

TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 05-2023

AN ORDINANCE OF THE TOWNSHIP OF MAXATAWNY, BERKS COUNTY, PENNSYLVANIA, TO AMEND THE MAXATAWNY TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1984, AS AMENDED, TO AMEND ADMINISTRATIVE REGULATIONS REGARDING RECEIPT, REVIEW AND APPROVAL OF SUBDIVISION AND LAND DEVELOPMENT PLANS

WHEREAS, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its Subdivision and Land Development Ordinance to regulate the application process for subdivision and land development; and

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code the Township of Maxatawny adopted a Subdivision and Land Development Ordinance ("SALDO") by enacting Ordinance Number 1984-5 on July 9, 1984; and

WHEREAS, the Township of Maxatawny amended the Township's SALDO by Ordinance Number 2007-2 on May 9, 2007; and

WHEREAS, the SALDO as amended provides for the requirements and process of land development and subdivision plans in Article II entitled "Submission and Review Procedures"; and

WHEREAS, the Board of Supervisors desires to further amend the Township's SALDO to amend the procedures and requirements for submission and review of land development and subdivision plans; and

WHEREAS, the SALDO provides for the requisite plan size of land development and subdivision plans in Article III entitled "Plan Requirements"; and

WHEREAS, the Board of Supervisors desires to further amend the Township's SALDO to amend the plan size of land development and subdivision plans.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the Board of Supervisors of the Township of Maxatawny, Berks County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby adopted:

SECTION 1. The Maxatawny Township Subdivision and Land Development Ordinance of 1984, as amended, Article II entitled "Submission and Review Procedures", Section 202 entitled "Submission of Sketch Plan" following subsections are hereby amended as follows:

Section 202.2 Number of Copies – (a) Ten (10) legible black line or blue line paper prints of the Sketch Plan shall be required. (b) Four (4) copies of all other documents

submitted in support of the application. (c) An electronic copy of all (a) and (b) in .pdf format via a downloadable link, flash drive or other applicable electronic submission format as requested by the Township. Plans shall fully comply with the requirements of Article III, Section 301 of these regulations.

Section 202.3 Distribution of Sketch Plan – The Township Secretary (or his representative) shall refer the Sketch Plan to the following: Five (5) copies to the Township Planning Commission; One (1) copy to the Township Engineer; Two (2) copies to the Township Zoning Officer; One (1) copy to the Fire Marshal, and One (1) copy to the Township Files for Supervisors..

SECTION 2. The Maxatawny Township Subdivision and Land Development Ordinance of 1984, as amended, Article II entitled “Submission and Review Procedures”, Section 204 entitled “Official Submission of Preliminary Plan” following subsections are hereby amended as follows:

Section 204 Official Submission of Preliminary Plan

204.2 Official submission of Preliminary Plan shall compromise: (a) Two (2) completed copies of the Application for Review of a Preliminary Subdivision Plans; (b) Twelve (12) legible black line or blue line paper prints of the Preliminary Plan which shall fully comply with the requirement of Article III, Section 302 of these regulations; (c) Three (3) completed copies of the subdivision sewage disposal report, the sewage module and all other documents and approvals required by the Pennsylvania Department of Environmental Protection; (d) Three (3) copies of all other required information; (e) two (2) copies of the Application for Review by the County of Berks Planning Commission and (f) the required Township fees. An electronic copy of (a) through (d) in .pdf format via a downloadable link, flash drive or other applicable electronic submission format as requested by the Township. Submissions of revised plans shall include Eight (8) copies of the plans and Two (2) copies of all supporting documents.

204.4 Acceptance of the Plan. A Preliminary Plan received at least twenty (20) calendar days before the next regularly scheduled Planning Commission meeting and upon a determination that the Official Submission Application is complete in accordance with these regulations and receipt of the required fee , the Township Secretary or their representative shall refer the Preliminary Plan to the Planning Commission at its next regularly scheduled meeting for acceptance. If the next regularly scheduled Planning Commission meeting does not occur or a special meeting of the Planning Commission does not occur within thirty (30) days of Official Submission of the Preliminary Plan, the Preliminary Plan shall be deemed accepted as of the date of the next regularly scheduled Planning Commission meeting. The Plan may be accepted by the Planning Commission to commence review without submission of the documents required by Subsection 204.2(c) and (d) provided those documents are submitted prior to review of the Preliminary Plan presented to the Planning Commission for approval.

204.5 Distribution of Preliminary Plan – Once the Preliminary Plan has been accepted, the Preliminary Plan shall be distributed either electronically to or in paper format

as follows: (a) Five (5) copies to the Township Planning Commission; One (1) copy to the Township Engineer; Two (2) copies to the Township Zoning Officer; One (1) copy to the Fire Marshal, One (1) copy to the Township Files for Supervisors and two (2) copies returned to the Applicant for submission to the County of Berks Planning Commission with the requisite County fee and application.

SECTION 2. The Maxatawny Township Subdivision and Land Development Ordinance of 1984, as amended, Article II entitled "Submission and Review Procedures", Section 205 entitled "Review of Preliminary Plan", following subsections are hereby amended as follows:

Section 205 Review of Preliminary Plan

205.1 Review by the Township Engineer

Following acceptance of the Plan by the Planning Commission, the Township Engineer shall review the Preliminary Plan to determine its conformance to the Township Subdivision Regulations. The Township Engineer may recommend changes, alterations or modifications, as he deems necessary. The report of the Township Engineer shall be in writing and shall be submitted to the Township Planning Commission at the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.

205.2 Review by the Township Zoning Officer

Following acceptance of the Plan by the Planning Commission, the Township Zoning Officer shall review the Preliminary Plan to determine its conformance to the Township Zoning Ordinance. The Zoning Officer shall check all zoning data as required to be shown under Article III, Section 302, to determine if information shown is in accordance with the latest Zoning Ordinance. The report from the Township Zoning Officer as to the accuracy of the information shown shall be submitted to the Township Planning Commission at or before the regularly scheduled or special meeting at which the Preliminary Plan is to be considered by the Township Planning Commission.

205.3 Review by the Township Planning Commission

- a. When a Preliminary Plan application and fee has been officially submitted, and accepted by the Planning Commission at a public meeting, such Plan shall be reviewed by the Township Planning Commission at its next regularly scheduled meeting, or at the discretion of the Planning Commission, at a special meeting which may be held prior thereto. Other than acceptance of the Plan, the Planning Commission shall not consider plans for approval, discuss plans or consider waivers unless a representative for the subject Plan is present.
- b. No official action shall be taken by the Township Planning Commission with respect to the Preliminary Plan until the Township has received the written report of the County Planning Commission, provided, however, that if this report is not received within

thirty (30) days after transmittal to BCPC, then the Township Planning Commission may officially act without having received and considered such report.

e. No official action shall be taken by the Township Planning Commission with respect to the Preliminary Plan until the Township has received evidence of submissions being made to all pertinent outside agencies by way of one (1) copy of a review letter from each outside agency.

205.4 Review by the Township Supervisors

c. In any event, the Township Supervisors shall render a decision and communicate it to the Applicant not later than ninety (90) days or an extension of time offered by the Applicant and accepted by the Township, following the date of acceptance of the Preliminary Plan by the Planning Commission.

SECTION 3. The Maxatawny Township Subdivision and Land Development Ordinance of 1984, as amended, Article II entitled "Submission and Review Procedures", Section 206 entitled "Submission of Final Plan", following subsections are hereby amended as follows:

Section 206 Submission of Final Plan

The Final Plan shall conform in all important respects to the Preliminary Plan as previously reviewed by the Township Planning Commission and the Township Supervisors and shall incorporate all modifications required by the Township in its review of the Preliminary Plan.

The Township may permit submission of the Final Plan in sections (phasing Plans), each covering a reasonable portion of the entire proposed Subdivision as shown on the review of the Preliminary Plans.

206.2 Official submission of Final Plan for review shall comprise: (a) Two (2) completed copies of the application for review of Final Subdivision Plan; (b) Twelve (12) legible black line or blue line paper prints, the Final Plan which shall fully comply with Article III, Section 303 of these regulations; (c) Two (2) copies of the Application for Review by the County of Berks Planning Commission; (d) the required Township and County of Berks fees and (e) Three (3) copies of all other required information including the following, if applicable: (1) All offers of dedication and covenants governing the reservation and maintenance of undedicated open space which shall bear the certificate of approval of the Township Solicitor as to their legal sufficiency; (2) Such private deed restrictions, including building reserve lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title to the land being subdivided; (3) All homeowners association documentation or Planned community information that may be proposed for said development; (4) All State, County and Federal documentation, permits, approvals and Plans; (5) Whenever a Applicant proposes to establish a street which is not offered for dedication to public use, the Township Planning Commission or the Township Supervisors may require the Applicant to submit, and also to record the Plan and a copy of the agreement made with

the Township on behalf of the Applicant, his heirs, successors, and assigns and approved by the Township Solicitor in which shall establish conditions under which the street may later be offered dedication and stipulate, among other things, the following: (a) The streets shall conform to Township specifications or that the owners of the abutting lots shall include with the offer of dedication sufficient money, as estimated by the Township Engineer, to restore the street to conformance with the Township's specifications; (b) An offer to dedicate the street shall be made only for the street as a whole; (c) the method of assessing repair costs be stipulated; (6) Whenever approval by the Pennsylvania Department of Environmental Protection is required for the water supply or sanitary sewage disposal system or systems for a proposed subdivision, the Township Planning Commission shall require that two (2) copies of such certification of approval shall be submitted with the Final Plan. In the case of revised plans, the Applicant should contact the Township Secretary to determine the number of revisions that must be submitted. An electronic copy of (a) through (c) and (e) in .pdf format via a downloadable link, flash drive or other applicable electronic submission format as requested by the Township. Submissions of revised plans shall include eight (8) copies of the plans and two (2) copies of all supporting documents.

206.4 Acceptance of the Plan. A Final Plan received at least twenty (20) calendar days before the next regularly scheduled Planning Commission meeting and upon a determination that the Official Submission Application is complete in accordance with these regulations and receipt of the required fee, the Township Secretary or their representative shall refer the Final Plan to the Planning Commission at its next regularly scheduled meeting for acceptance. If the next regularly scheduled Planning Commission meeting does not occur or a special meeting of the Planning Commission does not occur within thirty (30) days of Official Submission of the Final Plan, the Final Plan shall be deemed accepted as of the date of the next regularly scheduled Planning Commission meeting. The Plan may be accepted by the Planning Commission to commence review without submission of the documents required by Subsection 206.2(c) provided those documents are submitted prior to submission of and part of the version of the Final Plan presented to the Planning Commission for approval or agreed to as a condition of approval of the Final Plan.

206.5 Distribution of Final Plan. The Final Plan shall be distributed in accordance with the requirements of Article II, Section 204.5 for Preliminary Plan.

SECTION 4. The Maxatawny Township Subdivision and Land Development Ordinance of 1984, as amended, Article II entitled "Submission and Review Procedures", Section 207 entitled "Review of Final Plan", following subsections are hereby amended as follows:

Section 207 Review of Final Plan

207.1 Review by the Township Engineer

Following acceptance of the Plan by the Planning Commission, the Final Plan shall be reviewed and a written report submitted as required under Article II, Section 205.1 for Preliminary Plan.

207.2 Review by the Township Zoning Officer.

Following acceptance of the Plan by the Planning Commission, the Final Plan shall be reviewed and a written report submitted as required under Article II, Section 205.2 for Preliminary Plans.

207.3 Review by Township Planning Commission

The Final Plan shall be reviewed, in accordance with the procedure required under Article II, Section 205.3 of these regulations for Preliminary Plans. In addition: (a) before acting on any Plan, the Planning Commission shall receive and review correspondence; (b) before acting on any Plan, the Planning Commission shall be provided with copies of all outside agency approvals and or permits by the applicant; (c) before acting on any Plan, the Planning Commission may, but shall not be required to hold a public hearing thereon after public notice; (d) If all the requirements of this Ordinance are met and the review is favorable, a majority of the Planning Commission and Secretary shall endorse the Record Plan; and (e.) The Record Plan with Township Planning Commission's endorsement shall be forwarded to the Township Supervisors.

207.4 Review by the Township Supervisors

The Final Plan shall be reviewed in accordance with the procedures as required under Article II, Section 205.4 of these regulations for Preliminary Plan. In addition: (a) before acting on any Plan, the governing body shall receive and review correspondence and at its discretion approval from agencies and organizations outside of the Township; (b) before acting on any Plan, the governing body, may, but shall not be required, to hold a public hearing thereon after public notice; (c) If the Township Supervisors approve the Final Plan, it shall be signed by a majority of the Supervisors and sealed by the Secretary, together with the date of such action; (d) Performance Guarantee or a certificate of satisfactory installation is required under Article II, Section 210, shall be required before Plans are released for recording.

207.5 Release of Plans for Recording

Upon approval of the Final Plan by the Township and before it is released for recording, except as otherwise required by the Pennsylvania Municipalities Planning Code, the Township shall be in receipt of approval of all applicable outside agencies and organizations, payment of (1) all expenses invoiced for services provided by the Township and its Engineer, Solicitor and other consultants (2) recreational and impact fees and (3) all other applicable fees and expenses, and receipt of all required escrows and executed agreements.

SECTION 5. The Maxatawny Township Subdivision and Land Development Ordinance of 1984, as amended, Article III entitled "Plan Requirements" following subsection is hereby amended as follows:

Section 301 Sketch Plan

301.1 The Sketch Plan of a proposed subdivision shall be clearly and legibly drawn to a standard engineering scale that is capable of depicting site conditions and modifications with sufficient detail to be determined at the discretion of the Township Engineer.

SECTION 6. The Maxatawny Township Subdivision and Land Development Ordinance of 1984 shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of such Subdivision and Land Development Ordinance upon enactment.

SECTION 7. Repealer. All Ordinances or parts of ordinances inconsistent herewith are hereby repealed.

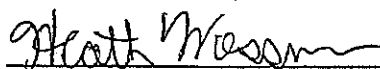
SECTION 8. Severability. If any section, subsection, clause, sentence, paragraph or part of this Ordinance shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such invalidity, illegality or unconstitutionality shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is hereby declared to be the legislative intent of the Board of Supervisors that this Ordinance would have been adopted had such provisions not been included herein.

SECTION 9. Effective Date. This Ordinance shall become effective five (5) days after enactment, as provided by law.

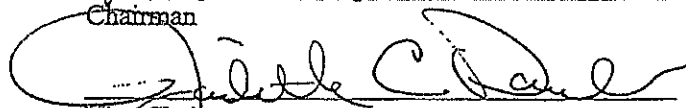
[Signatures on Next Page]

ENACTED AND ORDAINED as an Ordinance of Maxatawny Township, Berks County, Pennsylvania, this 13th day of September, 2023.

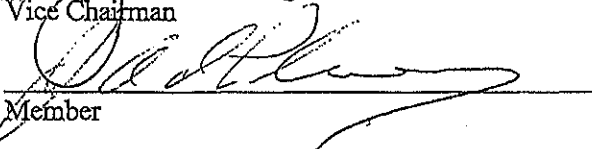
BOARD OF SUPERVISORS OF
MAXATAWNY TOWNSHIP,
BERKS COUNTY, PENNSYLVANIA



Chairman

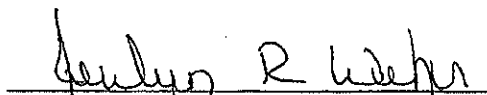


Vice Chairman



Member

ATTEST:


Secretary

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2023-05 adopted by the Board of Supervisors of Maxatawny Township, Berks County, Pennsylvania at a public meeting held on September 13th, 2023, pursuant to notice as required by law.

Dated: September 13, 2023

Dorlyn R. Wehr
Township Secretary