

ORDINANCE NO. 2009-05

AN ORDINANCE OF THE TOWNSHIP OF BETHEL, BERKS COUNTY, PENNSYLVANIA, REGULATING DRIVEWAY CONSTRUCTION, REQUIRING A PERMIT AND FEE, PROVIDING FOR CORRECTION OF IMPORPER WORK AND PRESCRIBING PENALTIES FOR VIOLATIONS

BE IT ENACTED AND ORDAINED BY THE BOARD OF SUPERVISORS OF BETHEL TOWNSHIP, Berks County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. Title and Applicability.

- A. This Ordinance shall be known as “THE BETHEL TOWNSHIP DRIVEWAY ORDINANCE”.
- B. This Ordinance shall apply to all new and existing private driveways constructed on or after the effective date of this Ordinance, with the exception of normal repairs and maintenance, repaving of existing paved driveways, and paving of existing non-paved driveways. Improvements to existing driveways which involve the widening for the purpose of adding additional lanes, or the constructing, changing or modifying a driveway entrance SHALL be subject to the provisions of this Ordinance.
- C. New driveways accessing State roads are subject to the provisions of this Ordinance for those portions of the driveway outside of the State right-of-way.

SECTION 2. Permit Requirements.

- A. No person, firm, corporation or other entity shall perform any construction, excavation or other work in connection with any driveway or perform any work within the Township affecting storm water flow or discharge within the right-of-way of any road until a permit has been issued by the Township for such work. Further, no property may be used or occupied if such use or occupancy requires a driveway unless a permit has been issued and all terms and conditions of such permit are complied with.
- B. A permit application shall be submitted to the Designated Township Official by the owner or authorized representative of the owner prior to the issuance of a driveway permit. The application shall be on a form provided by the Township, and shall be accompanied by the fee established by the Township from time to time.

- C. The Designated Township Official shall review the application and:
 - 1. Determine whether or not sufficient information has been submitted in order to make a determination of conformity with the standards of this Ordinance, and request additional information as deemed necessary;
 - 2. Submit the application and associated information and documentation to the Township Engineer for review of stormwater management when the slope of the driveway is greater than 8% and sloping toward a public or private street, or sloping toward any public or private property where there may be the potential for damage caused by stormwater runoff.
 - 3. Issue a permit, or provide written comments as to why the permit cannot be issued as applied for.
- D. The Township Engineer shall review applications as outlined in Section 2.C.2 herein, and shall provide written comments to the applicant and to the Zoning Officer within fourteen (14) days of receipt of the required information.
- E. Should the Designated Township Official not act on an application submitted hereunder within thirty (30) days after receipt of a complete application, the application shall be deemed approved.
- F. Driveway Permits shall expire six (6) months from date of issuance unless the driveway and associated improvements are completed in accordance with the permit. All improvements required by the permit and this Ordinance shall be completed within six (6) months of the date of issuance of the permit. Should the improvements not be completed within this time period due to weather or other adverse conditions, the Designated Township Official may extend the permit to allow for additional time necessary to complete the improvements, such extension shall not exceed an additional six (6) months. If the improvements are not completed in accordance with the terms of this section, a new application and fee will be required in accordance with the terms and conditions of the Driveway Ordinance in effect at the time of such submission.

SECTION 3. Construction Observation.

- A. The Designated Township Official shall observe each phase of the driveway being constructed on one or more occasions pursuant to the issued permit to determine whether it is being constructed in accordance with the permit. The permittee shall contact the Designated Township Official at least three (3) days prior to the commencement of any

construction activities in order to coordinate the necessary construction observations. Failure to do so, or failure to follow the required construction observation schedule may result in additional testing, sampling or other measures, at the sole expense of the applicant, necessary to verify that construction has been in accordance with the permit.

- B. Upon satisfactory completion of the work, the Designated Township Official shall sign the permit indicating approval of the driveway as constructed or reconstructed.

SECTION 4. Driveway Standards.

- A. For the purposes of this ordinance, the following terms are defined as follows:
 - 1. “Driveway” – Any portion of a property that is utilized by vehicular traffic to enter to or exit from an abutting road or street.
 - 2. “Residential driveway” shall mean a driveway that is used solely for access to a property which contains or will contain only a residential use.
 - 3. “Non-Residential driveway” shall mean a driveway that is used for access to a property which contains or will contain any use which is not exclusively a residential use. This shall include, but not be limited to, uses such as agricultural, commercial, industrial, as well as residential uses which also contain these non-residential uses, including those associated with Home Premise Businesses or Home Occupations, as defined in the Bethel Township Zoning Ordinance, on the same property.
- B. All driveways and related improvements shall be located and constructed in such a manner as to not impair drainage or normal maintenance within road rights-of- way, alter the stability of a roadway, subgrade, or roadway embankment, change the drainage of adjacent areas, or interfere with the traveling public. Driveways shall be constructed such that stones, soil or other debris will be prevented from being deposited onto Township roads.
- C. Repairs to a driveway, a driveway entrance, drain, culvert or swale shall be performed in such a manner that the repairs shall not change the original design or existing conditions unless a new design and specifications are submitted for approval.
- D. Pipes under driveways shall be sized based on the 10 year storm event runoff, but shall not be less than 15” in diameter in any case.

- E. Driveways shall be located so as to provide safe access from and egress to the intersecting road. To accomplish this, Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended, shall be used and the requirements therein shall be followed, subject to the review of the Designated Township Official.
- F. The sum of the grade of the intersecting road cross-slope and the grade of the driveway within the road right-of-way, or within ten (10) feet of the edge of the cartway, whichever is greater, shall not exceed eight percent (8%) . Where driveways cross sidewalks or other walkways, all applicable ADA requirements shall be adhered to. The grade of the driveway shall not exceed 14% on the remainder of the driveway. Special consideration shall be given to avoid excessive cuts and/or fills to achieve this standard. Slopes on cuts or fills shall not exceed 10:1 (ten horizontal to one vertical) within road rights-of-way, and shall not exceed 3:1 (three horizontal to one vertical) on the remainder of the driveway.
- G. Not more than one driveway shall be permitted for a single-family residential use property unless the following conditions have been met:
1. All other requirements of this ordinance have been met.
 2. The additional driveway(s) are needed to access another portion of the property that is not able to be accessed by a single driveway.
 3. The distance between the centerline of the driveways is at least 100 feet in the EP and AP Zoning Districts, and at least 50 feet in the V Zoning District. Lesser distances may be permitted when one-way in and out access/egress points are proposed and necessary due to sight distance requirements. Documentation shall be provided with the application to demonstrate the need for such driveway configuration and to demonstrate the need for the lesser distances.
 4. The additional driveway(s) are not proposed to be located in an area that has been restricted for such use on a subdivision or land development plan.
- Applications for additional driveways may be denied if such driveway(s) are deemed to be unsuitable or inconsistent with the classification or use of the adjacent road or properties (e.g. corner lots which front on a local and a collector street, etc.).
- H. Not more than two driveways shall be permitted per street frontage for a non-residential driveway, or for a residential use property that is not solely

a single-family residential use property unless the following conditions have been met:

1. All other requirements of this ordinance have been met.
2. The additional driveway(s) are needed to access another portion of the property that is not able to be accessed by a single driveway, or are needed to meet the functional and/or circulation needs associated with the specific use. Supporting documentation shall be submitted with the application and may be subject to review by the Township Engineer, Planning Commission, Board of Supervisors, or others as deemed necessary by the Designated Township Official.
3. When additional driveway(s) are permitted, in addition to conforming to all requirements of this ordinance, such driveways shall also be in conformity with all other applicable Township Ordinances and with Pennsylvania Code, Title 67, Transportation, Department of Transportation, Chapter 441, Access to and Occupancy of Highways by Driveways and Local Roads, as amended.
4. The additional driveway(s) are not proposed to be located in an area that has been restricted for such use on a subdivision or land development plan.

Applications for additional driveways may be denied if such driveway(s) are deemed to be unsuitable or inconsistent with the classification or use of the adjacent road or properties (e.g. corner lots which front on a local and a collector street, etc.).

- I. For residential driveways providing access to properties with one single family residential dwelling only:
 1. Where the adjacent road has a speed limit of less than 45 mph, entrances shall be rounded at a minimum radius of five (5) feet and a maximum radius of fifteen (15) feet and shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.
 2. Where the adjacent road has a speed limit of 45 mph or greater, entrances shall be rounded at a minimum radius of ten (10) feet and a maximum radius of twenty-five (25) feet and shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.

J. For residential driveways providing access to properties with more than one single family residential dwelling, with multi-family residential dwellings, or with other similar types of residential dwellings:

1. Where the adjacent road has a speed limit of less than 45 mph, entrances shall be rounded at a minimum radius of ten (10) feet and a maximum radius of fifteen (15) feet and shall have a minimum width of ten (10) feet and a maximum width of twenty (20) feet.

2. Where the adjacent road has a speed limit of 45 mph or greater, entrances shall be rounded at a minimum radius of fifteen (15) feet and a maximum radius of twenty-five (25) feet and shall have a minimum width of twelve (12) feet and a maximum width of twenty (20) feet.

Depending on the specific nature of the residential development proposed, driveways may be required to be designed as two-way driveways and/or with multiple travel lanes. In such situations the minimum widths shown herein will be required for each lane of travel.

K. For non-residential driveways:

1. Information shall be provided indicating turning radii for the largest vehicle anticipated to use the driveway, and the entrance/exit shall be designed such that the driveway radius will be sufficient to allow for the vehicle to make all turning movements within the appropriate lane of traffic within the driveway and within the intersecting road.

2. Driveway Construction

a. For non-residential driveways accessing Home Premise Businesses or Home Occupations, as defined in the Bethel Township Zoning Ordinance, as amended, the driveway construction shall follow the requirements for residential driveways stated herein upon approval by the Designated Township Official. To obtain such approval, the applicant shall submit sufficient documentation to verify, to the satisfaction of the Designated Township Official, that the proposed Home Premise Business or Home Occupation use will not utilize vehicles with a rated capacity in excess of 10 tons, otherwise the driveway construction shall follow the requirements for non-residential driveways accessing Agricultural uses as stated herein upon approval by the Designated Township Official.

b. For non-residential driveways accessing Agricultural uses, as defined in the Bethel Township Zoning Ordinance, as amended, the driveway construction shall be as follows:

Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 <0.3 million ESAL's, 12.5mm Mix, SRL-L, 2" Depth;

Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 <0.3 million ESAL's, 25mm Mix, 3" Depth;

Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 <0.3 million ESAL's, 25mm Mix, 4" Depth;

Modified 2A Aggregate, 8" compacted depth

This construction shall start at the adjacent intersecting road cartway and extend for a length at least 75 feet, and shall extend for the width necessary to accommodate the turning movements as stated herein, including the radii.

c. For non-residential driveways accessing uses other than those stated in Sections K.2.a and K.2.b herein, as defined in the Bethel Township Zoning Ordinance, as amended, where less than 40 ESAL's will be generated by the proposed use, the driveway construction shall be as follows:

Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 <0.3 million ESAL's, 9.5mm Mix, SRL-L, 2" Depth;

Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 <0.3 million ESAL's, 25mm Mix, 4" Depth;

Superpave Asphalt Mixture Design, HMA Base Course, PG 64-22, 0.0 <0.3 million ESAL's, 25mm Mix, 5" Depth;

Modified 2A Aggregate, 8" compacted depth

This construction shall start at the adjacent intersecting road cartway and extend for a length at least 75 feet, and shall extend for the width necessary to accommodate the turning movements as stated herein, including the radii.

d. For non-residential driveways accessing uses other than those stated in Sections K.2.a and K.2.b herein, as defined in the Bethel Township Zoning Ordinance, as amended, where 40 ESAL's or more will be generated by the proposed use, the driveway shall be constructed of poured-in-place reinforced concrete, minimum 6" depth and 4,000

psi. This construction shall start at the adjacent intersecting road cartway and extend for a length at least 75 feet, and shall extend for the width necessary to accommodate the turning movements as stated herein, including the radii.

3. The condition of the existing cartway shall be evaluated to determine the necessity for sawcutting and other measures to assure the integrity of the interface between the proposed driveway and the cartway.

4. For non-residential driveways providing access to properties with agricultural uses, the remainder of the driveway shall be constructed of an aggregate or other suitable mud-free surface.

5. For non-residential driveways providing access to properties with uses other than those stated in Sections K.2.a and K.2.b herein, as defined in the Bethel Township Zoning Ordinance, as amended,, the remainder of the driveway shall be constructed of an asphalt or concrete paved surface suitable for the type of traffic anticipated to utilize the driveway as approved by the Township Engineer.

L. Residential driveways shall be constructed as follows:

Superpave Asphalt Mixture Design, HMA Wearing Course, PG 64-22, 0.0 <0.3 million ESAL's, 9.5mm Mix, SRL-L, 1.5" Depth;

Superpave Asphalt Mixture Design, HMA Binder Course, PG 64-22, 0.0 <0.3 million ESAL's, 19mm Mix, 4" Depth;

Modified 2A Aggregate, 6" compacted depth or equivalent as approved by the Designated Township Official.

1. For residential driveways providing access to properties with one single family residential dwellings only, the construction required in this section shall be provided for at least the first fifty (50) feet of the driveway, measured from the edge of the road cartway, and on those portions of the driveway with slopes greater than 8% that are within 100 feet of the intersecting roadway.

2. For residential driveways providing access to properties with more than one single family residential dwelling, with multi-family residential dwellings, or with other similar types of residential dwellings the construction required in this section be provided for the entire driveway. Specifications for such paving shall be

subject to review by the Designated Township Official and Township Engineer as applicable for the specific use proposed.

- M. Driveways shall intersect roads as nearly as possible to ninety (90) degrees, but not less than seventy-five (75) degrees nor greater than one hundred five (105) degrees.
- N. Every new driveway shall provide for a safe turnaround area outside of the road right-of-way, and shall be designed so that vehicles will not be required to back into the adjoining street.
 - i. The requirements of this section will not apply for proposed driveways serving Townhomes and semi-detached homes, provided that the adjoining street is classified as a local street, has a speed limit of 25 mph or less, and there are no other conditions present that would warrant the need for a turnaround area outside of the road right-of-way.
- O. A plan or description of proposed methods for controlling storm water runoff and erosion and sedimentation control shall be submitted with each application for a permit. A driveway shall not be used as means of conveying storm water runoff away from the physical improvements on the property. Storm water runoff shall be directed to stable, pervious areas whenever possible.
 - 1. For driveways with a proposed slope of greater than 8% and sloping toward a public or private street, or sloping toward any public or private property where there may be the potential for damage caused by stormwater runoff as determined by the Township Zoning Officer, detailed calculations and design shall be submitted per Section 2.C herein to demonstrate that the rate of runoff from a 25 year storm event from the proposed improvements will not exceed the rate of runoff for the same storm event under pre-developed conditions, and that the runoff will not be concentrated onto adjacent property in such a way that may cause damage to said property.
- P. No driveway shall be located closer than ten (10) feet to a property line.
 - i. The requirements of this section will not apply for proposed driveways serving Townhomes and semi-detached homes.
- Q. In the preparation of land development and subdivision plans, evidence shall be submitted to show that the requirements set forth herein can be met for each proposed building lot. A note shall be placed on the plan, before it is recorded, stating that each

individual lot owner will be responsible for obtaining a driveway permit as required by this ordinance. The note shall make specific reference to the number and name of this ordinance.

SECTION 5. Correction of Improper Work and Nuisances.

A. In case any person shall construct a driveway and shall not conform to the requirements of this Ordinance, the Township may order such person to remove the improper work and replace same in compliance with this Ordinance. Notice to remove and replace improper work shall be given by certified mail, and shall state that compliance shall be made within ten (10) days from receipt of the notice.

B. In the case of an existing driveway where a nuisance or safety problem has developed, including but not limited to, sight distance problems, stormwater runoff problems, erosion problems, etc., the Township Zoning Officer may require improvements to be made in order to abate such problems.

SECTION 6. Modifications to Ordinance Requirements (Waivers)

An applicant may request a modification of the requirements of any portion of this ordinance by submitting a written request along with the permit application, and such request shall include the specific requirements for which a modification is being requested, the nature of the modification, and justification for the modification, including demonstration that the intent of the ordinance will be met should such request for modification be granted. The Township Zoning Officer shall present such request at the next regularly scheduled Township Planning Commission meeting at which the Planning Commission shall review the request and make a recommendation for consideration by the Board of Supervisors at their next regularly scheduled meeting. The Board of Supervisors shall have final authority to deny or approve such request, and the Board may also attach conditions to any approvals.

SECTION 7. Penalties for Violations

Any person found to be in violation of this Ordinance shall be guilty of a summary offense and, upon conviction, shall be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) for the first day of each offense. Each day that a violation continues shall constitute a separate offense. The second and subsequent days of each offense shall be punishable by a fine of not more than One hundred Dollars (\$100.00).

SECTION 8. Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 9. Severability.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such finding shall not affect or impair any of the remaining sections, sentences, clauses, or parts of this Ordinance. It is hereby declared as the intent of the Township that this Ordinance would have been adopted had all unconstitutional, illegal or invalid sentences, clauses, sections or parts hereof not been included therein.

SECTION 10. Effective Date.

This Ordinance shall take effect five (5) days after enactment, as provided by law.

ENACTED AND ORDAINED this 17th day of November, 2009.

BOARD OF SUPERVISORS OF BETHEL
TOWNSHIP, BERKS COUNTY, PA

Randall Haag, Chairman

Kenneth Norton, Supervisor

Michael Orendo, Supervisor

Attest:

Jayne Seifrit, Township Secretary