

ORDINANCE NO. 1-14

AN ORDINANCE OF THE COUNTY OF BERKS, PENNSYLVANIA, AMENDING ORDINANCE NO. 1-75, ADOPTED MAY 20, 1975, AS AMENDED BY ORDINANCE NO. 1-90 ADOPTED MARCH 8, 1990, OF THE LAND SUBDIVISION AND LAND DEVELOPMENT REGULATIONS OF THE COUNTY OF BERKS.

WHEREAS, on May 20, 1975, the Commissioners of the County of Berks enacted Ordinance No. 1-75, The Land Subdivision and Land Development Regulations of the County of Berks (the "SALDO") as amended by Ordinance No. 1-90 enacted March 8, 1990; and

WHEREAS, the Board of Commissioners of the County desires to further amend the SALDO.

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of the County of Berks, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same that the SALDO is amended as follows:

**SECTION 1. Amendment of Section 2.9B, entitled "Schedule of Fees for Reviewing Subdivision Plans."**

Section 2.9B of the SALDO is hereby amended and restated in its entirety Section 402, entitled "Submission" as follows:

"Where Municipal Subdivision Regulations are in effect, and the Berks County Planning Commission is deemed a reviewing agent for the municipality, the Berks County Planning Commission shall collect fees for reviewing the subdivision or land development plan or plans in accordance with a schedule of fees to be recommended by the Berks County Planning Commission to the Board of Commissioners, which shall be adopted by the Commissioners by resolution from time to time."

**SECTION 2. Severability.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of the County of Berks that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** Any ordinance, parts of ordinances, resolutions or parts of resolutions conflicting with the provisions of this Ordinance are hereby repealed insofar as they are inconsistent with this Ordinance's provisions.

**SECTION 4. Effective Date.** This Ordinance shall become effective at the earliest date provided by law.

ENACTED AND ORDAINED as an Ordinance by the Board of Commissioners of the County of Berks, in lawful session duly assembled, this 16<sup>th</sup> day of January, 2014.

COUNTY OF BERKS

By: Not Present at meeting  
Christian Y. Leinbach, Commissioner

By: Kevin S. Barnhardt  
Kevin S. Barnhardt, Commissioner

By: Mark C. Scott  
Mark C. Scott, Commissioner

Attest:

Maryjo Gibson  
Maryjo Gibson, Chief Clerk

RESOLUTION NO. 15-14

BE IT RESOLVED AND IT IS HEREBY RESOLVED that the Berks County Board of Commissioners hereby approves the attached Fee Schedule used by the Berks County Planning Commission for subdivision and land development reviews as authorized by the Pennsylvania Municipalities Planning Code and Berks County Ordinance No. 01-2014, effective February 1, 2014.


ADOPTED THIS 16th DAY OF JANUARY, 2014.


COUNTY OF BERKS

Not Present at meeting  
Christian Y. Leinbach, Commissioner

  
Kevin S. Barnhardt, Commissioner

Attest:

  
Maryjo Gibson, Chief Clerk

  
Mark C. Scott, Esq., Commissioner

## FEE SCHEDULE FOR REVIEWS

The following fees will be charged by the Berks County Planning Commission for subdivision and land development reviews as authorized by the Pennsylvania Municipalities Planning Code, Act 247, as amended. These fees are effective February 1, 2014. All fees are to be submitted to the Berks County Planning Commission through the appropriate township, borough, or city at the time of application. Plans will not be accepted for review by the County without the appropriate fee, County Referral Application (signed by the appropriate municipal official) and the required number of plans. Check or money order (no cash) should be made payable to the County of Berks. Fees are not refundable unless the BCPC fails on its own part.

### Schedule I – Fees                      Subdivision (All Land Uses) and Land Development (Residential Use Only)

Number of Lots or Units Including <u>Residue Units</u>	Sketch Official Sketch <u>Sketch for Record</u>	Preliminary or <u>Final</u>
1 – 5	140	240
6 – 25	200	335
26 – 49	350	530
50 – 99	505	705
100 – 199	615	880
200 – 299	740	1,055
300 – 399	875	1,225
400 – 499	1,030	1,415
500 and Over	Add \$100 for each 100 lots/units over 499	Add \$135 for each 100 lots/units over 499

### Schedule II – Fees                      Commercial, Industrial, Public and Quasi Public (Land Development Only)

Area to be Disturbed <u>for Development</u>	Sketch Official Sketch <u>Sketch for Record</u>	Preliminary or <u>Final</u>
Under 2 acres	275	425
2 to under 8 acres	435	740
8 to under 15 acres	560	995
15 to under 30 acres	680	1,255
30 to under 50 acres	800	1,505
50 to under 100 acres	925	1,885
100 acres & over	Add \$100 for each 50 acres over 100 acres	Add \$200 for each 50 acres over 100 acres

The terms “lots” includes conveyances, tracts or parcels of land for the purpose, whether immediate or future, of lease, transfer of ownership or building or development, as well as residue parcels, annexations, or correction of lot lines.

(Over)

The term land development includes any of the following activities:

1. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. a group of two or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.

Typical examples are: office buildings housing different businesses, apartments, mobile home parks, shopping malls, hotels and additions to commercial, industrial and public buildings.

**TIME LIMITATIONS:** The BCPC will accept the application when all necessary information and fees have been supplied and at that time the review time-clock will start. Any proposal which does not contain the appropriate information and/or fee will not be processed through the Commission. In such cases, the municipality and applicant will be informed of any additional information or fees necessary. The review time-clock will not begin until the necessary information or correct fee is received. If a check is refused by the bank due to insufficient funds the review time clock will stop as of the day such notice is received and the applicant and municipality will be so notified. The time-clock will not re-start until this Commission has received the required fee.

**MEETING WITH STAFF:** Meetings with the staff of the Berks County Planning Commission to discuss proposals either prior to or during the formal review period are encouraged and shall be free of charge. Appointments can be made by calling (610) 478-6300.

**SCHEDULE I FEES** are based on the number of lots or units. All land uses are included: residential, commercial, industrial, public, quasi-public and other. Therefore, an industrial park subdivision prior to development of individual lots is subject to Schedule I. The same would be true of a commercial lot subdivision or selling of land for a church or school. Schedule I fees also cover residential land development such as an apartment complex, condominiums, rental townhouses and mobile home parks. Where there is a mix of lots and rental units the totals are added together to determine the fee.

**SCHEDULE II FEES** are based on the amount of land to be disturbed for development including buildings, access drives, streets, stormwater management, grading, public sewer and water service, erosion and sediment control landscaping and any other activity that disturbs the ground on the site. The total disturbed area of a project is most accurately calculated by a planimeter following all outlines of disturbed areas. Where combinations of subdivision and non-residential development are proposed on a plan the fees must be determined separately and added together.

**PRD – PLANNED RESIDENTIAL DEVELOPMENT** Fees will be based on the number of residential units and the amount of disturbed area for the non-residential uses. In cases where a building is used as a mixed use (commercial units on lower level(s) with residential units above) the fee will be based on the amount of disturbed area associated with that building (Schedule II Fees).

**REPEAT STAGE** If a subdivision/land development with significant plan revisions is presented to the Berks County Planning Commission for a second review, the fees for the second review will be based on the extent of changes made to the project. Significant revisions are those that impact the scope and concept of a project that include street and lot layout, number of buildings and locations, stormwater/grading land use and intensity, traffic issues and environmental issues. If site revisions are based upon recommendations made in the initial project review by the Berks County Planning Commission, the fees may be waived. Meeting with staff prior to resubmission of the revised plans for the Berks County Planning Commission's review is recommended to establish the required fee for plan submission.