privet</td>
</tr>
<tr>
<td>Lonicera japonica</td>
<td>Japanese Honeysuckle</td>
</tr>
<tr>
<td>Lonicera morrowii</td>
<td>Morrow’s Honeysuckle</td>
</tr>
<tr>
<td>Lonicera tatarica</td>
<td>Tartarian Honeysuckle</td>
</tr>
<tr>
<td>Lythrum salicaria</td>
<td>Purple Loosestrife</td>
</tr>
<tr>
<td>Melilotus affinicialis</td>
<td>Sweet Clover</td>
</tr>
<tr>
<td>Microstegium vimineum</td>
<td>Japanese Stilt Grass</td>
</tr>
<tr>
<td>Morus alba</td>
<td>White Mulberry</td>
</tr>
<tr>
<td>Paulownia tomentosa</td>
<td>Empress Tree</td>
</tr>
<tr>
<td>Phalaris arundinacea</td>
<td>Reed Canary Grass</td>
</tr>
<tr>
<td>Polygonum perfoliatum</td>
<td>Mile-A-Minute Weed</td>
</tr>
<tr>
<td>Populus alba</td>
<td>White Poplar</td>
</tr>
<tr>
<td>Pueraria lobata</td>
<td>Kudzu-vine</td>
</tr>
<tr>
<td>Rhamnus cathartica</td>
<td>Common Buckthorn</td>
</tr>
<tr>
<td>Rosa multiflora</td>
<td>Multiflora Rose</td>
</tr>
<tr>
<td>Rubus phoenicolasius</td>
<td>Wineberry</td>
</tr>
<tr>
<td>Sorghum bicolor</td>
<td>Shattercane</td>
</tr>
<tr>
<td>Sorghum halapense</td>
<td>Johnson Grass</td>
</tr>
<tr>
<td>Spiraea japonica</td>
<td>Japanese Spiraea</td>
</tr>
<tr>
<td>Viburnum dilatatum</td>
<td>Linden Viburnum</td>
</tr>
<tr>
<td>Viburnum opulus</td>
<td>Guelder Rose</td>
</tr>
</tbody>
</table>

An application is hereby made for review of a Sketch Subdivision or Land Development Plan submitted herewith and more particularly described:

1. Name of Applicant(s): ____________________________________________________
   Address: __________________________________________________________________
   ___________________________________________________________________ Phone/Fax No. ________________
   Email Address ______________________________________________________

2. Name of Owner(s): _______________________________________________________
   (if other than applicant)
   Address: __________________________________________________________________
   ___________________________________________________________________ Phone/Fax No. ________________
   Email Address ______________________________________________________

3. Applicant’s interest (if other than owner): ______________________________________

4. Location of Subdivision/Land Development: ___________________________________

5. Party responsible for plan: _______________________________________________
   Address: __________________________________________________________________
   ___________________________________________________________________ Phone/Fax No. ________________
   Email Address ______________________________________________________

6. Total Acreage _______________________________ Number of Lots ______________

7. Acreage being subdivided ______________________ Minimum lot area ______________

8. Lot use proposed: _______ Single Family _______ Commercial
   _______ Two Family _______ Industrial
   _______ Townhouse _______ Other (please specify)
   _______ Multi-family
9. Zoning Classification: _______________________________________________________

10. Type of Water supply proposed:  ___ Public   ___ Community
____ Individual on-site

11. Type of sewage disposal proposed:  ___ Public system   ___ Live
___ Capped   ___ Community
___ Individual on-site

12. Type of off-street parking proposed:  _______________________ Garages
_______________________ Driveways
_______________________ Other (please specify)

13. List of Proposed improvements: 1. _________________________________________
2. _________________________________________
3. _________________________________________

14. Date of Plan: ____/____/____

____________________________
(Signature of Applicant)
An application is hereby made for review of the Preliminary Subdivision and Land Development Plan submitted herewith and more particularly described below:

1. Name of Subdivision: ____________________ Plan Dated: ____/____/____
   County Deed Book No: ____________________ Page No.: ______________

2. Name of Applicant(s): ____________________________________________________
   Address: ______________________________________________________________
   ____________________________________________ Phone/Fax No. _______________
   Email Address____________________________________________________

3. Name of Owner(s): _______________________________________________________
   (if other than applicant)
   Address: ______________________________________________________________
   ____________________________________________ Phone/Fax No. _______________
   Email Address____________________________________________________

4. Applicant’s interest (if other than owner):____________________________________

5. Party responsible for plan: _________________________________________________
   Address: ______________________________________________________________
   ____________________________________________ Phone/Fax No. _______________
   Email Address____________________________________________________

6. Total Acreage ________________________________ Number of Lots ______________

7. Acreage of adjoining land in same ownership (if any): ___________________________

8. Lot use proposed: _________ Single Family _________ Commercial
   _________ Two Family _________ Industrial
   _________ Townhouse _________ Other (please specify)
   _________ Multi-family
9. Will construction of buildings be undertaken immediately? _____ Yes _____ No

By whom? _____________ Subdivider

_____________ Other Developers

_____________ Purchasers of individual lots

10. Type of Water supply proposed:  ___ Public   ___ Community

___ Individual on-site

11. Type of sewage disposal proposed: ___ Public system  ___ Live

___ Capped   ___ Community

___ Individual on-site

12. Type of off-street parking proposed: _______________________ Garages

_______________________ Driveways

_______________________ Other (please specify)

13. Linear feet of new streets planner: _________________________

14. Are all streets proposed for dedication? _____Yes _____No

15. Deed restrictions that apply or are contemplated. (If no restrictions, state “none,” if “yes”
attach a copy of restrictions): __________________________________________________

16. Acreage proposed for parks or other public use: ________________________________

17. Zoning Classification: ______________________________________________________

    Zoning variance(s) to be requested: ___________________________________________

18. Have the appropriate public utilities been consulted? _____Yes _____ No

19. List proposed improvements and utilities and intentions to install or post performance
    guarantee prior to final endorsement by the Borough:

    Improvement  Intention

    a.  

    b.  

    c.  

_________________  ____________________  __________________

C-2  September 4, 2018
20. List of maps and other materials accompanying application and number of each.

<table>
<thead>
<tr>
<th>Improvement</th>
<th>Intention</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<td></td>
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</tr>
</tbody>
</table>

Date: ____/____/____  Signature of Applicant: __________________________
An application is hereby made for final approval of the Final Subdivision or Land Development Plan submitted herewith and described in the accompanying maps and documents:

1. Name of Subdivision: ____________________ Plan Dated: ____/____/____
   County Deed Book No: ____________________ Page No.: _______________

2. Name of Applicant(s): ____________________________________________________
   Address: __________________________________________________________________
   ___________________________________ Phone/Fax No. _________________
   Email Address___________________________________________________________

3. Name of Owner(s): _______________________________________________________
   (if other than applicant)
   Address: __________________________________________________________________
   ___________________________________ Phone/Fax No. _________________
   Email Address___________________________________________________________

4. Date of approval of Preliminary Plan: ____/____/____

5. Final Plan follows exactly the approved Preliminary Plan? _____ Yes _____ No
   If no, please list changes: _________________________________________________
   _______________________________________________________________________
   _______________________________________________________________________
   _______________________________________________________________________

6. List of maps and other documents accompanying the application and the number of each:
   Item                     Number
   a.                       
   b.                       
   c.                       
   d.                       

e.

f.

Date: _____/____/_____ Signature of Applicant: __________________________
In consideration of the mutual covenants contained herein, it is hereby agreed between the Borough Council of Elverson Borough, Chester County, Pennsylvania, and ______________, the subdivider shown on the plan of the property shown on the plan of ______________, dated ________________, 20___, that in accordance with Borough requirements and specifications, the responsibility for the provision of the improvements shown on the plan will be as follows:

<table>
<thead>
<tr>
<th>IMPROVEMENT:</th>
<th>TO BE IMPROVED BY:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cost</td>
</tr>
<tr>
<td>Street Grading</td>
<td>______</td>
</tr>
<tr>
<td>Street Base</td>
<td>______</td>
</tr>
<tr>
<td>Street Paving</td>
<td>______</td>
</tr>
<tr>
<td>Curbs</td>
<td>______</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>______</td>
</tr>
<tr>
<td>Storm Sewer Facilities</td>
<td>______</td>
</tr>
<tr>
<td>Sanitary Sewers</td>
<td>______</td>
</tr>
<tr>
<td>Trunk Lines</td>
<td>______</td>
</tr>
<tr>
<td>Main</td>
<td>______</td>
</tr>
<tr>
<td>House Connection</td>
<td>______</td>
</tr>
<tr>
<td>On-Site Sewage Facilities</td>
<td>______</td>
</tr>
<tr>
<td>Water Mains</td>
<td>______</td>
</tr>
<tr>
<td>On-Site Water Supply</td>
<td>______</td>
</tr>
<tr>
<td>Fire Hydrants</td>
<td>______</td>
</tr>
<tr>
<td>Street Monuments</td>
<td>______</td>
</tr>
<tr>
<td>Street Name Signs</td>
<td>______</td>
</tr>
<tr>
<td>Street Lights</td>
<td>______</td>
</tr>
<tr>
<td>Erosion and Sediment Controls</td>
<td>______</td>
</tr>
</tbody>
</table>

The applicant agrees to furnish as-built drawings of all improvements listed in the Subdivision Improvements Agreement which are to be provided by the applicant.
The cost of Borough inspection of all improvements shall be paid by the applicant. An estimated cost for each inspection shall be included within the Improvements Guarantee. The supervision of all installations shall be the responsibility of ____________.

This agreement shall be subject to such modifications as may be mutually agreed upon by the applicant and the Borough.

________________________________________  ______________________________________
(Witness)                  (Applicant’s Signature)
________________________________________
(Witness)

Approved by resolution of the Borough Council of the Borough of Elverson at the meeting held on ______________________, 20___

________________________________________

(Seal)
The following certification, in the wording shown, must be labeled and completed on the Final Subdivision and Land Development Plan.

Commonwealth of Pennsylvania
County of Chester

On this, the ____ day of ______________, 20___, before me, the undersigned officer, personally appeared _______________, who begin duly sworn according to law, deposes and says that she/he is the _________ (1), can the property shown on this plan, that the subdivision plan thereof was made at their direction, that she/he acknowledges the same to be his/her act and plan ______ (2), and that all streets ______ (3) ______, shown and not heretofor dedicated are hereby dedicated to the public use ______ (4) ______.

(5) (6) (7)

(8) (9)

My commission expires ______________, 20___

(1) insert either: “Owner,” “Equitable Owner,” or “President of (the name of corporation).”
(2) whenever applicable, insert: “and desires the same to be recorded as such according to law.”
(3) whenever applicable, insert: “and open space contained in lots number____.”
(4) if necessary, insert: “except those labeled not for dedication (and any other restriction or reservations).”
(5) Where necessary, signature of secretary of corporation.
(6) signature of individual, of partners, or of president of corporation.
(7) if necessary, corporate seal.
(8) signature and (9) seal of notary public or other officer.
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APPENDIX G
CERTIFICATE OF ACCURACY

The following certification, in the wording shown, must be labeled and completed on the Final Subdivision or Land Development Plan:

I hereby certify that the plan shown and described hereon is true and correct to the accuracy required by the Borough of Elverson Subdivision and Land Development Ordinance.

Date: ____/____/_____ __________________________

(1)

(2)

(1) Signature of registered engineer, surveyor, or other party responsible for the preparation of the Plan.

(2) The seal of the engineer or surveyor.
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