



**LANSDALE BOROUGH  
MONTGOMERY COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 2018-1908**

**AN ORDINANCE OF LANSDALE BOROUGH, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF ORDINANCES OF LANSDALE BOROUGH TO PROVIDE FOR REGULATIONS GOVERNING SUBDIVISION AND LAND DEVELOPMENT IN LANSDALE BOROUGH; REPEALING ALL ORDINANCES OR PARTS THEREOF INCONSISTENT WITH THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Lansdale Borough Council has enacted the Code of Ordinances of Lansdale Borough which includes, *inter alia*, provisions governing subdivision and land development in Lansdale Borough; and

**WHEREAS**, Borough Council, along with the Lansdale Borough Planning Commission and the Montgomery County Planning Commission, has determined that it is in the best interests of the residents of Lansdale Borough to replace the existing subdivision and land development provisions with new, updated, and current regulations governing subdivision and land development in Lansdale Borough; and

**WHEREAS**, Council is authorized by Article V of the Pennsylvania Municipalities Planning Code ("MPC") to enact a subdivision and land development ordinance;

**NOW, THEREFORE**, be it, and it is hereby **ORDAINED** by Lansdale Borough Council, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. The current Lansdale Borough Subdivision and Land Development Ordinance is hereby repealed in its entirety, and replaced by the following new Subdivision and Land Development Ordinance:

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# ARTICLE ONE

## GENERAL PROVISIONS

### *Section 100. Title.*

This Ordinance shall be known and may be cited as the “Borough of Lansdale Subdivision and Land Development Ordinance.”

### *Section 101. Enactment.*

This Ordinance has been enacted in conformance with the provisions of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968 and the Pennsylvania Stormwater Management Act P.L. 864 (Act 167), as amended.

### *Section 102. Contents.*

This Ordinance contains regulations which include, but are not limited to the following:

- A. Provisions for the filing, processing, review, and approval of all subdivision and land development plans;
- B. Design standards and guidelines for the overall layout, configuration, and placement of lots, roads, open space, parks, public facilities, and other physical improvements on property within Lansdale Borough to promote orderly development compatible with the Borough of Lansdale Comprehensive Plan;
- C. Engineering and technical standards, including appropriate financial guarantees, governing the manner by which various public improvements including streets, bridges, common facilities, water supply and sewage facilities infrastructure, stormwater management facilities, walkways, lighting, and other public improvements are properly constructed; and
- D. Prescribing penalties for violation.

### *Section 103. Purposes.*

The following are the purposes of this Ordinance:

- A. To accomplish the coordinated development of the Borough of Lansdale, thereby ensuring the overall health, safety, and general welfare of the residents of the Borough of Lansdale;
- B. To enable the development of the Borough of Lansdale in an orderly, efficient, integrated, and harmonious manner;
- C. To guide the future growth and development of the Borough of Lansdale in conformance to the Borough of Lansdale Comprehensive Plan and to other relevant regulations, maps, studies, and reports adopted in furtherance thereof;
- D. To ensure that streets in and bordering a subdivision or land development shall be coordinated, and be of such design, and in such locations as deemed necessary to

accommodate prospective traffic and parking, and to facilitate fire protection and other emergency services;

- E. To require adequate, appropriately located easements or rights-of-way for existing and future utilities and storm drainage facilities;
- F. To provide adequate open space lands and recreation facilities;
- G. To ensure that any lands offered for dedication or otherwise reserved for use as public or common grounds shall be of suitable size, configuration, and topographical character for their designated uses;
- H. To ensure conformance of subdivision and land development proposals with the availability of municipal services and public facilities, and the coordination of inter-municipal programs;
- I. To ensure conformance of subdivision and land development plans with the public improvements of the Borough of Lansdale, and coordination of intermunicipal, Montgomery County, and Pennsylvania improvement plans and programs;
- J. To preserve lands subject to inundation or flooding from subdivision or land development which would endanger life or property or further aggravate or increase the existing flooding or inundation conditions;
- K. To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing the Borough of Lansdale to modify the requirements of this Ordinance in accordance with concepts and practices consistent with the modern and evolving, generally accepted principles of site planning, engineering, and land development;
- L. To provide equitable and expeditious handling of all subdivision and land development proposals by providing uniform procedures and standards;
- M. To encourage subdivision and land development in accordance with principles and practices which conserve energy, both during and after construction, and which encourage the use of alternative energy sources by the layout of the lots and the siting of buildings;
- N. To preserve and protect natural resources and to prevent pollution of air and water so as to maintain the quality of life within the Borough of Lansdale and adjacent lands;
- O. To maintain the character and the social and economic stability of the Borough of Lansdale and to encourage the orderly and beneficial development of the community;
- P. To provide for the buffering of certain types of land uses to minimize their impact upon their surroundings.

*Section 104. Interpretation.*

The provisions of this Ordinance shall be the minimum requirements to meet the above-stated purposes. Unless otherwise noted, where the provisions of this Ordinance

impose greater restrictions than those of any other statute, ordinance, or regulations, then the provisions of this Ordinance shall prevail unless specifically preempted by a state or federal statute. Unless otherwise noted, where the provisions of any other statute, ordinance, or regulations impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance, or regulations shall take precedence.

*Section 105. Jurisdiction.*

The Borough Council of the Borough of Lansdale shall, with the recommendation of the Lansdale Planning Commission, review and act upon as appropriate all subdivision and land development plans as defined below and in *Section 201: Definition of Terms* of this ordinance which are located entirely or in part of the Borough of Lansdale.

- A. Subdivision and Land Development. No subdivision or land development of any lot, tract, or parcel of land as defined in Article Two, shall be made, and no street, alley, sanitary sewer, storm drain, water main, gas, oil or electric line, or other improvements in connection therewith, shall be laid out, constructed, or dedicated for public use, or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Chapter.
- B. Sale of Lots, Issuance of Building Permits, or Erection of Buildings. No lot in a subdivision or land development may be sold, and no permit to erect, alter, or repair any building or other improvements upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been constructed or guaranteed for construction in the form of a bond, escrow, or other means approved by the Borough of Lansdale under the advice of the Borough of Lansdale Engineer and Solicitor, in accordance with the laws of the Commonwealth of Pennsylvania.
- C. Condominiums. No provision of this Ordinance shall be construed to prohibit condominium ownership as permitted by the applicable enabling legislation of the Commonwealth of Pennsylvania.

*Section 106. Waiver of Requirements.*

The Borough Council of the Borough of Lansdale may grant a modification of the requirements of this Chapter, through a waiver where, owing to unusual and specific conditions, the applicant demonstrates to the satisfaction of the Lansdale Borough Council that literal compliance with mandatory requirements of this Chapter would be unreasonable or cause undue hardship, or where an alternative standard can be demonstrated to provide equal or better results, subject to such conditions and safeguards as the Lansdale Borough Council may impose; provided, that such waiver will not be contrary to the public interest and that the purpose and intent of this Chapter is observed. All requests for modifications shall be provided in accordance with *Section 310: Waiver of Requirements* of this Chapter.

## **ARTICLE TWO**

### **DEFINITIONS**

#### *Section 200. Language Interpretations.*

For purposes of this Chapter, certain words shall be interpreted as follows:

- A. Words used in the present tense include the future.
- B. The singular number includes the plural and the plural includes the singular.
- C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- D. The word "person" includes an individual, corporation, partnership, incorporated association, and/or any other similar entity.
- E. The words "include" or "including" shall not limit the term to the specified examples, but are intended to extend the meaning to all other instances of like kind and character.
- F. The word "building" shall always be construed as if followed by the words "or part thereof."
- G. The word "may" is permissive, and the words "shall" and "will" are always mandatory.
- H. The words: "he" or "she" or "they" are to be used interchangeably with the word person.
- I. The word "street" includes road, highway, avenue, boulevard, or expressway.
- J. The word "stream" includes watercourse, creek or river, and, where referenced, a seasonal or intermittent stream.
- K. Unless otherwise specified, the words "day" or "days" or "business days" shall mean days when the municipal administration offices are open for regular business, which therefore excludes municipally recognized holidays.
- L. The names of organizations including government agencies shall be construed to include their successors.

#### *Section 201. Definition of Terms.*

Words and terms used in this Chapter shall have the meanings given in this Article. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Chapter, shall be construed to have its legal definition, or in the absence of a legal definition, its meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners.

**Act 247.** The Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as re-enacted and amended by Act of December 21, 1988, P.L. 1329, No. 170, 53 P.S. §10101, et seq., as amended from time to time.

**Accelerated Erosion.** The removal of the surface of the land through the combination of earthwork activities and natural processes at a rate greater than would occur from natural processes upon undisturbed land alone.

**Acceleration Lane.** The portion of a roadway adjoining the traffic lane constructed for the purpose of enabling a vehicle entering a roadway to increase its speed to a rate at which it can safely merge with traffic.

**Accepted Engineering Practice.** That which conforms to accepted principles, tests, or standards of nationally recognized technical, scientific, and/or engineering authorities.

**Access Drive.** A privately owned, constructed, and maintained vehicular access from a public or private right-of-way to off-street parking or loading spaces.

**Access Strip.** A piece of land which provides physical access to, and legal road frontage for a lot, but which does not comply with the minimum lot width regulations of the Zoning Ordinance. Access strips provide access to "flag," "rear," or "interior" lots.

**Accessory Structure or Building.** A structure or building detached from a principal building on the same lot and customarily incidental and subordinate to the principal building.

**Aisle.** The traveled way by which cars enter and depart parking spaces.

**Alley.** A public or privately owned right-of-way, existing or planned, on which no new dwellings, stores, or other principal buildings are intended to front, serving as the secondary means of access to two or more properties whose principal frontage is some other street. Future alleys shall be designed to extend the Borough's street grid.

**Anchoring.** The fastening of a mobile home to its mobile home stand in order to prevent upset or damage due to wind, erosion, flooding or other natural forces.

**Applicant.** A landowner, developer or equitable owner who has filed an application for approval of subdivision, land development plan, variance, special exception or conditional use, including his/her heirs, successors, agents and assigns. The term also includes builder and/or other persons responsible for the plans and construction of buildings or other improvements on any parcel of land.

**Application for Subdivision or Land Development.** Every application, whether sketch, 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 plan, or for the approval of a development plan.

**Application Date.** The date of the day when an application for development is filed with Lansdale Borough in accordance with submission requirements outlined in Article Three. This date is not necessarily the date when the 90-day plan review period begins.

**Authority.** A public organization created pursuant to the Pennsylvania Municipality Authorities Act of 1945 (P.L. 382, No.164).

**Bank, Stream.** That land area immediately adjacent to and which slopes toward the bed of a water course and which is necessary to maintain the integrity of the water course.

**Berm.** A raised earthen mound of sufficient height, which constitutes an effective screen and gives maximum protection and immediate visual screening. The maximum slope on any berm shall not exceed three horizontal to one (3:1) vertical in grade.

**Best Management Practice (BMP).** - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from regulated activities; to meet Pennsylvania water quality requirements, to promote groundwater recharge; and to otherwise meet the purposes of this Chapter. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "non-structural." In this ordinance, non-structural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff, whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from retention ponds and constructed wetlands, to underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

**Block.** A unit of land bounded by streets or by a combination of streets and public land, railroad rights-of-way, watercourses, or any other barrier to development. For the purposes of **Article XLI: Traditional Residential Infill Development Standards** of the Zoning Ordinance, the definition of "block" in that section shall apply.

**Bond.** Any form of surety bond in an amount and form satisfactory to Lansdale Borough Council. All bonds shall be approved by Lansdale Borough Council whenever a bond is required by ordinance or regulations.

**Buffer.** An area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, "buffer" may be included as part of the required setbacks and yard areas.

**Builder.** See Applicant.

**Building.** Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, equipment, goods or materials of any kind or nature. (Also see Accessory Structure and Principal Building.)

**Building Envelope.** The area of a lot within which a principal building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot not found in the yard areas, legal rights-of-way, or other areas defined in the zoning ordinance.

**Building Height** [*See "Height of Building"*]

**Caliper.** Tree trunk diameter measured in inches at a height of four feet (4') dbh (diameter at breast height).

**Capital Improvement Plan.** A plan setting forth, by category of public facility, those public improvements and that portion of their costs that is attributable to servicing new development within a designated service area for such public facilities over a specified period of years.

**Cartway.** The paved portion of a street, alley, or highway designed for vehicular traffic (this does not include paved shoulders).

**Common Open Space.** A parcel or parcels of land, an area of water or a combination of land and water within a development site designed and intended for the use and enjoyment of Lansdale Borough residents or occupants of the development or community or for the protection of natural or historic resources, not including streets, off-street parking areas and areas set aside for public facilities. Common open space shall not be part of individual residential lots, and shall be substantially free of structures but may contain recreational facilities (including tennis courts, playgrounds, golf courses, swimming pools or other like uses) for park users or historic buildings as are shown in the approved development plan.

**Comprehensive Plan.** The most recent version of the Lansdale Comprehensive Plan, as adopted by the Lansdale Borough Council and all amendments thereto, including maps, charts, and/or descriptive matter relating to the continuing development of Lansdale Borough and including all elements required in Article III of the Pennsylvania Municipalities Planning Code.

**Conservation District.** The Montgomery County Conservation District. A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)), which has the authority under a delegation agreement executed with the Pennsylvania Department of Environmental Protection to administer and enforce all or a portion of the erosion and sediment control program in their county.

**Concurrency.** The requirement that development applications demonstrate that adequate public services be available at prescribed levels of service concurrent with the impact or occupancy of the developed property.

**Condominium.** Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions, created under the Pennsylvania Unit Property Act of July 3, 1963 or the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §3301 et seq., as amended from time to time.

**Contiguous.** Properties sharing a common boundary. Properties on opposite sides of a public right-of-way shall not be considered contiguous.

**Construction.** The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

**Cul-de-sac.** A local street with only one outlet and having an appropriate terminus for the safe and convenient reversal of traffic.

**Culvert.** A pipe, conduit or similar structure, including appurtenant works, not incorporated in a closed storm sewer system, which carries drainage water under a driveway, roadway, or other paved area.

**Curb Elevation or Curb Level.** The elevation of the top of a curb at a given point with a reference to a designated datum.

**Curb Line.** A line formed by the face of the existing curb or in its absence, the outer edge of the shoulder, along which a curb would be otherwise located.

**Cut.** An excavation; the difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in an excavation.

**Design Storm.** The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g. a 5-year storm) and duration (e.g. 24-hours), used in the design and evaluation of stormwater management systems.

**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 manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations.

**Development Plan.** The provisions for guiding development, including a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, ways, common open space, and public facilities.

**Disturbed Area** – An unstabilized land area where vegetation has been removed and soil has been exposed, graded, or removed.

**Drainage Structures.** The natural or manmade features of land that are specifically designed to store or carry surface water runoff.

**Driveway.** A private way providing for vehicular access between a public or private street and a parking area or garage within a lot or property.

**Dwelling Unit.** One or more rooms within a building designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities for the exclusive use of a single occupant, multiple occupants, or a family maintaining a household.

**Earth Disturbance.** - A construction or other human activity which alters the surface of the land, including, but not limited to, clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; or the moving, depositing, stockpiling, or storing of soil, rock, or earth materials, excluding agricultural activities.

**Easement.** A vested or acquired legal right to use land other than as a tenant, for a specific purpose, such right being held by someone other than the owner who holds title to the land.

**Elevation.** A vertical distance above or below a fixed reference level; or a flat scale drawing of the front, rear, or side of a building.

**Engineer.** A professional engineer licensed as such in the Commonwealth of Pennsylvania and competent in the profession as established under the Pennsylvania Engineer, Land Surveyor, and Geologist Registration Act.

**Equivalent Dwelling Unit.** A standardized measurement of the consumption, use, or generation of water equivalent to that of a new single family residential development unit.

**Escrow.** A deposit of cash with Lansdale Borough or escrow agent to secure the promise to perform some future act.

**Excavation.** Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, as well as the conditions resulting from such activities.

**Existing Condition.** The dominant land cover during the five (5) year period immediately preceding a proposed regulated activity.

**Fence.** A man-made barrier placed or arranged as a line of demarcation between lots or to enclose a lot or portion thereof. The term "fence" shall be deemed to include a freestanding wall.

**Fill.** Any act by which natural materials are placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface, as well as the conditions resulting from such activities.

**Financial Security.** An irrevocable letter of credit issued by a Federal or Commonwealth chartered lending institution, a surety bond issued by a bonding company authorized to conduct business within the Commonwealth or a Federal or Commonwealth chartered lending institution, a certified check, or cash escrow maintained with Lansdale Borough or a lending institution as aforesaid, provided by the applicant to secure its financial and performance obligations regarding public improvements associated with an approved subdivision or land development.

#### **Floodplain Related Terms.**

- A. Base Flood. The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared. For the purposes of this ordinance, it shall be the 100-year flood as referenced in the current Flood Insurance Study and delineated on the Flood Insurance Rate Map of the Federal Insurance Administration.
- B. Base Flood Elevation. The 100-year flood elevation is the computed elevation to which floodwater is anticipated to rise during a base flood.
- C. FEMA and FIA. The Federal Emergency Management Agency and the Federal Insurance Administration who have jurisdiction over the National Flood Insurance Program and its related studies and regulations. "FEMA" is the parent agency of the "FIA." Both are within the US Department of Homeland Security.

- D. Flood. A temporary condition of partial or complete inundation of normally dry land areas.
- E. Floodplain. A relatively flat or low land area adjoining a stream, river, or watercourse, which is subject to partial or complete inundation during a 100-year flood, or any area subject to the unusual and rapid accumulation of surface water from any source; also referred to as flood-prone area.
- F. Floodplain Districts. These specifically designated areas, which are delineated in the Lansdale Borough Zoning Ordinance.
- G. Floodplain Management. The application of a program or activities which may consist of both corrective and preventive measures for reducing flood damage.
- H. Floodproofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in Flood Proofing Regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2 314 (June, 1972 and as subsequently amended).
- I. Floodway. The channel of a river, stream, or other watercourse and the adjacent land area required to carry and discharge a flood of the 100-year magnitude.
- J. Obstruction. Any wall, dam, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse or designated floodplain district which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or is placed where the flow of the water might carry the same downstream to damage property or threaten lives.
- K. One-Hundred Year Flood. A flood that has one (1) chance in 100 or a one (1%) percent chance of being equaled or exceeded in any one year. Also referred to as the '1% frequency flood.' For the purposes of this Chapter, the "100-year flood" (base flood) is as defined by the Federal Insurance Administration in the Flood Insurance Study pertaining to Lansdale Borough.
- L. Regulatory Flood Elevation (RFE). The 100-year flood elevation plus a freeboard safety factor of one and one-half (1½) feet.
- M. Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either:
1. before the improvement or repair is started; or
  2. if the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of

the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. any alteration of a structure listed on the National Register of Historic Places or the Pennsylvania Inventory of Historic Places.

**Foot-candle.** A unit of light intensity stated in lumens per square foot and measureable with a luminance meter.

**Frontage.** That side of a lot abutting on a street or right-of-way and ordinarily regarded as the front of the lot.

**Full Cutoff.** The attribute of a light fixture from which no light is emitted at or above a horizontal plain drawn through the bottom of the fixture and no more than ten percent (10%) of the light's intensity is emitted at or above an angle of ten (10°) degrees below the horizontal plain, at all lateral angles around the fixture.

**Glare.** Brightness in the field of view that is sufficiently greater than the amount of light to which the eye is adapted, to cause a loss in visual performance, discomfort or annoyance so as to jeopardize health, safety, and welfare.

**Grade.** The elevation or slope of a street, parcel of land, utility lines, drainage ways, etc., specified in percent (%) and shown on plans as required herein.

**Ground Cover.** Low growing plant materials planted in a manner to provide continuous plant cover of the ground surface. Non-plant ground cover may include bark or wood chips, gravel, and stone, provided such material is maintained as a continuous pervious cover.

**Guarantee, Maintenance.** Financial security that is required from the developer by Lansdale Borough to guarantee the structural integrity and functioning of improvements following final acceptance of dedication by Lansdale Borough of improvements installed by the developer. Such financial security may include irrevocable letters of credit, cash escrows or a surety bond with a bonding company or Commonwealth or federally chartered financial institution as further specified in this Chapter.

**Guarantee, Performance.** Financial security that is required from the developer by Lansdale Borough as a condition to final approval of a subdivision or land development plan to guarantee that the improvements shown on the plan are installed and completed in accordance with the plan and applicable provisions of this Chapter. Such financial security may include irrevocable letters of credit, cash escrows or a surety bond with a bonding company or Commonwealth or federally chartered financial institution as further specified in this Chapter.

**Height of Building.** The vertical distance measured from the elevation of the proposed finished grade at the front of the building to the midpoint between the highest and lowest point of the roof. Chimneys, spires, towers, mechanical penthouses, tanks,

communications antennas and similar structures shall not be included in calculating the building height.

**Hitch.** A device which is part of the frame or attaches to the frame of a mobile home and connects it to a power source for the purpose of transporting the unit.

**Hydrologic Soil Group (HSG).** Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSG's (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after prolonged wetting. The Natural Resources Conservation Service (NRCS) of the US Department of Agriculture defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local National Resource Conservation Service (NRCS) offices or conservation district offices. Soils become less pervious as the HGS varies from A to D.

**Impact Fee.** A fee imposed on new development to help finance the cost of new improvements or services. Impact fees do not include the dedication of rights-of-way or easements for such new facilities or construction of such improvements.

**Impervious Coverage.** Coverage of the site by materials which prevent infiltration into the ground and which result in stormwater runoff of approximately 95% percent. Included are:

- A. All buildings, including roof overhangs; and
- B. All forms of impervious paving materials used for roads, driveways, parking, loading, walks, courts, and patios; and
- C. Other areas determined by the Lansdale Borough Engineer to be impervious within the meaning of the above definition

**Impoundment.** A body of water, such as a pond, lake, dam, retention or detention basin designed to manage stormwater runoff by retaining it at a controlled rate.

**Improvements.** The physical additions, installations, and/or changes necessary, desirable or proposed to render land suitable for the use or uses intended, including streets, curbs, sidewalks, landscaping, utilities, and drainage facilities.

**Improvements, Public.** Improvements, including but not limited to those contained in the definition of "improvements," that are intended for dedication to Lansdale Borough, or other municipal body or authority, either in fee or in easement.

**Improvements, On-site.** Improvements, including but not limited to those contained in the definition of "improvements," that are constructed on the applicant's property or along the road frontage of the tract being developed up to the centerline of the road.

**Infill Development.** Development that takes place within existing communities, making maximum use of the existing infrastructure instead of building on previously undeveloped land.

**Land Development.** Any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. A group of two 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; or
  - 2. 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.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.

**Land Development Agreement.** An agreement that formally documents the conditions of approval and may contain, but is not restricted to, any one or more of the following to ensure a development is built in accordance with the final approved plans: a preamble containing all dates, party names, plan dates, approvals, and other actions taken by the governing body; time frame of improvements; listing of improvements and accepted values; inspection process; indemnification of municipality from design defects; form of financial security, responsibilities of the developer to maintain the security, and the process for the release, or partial release of security; all documents to be completed and recorded prior to building permit issuance; responsibilities of the developer to maintain the streets, including snow removal, or any other improvements prior to dedication; required covenants for stormwater facilities; phasing requirements, if any; what happens to the development site in the event of default; dedication of improvements including documentation requirements; non assignment of developers agreement; developers heirs or assigns bound by the agreement; certification of insurance; notarized statement of responsible person to serve as the official contact; time schedule of all important activities.

**Landowner.** The legal or beneficial owner or owners 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 he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

**Landscape Architect, Registered.** In Pennsylvania, the law defines a Landscape Architect as a person who engages or offers to engage in the practice of landscape architecture in the Commonwealth under the authority of the law.

**Light Trespass.** Light emitted by a lighting fixture or installation which is cast beyond the boundaries of the property on which the lighting fixture or installation is placed.

**Lot.** A designated tract, parcel, or unit of land held by a landowner and/or intended for use, development, lease, or transfer of ownership, and for which a deed description is recorded or is intended to be recorded at the Office of the Recorder of Deeds for Montgomery County.

**Lot Area, Gross.** The area of land contained within the property lines of a parcel, tract or lot as described in the deed or as shown on an approved subdivision plan.

**Lot Area, Net.** The gross lot area excluding the following areas:

- A. Any area within the street ultimate right-of-way; or within any other ultimate right-of-way, whether public or private, that provides, or is intended to provide, access to more than one lot by way of vehicular and/or pedestrian circulation.
- B. Any area, easement or right-of-way to be used for emergency access, drives or fire lanes.

The net lot area shall be used to determine the area, bulk, coverage, dimensional, and density requirements as provided in the Zoning Ordinance.

**Lot, Corner.** A lot having contiguous frontage on two or more intersecting roads. The yard setback for each road frontage shall be the front yard setback for the district in which the lot is located. One of the other two sides shall have a rear yard setback and the other shall be the side yard.

**Lot Line.** Any property boundary line of a lot, further defined as follows:

- A. Front lot line is the line identical with the street ultimate right-of-way line (also known as Street Line).
- B. Rear lot line is the line or lines most nearly parallel or concentric to the front lot line.
- C. Side lot lines are the lines most nearly perpendicular or radial to the front lot line. On a corner lot, the side lot line shall be the line or lines most nearly perpendicular or radial to the higher classification of street, where applicable. The remaining line shall be considered the rear lot line.
- D. A lot which fronts on more than one street shall have a front lot line on each street frontage.

**Lot Width.** The horizontal distance between side lot lines, measured at the building line, parallel or concentric to the ultimate right-of-way line. For a corner lot, lot width shall be measured parallel or concentric to the ultimate right-of-way line of the higher classification of street, where applicable.

**Mature Tree.** Any tree of six (6") inches or more in diameter, measured at breast height, whether standing alone or in a tree mass or woodlands.

**Mobile Home.** A transportable single family dwelling intended for permanent occupancy, contained in one unit or in two or more units designed to be joined into an integral unit capable of again being separated for repeated towing, which arrives at the site complete and ready for occupancy except for minor and incidental un-packing and assembly operations, and constructed so that it may be used without a permanent foundation. A mobile home need not meet local building codes, but shall meet the standards of the U.S. Department of Housing and Urban Development, as indicated in the Structural Engineering Bulletin(s) which shall be provided to Lansdale Borough by the applicant. Also referred to as a manufactured home.

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

**Mobile Home Park.** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

**Monument.** A tapered, permanent survey reference point of stone or concrete having a flat top at least four (4") inches on each side and a length of at least twenty-four (24") inches, embedded vertically into the ground.

**Natural Feature.** A component of a landscape existing or maintained as part of the natural environment and having ecological value in contributing beneficially to, among other things, air and water quality, erosion control, groundwater recharge, noise abatement, visual amenities, growth of wildlife, human recreation, reduction of climatic stress and energy costs.

**On-Site Sewage Disposal Systems.** A septic tank and drainage field or other type of sewage disposal system located on a single lot and serving one equivalent development unit.

**Open Space.** Public or private lands designated for the use and enjoyment of residents of a development and/or the general public, incorporating natural features such as woodlands, streams, or meadows, and including state, county or Lansdale Borough parks, trails, and other recreational facilities. Also includes Common Open Space as defined above, and other private lands which are available for the use of Lansdale Borough residents (i.e., through access easements). (See Common Open Space)

**Outdoor Storage.** The outdoor keeping of material, merchandise, vehicles, equipment or any goods in an unroofed or open area for more than 24 hours.

**Park.** Any publicly-owned area which is predominantly open space and is used principally for active or passive recreation.

**Pathway.** A designated land corridor containing a route designed for non-motorized travel that connects local facilities, neighborhoods, commercial districts, etc. to a larger trail or sidewalk network. Sidewalks are not considered pathways.

**Pennsylvania Municipalities Planning Code.** The Municipalities Planning Code, originally enacted as Act 247 of 1968, which establishes the basic authority for the exercise of municipal land use controls in Pennsylvania. All subsequent amendments are included. Abbreviated as "MPC" or "Act 247".

**Peak Discharge.** The maximum rate of flow of stormwater runoff at a given point and time resulting from a particular magnitude storm.

**Percolation Test.** One of the tests required to identify a suitable area for the location of an on-site septic system or underground stormwater management seepage bed. The test measures the ability of the soil to absorb water.

**Plan.** A graphic representation of a proposal for subdivision and/or land development, including necessary written notes.

**Planning Commission.** The Lansdale Borough Planning Commission.

**Plat.** The map or plan of a subdivision or land development, whether sketch, preliminary, or final.

**Principal Building.** A building which is considered the principal use of the lot on which it is located.

**Principal Use.** The single dominant use or single main use on a lot.

**Project Boundary.** The edge of all project activity, whether more than or less than the property or tract boundary.

**Property Line.** A recorded boundary of a lot.

**Public Hearing.** A formal meeting held pursuant to public notice by the governing body, planning commission, or other municipal agency, intended to inform and obtain testimony and public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

**Public Meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L.388, No. 84), known as the "Sunshine Act."

**Public Notice.** Notice of a public hearing published in a newspaper of general circulation in Lansdale Borough. Such notice shall state the time and place of the hearing and particular nature of the matter to be considered at the hearing. The publication of a public notice shall be in accordance with the Pennsylvania Municipalities Planning Code, as last amended.

**Reserve Strip.** A parcel of land whose primary function is to separate a street from adjacent properties, while not being used or capable of being used as a building lot, open space, or recreation area.

**Reverse Frontage Lotting.** Lotting which extends between two streets of differing classifications, with vehicular access provided from the lesser street, in order to promote traffic flow and safety on the greater street.

**Right-of-Way.** A strip of land occupied or intended to be occupied at some future date by roads, railroads, transmission lines, pathways, oil and gas pipe lines, water lines, sewer lines, and other similar facilities.

**Riparian Corridor.** Forested or vegetated lands along both sides of a stream, wetland or water body.

**Sediment.** Soils or other materials transported by surface water as a product of erosion.

**Sewage Enforcement Officer.** A licensed employee of the Montgomery County Health Department who issues permits, reviews permit applications and sewage facilities planning modules, and conducts inspections and investigations necessary to implement the Pennsylvania Sewage Facilities Act and regulations promulgated under it.

**Sewage Facilities Plan.** A comprehensive plan for the provision of adequate sewage facilities as adopted by Lansdale Borough and approved by the Pennsylvania Department of Environmental Protection under the Pennsylvania Sewage Facilities Act (Act 537).

**Sewage Facilities Planning Module.** Completed forms submitted to the Sewage Enforcement Officer and PADEP for the purposes of revising the sewage facilities plan resulting from a proposed land development or subdivision.

**Sight Distance, Stopping.** The distance of unobstructed view along the centerline of a street from the driver's eye-height of three and one-half (3½') feet above the pavement surface to the furthest visible point, or as otherwise defined in the most current edition of *PennDOT Publication No. 13M : Design Manual, Part 2: Highway Design.*

**Sight Triangle.** A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection. .

**Slope.** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.

**Soil Survey.** The Montgomery County Soil Survey, latest edition, prepared by the Nature Resources Conservation Service of the United States Department of Agriculture.

**Stormwater.** The surface runoff generated by precipitation, snow or ice melt, reaching the ground surface.

**Stormwater Management Site Plan.** The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Chapter.

**Stormwater Management Facility.** Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes, and infiltration structures.

**Stormwater Basin.** A structure which provides for the storage and controlled release of stormwater runoff during and after a storm. Also referred to as a retention or detention basin.

- A. Wet Basin. An impoundment basin designed to retain stormwater runoff within a permanent pool of water or existing pond.
- B. Dry Basin. A naturalized impoundment basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a pre-determined rate.

**Stormwater Runoff.** Water from rainfall or melting snow in a watershed in excess of the natural absorbency of that watershed, which flows over the ground surface to collect in streams and channels.

**Street or Road.** Any right-of-way which serves to access and provide for transportation between multiple properties, whether under public or private ownership,

and used or intended to be used by vehicular traffic and pedestrians, and which may also be used to provide space for sewer, other utilities and sidewalks, including street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, or other similar facilities. Categories of streets are further defined in *Section 428: Street Classifications*.

**Street Line.** A line identical to the ultimate right-of-way line. between a lot and the right-of-way of a street, legally open or officially recorded by the Borough.

**Street Rights-of-Way.** Rights-of-way for street purposes are defined as follows:

- A. Legal Right-of-Way. The total width of any land dedicated as a street as reflected on a recorded subdivision plat, boundary plat or dedication plat.
- B. Ultimate Right-of-Way. The total width of any land which is projected as necessary for adequate handling of anticipated maximum traffic volumes, determined by the street's function, in accordance with street classifications contained in this Chapter, and outlined in the Lansdale Borough Comprehensive Plan. The ultimate right-of-way becomes the legal right-of-way when it has been offered for dedication and accepted by Lansdale Borough.
- C. Equivalent Right-of-Way: A street right-of-way required to be reserved where private streets are permitted. The width shall be determined by the street's function, in accordance with street classifications contained in this Chapter, and outlined in the Lansdale Borough Comprehensive Plan.

**Structure.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Subdivision.** The division or re-division of a lot, tract, or parcel of land by any means into two 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 devisee, transfer of ownership or building or lot development. 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, Major.** All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of four or more lots, or any size subdivision requiring a new street or extension of the municipal facilities or the creation of public improvements.

**Subdivision, Minor.** Any subdivision containing not more than three lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Lansdale Borough Comprehensive Plan, Lansdale Borough Zoning Ordinance, or other pertinent ordinances and regulations. Minor subdivisions include lot line adjustments and simple conveyances, as defined herein:

- A. Lot Line Adjustment. A proposal between two abutting, existing, legally approved and recorded lots in which a lot line between the two lots is proposed to be adjusted in terms of its location or configuration.

- B. **Simple Conveyance.** A proposal between two abutting, existing, legally approved and recorded lots in which a portion of one lot is being divided off to be conveyed to the owner of the abutting lot. The land area to be conveyed in a simple conveyance generally does not comply with one or more of the dimensional standards of the district in which the lots are located.

**Surveyor.** A licensed land surveyor, registered as such in the Commonwealth of Pennsylvania, and competent in profession as established under the Pennsylvania Engineer, Land Surveyor, and Geologist Registration Act.

**Topsoil.** The original upper layer of soil material which is usually darker and more fertile than subsoil.

**Tract.** A large property consisting of one legal parcel usually to be subdivided into several smaller parcels.

**Traffic Impact Study.** A technical evaluation of the traffic impacts associated with a proposed subdivision or land development. Criteria for a traffic impact study are contained in *Section 801: Traffic Impact Study*.

**Trail.** A designated land corridor containing an improved route designed for non-motorized travel that provides recreational, aesthetic, alternate transportation, or educational opportunities. Sidewalks are not considered trails though they can serve as trail connections.

**Trip.** A single or one-way vehicle movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter or leave a specific land use or site over a designated period of time.

**Ultimate Right-of-Way Line.** The dividing line between a lot and the outside limit of a street ultimate right-of-way. Identical with "front lot line" and "street line."

**Visual Screen.** A barrier for the purpose of limiting or obscuring a view; generally comprised of vegetation, structures, or earthworks suitable for the purpose.

**Watercourse.** A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

**Water Supply System.** A system designed to transmit water from a source to users, in compliance with the requirements of the appropriate state agencies and the local authorities. Includes the following definitions:

- A. **Water Facilities, Public.** A water distribution system serving all or a portion of Lansdale Borough and operated by the North Penn Water Authority, or other certified public utility.
- B. **Water Facilities, Common.** A water distribution system serving a single neighborhood or development.

**Wetlands.** Those areas that are inundated or saturated 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; includes swamps, marshes, bogs and similar areas. . Development in "wetlands" is

regulated by the U.S. Army Corps of Engineers and the Pennsylvania Department of Environmental Protection. Identification of "wetlands" should be based upon the "1987 Corps of Engineers Wetlands Delineation Manual."

**Yard.** The area(s) of a lot between the principal structure on a lot and the lot line of the lot, which must remain free of buildings or other structures (except allowable accessory structures or buildings) and may be used as lawn or planted area, parking, or driveway space, in compliance with the provisions of this Chapter. A yard is measured at right angles from the right-of-way or lot line to the nearest building wall. Yard is further defined as follows:

- A. **Front Yard.** A yard which extends across the full width of a lot along the front lot line, for a depth equal to the minimum front yard setback distance required by the specific regulations of the Zoning Ordinance, measured perpendicular from the street right-of-way line, unless stated otherwise, toward the center of the lot.
- B. **Rear Yard.** The space extending across the full width of a lot along the rear lot line, for a depth equal to the minimum rear yard setback distance required by the specific regulations of the Zoning Ordinance, measured perpendicular from the rear lot line to the center of the lot.
- C. **Side Yard.** A space extending from the front yard to the rear yard along a side lot line for a depth equal to the minimum side yard setback distance required by the specific regulations of the Zoning Ordinance, measured perpendicular from the side lot line toward the center of the lot. However, corner lots shall be regarded as having two front yards for the frontage along a street. Therefore the setback for a side yard with street frontage shall be the same as the front yard setback for the zoning district in which the property is located.

**Yard Line.** A line which locates and delineates the minimum yard setback requirements, measured from the appropriate property lines.

**Zoning Hearing Board, Plan Submission for.** See §305: Preliminary Plan Submittal and Review Procedure.

**Zoning Officer.** The person or agency appointed by Lansdale Borough to administer and enforce the provisions of the Zoning Ordinance. The term "Zoning Officer" shall also include any duly appointed staff or assistants.

*Section 202. Abbreviations.*

**ASTM.** American Society for Testing Materials

**DEP.** Pennsylvania Department of Environmental Protection

**DRBC.** Delaware River Basin Commission

**EPA.** Federal Environmental Protection Agency

**IESNA.** Illuminating Engineering Society of North America

**ITE.** Institute for Traffic Engineers

**PADOT.** Pennsylvania Department of Transportation

**MCCD.** Montgomery County Conservation District  
**MCHD.** Montgomery County Health Department  
**MCPC.** Montgomery County Planning Commission  
**UMJA.** Upper Montgomery Joint Authority  
**USACE.** U.S. Army Corps of Engineers.  
**USGS.** United States Geological Survey

**ARTICLE THREE  
PLAN FILING, PROCESSING, AND REVIEW**

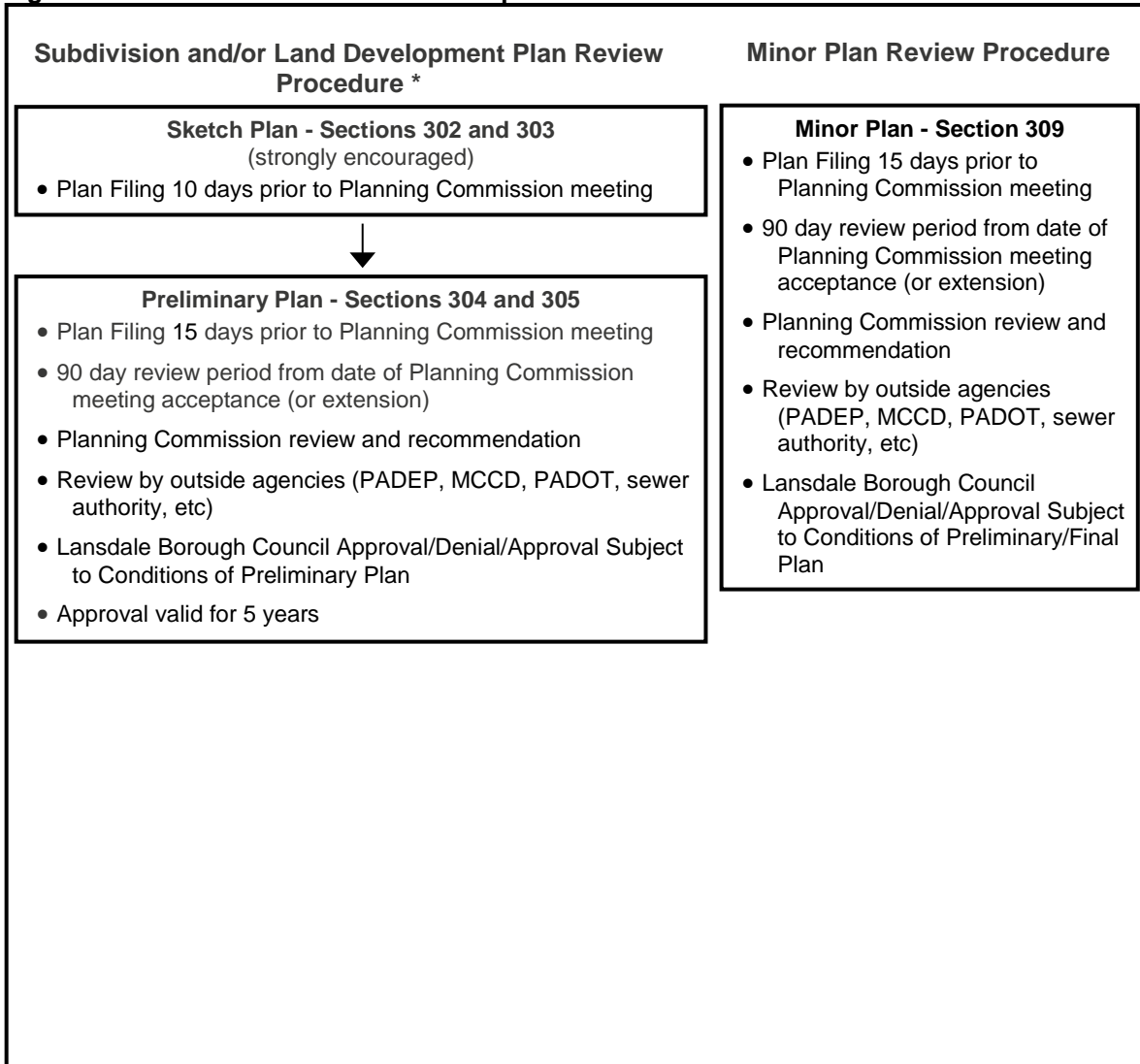
*Section 300. Applicability.*

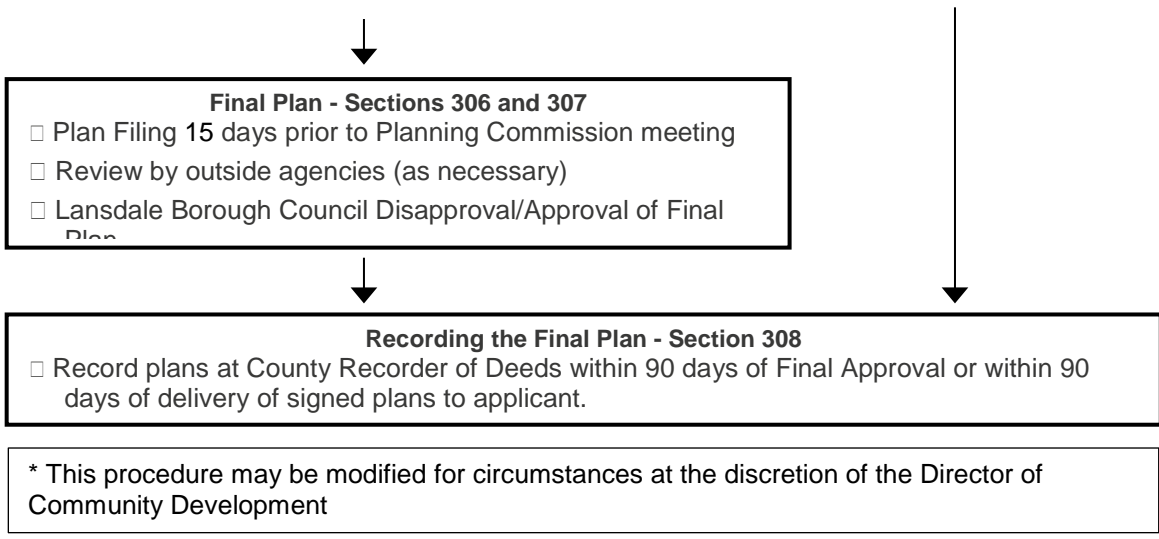
The standards, requirements, and procedures contained in this Article shall govern the filing and processing of all applications for subdivision and/or land developments in Lansdale Borough.

*Section 301. Types of Plans, Review Process, and Environmental Impact Statement.*

All applications for subdivision and/or land development shall be classified as Sketch Plans, Preliminary Plans, Final Plans, or Minor Plans, as further regulated herein. Figure 3.1: Subdivision and Land Development Process graphically presents the general plan processing procedure.

**Figure 3.1. Subdivision and Land Development Process**





- A. Sketch Plans. Lansdale Borough strongly recommends that Applicants submit a pre-application Sketch Plan in accordance with the requirements of *Section 302: Sketch Plan Requirements and Section 303: Sketch Plan Review Procedure*.
- B. Preliminary Plans. A Preliminary Plan is required to be filed for all proposals for subdivision and/or land development in accordance with the requirements of *Section 304: Preliminary Plan Requirements and Section 305: Preliminary Plan Submittal and Review Procedure*.
- C. Final Plans. A Final Plan is required to be filed for all proposals for subdivision and/or land development in accordance with the requirements of Section 306, Final Plan Requirements, and *Section 307: Final Plan Submittal and Review Procedure*.
- D. Minor Plans. Applications that qualify as Minor Plans (as specified in *Section 309: Minor Plan Submittal Requirements and Review Procedure*) may be submitted for concurrent Preliminary and Final Plan processing and approval, in accordance with the standards and requirements of that *Section 309*.
- E. Each plan, whether Sketch, Preliminary, Final, or Minor Plan, shall be filed one at a time; no subsequent plans shall be filed until a decision on the preceding plan has been reached.

*Section 302. Sketch Plan Requirements.*

- A. Purposes. A Sketch Plan is not required of any subdivision or land development applicant, and is entirely voluntary. The purposes served by a Sketch Plan are as follows:
1. To inform Lansdale Borough of an Applicant's intent to subdivide and/or develop a property, and graphically show the concepts and extent of the proposal.
  2. To allow Lansdale Borough to provide the Applicant with its informal advice and guidance, which shall not be binding on the Borough, so that:
    - a. Overall layout, circulation issues, and stormwater issues can be resolved prior to preparation of a Preliminary Plan.
    - b. The Preliminary Plan approval process may then be able to proceed more efficiently.
  3. To show how a tract of land may be further subdivided or developed in cases where only a portion of a property is currently under an active proposal.
    - a. A sketch plan may be shown on the Preliminary Plan for the subject site in the form of a reduced-scale inset drawing, although larger scale drawings are encouraged for review and discussion purposes.
  4. Sketch plans shall have no legal standing with regard to the formal plan approval process mandated by the Pennsylvania Municipalities Planning Code, but are recommended and will be considered as a tool for informal discussion and nonbinding guidance regarding future development issues.
- B. Sketch Plan Information. It is recommended that a Sketch Plan be drawn clearly and legibly in a manner that can be reproduced electronically or printed, and, when printed, to a scale of not greater than 1:200, but it need not be a precisely surveyed or engineered plan, and it is recommended to show the following information:
1. The entire tract boundary, total acreage, and acreage of each lot.
  2. Existing and proposed streets, lots, buildings, approximate building envelopes and other improvements.
    - a. This plan shall show a logical and efficient pattern of roads, lots, and/or buildings, as appropriate for the type of plan proposed, and shall not be acceptable if it proposes lotting or development that would adversely impact floodplain, steep slopes, or other important site features.
  3. Significant physical features such as floodplain, steep slopes, woodlands, and existing structures.
  4. Contour lines at five to ten foot intervals, based on U.S.G.S. datum.
  5. Approximate locations for stormwater control facilities, if necessary.
  6. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features (i.e. streams, rail lines, etc.).

7. North arrow and scale.
  8. Name and address of the owner.
  9. Zoning district information.
  10. Name and address of the engineer, surveyor, architect, or plan preparer.
  11. Any additional information which the Applicant believes will help explain the proposal.
- C. The Applicant shall make a request to the Lansdale Borough Director of Community Development or other designated person to be scheduled on the meeting agenda of the Lansdale Borough Planning Commission for presentation and discussion of the Sketch Plan, provided the plan is received at least ten (10) business days prior to the next Lansdale Borough Planning Commission meeting.

### *Section 303. Sketch Plan Review Procedure*

The Lansdale Borough Planning Commission shall review sketch plans in accordance with the criteria contained in this Chapter and with other applicable codes, ordinances, plans, and legal requirements. The Applicant shall file eight (8) paper copies plus one digital copy of the sketch plan for review. The commission members shall discuss the plan with the Applicant and advise the Applicant as promptly as possible of the extent to which the proposed subdivision or land development conforms to the Lansdale Comprehensive Plan and relevant standards of this Chapter, and will discuss possible plan modifications that would increase its degree of conformity. The Applicant may also choose to submit alternative sketch plans. Aspects of the sketch plan that may be evaluated include but are not limited to:

- A. The location of all areas proposed for disturbance (streets, foundations, yards, septic disposal systems, stormwater management areas, etc.) with respect to notable features of natural or cultural significance as identified on the Applicant's plan.
- B. The potential for street connections with existing streets, other proposed streets, or potential developments on adjoining parcels.
- C. The location of proposed access points along the existing road network.
- D. The general location and extent of open space, preserved land, and trail system.
- E. The location and extent and configuration of buildings, parking lots, and common areas in multifamily and commercial developments.
- F. The proposed building density and impervious coverage.
- G. The compatibility of the proposal with respect to the objectives and policy recommendations of the Lansdale Comprehensive Plan, the Lansdale Borough Open Space Plan, the Lansdale Borough Revitalization Plan, and other pertinent Lansdale Borough plans and studies, as updated.
- H. Consistency with the Lansdale Borough Zoning Ordinance.

- I. Impacts on neighbors.
- J. Consistency with neighborhood character.

*Section 304. Preliminary Plan Requirements*

This Section contains the requirements for Preliminary Plans for subdivisions and/or land developments in terms of Drafting Standards, Basic Information, Existing Features, and Proposed Features.

- A. Drafting Standards. Plans shall be professionally prepared in compliance with the following:
  - 1. The plans shall be produced in a manner so that when printed on sheet media in compliance with the following standards the resulting plans will be at a standard engineering scale not exceeding 50' feet to the inch.
  - 2. Printed sheet size shall be 11" X 17" or 18" X 30" or 24" X 36", appropriately related to the scale of the drawing.
  - 3. All printed sheets shall be the same size, and be numbered relative to the total number of sheets (i.e., 1 of 5, etc.)
  - 4. Where two or more printed sheets are needed to show the entire tract, a reduced scale key plan shall be provided to show how the sheets fit together. Match lines shall be shown.
  - 5. A reduced scale plan of the entire site at a scale greater than one-hundred feet (100') to one (1) inch may be required in cases where it would facilitate the review and approval process. Applicants are encouraged to submit such plans in cases where they are not required.
  - 6. Property lines shall be drawn and labeled in conformance with the act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Surveyor, and Geologists Registration Act," and accepted surveying and civil engineering practices, including dimensions shown in feet and decimal fractions thereof, and bearings shown in degrees, minutes, and seconds.
    - a. Any property line which abuts a street or other public way shall be measured from the legal or ultimate right-of-way.
    - b. Property lines to be eliminated where two (2) or more lots are proposed to be joined in common deed should be properly noted and depicted on the boundary to be removed.
- B. Basic Information. All Preliminary Plans shall show the following basic information:
  - 1. Name of the subdivision or land development.
  - 2. Name, address, and phone number of Applicant and of the owner of record.
  - 3. Name, address, email, and phone number of the firm which prepared the plan and professional seal of the individual certifying its accuracy and compliance with applicable standards.

4. Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.
5. North arrow and scale displayed in graphic and written form.
6. Location plan showing the relationship of the subject tract to the surrounding road network, adjacent properties, and major physical features.
7. Entire tract boundary with bearings and distances and total tract acreage, including lot numbers and acreage or square-foot area of each lot.
8. List of the basic dimensional and density requirements of the applicable zoning district, compared to the Applicant's proposal.
9. Zoning classification(s) of all lands abutting the proposal.
10. Names of all current owners of immediately adjacent lands.
11. Statement showing:
  - a. Number of acres under proposal (net and gross acreage should be indicated in accordance with the zoning ordinance).
  - b. Number of lots and/or dwelling units and total building area. If existing buildings are to be reused, the building area should be expressed as existing building area and additional building area.
  - c. Number of open space or commonly held lots and land areas. The total acreage of these shall be indicated.
12. Description of variances, special exceptions, or conditional use approvals, conditions of their approval, and the dates they were granted, if any.
13. Description of all deed restrictions, including conservation and environmental, easements, or other covenants affecting the property or development of the tract. The following information shall be included: the parties to the agreement, the beneficiary(ies) of the restrictions, easements and covenants, the title of the document or instrument creating the restrictions, easements and/or covenants, and a reference to their deed and page book recording location.
14. Requirements of any other local ordinance which may affect the proposal.
15. Legend which shall be sufficient to indicate clearly between existing and proposed conditions.
16. Name and address of the owner of record if different from the Applicant.
17. Tax parcel number(s) of all parcels being subdivided or developed.
18. Deed book and page numbers for all parcels being subdivided or developed.
19. Note which states "Preliminary Plan - Not to be Recorded."
20. Contour lines at vertical intervals of not more than two (2) feet for land with natural slopes averaging five percent (5%) or less, and not more than five (5) feet for land with natural slopes averaging more than five percent (5%).

21. Owner's Statement of Intent Block, which indicates the owner's intent for the application by summarizing the proposal.
  22. Reserved space for signature blocks for Lansdale Borough Council President, Borough Secretary, Lansdale Borough Planning Commission Chair, Borough Engineer, Notary, and the Montgomery County Planning Commission at a size and in a location according to their latest requirements.
- C. Existing Features Plan. Within the tract proposed for subdivision and/or land development, and within four- hundred (400') feet of the tract boundaries, the following information shall be shown on the Preliminary Plan:
1. Tract boundary lines, easements, deed restrictions, current owners of the subject and neighboring properties, and current uses of each.
  2. Streets, including alleys and unopened streets, bordering or crossing the tract, including:
    - a. Locations and distances to nearest intersection off the drawing.
    - b. Names.
    - c. Rights-of-way.
      - 1) Legal.
      - 2) Ultimate.
    - d. Centerline courses, distances, and curve data.
    - e. Cartway and paving widths.
    - f. Curb lines.
    - g. Radii at intersections.
    - h. Street location tie-ins to nearest intersection by courses and distances.
    - i. Sight distance at existing intersections.
    - j. Location and type of all existing traffic control signs, line striping, signals, and devices.
    - k. Surface conditions.
    - l. Location of driveways, curbs and their radii, sidewalks, trails, traffic signals, line striping, street lighting, and any signs, whether public or private.
  3. Water resources, including:
    - a. Watershed designation.
    - b. Lakes and ponds.
    - c. Wetlands, swamps, marshes, and riparian buffers.
    - d. Watercourses and their sizes in addition to any springs.
    - e. Existing well locations - in use, capped, and abandoned

- f. Flood prone or floodplain areas including, where applicable, the Base Flood Elevation using data from FEMA studies, plus a note indicating the source of hydrologic and hydraulic data for 100-year flood limits, or Montgomery County Soil Survey when applicable, as determined appropriate by the Lansdale Borough Engineer for the watercourse(s) affecting the site.
4. Sanitary Sewers, including:
  - a. Pipe locations.
  - b. Pipe sizes and materials.
  - c. Direction of flow.
  - d. Gradient of flow.
  - e. Manholes.
  - f. Invert Elevations.
  - g. Septic systems and drain fields.
5. Storm sewers, including:
  - a. Pipe locations.
  - b. Pipe sizes and materials.
  - c. Direction of flow.
  - d. Gradient of flow.
  - e. Inlets, catch basins, manholes, outfalls/headwalls, and channels.
  - f. Invert elevations.
  - g. All stormwater management controls.
6. Other existing stormwater and/or erosion control facilities, including:
  - a. Basins and underground detention facilities.
  - b. Swales, rain gardens, infiltration areas, and level spreaders.
  - c. Diffusion devices.
  - d. Velocity controls.
  - e. Other flood or erosion protection facilities.
  - f. Related technical data for those facilities.
7. Other natural features, including:
  - a. Location, size, species, and condition of trees six (6") inches in diameter at breast height (dbh) or greater, when standing alone or in small groups.
  - b. Outer limits of woodlands edge and a general description of tree types, sizes, and conditions.
  - c. Specimen trees of significant size, type, or historical/community significance. Identify all specimen trees greater than twenty-four inches (24") diameter at

breast height (dbh) on plans. A waiver of §304.C.7.a. (“*Location, size, species...*”) above does not include a waiver of this provision. In addition, should the use of a sample count be allowed, this provision shall not be included in the sample; these trees shall nevertheless be located and identified.

- d. Locations and limits of geologic features which may affect the locations of proposed streets or buildings, including:
  - 1) Rock outcroppings.
  - 2) Quarries.
  - 3) Sink holes.
  - 4) Ravines.
  - 5) Tree masses.
8. Soil types, including:
  - a. Mapped limits.
  - b. Names. Include the source of the names.
  - c. Significant limitations, such as high water table, ponding or flooding, or shallow bedrock.
9. Contour information, including:
  - a. Contour lines at a vertical interval of one (1) foot for land with natural slopes averaging two (2%) percent or less, two (2') feet for land with natural slopes averaging five (5%) percent or less, and not more than five (5') feet for land with natural slopes averaging more than five (5%) percent.
10. Other man-made features, including:
  - a. Location, size, character, and configuration of existing buildings or structures, driveways, parking lots or any type of paved surface on the subject tract, labeled "To Remain" or "To Be Removed" as applicable.
  - b. Location and description of existing buildings and other structures less than one-hundred (100') feet beyond the tract boundaries.
  - c. Location, type, and ownership of utilities (including, but not limited to, electrical, cable, fire hydrants, gas lines, water lines, and other utilities, etc.), both above and below ground, on both sides of street rights-of-way and within 50 feet of the tract or project boundary with notes to describe:
    - 1) Easement or right-of-way dimensions.
    - 2) Additional setback or development restrictions imposed by the utility company or other regulations.
    - 3) Specific type of product transported with pipelines.
  - d. Other man-made topographical or other features that may affect the potential layout of lots and buildings.

11. Other information as recommended by the Borough Planning Commission or deemed necessary by Borough Council.

D. Proposed Features and Lotting Plan. Within the tract proposed for subdivision and/or land development, the following information shall be shown on the Preliminary Plan:

1. Tract boundary lines, existing and proposed easements, existing and proposed deed restrictions, and current owners of the subject tract.
2. Any features from the Existing Features Plan which may affect the potential layout of lots, buildings, and other improvements.
3. The quantity and layout of the areas of natural features conserved according to the *Section 406. Open Space Criteria* of this Chapter.
4. Subdivision and/or Land Development Layout
  - a. Proposed streets, alleys, driveways, and parking areas, including:
    - 1) Names or other identification.
    - 2) Right-of-way widths and lines.
    - 3) Cartway and paving widths.
    - 4) Centerline courses, distances, and curve data.
    - 5) Curb lines.
    - 6) Radii at intersections.
    - 7) Street location tie-ins to nearest intersection by courses and distances.
    - 8) Tentative grades to an existing street at a point of four hundred (400) feet beyond the boundaries of the subject tract.
    - 9) Capacity of parking areas showing individual parking stalls, loading spaces, handicap parking and reserved aisles, dumpster locations, and reserved areas for compact cars and/or carpooling.
    - 10) Sight distance at proposed intersections with existing streets.
    - 11) Location and type of all traffic control signs, line striping, signals, and devices proposed to be installed.
    - 12) Rights of way or access easements proposed for storm drainage facilities/areas.
    - 13) Plan of street lighting indicating location and type of fixtures to be installed.
  - b. Layout and dimensions of all lots, including the net and gross lot area as defined within the zoning ordinance, and the proposed use of any non-residential lots shall be noted.
  - c. Water resources and other natural features identified in §304.C. *Existing Features Plan*, above.

- d. Depth of water table, along with the location of test borings, where applicable.
- e. All building setback lines (including existing buildings to be used).
- f. All parking setback lines where applicable.
- g. Buffer yard and screening setbacks where applicable.
- h. Proposed sidewalk, trail, or other walkway locations.
- i. Proposed buildings, including:
  - 1) Locations, including existing and proposed buildings, existing and proposed trees and plantings, and to control points and monuments.
  - 2) Configurations.
  - 3) Sizes (ground level floor area, total floor area, number of stories, and height).
  - 4) Total building coverage (square feet and percentage of site).
  - 5) Locations, configuration, and types of accessory structures.
  - 6) Ground floor elevations.
  - 7) All points of ingress and egress
- j. Soil types with their limitations based on the latest USGS soil data.
- k. Common use areas, including:
  - 1) Open Space Areas.
    - i) Locations.
    - ii) Configurations.
    - iii) Size.
    - iv) Use, maintenance, and management of common area.
    - v) Proposed ownership of common area.
  - 2) Recreation facilities.
    - i) Locations, configuration, and size.
    - ii) Types of facilities.
    - iii) Proposed ownership.
  - 3) Parking, driveway, or road areas when privately owned for common use.
  - 4) Walkways or pathways.
  - 5) Notes regarding offers of dedication or retention in private ownership, as applicable.

- I. Areas to be dedicated for proposed uses or reserved for future uses, including:
  - 1) Road widenings, ultimate rights-of-way, and road extensions.
  - 2) Stormwater management facilities.
  - 3) Open space and recreational land
  - 4) Additional subdivision or land development in sketch form, in accordance with the requirements of Section 302, Sketch Plan Submission Requirements, and in accordance with the intent of Section 303, Sketch Plan Review Procedure.
  - 5) Explanatory notes for such future uses.
- m. Where development of less than the entire tract is intended, or where the tract is intended to be developed at less than maximum density, a sketch development plan for the entire parcel or the portion of the parcel not proposed to be developed shall be provided.
- n. Impervious Coverage Area Calculations
- o. Proposed Landscaping Plan including:
  - 1) Existing vegetation to be removed.
  - 2) Existing vegetation to be preserved, including documentation of tree protection measures.
  - 3) A plan of proposed plantings showing the locations of natural feature preservation, street trees, parking lot landscaping, stormwater facilities landscaping, and any required buffer areas and site landscaping.
  - 4) Proposed planting schedule, including the quantities, location, species, and installation sizes of plantings, as per American Standard for Nursery Stock (ANSI) Z60.1-2004, most current edition.
  - 5) Existing and proposed contours including related landscape features such as earth berms and water features.
  - 6) Other planting areas managed for naturalized settings.
  - 7) Documentation of existing and proposed stormwater management features.
  - 8) Existing and proposed utilities.
- p. Proposed Outdoor Lighting Plan.
  - 1) Proposed fixtures in roadways, parking lots, and other public areas, including fixtures intended to enhance building security.
  - 2) A detailed ten-foot grid showing the horizontal maintained foot candle levels at grade, to the boundary of the site or past the boundary until the illumination values reach 0.0 foot candles.

- 3) The minimum and average, and maximum maintained illumination levels for the areas being illuminated to demonstrate compliance with lighting requirements in Lansdale Borough.
  - 4) Description of existing and proposed equipment including;
    - i) The mounted height from the lowest point of the fixture to the finished grade.
    - ii) Fixture mounting equipment
    - iii) Light shielding angle and device for shielding.
    - iv) Light standard or pole height and type of material.
  - 5) Manufacturer's cut sheets and specifications.
5. Grading and Drainage Plan. The following information shall be shown on the Preliminary Plan:
- a. Proposed contours for the entire site at a vertical interval of one (1) foot for land with natural slopes averaging two (2%) percent or less, two (2') feet for land with natural slopes averaging five (5%) percent or less, and not more than five (5') feet for land with natural slopes averaging more than five (5%) percent..
  - b. Approximate limits of site disturbance, including a clear delineation of existing vegetation including trees, hedge rows, wooded areas, scrub growth, meadow, and actively farmed land:
    - 1) To be removed.
    - 2) To be preserved, including method of preservation.
    - 3) Topsoil storage and protection areas.
  - c. Stormwater management and erosion control and sedimentation facilities, including:
    - 1) Basins and underground detention facilities.
    - 2) Swales, rain gardens, and infiltration areas.
    - 3) Diffusion devices.
    - 4) Velocity controls.
    - 5) Pipe locations.
    - 6) Pipe sizes and materials.
    - 7) Direction of flow.
    - 8) Gradient of flow.
    - 9) Inlets, catch basins, outfalls/headwalls, channels, and manholes including rim and invert elevations.
    - 10) Invert elevations.

- 11) Design calculations for these facilities shall be submitted in report form with a note on the plan referencing the report.
- d. Indicate existing trees to remain and proposed tree protection measures.
6. Infrastructure Plan.
- a. Drafting standards. The same standards shall be required for an improvement construction plan as for a preliminary plan, except that the horizontal scale of the plan and profile shall not be in excess of fifty (50) feet to the inch and the vertical scale of the plan shall be two (2), five (5), or ten (10) feet to the inch, whichever is appropriate.
- b. Sanitary sewer line locations, clearly identifying the following:
- 1) Pipe sizes and materials.
  - 2) Direction of flow.
  - 3) Gradient of flow.
  - 4) Manholes.
  - 5) Invert and rim elevations.
- c. Sanitary sewage pumping stations.
- 1) Dimensions and material of pumping station.
  - 2) Pump type.
  - 3) Float and alarm elevations.
  - 4) Electrical equipment.
  - 5) Force main material, location, size and tie-in.
- d. Approved on-site disposal locations and other locations where soil tests were performed.
- e. Water supply facilities, including:
- 1) Central water supply lines.
  - 2) Pipe sizes and materials.
  - 3) Fire hydrant locations within 400 feet of primary building.
  - 4) Well locations when on lot, including the 100-foot radius clear zone separating wells from sewage disposal locations.
- f. Finished floor elevations of proposed buildings.
- g. Municipal waste disposal facilities.
- h. Location, type, and ownership of the elements and facilities of utilities, both above and below ground, with notes to describe:
- 1) Easement or right-of-way dimensions.

- 2) Additional setback or development restrictions imposed by the utility company or other regulations.
  - 3) Specific type of product transported with existing or proposed pipelines.
7. Cross Sections, Profiles, and Preliminary Structural Designs. The following shall be provided:
- a. Drafting standards. The same standards shall be required for an improvement construction plan as for a preliminary plan, except that the horizontal scale of the plan and profile shall not be in excess of fifty (50) feet to the inch and the vertical scale of the plan shall be two (2), five (5), or ten (10) feet to the inch, whichever is appropriate.
  - b. Cross section and centerline profile for each proposed or widened cartway, driveway, or parking area shown on the Preliminary Plan, including:
    - 1) Road centerline grades and vertical curvature, including road centerline elevations shown at horizontal intervals of twenty-five (25') feet along vertical curves and fifty (50') feet for straight grades.
    - 2) Profiles for sanitary sewers, water mains, storm drains, including locations of manholes, inlets, and catch basins.
      - i) Location, size, and type of line with stations.
      - ii) Slope between manholes and/or inlets.
      - iii) Location of laterals or water services including fire hydrants, valves, tees and fittings.
      - iv) Existing ground surface with elevation of rim/grate and invert elevations.
      - v) Location, size, depth, and type of material of all other utilities in the vicinity of the pipe.
      - vi) Vertical curve data including length, elevations, and stations at the beginning and ending of the vertical curve, including high points and low points, elevations at fifty-foot (50') intervals and minimum site difference.
  - c. Preliminary design of any bridges, culverts, or other structures and appurtenances which may be required.
  - d. Cross-section (Streets)
    - 1) Right of way and cartway width.
    - 2) Type, thickness, and crown of paving.
    - 3) Type and size of curb.
    - 4) Grading of sidewalk area.

- 5) Location, width, type and thickness of sidewalks.
  - 6) Grading of stormwater swale adjacent to cartway.
  - 7) Typical location of sewers and utilities, street trees, street lights and other improvements along roads.
  - e. The Stormwater BMP Operations and Maintenance Plan as required by Part 10 of this Chapter. A statement shall be included by the owner acknowledging that stormwater BMPs cannot be altered or removed without the approval of the Borough.
8. Supporting Information.
- a. A new development schedule including the approximate date when the construction is expected to begin and be completed.
  - b. A copy of all restrictions, easements, or covenants, if any, under which lots are to be sold.
  - c. Traffic impact or water resources impact statement, if applicable.
  - d. A plan for the ownership, maintenance, and management of open space areas and stormwater BMPs.
  - e. Reports or letters regarding availability of sewer and water facilities. Developments utilizing public water or sewer facilities shall provide evidence satisfactory to Lansdale Borough Council that capacity is available and those services will be provided to the subdivision and/or land development.
  - f. Copies of letters and permit applications to all reviewing agencies.
  - g. Stormwater calculations and reports.
  - h. Wetlands delineation study, if applicable.
  - i. Flood and floodplain report including data from FEMA studies and any hydrologic and hydraulic data.
9. Floodplain Areas.
- a. Within floodplains, all subdivisions and land development plans shall be drawn to assure that:
    - 1) Proposals are consistent with the need to minimize flood damage;
    - 2) Public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
    - 3) Adequate drainage is provided so as to reduce exposure to flood hazards.
  - b. Where the subdivision or land development lies partially or completely in a flood plain or where the subdivision or land development borders on a floodplain, the plan shall include detailed information giving the location

and elevation of existing and proposed streets, water supply and sanitary facilities, building sites, structures, soil types and proposed floodproofing measures. Such plan shall also show contour lines as described in *Section 304.D: Proposed Features and Lotting Plan* of this Ordinance, and identify accurately the boundaries of the floodplain and the base flood elevation. When floodproofing measures are for a structure within a floodplain, a registered professional engineer or architect shall certify that the floodproofing measures are adequate to meet the requirements of this ordinance and other Borough Ordinances.

- c. The developer shall provide proof that adequate precautions against flood damage have been taken with respect to the design of any buildings or structures located wholly or partially within a floodplain area.
- d. A copy of all plans for new construction in floodplain areas shall be submitted to the Borough and to the Montgomery County Conservation District for review and approval. Further, the required Pennsylvania Department of Environmental Protection (PADEP) permits must be obtained prior to Final Plan approval. The requirements of the Conservation District and the PADEP permits must be incorporated into the proposed plan(s).

10. Additional Plans. Other plans as required to comply with this Chapter or the provisions of the Lansdale Borough Zoning Ordinance.

11. Other information as recommended by the Borough Planning Commission or deemed necessary by Borough Council.

#### *Section 305. Preliminary Plan Submittal and Review Procedure*

The procedures and requirements contained in this Section shall govern the submittal and review of Preliminary Plans for subdivision and land development.

- A. Twelve (12) half-size paper copies (not greater than 11" x 17") of the Preliminary Plan shall be filed with the Lansdale Borough Director of Community Development or other designated person in person by the Applicant or Applicant's agent, during normal business hours. In addition to the paper copies of the plans required for submission, the Applicant shall also provide a compact disk with plan sheets in GIS, CADD, and PDF or other acceptable software format, whereupon the applicant may reduce the required number of copies by an amount indicated by the Director of Community Development.
- B. Notice of all applications for the approval of a subdivision and/or land development shall be given by the Applicant by conspicuously posting a written notice of the application on the affected tract prior to submission of the Preliminary Plan. This notice shall be posted at least fourteen (14) calendar days prior to the public meeting of the Planning Commission when the Preliminary Plan will first be reviewed. The notice shall adhere to the following:

1. The notice must remain in place until Final Plan approval is given. The notice shall be removed not later than ten (10) calendar days after final action on the Final Plan is taken.
  2. The notice shall be printed on a sign with the minimum dimensions of 24" by 36" of the type used for real estate sales.
  3. As a minimum, the sign shall state the following: "This property is subject to a subdivision and land development application in Lansdale Borough." This statement shall be in black letters that are large enough for the statement to cover the entire area of the sign.
  4. The sign(s) shall be posted in such location(s) that is/are clearly visible from each adjacent roadway.
  5. Proof of posting by way of dated photograph must be provided to the Lansdale Borough Director of Community Development by the Applicant one week prior to the aforementioned public meeting of the Planning Commission, otherwise the application may be removed from the agenda for the meeting, the application may be denied, or the statutory 90-day review period may be paused or extended until compliance is remedied.
- C. Plans must be accompanied by:
1. Lansdale Borough filing fees, in accordance with the fee schedule adopted by resolution of Council in effect at the time of the application.
  2. Montgomery County Planning Commission review fee.
  3. Completed Lansdale Borough application, administrative forms, and signed consultant professional services agreement, which is available from the Borough.
  4. Waiver Request Letter, the contents of which shall conform to the requirements *Section 310: Waiver of Requirements* of this Chapter.
- D. The Lansdale Borough Director of Community Development or other designated person shall review the application filed, including administrative forms, waiver request letters, Preliminary Plans, and other required studies and reports and determine if the application form is completed correctly, the correct number of plans have been submitted, the Borough consultant professional services agreement has been signed, all required fees have been paid, and the application is otherwise complete, and, if so, will then stamp the plans with the Plan Filing Date.
- E. The Preliminary Plan shall be placed on the agenda of the next regularly scheduled meeting of the Lansdale Borough Planning Commission following the Plan Filing Date provided that the Preliminary Plan and completed application package and all supporting information are filed with the Borough at least fifteen (15) business days prior to the meeting date.
- F. The Lansdale Borough Manager or Secretary may distribute copies of the plan and all supporting information to the following for review and recommendations:

Lansdale Borough (2).

Lansdale Borough Planning Commission (3).

Montgomery County Planning Commission, along with appropriate fee (1).

Lansdale Borough Engineer (1).

Lansdale Borough Solicitor (1).

Lansdale Municipal Sewer Authority (1).

Lansdale Fire Marshal (1).

The Applicant shall also provide three (3) copies to be distributed at the Borough's discretion, and one (1) electronic copy. The applicant shall furnish additional copies of the Preliminary Plans and supporting information at the Borough's request.

- G. All Preliminary Plans and revisions to the plans shall be submitted to Lansdale Borough for review by the Lansdale Borough Engineer, the Borough Solicitor, and such other technical advisors as may be requested by the Lansdale Borough Planning Commission (collectively, the "Borough Consultants"), and by the Montgomery County Planning Commission and other appropriate reviewing agencies, who shall provide their written comments to the Lansdale Borough Planning Commission for its consideration. Upon completion of its review of the Preliminary Plan submission and recommendations of the Borough Consultants and reviewing agencies, the Borough Planning Commission shall provide its written recommendations to Lansdale Borough Council.
- H. Lansdale Borough shall have a period of ninety (90) days to review and take action on the Preliminary Plan, unless the Applicant has agreed in writing to an extension of the review period.
  - 1. The ninety (90) day time period shall commence on the date of the regularly scheduled Lansdale Borough Planning Commission meeting next following the Plan Filing Date, provided that if the next regular meeting of the Lansdale Borough Planning Commission shall occur more than thirty (30) days after the Plan Filing Date., the ninety (90) day period shall be measured from the 30<sup>th</sup> day following the Plan Filing Date.
  - 2. An extension of the review period for an unlimited period of time, revocable upon sixty (60) days prior written notice to the Borough, may be granted in writing by the Applicant. An unlimited extension of time shall not preclude the Borough Council from taking action to accept or reject the Preliminary Plan at any time it elects to do so. In the event that an applicant takes no action on a proposed Preliminary Plan for twelve (12) months or more, the Borough may issue a notification letter to the applicant that the Borough Council will consider the Preliminary Plan application at its next regularly scheduled meeting.
- I. Prior to applying to the Zoning Hearing Board for the granting of variances or special exceptions, or to the Borough Council for conditional uses, the applicant

must submit a sketch, minor subdivision, minor land development, preliminary or final plan for review as described above so that the Borough Planning Commission and the Borough Consultants may review and comment on the proposal prior to the Zoning Hearing Board or Borough Council meeting at which the variances, special exceptions or conditional uses are to be discussed. Unless the applicant provides an extension of time as per §305.H: *“An extension of the review period...”*, the Council shall act upon the application within the 90-day review period.

- J. The Lansdale Borough Planning Commission shall send its recommendations and the reasons therefore to the Borough Council with a copy mailed or delivered personally to the Applicant.
- K. The Lansdale Borough Council shall consider the Preliminary Plan application at one or more of its public meetings following receipt and consideration of the recommendations of the Lansdale Borough Planning Commission, Lansdale Borough Engineer, Borough Solicitor, other Borough Consultants, the Montgomery County Planning Commission, and/or other reviewing agencies and technical advisors, as requested, and shall render a decision on the Preliminary Plan submission within ninety (90) days following the date of the regular meeting of the Lansdale Borough Planning Commission next following the Plan Filing Date or any extension thereof, if applicable.
  - 1. Provided, in accordance with the Pennsylvania Municipalities Planning Code, that the Lansdale Borough Council shall not approve an application for preliminary plan approval until the Montgomery County Planning Commission report of its recommendations is received, or until the expiration of thirty (30) days from the date the application along with any appropriate fees were forwarded to the County.
  - 2. The Applicant or appropriate representatives shall be present at all public meetings at which the Preliminary Plan is to be discussed and shall be prepared to provide a presentation of the proposed subdivision and/or land development utilizing paper display maps and digital projected images.
  - 3. In accordance with the policies of the Montgomery County Planning Commission, the date the application was forwarded to the county shall be considered to be:
    - a. The date noted on Lansdale Borough’s request for review, or
    - b. Two days prior to the county's receipt of the request if no date is noted on the request, except that in no instance will the date be earlier than five (5) days prior to the County’s receipt of the request.
- L. Each Preliminary Plan revision submitted to the Borough shall be accompanied by a letter from the applicant, or applicant’s agent, which shall restate and provide itemized responses to all review comments prepared by the applicable reviewing agencies and Borough Consultants on the previous submission, describe the specific revisions made to the preliminary plan and/or accompanying documents to address the review comments, and identify the

sheet or page number in which each revision may be found. Such letter also shall describe, in detail, any and all revisions made to the Preliminary Plan and/or accompanying documents since the previous submission not requested by such review comments. If one or more revisions are made to the Preliminary Plan, and not disclosed or identified in writing by the applicant or applicant's agent, said undisclosed or unidentified revisions shall not be part of, and shall be excluded from, any resulting preliminary plan approval. In addition, any Preliminary Plan approval by the Borough Council where the plan contains undisclosed or unidentified revisions that are noncompliant with the requirements of this Chapter or any other applicable laws, statutes, ordinances, rules or regulations, shall in no way relieve the applicant of its obligation to fully comply therewith. Further, the applicant shall be required to pay all costs and expenses, including but not limited to engineering and legal fees, incurred by the Borough associated with identifying and appropriately addressing undisclosed revisions to the Preliminary Plan submission.

- M. Procedure Following the Lansdale Borough Council Decision. When the Lansdale Borough Council makes a decision on a Preliminary Plan, one of the following procedures shall be followed, depending on the type of decision:
1. Denial. If Lansdale Borough Council denies a Preliminary Plan, then the written notification to the Applicant shall specify the defects found in the application and describe the requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon.
    - a. When the decision reached concerning an application for approval of a specific plan results in a denial of the plan, then the applicant, when and if they should reapply, requesting approval of the plan, shall do so in accordance with the plan sequence outlined in *Section 305, Subsections A. through H.*, herein, and the additional procedures below.
  2. Approval. If Lansdale Borough Council approves a Preliminary Plan, as filed by the Applicant, then the Secretary will so certify thereon, including any changes thereto on the date shown, and a copy of the approved plan will be forwarded to the Applicant. The Applicant shall then submit two paper copies of the approved plan for Lansdale Borough seal and signature.
  3. Denial With Option for Approval Subject to Conditions. If Lansdale Borough Council finds a Preliminary Plan to be deficient or defective, but would approve the plan with certain remedies, conditioned upon the performance of any act or the obtaining of any other approval or permit by the Applicant, the Applicant shall be given the opportunity to accept or reject the conditions within a ten (10) day period. The denial of the plan shall be rescinded automatically without action of Lansdale Borough Council upon receipt of the Applicant's written acceptance of such conditions. Written notice of the Denial With Option for Approval Subject to Conditions shall be provided to the Applicant, which includes the following information:
    - a. Specify the defects found in the application and describe the requirements which have not been met, and shall cite the provisions of the statute or

ordinance relied upon, the conditions of approval, and a request for the Applicant's written agreement to the conditions.

- b. State that the application has been denied and that it will be automatically approved if the Applicant agrees to the conditions within the 10-day period.

Following the timely submission of the Applicant's written agreement to the conditions specified by Lansdale Borough Council the Applicant shall submit two (2) paper copies of the Preliminary Plan and additional supporting documentation, if any, which show compliance with the conditions, by plan revision or notation, for Lansdale Borough seal and signatures.

4. The approval of a Preliminary Plan near or within the floodplain shall not constitute a representation, guarantee, or warranty of any kind by the municipality, or by any official or employees thereof, of the practicability or safety of the proposed plan and shall create no liability upon the Borough of Lansdale, its officials, or employees. The degree of floodproofing intended to be provided by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This ordinance does not imply that areas outside floodplains or subdivisions or land developments permitted within such areas will always be totally free from flooding or flood damage. This requirement shall be disclaimed, as a note on the plan, on any plan which is submitted for approval or recording.
  5. Written notification of the Lansdale Borough Council's decision shall be communicated to the Applicant by hand delivery or by mail to the Applicant's last known address not later than fifteen (15) days following the decision or before the end of the extension period, if any, whichever shall occur first.
- N. Effective Period of Approval. Approval shall be effective for a period of five (5) years from the date of plan approval in accordance with the Pennsylvania Municipalities Planning Code.
1. No subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within that five (5) year period.
  2. Where final plan approval is preceded by preliminary plan approval, the five (5) year period shall commence from the date of the preliminary plan approval. In the case where Preliminary and Final Plan approval are concurrent, the five (5) year period shall be measured from the date of that concurrent approval.
  3. In the case of a Preliminary Plan calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the Applicant with the Preliminary Plan delineating all proposed sections of the development as well as deadlines within which applications for Final Plan approval of each section are intended to be filed.

- a. Such schedule shall be updated annually by the Applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the final section has been granted.
- b. Any modification in the aforesaid schedule shall be subject to approval of the Lansdale Borough Council at its discretion.
- c. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as shown on the Preliminary Plan, unless a lesser percentage is approved by Lansdale Borough Council in its discretion.
- d. Provided the Applicant or landowner has not defaulted with regard to or violated any of the conditions of the Preliminary Plan approval, including compliance with the aforesaid schedule, then for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the initial five (5) year period, no subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete each subsequent section for an additional term or terms of three (3) years from the date of Final Plan approval for each section.
- e. Failure of the Applicant or landowner to adhere to the schedule of submission of Final Plans for the sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinances enacted by Lansdale Borough subsequent to the date of initial Preliminary Plan submission.

*Section 306. Final Plan.*

All Final Plans for subdivisions and/or land developments shall consist of two basic parts, the Improvements Construction Plan and the Record Plan, and shall comply with the requirements of this Section. The Final Plans shall conform in all details and to the terms of approval of the Preliminary Plans and to the most recent administrative regulations adopted by the Lansdale Borough Council for such purposes.

A. Twelve (12) paper copies of the Final Plan shall be filed with the Lansdale Borough Director of Community Development or other designated person in person by the Applicant or Applicant's agent during normal business hours. In addition to the paper copies of the plans required for submission, the Applicant shall also provide a compact disk with plan sheets in a pdf or other acceptable software format, whereupon the applicant may reduce the required number of copies by an amount indicated by the Director of Community Development or designated person.

B. Improvements Construction Plan.

1. Drafting Standards. The same standards shall be required for an Improvements Construction Plan as for a Preliminary Plan.

2. Information to be Shown. The plan shall contain sufficient information needed for the construction of the proposed streets, or any portion thereof, including all appurtenances, sewers and utilities, as shown on the approved Preliminary Plan. This information shall also include:
  - a. Construction Detail Drawings. Drawings in sufficient detail shall be provided for all site improvements.
- C. Information provided to indicate potential future development of portions of the tract not to be developed and not a part of the application, even if required by the Borough during the Preliminary plan phase and on Preliminary Plans when approved, shall be removed from the Final Plan.
- D. Additional Information. The following additional information shall be submitted with the Final Plan.
  1. All required Local, State, and Federal permits that have been issued shall be submitted with the Final Plan. These permits may include: Montgomery County, PADOT, or Lansdale Borough road access permits; PADEP permits for drainage, stream alteration, wetlands encroachment, water quality discharge, dams, erosion and sedimentation control, air pollution, or sanitary sewage facilities.
  2. The following statements shall be required on the Final Plan:
    - a. "The Approved Improvement Construction Plan, a copy of which may be inspected at the Lansdale Borough Office, has been made a part of the Approved Final Plan."
    - b. "For access to a highway under the jurisdiction of PADOT, a highway occupancy permit is required, pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428) known as the "State Highway Law." Access to the State highway shall be only as authorized by the highway occupancy permit."
  3. All engineering calculations which support the proposed improvements such as drainage calculations, sanitary facility design calculations, or structural calculations.
  4. Certification of inspection by the Sewage Enforcement Officer and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accord with current industry, DEP, or County Health Department standards.
  5. Sewage facilities plan approval from PADEP.
  6. Approval of the erosion and sediment control plan from the Conservation District.
  7. Stormwater management permits from PADEP, including but not limited to NPDES permits.
- E. Record Plan.
  1. Drafting Standards. The same standards shall be required for a Record Plan as for a Preliminary Plan, and in addition, for recording purposes, the plans shall be placed on sheet sizes of 18" X 30" or 24" X 36". All lettering and lines shall be

drawn to be legible if the plan is reduced to half size. A two (2) inch border on the left side of the plan shall be free of information.

2. Information to be Shown. The plan, which shall include all portions of the approved Preliminary Plan, shall also show:
  - a. Basic Information, as required for a Preliminary Plan, *Section 304.B: Basic Information*.
  - b. Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than 1 part in 10,000.
  - c. Names or identification of the following:
    - 1) Abutting owners.
    - 2) All dimensional and technical descriptions of roads.
    - 3) Easements.
    - 4) Rights-of-way.
    - 5) The location of all floodplains and steep slopes (over 15%).
    - 6) Open space, recreation, and/or other common use areas.
    - 7) Other public improvements.
    - 8) For land development plans, all additional information pertinent to the location and construction of site improvements, including buildings, walks, parking, driveways, and other related facilities.
    - 9) Parcel identification number.
    - 10) Montgomery County Planning Commission file number.
  - d. All lots deeded to the ultimate right-of-way so that a single deed may be drawn to the appropriate body having jurisdiction for the dedication of streets by the Applicant.
  - e. Documentation on the plans that the plans are in conformance with the zoning ordinance and other applicable Lansdale Borough ordinances and regulations. In any instance where such plans do not conform, evidence satisfactory to the Borough on advice of the Borough Solicitor shall be presented that an exception, waiver, or variance has been officially authorized.
  - f. The location, material, and size of all existing and proposed monuments or pins with a statement of total area being subdivided. The Engineer or Surveyor shall certify that the survey is accurate.
  - g. Building setback lines with distances from the ultimate right-of-way line, and property lines.
  - h. Appropriate notes and conditions governing the use or development of the proposed property.

F. Certifications. When approved, the Record Plan must show:

1. The signature and seal of the registered Engineer and Surveyor certifying that the plan represents his/her work; that the monuments shown thereon exist as located; that the dimensional and geodetic details are correct and that the survey has been prepared in accordance with the "Pennsylvania Engineer, Land Surveyor, and Geologists Registration Law," PL 913, No. 367.
2. The signature of the Applicant and/or the record owner, if different, certifying ownership of the property, adoption of the plan, and intent to record the plan.
3. The signature of:
  - a. The Lansdale Borough Manager or other designated person, certifying that Lansdale Borough Council approved the Final Plan on the date shown.
  - b. Spaces shall be provided for the signatures of Lansdale Borough Council whose signatures are required.
  - c. Space shall be provided for the signature of the Lansdale Borough Engineer and Chairman of the Lansdale Borough Planning Commission.
4. Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.
5. A blank space or appropriate certification language shall be provided for the stamp and seal of the Montgomery County Planning Commission, located along the right-hand edge of the plan, measuring three and one-half (3 ½") inches wide and two and one-half (2 ½") inches tall.

G. Acknowledgements. The following are required on the Record Plan, where applicable:

1. Where the owner(s) are individuals, all shall join in an acknowledgment as follows:

**Commonwealth of Pennsylvania  
County of Montgomery**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public of the Commonwealth of Pennsylvania, residing in \_\_\_\_\_, personally appeared \_\_\_\_\_ (names of all owners), known to me (or satisfactorily proven) to be the person(s) whose name(s) (is/are) subscribed to the foregoing plan and acknowledged that (he, she, they) (is/are) the owner(s) of the designated land, that all necessary approval of the plan has been obtained and is endorsed thereon and that (he, she, they) desire that the foregoing plan may be duly recorded.

**Notary Public** \_\_\_\_\_  
**My Commission Expires** \_\_\_\_\_

2. Where the owner is a partnership, corporation or other entity, an acknowledgment shall be executed substantially as follows:

**Commonwealth of Pennsylvania  
County of Montgomery**

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, before me, the subscriber, a Notary Public of the Commonwealth of Pennsylvania, residing in \_\_\_\_\_, personally appeared \_\_\_\_\_ (name of officer of the corporation), who acknowledged (himself/herself) to be the (president or secretary), being authorized to do so, (he/she) executed the foregoing plan by signing that said corporation is the owner of the designated land, that all necessary approval of the plan has been obtained and is endorsed thereon and that said corporation desires that the foregoing plan may be duly recorded.

Notary Public \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

3. Surveyor's Acknowledgement.

Surveyor's Certificate, Boundary, & Topography

This is to certify that this plan represents a field survey by me or under my supervision, that all property corners are set as shown hereon, that all geometric and geodetic details as shown are correct, and that all lots or tracts have a boundary closure error of 1:10,000 or better.

\_\_\_\_\_  
PLS \_\_\_\_\_ DATE \_\_\_\_\_ SEAL  
SU # - \_\_\_\_\_

H. Approval notation and signatures is as follows:

Approved by the Borough Council of the Borough of Lansdale this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Attest

President  
Secretary  
Engineer

Certified by the Montgomery County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_. File No. \_\_\_\_\_

I. Recording notations. The following notations are required to be cited on the record plan:

1. A stamp indicating that the plan has been received and recorded by the Montgomery County Recorder of Deeds. The stamp shows the date and time of recording, book and page number, and other information (see example, below).

PLN BK 0042 - 00142 Land Site/Subdivision Plan  
2015027615 04/23/2015 01:23:41 PM  
RCD Fees: \$315.00 Taxes: \$0.00



MONTGOMERY COUNTY ROD NANCY J. BECKER ROD

2. A stamp indicating the plan has been processed and reviewed by the Montgomery County Planning Commission (MCPC). See example, below:

MCPC No. _____
PROCESSED and REVIEWED. Report prepared by Montgomery County Planning Commission in accordance with the Municipalities Planning Code.
Certified this date _____
For the Director
Montgomery County Planning Commission

3. "Fire hydrants and streetlights are to be installed at the expense of the subdivider/land developer in accordance with Borough standards and with the recommendations of the respective utility companies, subject to the approval of the Borough Council." "Streetlights and street name signs are to be installed at the expense of the subdivider/land developer in accordance with Borough standards and dedicated to the Borough." Lansdale Borough Electric Department and [Phone Utility Name] of Pennsylvania are granted the right to construct, maintain and repair pole lines and underground equipment on, under and across lots, and this shall be so recited in all deed descriptions, together with the right to construct, maintain and repair pole lines and underground equipment on, under and across all highways in this tract."
4. Where a plan requires access to a highway which is under the jurisdiction of the Pennsylvania Department of Transportation, "A Highway Occupancy Permit is required by Section 420 P.L. 1242, No. 428 known as the 'State Highway Law,' before driveway access to a state highway is permitted or constructed."<sup>[1]</sup> Where a plan requires access to a highway which is under the jurisdiction of the Montgomery County, it shall include the following notation: "A Highway Occupancy Permit is required by the Roads and Bridges Department of the Montgomery County Assets & Infrastructure Department before driveway access to a County highway is permitted or constructed."
5. When the installation of curbs or sidewalks is waived for a particular development plan, "Curbs and/or sidewalks may be required to be installed by subsequent landowners at their expense, by direction of the Borough Council."
6. Other notations as required by this chapter and the Borough Council.

*Section 307. Final Plan Submittal and Review Procedure.*

All Final Plans shall be submitted and reviewed in accordance with the procedures and requirements contained in this Section.

- A. The completed application for approval of the Final Plan, together with a signed consultant professional services agreement, available from Lansdale Borough, shall be submitted to Lansdale Borough along with all supporting information. The Lansdale Borough Director of Community Development or other designated person shall review the application filed, including administrative forms, Final Plans, and other required studies and reports and determine if the application form is completed correctly, the correct number of plans have been submitted, the Borough consultant professional services agreement has been signed, all required fees have been paid, and the application is otherwise complete and, if so, will then stamp the plans with the Plan Filing Date.
- B. The Final Plan shall be placed on the agenda of the next regularly scheduled meeting of the Lansdale Borough Planning Commission following the Plan Filing Date, provided that the Final Plans and completed application package with supporting information are received by the Borough at least fifteen (15) days prior to the meeting date.
- C. The Applicant shall furnish additional copies of the Final Plans and supporting information at the Borough's request.
- D. All Final Plans and revisions to the plans shall be reviewed by the Borough Consultants and the appropriate reviewing agencies, who shall provide their written comments to the Lansdale Borough Planning Commission for its consideration. Upon completion of its review of the Final Plan submission and the recommendations of the Borough Consultants and reviewing agencies, the Lansdale Borough Planning Commission shall provide its written recommendations to Lansdale Borough Council, with a copy mailed or delivered personally to the Applicant.
- E. Lansdale Borough Council shall consider the Final Plan application following receipt and consideration of the recommendations of the Lansdale Borough Planning Commission and shall render a decision on the Final Plan submission within ninety (90) days following the date of the regular meeting of the Lansdale Borough Planning Commission next following the Plan Filing Date, unless the Applicant has agreed in writing to an extension of the review period in accordance with the provisions of *Section 305: Preliminary Plan Submittal and Review Procedure*.
- F. Each final plan revision submitted to the Borough shall be accompanied by a letter from the applicant, or applicant's agent, which shall restate and provide itemized responses to all review comments prepared by the applicable reviewing agencies and Borough Consultants on the previous submission, describe the specific revisions made to the final plan and/or accompanying documents to address the review comments, and identify the sheet or page number in which each revision may be found. Such letter also shall describe, in detail, any and all revisions made to the final plan and/or accompanying documents since the previous submission not requested by such review comments. If one or more revisions are made to the final plan and not disclosed or identified in writing by the applicant or applicant's agent,

said undisclosed or unidentified revisions shall not be part of, and shall be excluded from, any resulting final plan approval. In addition, any final plan approval by the Borough Council where the plan contains undisclosed or unidentified revisions that are noncompliant with the requirements of this Chapter or any other applicable laws, statutes, ordinances, rules or regulations, shall in no way relieve the applicant of its obligation to fully comply therewith. Further, the applicant shall be required to pay all costs and expenses, including but not limited to engineering and legal fees, incurred by the Borough associated with identifying and appropriately addressing undisclosed revisions to the final plan submission.

G. A Final Plan for an application that has been previously granted Preliminary Plan approval shall be approved by Lansdale Borough Council when evidence satisfactory to Lansdale Borough Council, on advice of the Borough Consultants, has been provided by the Applicant that all of the following conditions have been fulfilled:

1. The Final Plan conforms in all respects to the approved Preliminary Plan and all conditions of Preliminary Plan approval.
2. All engineering and other technical details have been resolved to the satisfaction of the Lansdale Borough Engineer, as evidenced by a letter from the Lansdale Borough Engineer, and to the satisfaction of other technical advisors.
3. A recommendation is received from the Planning Commission.
4. All land development, financial security and other legal instruments and agreements required to be executed and delivered by the Applicant and/or the developer, as required by Lansdale Borough Council, upon advice of the Borough Solicitor, including deeds of dedication, each in form and substance satisfactory to Lansdale Borough Council and the Borough Solicitor, have been satisfactorily executed and delivered in recordable form by the Applicant.
  - a. When requested by the developer, in order to facilitate financing, Lansdale Borough Council shall furnish the Applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the Applicant obtaining a satisfactory financial security.
  - b. The Final Plan shall not be signed, released to the Applicant, nor recorded until the financial improvements agreement is executed.
  - c. The resolution of approval contingent upon a financial security agreement shall expire and be deemed to be revoked if the financial security agreement is not satisfactorily executed within ninety (90) days of the adoption of the approval resolution, unless a written extension is granted by the Lansdale Borough Council .
5. The Final Plan complies in all respects with applicable Lansdale Borough ordinances and all conditions of Final Plan approval, or appropriate variances or waivers have been granted for features that do not comply.
6. All necessary permits and other plan approvals have been obtained from the applicable regulatory agencies, authorities, or and/or departments.

7. All required escrows, fees, and costs have been paid by the Applicant.
- H. Denial with Optional Approval Subject to Conditions. If Lansdale Borough Council denies a Final Plan with conditions to approve that Final Plan, conditioned upon the performance of any act or the obtaining of any other approval or permit by the Applicant, the Applicant shall be given the opportunity to accept or reject the conditions within a ten (10) day period. The denial of the plan shall be rescinded automatically without action of Lansdale Borough Council, upon receipt of the Applicant's written acceptance of such conditions. The written notice provided to the Applicant shall satisfy the requirements set forth in Section 305.H.
- I. After the Final Plan is approved the Applicant shall present three (3) paper copies of the plan to the Lansdale Borough Secretary for signature by Lansdale Borough Council, including the affixing of the official Lansdale Borough seal. Digital files in GIS and CADD format of the appropriate proposed public improvements and record plan, in a form satisfactory to Lansdale Borough, shall also be provided at that time.

*Section 308. Recording the Final Plan.*

Within ninety (90) days following Final Plan approval or ninety (90) days following the date of delivery of the signed plans to the Applicant by Lansdale Borough or following completion of conditions imposed for such approval, whichever is later, the Applicant shall record the Final Plan in the Office of the Recorder of Deeds of Montgomery County.

1. In accordance with the Pennsylvania Municipalities Planning Code, whenever Final Plan approval is required by Lansdale Borough, the Montgomery County Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of Lansdale Borough Council and certification of review by the Montgomery County Planning Commission.
2. Prior to recording, the Applicant shall present the approved plan to the Montgomery County Planning Commission for its stamp and seal, with one paper copy given to the Montgomery County Planning Commission for its files.

*Section 309. Minor Plan Submittal Requirements and Review Procedure.*

Minor Plans may be submitted and processed only for Lot Line Adjustments, Simple Conveyances, Minor Subdivisions, and/or Minor Land Developments as defined herein, in accordance with the standards and requirements in this Section. Notwithstanding the foregoing, Lansdale Borough Council reserves the right to require the submission of a standard Preliminary Plan in place of a Minor Plan upon recommendation of the Lansdale Borough Planning Commission, the Borough Engineer, or the Borough Solicitor.

- A. Standards and Requirements for Qualification as a Minor Plan Submission.
  1. Lot Line Adjustment. To qualify as a Lot line Adjustment Minor Plan, a proposal shall meet all of the following criteria:

- a. A proposal involving two abutting, existing, legally approved and recorded lots.
  - b. A common lot line is proposed to be adjusted in terms of its location or configuration or eliminated.
  - c. The land area of each lot may be different after adjustment, but the total lot area of the two (2) lots will be unchanged.
  - d. No alteration will occur to any perimeter boundary line of the two (2) lots.
  - e. Neither lot shall violate the applicable dimensional and setback requirements of the zoning ordinance as a result of the lot line adjustment.
2. Simple Conveyance. To qualify as a Simple Conveyance Minor Plan, a proposal shall meet all of the following criteria:
- a. A proposal involving two abutting, existing, legally approved and recorded lots.
  - b. A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.
  - c. The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.
  - d. The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional and setback requirements of the zoning ordinance, so that after conveyance, it will remain in compliance with those requirements.
  - e. The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the zoning ordinance, but must be consolidated with the lot to which it is being functionally added by the recording of a deed of consolidation in form and substance satisfactory to the Borough Solicitor.
  - f. The land use of the two lots shall not change after conveyance.
3. Minor Subdivision. To qualify as a Minor Subdivision Minor Plan, a proposal shall meet all of the following criteria:
- a. A subdivision proposal which would divide one (1) existing lot into not greater than three (3) lots, each of which will comply with the applicable dimensional and setback requirements of the zoning district in which the existing lot is located.
  - b. The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Lansdale Borough requirements for lot frontage and access to a public street for all proposed lots.
  - c. The existing lot has not been the subject, in whole or in part, of a prior subdivision proposal during the ten (10) years previous to the current application.

- d. The subdivision will not require new road construction, road improvements, or the extension of existing public utility lines, or any other improvements intended to be dedicated to Lansdale Borough other than additional right-of-way area.
  - e. The proposal will not involve any site improvements other than installation of property pins/monuments.
  - f. Disqualification. Lansdale Borough Council may elect to require a standard Preliminary Plan submission in place of a Minor Plan when warranted by existing conditions or contemplated development of the site, upon the advice of the Lansdale Borough Planning Commission or the Borough Engineer.
4. Minor Land Developments. To qualify as a Minor Land Development Minor Plan, a proposal shall meet all of the descriptions of items a. through d. below, plus any one of the items e. through h.:
- a. Has not been part of a land development submission within the past three (3) years.
  - b. Presently fronts on a physically improved street that is legally open to the public.
  - c. Will not involve the construction of any new street or road, the extension of municipal facilities, or the creation of any other public improvements.
  - d. Is in general conformance with the Borough Comprehensive Plan and other plans.
  - e. A land development proposal involving a single lot or parcel of land where it is found that the intended development or modification of the site, or the use and occupancy of the existing structure, will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of this Ordinance.
  - f. Parking lot expansions, when additional impervious coverage is less than 10,000 gross square feet.
  - g. Additions to existing non-residential buildings provided that the addition is less than 5,000 gross square feet and involves no more than a twenty-five percent (25%) increase in the size of the existing building.
  - h. The conversion of a residential dwelling that results in the creation of no more than four (4) dwelling units, when permitted by the Zoning Code.

**B. Submission Requirements and Review Procedure**

- 1. All Minor Plans shall be considered to be Preliminary Plans for the purposes of submission for review and approval, and shall comply with the requirements of *Section 304: Preliminary Plan Requirements and Section 305: Preliminary Plan Submittal and Review Procedure*.
- 2. When a subdivision and/or land development plan qualifies for consideration as a Minor Plan submission in accordance with §309.A.: *Standards and Requirements*

for Qualification as a Minor Plan Submission, herein, the Minor Plan may be granted concurrent Preliminary and Final Plan approvals, provided that the Preliminary/Final Plan includes all of the requirements for Preliminary Plans and for Final Plans, including, without limitation, the Final Plan Certifications required by §306.F. [Final Plan] Certifications herein and the requirements of §307.G.: A Final Plan for an Application..., §307.H. Denial with Optional Approval..., and §307.I: After the Final Plan is Approved..., herein, except as otherwise provided in §309.B.3.: A Minor Plan is Not Required..., below.

3. A Minor Plan is not required to include an Improvements Construction Plan as required by Section 306.B. Improvements Construction Plan, herein.
4. A Minor Plan that will require access to a State highway shall include the "highway access" statement on the plan, as required by §306.D. Additional Information, herein.
5. If the Minor Plan is approved by Borough Council, the Record Plan of the Minor Plan shall be recorded as required by Section 308: Recording the Final Plan, herein.
6. The Borough shall have the opportunity to require a grading permit for any minor land development.

#### *Section 310. Waiver of Requirements.*

Upon review and recommendation by the Borough Planning Commission, Borough Council may grant a modification of the requirements of one or more provisions of this ordinance, if the literal enforcement of them would exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification(s) will not be contrary to the public interest and that the purpose and intent of this ordinance is observed. All requests for modification(s) shall take the form of a letter submitted at the time of initial submission, and all subsequent submissions of subdivision and/or land development applications, conforming to the following provisions:

- A. State the grounds and facts of unreasonableness or hardship on which the request is based or the public benefit of an alternative design standard;
- B. List the provision(s) of the Ordinance involved; and
- C. State the minimum modification necessary.

**ARTICLE FOUR**  
**DESIGN STANDARDS FOR RESIDENTIAL AND**  
**NONRESIDENTIAL SUBDIVISION AND LAND DEVELOPMENTS**

*Section 400. General Standards.*

The following principles of subdivision and land development, general requirements and minimum standards of design, shall be observed by the applicant in all instances. Other design requirements as established in the Zoning Ordinance or other Lansdale Borough ordinances shall be in addition to the following:

- A. All portions of a tract being subdivided shall be designated as to their use, such as lots, streets, parking areas, open space, public lands, or other proposed uses so that remnants and landlocked areas shall not be created.
- B. Applicants shall preserve natural amenities such as trees and watercourses, as well as scenic areas, historic sites and other community assets and landmarks. The Applicant shall refer to the Lansdale Borough Open Space Plan, the Lansdale Borough Comprehensive Plan, and the Montgomery County Comprehensive Plan to help identify features worthy of preservation.
- C. Plans shall be designed to avoid excessive disturbance of vegetation and movement of earth, unless specifically warranted by terrain or location.
- D. Floodplain land areas, should they exist, shall be governed by additional standards contained in this code.
- E. The Applicant shall construct, install and guarantee, at no expense to the Borough of Lansdale or its authorities, all improvements required as part of plan approval, including, but not limited to, streets, curbs, sidewalks, water and sewage facilities, stormwater management facilities, street lights, fire hydrants, street signs, shade trees, monuments, lot pins, and other facilities and utilities specified in this Chapter. Construction and installation of such facilities and utilities shall be subject to inspection by the appropriate Borough authority and North Penn Water Authority officials during the progress of the work, and the Applicant shall pay for all inspections.
- F. Where the North Penn Water Authority determines that no public water supply is available to the subdivision or land development, the Borough Council shall require the Applicant to obtain from the Montgomery County Health Department certificates of approval as to the quality and adequacy of the water supply proposed to be utilized by the Applicant and approval of the type and construction methods to be employed in the installation of the individual water supply system. Construction and installation shall be performed in accordance with all applicable state or local regulations.
- G. Stormwater management systems shall be constructed and installed in accordance with the requirements set forth in *Section 422: Stormwater Management and Drainage* of this Chapter.
- H. The Applicant shall observe the ultimate rights-of-way for contiguous existing streets as set forth herein. Additional portions of the corridors for such streets shall be offered to the government agency having jurisdiction at the time the subdivision or land development is consummated. Applicable building setback lines, as defined by the Borough Zoning Ordinance of current adoption, shall be delineated as measured from the ultimate right-of-way lines.
- I. The proposed subdivision and land development shall be coordinated with the existing nearby neighborhoods as well as with abutting tracts where future development is possible so that the community as a whole may develop harmoniously.

- J. Improvement construction requirements shall be completed in accordance with specifications of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District or other appropriate agencies or the specifications provided herein and whichever specifications are most stringent shall take precedence over any less restrictive law, ordinance or regulation.
- K. The standards contained within this Chapter are the minimum standards and requirements for the protection of the health, safety, and welfare of the residents of the Borough of Lansdale and are to be used in all subdivisions and land developments. In addition, the Borough Council reserves the right to require standards in excess of the minimum requirements if warranted to protect the health, safety, and general welfare of the community.
- L. The Applicant shall offer for dedication to the appropriate jurisdiction any and all rights-of-way, easements, land, facilities, or other improvements. Borough Council reserves the right to accept or refuse offers of dedication to the Borough for public uses.
- M. Exemptions. The following is exempt from the provisions of this Chapter: Land development with no new buildings, building additions, accessory buildings, and less than 1,000 square feet of land disturbance.

*Section 401. Conformance with Plans.*

- A. Comprehensive Plans. Proposals for land development or subdivision shall be generally consistent with the latest Lansdale Borough Comprehensive Plan, especially as to the use of land, intensity of development, transportation, community facilities and resource protection. Residential development should also be consistent with the housing objectives of the plan. The latest revision of the Comprehensive Plan may be available on the Borough website.
- B. State, Regional, County and Municipal Plans. Proposals shall be generally consistent with appropriate state, regional, county, and any other municipally adopted plans, as last revised, including, but not limited to, the Borough's latest Open Space Plan and latest Revitalization Plan. Where regional facilities are proposed in the plan, including but not limited to highways, rail lines, rail stations, and transportation centers, effort shall be made to preserve needed right-of-way in the proposed land development or subdivision for future infrastructure projects.
- C. Public Service Improvements. Proposals shall be consistent with the location and timing of public service improvements, such as water and sewage facilities in accordance with the appropriate infrastructure plans governing those facilities. In addition, the location of public service facilities as outlined in a capital improvement plan or official map shall be considered in locating and planning development.

*Section 402. Site Organization.*

- A. Proposed land developments and subdivisions shall address the opportunities and limitations present on a site and its adjacent surroundings. Site opportunities shall be maximized to enhance the overall quality of the development and steps shall be taken to lessen potential negative impacts upon a site and the surrounding properties. The impacts of the proposed development on the natural environment and surrounding land uses shall be given a high priority and made an integral part of the overall design for the land development and subdivision. The following site organization guidelines shall be used:
  1. Site Improvement Layout. Building placement should be functionally compatible with

the site's topography, existing vegetation, and surrounding land uses, taking into account energy conservation, solar access, and pertinent natural features, as described below in §402.A.2: *Existing Natural Features*.

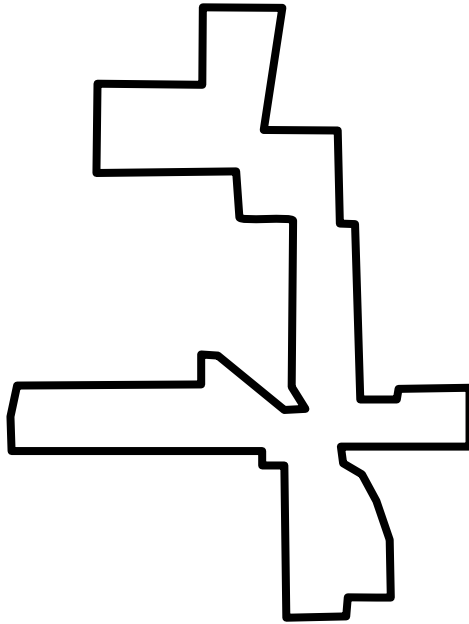
2. Existing Natural Features. Existing natural features should be recognized and integrated into the site layout. Existing natural features, including but not limited to, streams, hillsides, wetlands, unique habitat, woods and similar natural resources shall be incorporated into the overall site plan to strengthen the unique quality of the land.
3. Open Space. The placement of open space should be a fundamental part of the development design. Open space offers recreation, protects important natural systems, can provide community gathering space, and effectively buffers different land uses.
4. Circulation. Movement within a site and access to the site should consider the safety and convenience of various types of users, not just vehicles. Cross access by various types of users between properties and joint access are encouraged to improve circulation.
5. Relationship to Surrounding Uses. The proposed design should complement positive surrounding uses through building setbacks, buffers, and separation of uses. Various potential negative impacts upon surrounding land uses, including but not limited to noise, light, and loss of privacy, should be mitigated.
6. Health Hazards. The configuration of a subdivision or land development should reduce potential health hazards to the future users of the subdivision or land development and to the community as a whole.

#### *Section 403. Blocks.*

Blocks shall be designed to provide efficient, convenient, and safe pedestrian and vehicular circulation. When a new block or a revised street is proposed, the characteristics of blocks should be determined by the following parameters:

- A. Perimeter. The block perimeter in the downtown, mixed use, and TOD areas (shown in **Figure 4.1: Area Where Smaller Blocks are Appropriate** bounded by the thickest solid line) shall be less than 1,400 feet. In the residential areas (in **Figure 4.1** all areas outside the thickest solid line) blocks shall be less than 2,400 feet. Block perimeter is measured along the ultimate right-of way lines. Parks, industrial areas, schools, shopping centers, and other large uses may constitute blocks with longer perimeters, however, public pedestrian ways shall be considered that will provide access equivalent to the perimeters above. Borough Council may require bridges or other crossings for watercourses, railways, or other similar barriers in order to achieve the required perimeter.

**Figure 4.1: Area Where Smaller Blocks are Appropriate**



- B. Size. Blocks shall be of such size as to provide two tiers of lots of at least the minimum size permitted under the applicable zoning classification.
- C. Street and Alley Pattern. Blocks shall be designed to continue the borough's existing street and alley pattern and provide efficient, convenient, and safe pedestrian and vehicular circulation.
- D. Double frontage lots shall not be allowed where the rears of any building or use are to face any thoroughfare or residential street.
- E. Natural Features. Blocks shall be designed to reflect natural features that may constrain subdivision and land development. Unless a watercourse is located internal to the block, drainage should be away from the interior of the block toward the abutting streets.
- F. Walkways. Where necessary for safe, convenient and direct pedestrian access to commercial, institutional, or open space/recreation areas as determined by the Borough of Lansdale, walkways shall be included in the design for the block area. The walkways shall extend from one street to the next within either an easement granted to the Borough or a public right-of-way at least ten (10') feet in width.

*Section 404. Lots.*

- A. Lot Size. All lots shall be no smaller than the minimum lot area requirements of the applicable zoning classification and be generally sufficient in size and shape to adequately accommodate the development or use proposed for it. Lots that contain natural restrictions, including but not limited to, wetlands, water bodies, steep slopes, or other similar features shall be large enough to provide suitable area for the intended use of the lot without

requiring encroachment upon natural amenities. Lots with existing or planned public improvements, such as fuel pipe lines, underground utilities, stormwater detention basins, high voltage power lines, or other similar facilities, shall be of adequate size to allow sufficient room for the intended use of the lot without requiring encroachment on the public facilities or easements for the installation, maintenance, repair and replacement of such facilities and improvements.

- B. Lot Shape. Every lot shall contain a building envelope that complies with the requirements of the applicable zoning classification in the Zoning Ordinance and is suitable for the type(s) of development proposed.
- C. Corner Lots. Corner lots shall meet lot frontage requirements on two streets. The owner shall have the option of choosing which of the two lot lines that are not street lines is to be considered a "rear lot line."
- D. Rear or Flag Lots. Rear or Flag lots shall not be permitted.
- E. Reverse Frontage Lots. Reverse frontage lots shall not be permitted.
- F. Lot Lines. Lot lines shall be drawn parallel, concentric, at right angles, or radial to the street right-of-way, unless not feasible or undesirable due to existing permanent, natural or man-made features. Where possible, lot lines shall coincide with abutting lot lines and lot lines across streets.
- G. Lot lines shall follow municipal and county boundaries rather than cross them.
- H. Building Lines. Building lines for all lots shall be in conformance with the minimum front, side and rear yard setback line requirements of the applicable zoning district.
- I. Lot Numbers. For the purpose of development, each subdivision may have an overall system of lot numbers, the number one being assigned to a lot in the first section to be developed. (Such system of lot numbers shall not be confused with the regular house or building numbering system based on a Borough-wide plan).
- J. Building Numbers. House or building numbers shall be assigned by the Borough based on an overall street plan. Numbers will be assigned in such a way as to allow for vacant parcels and future development.

#### *Section 405. Open Space and Community Facilities.*

- A. Whenever practicable, provision shall be made for open space suitable for parks, playgrounds, trails, and recreational areas. In commercial areas, provision shall be made for open space suitable for walkways to connect parking facilities to commercial structures, malls, sitting areas, and other similar uses. For such open space, due consideration shall be given to the preservation of natural features, including large trees, groves, scenic points, historic resources, and other community assets. Perennial watercourses and ponds shall be preserved and maintained for a distance of fifteen (15) feet from the edge of the banks.
- B. The Borough Council shall determine the need for additional community facilities to serve the proposed subdivision or land development, and shall determine which, if any, community facility or facilities shall be provided. Examples of such facilities include but are not limited to illuminated crosswalks, tot-lots, a gazebo, a portion of the Liberty Bell Trail, a pedestrian path to a recreation facility, or an electrical facility or access thereto. Where identified in a Borough, County, or State trail or open space plan, a trail shall be the preferred amenity.
- C. Where identified in a duly adopted Borough Comprehensive Plan, Borough Revitalization Plan, or Borough Official Map, or if otherwise deemed necessary or desirable by the Borough Council upon consideration of the particular type of development proposed, and

especially in large-scale residential developments, the Borough Council may require the dedication or reservation of such areas or sites of an extent and location, as determined by Borough Council, as is suitable to service the needs created by the development for parks, schools, roads, emergency services, and other facilities to serve the community.

- D. Areas dedicated or reserved for such open space or community facilities shall be adequate to provide for building sites, related activity areas, landscaping and off-street parking as appropriate to the use proposed.

*Section 406. Open Space Criteria.*

- A. Open Space Criteria. Open space preserved in fulfillment of the requirements of this Article shall be in accordance with the following standards and principles:
1. Goals and Existing Plans. Open space shall be consistent with the plans and proposals outlined in the Lansdale Borough Comprehensive Plan. The Borough Council shall review the consistency of the proposed open space with the recommendations of the Lansdale Planning Commission and the Open Space or Revitalization Committees (if active).
  2. Interconnections. Open space shall be connected by sidewalk, crosswalk, and/or trails to all buildings on-site and to the public sidewalk along the street. Open space shall connect to permanently preserved land on abutting property, if possible, including provisions for access ways for general public use to permit residents safe and easy access to open space.
  3. Contiguous. Open space areas shall be contiguous, except that two or more separate open space parcels may be connected by other legal public access means. Land separated from the open space by physical barriers such as hedges or fences, or otherwise designated as a private yard area, shall not be counted as open space.
  4. Access. Open space shall have frontage on a public or private road or easement of suitable grade to allow for access to the open space by maintenance and equipment transport vehicles.
  5. Utility Corridors. Open space may include land within utility corridors only if the utility companies having legal rights to these corridors do not prohibit their use for such purposes.
  6. Open space shall have the physical characteristics capable of serving the purposes intended for such areas, including recreational use. Borough Council may require a larger size, but at a minimum, the following size open space area shall be provided:
    - a. The total open space area must be equal to at least 2.5% of proposed gross floor space.
    - b. A village green, lawn, recreation area, or park shall be at least 20,000 square feet in size, must be able to fit a circle with a radius of at least 125 feet in it; and be surrounded along at least 45% of its perimeter by roads or driveways.
    - c. A plaza shall have a minimum size of 2,500 s.f., shall be surrounded by streets or building facades on all sides, shall be comprised of landscaping covering between 25% and 80% of the plaza, and shall be improved by an architectural feature of amenity approved by Borough Council that helps identify the area as a central gathering space.
    - d. Open space comprising the verge area may not be counted towards meeting the open space requirement.
  7. Open space shall be visible from dwelling units and roadways.

8. Open space shall protect environmentally sensitive and/or aesthetic features and be landscaped to provide sufficient screening or buffer areas to minimize any negative impacts from or upon adjacent development. Stormwater management facilities shall not be counted as open space except for the area of basins if they are constructed and maintained as naturalized basins.

B. Conservation of Natural Resources in Open Space. Environmentally sensitive features should be conserved based on the natural tolerances to encroachment and development as follows:

Natural Feature	Minimum % to be Preserved
Flood Plains and watercourses	100%
Wetlands	100%
Ponds	100%
Steep Slopes (15-25%)	70%
Very Steep Slopes (25%)	80%
Woodlands	50%

Where features overlap, the greater percentage shall be conserved. The percentage of each feature is the extent that it shall not be altered, regraded, filled or built upon. The land shall be permanently restricted by an easement and maintenance agreement in form and substance acceptable to Borough Council and the Borough Solicitor preventing further development. The deed restrictions shall be included in the deed to the property and shall be in a form acceptable to Borough Council and the Borough Solicitor.

C. Open Space Designation. All land held for open space shall be so designated on the plans. The plans shall contain the following statement for lands in categories 1) through 8) below: "Open space land may not be separately sold, nor shall such land be further developed or subdivided." All plans shall further designate the use of open space, the type of maintenance to be provided, and a planting plan or schedule. In designating use and maintenance, the following classes may be used:

1. Natural Area. Land which is left predominately in a natural condition and managed to protect significant natural resources in accordance with a natural areas management plan.
2. Farmland. Land which will be used to grow agricultural crops or for the pasturing of farm animals maintained in accordance with the Soil and Water Conservation Plan as approved by the Montgomery County Conservation District.
3. Lawn. A grass area with or without trees which may be used by the residents for a variety of informal purposes and which shall be mowed regularly to insure a neat and orderly appearance.
4. Recreation Area. An area designated for specific recreational uses including, but not limited to, tennis, athletic fields and tot lots. Such areas shall be maintained so as to avoid creating a hazard or nuisance, and shall perpetuate the proposed use.
5. Garden Area. An area designated for community vegetable plots.

6. Stormwater Management. Stormwater best management structures may not be counted toward required open space unless they are vegetated and their use complements the surrounding open space.
  7. Park. A small area designated for use for a variety of outdoor activities. It may include lawn areas, decorative plantings, seating areas, and/or walking paths.
  8. Public Plaza. An area in an urban or village center designated as a meeting place for community residents. It may include gazebos, information stands, seating areas, decorative plantings, fountains, or other similar features.
- D. Open Space Ownership and Perpetuation. Any of the methods cited under this Section may be used individually or in combination, to own and perpetually preserve open space that is provided in fulfillment of this Article and the Borough Zoning Ordinance. The final subdivision and or land development plan shall clearly indicate the manner in which open space will be owned and administered. Following Final Plan approval, the open space ownership shall be established as outlined below. Written notice of any proposed transfer of open space shall be given to the Borough for approval no less than thirty (30) days prior to such event.
1. The Borough may, but is not required to, accept fee simple dedication of recreation land portions of open space in accordance with *Section 407: Recreation Land Dedication Criteria and Standards*.
    - a. There shall be no cost of acquisition (other than costs transfer costs agreed upon by the Borough).
    - b. The Borough shall agree to maintain the open space.
    - c. The open space shall be in an acceptable condition to the Borough at the time of dedication with regard to size, shape, location, and that any improvements are certified as satisfactory by the Borough Engineer.
    - d. The applicant shall prepare, at no expense to the Borough, the legal description, with metes and bounds, of the land being offered for dedication.
    - e. The Borough shall accept the dedication by means of a signed Borough resolution to which a property description, deed, and plan of dedication area or areas shall be attached.
    - f. All dedications in fee simple shall be free and clear of any liens or encumbrances.
    - g. An agreement citing all applicant obligations serving as a condition to plan approval shall be approved by the Borough and recorded with the plan at the same time as the plan is approved.
  2. A public agency acceptable to the Borough including county, state, or federal government or another municipality may, but shall not be required to, accept the fee simple dedication of open space, provided that the Borough approves a maintenance plan whereby the grantee agrees to and has access to maintain the open space.
  3. Open space may remain or be placed in the ownership of the individual property owners and shall be restricted from further subdivision and/or land development by deed restriction, provided that:
    - a. The Borough shall agree to the boundaries of the open space that shall be held in private ownership.

- b. Restrictions providing for the protection and continuance of the open space which meet Borough specifications shall be placed in the deed for each property that has the open space area within its boundaries.
  - c. A maintenance agreement suitable to the Borough shall be established, and the deeds to the properties that are located within the deed restricted open space areas shall clearly state that the maintenance responsibility for the open space lies with the individual property owner.
4. A private, non-profit conservation organization, among whose purposes is to conserve open space land and/or natural features, may, but shall not be required to accept the conveyance of fee simple or less-than-fee simple interests in any portion of the open space, provided that:
- a. Any private, non-profit conservation organization intended to be the grantee of a conveyance shall be acceptable to the [municipality] as a bona fide conservation organization with perpetual existence.
  - b. Any conveyance shall contain appropriate provisions for proper reverter or retransfer in the event that the grantee becomes unwilling or unable to continue carrying out its function.
  - c. A maintenance agreement acceptable to the Borough shall be established between the owner and the conservation organization.
5. Open space may be controlled with condominium agreements that shall be approved by the Borough and be in conformance with the Pennsylvania Uniform Condominium Act or Uniform Planned Community Act. All open space land and facilities shall be held as a common element.
6. Open space may be held in common ownership by a homeowners association. In addition, the homeowners association shall be governed according to the following:
- a. The owner or applicant shall provide to the Borough a description of the organization, including its by-laws, and all documents governing maintenance requirements and use restrictions for open space. The homeowners' association agreement shall be recorded.
  - b. The organization shall be established (with financial support by the applicant if necessary) before any lot in the subdivision or building in the development is sold.
  - c. Membership in the organization and fees shall be mandatory for all purchasers of property therein and their successors.
  - d. The organization shall be responsible for the maintenance of suitable insurance on the open space.
  - e. The members of the organization shall share equitably in the costs of maintaining, insuring, and operating the open space.
  - f. The applicant proposing any plan containing open space shall arrange with the County Board of Assessment a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such open space. Where this alternative is not utilized, the organization shall be

responsible for applicable real estate taxes on common facilities.

- g. The organization shall have or hire adequate staff, as necessary, to administer, maintain, and operate the open space.
- h. The organization shall have the power to compel fees from property owners therein to cover their proportionate shares of the initial cost and costs associated with the maintenance and upkeep of the open space.

*Section 407. Recreation Land Dedication Criteria and Standards.*

In addition to meeting pertinent requirements of *Section 406: Open Space Criteria*, above, recreation land shall meet the following requirements:

- A. Location and Criteria for Dedicated Recreation Land. Lands to be dedicated:
  - 1. Should be suitable for facilities which can meet the various recreational needs of the residents, businesses, and industries of the development.
  - 2. Should be easily and safely accessible, and shall be connected with sidewalks and/or crosswalks to street front sidewalks and all on-site buildings, If a development includes a proposal to dedicate to the Borough land for park and/or open space use under provisions of this section, the total land area to be dedicated shall be delineated on the subdivision plan with a note stipulating that the legal means of conveyance shall be by dedication.
  - 3. The configuration of the recreation area must be able to accommodate recreation activities proposed by the development plans. The recreational activities and/or facilities for which the area is intended must be specified on the development plans and recorded on the record plan set. A metes and bounds legal description of the property shall be shown on the recorded plan.
  - 4. Should have suitable topography for the development as a particular type of recreational use.
  - 5. That are designated for recreation land shall not contain lands with natural resources that are to be permanently protected and undeveloped, stormwater detention facilities or lands designated for any other purpose.
  - 6. Recreation areas shall not be traversed by utility easements unless said utilities are placed underground and no part of them or their supportive equipment protrudes above ground level.
  - 7. On-site improvements should be commensurate with the adjacent on-site development improvements, including but not limited to grading, curbs, sidewalks, and utilities.
  - 8. Open space which is required to be set aside as part of a zoning district or use which requires open space shall be provided in addition to the recreation land required by this Ordinance.
- B. If the open space land is to be retained by the property owners or other private entity:
  - 1. The Borough will require that the proper owners provide for and establish a homeowners' association, or other organization or funded community trust, for the ownership and maintenance of the open space, and that such organization shall not be dissolved nor shall it dispose of the open space by sale or otherwise, except to an organization conceived and established to own and maintain the open space, or by dedication to and acceptance by the Borough. In the event that a homeowners' association is contemplated, the association shall, to the greatest degree practicable, be

established from the start of the project, and all homeowners shall be a party thereof. In addition, homeowners' associations may, as determined appropriate by the Borough Council, maintain dedicated open space or lease back dedicated open space land from the Borough.

2. All property owners of the tract shall have equal rights and obligations in the organization, and these rights and obligations shall be included in all deeds which shall be properly recorded, and the agreement containing these rights and obligations shall be approved by Borough Council at the same time as the plan is approved. In the event that the organization established to own and maintain open space land or any successor organization shall, at any time after establishment of the development, fail to maintain the open space land in a reasonable order and condition in accordance with the development plan, the Borough may serve written notice upon such organization or upon the property owners of the development setting forth the manner in which the organization has failed to maintain the open space land in reasonable condition, and said notice shall include a demand that such deficiencies or maintenance be corrected within 30 days thereof and shall state the date and place of a hearing thereon, which shall be held within 14 days of the notice. At such hearing the Borough may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be corrected. If the deficiencies set forth in the original notice or in the modifications thereof shall not be corrected within said 30 days of any extension thereof, the Borough, in order to preserve the taxable values of nearby properties and to prevent the open space land from becoming a public nuisance, may enter upon said open space and maintain the same for a period of one year. Said maintenance by the Borough shall not constitute a taking of said open space, nor vest in the public any rights to use same. Before the expiration of said year, the Borough shall, upon its initiative or upon the request of the organization therefor responsible for the maintenance of the open space land, call a public hearing upon notice to such organization, to be held by the Borough Council, at which hearing such organization or the residents of the development shall show cause why such maintenance by the Borough shall not, at the option of the Borough, continue for a succeeding year. If the Borough Council shall determine that such organization is ready and able to maintain said open space in reasonable condition, the Borough shall cease to maintain said open space land at the end of said year. If Borough Council shall determine that such organization is not ready and able to maintain said open space land in a reasonable condition, the Borough may, in its discretion, continue to maintain said open space land during the next succeeding year and, subject to a similar hearing and determination, in each year thereafter.
3. The cost of maintenance by the Borough shall be assessed ratably against the properties within the development and shall become a lien on said properties. The Borough, at the time of entering upon said open space land for the purpose of maintenance, shall file a notice of lien in the office of the prothonotary of the county upon the properties affected by the lien within the development.

C. Acceptance and Use of Park and Recreation Land.

1. Land dedicated to the Borough of Lansdale as park and recreation land shall be used only for the purpose of providing park and recreational facilities open space and shall be available for use by all residents of the Borough, subject to such regulations and rules as may be adopted by Borough Council.
2. When land is dedicated, acceptance by the Borough shall be by means of a signed resolution in form and substance acceptable to Borough Council and the Borough Solicitor and to which a property description and survey plan of the dedicated area shall be attached. A fee simple warranty deed conveying the property shall be delivered to the Borough of Lansdale with title free and clear of all liens, encumbrances and

conditions excepting public utility easements and such other easements and restrictions as are approved by the Borough Solicitor.

- D. Alternatives to the Dedication of Park and Recreational Land. Upon agreement of both Borough Council and the Applicant, the Applicant may pursue the following alternatives:
1. Improvements to Other Recreation Sites. The Applicant may, through an agreement with the Borough, construct recreational facilities on existing or proposed parkland that is readily accessible to residents of the proposed development. The value of such improvements shall be comparable to the fee in lieu of dedication that would have otherwise been required, as determined by the Borough, based upon the Applicant's estimates, which shall be reviewed and approved by the Lansdale Borough Engineer.
  2. A combination of land dedication and/or alternative approaches as listed herein may be pursued, as reflected in a written agreement between the Applicant and the Lansdale Borough Council.

*Section 408. Recreation Facility Requirements.*

- A. **Figure 4.2: Recreation Facility Requirements** lists the recreation facilities required in all residential subdivisions and land developments.

**Figure 4.2. Recreation Facility Requirements**

Total Number of Lots or Dwelling Units	Facilities, Fields, Courts, etc.
10 – 25	2
26 - 50	4
More than 51	5

- B. At the discretion of the Borough Council, upon recommendation of the Lansdale Planning Commission, land developments with greater than one hundred (100) dwelling units proposed may be required to satisfy increased recreation facility requirements, and may be required to provide specific recreation facilities.
- C. Tot Lot Design Requirements. Where a tot lot is provided, it shall meet the following standards:
1. Definition of Tot Lot: A neighborhood play area primarily for use by preschool-age children under the supervision of parents or guardians.
  2. Use of tot lots shall only be permitted between sunrise and sunset; no lighting shall be installed, except for security lighting, as deemed necessary. This requirement shall be disclaimed, as a note on the plan, on any plan containing such facilities, which is submitted for approval or recording, and shall be contained within the Homeowners' Association (HOA) declaration, if an HOA is proposed.
  3. All equipment shall be installed over a resilient safety surface and shall conform to safety guidelines established by the International Play Equipment Manufacturers Association (IPEMA).
  4. Sitting areas, including benches, shall be provided for the convenience of persons

supervising the children.

5. Shade trees shall be provided for sitting and play areas; gazebo or picnic-type shelters may be used in addition to shade trees.
  6. When a tot lot is placed adjacent to the playfield, it is recommended that practical measures, such as fencing and orientation of facilities, shall be addressed to reduce hazards resulting from other recreation activity, especially from balls or other flying objects.
  7. Minimum dimensional standards shall be as follows:
  8. Minimum area: 2,500 square feet within the fenced areas. Applicants shall provide a landscaped, but not screened, buffer area a minimum of ten (10') feet in depth. Locations should be at convenient, centralized intervals, requiring no longer than a 1,000-foot walk from any dwelling unit.
  9. A landscaped buffer that acts as a visual screen shall be provided between the and any proposed or existing dwelling unit within one hundred (100') feet
- D. Play Field Design Requirements. Where a Play Field is provided, it shall meet the following standards:
1. Definition of Playfield. A common area within a subdivision or land development for neighborhood residents and the general public to use for informal, active recreation purposes such as ball games and other activities requiring a large lawn area, away from homes or other buildings.
  2. Applicants shall review the need for general and/or security lighting, consistent with *Section 616: Outdoor Lighting*.
  3. Playfields shall consist of a lawn area, unobstructed by trees, shrubs, benches, playground equipment or other obstacles. Applicants shall locate trees and shrubs along the perimeter of a playfield in order to define its limits, enhance its appearance, and, where possible, filter noise generated by activities.
  4. Playfields shall be sloped for proper drainage, not less than one (1%) percent nor more than three (3%) percent grade, and shall be well-drained so that they are suitable for use in most weather.
  5. Minimum dimensional standards shall be as follows:
    - (1) Minimum area: 25,000 square feet.
    - (2) Minimum horizontal dimension: 150 feet.
    - (3) Minimum setbacks to the edge of a playfield:
      - (a) From any dwelling unit: 100 feet.
      - (b) From any property line: 50 feet
      - (c) From the ultimate right-of-way of streets:
        - 1) Residential streets: 50' feet.
        - 2) Other classifications: 100' feet.
  6. Locations: at convenient, centralized intervals.
- E. Basketball and Tennis Court Design Requirements. Where basketball or tennis courts are provided, they shall meet the following standards:
1. Definition of Basketball Court: A basketball facility, including pavement, striped court area not exceeding half court size , with posts, backboards, and baskets at one end of

the court.

2. Definition of Tennis Court: A tennis facility including a standard sized and striped court area with a macadam surface meeting Borough specifications, posts, net, and fencing around its perimeter.
  3. Courts shall be constructed in accordance with specifications approved by the Borough Engineer, and shall be generally oriented in a north -south direction to minimize sun glare.
  4. Minimum dimensional standards shall be as follows:
    - (1) Court areas shall be of a standard size. Tennis court areas shall be at least 36' x 78' with twelve (12') feet clearance on both sides and twenty-one (21') feet clearance on both ends. Basketball court areas shall be at least 50' x 84' with a minimum of five (5') feet clearance on all sides.
    - (2) Minimum setbacks to the edge of paving:
      - (a) From any dwelling unit: 125' feet.
      - (b) From the ultimate right-of-way of streets:
        - 1) Residential and feeder streets: Fifty (50') feet.
        - 2) Other (higher) classifications: 100' feet.
      - (c) From any property lot line: Fifty (50') feet.
  5. Tennis courts shall be fenced around the entire perimeter with minimum ten (10')-foot high fencing.
  6. Basketball courts shall be fenced with minimum six (6')-foot high fencing under the following conditions:
    - (1) When the edge of pavement is less than thirty (30') feet from a lot line, that edge shall be fenced.
    - (2) When the edge of pavement is less than thirty (30') feet from an area sloping ten (10%) percent or greater downward from the court, the edge shall be fenced.
  7. Lighting, when approved by Borough Council, may be provided for nighttime use of courts, if they are arranged so that no glare affects abutting residences or streets, until not later than 10:00 PM. All lighting shall turn on and off automatically, based upon lighting conditions. Lighting shall be shielded and the spillover lighting level of the property shall not exceed ten (10) foot-candles for basketball and twenty (20) foot candles for tennis, at the property line. The light fixtures shall not be mounted in excess of thirty feet (30').
- F. Consolidation of Facilities. Applicants shall provide the numbers and types of facilities as required in this section, spaced for convenient access by the residents. However, applicants are encouraged to consolidate several facilities in fewer locations to better serve the residents' needs in the following possible ways:
1. By locating all required tennis or basketball courts in one area, thereby restricting noise and light to one area, and providing convenience to users.
  2. By combining two (2) 25,000-square foot playfields into one (1) 40,000-square foot area to permit larger fields for softball, football, soccer, or other field sports, while maintaining the neighborhood use character.
  3. By creating one or more park-like facilities rather than several sets of scattered facilities.
  4. Tot lots may be adjacent to other types of recreation facilities but not to other tot lots so

that they are dispersed throughout the development and only require short walking distances from all homes.

*Section 409. Preservation and Protection of Existing Vegetation.*

A. Preservation of Existing Vegetation

1. All subdivisions and land developments should be laid out in such a manner as to minimize the removal and/or disturbance of healthy trees, shrubs, and other vegetation on the site. Special consideration shall be given to mature specimen trees and ecologically significant vegetation.
2. Removal or disturbance of vegetation in environmentally sensitive areas, including wetlands, floodplains, steep slopes, riparian corridors, wildlife habitats, and ecologically significant woodlands as identified in the Montgomery County Natural Areas Inventory or other sources shall be undertaken only as permitted in *§409.D.: Tree Replacement Planting Requirements, Subsection 1: "Any subdivision or land development proposal which will result in the destruction..."* to minimize the adverse effects of such actions.
3. The applicant shall prove to the satisfaction of Borough Council that vegetation removal is minimized. A written document or plan may be requested to be performed by a registered landscape architect or other qualified professional showing that no more desirable layouts are possible and no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.
4. Each freestanding mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" in accordance with the following criteria:
  - a. A mature tree, tree mass, or woodland may be designated "TO BE REMOVED" only if it meets all of the following criteria:
    1. The outermost branches of the tree(s) are at least five (5') feet or the trunk of the tree at least twenty (20') feet from any proposed buildings, structures, paving, parking, or utilities (overhead or underground).
    2. The outermost branches of the tree(s) are at least five (5') feet or the trunk of the tree is at least twenty (20') feet, from any proposed changes in grade or drainage such as excavations, mounding, or impoundments.
    3. The tree(s) interfere with traffic safety or are located within proposed sight triangles.
    4. The tree(s), by its location or apparent health, poses any undue threat to the health, safety, and welfare of the community.
    5. The tree blocks required solar access.
  - b. Mature trees, tree masses, or woodlands that do not fit the above criteria shall be designated "TO REMAIN."
  - c. Unique or Specimen Trees should be preserved.

- B. Protection of Existing Vegetation. Existing vegetation designated "TO REMAIN," in accordance with *§409.D.: Tree Replacement Planting Requirements, Subsection 1.: "Any subdivision or land development proposal which will result in the destruction..."*, as part of the landscaping of a subdivision or land development shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary, sturdy physical barrier, such as a snow fence, shall be erected a minimum of one foot (1') outside the drip line or a minimum of twenty feet (20') from the tree's trunk, whichever is greater, on all sides of freestanding trees, tree masses, or woodlands prior to

major clearing or construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the erosion and sedimentation (E & S) control plan and the landscape plan. Reference to the installation of tree protection should be included in the sequence of construction notes to ensure incorporation of tree protection before the earliest stages of site disturbance.

C. Credit for Preserved Trees

Requirements for street trees and buffer plantings may be met, whenever possible, by preserving existing trees. It is greatly preferred that existing street trees be preserved. Credit for existing trees which are "To Remain", as determined in §409. A. *Preservation of Existing Vegetation, Subsection 4. ["Each freestanding mature tree..."]*, to offset either the street tree or buffer planting requirements are to be calculated as follows:

Preserved tree (dbh)	Number of Trees Credited (2 ½" caliper)
36" or greater	6 trees*
18-35"	4 trees *
12– 17"	2 trees*
8-11"	1 trees*

\* One tree shall be credited for each preserved street tree.

D. Tree Replacement Planting Requirements.

1. Any subdivision or land development proposal which will result in the destruction of 25 percent (25%) of the existing trees six inches (6") dbh or greater on a lot shall replace the removed trees. The total tree removal impact of woodland areas designated "TO BE REMOVED" shall be measured by a forest density survey that calculates the approximate quantity of trees (with 6" or greater dbh) per square foot area. Calculated woodland tree removals and individual mature tree removals shall be listed on the plan. Tree replacement shall occur in the following manner:
  - a. Each tree six inches (6") dbh or greater that is destroyed shall be replaced with a sufficient number of trees whose total caliper measurement equals the dbh measurement of the tree which is destroyed. Each individual replacement tree intended to satisfy this requirement shall have a minimum two-and-a-half inch (2½") caliper..
  - b. Replacement trees shall comply with the landscape design criteria in **Section 438: General Landscape Design Criteria** of this ordinance..
2. Replacement trees shall be planted on-site to mitigate for existing trees removed, in addition to other landscaping requirements. Proposed replacement tree plantings shall be listed on the plan.
3. If the site does not reasonably contain enough room for the required replacement trees, Borough Council may allow the developer to locate some or all of the replacement trees on public lands or accept an equivalent fee-in-lieu of plantings, at their discretion.
4. Calculation and estimation of existing trees shall be performed before any clearing commences and shall be documented on the plan.
5. Calculation and estimation of the existing trees remaining after construction shall be performed and compared with the calculations of the approved plan. Any tree removals additional to those on the approved plan shall be replaced as required by this section

prior to the issuing of any occupancy permits.

*Section 410. Wetland Protection.*

- A. Hydric Soils. The presence of hydric soils may indicate wetlands. When hydric soils are indicated on the site, a wetlands study should be conducted in accordance with the federal Corps of Engineers Wetlands Delineation Manual (1987 Manual). In the event no wetland study is undertaken, the location of soils with soils rated as all hydric in the county soil survey on site will be assumed to be wetlands for the purpose of this ordinance and so noted on the plan.
- B. Wetlands as defined by the U.S. Army Corps of Engineers and the Commonwealth of Pennsylvania in accordance with Section 404 of the Federal Clean Water Act of 1977 and the Pennsylvania Clean Streams Act shall be preserved in subdivisions and land developments. Required permits shall be obtained at an early stage to determine the extent and location in the proposed subdivision and/or land development.
- C. Wetland Buffer. A twenty-five (25')-foot setback known as the "Wetland Buffer" shall be maintained around the perimeter of all wetlands. No removal of vegetation, except the selective removal of dead trees and or other noxious vegetation in the wetland area or buffer shall take place without the specific permission of the Borough Engineer.
- D. Building Setbacks as required by the Zoning Ordinance shall be measured from the edge of the Wetland Buffer.

*Section 411. Riparian Corridor Management.*

- A. Whenever a pond, water course, stream, or intermittent stream, as identified in the NRCS, USDA Web Soil Survey, is located within a development site, it shall remain open in its natural state and location and shall not be piped.
- B. Unless otherwise provided in the Zoning Ordinance, a one-hundred (100') foot buffer (fifty (50') feet from each bank of the water body) shall be maintained along all intermittent and perennial water courses and ponds. This buffer area shall be known as the Riparian Corridor. No removal of vegetation, except for removal of dead trees and shrubs or periodic mowing of existing lawns or fields, shall take place within the Riparian Corridor without the prior written permission of the Borough of Lansdale.
- C. No stormwater detention basins, stormwater piping, or other stormwater structures shall be allowed within the fifty (50') foot buffer zone unless approved by the Borough Engineer.
- D. Within any Riparian Corridor, no construction, development, use, activity, or encroachment shall be permitted unless a Riparian Corridor Management Plan is submitted and approved by Borough Council upon the recommendation of the Borough Engineer, and the effects of such development are mitigated by the implementation of the Riparian Corridor Management Plan. The Riparian Corridor Management Plan shall meet the following requirements:
  - 1. Plan Contents. The Riparian Corridor Management Plan shall contain the following information:
    - a. Existing Conditions, including the corridor boundaries, steep slopes, swales, wetlands, streams, ponds, floodplains, woodlands, other vegetation, and existing structures. A written description of unusual or significant conditions shall also be included.
    - b. Management goals for the entire tract and long-range goals for the riparian corridor, if applicable (this might include goals such as reforestation, eradication of invasives,

- and/or stream bank stabilization).
- c. Proposed Activities, including a plan drawn to scale that shows all proposed activities within and adjacent to the Riparian Corridor (including long-term management goals). The plan shall differentiate areas that will be disturbed from those that will be protected and preserved.
  - d. Proposed Management, including an explanation of how the goals will be met given the proposed activities. The plan shall specify when the construction, planting, or other activities are to begin and end and shall address long and short-term maintenance, mitigation, and improvement activities necessary for preservation of the riparian corridor, including application of herbicides, removal of invasive plants, spacing and types of newly planted trees and shrubs, mowing schedules, farming practices, and other related functions.
2. Management, Mitigation, and Restoration Measures. The proposed management plan shall comply with the following management, mitigation, and restoration measures:
    - a. Management Practices. The following management practices shall be integrated into the management plan:
      1. Existing woody and other vegetation shall be preserved to the greatest extent possible.
      2. Fallen branches and other organic material shall be allowed to remain where they have fallen, provided that they do not create a hazard.
      3. Stream crossings shall be designed at a ninety degree (90°) angle to the stream, or as close as possible
      4. Stream banks shall be stabilized in accordance with *A Stream bank Stabilization and Management Guide for Pennsylvania Landowners*, by PADEP.
  3. Mitigation Measures. Disturbance of vegetation within the riparian corridor shall be mitigated by at least one of the following measures, with a total amount of mitigated area, measured horizontally, that is equal to or greater than the total amount of disturbed area, measured horizontally:
    - a. Increasing the width of the corridor. The width of the riparian corridor, measured from the defined edge of a watercourse (from the top of the stream bank), is increased to at least seventy-five (75') feet on each side of the watercourse.
    - b. Converting to a more effective landscape. The existing landscape is converted to a more effective landscape. The following landscapes are listed in order of effectiveness, from most effective to least effective: woodland, meadow, shrub, old-field, lawn. Landscapes shall be restored by removing invasive vines and trees, cleaning out trash, correcting soil erosion problems, planting appropriate plants, and properly maintaining all new plantings. Incompatible existing vegetation shall be removed, plants shall be planted that are appropriate for the proposed landscape type and site, and the plantings shall be maintained and protected from invasive plants, deer, and other long-term problems.
    - c. Increasing the effectiveness of the corridor. In existing degraded wooded areas or proposed new wooded areas, planting the riparian corridor with three distinct layers of vegetation: (1) canopy trees, such as oak, hickory, maple, gum, beech, sycamore, spruce, pine, and fir, (2) shrubs that provide an understory, such as elderberry, viburnum, azalea, rhododendron, holly, laurel, and alders, and (3) herbaceous plants that serve as ground cover, including ferns, sorrel, trillium, violet, Virginia creeper, nettle, phlox, aster, and worts. All three layers shall be planted at a density sufficient to create a fully-functioning, naturalized riparian corridor.

- E. Vegetation Selection. To function properly, vegetation in the Riparian Corridor Management Plan shall be selected by a Registered Landscape Architect for suitability with site-specific conditions and approved by the Borough Engineer.
1. Existing tree cover shall be surveyed and inventoried to assess the need for any new plantings. Existing species included on the Pennsylvania Noxious Weed Control List shall be removed
  2. Adjacent to the watercourse, dominant vegetation shall be comprised of a variety of native riparian tree and shrub species and appropriate plantings necessary for stream bank stabilization.
  3. Away from the watercourse, dominant vegetation shall be comprised of riparian trees and shrubs, with an emphasis on native species and appropriate plantings necessary to stabilize the soil.
  4. Disturbed areas shall be revegetated with riparian corridor plants, in compliance with the approved Riparian Corridor Management Plan, the requirements of §618: *Plant Materials Specifications*, and the following:
    - a. Canopy tree and shrub plantings shall be located along the stream bank to provide shade for the stream, and soil erosion control and stormwater benefits, according to accepted stream bank restoration practices.
    - b. New canopy trees shall be planted at a minimum rate of twenty (20') feet on center or one (1) tree per two hundred twenty-five square feet (225' s.f.) in staggered naturalized rows or an equivalent informal arrangement within the area within twenty-five (25') feet of the top of each bank of the stream. One (1) new shrub or understory tree shall be planted for every four (4) new trees required for riparian corridor revegetation.
    - c. New trees shall be a variety of sizes ranging from a minimum four (4') to five (5') foot branched whip to an approximate one and one half inch (1½") caliper balled and burlapped planting stock.
    - d. Dead or damaged trees and plantings shall be replaced at no cost to the Borough. The Borough may require financial security be posted to guarantee the trees and plantings for a period of eighteen (18) months from the date of substantial completion of the improvements in accordance with a maintenance agreement executed by the Applicant in a form acceptable to Borough Council upon advice of the Borough Solicitor.
  5. Areas that cannot be revegetated shall be restored using management practices accepted by experts qualified in riparian corridor management.

*Section 412. Top Soil Protection and Grading.*

- A. Minimal Grading: Grading shall be limited to the minimum amount of disturbance of soil or natural topography.
- B. Top Soil Protection. The topsoil that existed naturally on-site prior to subdivision or land development shall be managed in the following way:
  1. In areas to be graded, the top soil shall be stripped off and stockpiled on-site in accordance with the erosion and sediment (E & S) control plan.
  2. Following construction, the stockpiled soil shall be redistributed uniformly on-site to a minimum depth of eight inches (8").

3. Any topsoil in excess of soil needed for the reestablishment of eight (8") inches depth in areas of the site that will not be paved may be removed from the site based upon the determination of the Borough Engineer.
- C. Grading. All permanent and temporary cutting, filling, grading, regrading, and/or other forms of earth-moving activities shall be known as "grading" and shall be conducted only in compliance with the standards as described below.
1. All grading shall be set back from property lines at least three (3') feet, or a sufficient distance to prevent any adverse effects on adjacent properties.
  2. No permanent excavation shall be made with a cut face steeper in slope than three horizontal to one (3:1) vertical. For steeper slopes, a soils report prepared by a qualified engineer or geologist experienced in performing such studies and registered in the Commonwealth of Pennsylvania shall be prepared to document the soil stability.
  3. Wherever grading will increase the volume or velocity of stormwater flow toward a property line, the applicant shall install and maintain drainage facilities sufficient to prevent adverse effects on the adjoining property. The construction and operation of these drainage facilities shall not cause any adverse effects on abutting properties.
  4. Within the property proposed for development or along property lines, where grading creates an abrupt drop-off in contrast to a previously existing gradual change or where a wall is being installed, the applicant shall be required to install a fence or other suitable protective barrier.
  5. A permit shall be required for grading operations. Permits shall be issued by the Zoning Officer upon recommendation of the Borough Engineer for each tract, lot, parcel, or site which comprises a separate operation, unrelated to or not contiguous with nearby grading proposed or performed by the applicant. A permit shall not be required in the following situations, however:
    - a. For an excavation that does not exceed twenty (20) cubic yards total material removed.
    - b. For a fill that does not exceed twenty (20) cubic yards of material deposited.
    - c. For an excavation below finished grade for basements and footings for a single-family detached or two-family dwelling, swimming pool, or under-ground-structure authorized by building permits, excavation for a driveway for a single-family detached or two-family dwelling, or the regrading of such excavated materials into the site from which they were excavated.

*Section 413. Erosion and Sediment Control.*

- A. General. Erosion and Sediment Control must be addressed in the following manner:
1. An Erosion and Sediment Control Plan, which meets the requirements of the DEP's Erosion/Sediment Pollution Control Program (PA Code Chapter 102: Erosion Control) must be approved by the Montgomery County Conservation District and available on site for all earth disturbance activities over 5,000 s.f.

2. All construction activities proposing to disturb between one (1) and five (5) acres with point source discharge to surface waters of the Commonwealth, or projects disturbing five (5) or more acres of land must be authorized by a National Pollutant Discharge Elimination System (NPDES) permit.
3. No subdivision or land development plan shall be approved unless:
  - a. There has been a plan approved by Borough Council that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Borough in the form of an escrow guarantee which will insure installation and completion of the required improvements; or
  - b. There has been a determination by Borough Council that a plan for minimizing erosion and sedimentation is not necessary.
4. The Borough Council, in its consideration of any Preliminary Plan of subdivision and land development, shall condition its approval upon the execution of measures designed to prevent accelerated soil erosion and resulting sedimentation, as required by PADEP. All applicable regulations and permit requirements of PADEP as stipulated in its Soil Erosion and Sedimentation Pollution Control Manual shall be followed for all earth-moving activities.

B. Performance Principles.

1. Any appropriate action which minimizes erosion and sedimentation as described in the Pennsylvania Erosion and Sediment Pollution Control Program Manual can be included in the plan. Alternative methods should be discussed with the Borough Engineer prior to the preparation of an erosion and sediment control plan.
2. No unfiltered stormwater coming from an area which has been disturbed shall be permitted onto an adjacent tract or allowed to be discharged into any water body.

C. Responsibility.

1. Whenever sedimentation is caused by stripping vegetation, regrading or other development activity, it shall be the responsibility of the applicant to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at their expense as quickly as possible.
2. It is the responsibility of applicant doing any act on or across a stream, watercourse, or swale or upon the floodplain to maintain, as nearly as possible, in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed. Adjacent to the watercourse, dominant vegetation shall be composed of a variety of native riparian tree and shrub species and appropriate plantings necessary for stream bank stabilization.
3. Disturbed areas shall be revegetated with riparian corridor plants, in compliance with §437: *Stormwater Basin and Natural Areas Planting*.

- D. Areas that cannot be re-vegetated shall be restored using management practices accepted by experts qualified in riparian corridor management.

*Section 414. Preservation of Existing Structures and Historic Features.*

The design of subdivisions and land developments should be done in a manner which would preserve desirable cultural and historic features of a site wherever reasonably possible.

- A. No proposal will be approved with a property line extending through any portion of an existing building, except where that property line follows a party wall separating semi-detached or attached units, in accordance with the Lansdale Zoning Ordinance.
- B. When existing buildings are retained:
  - 1. Setbacks for existing buildings. When new lot lines are created, it is recommended that setbacks for the existing building be greater than the applicable required minimum setback when the height and/or bulk of the existing building significantly exceeds that of proposed abutting development. For existing tall buildings, it is recommended that a building setback be equal to or greater than the height of the building. For proportionally wide or deep buildings, a setback at least equal to one-half the width or depth of the building is suggested.
  - 2. Structurally deficient buildings--shall be rehabilitated in conformance with Lansdale's Building Code and Property Maintenance Code.
  - 3. Additions to retained buildings--shall conform in all respects to the requirements of the zoning ordinance applicable to the district in which the building is located. It is recommended that the additions be compatible with the character, design, building materials, and other architectural features of the building.
  - 4. Historical or culturally significant buildings should retain their respective characters, to the greatest extent practical.
  - 5. New buildings abutting the retained building should reflect the retained building's character, to the greatest extent practical.
  - 6. In nonresidential zoning districts, retained buildings shall be provided with adequate parking, service, and landscaped areas in accordance with the zoning ordinance provisions for the intended use. If the applicant cannot specify the intended use, then the most land consumptive provisions shall be applied, to ensure sufficient land area for uses permitted in that district.
- C. When existing buildings will be removed:
  - 1. The plan must show the location and include a brief description of the building(s) to be removed.
  - 2. Plan approval will be granted upon written agreement to the expeditious removal of buildings intended for removal, in conformance with municipal demolition permits.
  - 3. All applicable municipal requirements and procedures regarding demolition of buildings and disposition of the reusable parts and/or disposal of the rubble shall be complied with.
  - 4. If the building will not be removed immediately, a financial guarantee must be posted for its removal, in compliance with *Section 702: Financial Security*, herein.

*Section 415. Sidewalks and Verges (Buffer Strips).*

Sidewalks shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas.

- A. General

1. Sidewalks and verges shall be required on both sides of the street within the ultimate right of way.
2. Borough Council may waive the sidewalk requirements if an alternative pedestrian circulation concept can be shown to be more desirable, especially when using open space areas, provided that appropriate connections are provided between the open space walkways and the surrounding pedestrian origins and destinations.
3. If for any reason an interim waiver of these requirements is made, a sufficient guaranty shall be posted for the eventual installation of sidewalks, subject to approval by Borough Council, upon recommendation of the Borough Engineer and Solicitor.

B. Design and Layout

1. Sidewalks and verges shall be provided in appropriate locations to provide safe and efficient pedestrian access between parking areas, buildings, and other pedestrian destinations.
2. Sidewalk and verge widths are to follow the guidelines set forth in *Figure 4.3: Sidewalk and Verge Guidelines*. *Figure 4.4: Illustrated Sidewalk Levels of Service* illustrates levels of service offered by varying widths of sidewalks.
3. The verge shall exist between the curb line or edge of cartway and the sidewalk.
  - a. Verges between sidewalks and the curbs may contain street lights, trees, benches, trash cans, mailboxes, or newspaper boxes. No obstacle in the verge may reduce the required sidewalk width for use by pedestrian traffic as described in the guidelines in *Figure 4.3: Sidewalk and Verge Guidelines*.
  - b. The verge shall be maintained as a grass strip between the sidewalk and the curb. If grass is impractical at the site, brick pavers or similar surface may be used at the discretion of Borough Council, upon recommendation of the Lansdale Planning Commission and Engineer.
  - c. Where a verge is proposed as a grass strip, in no case shall its width be less than three feet (3').
4. Borough Council may require additional sidewalk width in areas where higher volumes of pedestrian traffic are anticipated. In no case shall sidewalk width be less than five feet (5').
5. All sidewalk widths are exclusive of any obstacle. Sidewalk areas comprised of street lights, trees, benches, doors, trash cans, mailboxes, newspaper boxes, or similar feature may not be counted towards meeting the minimum width.
6. Additional sidewalks or paved trails shall be required where deemed necessary by Borough Council to provide access to schools, religious institutions, parks, community facilities, trails, and commercial or employment centers, and to provide necessary pedestrian circulation within land developments and/or subdivisions where otherwise required sidewalks would not be sufficient for public safety and convenience.

7. The grade and paving of the sidewalk shall be continuous across driveways, except in certain cases where heavy traffic volume dictates special treatment. The grade and alignment of all sidewalks shall be approved by the Borough Engineer.
8. If the provision of sidewalks requires the destruction or removal of mature trees, consideration shall be given to the retention of such trees.
9. Conflicts arising from the placement of street trees, utilities, and verges should be discussed with the Planning Commission, and Engineer to determine appropriate placement and alignment.
10. Proposed sidewalks shall maintain the width, pattern, material, and style of the Borough's sidewalk network. Where proposed sidewalks meet existing sidewalks which have a different width, a tapered transition shall be constructed.

**Figure 4.3 Sidewalk and Verge Guidelines**

<b>Functional Classification</b>	<b>Verge</b>	<b>Sidewalk</b>
Single Family Residential Districts (A, B and C Districts)	3'	4' – 6'
All Other Base Zoning Districts, and all Developments Proposed Under an Overlay District	4	5' - 8'

Figure 4.4: Illustrated Sidewalk Levels of Service

## Typical Sidewalk Cross-Section

For All Other Base Zoning Districts and Developments Proposed Under an Overlay District



Created with Streetmix.net

6-8' Sidewalk

4' Verge Area  
(Shown with  
Street Tree)

## Typical Sidewalk Cross-Section

For Single Family Residential Districts (A, B and C Districts)



3' Verge Area

4-6' Sidewalk

Street Tree no  
greater than 10'  
from curbline

*Section 416. Crosswalks.*

- A. Crosswalks shall be clearly delineated at all intersections and marked to the width of the largest contributing sidewalk or trail. In no case shall crosswalk width be less than the minimum width required by PennDOT.
- B. Crosswalks and their transition to adjacent sidewalks or trails shall be designed to facilitate access and use by persons that are physically disabled, in compliance with the Americans with Disabilities Act (ADA).
- C. Where a crosswalk is located at an arterial or collector street, Borough Council may require one or more of the following measures as described in the Pennsylvania Traffic Calming Handbook based upon the recommendation of the Borough Planning Commission and Engineer:
  - 1. Textured Crosswalks - Crosswalk patterns, materials, and colors shall be consistent with surrounding crosswalks based on the theme established in the Borough and recommended to Borough Council by the Borough Planning Commission and Engineer.
  - 2. Pedestrian signalization shall be provided at intersections where traffic signals exist
  - 3. Curb extensions, bulb-outs, raised medians, raised crosswalks, and other pedestrian safety methods shall be considered and, where determined to be appropriate by Borough Council, constructed.
  - 4. Raised speed table crosswalks.

*Section 417. Trails and Pathways.*

- A. When a subdivision or land development includes an existing or a proposed trail with public access customarily used by pedestrians, bicyclists as delineated in the Borough's adopted Comprehensive, Open Space, Recreation, or other plans, the applicant shall make provision for the continued recreational use of the trail subject to alterations of the course of the trail within the boundaries of the development under the following conditions:
  - 1. The points at which the trail enters and exits the tract shall remain unchanged.
  - 2. The proposed alteration shall not diminish trail design and function.
  - 3. Where an existing trail runs coincidentally with the paved road intended for use by motorized vehicles, landscaping and other physical structures shall be used to increase the separation between the trail and the road.
- B. Trail widths shall be as follows
  - 1. Multi-use trails shall be ten (10') feet wide with a cleared area of five (5') feet in width on either side.
  - 2. A pathway for walking or bicycling shall be a minimum of six (6') feet wide with a cleared area of two (2') feet on either side.
- C. Borough Council may require, as a condition of Final Plan approval, the guarantee of public access and improvement of trails when the site is traversed by or abuts an existing trail or a

trail proposed in an adopted open space or trail plan of the county, the Borough of Lansdale, or an adjacent municipality.

- D. When a subdivision or land development lies adjacent to a park, school, or other pedestrian destination, pedestrian connections should be made to that destination.
- E. All trails and pathways shall be constructed before occupancy of residences and other buildings adjoining the proposed trails/pathways.
- F. When a trail is intended for public use, a permanent access easement shall be provided allowing public access to the trail on all properties on which the trail is/will be located. The width of the protected area in which the trail is located shall be a minimum of twenty (20') feet. The language of the easement shall be to the satisfaction of Borough Council, upon recommendation of the Borough Solicitor.
- G. Any of the methods cited under *Section 406.D: Open Space Ownership and Perpetuation* concerning open space ownership may be used either individually or in combination, to own and perpetually preserve trail easements provided in fulfillment of this Article.
- H. Trails and pathways shall have adequate access for use by all residents of the development or, preferably, the general public.
- I. Trails shall be landscaped in accordance with the specifications described in *Section 424: Buffer Plantings*. Landscaping shall be used to help delineate the route of the trail and screen surrounding properties from trail users.
- J. The land area permanently designated for trails for public use may be credited toward any open space requirement of the Zoning Ordinance.
- K. No trail shall be designed with the intent to accommodate motorized vehicles except for emergency or maintenance access.

#### *Section 418. Bicycle Routes and Bicycle Lanes.*

When a subdivision or land development includes improvements to streets which have been specified on Borough-adopted plans or maps to receive future bicycle infrastructure improvements, bicycle routes or lanes shall be created and shall meet the following standards:

- A. Bicycle lanes shall be marked with appropriate striping, reflectors, and signage in accordance with Federal Highway Administration guidelines.
- B. Bicycle lanes shall be a minimum five (5') feet in width.
- C. Where the roadway narrows, signage and pavement markings shall be added to warn drivers and bicyclists to help them avoid bicycle-automobile conflicts.
- D. Drainage improvements shall be made where necessary to eliminate puddles and sediment deposit on the section of the road used by bicyclists.
- E. Proposed bicycle lanes shall meet the PennDOT requirements.

#### *Section 419. Water Supply*

- A. Applicants shall provide a safe, reliable, and adequate water supply from public water service to support the intended uses approved as part of a development plan. When water is to be

provided by means other than private wells owned and maintained by the individual owners of lots within a subdivision or land development, applicants shall present evidence to Borough Council that the subdivision or land development is to be supplied by the North Penn Water Authority or other suitable water supplier. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

- B. When individual private water supply wells are proposed, the applicant shall provide evidence that adequate potable water supplies are reasonably available for each lot. This can be performed in the following ways:
  - 1. Performance of a groundwater study in accordance with Section 803: Groundwater Study.
  - 2. Drilling and testing water supply wells for each lot; or
  - 3. Providing suitable documentation based upon local geology and adjoining wells demonstrating availability of potable water in the vicinity of the proposed lots.
- C. Fire hydrants shall be located at accessible points throughout the subdivision and land development and shall be located according to the Borough Engineer in consultation with the Borough Fire Marshall. As a general rule, hydrants should be located at each street intersection and at intermediate points as recommended by the Borough Fire Marshall. Generally, hydrant spacing may range from 350' to 600' feet depending upon the area being serviced. The type and methods of construction to be employed in the installation of fire hydrants shall be in accordance with current State and local regulations.
- D. Public Water Supply Facilities Design. The design for public water supply facilities shall be in accordance with PADEP Water Supply Manual, the specifications of the utility providing water service, or Article Six–Engineering and Construction Standards.

*Section 420. Wastewater Disposal.*

- A. All lots created through subdivision or all proposed land developments must have a suitable method for the management of wastewater.
  - 1. The applicant shall demonstrate suitable management of wastewater for each lot of a subdivision or land development through one of the following ways:
    - a. If the site falls within the sewage facilities growth area established in the Borough Act 537 Sewage Facilities Plan, the following options should be pursued in the order listed:
      - 1) Where suitable collection system infrastructure and treatment facilities are reasonably available with adequate capacity, the applicant shall connect the proposed lots or land development to the collection system and treatment plant after complying fully with any permit or fee requirements established by the owner of the collection and treatment facility.
      - 2) Where suitable collection system infrastructure and treatment facilities are not reasonably available with adequate capacity to allow the applicant to connect the proposed lots or land development, the applicant may petition the owner of the

collection system and treatment facility to extend the system or rectify the inadequacies of the treatment facility to enable future connection.

- 3) Where connections cannot be made to the system by the applicant or through an expansion of the system by its owner, the applicant may install capped sewers in accordance with the specifications for public sewers in this ordinance which shall extend from each lot or building into a system that will terminate at the property boundary in a manner in which future connection to public sewers can be made at some point in the future. Each lot of the land development would have to be serviced with suitable on-lot disposal systems or a community system approved by the Montgomery County Health Department or DEP until such time as the capped sewers are connected. In limited situations, holding tanks may be used in accordance with Borough and Pennsylvania laws.
- b. If the site does not fall within the sewage facilities growth area established in the Borough Act 537 Sewage Facilities Plan, the following options should be pursued:
    - 1) The applicant may request a revision to the Borough Sewage Facilities Plan to add the site to the sewer growth area. If the revision is not made, the applicant should pursue the on-lot disposal options.
    - 2) The applicant shall evaluate the feasibility of on-lot disposal options in the following order:
      - i. Community spray irrigation.
      - ii. Individual lot spray irrigation.
      - iii. On-lot subsurface disposal.
      - iv. Community subsurface disposal.
      - v. Alternative or experimental community or on-lot disposal.
      - vi. Community system stream discharge disposal.
      - vii. Individual lot stream discharge disposal.
2. Sewage Facilities Plan Revision. Planning approval shall be obtained for the selected option from the DEP or Montgomery County Health Department.
  3. Sewage Facilities Plan Revision Exceptions include:
    - a. Minor subdivisions, where no additional lots are created. This includes lot line adjustments, simple conveyances, and mortgage subdivisions. The impact of existing wastewater facilities shall be considered in the placement of new lot lines in these types of subdivisions.
    - b. Non-building lots, provided a properly executed Request for Planning Waiver and Non-building Declaration has been submitted to and approved by DEP. Where the waiver is approved by DEP, the Final Plan and the deed for the lot shall contain the following notation:

*As of the date of this deed/ plot plan recording, the property/subdivision described herein is and shall be dedicated to the express purposes of \_\_\_\_\_ use.*

No portion (or lot number(s) \_\_\_\_\_) of this property are approved by \_\_\_\_\_ the Borough of Lansdale or the Department of Environmental Protection (DEP) for the installation, construction, connection, to or use of any sewage treatment facility. No permit will be issued for the installation, construction, connection to, or use of any sewage collection, conveyance, treatment, or disposal system (except for repairs of existing systems) unless the municipality and DEP have both approved sewage facilities planning for the property/ subdivision described herein in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. Sections 750.1 et seq.) and regulations promulgated thereunder. Prior to signing, executing, implementing, or recording any sales contract or subdivision plan, any purchaser or subdivider or any portion of this property should contact the appropriate officials of the Borough of Lansdale who are charged with administering the Sewage Facilities Act to determine the form of sewage facilities planning required and the procedure and requirements for obtaining appropriate permits or approvals.

- B. Sewage Facilities Design. The design and installation of domestic sewage facilities shall be done in accordance with the Pennsylvania Domestic Wastewater Facilities Manual prepared by PADEP and Article Six: Engineering and Construction Standards.
- C. Existing on-lot sewage disposal systems that will remain in use shall be inspected and certified as to their satisfactory functioning, in accordance with the Borough Sewage Facilities Plan, Montgomery County Health Department, and DEP standards. Malfunctioning systems shall be repaired or replaced with systems designed and constructed to current standards.

### ***Section 421. Solid Waste Management.***

All lots and land developments must contain proper facilities for the management of solid waste, including recycling, in accordance with the following:

- A. Residential developments with single family homes may manage solid waste through a curbside collection service.
- B. Developments without regular curbside collection shall have solid waste collection containers within enclosures. Enclosures shall be made of durable material in accordance with **Article VI– Construction and Engineering and Construction Standards**.
- C. Solid Waste Storage Facilities should be located in the following manner:
  - 1. Convenient to portions of the development where solid waste is generated.
  - 2. Accessible for trash collection trucks.
  - 3. Solid Waste storage may be placed near building service entrances or loading docks, but may not be placed in any area used for parking or loading requirements.
  - 4. In apartment or condominium complexes with centralized waste storage, containers should be located in an area which is convenient to each grouping of ten (10) to fifteen (15) units or be located in a large enclosed facility at the entrance to the development.
  - 5. During the servicing of these containers (up to 5 minutes) it is important that internal circulation at the site is not impeded.

- D. Operations. Trash storage containers shall be serviced at least once a week. Recycling containers may be serviced at a less frequent interval. If a dumpster contains food it shall be serviced every three days. A storage container shall have tight fitting lids, secured at all times, and be leak free. It shall also be cleaned out at least two (2) times a year.

*Section 422. Stormwater Management and Drainage.*

- A. The stormwater management system shall be designed in accordance with the Borough stormwater management ordinance and the Pennsylvania Stormwater Best Management Practices Manual.
- B. Existing natural stormwater drainage systems shall be preserved and incorporated into the overall site stormwater management system.
- C. Natural Site Conditions. New stormwater conveyance and control devices shall be designed to be compatible with natural site conditions.
- D. Approval or Construction in Sections.
  - 1. Approval in Sections. When subdivisions or land developments are submitted to the Borough Engineer for approval in sections, a complete storm sewer design for the entire proposed subdivision and land development shall be submitted.
  - 2. Construction in Sections. If only a section of a subdivision or land development is contemplated for construction, the applicant's engineer shall show how stormwater from each section will be managed to protect adjacent properties. If temporary construction is required, the engineer shall include such structures in the plan submitted.
- E. Minimum grades inside stormwater basins and conveyance structures shall be two (2%) percent and maximum side slopes of any stormwater device should be 33% (3:1 slope).
- F. Dispersal through Site. Appropriate stormwater controls, best management practices, and conveyance facilities should be dispersed throughout the site and generally located close to the sources of stormwater release such as downspouts, culverts, and parking lots.
- G. Maintenance of Stormwater Facilities. Prior to the granting of final approval of any subdivision or land development plan, the Borough must be satisfied through contractual arrangements that all stormwater facilities will be properly maintained. If all, or a portion, of the facilities will be on property which will be conveyed to an individual homeowners' association or any other eventual owner, the guarantees must be in such a form that they will carry through to the new owners.
- H. Conveyance to Two or More Separate Owners. If the land of the proposed subdivision or development will be conveyed to two or more separate owners, the applicant shall provide written assurance and deed restrictions to the Borough that the stormwater management structures will be properly maintained by the owners, or if acceptable to the Borough, be dedicated to the Borough, which shall then be responsible for maintaining the stormwater management structures.
- I. Easements and Dedication. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained over lands within or beyond the

boundaries of the subdivision or land development, the applicant shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge or drainage and for carrying off of such water and for the maintenance, repair, and reconstruction of the same, including the right of passage over, including vehicles, machinery, and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The applicant shall offer the dedication, at no cost to the Borough, drainage easements to the Borough at the completion and stabilization of all improvements. If drainage easements are not accepted for dedication by the Borough, they shall be maintained by the owner of the property that uses them.

- J. Storm Drainage Directed Into an Adjacent Municipality. When storm drainage will be directed into an adjacent municipality, all provisions for accommodating such storm drainage shall be submitted to the governing body of that municipality for review and approval.
- K. Discharge of Roof Runoff. Stormwater runoff from roofs shall not be discharged into the street right-of-way without approval by the Borough, upon review by the Borough Engineer, nor concentrated onto adjacent properties. It shall be returned to sheet flow or discharged into a structure adequately designed and approved by the Borough.
- L. Properties shall be graded to secure proper drainage away from buildings and to allow the collection of stormwater in catch basins. Minimum two (2%) percent slopes away from structures shall be required.
- M. Drainage from Non-Natural Sources. Water originating from on-site machinery or filtration systems, such as air conditioning units, sump pumps, or other dry weather flow, wherever practicable, shall be discharged into natural watercourses on the property. The discharge of water from these sources into the street is prohibited.
- N. Storm Sewers
  - 1. Existing Storm Sewer Accessibility. Where existing storm sewers are reasonably accessible and of adequate capacity, subdivisions and land developments shall connect to the existing storm sewers.
  - 2. All storm sewer pipes shall have a minimum diameter of fifteen (15") inches.
  - 3. Drainage Easements. Drainage easements shall be provided to accommodate all storm drainage requirements and shall be a minimum of thirty (30') feet in width. Storm sewers, as required, shall be placed in the road right-of-way, parallel to the roadway and shall be designed as a combination storm sewer and underdrain if necessary. When located in undedicated land, they shall be placed within an easement not less than twenty (20') feet wide, as approved by the Borough Engineer.
  - 4. Drainage Facilities Design Requirements. All drainage facilities shall be designed to adequately handle surface runoff and carry it to suitable outlets and shall be designed in accordance with the following minimum design standards.
    - a. All storm drains and drainage facilities such as gutters, catch basins, bridges, inlets, and culverts shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved with the Final Plan. Construction of these facilities shall generally conform with *PADOT Specifications*

*Publication 408* (latest version). Storm drains and appurtenances shall be required to be constructed by the applicant to take surface water from the bottom of vertical grades to lead water away from springs, and to avoid use of cross gutters at street intersections and elsewhere.

- b. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
- c. No storm water run-off or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on the other private properties or public lands. In cases where additional stormwater flows will overload adjacent structures, the applicant shall be responsible for enlarging the facilities.
- d. Manholes. Manholes shall be constructed at all changes in horizontal or vertical alignment and as otherwise required in *Section 610: Utility Locations, Easements, and Rights-of-Way*.
- e. Location within Borough Rights-of-Way. Storm sewer lines within street rights-of-way shall be placed at locations acceptable to the Borough. They shall be protected by a cover of at least eighteen (18") inches.
- f. Location within State Rights-of-Way. Drainage structures that are to be located within state rights-of-way shall be approved by PADOT, and a letter from the Department indicating such approval shall be submitted to the Borough.

### **Section 423. Street Trees**

#### **A. Street trees shall be required along:**

- 1. All existing streets when they abut or lie within the proposed subdivision or land development, except where existing trees serve to meet the planting requirement.
- 2. All proposed streets, whether public or private.
- 3. Access driveways that serve five (5) or more residential dwelling units.
- 4. Access driveways that serve two (2) or more nonresidential properties or uses.
- 5. Major walkways through parking lots and between nonresidential buildings, as recommended by Borough Council, upon the recommendation of the Planning Commission.

#### **B. Trees shall be planted no greater than ten (10') feet from the curbline of a public or private street.**

- 1. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted such that their trunks are a minimum distance of three (3') feet from curbs and sidewalks, twelve (12') feet from overhead utilities, and six (6') feet from underground utilities.
- 2. Tree species shall be selected based on appropriate growth rates and mature heights for use adjacent to overhead utility lines.

3. Trees shall be planted at a rate of at least one tree per forty (40') feet of street frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.
4. Trees, including species selected, shall comply with the requirements of *Section 438: General Landscape Design Criteria*, herein.

**Section 424. Buffer Plantings**

Use Requirements. Buffer plantings shall be installed in subdivisions and land developments to integrate new development with its surroundings, to separate incompatible land uses by providing screening, to reduce wind, and to minimize or eliminate views of certain site elements in compliance with the following regulations:

- A. Buffer plantings shall be required for the following types of development and as otherwise specified in the Borough Zoning Ordinance:
  1. All nonresidential development.
  2. All single family detached, single-family attached, multifamily, and semi-attached (e.g., twin) residential development.
  3. All residential cluster development.
  4. All mobile home parks.
  5. Active recreational facilities.
  6. Construction of any of the following items which exceeds 400 square feet in ground coverage:
    - a. Public utility facilities or structures.
    - b. Waste collection, storage and/or treatment facilities.
    - c. Any other structure of similar character or impact.
- B. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoning shall be used. The existing or zoned uses shall be noted on the plan. In the case when several uses are allowed on a site, the most restrictive landscaping requirements shall apply, as determined by the Borough.

**Figure 4.5: Required Buffer Type**

Proposed Uses	Existing Uses			
	Office/ Institutional/ Private Recreation	Commercial/ Industrial	Multifamily/ Single-Family Attached/ Mobile Home	Twins/ Duplexes/ Single-Family Detached
Office/ Institutional	Softening	Softening	Filtering	Screening

<b>Commercial/ Industrial</b>	Filtering	Softening	Screening	Screening
<b>Multifamily/ Single-Family Attached/ Mobile Home</b>	Softening	Filtering	Softening	Filtering
<b>Active Recreation</b>	Softening	Filtering	Softening	Softening

**C. Buffer Area Location and Dimensions**

1. A buffer planting area of not less than fifteen (15') feet in width shall be established along all property lines and external street boundaries of the tract proposed for subdivision or land development, unless otherwise specified in the zoning ordinance. Where zoning regulations allow building setbacks less than fifteen (15') feet, the buffer area may be reduced to equal the width of the minimum building setback.
2. The buffer area shall be applied to the side and rears of lots. The buffer shall not apply where a right-of-way intervenes between lots.
3. The buffer area shall be a continuous pervious planting area consisting of canopy trees, small understory trees, and shrubs, with grass or groundcover. No paving shall be permitted within the buffer areas except for driveway crossing and/or walkways.
4. Parking is not permitted in the buffer area.
5. Stormwater basins are permitted in the buffer area provided that the visual screening requirements of the buffer are met.

**D. Minimum Buffer Planting Requirements.** The minimum planting requirements shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district.

**E. Minimum Plant Material Requirements.** The following requirements are minimum standards; additional plant material, grading treatments, or architectural elements may be included in the plan, at the applicant's discretion. Every 100' linear feet of property line or external street boundaries of the tract proposed for subdivision or land development shall be buffered with the following minimum quantities, types, and sizes of plant material:

**Figure 4.6: Required Buffer Components**

<b>Buffer Type</b>	
Softening	1 canopy tree (2-2 1/2" min. caliper) 2 understory trees (1 1/2" min. caliper) 2 evergreen trees (8' min. ht.)
Filtering	2 canopy trees (2-2 1/2" min. caliper) 2 understory trees (1 1/2" min. caliper) 5 evergreen trees (8' min. ht.)

	5 shrubs (24" min. ht.)
Screening Buffer:*( Choose one of four options)	<b>Option 1:</b> 8 evergreen trees (8' min. ht.) 2 understory trees (1 ½" min. caliper) 2 canopy trees (2-2 ½" min. caliper), and 10 shrubs (24" min. ht.)
	<b>Option 2:</b> Fence or wall 30 upright evergreen shrubs (4' min. ht.; shrubs shall be located on the outer side of buffer, closer to neighboring property than fence or wall)
	<b>Option 3:</b> 15 upright evergreen shrubs (4' min. ht.) 4 ornamental trees (1 ½" min. caliper) or 3 canopy trees (2-2 ½" min. caliper)
	<b>Option 4:</b> an alternative planting design that will result in at least an equivalent degree of visual screening to one of the above screening buffers.
Limited Area Buffer** (At the discretion of the Borough Council, the applicant may substitute this buffer for another where space is limited [in such cases, Council shall select one of the two options]).	<b>Option 1:</b> 1 upright evergreen shrub per three (3') feet (4' min. ht.)
	<b>Option 2:</b> 4-6 foot solid fence or wall

\*A screening buffer must be adequate to visually screen the proposed land use or development from off-site view. Several different planting options could be used to create an effective buffer. Grading treatments and architectural features, such as walls, fences and/or naturally undulating berms may be required in addition to the minimum planting quantities in order to effectively provide a visual screen.

\*\*The limited area buffer can be used in older developed areas where space for planting is severely restricted. The planting screen would be equivalent to an evergreen hedge planting. Alternative planting arrangements, such as shade or flowering trees with deciduous shrubs, could be considered in conjunction with a fence or wall, at the discretion of municipality.

F. Mitigation of Visual Impacts.

1. The use of a screening buffer planting shall be required to mitigate the adverse visual impacts that the proposed land uses or site elements have on the subject tract, adjoining properties and the community in general. In addition to the requirements for buffer plantings as listed in *Figure 4.5: Required Buffer Type*, the following proposed land uses and site elements shall be screened from off-site with a screening buffer planting:
  - a. Dumpsters, trash disposal, recycling areas, and mechanical equipment (dumpsters shall also comply with *Section 619: Solid Waste Storage Facilities*).
  - b. Service and loading docks.
  - c. Outdoor storage areas.
  - d. Sewage treatment plants and pump stations.
2. Existing topographic conditions, such as embankments or berms, in conjunction with existing vegetation, may be substituted for part or all of the required buffers at the discretion of the governing body. The minimum visual effect shall equal or exceed that of the required buffer or screen.
3. Constructed berms or other architectural elements such as walls or fencing may be permitted to augment part of the landscape buffering requirements.

#### G. Design Standards for Fences/Walls Used as Buffers

1. When a fence or wall is proposed to be used to fulfill a buffer requirement, the following standards shall apply:
  - a. Fences shall be solid or opaque, and shall be constructed of wood, material designed to appear as wood, or decorative metal. Chain link fencing with slats shall not qualify as solid or opaque. Fences shall otherwise conform to all other applicable standards in the Zoning Ordinance.
  - b. Walls shall be constructed of masonry or brick, but shall not include unpainted cinder block.
  - c. Both walls and fences shall be no higher than 6 feet.

#### *Section 425. Parking Lot Landscaping*

Parking lots should be landscaped with trees and shrubs to reduce the visual impact of glare from headlights, and parking lot lights; to delineate driving lanes; and define rows of parking. Furthermore, parking lots should be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.

A. Planting Regulations. All parking lots shall be landscaped according to the following regulations:

1. Parking Islands
  - a. One planting island shall be provided for every fifteen (15) parking stalls. There shall be no more than fifteen (15) contiguous parking stalls in a row without a planting island.

- b. As an alternative to the previous planting island requirement (planting islands located every fifteen contiguous parking spaces) the applicant may provide one (1) canopy tree for every ten (10) parking spaces in other planting island areas and in perimeter parking planting areas at the discretion of Borough Council.
  - c. Planting islands shall be a minimum of nine (9') feet by eighteen (18') feet area. Unless designed to function as part of the stormwater management system, planting islands shall be underlain by soil, mounded up to at least six (6") above the paved parking or drive area, and shall be protected from vehicle traffic with curbing, wheel stops, or bollards. Each planting island shall contain one shade tree plus low-growing shrubs and/or groundcover over the entire area.
  - d. Planting islands shall divide the ends of all parking rows from internal parking lot driving lanes.
2. Planting Strips. All planting strips shall be a minimum of fifteen (15') feet wide. Strips shall run the length of the parking row, be underlain by soil, and shall be protected with curbs, wheel stops, or bollards. Planting strips shall contain plantings of one canopy tree every twenty-five (25') feet, plus shrubs and/or groundcover to cover the entire area at maturity. Unless otherwise described in this ordinance, where required, all planting strips shall be a minimum of fifteen (15') feet wide and run the length of the parking row. Unless designed to function as part of the stormwater management system, planting strips shall be underlain by soil mounded up to six (6") inches above the paved parking or drive area and shall be protected by curbs, wheel stops, or bollards.
  3. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
  4. Plant materials shall comply with the requirements of *Section 618: Plant Materials Specifications*, herein, and shall be selected from the *Appendix: List of Recommended Plant Material*.

B. Residential Parking Lots.

1. Parallel rows of parking spaces, which are not separated by a driveway, shall be separated by a planting strip.
2. A single row of parking spaces located parallel to and between two driveways, shall be separated from one of the driveways by a planting strip, a minimum of eight (8') feet wide.
3. Parking lots with a capacity of greater than 40 cars shall be divided into smaller parking areas of no more than forty (40) stalls by planting strips.
4. No less than twenty (20') feet of open area shall be provided between the curb line of any parking area and the outside wall of the dwelling unit.

C. Nonresidential Parking Lots.

1. Parking lots with a capacity of from fifty (50) to one hundred (100) cars shall require a planting strip around the perimeter and one planting island for every ten spaces within the perimeter of the lot. Parking lots for more than one hundred (100) cars shall be

divided into sections no greater than one hundred (100) stalls each by planting strips.

- a. These planting strips shall be located parallel to the rows of parking, to serve the following purposes:
  - 1) To separate main access (entrance-exit) driveways from rows of parking spaces.
  - 2) To separate other major driveways (service drives, general internal circulation) from rows of parking spaces .
  - 3) To separate large parking areas into smaller units at intervals of not more than four (4) rows of parking stalls.
- b. For parking areas with an ultimate capacity greater than four hundred (400) cars, the requirements may be modified by Borough Council to provide separation into units at intervals of six (6) rows of parking stalls, with each unit capacity no greater than one hundred (100) cars.
- c. The applicant may request the Borough to permit an alternative design which achieves the purposes of these parking area requirements as well or better than the requirements herein. The final decision to permit an alternative design shall be made by Borough Council, with the advice of the Borough Planning Commission and Engineer.

C. Screening Requirement. All parking lots shall be screened from public roads and from adjacent properties according to the following:

1. For parking lots of at least 20 spaces, the parking lot screen along a street shall be composed of *each* of the following requirements:
  - a. Wall or fence, between 30" and 48" in height, comprised of masonry or wrought iron or a combination thereof, but no unfinished cinder block.
  - b. Shrubs, at least half of which shall be evergreen, planted 3'-4' on center, outside an opaque wall or fence, but may be located either inside or outside a wrought iron fence.
  - c. One shade tree, planted every 25 feet on center, or two (2) shade trees and four (4) understory trees per 100 feet of perimeter.
  - d. Where trees are planted, a gap is permitted in the fence, wall, or line of shrubs.
2. For parking lots of less than 20 spaces, the parking lot screen along a street shall be composed of *one* of the following options:
  - a. Wall or fence, between 30" and 48" in height, comprised of masonry or wrought iron or a combination thereof, but no unfinished cinder block, which shall also include shrubs planted 3'-4' on center.
  - b. Opaque wall or fence, between 36" and 48" in height.
3. For parking lots of any size which are located in the side yard and directly abut an adjacent property where no right-of-way intervenes, a Filtering Buffer OR Option 2 of

Screening Buffer as per *Section 424.E* above shall be provided. If the principal use of the property is already subject to a buffer requirement as per *Section 424: Buffer Plantings*, the stricter of the two shall apply.

4. For the purposes of aesthetics or pedestrian access, breaks of six (6) feet in a wall or fence used for screening a parking lot are permitted, provided the breaks are a minimum of 32 feet apart.
5. To encourage flexibility, the number of shrubs can be reduced up to 50% to allow greater use of grasses and perennials in a design. One square foot of perennial planting for every linear foot of total buffer may be used.

#### *Section 426. New and Existing Streets Design Standards*

A. All new streets and additions to existing streets shall:

1. Be offered for dedication to the Borough. The Borough may accept or refuse dedication of any street.
2. Conform with the transportation element of the Lansdale Comprehensive Plan and county or state highway plans, and be designed to conform with the existing street system.
3. Provide appropriate access between abutting tracts of land for immediate or future use.
4. Create a road hierarchy among interior subdivision and land development streets and exterior streets to insure proper through-traffic flow, local access, and internal traffic distribution and flow.
5. Conform to existing topography to assure reasonable grades, alignment and drainage, appropriate access to lots, and to minimize regrading and removal of vegetation.
6. Be designed to continue existing streets at equal or greater right-of-way and cartway width, as well as aligned with and connected to existing streets, where applicable, as recommended by the Borough Engineer and Planning Commission.
7. Include curbs and sidewalks installed along all existing and proposed public and private streets and common parking areas except when this requirement is waived at the discretion of Borough Council upon recommendation of the Borough Planning Commission and Engineer.

B. Street names shall be assigned in accordance with *Section 617: Street Names*.

#### *Section 427. Private Streets.*

A. Whenever an applicant proposes to establish a street which is not offered for dedication of public use or when dedication is not accepted, Borough Council shall require the applicant to submit, and also to record with the plan, a copy of the agreement made with the Borough addressing the ownership, access rights, and maintenance responsibilities for that street. Such streets shall be constructed in conformance with the Borough Engineering standards for public streets. Maintenance responsibility shall be outlined and defined by the applicant and reviewed by the Borough prior to final approval. When, in the determination of Borough

Council, it becomes necessary for the Borough to assume responsibility for a private street in order to maintain the health, safety, and welfare of the residents of the Borough, the Borough may do so and assess the property owner(s) or abutting owners who use the street for any improvements necessary to restore the street to conformance with Borough specifications.

- B. Residential Private Streets. Private streets may be permitted by Borough Council to provide access to land which abuts its right-of-way. Private streets shall comply with the following:
1. The minimum right-of-way or equivalent right-of-way shall be fifty (50') feet.
  2. Minimum paved cartway width shall be eighteen (18') feet.
  3. Streets shall be built in accordance with the Construction and Engineering Standards in Article Six of this ordinance.
  4. An irrevocable right-of-access shall be guaranteed to all properties whose access depends upon the private street, by means of legal agreement or covenants, subject to approval by Borough Council as advised by the Borough Solicitor.
  5. The legal access agreements and/or covenants shall be:
    - a. Clearly noted on the subdivision or land development plans for all properties using private streets for access.
    - b. Included in the deeds for all properties having these access rights.
    - c. Recorded in the Montgomery County Office of the Recorder of Deeds.
    - d. Clear and specific with regard to property owner's rights to further subdivision or land development, especially in regard to the need to receive approval from the private street owner and/or waiver from the requirement of this ordinance.
  6. The private street may be owned by one or more of the property owners who have right-of-access or may be jointly owned by an association of these property owners.
  7. When several properties use a private street, maintenance shall be guaranteed by the formation and administration of an association or other legally binding organization of all land owners with access rights.
    - a. Documents governing such associations shall be subject to approval of Borough Council upon the advice of the Borough Solicitor, shall be filed with the Borough, and shall be recorded with the deed for each property with access rights.
    - b. All property owners in such an association or other type of organization shall have a share in the rights and bear a share of the costs and other burdens of maintenance, as specified in the access agreements and/or covenants. This share shall also apply to the assessed costs for upgrading to public street standards, in accordance with the Construction and Engineering Standards in Article Six of this ordinance.
    - c. If one or more property owners in the association or other type of organization believe that the street is not being properly maintained, and cannot succeed in having the association or other type of organization authorize or conduct proper remedies, then that/those property owner(s) may request the Borough to

authorize an inspection of the street by the Borough Engineer. The cost of the inspection shall be paid by those property owners requesting the inspection. If the Borough Engineer determines that the street is not being properly maintained, the Borough may take corrective actions against the entity maintaining the road.

8. Borough Council reserves the right to order the private street to be upgraded to meet all of the standards and requirements for a public street, if, at any time it deems the road to be a health or safety hazard for reasons of improper or inadequate maintenance.
  - a. The full costs of upgrading the street, including engineering, legal and related costs, shall be assessed against the owner of the road. The share of the assessment to be determined by the association's legal access agreements and/or covenants recorded for the private street.
  - b. Prior to such action by Borough Council, the landowners with access rights shall be notified, in writing, by certified mail, of the pending action. The landowners will have thirty (30) days from the date of such notice to propose an alternative solution acceptable to Borough Council.
9. Additional Provisions
  - a. Any vehicular access way which provides the primary access to more than three (3) lots or housing units, but is not offered for dedication as a public street, shall be considered a private street subject to these requirements.
  - b. Not more than ten (10) dwelling units may be served by a private street which has access to a public street (private dead-end or cul-de-sac street) if the street is not owned and managed by a homeowners association or owner of the entire property.
  - c. Emergency access to a private street which has only one public street access may be required.
  - a. For private cul-de-sac streets, a suitable turnaround shall be provided, subject to the approval of the Borough Engineer. A forty (40') foot radius paved bulb turnaround is preferred, but other configurations may be used if acceptable to the Borough Engineer.
10. Further subdivision or land development of any lot depending upon a private road for vehicular access where properties and streets are under multiple ownership or not subject to a homeowners association is prohibited if it would exceed the number of lots permitted, maximum length of a cul-de-sac, or any other applicable requirements contained in this ordinance. If an applicant requests such further subdivision, the following standards shall apply:
  - a. The street must be upgraded to meet all the standards and requirements for public street construction, and must be offered for dedication to the Borough, or
  - b. Further subdivision may be permitted and the street may remain private, if Borough Council approves the waiver of necessary design standards.

- c. The applicant shall apply in writing to Borough Council for approval to upgrade the street or to be granted appropriate waivers.
  - d. Application to Borough Council shall include written approval from the association or organization which controls the street for the applicant to seek Borough approval for upgrading or waivers.
  - e. Upgrade of the street or waivers should not be approved by Borough Council approval is first received from the association or other organization which controls the street.
  - f. The costs of upgrading a private street to public street standards including the dedication, and/ or costs involved in granting waivers shall be borne by the association of individual property owners in accordance with the association's legal access agreements and/or covenants.
11. An Individual private driveway may be legally reclassified and physically upgraded and improved to become a private street upon approval of Borough Council.
- a. A right-of-way shall be established to contain the private street in compliance with the requirements herein.
  - b. The private driveway shall be physically improved to comply with private street construction and paving width standards, as well as applicable dimension standards.
  - c. Maintenance shall be guaranteed as established for private street in this ordinance.
  - d. Upgrading of existing individual driveways to private street status is encouraged where it would take the place of several individually owned and maintained access strips.
12. Parking shall not be permitted within the minimum eighteen (18') foot wide cartway of a private street, but may be permitted outside the cartway in a manner that does not interfere with the free movement of emergency vehicles along the private street.
- a. The legal access agreements and/or covenants shall guarantee free unobstructed access throughout the minimum eighteen (18') foot wide cartway. If violations occur, attempts should be made to resolve the problems within the structure of the association or organization which controls the street. Under situations of repeated and/or flagrant violations, individual property owners may request police enforcement of free and unobstructed access.
  - b. If there is a continuing access problem caused by improper parking, Borough Council shall notify the owner of the private street or homeowners association, in writing, that the problem must be corrected by some means satisfactory to the Borough Engineer or Solicitor, depending upon whether the solution is a physical or legal remedy.
  - c. If, after written notification, the owner or association or organization which controls the road fails to correct the parking problem, Borough Council may order the upgrading of the private street to public street standards as specified herein.

The owner or association or organization which controls the road shall have thirty (30) days from the date of written notification to propose a solution to the parking problem.

13. In considering applications for waivers of private street standards, Borough Council shall consider the following:
    - a. Number of lots and/or dwelling units in excess of the permitted maximum.
    - b. Whether or not more lots could be proposed along the private street, in conformance with the applicable zoning, in addition to those proposed in conjunction with the waiver application. For example, one additional unit may be acceptable in itself, but may not be acceptable if a potential would exist for five more lots.
      - 1) Borough Council may require the applicant to submit a sketch plan and/or information showing the approximate maximum number of lots and/or dwelling units which could be created under the applicable zoning requirements, on all lands serviced by the private street.
      - 2) When conditions are considered favorable for limited additional subdivision under the private street access, Borough Council may request deed restrictions against further subdivision as a condition of final approval of the subdivision.
    - c. Ability of a private street to be served by an emergency access as a condition of granting a waiver.
    - d. Characteristics of properties, neighborhood and private street(s) involved:
      - 1) Configuration of the properties.
      - 2) Lot sizes and development characteristics, with particular regard to avoiding congested appearance and functioning.
      - 3) Topography, including vegetation and other environmental characteristics.
      - 4) Character of land and development surrounding the properties in question, including their development status and potential development.
    - e. Whether or not requiring a public street would have an appreciable benefit to the properties and/or the Borough in terms of access and traffic circulation.
    - f. The economic impact of permitting the waiver compared to requiring a public street.
- C. Nonresidential Private Streets. Private streets may be permitted by Borough Council to provide access to various nonresidential developments or lots.

***Section 428. Street Classifications.***

Every street, road, or highway within the Borough shall be classified by its function, and shall be subject to the requirements for its classification as contained in this Article. These classifications are based on the Montgomery County Comprehensive Plan which incorporates

standards established by the American Association of State Highway and Transportation Officials (AASHTO), and used by PADOT. Street classifications are intended to provide appropriate standards for each road, as well as to coordinate street functions and improvements among neighboring municipalities, the region, and the state. The classifications are as follows:

- A. Arterials. Arterial roads provide a high degree of mobility in order to better serve trips of longer length. Since access to abutting property is not their major function, access controls are desirable to enhance mobility. They are further classified as follows:
  - 1. Principal Arterials. The design standards for principal arterials are contained in *Figure 4.7: Road Design Standards*. Principal arterials generally provide between two (2) and four (4) lanes of travel depending upon traffic volume and land use density. Urban Principal arterials may have wider travel lanes and should have parking lanes. Both urban and rural principal arterials generally have posted speeds of forty five (45) miles per hour dependent upon local site conditions.
  - 2. Minor Arterials. Minor Arterials interconnect with and augment Principal Arterials in serving major activity centers. They typically accommodate trips between three (3) and five (5) miles in length. They are spaced at intervals consistent with population density and carry vehicles within or between several municipalities of the county. The only difference between rural and urban design for minor arterials is the location of a parking lane on urban arterials. Lastly, they link other communities not connected by principal arterial and provide key connections between roads of higher classification. The design standards for minor arterials are included in *Figure 4.7: Road Design Standards*.
- B. Collectors. Collector roads serve a dual function of providing a mix of accessibility and mobility. They typically serve trips of up to four (4) miles in length and channel or distribute traffic to or from a road of a higher classification. They are further sub-classified as Major and Minor Collectors.
  - 1. Urban Collectors: These types of roads provide a combination of mobility and access with a priority on mobility. Ideally access is partially controlled with preference given to through traffic. Access is permitted with at grade intersections and major access driveways of selected land uses such as a retail or employment center. Few if any individual driveways should be permitted off of urban collections. Urban collectors may accommodate trips within and between neighboring municipalities and may serve as the major road through large industrial complexes or office parks or provide key connections between roads of higher classification. The typical posted speed is thirty-five (35) to forty (40) miles per hour. The design standards for urban collectors are in *Figure 4.7: Road Design Standards*.
  - 2. Rural Collectors: Rural collectors provide a combination of access and mobility with more emphasis on access. They allow more access to abutting properties with little or no restriction. Individual driveway access is permitted. Generally rural collectors accommodate trips only within a small segment of a municipality. They are spaced at intervals to collect traffic from local roads and neighborhoods and channel it to urban collectors and arterials. Finally rural minor collectors may serve as a major road through a residential neighborhood. Rural minor collectors serve the same

function as urban collectors, though due to their location, they handle smaller volumes of traffic and generally have smaller travel lanes and shoulders. The typical posted speed is twenty-five (25) to thirty-five (35) miles per hour. The design standards for minor collectors are in *Figure 4.7: Road Design Standards*.

- C. Local Roads. Local roads and streets have relatively short trip lengths, generally not exceeding one mile. Because property access is their main function, there is little need for mobility and high operating speeds. This function is reflected by use of lower posted speed between twenty-five (25) and thirty five (35) miles per hour. Though traffic is discouraged from using local roads. Local roads can only provide a link between individual properties and the collector road network. Rural local roads can be more narrow due to the lower volumes of traffic expected on them. Local roads should be oriented on an east-west axis to maximize the potential solar access on adjoining lots

**Figure 4.7. Road Design Standards**

Functional Classification	Right of Way <sup>1</sup>	Number of Lanes <sup>2</sup>	Travel Lane Width <sup>3</sup>	Left Turn Width	Paved Shoulder Width <sup>4</sup>	Parking Lane Width <sup>5</sup>	Bicycle Lane Width <sup>6</sup>	Verge Area <sup>7</sup>		
								Grass Strip	Sidewalk/ Pathways <sup>8</sup>	
<b>ARTERIALS</b>										
Principal	80'-100'	4-6	12'-14'	11'-12'	8'-10'	8'-10'	5'-6'	4'	5'-8'	
Minor	80'-100'	2-5	11'-14'	11'-12'	8'-10'	8'-10'	5'-6'	4'	5'-8'	
<b>COLLECTORS</b>										
Urban	60'-80'	2-3	11'-14'	10'-12'	6'-10'	8'-10'	5'-6'	4'	5'-8'	
<b>LOCAL ROADS</b>										
Urban	50'	[Total Cartway Width 26 to 30 Feet] <sup>9</sup>							3'	4'-6'

- 1) Right-of-Way: The right-of-way may adjusted to accommodate highly urbanized and laterally restricted areas as well as unrestricted areas.
- 2) Number of Lanes: The number of lanes vary in order to accommodate the traffic volume, turning movements, and land capacity demand for selected level of service. This number does not include right-turn lanes where needed.
- 3) Range of Lane Width: Lane width is based upon minimum and desirable standards as well as other conditions such as being adjacent to a curb or the anticipation of heavy truck traffic. When feasible, a 14 foot lane should be located next to a curb.
- 4) Shoulder: Shoulder width is based upon minimum and desirable standards as well as other conditions such as highly urbanized and laterally restricted areas, or the anticipation of heavy truck traffic. Wide shoulders may function as bike lanes.
- 5) Parking Lane: Parking lane width is based upon minimum and desirable standards as well as other conditions such as lot size, intensity of development, or potential for use as a traffic lane where required by future demand. For principal arterials, parking lanes are only recommended in highly developed areas.
- 6) Bicycle Lane: A portion of a roadway that has been designated by striping, signing, or pavement markings for the preferential or exclusive use of bicyclists. Width specifications must be in accordance with FHWA / AASHTO standards. Refer also to Chapter 4 of this plan, Bicycle Mobility. Wide shoulders may function as bike lanes.
- 7) Verge Area: The presence of curbing, grass planter strips and sidewalks will depend upon adjacent land uses and site conditions. Otherwise, the border area would consist of a drainage swale and slope.
- 8) Sidewalks/ Pathway: Sidewalk width is based upon minimum desirable standards for use along each particular roadway. Under certain circumstances, the location, feasibility, and other site specific conditions may require deviations from these guidelines.
- 9) Cartway Width: For local roads, the total cartway width generally includes travel lanes, parking lanes, and/or shoulders.

1. Residential Streets. New streets or extensions of existing streets in residential developments function primarily to provide vehicular access and street frontage for each lot. The design standards for residential streets are in *Figure 4.7: Road Design Standards*. Parking on both sides will be assumed on residential streets unless no driveways take access on them or the development otherwise provides significant off street public parking which is convenient to all the proposed houses.
2. Nonresidential Access Streets: These streets shall function primarily to provide vehicular access and street frontage for industrial, office, institutional, and commercial lots and land uses. The standards for nonresidential access streets are in *Figure 4.7: Road Design Standards*.
3. Alleys: Alleys are small service roads which provide a secondary access to lots and buildings. They should not be more than 800' feet in length and should have a paved cartway of twelve (12') feet with two foot clear stabilized grass or gravel shoulder area.

#### *Section 429. Street Alignment.*

Sight distance, horizontal, and vertical curvature, super-elevation, and maximum and minimum street grades shall be determined by the Borough Engineer in compliance with the standards contained in A Policy on Geometric Design of Highways and Streets, published by the American Association of State Highway Transportation Officials (AASHTO), most recent edition, or PADOT standards, whichever is more suitable to site conditions. In addition, the following standards and guidelines shall be complied with:

- A. Minimum horizontal and vertical curvature for all local access streets shall conform with the standards in *Figure 4.8: Street Alignment and Intersection Standards*.
- B. Long radius, gentle curves shall be used rather than shorter radius curves connected by tangents particularly where truck traffic is anticipated.
- C. Curve-tangent relationships shall follow accepted engineering guidelines for safety and efficiency. For example, minimum radius curves shall not be used at the ends of long tangents.
- D. Street grades shall be measured along the centerline in accordance with the following:
  1. Minimum grade for all streets shall be one (1%) percent.
  2. Maximum grades for arterials and collectors shall be five (5%) percent and for residential streets shall be ten (10%) percent.
  3. Curve-grade combinations shall follow accepted engineering guidelines for safety and efficiency. For example, minimum-radius horizontal curves will not be permitted in combination with maximum grades.
  4. At all approaches to intersections, street grades shall not exceed four (4%) percent for a minimum distance of fifty (50') feet from the intersection of curb lines or the edges of cartways.

*Section 430: Street Intersection Design.*

All street intersections shall be governed by the standards of this section and the appropriate PADOT or AASHTO Standards.

- A. Number of Streets. Not more than two streets shall intersect at the same point.
- B. Three-Way/Four-Way Intersections. Three-way or "T" intersections should be used instead of four-way intersections involving local streets intersecting arterial or collector streets unless the four-way intersection would promote necessary and desirable traffic movements or where traffic signals or four way stop signs are proposed.

**Figure 4.7. Street Alignment and Intersection Standards**

Functional Classification	Intersection Spacing		Clear site triangle	Corner Radius	Vertical Curve Length		Horizontal Curve Radius (centerline)
	Urban	Rural			Crest 3%/5%/7%	Sag 3%/5%/7%	
Principal Arterial	400	800	125	30	NA	NA	NA
Minor Arterial	400	800	125	30	NA	NA	NA
Major Collector	300	600	100	25	130/220/ 310	190/320/ 450	565
Minor Collector	300	400	100	25	90/145/ 205	145/245/ 345	420
Local Road - Residential	125	125	75	15	90/145/ 205	145/245/ 345	420
Urban Local-Nonresidential	125	125	75	75	90/145/ 205	145/245/ 345	420

Based upon design speeds of 40 miles per hour for major collectors, and 35 miles per hour for minor collector and minor roads.

C. Angle of Intersections.

1. All intersection approaches shall be designed at ninety (90) degree angles for a minimum of fifty (50') feet from the edge of the cartway.
2. Where angled intersections are used they should be no less than sixty-five (65°) degrees and designed so that the heavier traffic flow will make the obliquely angled turn rather than the acutely angled turn.

D. Improvements to Existing Intersections. When existing streets intersect at odd angles or have more than four approaches, the applicant shall improve the intersection, to bring it into compliance with this Ordinance, as required by Borough Council, based upon advice of the Borough Engineer and Planning Commission and other technical advisors or agencies, as appropriate. For state and county highways, improvements shall comply with the requirements of the appropriate agency having jurisdiction over the road.

E. Radii of Pavement and Right-of-Way at Intersections. Street intersections shall be rounded with tangential arcs at pavement edge (curb line) and right-of-way lines as indicated in *Figure 4.8: Street Alignment and Intersection Standards*.

F. All radii specified herein must be increased if large trucks, fire trucks, or other emergency vehicles would have difficulty with ingress or egress as determined by the Borough Fire Marshall.

G. Waiver of Improvements. Borough Council may waive the above requirements for improvements to intersections under one or more of the following conditions:

1. When changes made on the applicant's land will not improve the intersections deficiencies.
2. When other road improvements are already planned which would correct the problem without changes required of the applicant.
3. When not required by PADOT where the intersections are under their jurisdiction.

H. Single-access Street Intersections.

1. Single access streets shall be established beginning at a three-way intersection perpendicular to a through street.
2. Four-way intersections may be created using two permanent single access streets intersecting directly opposite one another along a through street, when the through street is a local street.

I. All intersections shall provide clear sight distance in compliance with AASHTO and PADOT standards.

J. Street intersection spacing shall be in compliance with the regulations contained in this section, measured from centerline to centerline.

1. The applicant shall prepare a Vehicular Access Analysis, for all street intersections proposed along Arterial and Collector streets.

2. The spacings listed *Figure 4.8: Street Alignment and Intersection Standards* shall be considered minimum spacing. Where greater spacing is required in compliance with AASHTO or PADOT standards, the greater spacing distances shall be applied, as determined by the Borough Engineer.
3. Offset Intersections. In any case where the centerlines of street intersections are, or would be, within 150' feet of each other, they shall be made to coincide by relocating the street within the applicant's land, unless additional problems of sight distance or other safety-related problems would be created. As an alternative, relocation further away from the offset intersection may be done in compliance with the Intersection Spacing requirements contained herein, when approved by Borough Council.

***Section 431. Single-access Street Standards.***

Any street which is served by only one (1) intersection with a through-street shall be considered a single-access street, regardless of the street's configuration within the proposed subdivision or land development.

- A. Single-access streets shall be classified as one of the following:
  1. Single-access loop streets.
  2. Cul-de-sac street.
  3. Stub streets.
- B. Single-access loop streets shall be subject to the requirements for their street classification and the following additional requirements.
  1. Shall not serve more than 300 average daily trips.
  2. In addition to required sidewalks, shall be served by an appropriately located pedestrian access when required by Borough Council to connect surrounding neighborhoods and pedestrian destinations.
- C. Cul-de-Sac Streets.
  1. Shall be permanently closed to vehicular traffic at one end.
  2. Shall be identified by a standard warning sign stating "No Outlet" when deemed appropriate by Borough Council to help avoid mistaken turning movements.
  3. Shall not be permitted when a through street is possible for the tract under consideration. All cul-de-sac streets must be approved by Borough Council, with the Borough reserving the right to reject any and all cul-de-sac streets proposed. The following shall be used to determine the necessity of the cul-de-sac:
    - a. Adverse topography such as steep slopes, floodplain, streams, etc.
    - b. The shape of the tract does not lend itself to a through street.
  4. Shall be a minimum 250' feet but not exceed 800' feet in length. Measurement of the length shall be made from the centerline of the abutting through road or

point of intersection with another cul-de-sac to the centerline of the turnaround, measured along the cul-de-sac street's centerline.

5. Shall be provided with a vehicular turnaround at the closed end with a right-of-way radius of at least fifty (50') feet, and a paved radius of at least forty (40') feet. Alternative vehicular turnaround designs are encouraged to improve traffic flow and overall design of the subdivision. If an off-set bulb turnaround is used, the bulb should be configured to the left of the approaching road center line. In addition, parking may be prohibited on the cul-de-sac by order of the Fire Marshall.
6. A permanent easement for snow removal may be required at cul-de-sac bulb. The easement shall have a minimum length along the right-of-way line of forty (40') feet and a depth of fifteen (15') feet. When curbing is required, a curb depression shall also be placed in this easement area. No shrubbery, fence, mail-box, or any other obstruction shall be placed within the easement to hinder the placement of the snow.
7. Shall not extend from a single-access loop street.
8. Existing temporary cul-de sac streets, stub streets, and rights-of-way located on adjacent parcels, whether improved or not, shall be used by the applicant to connect with their proposed roadway system. It shall be the responsibility of the applicant to complete all roadway improvements at their expense within the existing rights-of-way of adjacent parcels.
9. Shall be served by an appropriately located and constructed emergency access way when required by Borough Council using the following standards:
  - a. Minimum cartway width shall be ten (12') feet.
  - b. Pavement shall satisfy the standards of the Borough Engineer.
  - c. Emergency access ways shall be maintained through properly recorded easements or deed restrictions which at a minimum prohibit the planting of any vegetation except grass within the access way.
  - d. May be made available for pedestrian access.
10. Landscaped cul-de-sac islands are encouraged for private streets, but shall not be accepted for dedication by the Borough. Landscaped cul-de-sac islands shall conform to the following standards:
  - a. Shall be located within the bulb of a cul-de-sac and be concave for use as part of the stormwater management infrastructure. Efforts should be made to retain the existing vegetation on the site within these islands.
  - b. Shall have a maximum radius of twenty-four (24') feet and be surrounded by paving on all sides.
  - c. Shall be designed to allow for emergency vehicle access into the cul-de-sac.
  - d. In the event that right-of-way grading will not permit the retention of existing vegetation in a cul-de-sac, the landscaping proposed for the island shall be of

low-maintenance varieties as approved by Borough Council. The landscaping plan shall specifically describe the maintenance required for any landscaping proposed on the landscape island.

- D. Stub Streets or temporary cul-de-sacs
  - 1. Shall be provided in appropriate locations for vehicular access to abutting undeveloped lands when required by Borough Council, upon advice of the Borough Planning Commission and Engineer.
    - a. The length shall be designed in accordance with cul-de-sac street standards.
    - b. The width and other road improvements of temporary stub streets or temporary cul-de-sacs shall generally conform with the future functional classification of the roadway once it is fully connected.
  - 2. Shall be provided with a vehicular turnaround that meets cul-de-sac standards.
  - 3. Shall be constructed to the property line in accordance with the standards of this Ordinance applicable to the classification of streets it will be upon extension.

#### *Section 432. Driveway Access*

- A. The term "driveway" as used here refers to every entrance or exit used by vehicular traffic to or from properties abutting a Borough, county, or state road. The term includes proposed private streets, lanes, alleys, courts, and otherways.
- B. Driveways with the following characteristics will be reviewed in the manner prescribed below:
  - 1. When any residential dwelling driveways will access an existing Arterial or Collector street.
  - 2. For all nonresidential proposals which require a new driveway or upgrading of an existing driveway.
  - 3. For all proposals where driveways would generate twenty-five (25) or more vehicular trips per day, based on I.T.E. trip generation standards.
- C. Following evaluation by the Borough, the applicant may submit plans to the state, county, or Borough for formal review and, as appropriate, approval and issuance of permits.
- D. No driveway location, classification, or design shall be considered finally approved by the Borough unless highway occupancy or access permits have been granted by the state, county, and/or Borough and Preliminary Plan approval has been granted by Borough Council for the subdivision and/or land development which the driveway(s) will serve.
- E. Driveway intersections with streets:
  - 1. Shall provide adequate sight distance in compliance with the standards established by PADOT.

2. Shall not cause or contribute to:
    - a. hazards to the free movement of normal street traffic. traffic congestion on the street.
    - b. interference with the design, maintenance, and/or drainage of the street.
  3. Shall be designed and constructed in compliance with Title 67, Chapter 441 of the Pennsylvania Code unless Borough standards are more restrictive.
- F. In order to facilitate safe and efficient access between streets and driveways, the number of driveways permitted to serve individual parcels of land shall be kept to the minimum needed to adequately serve the parcel in question. Shared access between adjoining lots should be considered first.
1. Properties with frontages of 100' feet or less may be permitted not more than one driveway intersection with a street. Exceptions may be made when adjacent property owners share parking, or when the need is determined in a traffic study prepared by a qualified traffic engineer.
  2. Not more than two (2) driveway intersections with the same street may be permitted for any parcel of land unless anticipated traffic volumes warrant more than two (2), and then only when supported by a traffic study prepared by a qualified engineer warrants more than two driveway intersections.
- G. Driveway intersections serving individual parcels of land may be prohibited by Borough Council where such intersections would create congestion, interference, and/or hazards to traffic flow and safety by reason of street grades, land forms, vegetation, frequency of driveway intersections, limited sight distances, and/ or high speed traffic flow. In such cases, Borough Council may permit reasonable alternative forms of vehicular access to the parcel of land by means of:
1. Marginal access streets or driveways.
  2. Reverse frontage lotting.
  3. Other means which are legally and technically suitable in the opinions of the Borough Solicitor and Engineer.
- H. Where driveway intersections are prohibited by Borough Council and alternative forms of vehicular access would cause an undue burden upon an applicant, Borough Council may permit an alternative interim access solution in compliance with the following:
1. It is the safest feasible alternative, acceptable to the Borough Engineer and/or PADOT.
  2. Suitable provisions are made for a preferable permanent access solution, consistent with *Section 432.G*, including legal agreements to enable implementation of the permanent solution.
- I. Distance from Street Intersections. Driveways shall be located as far from street intersections as is reasonably possible.
- J. Choice of Streets. When a lot adjoins streets of different classes, the driveway shall

provide access to the street of lesser classification unless this requirement is waived by Borough Council for reasons of sight distance, incompatibility of traffic, grading, drainage, or other major reasons.

- K. Sight Distance Determinations. Determination of sight distances at intersections of new driveways and streets with existing Borough roads shall be in accordance with the following provisions.
  - 1. Access driveways shall be located at a point within the property frontage limits which provides at least the minimum safe stopping sight distance (SSSD), as determined by the standards within PA Chapter 441 (Access to and Occupancy of Highways by Driveways and Local Roads) Title 67 of the Pennsylvania Code.
  - 2. The calculated minimum SSSD shall be measured from a point ten (10') feet back of the pavement edge and three and one half (3.5') above the road surface.
  - 3. If the minimum required SSSD's cannot be achieved, the Borough may exercise one (1) or more of the following options:
    - a. Prohibit left turns by exiting vehicles.
    - b. Restrict turning movements to right turns in and out of a driveway.
    - c. Require installation of a right turn acceleration lane or deceleration lane.
    - d. Require installation of a separate left turn standby lane.
    - e. Alter the horizontal or vertical geometry of the roadway.
    - f. Deny access to the road.
- L. Driveway Materials: All driveways construction materials, including those parts of driveways used as parking, shall only consist of concrete, pervious concrete, asphalt, or pavers, and not of gravel or grass.

### *Section 433. Bridges and Culverts.*

- A. Bridges and culverts shall be designed to meet current AASHTO or PADOT Standards to support expected loads and to pass design stormwater flows. They shall be constructed to the full width of the planned cartway. Allowance for safe pedestrian crossing must also be made.
- B. Where County owned roads or bridges are involved, the County Roads and Bridges Division must review and approve all proposals.
- C. It is unlawful to construct any bridge, culvert, or other water obstruction, or to make any change in or addition to, any existing water obstruction, or in any manner change or diminish the course, current, or cross-section of any stream or body of water, without first having made written application to and obtained a permit or consent in writing from PADEP.
- D. The following information is required when a bridge is to be constructed:

1. Drawings to include:
    - a. location plan;
    - b. cross-section of present bridge if one exists;
    - c. profile of stream for a reasonable distance above and below bridge site, showing slopes of bed, normal water surface and flood water surface.
  2. the total drainage area above the bridge site;
  3. description of watershed;
  4. length of stream from source to bridge site and to the mouth;
  5. character of stream bed and banks;
  6. extent and depth of overflow during floods;
  7. effect of previous floods upon bridges, their span and clearance;
  8. whether bridge will be within backwater influence of the stream.
- E. A complete set of structural computations and drawings shall be submitted with plans involving construction of bridges and culverts.

*Section 434. Parking and Related Internal Driveways.*

Parking and related internal driveways shall be governed by the following regulations.

A. General.

1. The specific purposes to be served by these requirements are:
  - a. To add visual character and improve the appearance of parking areas by reducing their massiveness into smaller units.
  - b. To integrate parking areas into the pedestrian circulation system.
  - c. To provide shade for parked cars and reduce heat islands, stormwater run-off, and air pollution.
  - d. To reduce random vehicular flow across parking areas.
  - e. To permit a high level of visibility for those uses for which visibility is an important factor.
  - f. To facilitate snow removal and storm drainage, and to conserve energy in construction and resurfacing operations, by laying out the paving surface with minimal obstructions.
2. The terms "parking lot," "parking area," and "parking" are interchangeable. "Parking" includes the driveway which provides direct access to the parking spaces.
3. Off-street parking facilities shall be provided in compliance with the parking requirements of the Borough Zoning Ordinance and the regulations contained herein.

4. Construction materials for parking areas of one- or two-family dwellings, including driveways used as parking for such dwellings, shall only consist of concrete, pervious concrete, asphalt, or pavers, and not of gravel or grass.
5. Parallel parking shall be used along roads where needed. Angled parking may be permitted along public or private streets or within parking lots, when it is specifically designed to address potential safety issues associated with vehicles using the parking. Perpendicular parking shall not be permitted along public or private streets though angled parking may be used in select locations.
6. Stormwater storage/infiltration facilities, such as vegetated swales, infiltration galleries, or seepage beds beneath parking areas should be used. These facilities avoid the generally negative visual impacts of surface detention or retention facilities, and enhance groundwater recharge, with the attendant positive effects on stream flows and quality. Other stormwater management controls such as rain gardens and porous pavement shall be used in parking lot design.

B. All Parking Lots.

1. Parking shall not be permitted along driveways which serve as the entrance(s) or exit(s) to parking areas with a capacity of fifty (50) vehicles or more. A minimum driveway length of fifty (50') feet shall be provided between the road ultimate right-of-way line and the first parking space or internal driveway intersection in parking lots with fifty (50) vehicles or more.
2. Parking areas shall be set back from tract boundary lines and right-of-way lines in compliance with the requirements of the Zoning Ordinance. In any case not regulated by the Borough Zoning Ordinance, parking areas shall not be located closer than fifteen (15') feet from any tract boundary line unless a public right-of-way intervenes.
3. Where the edge of an existing parking area is located close to a street, driveway, or other parking area and the property is proposed for subdivision and/or land development, a minimum separation of ten (10') feet shall be provided between these features unless a shared parking or cross access arrangement is proposed. This spacing shall consist of a landscaped area with planting in conformance with *Section 438: General Landscape Design Criteria*, herein.
4. Dead-end parking areas shall not be used when the required parking capacity can be accommodated in a layout that permits more convenient vehicular movements. However, extraneous through-traffic flow should be avoided.
  - a. Up to thirty (30) parking spaces may also be located in a dead-ended parking area if there is no more desirable alternative feasible, and sufficient back-up areas are provided for the end stalls.
  - b. More than thirty (30) parking spaces may be located in a dead-ended parking area only if a turnaround area is provided at the closed end, suitable for passenger car turning. The turnaround area may be circular, "T" or "Y" shaped, or other configuration acceptable to Borough Council.

5. Parking spaces designed for the exclusive use by disabled persons shall be installed in all parking lots as close and convenient to building entrances as is reasonable. The specific number and locations of handicapped stalls shall be in conformance with the Americans with Disabilities Act (ADA).
  6. Provisions for pedestrian safety within a parking lot shall be required by providing sidewalks, delineated crosswalks, traffic calming devices, and other measures.
- C. Parking Area Dimensions. Parallel parking stalls shall have minimum dimensions of nine (9') feet width by twenty-two (22') feet length.
2. Perpendicular parking stalls shall have minimum dimensions of (9') feet width by eighteen (18') feet length with a twenty-two (22') feet aisle.
  3. At the discretion of Borough Council the minimum length of parking stalls may be reduced by one (1') foot if stalls are designed to allow vehicles to overhang an area of grass or other pervious surface. Bumper stops shall be provided which allow the parked vehicle to extend at least one (1') foot over the edge of the pavement.
  4. Where parking stalls abut sidewalks, parked vehicles shall not overhang the sidewalks unless the sidewalk is widened by two (2') feet. Wheel stops are required in order to allow for full pedestrian use of the sidewalks.
  5. Parking spaces for physically disabled persons shall be thirteen (13') feet wide and equal in depth to the spaces abutting them in accordance with standards developed under the Americans with Disabilities Act (ADA).
  6. Long-Term Parking Areas. In parking lots which service the parking needs of commuters or employees and have limited turnover of vehicles or where vehicles are stored such as auto dealers, parking stalls may have minimum dimension of eight and one-half (8 1/2') feet width by seventeen (17') feet length with a twenty-two (22') feet aisle. Borough Council may allow a twenty (20') feet aisle under one of the following conditions.
    - a. The parking area will be used by smaller vehicles;
    - b. The parking area lot serves less than twenty (20) vehicles;
    - c. The parking aisles intersect driveways on both sides;
    - d. The parking lot serves as vehicle storage or valet parking; or
    - e. Elevated or underground parking is used.
  7. Short-Term Parking Areas. In parking lots that service retail areas with high turnover or where shoppers are loading merchandise into vehicles, stalls shall have a minimum dimension of ten (10') feet width by twenty (20') feet length with a twenty-two (22') foot aisle.
  8. Angled parking shall have the same width dimensions as 90 degree parking and the following depth and aisle dimensions:
    - f. For 75°(degree) parking– the length measured at right angles to the edge of parking shall be nineteen and one-half (19½) feet with an aisle dimension of

twenty (20') feet.

- g. For 60°(degree) parking– the length measured at right angles to the edge of parking shall be nineteen (19') feet with an aisle dimension of fourteen (14') feet.
- h. For 45°(degree) parking– the length measured at right angles to the edge of parking shall be seventeen (17') feet with an aisle dimension of eleven (11') feet.

2. Shared Access. When required by Borough Council upon recommendation of the Borough Planning Commission, applicants shall create agreements for shared vehicular access as the preferred means of reducing the total number of curb cuts for traffic safety and congestion reasons. Non- residential lots shall provide cross-access easements for parking areas and driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow in accordance with *Section 421: Solid Waste Management*.

- i. Nonresidential lots shall provide cross-access easements for parking areas and driveways guaranteeing access to adjacent lots. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.
- j. When two (2) or more abutting lots share an access driveway, the driveway should be designed as the main access to those lots, and one or more existing access driveways should then be closed.
- k. Where development of three or more adjoining parcels consolidates vehicular access into one shared driveway, that driveway may be upgraded into a medium volume driveway according to PADOT standards.
- l. Shared access may be located entirely on one lot or be split among a common lot line.
- m. Access easement and maintenance agreements or other suitable legal mechanisms shall be provided, in a form acceptable to Borough Council in consultation with the Borough Solicitor.
- n. Liability safeguards for all property owners and lessees served by the shared access shall be guaranteed to the satisfaction of Borough Council in consultation with the Borough Solicitor.

D. Driveways Within Sites Proposed for Nonresidential Development. The following requirements apply to all driveways within all sites proposed for nonresidential land development.

- 1. A smooth transition shall be provided between the driveway section required for access to a public street and other driveway(s) required for internal site circulation.
- 2. Main access driveways (entrance-exit) and service driveways handling large trucks shall be a minimum paved width of thirty (30') feet, with one lane in each direction, unless otherwise required by PADOT standards governing the volume

of traffic anticipated.

3. Access driveways for cars and other small vehicles which are clearly secondary in importance may be reduced to twenty (20') feet in paved width, unless otherwise required by PADOT standards governing the volume of traffic anticipated.
4. Interior storefront driveways in shopping centers shall be a minimum paved width of twenty-eight (28') feet, to allow one lane in each direction and a drop-off/pick-up lane along the sidewalks.-
5. Driveways along other nonresidential buildings shall be a minimum paved width of twenty-two (22') feet, except where a drop-off/pick-up lane is proposed.
6. Parking Aisles shall be a minimum twenty-two (22') feet wide with two-way traffic flow for convenience and efficiency except where one-way traffic is used to access angled or parallel parking.
7. Wherever feasible, internal circulation driveways shall extend from access drives in locations which permit and encourage entering traffic to turn and enter the parking aisles without first travelling along a building-front driveway. This feature is intended to reduce the volume of vehicular traffic along building-front driveways to make it safer for pedestrian traffic.

#### *Section 435. Curbing.*

Curbing shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas.

- A. When utilizing an approved stormwater management technique, Borough Council may waive curbing requirements in full or partially. Grass swales and infiltration trenches along streets are encouraged in appropriate locations in the Borough provided that pedestrian safety and traffic circulation is addressed.
- B. Borough may waive the installation of sections of curbing when adjoining sections of the road do not have curbing and in the opinion of the engineer it would be better to install the curbing at the same time that curbing is installed along the adjoining sections of the road way. In these cases, payments shall be required to fund the installation of the curbing at a future time when other sections of curbing along the roadway are installed.
- C. Handicap accessible curb cuts that meet the requirements of the American Disabilities Act shall be installed at all Intersections where sidewalks are provided or proposed.
- D. The applicant shall otherwise comply with **Chapter 104, Sidewalks, Curbs and Driveway Aprons**, of the Borough Code.

#### *Section 436. Additional Plantings.*

- A. All proposed nonresidential structures shall incorporate the following minimum plant materials in the landscaping areas adjacent to the proposed structure:

1. One canopy tree (2-2 ½" minimum caliper) or two understory trees (8' minimum height) shall be planted for every fifty (50') feet of proposed building façade facing a public street.
  2. Five (5) deciduous or evergreen shrubs (18" minimum height) shall be planted for every twenty (20') feet of proposed building façade facing a public street.
  3. Planting areas shall be a minimum of 150 square feet with a minimum 10-foot width.
  4. A minimum of twenty-five (25%) percent of the area between the building façade and the property frontage shall consist of pervious planting areas.
- B. At the discretion of the governing body, if sufficient planting space is not available immediately adjacent to the proposed structure, required building façade plantings may be located on the other areas of the tract.

*Section 437. Stormwater Basin and Natural Areas Planting.*

Landscaping shall be required in and around all stormwater management basins and natural areas according to the following:

- A. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation such as naturalized meadow plantings or lawn grass specifically suited for stormwater basins .
  1. Trees and shrubs shall be planted in and around stormwater basins if they do not interfere in the proper function of the basin and no trees are planted within thirty (30') feet of an outlet/drain structure, emergency spillway, or dam. A minimum of two (2) trees and ten (10) shrubs per 100' linear feet of basin perimeter shall be planted in and around the basin.
  2. Naturalized ground cover plant species, such as wildflowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of stormwater basins, shall be seeded in the floors and slopes of the basin and meet the following requirements:
    - a. The plantings provide a satisfactory continuous cover for all areas of the basin.
    - b. The plantings do not interfere with the safe and efficient function of the basin as determined by the Borough Engineer.
  3. Lawn grass areas may be sodded or hydro-seeded to minimize erosion during the establishment period. Once established, these turfgrass areas shall be maintained at a height of not more than six (6") inches.
  4. Stormwater basins shall be screened from adjacent properties using the buffer plantings standards according to Section 434.
- B. Additional vegetation shall be planted in natural resource protection areas including riparian corridors wherever existing trees do not meet the minimum tree planting

requirements.

1. Existing trees within natural resource areas shall be preserved and retained. Existing tree cover should be surveyed and inventoried to assess the need for any new plantings. Existing tree species included on the noxious/invasive plant species list, Appendix, should be removed where conditions warrant.
2. Planting Requirements.
  - a. New trees shall be planted at a minimum rate of fifteen (15') feet on center or one tree per 225 square feet in staggered rows or an equivalent informal arrangement within the riparian area.
  - b. New trees shall be a variety of sizes ranging from a minimum four (4') to five (5') foot branched whip to an approximate one and a half inch (1 ½") balled and burlapped planting stock.
  - c. New tree plantings shall be composed of native riparian tree species.
  - d. Tree plantings in riparian areas shall be located along the streambank to provide shade for the stream, soil erosion control and stormwater benefits, according to accepted stream bank restoration practices.
  - e. Trees planted in natural areas inventory sites should conform to the management requirements the Montgomery County Natural Areas Inventory.

*Section 438. General Landscape Design Criteria.*

- A. Plantings shall be placed in arrangements and locations to best mitigate the adverse impacts of the proposed site development. The required plant material shall be distributed over the entire length and width of any required buffer area.
- B. Plantings shall be spaced to comply with the visual mitigation requirements with consideration given to the provision for the future growth habits and mature sizes of selected plant species.
- C. Plant species selection shall be based on the following considerations:
  1. Existing site conditions and their suitability for the selected plants based on the site's soils, hydrology and microclimate.
  2. Specific functional objectives of the plantings which may include but not be limited to visual screening, noise abatement, energy conservation, wildlife habitat, erosion control, stormwater management, and aesthetic value.
  3. Maintenance and replacement considerations such as hardiness, resistance to insects and disease, longevity, availability, and cost of plant materials
  4. A minimum variety of tree species is required as follows:

NUMBER  
OF TREES

MINIMUM NUMBER  
OF TREE SPECIES

MAXIMUM % OF  
ANY ONE SPECIES

0-5	1	100%
6-15	2	50%
16-30	3	40%
31-50	4	30%
51+	6	20%

- D. Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of Borough Council. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer. In order for existing vegetation to qualify for required buffer plantings, proof must be provided to demonstrate that adequate protection measures, particularly in the plant's root zone, are incorporated into the plan.
- E. Plant materials shall meet the specifications of *Section 618: Plant Materials Specifications*.
- F. In the event that a developer requests a waiver from the landscaping requirements of this Article on the basis that compliance with such requirements would represent a manifest hardship, the grant of any such waiver may be conditioned upon the payment to the Borough of a fee in lieu of planting such required landscaping in accordance with the following:
1. The developer shall provide sufficient plans and documentation to establish what landscaping is to be waived and to permit the proper evaluation of the effect of the grant of the proposed waiver and the reasons for such waiver.
  2. The fee shall be based upon the value of the required landscaping that is to be waived. The calculation of which value shall be performed by the developer and shall be based on the costs of materials, installation and guaranty of the landscaping that is not to be installed.
  3. The fee in lieu of the provision of the required landscaping shall be used, unless the developer paying such fee shall agree otherwise, only for the purpose of providing for the planting of trees and other landscaping in parks of the Borough or along the streets or highways of the Borough.

**ARTICLE FIVE**  
**MOBILE HOME PARK STANDARDS**

*Section 500. General Applicability*

- A. Individual Mobile Homes. Individual mobile homes or manufactured housing, as defined in *Section 201: Definition of Terms*, may be erected on any lot where the use is permitted in compliance with the Lansdale Zoning Ordinance, all sections of this Ordinance which apply to subdivisions and development of single-family detached dwellings, and applicable local or federal building codes.
- B. Mobile Home Parks. The provisions of this Article shall be followed in the construction or alteration of all mobile home parks, as defined in *Section 201: Definition of Terms*. These provisions are in addition to other applicable regulations of this Ordinance. Compliance with the Lansdale Zoning Ordinance is also required.

*Section 501. Site Design*

The following site design standards shall apply to mobile home parks:

- A. Arrangement of Structures and Facilities. The tract, including mobile home stands, patios, other dwellings and structures, and all tract improvements, should be organized in relation to topography, the shape of the property, and common facilities. Special attention shall be given to new mobile home designs and to common appurtenances that are available.
- B. Adaptation to Property Assets. Each mobile home unit or other dwelling or structure shall be fitted to the terrain with a minimum disturbance of the land and a minimum elevation difference between the floor level of the unit and the ground elevation under it. Existing trees and shrubs, rock formations, streams, floodplains, steep slopes, and other natural features of the property shall be preserved to the maximum extent practical.
- C. Courts and Spaces. Groups or clusters of units shall be placed to create interior spaces and courtyards.
- D. Orientation. Mobile homes shall be arranged in a variety of orientations so that multiple units face the street with their long sides rather than their ends, in order to provide variety and interest.
- E. Street Layout. Street patterns should relate to the topography.
- F. Roadways.
  - 1. Standards. All municipal standards for the construction of streets contained in this Ordinance shall be adhered to for all public streets in and abutting a mobile home park. In those parks where streets are to be maintained by the mobile home park owner or owned and maintained in common by the residents/ owners of the individual lots, the following standards shall apply:
    - a. Right-of-Way. There shall be an equivalent right-of-way (as defined under

street rights-of-way in *Section 201: Definition of Terms*) reserved along streets which are designed to function as major or minor collector streets, and which connect exterior roadways, form major internal loops, traverse the majority of the development, or provide access to adjoining parcels of land. No equivalent rights-of-way are required on other streets. On those streets where an equivalent right-of-way is required, parallel parking may be permitted, but perpendicular or angled parking is not permitted

- b. **Pavement.** Pavement or cartway width of all residential streets serving as access to mobile home lots shall be not less than twenty-six (26') feet. Pavement may be reduced to no be less than twenty (20') feet on a street serving as access to not greater than ten (10) mobile home lots where parking is prohibited along the road and off-street visitor parking is provided in common areas within at least 300 feet of all dwelling units. Overflow or guest parking requires one off-street parking space for each three (3) mobile homes.
  - c. **Grades.** Gradients on all residential streets shall not exceed ten (10%) percent.
  - d. **Cul-de-Sac Streets.** A paved turnaround area with a minimum radius of forty (40) feet shall be provided at the closed end of any cul-de-sac street serving as a sole access to four (4) or more mobile home lots. No permanently-closed cul-de-sac street shall exceed six-hundred (600) feet in length or serve as the only access to more than twenty (20) mobile home lots.
2. **Access Limitations.** Mobile home lots may have direct access only onto streets internal to the development. Direct access from a mobile home lot shall not be permitted onto the streets surrounding the mobile home park.
  3. **Conversions.** Any road built as a private road, and later proposed for conversion to a public road, shall be brought up to the applicable standards for public streets prior to being dedicated as a public way, unless this requirement is waived by Borough Council subsequent to determining that compliance with the requirement would have a negative effect on the mobile home park.

#### G. Pedestrian Circulation.

1. **General Requirements.** All mobile home parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for intended use, durable, and convenient by connecting individual mobile homes, other mobile home park features, all community facilities provided for the residents, and offsite facilities, such as schools, bus stops, commercial centers, etc. These pedestrian walkways may parallel vehicular roadways, where they shall be required on at least one side, or they may form a separate but coordinated system away from streets. Walkways must be provided wherever pedestrian traffic is concentrated and where school children congregate, but may be waived elsewhere if the applicant successfully demonstrates a lack of need.
2. **Common Walk System.** Where a common walk system is provided and maintained between locations, such common walks shall have a minimum width

of four (4) feet. Where these walks parallel roadways they shall be separated from the road pavement by a distance of at least four (4) feet.

3. Individual Walks. Walkways from all dwellings shall be connected to common walkways, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2') feet.

#### H. Parking

1. Spaces Required. Two (2) paved off-street parking spaces shall be provided for each dwelling on the same lot. Parking for any commercial or other nonresidential use shall follow the requirements otherwise applicable for such uses.
2. Common Parking Areas. All common parking areas shall conform with the dimensional requirements in *Section 434: Parking and Related Internal Driveways*.

#### *Section 502. Common Open Space*

In addition to any requirements of the Borough Zoning Ordinance, the following regulations shall also apply:

##### A. Open Space System

1. Arrangement. The common open space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of Borough Council that two or more separate areas would be preferable. The open space shall also have easily identifiable pedestrian and visual accessibility for all residents of the mobile home park, although all units do not have to abut the common open space.
2. Recreation. Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the mobile home park. Not less than twenty-five (25%) percent of the required open space area exclusive of lands within the required buffers, shall be devoted to recreation use. Recreation areas should be of a size, shape, and topography that is conducive to active and passive recreation, in compliance with applicable zoning requirements.

##### B. Buffers

1. General Requirements. A permanent buffer shall be provided along all exterior property boundary lines.
2. Existing Buffers. In cases where the property line of a mobile home park occurs along natural features which function as buffers, including but not limited to mature vegetation, significant grade changes or stream valleys which are likely to be permanently preserved, buffering may be waived along that property line with approval of Borough Council based upon recommendation of the Borough Planning Commission.
3. Buffer Landscape Plan. A landscaping plan shall be submitted in accordance with the provisions for landscape plans provided in *Section 304: Preliminary*

*Plan Requirements of this Ordinance.*

**Section 503. Common Elements**

- A. Ownership. Common open space and roadways shall be offered for dedication to the Borough or open for public use through easements or other appropriate means in any mobile home park where all lots will be sold, or where Borough Council determines those areas to be key elements in the open space and/ or circulation systems of the Borough. In all other cases, these and other common elements may be retained in private ownership, or may be owned jointly by the residents of the development.
- B. Maintenance. Prior to development plan approval, provisions acceptable to Borough Council and Borough Solicitor for the maintenance of all common elements which will not be owned and maintained by a governmental agency shall be established.
- C. Service Building. The structure or structures containing the management office and other common facilities should be conveniently located for the use intended.

**Section 504. Utilities**

**A. Water Supply**

- 1. General Requirements. An adequate water supply for domestic, auxiliary, and fire fighting uses shall be provided throughout the mobile home park, including service buildings and accessory facilities, in accordance with the Borough Zoning Ordinance. Water Distribution System. All water piping, fixtures, and other equipment shall be constructed and maintained in accordance with state and local regulations as well as those of the servicing utility.
- 2. Individual Water-Riser Pipes and Connection.
  - a. Individual water-riser pipes shall be located within the confined areas of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.
  - b. The water-riser pipe shall have a minimum inside diameter consistent with the standards of the servicing public utility, or in lack thereof, of the Borough Engineer, and terminate at least four (4") inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.
  - c. Adequate provisions shall be made to prevent freezing of service lines, valves, and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.
- 3. Fire Protection. All mobile home parks shall be provided with fire hydrants to meet the specifications of the National Fire Protection Association. In addition, those hydrants shall be in sufficient numbers to be within six-hundred (600') feet

of all existing and proposed mobile homes and other dwellings and structures, measured by way of accessible streets or common areas.

#### B. Sewage Disposal

1. General Requirements. An adequate and safe sewerage system shall be provided throughout the mobile home park for conveying and disposing of sewage from dwellings, service buildings, and accessory facilities in accordance with the state requirements.
2. Sewer System. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the water supply system. The system shall be constructed and maintained in accordance with all state regulations, as well as those of the servicing utility.
3. Individual Connections.
  - a. Each mobile home shall be have a sewer riser pipe consistent with the standards or the servicing utility or Borough Plumbing Code. The sewer riser pipe shall be located on each stand to connect vertically with the mobile home.
  - b. The connection shall have an insider diameter and slope as required by the servicing utility or Borough Plumbing Code. All joints shall be watertight.
  - c. All material used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent, and durable. The inner surface shall be smooth.
  - d. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least half inch (1/2") above ground elevation.

- C. Underground Utilities. All electric, natural gas, telephone, cable television and any other utility lines shall be placed underground in all mobile home parks and each shall have the necessary shut-off valves and other safety requirements normally associated with safe operations. All utility connections shall be appropriately capped for safety purposes whenever a mobile home stand is not occupied.

### *Section 505. Permits, Licenses, Fees and Inspections*

#### A. Permits Required

1. Lots for Sale. In those mobile home parks wherein some or all of the mobile home lots will be sold individually (whether totally fee simple, fee simple with a homeowners association, condominium, or cooperative), no lot to be conveyed shall be developed or a mobile home or other structure placed or constructed thereon until the subdivision and/or land development plan has been properly approved and the proper building and construction permits have been issued to the lot in accordance with standard procedures for any building activity in the Borough. No mobile home or other structure shall be occupied until a valid occupancy permit has been issued by the Borough.

2. Lots for Lease. In those mobile home parks wherein some or all of the mobile home lots will be leased, the following regulations shall apply to the entire development exclusive of the lots being sold individually:
  - a. Initial Permits. It shall be unlawful for any person or group to construct, alter, extend, or operate a mobile home park unless and until that person or group obtain:
    - 1) valid permit(s) authorizing construction or initial occupancy issued by the Borough Code Enforcement Officer in the name of the operator. All permits for water supply and sewage systems shall have been obtained.
    - 2) compliance with all other requirements contained herein.
    - 3) final approval of the application by Borough Council.
  - b. Annual License. In addition to the initial permits, the operator of a mobile home park with lots for lease shall apply to the Borough Code Enforcement Officer on or before the first day of each year for an annual license to continue operation of the mobile home park. The Code Enforcement Officer shall issue the annual license upon satisfactory proof that the mobile home park continues to meet the standards prescribed by the state agencies having jurisdiction and the standards of this Article and other applicable ordinances. The license so issued shall be valid for one year from the date of issuance.

#### B. Fees

1. Fees for the initial application and preliminary and final approvals of any mobile home park shall be set by Borough Council.
2. The fee for the annual license required for mobile home parks having lots for lease shall be prescribed by regulations of Borough Council and shall be submitted to the Code Enforcement Officer with the application for the annual license.

#### C. Inspection

1. Upon notification to the licensee, manager or person in charge of a mobile home park with lots for lease, the Borough Code Enforcement Officer may inspect a mobile home park after due notice to determine compliance with this Article.
2. Upon receipt of the application for annual license and before issuing such annual license, the Borough Code Enforcement Officer shall make an inspection of the mobile home park to determine compliance with this Article and other applicable ordinances. The Borough Code Enforcement Officer shall thereafter notify the licensee of any instances of non-compliance and shall not issue the annual license until the licensee has corrected all such violations.

- D. Mobile Home Inspections. The applicant or developer shall inform the Borough when mobile homes are connected to water supply, sewer, and electrical service to schedule inspection of these connections and to determine that the mobile home is

anchored and located in accordance with this Ordinance. The Borough will not inspect the mobile home unit but shall determine if it bears a label indicating that it complies with the appropriate federal safety standards promulgated by the US Department of Housing and Urban Development and Pennsylvania regulations issued under the "Manufactured Housing Construction and Safety Act."

*Section 506. Additional Requirements*

- A. Mobile Home Stands. A concrete mobile home 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.
- B. Anchoring. Every mobile home placed within a mobile home park shall be anchored to the mobile home stand where it is located prior to the unit being occupied or used in any other way, or the expiration of seven (7) days from the date that it was delivered to the site, whichever occurs first. The anchoring system shall be designed to resist a minimum wind velocity of 90 miles per hour.
- C. Stability. All mobile homes placed within a mobile home park shall, prior to occupancy or other use, be affixed to their mobile home stands in such a way so as to prevent tilting of the unit. No mobile home shall permanently rest on the wheels used to transport the unit.
- D. Skirts. All mobile homes placed within a mobile home park shall, prior to occupancy or other use, have skirts installed for protection of the utility connections.
- E. Hitch. The hitch or tow bar attached to a mobile home for transport purposes shall be removed and remain removed from the mobile home when it is placed on its mobile home stand.

**ARTICLE SIX**  
**ENGINEERING AND CONSTRUCTION STANDARDS**

*Section 600. Purpose and Contents*

This Article contains the construction and engineering standards for required improvements, utilities, grading and erosion control, survey detail, stormwater drainage, paving, curbing, pathways and sidewalks, emergency access, bridges, signage and markings, lighting, solid waste storage, street names, and easements.

*Section 601. Asphalt Roadway Improvements*

- A. All adjacent structures and areas disturbed or damaged during construction shall be properly repaired, restored, or replaced to the satisfaction of the Borough by the party causing the damage.
- B. All trees, roots, stumps, brush, down timber, wood, rubbish and any objectionable material shall be removed from the full legal right-of-way, or as approved by the Borough engineer. Efforts shall be made during construction of roadways to preserve vegetation, specifically for preservation as identified in the landscaping plan.
- C. Paving. The pavement of all streets and all commercial, industrial, and multifamily parking areas and driveways into and out of parking areas shall be installed as shown on the Final Plan and in accordance with the following standards:
  - 1. General. All paving shall be constructed both as to materials and methods, generally in conformance with applicable portions of PADOT Specifications Publication 408.
  - 2. Pavement Design. Pavement construction shall conform to the minimum standards for different types of streets and parking areas as indicated in Figure 6-1.
  - 3. Paving Cross-Section. All pavements, except where super elevated for curves, shall conform with typical roadway cross sections in *Figure 6.2: Roadway Construction Standards*.
  - 4. Alternative Paving. Alternative paving specifications may be approved for roads, driveways, and parking lots not intended for dedication to the Borough, in commercial, industrial, rural, multifamily and mobile home park areas.
  - 5. Aggregates, coarse and fine, for binder coarse shall be made from stone, gravel, or other recycled aggregate or glass, and shall meet the quality requirements for Type A stone and Type A gravel. Fine aggregate shall be natural sand, manufactured sand or fine recycled glass cullet composed of free hard durable, uncoated particles and free of from lumps of clay and organic material. Fine sand shall meet the gradation requirements in Table A, Section 703, Penn DOT Publication 408, latest revision. The coarse aggregates shall meet the grading requirements indicated above.

D. Pavement Cross Slopes. The typical pavement cross slope on proposed streets shall not be less than one fourth (1/4") inch per foot and not more than one half (1/2")-inch per foot. The typical slope of the shoulder areas shall not be less than three fourth (3/4")-inch per foot and not more than one (1")-inch per foot.

**Figure 6.1. Minimum Street Construction Standards**

	Local Road	Arterial or Collector Road
Superpave Surface Course	1 1/2"	1 1/2"
Superpave Binder Course	2"	2"
Bituminous Concrete Base Course	3"	5"
PENNDOT No. 2A Coarse Aggregate Subbase	4"	4"
Minimum Design Structural Number	2.8	3.5

**NOTES**

1. All thickness specifications are for compacted materials.
2. Permanent cul-de-sac street, marginal access street, service street, and off-street parking construction shall conform to standards for local roads.
3. All base courses and/or ID-2 binder course shall be overlaid with a wearing course no later than one year after installation unless approved otherwise. Binder course to be installed immediately following base course installation.  
parking construction shall conform to standards for local roads.

**Section 602. Concrete Sidewalk Improvements**

Concrete sidewalks shall be constructed as follows:

- A. Material Specifications. The following materials shall be used in the construction of sidewalks:
  1. Subbase: three-fourths-inch stone with a depth of four inches to a suitable grade.
  2. Concrete: minimum pounds-per-square-inch rating of 3,500 p.s.i.
  3. A white, liquid membrane curing compound, complying with PennDOT Pub. 408, must be applied within 24 hours of concrete being poured.
  4. Notwithstanding any provision contained in this chapter, ornamental features, such as ornamental pavers, may be permitted or required in the Downtown Business Overlay District or for any Borough streetscape project, in the sole discretion of the Borough Council.
- B. Dimensional Criteria. Sidewalks shall adhere to the following dimensional criteria:

1. Minimum width: 48 inches, provided that passing space is provided at intervals of 200 feet or less which is either:
    - a. Sixty inches by 60 inches minimum; or
    - b. An intersection of two walking surfaces, providing a T-shaped space where the base and arms of the T-shaped space spans 48 inches minimum beyond their intersection
  2. Minimum required thickness: four inches.
  3. Grass verges and sidewalk width shall otherwise be consistent with the applicable Design Standards in *Article Four: Design Standards for Residential and Nonresidential Subdivisions and Land Developments*.
- C. Cross Slope. The cross slope of a sidewalk shall not exceed 2%. The cross slope shall be sloped in the downward direction toward the cartway.
- D. Running Slope. A sidewalk may have a running slope in the upwardly or downwardly direction at a maximum of 5% from the existing sidewalk grade in order to accommodate driveway aprons and transitions to ramps which are either higher or lower than the level of the sidewalk.
- E. Excavation and Subbase. Wherever sidewalk is replaced or installed, the area under the sidewalk shall be excavated to a depth of eight inches below the level of the finished walk. Four inches of three-fourths-inch stone shall be placed and compacted in the excavated area under the sidewalk.
- F. Forms.
1. Wood or metal forms may be utilized in sidewalk construction so long as the forms are set in a fashion that ensures the thickness of the sidewalk is a full four inches.
  2. Forms must be inspected by the Borough official prior to concrete being poured.
- G. Surface Drainage Prohibited. No accumulated surface, roof area or driveway water shall be directed across the surface of a sidewalk. All sidewalk and curb construction shall accommodate drainage of surface, roof area and driveway water under the sidewalk where necessary.
- H. Subsurface Sidewalk Drain Specifications.
1. Surface drainage shall be carried under the sidewalk and through the curb in minimum SDR 35 PVC pipe having an inside diameter of three inches, and which shall be one piece from the street face of the curb to six inches inside the building side of the sidewalk when applicable or required by the Borough official.
  2. The invert of the pipe at the street end shall be at least 1/2 inch above the bottom of the face of the curb. At a minimum, there shall be at least 1 1/2 inches between the top of curb and the top of pipe. The grade of the pipe to the street shall not be less than 1/4 inch per foot.
  3. There shall be a minimum of one such drain for each fifty-foot interval per building lot and a minimum of two per building; provided, however, that the

aforesaid spacing requirements shall not apply to the replacement of existing drainage facilities.

4. Where a storm sewer is available in the street or under the sidewalk, the above drain shall discharge into the same. If no storm sewer is available, the drainage shall be through the face of the curb into the street gutters.

I. Expansion Joints.

1. A three-fourths-inch premolded expansion joint material shall be placed at maximum intervals of 30 feet along a sidewalk.
2. Wherever the sidewalk abuts against a wall, building or other permanent structure, a longitudinal expansion joint shall be provided.

J. Finishing.

1. The surface of all sidewalks shall have a broom finish.
2. The edges of sidewalks shall be finished with a one-fourth-inch radius and joints troweled every 48 inches or 72 inches, as required by the Borough official.

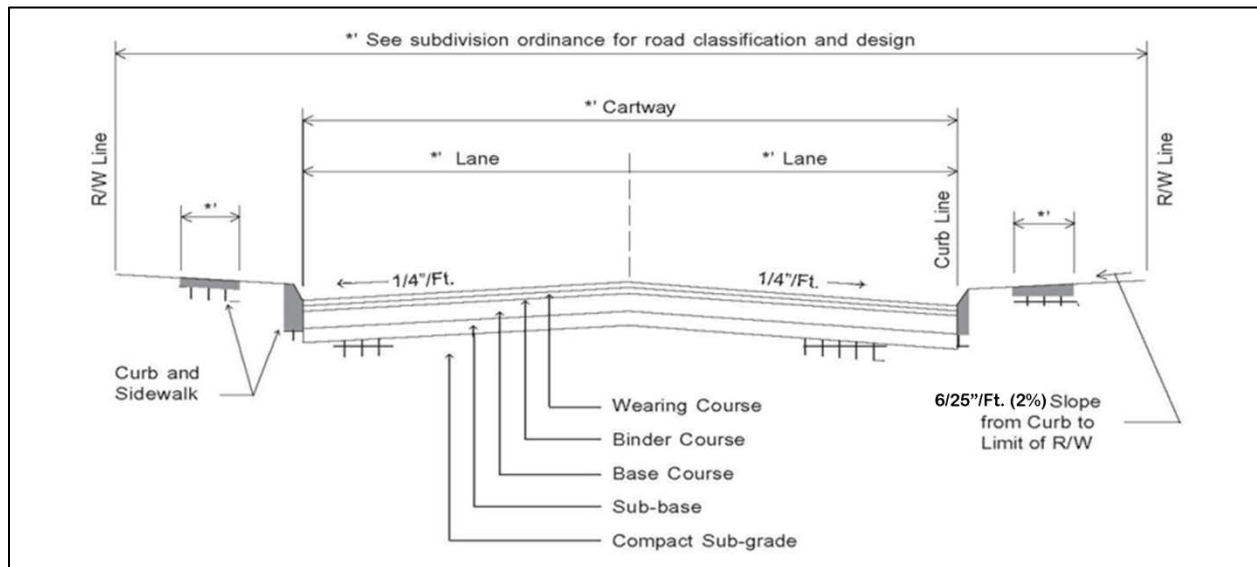
K. Poles, Trees, Fire Hydrants, and Light Standards. An opening shall be left around all trees within the sidewalk area. All poles, fire hydrants, light standards, or any other structure shall have an area of concrete a minimum of six inches larger than the pertinent item, boxed-out with an expansion joint. Signpost sleeves shall be provided for existing or proposed signs.

L. Public Utility and Service Boxes. Under no circumstances shall any public service curb or sidewalk boxes for access to underground facilities be left below the sidewalk level. Service curb or sidewalk boxes shall be extended to the finished elevation of the new sidewalk.

M. Backfill, Grading and Lawn Restoration.

1. As soon as reasonably possible, but in no event more than 12 hours after the removal of forms, any void behind the sidewalk shall be backfilled.
2. Material shall be placed in loose layers not exceeding four inches and compacted using vibrating or mechanical tampers. The topmost four inches shall be topsoil which is raked and seeded for areas where a grass strip is to adjoin the curb. New seed shall be watered within 24 hours of initial placement.
3. Where there are slopes adjacent a sidewalk in excess of 25%, matting is required, and the Borough official may require a retaining wall or the slope to be cut back to provide less slope.

**Figure 6.2: Roadway Construction Standards**



**Section 603. Crosswalk Improvements**

- A. Marked crosswalks shall be provided in cartways where sidewalks intersect with roads.
- B. Raised speed table crosswalk shall be three (3") inches or less in height, extend twenty-two (22') feet in length and have a flat surface stripped for a crosswalk ten (10') in width.

**Section 604. Pathways and Trails**

- A. Asphalt Trails shall be developed in accordance with the following standards.
  - 1. Pathways shall be six (6') to eight (8') feet wide and consist of two (2") inches of Superpave wearing course over a six (6") inch layer of AASHTO #57 stone.
  - 2. Multi-use trails shall be twelve (12') feet wide and consist of two (2") inches of Superpave wearing course over a six (6") inch layer of AASHTO #57 stone. Minimum shoulder width shall be two (2') feet.
  - 3. Where the edge of the trail is above the surrounding grade, bituminous pavement shall be feathered.
- B. Crushed Stone Trails shall be developed with the following standards.
  - 1. The base course shall be comprised of four (4") inches of 2A stone.
  - 2. The wearing surface shall be a two (2") inch mixture of quarry fines and clay material laid flat and rolled.
  - 3. Generally vertical slopes shall be less than five (5%) percent.
- C. The vertical clearance above the trail shall be maintained at a minimum ten (10')

foot height.

- D. The trail shall be laid out in such a manner that trail users are visible to other trail users and vehicles on intersecting roads. Sharp curves and excessive grade change shall also be avoided.

### *Section 605. Bicycle Parking Facilities*

Bicycle parking facilities for non-residential structures shall include a secure device to which the bicycle frame and one (1) wheel of the bicycle can be attached with a cable or locking device. The device shall be suitable to keep bicycles erect when they are locked to it.

### *Section 606. Driveways*

- A. Driveway Materials: All driveways construction materials, including those parts of driveways used as parking, shall only consist of concrete, pervious concrete, asphalt, or pavers, and not of gravel or grass.
- B. Residential Driveways. Residential driveways shall adhere to the following specifications.
  - 1. Concrete: minimum pounds-per-square-inch rating of 3,500 p.s.i. shall be used.
  - 2. Driveway apron: a minimum of six inches thick with six-inch by six-inch welded wire mesh reinforcing
  - 3. The maximum width at the cartway: 14 feet; provided, however, that, for driveways serving two or more dwelling units, the maximum width may be increased to 20 feet in width at the cartway.
  - 4. The portion of the sidewalk which crosses the driveway apron must meet with thickness requirements above and have a maximum cross slope of 2%.
- C. Nonresidential Driveways. Nonresidential driveways shall adhere to the following specifications:
  - 1. Concrete: minimum pounds-per-square-inch rating of 3,500 p.s.i. shall be used.
  - 2. Driveway apron: minimum eight inches thick with six-inch by six-inch welded wire mesh reinforcing.
  - 3. The driveway apron shall be installed in a fashion that provides the minimum slope. Where a proposed slope exceeds 8%, the proposed slope angle (i.e., percentage) shall be listed on the permit application and must be approved by the Borough official.
  - 4. The portion of the sidewalk which crosses the driveway apron must meet with thickness requirements above and have a maximum cross slope of 2%.
  - 5. Minimum distance from a property line to the closest edge of the driveway: 2 feet for single-family attached units, 5 feet for single-family detached units, 10 feet for all other uses.

6. Minimum distance from the closest edge of a driveway apron to the curb line of a side street of a corner lot: 12 feet.
  7. Minimum distance between drives on one property: 10 feet.
- D. Curb Depressions. The curb reveal adjacent a nonresidential or residential driveway apron at the gutter line shall not exceed 1 1/2 inches.
- E. Maximum Grades for Driveways.
1. Residential driveways shall not exceed ten (10%) percent grade.
  2. All other driveways shall not exceed six (6%) percent grade.
- F. All driveways shall be provided with a stopping area within which the grade shall not exceed four (4%) percent. The stopping area shall be measured as follows:
1. The length of stopping area shall be a minimum of twenty (20') feet, or the length of the longest vehicles anticipated to use the driveway, whichever is greater.
  2. Stopping areas shall be measured from the ultimate right-of-way line for all streets.
- G. Maximum grade requirements shall not be waived unless extremely difficult circumstances exist and cannot be mitigated by alternative locations, designs, or lotting, in which case a safe, practical alternative may be permitted by Borough Council, upon recommendation of the Borough Engineer.

*Section 607. Curb Construction* (See also Chapter 104, **Sidewalks, Curbs and Driveway Apron** of the Borough Code.)

- A. Materials Specifications. Curbs shall be constructed as follows:
1. Subbase: 3/4 inch, modified stone, with a depth of four inches to a suitable grade.
  2. Concrete: minimum pounds per square inch rating of 3,500 p.s.i.
  3. A white, liquid membrane curing compound, complying with PennDOT Pub. 408, must be applied within 24 hours of concrete being poured.
- B. Dimensional Criteria. All curbs shall have the following dimensions:
1. A minimum bottom thickness of eight inches.
  2. A minimum top thickness of seven inches at the top.
  3. A minimum depth of 18 inches.
  4. A height above the gutter line of eight inches; provided, however, that a minimum of up to four inches may be allowed under certain gutter conditions upon prior written approval from the Borough official.
- C. Excavation and Subbase

1. The curb area shall be excavated to the required depth. The material upon which the curb will be constructed shall be compacted to a firm, uniform and even surface.
2. In situations deemed due to existing grade or ground conditions, and in accordance with industry standards, the Borough official may require an additional eight inches of subsoil excavated, which shall be backfilled and tamped with crushed stone before construction of the curb.

D. Forms

1. Forms shall not discolor the concrete. All curbs shall be constructed and reconstructed using the steel curb and radius forms specified in the version of PennDOT Pub. 408.
2. Forms shall not be removed for at least 12 hours in the period from April 15 to October 15 or for at least 24 hours during the rest of the year. In no event shall the forms be permitted to remain in place for more than 48 hours.

E. Drainage sleeves. All penetrations through the curb shall be formed, sleeved or core-drilled. Cutting of curb is prohibited. The maximum penetration allowed is four-inch-diameter SDR 35 PVC.

F. Expansion and Contraction Joints

1. Division plates or form or saw contraction joints 3/16 inch wide and four inches deep shall be utilized every 10 feet. Any saw contract joint shall be sawn as soon as possible after the concrete has set sufficiently to preclude raveling during the sawing and before any shrinkage cracking occurs in the concrete.
2. The depth of the saw cut may be decreased at the edge adjacent to the pavement to obtain a maximum depth without pavement damage
3. The edges of construction joints shall be rounded to a one-fourth-inch radius.
4. One-half-inch premolded expansion joint material shall be cut to the cross-sectional area of the curb, at structures, and shall be placed at the end of each work day.

G. Pouring. Concrete shall be poured in the forms in layers not exceeding five inches in depth; provided, however, that when using a vibrator to eliminate voids, concrete may be poured in layers up to 15 inches in depth.

H. Finishing. Upon removal of forms, any irregular surfaces shall be corrected, preferably by rubbing the irregular surface with a carborundum stone. The face of curb shall have a smooth, rubbed surface to the gutter line. Brush-finishing or plastering will not be permitted. Minor defects may be filled with mortar. No voids or honeycomb shall be permitted on the finished surfaces of the curb. The top surface of the curb shall be smooth and evenly finished, preferably using a wood float. While the concrete is still plastic, the edges of the face and back of the curb shall be round.

I. Backfill and lawn restoration. As soon as possible after the removal of the forms, but in no event more than 12 hours after the removal of the form, any void behind the curb shall be backfilled. The excavated area shall be filled with three-fourths-inch

modified stone to six inches below the level of finish grade. Six inches of topsoil shall be placed on top of the stone, and the area shall be raked and seeded. New seed must be watered within 24 hours after initial placement.

- J. Mechanical Replacement of Curb. Upon written approval by the Borough official, curb may be placed with a self-propelled machine, provided that the concrete placed with the self-propelled machine maintains its shape without slumping after extrusion and that the curb is finished in accordance with the provisions set forth herein.
- K. Curb Ramps. Curb ramps shall be constructed at all intersections, including private and public alleys, in accordance with the applicable ADA Standards. Slope requirements set forth in the applicable ADA Standards shall be strictly adhered to, and a correction order shall be issued for any slope not meeting the minimum or maximum requirements as allowed by applicable ADA Standards. A variance from slope requirements may be obtained upon written request to the Borough official only where there is a nonrelocatable structure which makes strict compliance with the applicable slope requirements impracticable.
- L. Radius Curbs, A radius curb shall be constructed at all intersections, including intersections between public or private alleys and a street. The minimum radius for any curb at a street intersection shall be 10 feet. The minimum radius for any curb at an intersection between two alleys, where applicable, or an alley and a street shall be five feet. Radius curbs and walks shall be poured monolithically from the point of curvature to point of tangent.
- M. Alternative Curb Construction with granite blocks or "Belgian block" shall be permitted along roads and parking lots not being dedicated to the Borough.

#### *Section 608. Drainage and Stormwater Management*

- A. Stormwater control structures shall be designed in accordance with the Borough Stormwater Ordinance and the Pennsylvania Stormwater Best Management Practices Manual.
- B. All storm drains and drainage facilities such as gutters, catch basins, bridges, inlets, and culverts shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved with the Final Plan. Construction of these facilities shall conform with the PennDOT Specifications Publication 408, latest version.
  - 1. Location. Wherever practicable, storm sewers shall be located within the right-of-way of the street. They shall be protected by a cover of at least eighteen (18") inches.
  - 2. Size and Grade. Storm sewers shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning, and capable of carrying a ten year design storm. They shall have a minimum internal diameter of fifteen (15") inches and a minimum grade of one-half (½%) percent unless otherwise approved by the Borough engineer. Maximum internal pipe diameter shall be sixty (60") inches. Special box culverts or open channels shall be used when a sixty (60") inch pipe is not capable of carrying the design storm.

- a. Storm Drainage Pipe Materials. All storm drainage pipes up to but not including forty two (42") inches in equivalent diameter shall be constructed of the following materials
  - b. Reinforced concrete, rubber gasketed conforming to AASHTO M170, M198 and M207.
  - c. Reinforced concrete, tongue and groove conforming to AASHTO M170 and M207.
  - d. Corrugated polyethylene (PE) N12 smooth interior only conforming to ASTM D1248, ASTM D2412, AASHTO M252 and 294. A PE pipe shall be placed on a minimum of six (6") inches of AASHTO #57 stone and backfilled with same to a foot above the crown of the pipe.
  - e. Corrugated polyethylene (PE) perforated underdrain shall conform to AASHTO M252.
3. All storm drainage pipe and/or culverts forty-two (42") inches in equivalent diameter and above shall be constructed of either of the following materials:
    - a. Reinforced concrete tongue and groove conforming to AASHTO M170 and M207.
    - b. Reinforced concrete piping, rubber gasketed, shall conform to AASHTO M170, M198 and M207.
    - c. Precast reinforced concrete box sections in accordance with AASHTO M259.
    - d. Cement concrete cast in place, mix design strength of 4,000 pounds per square inch (psi).
  4. Manholes. Manholes shall be constructed at all changes in horizontal or vertical alignment; spaced not more than 300' feet apart on pipe of twenty-four (24") inches internal diameter or less, and not more than 450' feet apart where larger sizes are installed. Inlets may be substituted for manholes where they will serve a useful purpose. Manhole frames and covers shall be good quality cast iron; covers shall be marked "STORM" and have a minimum weight of two hundred and twenty (220) pounds.
  5. Inlets. Inlet spacing shall be so arranged that ninety-five (95%) percent of the gutter flow will be captured. No inlet smaller than PADOT Type 4 Foot Special Inlet shall be used. Double four (4) foot or six (6) foot inlets separated by twenty (20') linear feet of pipe shall be required if adequate efficiency is not realized with the PADOT Type 4 Foot Special Inlet. Inlets at street intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately upgrade from the inlet shall be so warped as to direct the water into the inlet. Inlets shall have a metal marking with the message: "Don't dump, drains to the river."
  6. Castings. Manhole and inlet castings, together with their covers or gratings shall conform to PADOT or Borough Standards, as may be in effect at the time

the design of the sewer is submitted. Castings shall indicate "storm."

7. Unnatural Drainage. Wherever construction stops or concentrates the natural flow of storm drainage in such a way to affect adjoining properties, approval of the owners shall be obtained in writing and a copy filed with the Borough. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties.
8. Drainage from Non-Natural Sources. Water originating from other than natural sources, such as air conditioning units, sump pumps, or other dry weather flow, wherever practicable, shall be discharged into natural water courses on the property. The discharge of water under the sidewalk through the curb into the gutter is prohibited.
9. Design Criteria
  - a. Permissible channel velocities, slopes, and cover shall be in accordance with the NRCS Engineering Field Manual, Chapter 7, "Grassed Waterways and Outlets."
  - b. Existing stream channels shall be maintained in their natural state. Only under unusual circumstances will a developer be permitted to line, straighten, or relocate an existing stream, with approval of the Department of Environmental Protection (DEP) and the Montgomery County Conservation District.
  - c. Acceptable energy dissipation devices shall be installed to bring discharge velocities down to limits specified in the SCS Engineering Field Manual, Chapter 7. Rip rap, natural stabilization structures, and/or gabions may be required by the Borough Engineer where erosion potential is great.

*Section 609. Utility Locations, Easements, and Rights-of-Way.*

Widths and locations of easements and rights-of-way shall be determined by the Borough Engineer or the appropriate authority or utility company for all utilities, including stormwater facilities. The location and design of the utilities shall be governed by the requirements herein.

A. General Standards.

1. Easements and required front, side or rear yards may co-occupy the same land as utilities.
2. Nothing shall be permitted to be placed, planted, set or put within the areas of an easement unless it is a portable or removable object. The area shall be kept as lawn.
3. The owner of any lot, upon written request by the Borough and at the owner's sole expense, shall remove anything placed, planted, set or put, (with or without knowledge of these regulations) within the area of any easement.
4. To the fullest extent possible, easements shall be adjacent to rear or side lot lines, and occupying only a portion of one (1) lot (not centered on 2 lots).

- B. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan. Any error found in a deed shall be immediately corrected and re-recorded in the Office of the Recorder of Deeds for Montgomery County at Norristown, Pennsylvania, at the sole expense of the applicant.
- C. Utility Easements. A minimum width of twenty (20') feet shall be provided for common utilities and drainage when provided in undedicated land for one use. Multiple utility uses within one easement require additional easement width.
- D. Public Utilities. All water, sewer, and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the Borough Engineer.
- E. Underground Utilities. All water, sewer, and gas mains shall be installed underground. All electric, telephone and communication services, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services, except where it is demonstrated to the satisfaction of Borough Council that underground installations herein required are not feasible because of physical conditions of the lands involved. All main underground cables which are within the right-of-way of a street shall be located as specified by the utility company, subject to approval by Borough Council, upon recommendation of the Borough Engineer.
  - 1. In order to promote and facilitate the underground installation of utility distribution lines, a letter of endorsement shall be required from the suppliers of utility service (not limited to electrical, telephone, or cable television) of the developer's choice wherein the applicant acknowledges that underground utilities are feasible and shall be consummated as part of the improvement plan.
  - 2. A statement relative to the intent of the developer to provide underground utility service shall be placed on the Final Plan requisite to final approval of the plan.
  - 3. The provisions in this ordinance shall not be construed as to limit or interfere with the construction, installation, operation, and maintenance of public utility structures or facilities which may hereafter be located within public easements or rights-of-way designated for such purposes.
  - 4. Light Standards are to be placed as required by Ordinance. Power source for such standards shall be placed underground as required.
  - 5. Along arterial and collector roads, all new electrical service shall be placed underground.

*Section 610. Domestic Wastewater Facilities*

- A. Sewage Facilities Design. The design and installation of domestic sewage facilities shall be done in accordance with the Pennsylvania Domestic Wastewater Facilities Manual prepared by the Department of Environmental Protection.

- B. On-site Sewage Facilities Design. The design and installation of on-lot subsurface disposal systems shall be done in accordance with PA Title 25 Chapter 73 regulations and the Technical Manual for Sewage Enforcement Officers.
1. The Borough Engineer or his/her designee shall require percolation and deep hole tests, as required by DEP, in order to determine the size, extent, and nature of disposal facilities. Such tests shall be conducted for each lot proposed for building.
  2. Existing on-lot sewage disposal systems that will remain in use shall be inspected and certified as to their satisfactory functioning, in accord with current industry, DEP standards, and the Montgomery County Health Department rules and regulations. Malfunctioning systems shall be replaced with systems designed and constructed to current standards.
  3. After assuring that all requirements have been met, the Borough Engineer or his/her designee shall issue a certificate of approval to the Borough as a requirement for Final Plan approval.
  4. In no instance shall an on-lot septic system be located nearer to a drilled well than one hundred (100') feet.
- C. Community Sewage Facilities. Sewage disposal for more than one lot on a shared basis, by means of community sewage facilities may be permitted in compliance with DEP regulations and Borough Sewage Facilities Plan.
- D. Sewage Collection System. All elements of the sewage facilities collection system including laterals, sewer mains, man holes, force mains, and pump stations shall be designed in accordance with the following requirements.
1. One lateral made of schedule SDR-35 PVC or cast iron shall be installed from the building to the septic tank or sewer main.
  2. Connection to the sewer main shall be made at a previously installed Wye connection point or the existing sewer main shall be tapped in accordance with Borough requirements.
  3. Sewer mains
  4. Manholes
  5. Force mains
  6. Pump Stations

### *Section 611. Water Supply*

- A. Public water service, community water system service, or and individual well shall be installed for each inhabitable building.
- B. Individual Wells. All individual wells shall be installed in accordance with the Montgomery County Health Department. A circular area with a hundred (100') foot radius conforming to the rules and regulations of the Department of Environmental Protection and Montgomery County Health Department shall be shown around

each well to denote clear space in which no on-lot sewage system is to be located.

- C. Public Water Supply Facilities Design. The design for all community and public water supply facilities shall be in accordance with the DEP Water Supply Manual.
- D. Fire hydrants shall be located at accessible points throughout the subdivision when centralized water supply is available, and shall be located according to the Borough Engineer or Borough Fire Marshal. As a general rule, hydrants should be located at each street intersection and at intermediate points as recommended by the State Insurance Services Office. Generally hydrant spacing may range from 600'– 1000' feet apart.

*Section 612. Bridges and Culverts.*

- A. Bridges and culverts shall be designed to meet current Pennsylvania Department of Transportation Standards to support expected loads and to pass design stormwater flows. They shall be constructed to the full width of the planned cartway. Allowance for sidewalk must also be made, if required by the Borough.
- B. Where County-owned roads or bridges are involved, the County Engineer shall review and approve all proposals.
- C. A permit from the Pennsylvania Department of Environmental Protection shall be obtained to make any change in or addition to, any existing water obstruction, or in any manner change or diminish the course, current, or cross-section of any stream or body of water.
- D. Drawings to include location plan; cross-section of present bridge if one exists; profile of stream for a reasonable distance above and below bridge site, showing slopes of bed, normal water surface and flood water surface. If the bridge is on a skew, give the angle of the center line of the bridge with the direction of the line of flow. In addition, the following information is required for new bridge construction: the total drainage area above the bridge site; description of watershed; length of stream from source to bridge site and to the mouth; character of stream bed and banks; extent and depth of overflow during floods; effect of previous floods upon bridges, their span and clearance; whether bridge will be within backwater influence of parent stream.

*Section 613. Survey Monuments.*

- A. Permanent monuments shall be indicated on the record plan. All monuments shall be constructed of precast concrete or durable stone with metal insert(s), and be four (4") inches square with at least twenty (20") inches extending below ground level, or an alternate design approved by Borough Council. Street right-of-way reference monuments shall be located on the right-of-way lines at corners, angle points, beginning and end of curves, and as otherwise required by the Borough Engineer for all new and existing streets. They shall be placed after a new street and/or lot grading has been completed. The centerline of all new streets shall be marked with spikes (P.K. nails) and referenced to permanent monuments or structures. Certified copies of this reference information shall be given to both the

Borough Engineer and the Borough Manager's Office. When final lot grading has been completed and before the issuance of occupancy permits, permanent monuments shall be set by the applicant at all lot corners and angle points, and at all street intersections and intermediate points as may be required.

- B. Lot Pin Requirements. All lots upon which construction is planned shall be temporarily staked or pinned, or permanently monumented and certified to such by a registered surveyor for the owner, applicant, builder, or developer, before issuance of a building permit. A signed certificate of compliance must be submitted with a building permit application. Temporary stakes or pins with a surveyor's ribbon attached may be acceptable on existing lots where construction of an accessory building or an addition to the primary structure is proposed, only if construction is begun within thirty (30) days of the certificate of compliance date. Temporary stakes or pins shall remain in place until witnessed and accepted by the Borough Building Inspector. Prior to final approval of a new subdivision plan, all new lot corner markers shall be marked with a minimum 5/8 inch diameter metal pin extending at least twenty four (24") inches into the ground and at least one inch revealed above the ground surface, or an equivalent metal marker, approved by the Borough Engineer. Upon completion of construction and final grading, pins shall be replaced with permanent monuments as described in *Section 613: Survey Monuments, Subsection A*.
- C. Original Monuments. In situations where they may be of legal or historical importance, the original monuments and marks must not be destroyed, defaced, hidden, or possibly confused by creating new monuments and marks unless absolutely necessary, eg: the originals are decayed, destroyed, or unsafe. In some cases, to be determined by the Borough Engineer, new monuments shall be set as a reference or witness to the original monument to avoid disturbing the original. When, in the opinion of the Borough Engineer, the angle point falls in a location that is not appropriate to set a concrete monument, a written request for a waiver shall be submitted by the applicant for consideration by Borough Council.
- D. Bench Marks. The Borough elevations are based on the USGS Datum. Location and elevation is available to all Engineers and Surveyors upon request to the Borough Engineer's Office. All contours and elevations shown on the plan must be based on this system.

#### *Section 614. Emergency Accessways.*

- A. Minimum cartway width for the emergency access shall be twelve (12') feet.
- B. When paved, pavement shall conform to *Section 601.C: Paving*.
- C. When not paved, the cartway shall be constructed of crushed stone of appropriate depth, compaction and material size, to support the largest emergency response vehicle in the vicinity of the site under all weather conditions to the satisfaction of the Borough Engineer. The emergency access may also be constructed from fiber reinforced polyethylene or concrete grass pavers. All void areas shall be filled with

topsoil and seeded with an appropriate grass mix.

- D. Markings or the appropriate form of identification shall be placed at the entrance to the emergency access way. If necessary, breakaway bollards shall be installed at each end of the emergency access way.
- E. Emergency access ways shall be maintained through properly recorded easements or deed restrictions which at a minimum prohibit the planting of any vegetation except grass within the access way and a buffer area of five (5') feet on either side.

### *Section 615. Outdoor Lighting.*

#### A. Illumination Levels

- 1. Lighting, where required by this Ordinance or otherwise required by Borough Council shall have intensities and uniformity ratios in accordance with the recommended practices of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 9<sup>th</sup> edition, Chapters 21 & 22. (i.e. Minimum Average = 0.5 fc; Minimum = 0.1 fc; Uniformity = 6:1)
- 2. Future amendments to said Lighting Handbook and Recommended Practices shall become a part of this Ordinance without further action by the Borough.

#### B. Lighting Fixture Design

- 1. Street lighting supplied with unmetered electric service shall meet the specifications of the electric utility.
- 2. Building entrances, sidewalks, paths, site entrances and parking areas, fixtures shall be aimed straight down and shall be full cutoff or fully shielded. For the use of reflector lamps, a maximum of 14,000 center-beam-candlepower (CBCP) shall be permitted.
- 3. For the lighting of non-horizontal surfaces such as, but not limited to, facades, landscaping, signs, fountains, displays, flags and statuary, the use of lighting fixtures that are not full cutoff or fully shielded, shall be permitted only with the review and approval of the Borough Engineer, based upon acceptable shielding and other glare control. At a minimum, shielding shall render the light source not visible from neighboring properties.
- 4. "Barn lights," (fixtures which are not full-cutoff, or cutoff, but which have a diffuser which transmits the light at angles above full-cutoff or cutoff angles) shall not be permitted where they are visible from other uses unless fitted with a reflector or other device to render them fully shielded or full cutoff.

#### C. Control of Nuisance and Disabling Glare (Excessive Brightness in the Field of View)

- 1. All lighting shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.

2. Floodlights and spotlights that are not full-cutoff or fully shielded, where specifically approved by the Borough, shall be so installed and aimed that they do not project their output into the windows of neighboring properties, adjacent uses, past the object being illuminated, skyward or onto a public roadway. Authorities having jurisdiction shall take specific care to ensure this criterion by requiring submission of photometric plots of the illuminated surface and its surroundings.
3. Unless otherwise permitted by the Borough, e.g., for safety or security or all-night commercial/industrial operations, lighting for commercial, industrial, public recreational and institutional applications shall be controlled by programmable timers that accommodate seasonal and annual variations and battery or mechanical (e.g., spring-wound) backup, to permit extinguishing sources between 11 p.m. and dawn or within 1 hour of the close of business, whichever is earlier, to conserve energy and to mitigate nuisance glare and sky-lighting consequences.
4. Security lighting proposed for use after 11 p.m. or after the normal hours of operation for commercial, industrial, institutional or municipal applications, shall be accomplished using no more than 25% of the number of fixtures used during normal business hours, from then until the start of business in the morning. Alternatively, where reduced but continued activity requires even illumination, the use of dimming circuitry to reduce illumination levels by 75% after 11:00 p.m. or after normal business hours, shall be permitted.
5. Glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement. Vegetation screens shall not be employed to serve as the primary means for controlling glare, except that the use of dense evergreen hedges, such as yew or juniper, to shield ground-mounted floodlights may be used with signs up to 15 feet in height, provided such planting is maintained in a manner that shields the fixture from view of traffic and pedestrians at an angle below 45 degrees above horizontal.
6. The level of illumination projected onto a residential use from another property shall not exceed 0.1 initial horizontal foot-candle, at the property line. The level of illumination projected onto a non-residential use shall not exceed 1.0 initial horizontal foot-candle at the property line.
7. Directional fixtures for such applications as façade, fountain, feature and landscape illumination shall be aimed so as not to project their output beyond the objects intended to be illuminated, shall meet requirements stated above with respect to light trespass, shall be extinguished between the hours of 11 p.m. and dawn and shall not be in conflict with the principles stated throughout this Ordinance.
8. Only the United States and the state flag shall be permitted to be illuminated from dusk till dawn and each flag shall be illuminated by a source or sources with a beam spread no greater than necessary to illuminate the flag. Flag

lighting sources shall not exceed 7,000 lumens perflagpole.

9. The use of white strobe lighting for tall structures such as smokestacks, chimneys and radio/communications/television towers is prohibited during hours of darkness, except as specifically required by FAA.
10. Canopy lighting, for such applications as gas/service stations, bank, drugstore and fast-food drive-thru, shall be accomplished using flat-lens full-cutoff fixtures aimed straight down and shielded in such a manner that the lowest opaque edge of the fixture shall be level with or below the light source.
11. Temporary residential holiday lighting is exempt from the requirements of this Section except as it creates a hazard or nuisance.

#### D. Recreational Uses

1. When facilities for such outdoor recreational activities as baseball, tennis, football, miniature golf or any other recreational use permitted under the Borough's Zoning Ordinance, are specifically permitted by the Borough for operation during hours of darkness, the following requirements shall apply:
  - a. Lighting shall be accomplished only through the use of fixtures conforming to IESNA criteria, or as otherwise approved by Borough based on suitable control of glare and light trespass. Flood-lighting for sports or recreational facilities shall not be aimed above a beam-center angle of 45 degrees from vertical, nor shall the level of illumination on neighboring properties exceed the limits specified in *Section 615: Outdoor Lighting, Subsection C.5 (beginning "Glare control shall be achieved...")*, above.
  - b. For new recreational facilities and existing recreational facilities wishing to change their hours of operation during hours of darkness, sporting events shall be timed so that all lighting in the sports facility, other than lighting for safe exit of patrons, shall be extinguished by 11:00 p.m., regardless of such occurrences as extra innings or overtimes.
  - c. The outdoor recreational activities listed in e., below shall not be illuminated if located within any residential district or sited on a nonresidential property located within 1,200 feet of a residential use.
  - d. Maximum mounting heights and foot-candles permitted, respectively, for recreational lighting per recreation type shall be in accordance with the following:

*(Regulations apply to non-tournament recreational uses. Tournament and high school facilities may require increased heights. For tournament and high school level applications use the standards contained in the Illuminating Engineering Society of North America (IESNA) Lighting Handbook, 9<sup>th</sup> edition, Chapters 21 & 22, and relevant IESNA Recommended Practices.)*

1) Basketball	30'	10 fc
2) Football	70'	20 fc

3) Soccer	70'	20 fc
4) Baseball	70'	20 fc infield; 15 fc outfield
5) Youth Baseball		
i) 200' Radius	60'	20 fc infield; 15 fc outfield
ii) 300' Radius	70'	20 fc infield; 15 fc outfield
6) Miniature Golf	15'	10 fc
7) Tennis	30'	20 fc
8) Track	30'	15 fc
9) Swimming pool	20'	10 fc

#### E. Street and Parking Lot Lighting for Residential Applications

1. For residential developments where lot sizes are or average less than 20,000 square feet, street lighting shall be provided as follows:
  - a. At the intersection of public roads with entrance roads to the development
  - b. At the intersection of roads within the development
  - c. At cul-de-sac bulb radii
  - d. At terminal ends of center median islands having concrete structure curbing, trees, signs or other fixed objects, and at cul-de-sac center islands with curbing
  - e. At defined pedestrian crossings located within the development
  - f. At other locations along the street as deemed necessary by the Borough Council.
  - g. Where lot sizes permit the parking of less than two (2) vehicles on the lot, thereby necessitating on-street parking, street lighting shall be provided along the length of the street, in accordance with the illuminance requirements contained in *Section 615.A: Illumination Levels, Subsection 1*, above.
  - h. In multi-family developments, common parking areas shall be illuminated in accordance with the luminance requirements contained in *Section 615.A: Illumination Levels, Subsection 1*, above.
2. In residential developments with lots of less than twenty thousand (20,000) square feet, where six (6) or more contiguous parking spaces are proposed, such spaces shall be illuminated in accordance with the illuminance requirements contained in *Section 615.A: Illumination Levels, Subsection 1*, above.
3. Lighting fixtures for parking lots and roadways in residential developments shall be mounted not more than fourteen feet (14') above finished grade.

#### F. Installation

1. Pole-mounted fixtures for roadways, pedestrian walkways, parking lots, and similar uses shall be aimed straight down.
2. Mounting Heights - The following maximum fixture mounting heights shall prevail:
  - a. Full-cutoff fixtures with 44,000 lumen lamps maximum, in parking lots: 20' AFG
  - b. Full-cutoff fixtures with 115,000 lumen lamps maximum, shall be permitted only in large (100 spaces or more) commercial, institutional and industrial parking lots except when the facility is adjacent to a residential district or use or an environmentally sensitive area: not less than 25' or more than 30' AFG. Mounting heights of 25' – 30' shall not be permitted when located less than 100' from a residential district or use.
  - c. Decorative –cutoff or fully shielded fixtures with 17,500 lumen lamps maximum: 16' AFG
  - d. Fully-shielded bollard fixtures with 6200 lumen lamps maximum: 42" AFG
  - e. Recreational Uses– See Section D above.

G. Post-Installation Inspection

1. The Borough reserves the right to conduct post-installation nighttime inspections to verify compliance with the requirements of this Ordinance and approved plans, and if appropriate, to require remedial action at no expense to the Borough.

*Section 616. Street Names.*

- A. Street Signs. The developer shall erect a street sign or street signs at every intersection. At intersections where streets cross, there shall be at least two such street signs and at the intersections where one street ends or joins another street, there shall be at least one sign. Street signs shall be erected when the first dwelling on the street is occupied or when streets are paved with their base course whichever comes first. Temporary street signs may be erected with the permission of Borough Council. Any temporary signs will be replaced prior to roadway dedication.
- B. Street Names. Street names shall be determined in consultation with the Borough. Street names shall bear a reasonable relationship to significant natural features or the history of the community. Efforts shall be made to reduce the occurrence of similar names or similar sounding names within the Borough or postal delivery area.

*Section 618. Plant Materials Specifications.*

A. General Requirements.

1. Tree species shall be selected from the tree listing in the appendix.
2. The location, 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 and tolerances including wind, moisture, and sunlight.

3. Plantings shall be selected and located where they will not contribute to conditions hazardous to public safety. Such conditions include, but are not limited to, public street rights-of-way, underground and above ground utilities, and sight triangle areas required for unobstructed views at street intersections.

B. Plant Specifications.

1. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurserymen AAN Standards.
2. All plant material shall be hardy and within the USDA hardiness Zone 6 applicable to Montgomery County, Pennsylvania.
3. Canopy trees or shade trees, shall reach a minimum height and spread of thirty (30') feet at maturity as determined by the AAN Standards and shall be deciduous. New trees shall have a minimum caliper of two and a half (2 ½") inches at planting. Larger size trees may be required as street trees in commercial areas.
4. Ornamental trees or large shrubs shall reach a typical minimum height of fifteen (15') feet at maturity, based upon AAN Standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental characteristic such as prominent flowers, fruit, habitat, foliage or bark. New ornamental trees shall have a minimum height of six (6') feet or one and a half (1 ½") inch caliper at the time of planting. New large shrubs shall have a minimum height of two and a half (2 ½') feet at the time of planting.
5. Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four (4') feet based upon AAN Standards. New shrubs shall have a minimum height of eighteen (18") inches at the time of planting.
6. Evergreen trees shall reach a typical minimum height of twenty (20') feet at maturity based upon AAN standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height of seven (7') feet at the time of planting.

C. Maintenance.

1. Safety. All sight triangles shall remain clear, and any plant materials that could endanger safety such as unstable limbs shall be removed and the plant materials shall be replaced if necessary. It shall be the responsibility of all property owners to maintain all plantings and architectural elements to insure a safe environment.
2. Maintenance guidelines for the plantings shall be developed by the planting plan designer to be used by grounds maintenance personnel.

***Section 618. Solid Waste Storage Facilities***

- A. All new commercial development shall locate their trash storage and collection

equipment interior to the buildings.

- B. All other trash collection equipment shall be placed within enclosures. Enclosures shall be at least large enough to adequately contain all trash and recyclable material containers. Generally the sizing and type of storage containers will depend upon the amount of trash and recyclables expected to be generated in the buildings they service.
- C. Enclosures shall be six (6') feet high or at least one (1') foot higher than the proposed collection container.
- D. Enclosures shall be made of durable material including masonry blocks or steel reinforced wood fencing (such enclosure is also subject to the screening requirements of *Section 424: Buffer Plantings*).
- E. The entrance to the enclosure shall be at least ten (10') feet wide to accommodate front loading trucks. Gates shall be self-closing and self-latching, placed on the entrance shall be durable and equipped with piston type bolts to secure gates in both a closed and open position.
- F. The trash storage area shall be placed on a concrete pad. The dimensions of the pad are dependent on the number and size of proposed containers. The pad shall extend six (6') to ten (10') feet in front of where the proposed container is to be placed to support the front wheels of the trash truck servicing the site. The area above the container shall be free of obstructions for at least fifteen (15') foot clearance above the storage area is sufficient.

**ARTICLE SEVEN**  
**IMPROVEMENTS CONSTRUCTION STANDARDS**

*Section 700. Applicability.*

Before the Final Plan is signed and made ready for recording or prior to the issuance of any permits needed for construction or occupancy of any subdivision or land development, all applicants are required to complete to the satisfaction of Borough Council or ensure the completion of all required public improvements in manner set forth in this Article.

*Section 701. Completion or Guarantee of Required Improvements.*

The applicant shall comply with the public improvement construction requirements in the following ways:

- A. Complete all of the improvements required by Borough Council for Final Plan Approval, in compliance with the requirements of this Ordinance; or
- B. Provide proper financial security in a manner acceptable to the Borough to ensure the completion of all improvements, as required by this Article, in compliance with the Pennsylvania Municipalities Planning Code.
  1. The work completed or guaranteed shall be in strict accordance with the conditionally-approved plans and the requirements of this Ordinance.
  2. No lot in a subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been completed or guaranteed for completion as required herein.
  3. The applicant shall also guarantee that no lot will be sold or building constructed in any floodplain area except in compliance with the floodplain management requirements of this Ordinance, the Zoning Ordinance, and the Borough Building Code.
  4. Borough Council may defer at the time of Final Plan approval, subject to appropriate conditions, the provision of any or all required improvements, as in its judgment, are not requisite in the interests of public health, safety and welfare, or which are inappropriate due to the inadequacy or nonexistence of connecting facilities. A separate public improvement agreement may be executed by Borough Council guaranteeing completion of any deferred improvement at some later date.

*Section 702. Financial Security.*

- A. In lieu of the completion of improvements required for Final Plan approval, financial security, in an amount required, shall be guaranteed to the Borough in compliance

with the applicable requirements of the Pennsylvania Municipalities Planning Code. Such financial security shall assure the complete installation of all the required improvements to be completed on or before the date fixed in the conditional plan approval, subdivision agreement, and/or development agreement for completion of such improvements.

- B. The amount of such security to be posted for the completion of required improvements shall be equal to 110% of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the required financial security by comparing the actual cost of improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after the original scheduled date for completion or a rescheduled completion date.
- C. Determination of the cost of the completion of improvements used for setting the amount of financial security shall be based upon an estimate of the cost of completion of required improvements submitted by the applicant or developer, and prepared by a professional engineer and certified to be fair and reasonable. The Borough under recommendation of the Borough Engineer may refuse to accept the estimate for good reasons provided to the applicant. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer which is mutually chosen by the Borough and the applicant. The estimate certified by the third engineer shall be presumed to be fair and reasonable and shall be the final estimate.
- D. When requested by the applicant in order to facilitate financing, Borough Council shall furnish the applicant with a signed copy of a resolution indicating approval of the Final Plan contingent upon the applicant obtaining a satisfactory financial security. Final Plans will not be signed or recorded until the financial improvements agreement is executed. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days, unless a written extension is granted by Borough Council.
- E. The Borough at its option, may accept financial security in the form of cash escrow placed with the municipality, irrevocable letter of credit, escrow account, or surety bond with a bonding company or chartered lending institution chosen by the party posting financial security provided said institution or company is authorized to conduct such business in the Commonwealth of Pennsylvania.

#### *Section 703. Release of Financial Security.*

Borough Council may release all or parts of the posted financial security as completion of improvements proceeds, in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code.

- A. Partial Release of Security. As the work of the installation of the required public improvements proceeds, the party posting the financial security may request the

Borough to release or authorize the release, from time to time, such portions of the financial security necessary for the payment of the contractor or contractors performing the work. Any such request shall be done in writing addressed to the municipality. Upon receipt of the request for release of a portion of the improvement security, the municipality shall within forty-five (45) days allow the Borough Engineer to certify, in writing, that such portion of the public improvements has been completed in accordance with the approved plan at which time the Borough shall authorize the release to the applicant or his designee by the bond company or lending institution of an amount of funds that the Borough Engineer feels fairly represents the value of the work completed. If the municipality fails to act upon a request for release of security within forty-five (45) days, the Borough shall be deemed to have approved the full release of security as requested.

- B. Incomplete Improvements. If the required improvements are not completely installed within the period fixed or extended by Borough Council, Borough Council may take one or more of the following actions:
1. Declare the financial security in default and require that all improvements be installed regardless of the of the extent of the building development at the time the agreement is declared in default;
  2. Suspend Final Plan approval until the development improvements are completed and record a document to that effect for the purpose of public notice;
  3. Obtain funds under the security and complete improvements;
  4. Assign the right to receive funds under the security to any third party, including a subsequent owner of the property wherein improvements were not completed in exchange for that subsequent owner's promise to complete improvements;
  5. Exercise any other available rights under the Pennsylvania Municipalities Planning Code.
- C. Post-Completion Security. The applicant shall be responsible for maintenance of all improvements for a period of eighteen (18) months after final acceptance and certification of project completion.
- D. Landscaping Security. The applicant shall be responsible for the full replacement of all dead or diseased trees or shrubs for eighteen (18) months after final acceptance and certification of project completion. Final inspection of landscaping shall be performed while trees are fully leafed out— typically May 1 through November 1.

*Section 704. Inspection of Work and Materials.*

- A. Notice. The Borough Engineer shall be notified forty-eight (48) hours in advance of the commencement of any construction or installation operation, to schedule an inspection by the Borough. Construction and installation operations shall also be subject to inspection by the Borough during the progress of the work. The applicant, developer, or builder shall pay the reasonable and necessary expenses for inspections in accordance with the fee schedule established by resolution of Borough Council.

- B. Improvement Specifications. All required road improvements should be constructed in accordance with the applicable provisions of the PADOT, Form 408, current edition, including the latest revisions and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications found in Articles Four, Five, and Six of this Ordinance. If the appropriate standards are not provided in this Ordinance, the following procedures shall be used.
1. Specifications. The specifications will be furnished to the applicant by the Borough. If any of the specifications are unavailable on the electronic bidding system, the Borough Engineer shall provide the applicable specifications.
  2. Sample of Materials. During or after construction of any required improvement, if the Borough requires a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Borough Engineer.
- C. Delivery Slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks, or any other facility within a Borough right-of-way or easement or in areas proposed for future dedication to the Borough shall be supplied to the Borough.

#### *Section 705. Off-Site Improvements.*

Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed, including but not limited to road improvements, may be requested by the Borough where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. All such improvements or contributions for future off-site improvements shall be considered voluntary and will not be refunded to the developer. The developer may also be requested to cover certain costs which must be incurred by the Borough or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the offsite improvements shall be the same as those prescribed in *Section 702: Financial Security*.

#### *Section 706. Conditions of Acceptance.*

- A. Conditions. The Borough shall have no obligation to accept dedication of any street or other improvement unless:
1. The required improvements, utility mains and laterals, and monuments, shown on the approved plan or plans have been constructed to meet all requirements, and are free of defects or deterioration.
  2. It is established to the satisfaction of Borough Council that there is a need for the dedication of improvements.
- B. Acceptance. The Borough shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by the Borough through the passage of an ordinance [or resolution] adopted by Borough Council.

### C. Offer of Dedication

1. The applicant shall submit a written offer of dedication to the Borough for the streets or other improvements, including the following:
  - a. A Deed of Dedication covering the improvements.
  - b. A copy of a title insurance policy establishing the applicant's clear title to the property.
2. The items required in *Section 706.C.: Offer of Dedication, Subsection 1*, above, shall be submitted to the Borough Engineer and Solicitor for their review and recommendations.
3. Borough Council may accept dedication of the streets or other improvements by passing an ordinance (or resolution) to that effect.

### *Section 707. Guarantee of Completed Improvements.*

When Borough Council accepts dedication of required improvements following their completion or certifies project completion, Borough Council may require posting of financial security by the applicant to secure the structural integrity and functioning of these improvements in accordance with the design and specifications as depicted on the approved Final Plan.

- A. Said financial security shall be of the same type as otherwise required by Section 702, herein.
- B. The amount of financial security shall be fifteen (15 %) percent of the actual cost of installation of the improvements.
- C. The term of the guarantee shall be eighteen (18) months from the date of acceptance of dedication or certification of project completion.

### *Section 708. Private Maintenance of Improvements.*

Where the maintenance of improvements is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, Borough Council shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require that an initial maintenance fund be established in a reasonable manner.

### *Section 709. Required Contracts.*

Before Borough Council shall cause its approval to be endorsed upon the Final Plans of any subdivision or land development (except in the case of minor subdivisions wherein Borough Council may impose no condition or conditions for the approval of the plan), and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Borough in the manner and form set forth by the Borough Solicitor which shall include but not be limited to the following:

- A. To construct or cause to be constructed or installed, at the owners' expense, all streets, curbs, sidewalks, fire hydrants, street lights, stormwater facilities, water and sewer facilities, street signs, monuments, capped sewers, parks, landscaping, line painting, and other improvements shown the Final Plan when required to do so by Borough Council in accordance with the standards and specifications of the Borough.
- B. To maintain at the owners' expense all streets, curbs, sidewalks, stormwater facilities, water and sewer facilities, street signs, parks, monuments, fire hydrants, street lights, capped sewers, line painting, landscaping, and other improvements, until the same are accepted or condemned by the Borough for public use, and for a period of eighteen (18) months thereafter to repair and reconstruct the same of any part of one of them when such repair or reconstruction shall be specified by Borough Council as necessary by reason of faulty construction, workmanship, or materials, or the structural integrity or functionality of the improvements are not satisfactory as determined by the Borough or Borough engineer.
- C. To pay all costs, charges, or rates, of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the owner, until such time as the streets shown on the subdivision plans shall be accepted as public streets of the Borough by ordinance (or resolution) , and to indemnify and hold harmless the Borough from and against all suit, actions, claims, and demands for electric service to the streets shown on said plans, or any part thereof, to the time that said streets shall be accepted as public streets of the Borough in the manner hereinabove set forth.
- D. Pay the inspection fees required by the Borough.
- E. To obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision at his own cost, and obtain from the owner of the lands so abutted or traversed full releases from all damages which may change in grade, construction, or other-wise, of the street, drainage facility or other improvements and such releases shall insure to the benefit not only of the owner of the subdivision but to the Borough as well.
- F. To promptly remove or cause to be removed snow from the streets as may be required for safe traverse of the streets prior to dedication.
- G. To promptly reimburse to the Borough reasonable Solicitor's and Engineers' fees.
- H. To provide in a timely manner, all construction and shop drawings and plans including a full set of "as built" plans in paper and in appropriate electronic format as specified by the Borough Engineer.
- I. Such other provision(s) as deemed necessary or desired by Borough Council.

**ARTICLE EIGHT**  
**SPECIAL STUDIES AND REPORTS**

*Section 800. Applicability.*

The following special studies or reports to be developed by qualified professionals may be required to support and justify subdivision and land development proposals as required by this Ordinance and the Zoning Ordinance.

*Section 801. Traffic Impact Study*

- A. Purpose. A transportation impact study (TIS) is intended to enable the Borough to assess the transportation impacts of a proposed development or redevelopment. Specifically, its purpose is to:
1. Ensure a safe and efficient transportation network for all users, including transit users, pedestrians and bicyclists.
  2. Identify any transportation problems that may be created in the existing transportation system as a result of the proposed development.
  3. Identify solutions to potential problems and to present mitigation improvements to be incorporated into the proposal or into the transportation systems within the study area.
  4. Assist in the protection of air quality and the conservation of energy and to encourage the use of alternative transportation modes where available.
  5. Ensure that TIS submissions to the Borough are consistent with the Pennsylvania Department of Transportation (PennDOT) "Policies and Procedures for Transportation Impact Studies" last revised November 25, 2013, or subsequent revisions. (Transportation Impact Study Guidelines Strike-Off-Letter 470-0904 and Transportation Impact Study Related Highway Occupancy Permits Strike-Off-Letter 494-13-13, or as amended.)
- B. Transportation-related Definitions. As used in this section, the following terms shall have the meanings indicated:

**ALTERNATIVE TRANSPORTATION MODES**

Those modes of moving people or goods that do not require a single-occupancy motorized vehicle, generally including bicycles, pedestrian facilities and transit systems such as buses, trains, trolleys, etc.

**CAPACITY ANALYSIS**

Intersection approach capacity is the maximum rate of vehicular flow that can pass through an intersection under prevailing roadway, traffic, and signalization conditions. The analysis compares the actual or projected

traffic volume to the intersection capacity and results in a volume/capacity (v/c) ratio.

### **HIGHWAY OCCUPANCY PERMIT (HOP)**

The Pennsylvania Department of Transportation (PennDOT) regulations governing the access and occupancy of State highway, per Title 67 PA Code 441, Access To and Occupancy of Highways by Driveways and Local Roads. PennDOT has regulatory authority to ensure the location and design of access driveways and local roads to state highway rights-of-way in order to preserve safe and reasonable access. Montgomery County (County) also has regulatory authority over certain roadways within the County and has established criteria for HOP applications.

### **LEVEL OF SERVICE**

Level of Service (LOS), as described in the current Transportation Research Board's Highway Capacity Manual, is a qualitative measure of the operational conditions within a traffic stream and their perceptions by motorists. Six levels of service (A through F) are defined for each type of facility, with LOS "A" representing the least congested operating conditions and LOS "F" representing a breakdown in operating conditions. Levels of service are defined in terms of average delay per vehicle for signalized and unsignalized intersections. "Level of Service drops" are those future conditions that result in a negative change in intersection or approach lane Level of Service, i.e. LOS D changes to LOS E in future conditions.

### **MAJOR INTERSECTION**

The intersection of any arterial or collector street with any other arterial or collector street as defined by PennDOT's Functional Classification Map, the municipal highway classification document or the equivalent document of adjacent municipalities, where appropriate.

### **OFF-SITE TRANSPORTATION IMPROVEMENTS**

Transportation-related improvements which are generally not contiguous with the property being developed and not required as an on-site improvement but are found by the TIS analysis to be necessary, partly or wholly, as a result of the proposed development.

### **ON-SITE TRANSPORTATION IMPROVEMENTS**

All improvements on or adjacent to the development site in the public right-of-way required to be constructed by the owner/developer pursuant to any ordinance, resolution or requirement of the Borough and the PennDOT or County Highway Occupancy Permit (if applicable).

## **PUBLIC TRANSIT**

The Southeastern Pennsylvania Transportation Authority (SEPTA) is the provider of most public transit services throughout Montgomery County. Other local public transit providers operate in some communities.

## **ROUNDBOUT**

An circular intersection design, per NCHRP Report 672, Roundabouts, An Informational Guide, Second Edition, or as amended, that may be considered as an alternative to new or expanded signalized intersections.

## **SCOPING MEETING**

A meeting with PennDOT may be required to determine the parameters of the transportation impact study required for a PennDOT Highway Occupancy Permit (HOP). A municipal scoping meeting will also be required prior to the commencement of the TIS to coordinate agreement on municipal conditions and expectations. County officials will also need to be involved whenever a county-owned roadway will be included in the TIS.

## **STUDY AREA**

The study area shall be defined at the Municipal/PennDOT scoping meeting but, at a minimum, shall include all development site access locations, any intersections immediately adjacent to the development property as well as all major intersections within ½ mile of all development access locations. Additional intersections may be added per the scoping meeting. The study area should also identify all transit routes and transit stops within ½ mile of the proposed development and the location of sidewalks and pedestrian crossings.

1. Proposals that will generate more than 1,000 new average daily trips shall expand the study area to include major intersections within one-mile of the development access locations.
2. All intersections identified in the study area should be examined, even if the intersections are located outside of the Borough. (Municipalities cannot request improvements for study intersections beyond the municipal border; only PennDOT has this authority.)

## **TRANSPORTATION IMPACT STUDY (TIS)**

A study of the transportation network and conditions surrounding a proposed change or expansion of land uses, conducted to identify the transportation impacts of the proposed land use change or expansion and any possible mitigations needed to offset those impacts.

## **TRIP**

A one way trip into or out of the site, and not what is commonly referred to as a “roundtrip.”

### **TRIP GENERATION RATES**

The total number of trips to and from a study site per unit of land use, as measured by parameters like dwelling units, floor area or acres. The most current edition of the Institute of Transportation Engineers (ITE) “Trip Generation Manual” shall be referenced to determine the specific rates.

### **WARRANTS FOR TRAFFIC SIGNAL INSTALLATION**

A series of tests which identify the minimum vehicular traffic or pedestrian volumes or other criteria necessary for installation of a traffic signal. The warrant criteria are available in the current and PennDOT approved Manual of Uniform Traffic Control Devices, Or PennDOT’s Traffic Engineering Manual (Publication 46).

- C. Preparation of Study. The transportation impact study shall be prepared by a qualified traffic engineer and/or transportation planner with the cost borne by the applicant. The procedures and standards for the transportation impact study are set forth below.
- D. Municipal Scoping Meeting. A Municipal Scoping Meeting may be required to ensure that the parameters used in the TIS accurately reflect municipal conditions and expectations. The applicant should confirm the need for a municipal scoping meeting prior to submission. The Scoping Meeting will address the number and locations of proposed access points, project schedule and phasing, study area and additional intersections to be included in the analysis, specific ITE Trip Generation land use codes, pass-by volumes, modal splits, any trip adjustments to be used, and other area developments and programmed roadway improvements to be included in the future conditions analysis as well as potential opportunities to implement Transportation Demand Management (TDM) activities. Agreement on all Scoping parameters shall be obtained prior to initiation of the transportation impact study. The Municipal Scoping Meeting may be held in conjunction with the PennDOT or County Scoping Meeting.
- E. Applicability.
  - 1. Transportation impact study requirements shall apply to state, county and local roadways. Coordination with PennDOT or County HOP managers should occur as appropriate.
  - 2. A transportation impact study shall be submitted with all development proposals that generate 50 or more trips during the site peak hour, or 500 or more trips per day, regardless of the proposed land use. A TIS may also be required for Zoning map or text amendments, special exceptions, conditional uses, variances, and/or any other pertinent proposal, or as required by the Borough.

- a. The anticipated number of peak hour trips and trips per day shall be determined using the current edition of ITE's "Trip Generation Manual", most recent edition, as amended. The proposed use or development shall be identified using the appropriate ITE land use code. The appropriate ITE land use code shall be agreed upon at the Municipal Scoping Meeting.
- b. For comparison purposes, the following ITE identified land uses would generate approximately 50 trips during the site peak hour, or 500 trips per day. This is not an all-inclusive list of ITE land use codes :
  - 1) 50 Single Family Dwellings
  - 2) 85 Condos/Townhouses
  - 3) Restaurant with Drive-Through – 1,000 square feet
  - 4) Restaurant without Drive Through – 2,800 square feet
  - 5) Retail – 5,000 square feet
  - 6) Industrial – 30,000 square feet
  - 7) Office – 30,000 square feet
3. Any site that in the opinion of Borough Council has a significant impact on traffic flow and safety may require a TIS.
4. An application which requires a TIS shall not be considered complete until the transportation impact study is submitted to the appropriate review body in accordance with the provisions of this section.
5. Waiver or Modification.
  - a. Borough Council may waive or modify the requirement for a TIS, the extent of the study area, or any of the requirements and standards of this section as they pertain to local roadways; provided that such waiver or modification will not be contrary to the public interest and that the purposes of the impact study are adequately served.
  - b. In considering a waiver or modification, Borough Council may consider such factors as the location of the subject property, its proximity to intersections and major roadways, the size and intensity of the proposed subdivision or land development, the number and location of proposed access points to the subject property, the nature of the use proposed, and the advice of the Borough Engineer or Traffic Engineer.
  - c. Municipal officials may not waive or modify state or county requirements pertaining to a TIS. Proposed developments with frontage on state or county roadways shall coordinate with the appropriate jurisdiction for any waiver or modification to the TIS or HOP requirements.

F. General Requirements and Standards.

1. Site Description. The site description shall include the size, location, existing and proposed land uses, construction staging, and completion date of the proposed land development. If the development is residential, types of dwelling units shall also be included. The general site description shall also include probable socioeconomic characteristics of potential site users, if available, to the extent that they may affect the transportation needs of the site, e.g., number of senior citizens. A brief description of other major existing and proposed land development within the study area shall be provided.
2. Transportation Facilities Description. The description shall fully document the proposed internal and existing external transportation system:
  - a. The map/graphic/description shall include proposed internal vehicular, bicycle, and pedestrian circulation, all proposed ingress and egress locations, all internal roadway widths and rights-of-way, parking conditions, traffic channelization, and any traffic signals or other intersection control devices at all intersections within the site.
  - b. The report shall describe the entire external roadway system within the study area. Intersections in the study area shall be identified and illustrated. Use of aerial photographs to help illustrate the external transportation system is recommended. Any existing and proposed public transit services and facilities within a ½-mile radius of the site access locations shall also be documented.
  - c. All future highway improvements for which State funding has been obligated or that are approved for other local developments, shall be indicated. This information shall be obtained from the Pennsylvania Department of Transportation's Transportation Improvement Program or Twelve-Year Highway and Bridge Program, Montgomery County Planning Commission and from the Borough. Roadway improvements associated with surrounding proposed development that are proposed but not approved shall be noted but shall not be included in future conditions analysis unless otherwise indicated by PennDOT, the County or the Borough at the Scoping Meeting.
3. Existing Transportation Conditions. Existing transportation conditions shall be measured and documented for all roadways and intersections in the study area and shall include:
  - a. Current average daily traffic volumes, peak highway hour(s) traffic, and peak development-generated hour(s) traffic.
  - b. Manual turning movement counts (including vehicular, bicycle and pedestrians and public transit vehicles) at all study intersections, encompassing the peak highway and development generated peak hour(s), with dates when any and all traffic counts were made included as a technical appendix to the report.

- c. Traffic count data shall not be greater than 3 years old but shall be updated if traffic volumes or patterns have changed significantly. If appropriate, counts shall be adjusted for school and/or other local seasonal peak traffic volumes, as identified at the Municipal Scoping Meeting.
- d. Transportation analyses based upon existing volumes shall be performed for the AM and PM peak highway hour(s) and the peak development-generated hour(s), if different from the highway peak periods, for all roadways and intersections in the study area. Saturday peak hour analysis shall be included when warranted. Conditions shall be evaluated for each location by approach lane and intersection in accordance with traffic engineering software and techniques as stipulated in PennDOT's Publication 46 (2-12), Traffic Engineering Manual, (or as updated) The analysis shall include volume/capacity ratios, Levels of Service, average vehicle delays, queue lengths, current sight distances and safe stopping distances at all proposed access locations. Signalized intersections experiencing levels of service E or F, and v/c ratios equal to or greater than 1.0 shall be noted as deficient. Unsignalized intersections with levels of service D, E or F shall be noted as deficient. Queue analyses shall be provided for existing conditions at unsignalized intersections and gap analyses shall be provided as identified at the scoping meeting.

#### 4. Impact of Development.

- a. Estimation of vehicular trip generation to result from the proposed development shall be completed for the AM and PM peak highway hour(s), the peak development-generated hour(s), if different from the AM or PM peak hour, and the 24 hour average weekday. Saturday peak hour trip generation shall be completed for commercial and retail developments.
- b. These generated volumes shall be distributed to the study area and assigned to the existing roadways and study area intersections... Traffic volumes and turning movements shall be assigned at all proposed access locations and all intersections in the study area. Documentation of all assumptions used in the distribution and assignment phases shall be provided. Pedestrian volumes shall also be calculated, if applicable. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Transit volumes shall be assigned to currently available public transit services as applicable.
- c. Note any characteristics of the development, the general site or study area that may cause particular trip generation, distribution or modal split modifications.
- d. Note development features that are planned to reduce trip generation rates and document Transportation Demand Management (TDM)

assumptions. Noted TDM practices may be included in the Conditions of Approval if listed in the TIS.

5. Analysis of Impact.

- a. The total future traffic shall be calculated and shall consist of the existing traffic volume expanded to the project completion year using an annual background growth factor plus the development-generated traffic and the traffic generated by other developments in the study area as identified at the PennDOT or Municipal Scoping Meeting.
- b. The annual background growth factor for overall traffic volumes shall be determined using PennDOT's Growth Factors calculations unless enough local ADT volume data is available to establish more accurate average traffic volume changes over the past five years. The background growth factor should be established at the Municipal Scoping Meeting. The background growth rate should be applied to the current ADT and turning movement volumes to forecast background traffic volumes for the development Opening Year and any successive phase completions. All assumptions used to revise trip distribution should be provided, i.e. other major developments that will change current traffic patterns.
- c. Future transportation conditions shall be analyzed using the same techniques as used for the existing transportation conditions. Future conditions without the proposed development traffic (Future Without) shall be provided for all study area intersections and shall include background traffic growth and traffic from other local proposed/approved developments as agreed to at the Scoping meeting. Only those roadway improvements that are programmed, with obligated funds, to be completed prior to the Opening Year of the proposed development shall be included in the Future Without analysis. Diagrams illustrating LOS, v/c ratios and average vehicle delay in seconds shall be provided for each study area intersection/turning movement for Future Without conditions.

A second future conditions analysis shall be conducted that includes the proposed development traffic (Future With). Roadway improvements proposed to be constructed by the developer prior to the opening date of the development can be incorporated into the analysis. Diagrams illustrating LOS, v/c ratios and average vehicle delay in seconds shall be provided for each study area intersection/turning movement for total Future With traffic conditions.

A table shall be provided illustrating the Existing, Future Without and Future With conditions for all intersections within the study area, by lane group and identifying the LOS, delay in seconds, v/c ratios, and queues for each lane group. The table should note any changes to the roadway

that have been included in the Future Without and Future With analyses. Queue length studies for unsignalized intersections shall also be conducted for Existing, Future Without and Future With conditions and displayed in graphics and/or a table and noting Future Without and Future With improvements.

- d. All analyses shall include AM and PM peak highway hour(s) and peak development-generated hour(s), if different from the highway peaks, for all roadways and intersections in the study area. All access points and pedestrian crossings shall be examined as to the appropriateness of installing traffic signals or other traffic control measures based on the current and PennDOT approved edition of the Manual of Uniform Traffic Control Devices. Roundabouts may be considered as an alternative to additional traffic signals, if approved by both PennDOT and the Borough.

6. Conclusions and Recommendations.

- a. Future levels of service (LOS), average vehicle delay and v/c ratios shall be listed for all intersections and turning movements. Intersections showing a Level of Service E or F, and v/c ratios equal to or greater than 1.0 shall be considered deficient.
- b. Level of Service drops shall be identified for both Future Without and Future With conditions. Level of Service drops shall be identified by approach lane group.
- c. Specific recommendations for the elimination of Level of Service drops below LOS C in rural areas or LOS D in urbanized areas resulting in the Future With analysis shall be listed and shall include: internal circulation design, site access location and design, external roadway intersection design and improvements including the potential for use of roundabouts, traffic signal installation and operation including signal timing, transit design improvements, and any pedestrian improvements needed to support non-vehicular mobility associated with the development proposal.
- d. All physical roadway improvements shall be illustrated and overlain on aerial photography to show the extent of the construction impacts.
- e. Signal timing revisions and/or signal equipment upgrades shall be evaluated for any intersection with a Level of Service E, or F, but a volume/capacity (v/c) ratio less than 1.0. Warrants for signalization or other traffic control measures shall be examined for unsignalized intersections with levels of service E or F based on the current and PennDOT approved Manual of Uniform Traffic Control Devices or the current PennDOT Traffic Engineering Manual.
- f. Existing and/or future public transit service shall also be addressed and any transportation demand management techniques proposed with the

development shall be identified. A listing of all actions to be taken to encourage public transit usage or other transportation demand management techniques for development-generated trips, and/or improve existing service, if applicable, shall be included. Any proposed transit service improvements should be coordinated with SEPTA or the appropriate local transit provider and should conform to SEPTA's current Bus Stop Design Guidelines.

- g. Proposed transportation system improvements should be consistent with municipal comprehensive planning or other plans referencing overall mobility and/or transit services.
7. Implementation of Recommendations. The applicant shall be required to implement the On-Site transportation improvements necessary to mitigate the Future With deficient traffic conditions as noted in the TIS unless modified or waived by the Municipal Officials. Off-Site transportation improvements found to be necessary by the TIS may be included in an Alternative Transportation Program through agreement with the applicant, the Borough and PennDOT or the County, as applicable. The Municipal Officials may have an independent review done of the applicant's transportation impact study, at the applicant's expense, to make a final determination of the improvements that must be implemented.
8. Additional coordination with PennDOT or the County may be necessary to ensure compatibility between the proposed transportation improvements and Highway Occupancy Permit requirements. All communications with PennDOT or the County regarding the HOP or other transportation related issues associated with the proposed development shall be copied to the Borough.

*Section 802. Stormwater Management Reports and Hydrologic Calculations.*

- A. The stormwater management report shall be a self contained report with all calculations and design elements. All plans showing the proposed storm sewer construction must be accompanied by a complete design prepared by a registered engineer. The report shall contain the following elements:
  1. Design for Stormwater Control Structures
  2. Design of Stormwater Conveyance System
  3. Design to Address Stormwater Quality Controls
  4. Proposed Stormwater System Management Requirements
- B. Design of Stormwater Control Structures
  1. Calculation. The quantity of runoff shall be computed using the following methods for stormwater control structures:
    - a. NRCS Soil Cover Complex Method (TR– 55 or TR-20 or commercial equivalent) for drainage areas up to 100 acres

- b. NRCS Soil Cover Complex Method (TR-20 or commercial equivalent) or one of the hydrologic methods implemented in HEC-HMS or HEC-1 for drainage areas over 100 acres.
  - c. A rational hydrograph method (Modified Rational or Universal Rational) may be used for any site equal to or less than ten (10) acres.
  - d. Other methods as approved by the Borough engineer.
2. Assumptions. The following assumptions shall be used in the appropriate stormwater computational method.
    - a. Design runoff hydrographs shall be based upon the most current PennDot regional twenty-four (24) hour rainfall depths or NOAA Atlas 14 data.
    - b. NRCS Type II distribution shall be used to establish the rainfall distribution for stormwater management hydrologic analysis.
    - c. The NRCS dimensionless unit hydrograph “k” factor of 484 shall be used for both pre- and post- development stormwater analysis unless a different value is found to be more appropriate based upon watershed analysis.
  3. Stormwater Volume Control design shall be based upon a two (2) year, 24 hour storm event.
  4. Stormwater Peak Runoff Control design shall be based upon the one (1), two (2), ten (10), twenty-five (25), fifty (50), and one-hundred (100) year 24 hour storm events.
- C. Water Quality Control
- a. Demonstration that the design capture volume is completely removed and 90% of the disturbed area in a site is drained through a water quality BMP; or
  - b. Computationally demonstrate compliance with the water quality standard by estimating pollutant loadings for the proposed development and pollutant load reductions by selected BMPs
  - c. Post development pollutant loadings shall be computed based upon the land cover classifications and loading rates in the Pennsylvania Stormwater Design Manual or other sources provided by the Borough engineer.
- D. Stormwater Conveyance Design. The storm drainage system consisting of storm sewer pipes, swales, and open channels shall be based upon the following design standards:
1. Design Frequency. All stormwater facilities shall be designed to transport a twenty-five (25)-year frequency storm. Provision must also be made to transport a 100-year frequency storm so that surface waters will not damage property or flood roads, and that the 100-year frequency storm shall be transported to the appropriate stormwater management facility.
  2. The rate of runoff in conveyance systems shall be computed using the following methods for stormwater control structures:

- a. Rational Method for drainage areas up to 200 acres in size.
  - b. HEC-1, PSRM, or TR-20 for drainage areas between 200 acres and one-and-one-half (1.5) square miles.
  - c. Over one and-one-half (1.5) square miles PSU– IV or equivalent.
  - d. Other methods as approved by the Borough engineer.
3. Rain fall intensities in the most recent edition of the Pennsylvania Highway Design Manual Part 2 shall be used (PennDOT)
  4. Rational Method Coefficients shall be based upon the Pennsylvania Highway Design Manual Part 2 or the recommendation of the Borough engineer.
  5. Hydraulic design computations for stormwater conveyance systems shall follow appropriate methods provided in the NRCS National Engineering Handbook, Part 640, Hydrology, The Federal Highway Administration's Urban Drainage Design Manual, HEC-22, PennDot Design Manual Park 2, the Pennsylvania Stormwater Best Management Practices Manual, or other technical manuals as recommended by the Borough engineer and shall be submitted in a manner acceptable to the Borough Engineer. Inlet design data shall be submitted on a separate sheet, on the standard PennDOT design form, or similar form acceptable to the Borough Engineer.
- E. The applicant shall comply with all other stormwater management requirements in this Chapter, **Chapter 108, Stormwater Management**, and **Chapter 122, Zoning**, of the Borough Code.

### *Section 803. Groundwater Study*

- A. Purpose. Groundwater studies are intended to determine if there is an adequate supply of water for a proposed use and to estimate the impact of additional water withdrawals on existing nearby wells, underlying aquifers, and streams.
- B. Applicability
  1. Since the Borough is located within the Southeastern Pennsylvania Groundwater Protection Area of the Delaware River Basin Commission (DRBC), all projects with wells withdrawing 10,000 gallons per day (gpd) or greater of groundwater or surface water or a combination of these two sources are required to obtain a permit from the DRBC. These projects are not required to submit groundwater impact study; however, copies of all submissions by the applicant to DRBC must be sent to the Borough. Additionally, copies of all submissions to the Pennsylvania Department of Environmental Protection (DEP) and all correspondence received by the applicant from DEP shall be forwarded to the Borough.
  2. Groundwater studies are required for projects that not subject to permit or docket approval from DRBC and which fall into one of the following three categories:

- a. Subdivisions that contain five or more dwelling units and have an overall gross density greater than one house per two acres, excluding residual agricultural lots.
  - b. All land developments intended for nonresidential use (i.e. industrial, commercial, and institutional) unless waived by Borough Council.
  - c. Subdivisions or land developments taking place in an area with known groundwater contamination or groundwater supply problems as identified in the Borough Comprehensive Plan or by another study approved by Borough Council, or by the Department of Environmental Protection.
- C. Study. The Borough will not approve any subdivision or land development where the groundwater impact study shows that the proposed water system:
- 1. Does not provide an adequate supply of water for the proposed use, considering both quality and quantity.
  - 2. Adversely affects nearby wells and streams.
  - 3. Does not provide for adequate groundwater recharge, considering other withdrawals.
  - 4. Does not provide safe drinking water, taking into account reasonable treatment options.
- D. General Requirements and Standards for a Groundwater Impact Study. All groundwater impact studies must meet the following requirements:
- 1. The study shall be prepared by a professional hydrologist, geologist, or engineer qualified to conduct groundwater investigations.
  - 2. A Phase I study shall be conducted for all projects required to do a groundwater study. The Phase I study shall be based upon available literature and appropriate professional judgment and shall include the following information:
    - a. Calculations of the projected water needs using the criteria set forth in the following references:
      - 1) Public Water Supply Manual, Bureau of Water Quality Management, PA Department of Environmental Protection, Harrisburg, PA
      - 2) Guide to Determination of Required Fire Flow by the Insurance Service Office (ISO) as modified.
      - 3) Standards and Manuals for the American Water Works Association, Denver, Colorado.
    - b. A geologic map of the area within a 1.0-mile radius of the site boundary.
    - c. The location of all faults, lineaments, and fracture traces within a quarter mile of the site boundary.
    - d. The locations of all existing and proposed wells within a quarter mile of the site boundary, and all large withdrawal wells (10,000+ gpd) within 1.0-mile

of the site.

- e. The location of all existing and proposed on-lot septic systems within a quarter mile of the site boundary.
- f. The location of all streams, perennial, and intermittent, within a quarter mile of the site boundary.
- g. A discussion of the aquifers underlying the site and their long-term drought recharge capability based on accepted published data or detailed site specific investigation for both the pre- and post- development condition.
- h. Based on the drought recharge capability of the underlying aquifer and the calculated daily groundwater withdrawals of the project, a hydrologic budget shall be calculated for the site and for the area within a quarter mile of the site boundary.
- i. Based on the results of the hydrologic budget, a determination shall be made about adverse effects on the groundwater to be caused by the project. This determination should include analysis of the total recharge water volume lost to the site as a result of the creation of new impervious surface or modified ground cover found on site. Pumping of groundwater and waste water disposal must also be evaluated within the hydrologic budget.
- j. Water quality information for area groundwater based from tests of area wells and special groundwater quality issues.
- k. Potential sources of water quality impact such as wastewater treatment systems, industrial sites, landfills, underground storage facilities, surface water infiltration agriculture chemicals or solid waste disposal facilities existing within a quarter mile of the site boundary should be analyzed. All potential source impacts should include pollutant loading analysis using an accepted methodology to address metals/ inorganic compounds, hydrocarbons, suspended sediments, nutrients, biological chemical oxygen demand, volatile organics, and fecal coliform.
- l. An estimation of the effects upon base flow of nearby streams, with special attention given to critical low flow periods.
- m. Average rainfall and storm patterns
- n. The study shall include a brief statement of the qualifications of the person(s) preparing the study.
- o. The study shall consider data and conclusions within the following studies:
  - 1) Special Groundwater Study of the Delaware River Basin Study Area II (Delaware River Basin Commission, 1982).
  - 2) Groundwater Resources of the Brunswick Formation in Montgomery and Berks Counties, Pennsylvania, Bureau of Topographic and Geologic Survey (1965).

- 3) Groundwater Resources of Montgomery County, Bureau of Topographic and Geologic Survey, 1971.
  - 4) Previous reports prepared by other developers in the Borough which are determined to be relevant by the Borough.
- p. Technical Criteria. A Phase I study shall be prepared and submitted by the applicant, at the expense of the applicant, in compliance with the following criteria:
- 1) The text of studies shall contain pertinent data, analyses, and methods used to arrive at the report's conclusions. Appendices shall contain raw and summary data.
  - 2) All figures contained within studies shall contain complete legends, titles, and scales.
  - 3) All numerical parameters within studies shall be presented with appropriate units, and all data shall be referenced by sources, data, location, and time, where appropriate.
- q. The Phase I Study should be certified by the licensed hydro-geologist/ geologist or sealed by a professional engineer; whoever prepared the study
3. A Phase II Groundwater Impact Study shall be conducted when the results of the Phase I study identify potential water supply problems. The Phase II study shall develop conclusions regarding groundwater impact based upon site investigations. Specific requirements for a Phase II study shall include:
- a. A pump test shall be conducted in the following manner:
    - 1) A step draw down test shall be conducted in accordance with AWWA Standard A100 , latest revision. Upon completion of the step draw down test, a 48-hour continuous pump test shall be conducted in accordance with DEP and AWWA A100 standards.
    - 2) The test shall be conducted during a period of when no significant recharge has occurred, unless the influence of recharge can be factored out.
    - 3) The test shall include one pumping well (roughly centered on-site) and at least two observation wells. The pumping and observation wells should be located on the same fracture based upon a fracture trace analysis conducted at the site.
    - 4) Analyses shall include all pumping and recovery calculations of hydraulic conductivity (directional) and specific yield, specific capacity and long-term sustainable well yield (tabulated).
    - 5) The test shall be conducted with a pumping rate of 20 percent greater than the proposed peak rate of groundwater use.
    - 6) One pumping test (done separately) shall be required for each 160 acres of the proposed subdivision.

- 7) Residents of properties within one-half (2) mile of the site boundary shall be canvassed to determine if there are any adverse impacts on their wells caused by the pump test.
- b. Samples of water shall be drawn from all test wells on site prior to the termination of the pump test and shall be tested for all parameters required for DEP for the new sources in conformance with their publication "Water Supply Manual" in addition to odor, bacteria-total plate count, total coliform per one-hundred (100) millimeters, and hardness. An analysis of the above listed parameters shall be performed on the samples by a laboratory certified by the DEP. Lab analysis should be performed in accordance with "Standard Methods for the Examination of Water and Wastewater," latest edition.
- c. The Phase II study shall be prepared and submitted to the Borough at the applicant's expense. In addition to the information required for the Phase I study, the Phase II study should include the following:
  - 1) Samples and records as required by DEP in the Public Water Supply Manual Part II, Chapter 3.
  - 2) The static water level immediately prior to yield testing.
  - 3) A hydrography of the depth to water surface during test pumping and recovery period at the test well or wells showing corresponding pump Based on the drought recharge capability of the underlying aquifer and the calculated daily groundwater withdrawals of the project, a hydrologic budget shall be calculated for the site property itself, and for the area within a quarter-mile of the site boundary.
  - 4) A log of depth to water surfaces of existing and monitoring wells during the pump test period showing the times readings were taken.
  - 5) A map illustrating the draw-down effects upon off-site wells and springs located within one-half (2) mile distance from the site boundary, indicating draw-downs of one foot or more, occurring during a year with a natural recharge rate of one-year-in-ten frequency.
  - 6) An analysis and interpretation of the impact of the proposed water supply and distribution system on the groundwater supply and existing wells.

#### *Section 804 Historic and Cultural Resources*

- A. Projects affecting or potentially affecting historical or archeological sites may be subject to the review and approval of the Pennsylvania Historical and Museum Commission— Bureau of Historic Preservation (BHP) under the Provisions of Section 106 of the National Historic Preservation Act and Section 10 of the Pennsylvania Historic Preservation Act. The BHP will review any site for potential archeological or historical site impact and may recommend one of the following actions:

1. Phase I Survey
2. Phase II Survey
3. Phase III Mitigation

**ARTICLE NINE**  
**ADMINISTRATION, FEES AND ENFORCEMENT**

*Section 900. General Administration.*

All provisions of this ordinance shall be administered by Borough Council or their officially designated representatives. All matters relating to this ordinance shall be submitted to the Borough Manager who will handle the matter in accordance with current Borough policies, procedures, and guidelines established by Borough Council.

*Section 901. Records.*

The Borough shall keep a public record of its correspondence, findings, recommendations, and actions relating to plans filed for review, in accordance with the policies, procedures, and guidelines established by Borough Council and Planning Commission.

*Section 902. Fees and Costs.*

- A. No application for preliminary or final plan approval shall be filed and processed until the fees and/or escrow deposit, as set forth below, shall have been paid.
- B. Borough Council shall adopt and amend by resolution a schedule of fees, payable by the applicant to the Borough for the filing of preliminary and final plans.
- C. Borough Council shall adopt and amend by resolution a schedule of escrow deposits to be paid by the applicant to the Borough at the time of the filing of an application, sufficient to pay all Borough expenditures anticipated in the course of its review and disposition of plans.
  - 1. Costs incurred by the Borough in excess of the escrowed amount shall be paid by the applicant prior to the granting of approvals or permits.
  - 2. If costs incurred by the Borough are less than the escrowed amount, the difference shall be refunded to the applicant following disposition of the plans.
- D. Borough expenditures subject to escrow as in *Section 902: Fees and Costs, Subsection C.*, above, include but are not limited to the following:
  - 1. Engineering and other technical services performed by landscape architects, geologists, planners, and other professionals during the plan review.
  - 2. Construction inspection and the testing of materials.
  - 3. Services of the Borough Solicitor in reviewing and/or preparing documents related to the plan reviews.
  - 4. Actual costs of recording
  - 5. An administrative charge of fifteen (15%) percent of the total costs described in the previous four subsections.
- E. Escrow accounts for fees to conduct the necessary inspection and review services

provided by the Borough during the construction of improvements approved in the final plan shall be established as part of the developers agreement required in *Section 709: Required Contracts* .

- F. Disputes. In the event that the applicant disputes the amount of any such review fee, the applicant shall, within forty-five (45) days of the billing date or the notice of withdrawal by the Borough of an amount held in escrow, notify the Borough and their consultant that the fees are disputed. In such case the Borough shall not delay or disapprove a subdivision or land development due to the applicant's request regarding disputed fees. The applicant shall within thirty (30) days after the transmittal date of a bill for inspection services or forty-five (45) days of the date of transmittal of a final bill for inspection services, notify the Borough and their professional consultant that the fees are disputed. The fee dispute process established in the Pennsylvania Municipalities Code generally includes following steps:
1. In the event that the Borough and the applicant cannot agree on the amount of any review fees which are reasonable and necessary, then the Borough and applicant shall jointly by mutual agreement, appoint another professional consultant serving as arbitrator to examine the disputed review fees and make a determination as to the amount thereof which are fair and reasonable within fifty (50) days.
  2. Appropriate payments or reimbursements shall be made within 60 days following the decision by the arbitrator.
  3. If the Borough and applicant cannot agree on an independent professional consultant to serve as arbitrator within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located shall appoint an engineer who shall be neither the Borough engineer or any professional engineer who has been retained by, or performed services for the Borough or applicant within the preceding five (5) years.
  4. The fee of the appointed arbitrator shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment is less than the original bill by \$5,000 or more, the arbitrator may require part of full payment from the applicant or professional consultant. In all other cases, the consultant and Borough should each pay one half of the fees of the professional engineer.

#### *Section 904. Enforcement.*

##### A. Preventative Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, to correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building.

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Ordinance. As an additional condition for the issuance of any permit or approval, the Borough may require compliance with the conditions that would have been applicable to the property at which time the applicant acquired it.
- B. Any person, partnership, or corporation who or which has violated the provisions of this Subdivision and Land Development Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney fees incurred by the Borough as a result thereof.
  - C. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the district justice.
  - D. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
  - E. 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.
  - F. All fines collected for such violations shall be paid to the Borough.

**ARTICLE TEN**  
**AMENDMENTS, VALIDITY, AND REPEALER**

*Section 1000. Amendment Procedure.*

Borough Council may, from time to time, amend, supplement, change, modify, or repeal this ordinance by proceeding in accordance with the Pennsylvania Municipalities Planning Code. Borough Council shall, by resolution adopted at a regular or special meeting, fix the time and place of a public hearing on the proposed amendment and cause public notice thereof to be given as follows:

- A. By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation within the Borough. The first notice shall not be more than thirty (30) days or less than seven (7) days from the date of the hearing.
- B. The notice shall state the time and place of the hearing, the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties with an interest in attending such hearing.
- C. Whenever a proposed amendment affects a particular property, there shall be posted upon said property or premises at such place or places as Borough Council may direct, notice of said proposed amendment.

*Section 1001. Referral to Planning Commission.*

All proposed amendments before adoption shall be referred to the Borough Planning Commission and Montgomery County Planning Commission at least thirty (30) days prior to the public hearing, for recommendation and report, which shall be advisory.

*Section 1002. Validity.*

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

*Section 1003. Repealer.*

All Ordinances and parts of Ordinances inconsistent herewith are repealed upon the legally effective date of this Ordinance.

## APPENDIX

### Plant List

#### Shade or Canopy Trees Suitable Under or Near Power Lines

Maximum height shall not exceed 25'. Trees shall be spaced at least 18' apart.

<i>Acer ginnala</i>	Amur maple
<i>Acer rubrum</i> 'Bowhall'	'Bowhall' red maple
<i>Acer rubrum</i> 'Armstrong'	'Armstrong' Red Maple
<i>Amelanchier arborea</i> 'Robin Hill'	'Robin Hill' Juneberry
<i>Carpinus caroliniana</i> 'Native Flame'	'Native Flame' American hornbeam
<i>Prunus</i> varieties	
<i>Syringa reticulata</i>	Japanese tree lilac
<i>Zelkova serrata</i> 'City Sprite'	City Sprite Zelkova
<i>Zelkova serrata</i> 'Schmidtlow'	Wireless Zelkova

#### Shade or Canopy Trees Suitable Near Paving:

Maximum height shall not exceed 45'. Trees shall be spaced at least 20' apart.

<i>Acer rubrum</i> "Armstrong"	'Armstrong' Red Maple
<i>Acer saccharum</i> 'Goldspire'	'Goldspire' Sugar Maple
<i>Carpinus betulus</i> 'Columnaris'	Columnar European Hornbeam
<i>Ginkgo biloba</i> 'Princeton Sentry'	Princeton Sentry Ginkgo
<i>Ginkgo biloba</i> 'Magyar'	Magyar Upright Ginkgo
<i>Prunus sargentii</i> 'Spire'	Columnar Sargent Cherry
<i>Quercus robur</i> 'Fastigiata'	Columnar English Oak
<i>Quercus palustris</i> 'Pringreen'	Green Pillar Pin Oak

#### Shade or Canopy Trees Suitable for Buffers, Screens, and Natural Areas

Minimum mature height: 45' or more. Trees shall be spaced at least 30' apart, and shall be planted in minimum eight foot (8') planting strip.

<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple
<i>Celtis occidentalis</i>	Common Hackberry
<i>Cercidiphyllum Japonicum</i>	Katsura
<i>Cladrastis kentukea</i>	American Yellowwood
<i>Ginkgo biloba</i> (male clones only)	Ginkgo (Male Clones Only)
<i>Gleditsia triacanthos</i> var. <i>inermis</i>	Thornless Common Honeylocust
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Platanus x acerifolia</i>	London Planetree
<i>Quercus alba</i>	White Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus prinus</i>	Chestnut Oak

<i>Quercus robur</i>	English Oak (consider Q.r. 'Fastigiata')
<i>Quercus rubra</i>	Northern Red Oak
<i>Styphnolobium Japonicum</i>	Chinese Scholar Tree
<i>Taxodium distichum</i>	Common Baldcypress
<i>Tilia cordata</i> 'Chancellor'	Chancellor Littleleaf Linden
<i>Tilia tomentosa</i>	Silver Linden
<i>Ulmus americana</i>	American Elm
<i>Ulmus parvifolia</i> 'Emer II'	Elmer II ALLEE Lacebark Elm
<i>Zelkova serrata</i> 'Green Vase'	Green Vase Japanese Zelkova
<i>Zelkova serrata</i> 'Village Green'	Village Green Japanese Zelkova

## Shade or Canopy Tree – Suitable for Property Lines or Buffer Strips

Minimum Mature Height – 30' or more.

<i>Acer rubrum</i> 'October Glory'	October Glory Red Maple
<i>Acer saccharum</i>	Sugar Maple
<i>Betula nigra</i>	River Birch
<i>Carpinus betulus</i>	European Hornbeam
<i>Fagus grandifolia</i>	American Beech
<i>Ginkgo biloba</i> (male clones only)	Ginkgo (Male Clones Only)
<i>Gymnocladus dioicus</i>	Kentucky Coffeetree
<i>Metasequoia glyptostroboides</i>	Dawn Redwood
<i>Nyssa sylvatica</i>	Black Tupelo
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Oxydendrum arboreum</i>	Sourwood - low pH test soil
<i>Platanus x acerifolia</i>	London Planetree
<i>Quercus alba</i>	White Oak
<i>Quercus bicolor</i>	Swamp White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus imbricaria</i>	Shingle Oak
<i>Quercus macrocarpa</i>	Bur Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus prinus</i>	Chestnut Oak
<i>Quercus robur</i> 'Fastigiata'	Fastigate English Oak
<i>Quercus rubra</i>	Northern Red Oak
<i>Quercus velutina</i>	Black Oak
<i>Taxodium distichum</i>	Common Baldcypress
<i>Tilia cordata</i> 'Chancellor'	Chancellor Littleleaf Linden
<i>Tilia tomentosa</i>	Silver Linden
<i>Ulmus americana</i>	American Elm
<i>Ulmus parvifolia</i>	Lacebark Elm
<i>Zelkova serrata</i> 'Green Vase'	Green Vase Japanese Zelkova
<i>Zelkova serrata</i> 'Village Green'	Village Green Japanese Zelkova

## Ornamental Trees – Suitable Near Overhead Utility Wires, for Property Line Buffers or Site Element Screening

Minimum mature height – 15' or more, with maximum height of 25'.

<i>Acer buergerianum</i>	Trident Maple
<i>Acer ginnala</i>	Amus Maple
<i>Acer griseum</i>	Paperbark Maple
<i>Acer triflorum</i>	Three-flower Maple
<i>Acer truncatum</i>	Shantung Maple
<i>Aesculus x carnea</i>	Red Horsechestnut
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Cercis canadensis</i>	Eastern Redbud
<i>Chionanthus retusus</i>	Chinese Fringe Tree
<i>Cornus kousa</i>	Kousa Dogwood (Cultivars)
<i>Cornus florida x Cornus kousa</i>	Rutger's Dogwood
<i>Cornus mas</i>	Corneliancherry Dogwood
<i>Cornus officianalis</i>	Japanese Cornel Dogwood
<i>Cotinus obovatus</i>	American Smoketree
<i>Crataegus viridis</i> 'Winter King'	Winter King Green Hawthorne
<i>Halesia tetraptera</i>	Carolina Silverbell
<i>Hamamelis virginiana</i>	Common Witchhazel
<i>Hamamelis mollis</i>	Chinese Hybrid Witchhazel
<i>Koelreuteria paniculata</i>	Panicked Goldenraintree
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Malus sp. ie.</i> 'Donald Wyman'	Flowering Crabapples-disease/insect rest.
<i>Ostrya virginiana</i>	American Hophornbeam
<i>Prunus x incam</i> 'Okame'	'Okame' Cherry
<i>Prunus subhirtella</i> var. <i>autumnalis</i>	Higan Cherry
<i>Syringa reticulata</i>	Japanese Tree Lilac

## Large Deciduous Shrubs – Suitable for Property Line Buffers Screens

Minimum Mature Height – 15' or more

### Key

**W = Wet Site Tolerant**

**D = Dry Site Tolerant**

<i>Aesculus parviflora</i>		Bottlebrush Buckeye
<i>Aronia arbutifolia</i>	W	Red Chokeberry
<i>Calycanthus floridus</i>	W	Common Sweetshrub
<i>Cornus mas</i>		Corneliancherry Dogwood
<i>Cornus racemosa</i>	W or D	Gray Dogwood
<i>Cornus sericea</i>		Redosier Dogwood
<i>Corylus americana</i>		American Hazelnut
<i>Diervilla sessilifolia</i>		Southern Bush-honeysuckle
<i>Forsythia x</i> 'Meadowlark'		Forsythia
<i>Hamamelis vernalis</i>		Vernal Witchhazel
<i>Hamamelis virginiana</i>		Common Witchhazel
<i>Philadelphus x lemoinei</i>	D	Sweet Mockorange

<i>Rhus glabra</i>	Smooth Sumac
<i>Salix caprea</i>	Pussy Willow
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>Viburnum nudum</i> "Winterthur or Brandywine"	
	Witherod
<i>Viburnum prunifolium</i>	Blackhaw Viburnum
<i>Viburnum trilobum</i>	American Cranberrybush Viburnum

## Evergreen Shrubs – Suitable for Buffers and Screens

Minimum Mature Height – Four Feet (4') or more

<i>Rhododendron sp.</i> ( <i>viscosum, vaseyi, etc.</i> )	<i>Rhodoendron and Azalea</i>
<i>Ilex crenata</i>	Japanese Holly
<i>Ilex glabra</i>	Inkberry (Cultivars)
<i>Juniperus virginiana</i>	Eastern Redcedar
<i>Kalmia latifolia</i>	Mountain-laurel
<i>Leucothoe fontanesiana</i>	Fetterbush
<i>Pieris floribunda</i>	Mountain Pieris
<i>Prunus laurocerasus</i>	Common Cherry Laurel
<i>Prunus laurocerasus</i> 'Otto Luyken'	Otto Luyken' Cherry Laurel
<i>Schipkaensis</i>	Skip Laurel
<i>Viburnum rhytidophyllum</i>	Leatherleaf Viburnum

## Small Shrubs – Suitable for Building Foundation, Parking Lot Greening, or Front Yard Landscaping

<i>Berberis verruculosa</i>	Barberry, Warty
<i>Buxus Microphylla</i>	Littleleaf Boxwood (needs winter wind protection)
<i>Forsythia x</i>	Arnold dwarf

## Evergreen Trees – Suitable for Property Line Buffers or Screens

Minimum Mature Height – 20' or more

<i>Abies concolor</i>	White Fir
<i>Cupressocyparis leylandii</i>	Leyland Cypress
<i>Ilex opaca</i>	American Holly
<i>Picea abies</i>	Norway Spruce
<i>Picea omorika</i>	Siberian Spruce
<i>Pinus strobus</i>	Eastern White Pine
<i>Pinus thunbergii</i>	Japanese Black Pine
<i>Pseudotsuga menziesii</i>	Douglas Fir
<i>Thuja occidentalis</i>	Eastern Arborvitae
<i>Thuja plicata</i>	Giant (Western) Arborvitae

## Deciduous and Evergreen Trees and Shrubs, Wildflowers and Grasses - Suitable for Wet Meadows, Edges, Storm Water Management Basins and Related Facilities

### Trees

<i>Acer rubrum</i>	Red Maple
<i>Amelanchier canadensis</i>	Serviceberry
<i>Betula nigra</i>	River Birch
<i>Carpinus caroliniana</i>	American Hornbeam
<i>Ilex opaca</i>	American Holly
<i>Liquidambar styraciflua</i>	Sweetgum
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Myrica cerifera</i>	Southern Bayberry
<i>Platanus occidentalis</i>	American Sycamore
<i>Quercus bicolor</i>	Swamp White Oak
<i>Taxodium distichum</i>	Bald Cypress
<i>Thuja occidentalis cv. nigra</i>	Dark American Arborvitae
<i>Tilia Americana</i>	American Linden

### Shrubs

<i>Aronia arbutifolia</i>	Red Chokeberry
<i>Aronia melanocarpa</i>	Black Chokeberry
<i>Cornus amomum</i>	Silky Dogwood
<i>Ilex verticillata</i> grouped)	Winterberry Holly (Cultivars, male & female)
<i>Clethra alnifolia</i>	Summersweet
<i>Viburnum trilobum</i>	American Cranberrybush
<i>Cephalanthus occidentalis</i>	Buttonbush

### Wildflowers

<i>Asclepias incarnata</i>	Swamp Milkweed
<i>Aster nova-angliae</i>	New England Aster
<i>Aster puniceus</i>	Purple-stemmed Aster
<i>Aster laevis</i>	Smooth Aster
<i>Bidens aristosa</i>	Tickseed Sunflower
<i>Bidens polyepsis</i>	Tickseed Sunflower
<i>Eupatorium fistulosum</i>	Hollow Joe-pye Weed
<i>Eupatorium dubium</i>	Joe-pye Weed
<i>Helenium nudiflorum</i>	Purple-headed Sneezeweed
<i>Helianthus giganteus</i>	Giant Sunflower
<i>Hesperis matronalis</i>	Dame's Rocket
<i>Hibiscus moscheutos</i>	Swamp Rose Mallow
<i>Impatiens capensis</i>	Jewelweed
<i>Impatiens pallida</i>	Jewelweed
<i>Iris pseudacorus</i>	Yellow Iris
<i>Iris versicolor</i>	Blue Flag Iris
<i>Lilium canadense</i>	Canada Lily
<i>Lobelia cardinalis</i>	Cardinal Flower
<i>Lobelia siphilitica</i>	Blue Lobelia

*Ludwigia alternifolia*  
*Monarda didyma*  
*Penstemon digitalis*  
*Pycnanthemum virginianum*  
*Rudbeckia laciniata*  
*Rudbeckia triloba*  
*Scirpus acutus*  
*Senecio aureus*  
*Solidago gigantea*  
*Solidago graminifolia*  
*Typha latifolia*  
*Zizia aurea*

Seedbox  
Beebalm  
Beardtongue  
Mountain Mint  
Green-headed Coneflower  
Black-eyed Susan  
Hardstem Bulrush  
Golden Ragwort  
Late Goldenrod  
Lance-leaved Goldenrod  
Common Cattail  
Golden Alexander

### **Grasses**

*Panicum virgatum*  
*Sorghastrum nutans*  
*Tridens flavus*

Switchgrass  
Indian Grass  
Red Top

## **Deciduous and Evergreen Trees and Shrubs, Wildflowers and Grasses - Suitable for Dry Meadows, Edges, Storm Water Management Basins and Related Facilities**

### **Trees**

*Acer rubrum*  
*Celtis occidentalis*  
*Gleditsia triacanthos inermis*  
*Juniperus virginiana*  
*Liquidambar styraciflua*  
*Pseudotsuga menziesii*  
*Quercus coccinea*  
*Quercus macrocarpa*  
*Quercus rubra*  
*Sassafras albidum*  
*Thuja occidentalis*

Red Maple  
Hackberry  
Thornless Honey Locust  
Eastern Red Cedar  
Sweetgum  
Douglasfir  
Scarlet Oak  
Bur Oak  
Red Oak (Cultivars Recommended)  
Sassafras  
Dark American Arborvitae

### **Shrubs**

*Comptonia peregrina*  
*Cornus racemosa*  
*Diervilla sessilifolia*  
*Hamamelis virginiana*  
*Myrica pennsylvanica*  
*Rosa Carolina*  
*Rhus aromatic*  
*Rhus copallina*  
*Rhus glabra*  
*Rhus typhina*  
*Viburnum lentago*

Sweetfern  
Gray Dogwood  
Southern Bush Honeysuckle  
Common Witchhazel  
Northern Mayberry  
Pasture Rose  
Fragrant Sumac  
Shining Sumac  
Smooth Sumac  
Staghorn Sumac  
Nannyberry

## Wildflowers and Grasses

<i>Andropogon gerardi</i>	Big Bluestem Grass
<i>Andropogon scoparius</i>	Little Bluestem Grass
<i>Asclepias tuberosa</i>	Butterfly Weed
<i>Aster pilosus</i>	Aster
<i>Aster simplex</i>	White Aster
<i>Elymus canadensis</i>	Canada Wild Rye
<i>Monarda fistulosa</i>	Wild Bergamot
<i>Panicum virgatum</i>	Switchgrass
<i>Pycnanthemum tenuifolium</i>	Slender Mountain Mint
<i>Rudbeckia hirta</i>	Black-eyed Susan
<i>Solidago nemoralis</i>	Old Field Goldenrod
<i>Solidago speciosa</i>	Showy Goldenrod
<i>Sorghastrum nutans</i>	Indian Grass
<i>Tridens falvus</i>	Red Top
<i>Veronicastrum virginicum</i>	Culver's Root

In the alternative, the following plant lists, maintained by various local agencies or authorities, can be referenced or used, as applicable:

- Montgomery County Planning Commission
  - [Planning By Design: Shading Parking Lots](#)
- Morris Arboretum of the University of Pennsylvania Center for Urban Forestry
  - [Checklist of Pennsylvania Native Trees](#)
  - [Invasive Species Fact Sheets](#)
- Pennsylvania Department of Natural Resources (PA DCNR)
  - [Common Trees of Pennsylvania](#)
  - [Landscaping with Native Plants](#)
- Pennsylvania Department of Environmental Protection (PA DEP)
  - [Pennsylvania Stormwater Best Management Practices Draft Manual Appendix B-Pennsylvania Native Plant List](#)
- Pennsylvania State University Extension
  - [Shade Tolerant Trees, Shrubs, and Groundcovers](#)
  - [Trees, Shrubs, and Groundcovers Tolerant of Dry Sites](#)
  - [Trees, Shrubs, and Groundcovers Tolerant of Wet Sites](#)
  - [Using Trees and Shrubs for Privacy and Wind Screening](#)
  - [A Guide for Selecting Shrubs for Pennsylvania Landscapes](#)
  - [Rain Garden-Plants](#)
  - [Planting on Steep Slopes](#)


II. All ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

III. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Lansdale Borough.


IV. This Ordinance shall become effective five (5) days following its legal enactment.

**ENACTED** and **ORDAINED** this 18<sup>th</sup> day of April, 2018.

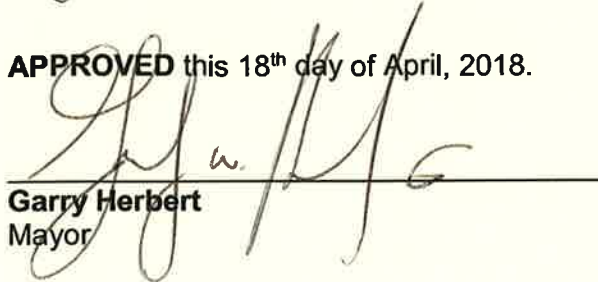
**ATTEST:**

  
\_\_\_\_\_  
**John J. Ernst**  
Borough Secretary

**LANSDALE BOROUGH COUNCIL**

  
\_\_\_\_\_  
**Denton Burnell**  
Council President

**APPROVED** this 18<sup>th</sup> day of April, 2018.

  
\_\_\_\_\_  
**Garry Herbert**  
Mayor