

**BOROUGH OF LANSDALE**

MONTGOMERY COUNTY, PENNA

SUB-DIVISION AND LAND DEVELOPMENT  
ORDINANCE

NO. 1226

ADOPTED OCTOBER 15, 1980

REGULAR MEETING OF BOROUGH COUNCIL

History -  
Public Hearing  
July 23, 1980 7:30 P.M.  
Audion Room  
Penn-Dale Junior High School  
Penn & Line Streets  
Lansdale, PA

Public Notices



Notice is hereby given that on Wednesday, October 15, 1980 the Subdivision and Land Development Ordinance was enacted as Ordinance No. 1226. A synopsis of the ordinance is as follows:

The Borough Council of the Borough of Lansdale, Montgomery County, Pennsylvania, under and by virtue of the authority granted by the Act of July 31, 1968, P.L. 247, as amended by Act 93 of 1972 (and subsequent amendments), do hereby enact and ordain:

An Ordinance adopting regulations for the subdivision and development of land, the revision of existing subdivisions and developments of land, the laying out, constructing, opening and dedication of streets, roads, drainage facilities, sewer and other public improvements incident to the subdivision and development of land in the Borough of Lansdale and prescribing penalties for violation.

Copies of Ordinance No. 1226 are available at 421 West Main Street, Lansdale, Pa. 19446 and may be obtained for a charge of \$4.50 or may be examined without charge in the Borough offices during business hours of 9:00 A.M. through 5:00 P.M. Monday - Friday.

F. Lee Mangan  
Borough Manager/Secretary

Approved by Borough Council of the Borough of Lansdale and enacted into an ordinance this 15<sup>th</sup> day of October 1980.

By: Howard S. Coffman  
Council President

Attest:

F. Lee Mangan  
Secretary

APPROVED by the Mayor of the Borough of Lansdale this    day of 1980.

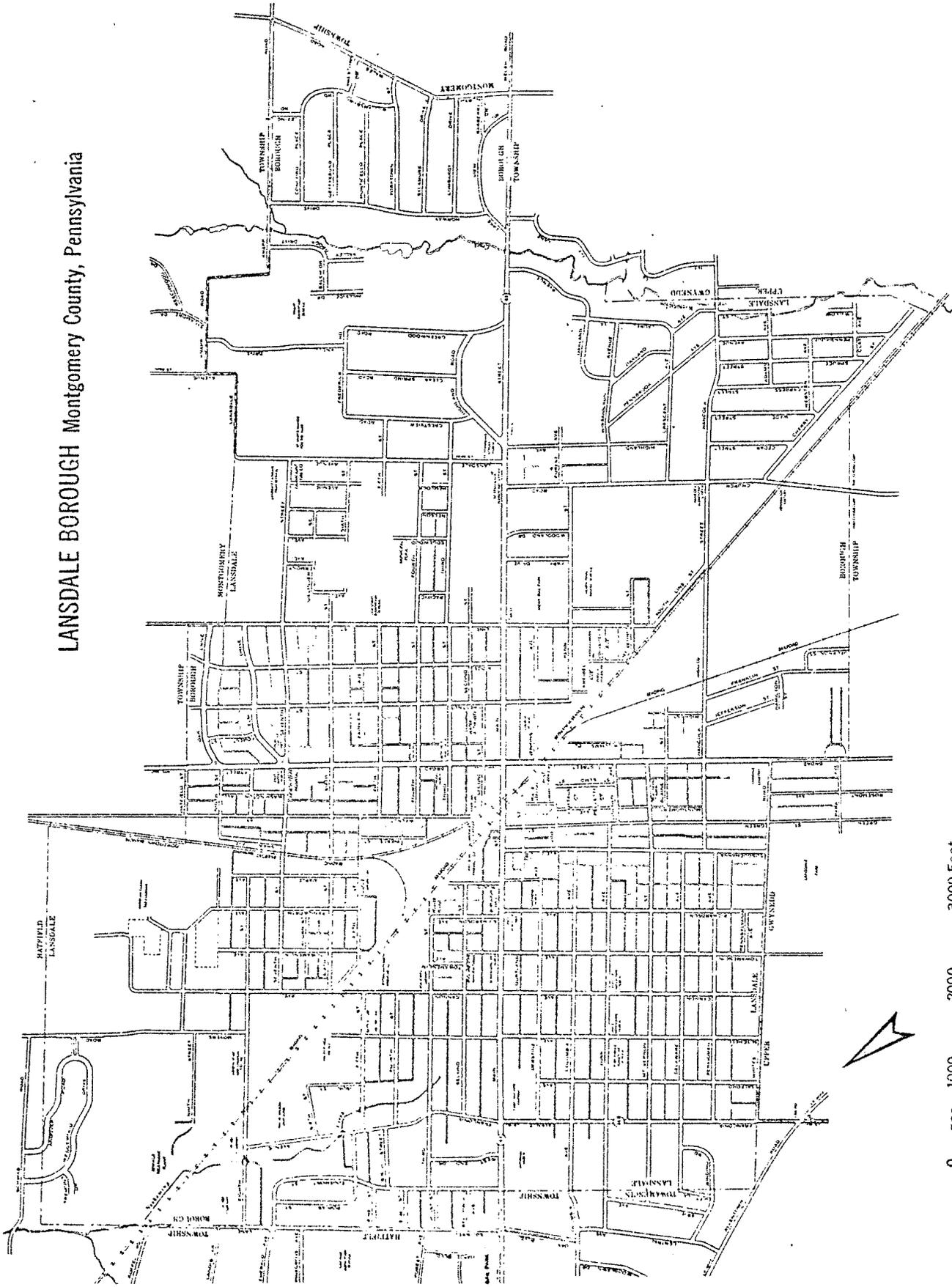
John E. Scheetz, Mayor

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# LANSDALE BOROUGH Montgomery County, Pennsylvania



0 500 1000 2000 3000 Feet

Prepared by the Montgomery County Planning Commission  
 Court House, Haverhill, Pennsylvania

The preparation of this map was financed in part through a Urban Planning Grant from  
 the Department of Housing and Urban Development under the provisions of Section 801  
 of the Housing Act of 1954 as amended and is administered by the Bureau of Planning,  
 Pennsylvania Department of Community Affairs

BOROUGH OF LANSDALE  
Montgomery County, Pennsylvania

Ordinance No. 1226

The Borough Council of the Borough of Lansdale, Montgomery County, Pennsylvania, under and by virtue of the authority granted by the Act of July 31, 1968, P.L. 247, as amended by Act 93 of 1972 (and subsequent amendments), do hereby enact and ordain:

An Ordinance adopting regulations for the subdivision and development of land, the revision of existing subdivisions and developments of land, the laying out, constructing, opening and dedication of roads, streets, drainage facilities, sewers, and other public improvements incident to the subdivision and development of land in the Borough of Lansdale and prescribing penalties for violation.

ARTICLE I

Title; Purpose; Interpretation;  
Subdivision and Land Development Control

Section 100: Title and Purpose

- 100.1 Short Title: This ordinance shall be known and may cited as the Lansdale Borough Subdivision and Land Development Ordinance.
- 100.2 Purpose. This Ordinance is adopted for the following purposes:

1. To assist the orderly, efficient, integrated and harmonious development of the Borough;
2. To assure sites suitable for building purposes and human habitation;
3. To coordinate proposed streets with existing streets or other proposed streets, parks, or other features of the Borough Plan of Streets and alleys;
4. To provide adequate open spaces for traffic, recreation, light and air, and for proper distribution of population thereby creating conditions favorable to the health, safety, morals, and general welfare of the citizens of the Borough;
5. To ensure conformance of subdivision and land development plans with the development of public facilities in the Borough of Lansdale;
6. To secure equitable handling of all subdivision and

land development plans by providing uniform procedures and standards;

7. To ensure that the layout and arrangement of the subdivision or land development plan are in conformance with Lansdale's adopted comprehensive plan and zoning ordinance and to any regulations or maps adopted in furtherance thereof.

Section 101: Interpretation. The provisions of this Ordinance shall be held to be minimum requirements to meet the above-stated purposes Where the provisions of this Ordinance impose greater restriction than those of any other statute, ordinance, or regulations, then the provisions of this ordinance shall prevail. 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 prevail.

Section 102: Subdivision and Land Development Control.

102.1 Subdivision of a lot or construction, opening, or dedication of a street. No subdivision or land development of any lot, tract, or parcel of land shall be made, and no street, alley, sanitary sewer, storm drain, water main gas, oil and electric transmission 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 Ordinance.

102.2 Sale of Lots, Issuance of Building Permits and/or Occupancy 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 upon land in a subdivision or land development, may be issued unless and until a plan has been approved, and where required, recorded, and until the required improvements in connection therewith from the lot or building to an existing improved street have either been constructed or the Borough has been assured that the improvements will subsequently be installed by means of a proper completion guarantee in the form of a bond, or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the Borough Engineer. An occupancy permit shall not be issued until completion of improvements unless Borough Council decrees there are extenuating characteristics and orders its issuance.

102.3 Condominiums. The sale of dwelling or commercial units as condominiums under the Pennsylvania Unit Property Act

shall be permitted in accordance with Article VI of this Ordinance and no regulations within this Ordinance shall be construed to prohibit the condominium form of ownership.

## ARTICLE II

### Definitions

Section 200: General Usage. Words used in the singular include the plural, and words in the plural include the singular; words used in the masculine gender include the feminine, and words in the feminine gender include the masculine. The word "person" includes natural persons, corporations, associations and partnerships. The word "building" includes the word "structure," and both shall always be construed as if followed by the words "or part thereof." The word "occupied" includes the words "arranged, designed or intended to be used." The word "may" is permissive, and the words "shall" and "will" are always mandatory.

Section 201: Definition of Terms. Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance have the meanings indicated:

- 201.1 Accepted Engineering Practice - That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.
- 201.2 Accessory Building - A building subordinated to the principal building on a lot, and used for purposes customarily incidental to those of the principal building.
- 201.3 Agent - Any person, other than subdivided, who, acting for the subdivider, submits to the Borough Code Enforcement Officer subdivision plans for the purpose of obtaining approval thereof.
- 201.4 Alley - A public or privately owned right-of-way, 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.
- 201.5 Alteration - As applied to a building, any change or rearrangement in the structural parts or in the exit facilities; or any enlargement, whether by extension on any side or by any increase in height, or the moving from one (1) location or position to another. This should apply to any change of use as recognized by the Zoning Ordinance.
- 201.6 Anchoring - Every mobile home shall be anchored to the mobile home stand where it is located prior to the unit being occupied or used in any way. The anchorage shall be provided by eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift, in accordance with local and state building

codes for buildings and structures, based upon the size and weight of the units. Ground anchors shall not be permitted. [Amended 10-2-96 by Ordinance 1584]

- 201.7 Applicant - A landowner or developer, as hereinafter defined, who has filed an application for approval of subdivision or land development plan, including his heirs, successors, agents, and assigns.
- 201.8 Application for Subdivision or Development - Every application, whether tentative, minor subdivision or minor land development, preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.
- 201.9 Base Flood - The flood which has been selected to serve as the basis upon which the flood plain management provisions of this Ordinance have been prepared; for purposes of this Ordinance, the One Hundred Year Flood, as referenced in the current Flood Insurance Study, Lansdale Borough prepared by the Federal Insurance Administration, Federal Emergency Management Agency. [Amended 12-18-96 by Ordinance 1599]
- 201.10 Base Flood Elevation - The One Hundred Year Flood elevation, as referenced in the Flood Insurance Study, prepared by the Federal Insurance Administration, Federal Emergency Management Agency. Within the approximated floodplain, the base flood elevation shall be established as a point on the boundary of the approximated floodplain closest to the construction site in question. [Amended 12-18-96 by Ordinance 1599]
- 201.11 Block - An area bounded by streets or streets and natural or manmade features.
- 201.12 Borough Council - The Lansdale Borough Council, Montgomery County, Pennsylvania.
- 201.13 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, buffers may be included as part of the required setbacks and yard areas. Buffers are divided into two types:
- Buffer, Open - A buffer normally comprised of grass, ground cover, and/or possibly other landscaping material having a specified depth, but not necessarily having significant vertical components to achieve a certain

height or density, the purpose of which is to achieve adequate spacing and attractive landscaping between two or more actively used areas.

Buffer, Screen - A buffer comprised of natural and/or man-made material arranged in a certain specified depth, height, and density to effectively block the view from one side to another during all seasons of the year, and to reduce the transmittal of noise and odors between the sides.

- 201.14 Builder - A person, who is charged with the responsibility of construction of buildings or other structures, or of making any construction improvements on any parcel of land.
- 201.15 Building - A combination of materials to form a permanent structure having walls and a roof.
- 201.16 Building Coverage - The maximum horizontal area covered by buildings at or above grade.
- 201.17 Building Setback Line - A line within a lot, so designated on a subdivision plan or land development plan between which line and the street line, no building or other structure or portion thereof, except as provided in the Borough Zoning Ordinance may be erected above ground level.
- 201.18 Cartway - The portion of a street or alley intended for vehicular use.
- 201.19 Code of Regulations - Such governing regulations as are adopted pursuant to this Ordinance for the regulation and management of condominium properties, including amendments thereof as may be adopted from time to time.
- 201.20 Common Elements - Means and includes:
- a. The land on which the building is located and portions of the building which are not included in a unit;
  - b. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways and entrances and exits of the building;
  - c. The yards, parking areas and driveways;
  - d. Portions of the land and buildings used exclusively for the management, operation or maintenance of the common elements;
  - e. Installation of all central services and utilities;

- f. All apparatus and installations existing for common use;
  - g. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
  - h. Such facilities as are designated in the Declaration as common elements.
- 201.21 Common Open Space - A parcel or parcels of land, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.
- 201.22 Common Parking - Any parking area used by three (3) or more dwelling units and having space for six (6) or more motor vehicles.
- 201.23 Community Association - A Homeowner's Association or other entity who shall manage the business operation and affairs of a condominium property on behalf of the unit owners. (Size to be stated in Code of Regulations for the property) [Added 10-2-96 by Ordinance 1584]
- 201.24 Comprehensive Plan - The Lansdale Borough Comprehensive Plan, consisting of maps, charts and textual matter, as well as any revisions thereto.
- 201.25 Condominium - An estate in real property consisting of an individual interest in a space within a structure and/or a portion of property together with an undivided interest in common elements.
- 201.26 Construction - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.
- 201.27 Corner Lot - A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty-five degrees (135). It is the land occupied or to be occupied by the corner building and its accessory building.
- 201.28 Council - A Homeowner's Association or other entity who shall manage the business, operation and affairs of a condominium property on behalf of the unit owners. (Size to be stated in Code of Regulations for the property)

- 201.29 Cul-de-sac - A street with access at one end and terminated at the other by a paved vehicular turnaround.
- 201.30 Curb Line - The outermost edge of the cartway or roadway.
- 201.31 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.
- 201.32 Declaration - The instrument by which the owner of property submits the property to the provisions of the Act of 1963, July 3, P.L. 196, Article I, Section 101 et seq. (Unit Property Act) and all amendments thereto.
- 201.33 Declaration Plan - A survey of the property to be submitted to the provisions of P.L. 196, July 3, 1963 (Unit Property Act) which shall bear the verified statement of a registered architect or licensed professional engineer certifying that the Declaration Plan fully and accurately
- a. Shows the property, the location of the building(s) thereon, the building and the layout of the floors of the building(s) including the units and the common elements and
  - b. Sets forth the name by which the property will be known and the unit designation for each unit therein.
- 201.34 Declaration of Revocation - A statement of intent to convert a condominium to a fee simple or rental property or structure, signed by 100 percent of the unit owners and the holders of all mortgages, judgements or other liens affecting the units.
- 201.35 Density - The number of dwelling units per developable acre.
- 201.36 Design Storm - The magnitude of precipitation for a storm event measured in the probability of occurrence (ie 100-year storm) and duration (ie 24 hours) and used in designing the stormwater management system. [Added 10-2-96 by Ordinance 1584]
- 201.37 Detention Facility - A system of control structures and storage area (ie basin) designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. [Added 10-2-96 by Ordinance 1584]
- 201.38 Developable Acre - That portion of a tract of land excluding the existing Rights-of-Way, existing public streets and flood plains as defined in the Borough of

Lansdale Zoning Ordinance 1393, Article XXIX. [Added 10-2-96 by Ordinance 1584]

- 201.39 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 land development.
- 201.40 Development - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations, and the storage of materials or equipment. [Amended 12-18-96 by Ordinance 1599]
- 201.41 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. The phrase "provisions of the development plan" shall mean the written and graphic materials referred to in this definition.
- 201.42 Drainage - The natural or man-made features of the land that and specifically designed to store or carry surface water runoff.
- 201.43 Drainage Facility - Any ditch, gutter, swale, culvert, basin, storm sewer or other structure designed, intended, or constructed for the purpose of conveying, diverting or controlling surface water or ground water. [Added 10-2-96 by Ordinance 1584]
- 201.44 Driveway - A private way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.
- 201.45 Dwelling - A building designed and constructed for residential purposes in which people live.
- 201.46 Dwelling Unit - One (1) or more rooms arranged for the use of one (1) or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 201.47 Easement - A right-of-way or other right granted by a property owner for the use of a designated part of his property for certain public or quasi-public purposes.
- 201.48 Endorsement - The review stamp of the Montgomery County Planning Commission.

- 201.49      Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania.
- 201.50      Erosion - The removal of surface materials by the action of natural elements.
- 201.51      Excavation - Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, re-located or bulldozed, as well as, the conditions resulting therefrom.
- 201.52      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 therefrom.
- 201.53      Flood - A temporary condition of partial or complete inundation of a normally dry land area.
- 201.54      Flood Plain - That area defined in the Flood Plain District of the Borough Zoning Ordinance; the flood plain definition contained therein is made part of this Ordinance by reference.
- 201.55      Flood Proofing - 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). Flood proofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below", (or above) the BFD (Base Flood Datum) it shall be interpreted as meaning below, (or above) the Base Flood Elevation.
- 201.56      Frontage - The length of the lot line abutting a public or private right-of-way.
- 201.57      Grade - A slope of a street or parcel of land specified in percent (%) and shown on plans as specified herein.
- 201.58      Gross Floor Area - The total area included within the exterior walls of a building, exclusive of open courts.

- 201.59        Ground Cover - Natural mulch or non-deciduous or low-growing plants installed or planted in such a manner as to provide a continuous cover over the ground.
- 201.60        Height - The vertical distance measured from the elevation of the proposed finished grade at the front of the building to the highest point of the roof, as further defined below:
- a. Flat roof: Highest point measurable
  - b. Mansard roof: Deckline
  - c. Gable, Hip, Gambrel: Ridgeline
  - d. For a building with two or more roof heights, to the higher roof
  - e. Chimneys, spires, towers, mechanical penthouses, tanks communication antennae, and similar structures shall not be included in calculating the height. [Amended 10-2-96 by Ordinance 1584]
- 201.61        Historic Structure - Any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
  - c. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - 1. By an approved state program as determined by the Secretary of the Interior; or
    - 2. Directly by the Secretary of the Interior in states without approved programs.
- [Added 12-18-96 by Ordinance 1599]
- 201.62        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.

- 201.63        Improvement - The physical additions, installations and changes required to render land suitable for the use proposed, including but not limited to streets, curbs, sidewalks, utilities, and drainage facilities. [Amended 10-2-96 by Ordinance 1584]
- 201.64        Land Development - i. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (A) a group of two or more residential or 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(B) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, lease-holds, condominiums, building groups or other features; (ii) A division of land. [Amended 10-2-96 by Ordinance 1584]
- 201.65        Landowner - The legal or beneficial owner or owners of land, or a building thereon, or a portion of either 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, shall be deemed to be a landowner for the purposes of this Ordinance.
- 201.66        Legal Right-of-Way - The street right-of-way legally in the public domain at the time a development plan is submitted. [Added 10-2-96 by Ordinance 1584]
- 201.67        Lot - A designated parcel, tract, or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon as a unit. [Amended 10-2-96 by Ordinance 1584]
- 201.68        Lot Area - Clarify that this is net or developable lot area.
- 201.69        Mobile Home - A single-family detached dwelling intended for permanent occupancy, which complies with local and state building codes, and appropriate federal agencies, and is certified by said agencies; contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so it can be attached to a mobile home stand. [Amended 10-2-96 by Ordinance 1584]

- 201.70        Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home. [Added 10-2-96 by Ordinance 1584]
- 201.71        Mobile Home Park - A parcel or continuous 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. [Added 10-2-96 by Ordinance 1584]
- 201.72        Mobile Home Stand - A permanent foundation designed and constructed to comply with the requirements of Lansdale Borough Building Ordinances and in all cases the foundation shall extend below the frost line. [Amended 10-2-96 by Ordinance 1584]
- 201.73        Modular Home - Any structure designed as a single-family or multi-family dwelling (except a mobile home) which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation, or assembly and installation, on the building site in such a manner that all concealed parts or processes of manufacture cannot be inspected at the site without disassembly, damage or destruction. All modular homes shall be certified by the Pennsylvania Department of Community Affairs according to the requirements of the Pennsylvania Industrial Housing Act.
- 201.74        New Construction - Structures for which the Start of Construction as herein defined commenced on or after the effective date of this Ordinance. This term does not apply to any work on a structure existing before the effective date of this Ordinance.
- 201.75        One Hundred Year Flood - A flood that has one chance in one hundred or a one percent chance of being equaled or exceeded in any year. For the purposes of this Ordinance, the one-hundred year flood (base flood) as defined by the Federal Insurance Administration, Federal Emergency Management Agency in the current "Flood Insurance Study, Lansdale Borough". [Amended 12-18-96 by Ordinance 1599]
- 201.76        Parking Space - A space, surfaced to whatever extent necessary to permit user under all normal seasonal conditions of weather available for the parking of one (1) motor vehicle.
- 201.77        Plan - A graphic or written representation or document which in the case of condominiums, shall include a Declaration, Code of Regulations, and Declaration Plan.

- 201.78      Plan, Improvement Construction - A plan showing the construction details of streets, drains, sewers, bridges, culverts, and other improvements as required by this Ordinance showing the details required by Article III of this Ordinance.
- 201.79      Plan, Land Development - A tentative, preliminary or final plan including written and graphic material showing the provision for development of a tract, when plans of subdivision would not be applicable.
- 201.80      Plan, Minor Land Development - A land development that contains only one residential building with less than five dwelling units; has not been part of a land development submitted within the past three years; presently fronts on a physically improved street that is legally open to the public, will not involve the construction of any new street or road, the extension of municipal facilities or the creation of any other public improvements, and is in general conformance with the Borough Comprehensive Plan and other plans.
- 201.81      Plan, Minor Subdivision - The division of a single lot, tract or parcel of land, not a part of a prior subdivision within the past three years, into less than five (5) lots, tracts or parcels of land for the purpose, whether immediate or future, of lease, transfer of ownership or the act of building structures and installing site improvements for residential use; such lots shall front on a physically improved street that is legally open to the public, not involve any new street or road or the extension of municipal facilities or the creation of any public improvements; and requires a variance(s) from the zoning ordinance for no more than one of the proposed lots on which new construction will or may occur, and is in general conformance with the Borough Comprehensive Plan and other plans.
- 201.82      Plan, Preliminary - A plan prepared for discussion with the Planning Commission and Borough Council showing the proposed street and lot layout, the deed restrictions, easements, and all other items required under Article III of this Ordinance for the entire parcel of land being subdivided.
- 201.83      Plan, Record - A plan prepared for recording showing the ultimate width of streets, the lot lines, easements, and all other items required under Article III of this Ordinance.
- 201.84      Plan, Tentative Sketch - A draft showing proposed streets, lots, or buildings related to topography, that is to be

used as the basis for informal discussion between the representatives of the Borough Planning Commission and the subdivider, developer or builder.

- 201.85 Planting Area - Any area designated for landscaping purposes.
- 201.86 Public Notice - Notice published once a week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing. [Amended 10-2-96 by Ordinance 1584]
- 201.87 Reserve Strip - A parcel of land separating a street from adjacent properties.
- 201.88 Retention Basin - A basin designed to retain stormwater run-off so that a permanent pool is established. [Added 10-2-96 by Ordinance 1584]
- 201.89 Right-of-Way - A legal right of passage over another's ground, which is created by deed or other legal document. It can be a path or thoroughfare which one may lawfully use, a strip of land devoted to or over which a public road is built, land used by a public utility or for other public purposes.
- 201.90 Runoff - The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
- 201.91 Runoff From A Fully Developed Area Upstream - The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the Borough Comprehensive Plan.
- 201.92 Sedimentation - The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".
- 201.93 Shrub - A woody perennial plant having persistent woody stems, branching from the base.
- 201.94 Sight Distance - The distance of unobstructed view along the center line of a street from four (4) feet above the

road surface to the farthest visible point four inches above the street surface.

- 201.95      Sight Triangle - The area of a triangle, whose legs are the sides of the cartway and an accessway which intersects with it, each being not less than ten (10) feet long from the point of intersection and whose hypotenuse connects the two legs.
- 201.96      Skirting - All mobile homes shall require perimeter enclosure of a material suitable for exterior exposure and contact with the ground. The enclosure shall be installed in accordance with the manufacturer's installation instructions and be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave. [Added 10-2-96 by Ordinance 1584]
- 201.97      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.
- 201.98      Soil Stabilization - Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- 201.99      Soil Survey - A report entitled, Soil Survey of Montgomery County, Pennsylvania published April, 1967, by the Soil Conservation Service, United States Department of Agriculture, which is available in the Borough or through the Extension Service, Agricultural Agent, the Pennsylvania State University in Norristown.
- 201.100     Start of Construction - Land preparation such as cleaning, grading and filling; the installation of streets and/or walkways; the excavation for a basement, footings, piers, or foundations; the installation on the property of accessory buildings; the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. For a structure (other than mobile home) without a basement or poured footings, the "start of construction" would include the first permanent framing or assembly of structure or any part thereof on its piling or foundation.
- 201.101     Street - A right-of-way, publicly or privately owned, serving primarily as means of vehicular and pedestrian travel, furnishing access to abutting properties, which may also be used to provide space for sewers, public utilities, shade trees and sidewalks.

- 201.102      Street, Collector - A street connecting local residential streets to primary arterials and which carries a lesser volume of traffic than a primary arterial. Streets in industrial and commercial subdivisions shall generally be considered collector streets.
- 201.103      Street, Half - A street of less than the required right-of-way and cartway width.
- 201.104      Street Line - The dividing line between a lot and the right-of-way of a street, legally open or officially recorded by the Borough.
- 201.105      Street, Marginal Access - A street parallel and adjacent to a primary street providing access to abutting properties by a cartway separated from the primary street by a reserve strip.
- 201.106      Street, Primary Arterial - A street intended to move heavy volumes of fast moving traffic to and from major attractors within the Borough and/or to serve as a route for traffic between communities or large areas.
- 201.107      Street, Residential - A street used primarily as the principal means of access to local properties and which carries a small volume of traffic.
- 201.108      Structure - Anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, modular homes, and other similar items.
- 201.109      Subdivision - The division or redivision of lot, tract or parcel of land by any means into two or more lots, tracts, or parcels or other divisions or land including changes in existing lot lines for the purpose, whether immediate or future, or lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development.
- 201.110      Substantial Damage - Damage to any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. [Added 12-18-96 by Ordinance 1599]
- 201.111      Substantial Improvement - Any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either, before the start of construction of the improvement. This

term includes structures which have incurred "substantial damage", as defined herein, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".  
[Amended 12-18-96 by Ordinance 1599]

- 201.112     Survey Monument - A specified structure of masonry or steel permanently placed on or in the ground for surveying reference.
- 201.113     Surveyor - A licensed Surveyor registered as such in the Commonwealth of Pennsylvania. [Added 10-2-96 by Ordinance 1584]
- 201.114     Swale - A low lying stretch of land which gathers or carries surface water runoff.
- 201.115     Top Soil - Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Top soil is usually found in the uppermost soil layer called the A Horizon.
- 201.116     Tract Area - The total acreage within the lot lines, excluding that area continuously covered by water and rights-of-way of existing public roads.
- 201.117     Tree - Any woody plant with a well defined stem at least four (4) inches in caliper measured at a height six (6) inches above the natural grade.
- 201.118     Ultimate Right-of-Way - The street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes, according to the Borough Comprehensive Plan. The ultimate right-of-way is the legal right-of-way where it has been offered for dedication and accepted by the Borough. [Amended 10-2-96 by Ordinance 1584]
- 201.119     Ultimate Right-of-Way Line - The line parallel to the center line of any public street which defines the boundary of the ultimate right-of-way.

- 201.120      Use Area - Any area of land that is given to one category of land use and is used to compute the net density of that use.
- 201.121      Vehicular Use Area - Any paved ground surface, except a street, used by any type of vehicle whether moving or at rest.
- 201.122      Visual Screen - A barrier of living or non-living landscape material put in place for the purpose of obscuring the view of the view of the premises screened; also called a buffer.
- 201.123      Watercourse - A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.
- 201.124      Wetlands - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term also includes but is not limited to wetland areas listed in the State Water Plan, the United States Fish and Wildlife Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission. [Added 10-2-96 by Ordinance 1584]
- 201.125      Wetlands Delineation - The process by which wetland limits are determined. Wetlands must be delineated by a qualified specialist according to the 1989 Federal Manuals (as amended) for the Delineation of Jurisdictional Wetlands (whichever is greater) or according to any subsequent Federal or State regulation. Qualified specialist shall include those persons being Certified Professional Soil Scientists as registered with Registry of Certified Professionals in Agronomy Crops and Soils (ARCPACS); or as contained on consultant's list of Pennsylvania Association of Professional Soil Scientist (NSCSS); or as certified by State and/or Federal certification programs; or by a qualified Biologist/Ecologist. [Added 10-2-96 by Ordinance 1584]
- 201.126      Yard - An open, unoccupied space on the same lot with a building or buildings or use, open and unobstructed from the ground to the sky.

ARTICLE III  
Plan Submission Requirements and  
Processing Procedures

Section 300: Applicability. The procedures set forth in this Article shall be followed by all applicants proposing to subdivide or develop land in the Borough of Lansdale.

Section 301: Plans for Subdivision and Land Development.

- 301.1      A tentative sketch plan, as described in Section 302, herein, shall be submitted by an applicant to the Borough Planning Commission for informal discussion. Said tentative sketch plan shall not be considered as a formal application.
- 301.2      A minor subdivision or minor land development plan, as described in Sections 303 and 306.1, herein may be submitted in satisfaction of Preliminary and Final Plan requirements for all applicable subdivision and land developments proposed within the Borough.
- 301.3      A preliminary plan, as described in Section 304, herein is required for all applicable subdivisions and land developments proposed within the Borough.
- 301.4      A final plan, as described in Section 305, herein is required for all applicable subdivisions and land developments proposed within the Borough.
- A. A final plan shall consist of two parts:
1. Record Plan, as described in Section 304.1 herein.
2. Improvements Construction Plan, where applicable, as described in Section 306.2, herein.
- B. A plan showing all information required for a final plan, which has been submitted as a preliminary plan and for which no changes have been required by the Borough, may be approved as a final plan.
- 301.5      A land development plan, as described in Section 306, herein, shall be required whenever the application for approval shall be construed to be a land development in accordance with the definition of same as provided in this Ordinance. A land development plan may be required in conjunction with a subdivision plan or in lieu of a subdivision plan when review of a plan on a lot-by-lot basis would not be applicable.

Section 302: Tentative Sketch Plan. Sketch plans shall be drawn legibly to scale but not necessarily showing precise dimensions and shall show the following information:

- 302.1 Name of the subdivision or land development
- 302.2 Name and address of the owner and the engineer, surveyor or architect.
- 302.3 The tract boundary and location by deed plotting.
- 302.4 A north point and approximate scale.
- 302.5 A location plan showing the subject tract to the surrounding network.
- 302.6 The existing and proposed road and lot (or building) layout.
- 302.7 Significant topographical and physical features, such as floodplains, steep slopes (over 15 percent) woodlands, and existing structures.
- 302.8 Proposals for control of drainage runoff and community facilities.

Section 303. Minor Subdivision Plan. It is the purpose of this section to provide for simplified plan submission and processing requirements by which minor subdivisions may be submitted and approved. Plans submitted under the provisions of this section must meet the following criteria, conform to the established standards and provide the required information:

- 303.1 Criteria for Minor Subdivisions. A subdivision of a tract of land that:
  - a. contains less than four (4) lots;
  - b. has not been part of a subdivision submitted within the past three years;
  - c. presently fronts on a physically improved street that is legally open to the public;
  - d. will not involve the construction of any new street or road, the extension of municipal facilities or the creation of any other public improvements.
  - e. requires a variance(s) from the Borough Zoning Ordinance for no more than one of the proposed lots on which new construction will occur or may occur in the future.

- f. is in general conformance with the Borough Comprehensive Plan and other plans.

303.2

Drafting Standards.

- a. A minor subdivision plan shall be clearly and legibly drawn to a scale not in excess of one (1) inch equals fifty (50) feet, except if the parcel being subdivided is five (5) acres or larger, the plan may be drawn to a scale not in excess of one (1) inch equals one hundred (100) feet.
- b. Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.
- c. The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.
- d. The sheet or sheets shall be one of the following sizes: 15" X 18", 18" X 30", or 24" X 36". If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, i.e., Sheet No. 1 of 5 sheets, etc.
- e. Where there are two (2) or more sheets a key map shall be provided sufficient to show their relationship.

303.3

Location and Identification. Each plan shall provide:

- a. The name and address of the subdivider, and the registered Engineer, Surveyor or other qualified person who developed the plan.
- b. The name of the subdivision, its location in terms of significant bounding roads and the name of the municipality.
- c. The date of preparation (or revision) of the plan, the scale and a north point.
- d. The entire tract boundary with bearings and distances and a statement of the tract size.
- e. Layout and dimensions of all lots and net lot area of each.
- f. A key map relating the subdivision to at least three (3) existing intersections of Borough streets.
- g. A legend sufficient to indicate clearly between existing and proposed conditions.

- h. The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of any other Borough ordinance, if any, on both the land to be subdivided and the adjacent land.

303.4

Existing and Proposed Features.

- a. Within one hundred (100) feet of any part of the land being subdivided, the plan shall show the following information:
  - (1) Property lines, existing buildings, present use and current owners.
  - (2) The location, names and width (both cartway and right-of-way) of existing and proposed streets and alleys.
  - (3) The location and size of all watercourses and the boundaries of floodplains (including but not limited to the floodway, where applicable, and Base Flood Elevation). [Amended 12-18-96 by Ordinance 1599]
  - (4) Man-made structure and natural features, such as steep slopes (over 15 percent), which may affect the potential layout of lots and buildings.
  - (5) Areas subject to deed restriction or easements.
  - (6) Other information deemed necessary by Borough Council.
- b. Within the land to be subdivided, the plan shall show the following:
  - (1) Location and character of buildings located on the land, including the buildings to be demolished, as well as those to be retained and/or preserved.
  - (2) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing streets and alleys.
  - (3) The location and size of all watercourses and

boundaries of floodplains (including but not limited to the floodway, where applicable, and the Base Flood Elevation). [Amended 12-18-96 by Ordinance 1599]

- (4) Man-made structures and natural features which limit the potential layout of lots and buildings, including the location of marshland, slopes over 15 percent and other topographical features. Whenever the parcel contains slopes in excess of 15 percent, topographical data may be required by the Borough Engineer.
- (5) Areas subject to deed restrictions or easements.
- (6) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.
- (7) Location and size of all soil types, if requested.
- (8) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision.
- (9) Other information deemed necessary by Borough Council.

303.5 Additional Requirements for Subdivisions Within Floodplains  
Minor subdivision applications for land within floodplains must conform to the applicable requirements established for lands within such areas in Section 304.5 and 414 of this Ordinance.

303.6 Plan Submission. Minor subdivision plans shall be submitted in accordance with the plan processing procedures identified in Section 307 of this ordinance.

303.7 Plan Approval. Plan approval shall be obtained through the procedure identified in Section 307 of this Ordinance. After Borough Council approves the minor subdivision plan, the plan shall become a Final Plan when the following certificates are obtained:

- (a) The signature of the registered Surveyor certifying that the plan represents a survey made by him; that the monument shown thereon exist as located; and that the dimensional and geodetic details are correct. [Amended 10-2-96 by Ordinance 1584]
- (b) the signature of the subdivider certifying his adoption of the plan and change thereto.

- (c) the signature of the Borough Secretary certifying that Borough Council has approved the minor subdivision plan and any changes thereto on the date shown.
- (d) certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with Section 308 of this Ordinance.

Section 304. Preliminary Plan. A Preliminary Plan shall be submitted for all proposed subdivisions not eligible for submission as a minor subdivision and for all applicable land developments. Applicants submitting a Preliminary Plan shall conform to the following standards:

304.1 Drafting Standards.

- (a) The Preliminary Plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not in excess of one (1) inch equals fifty (50) feet, except if the parcel being subdivided or developed is five (5) acres or larger, the plan may be drawn to a scale not in excess of one (1) inch equals one hundred (100) feet.
- (b) Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.
- (c) The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.
- (d) The sheet or sheets shall be one of the following sizes: 15" X 18", 18" X 30", 24" X 36". If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, i.e., Sheet No. 1 of 5 sheets, etc.
- (e) Where there are two (2) or more sheets a key map shall be provided sufficient to show their relationship.

304.2 Location and Identification. Each plan shall provide:

- (a) A title consisting of the name and address of the subdivider, developer or builder and the registered Engineer, who developed the plan.

- (b) The name of the subdivision, or land development, its location in terms of significant bounding roads and the name of the municipality.
- (c) The date of preparation (or revision) of the plan, the scale and a north point.
- (d) The entire tract boundary with bearings and distances and a statement of the total size of the tract.
- (e) Layout and dimensions of all lots and net lot area of each.
- (f) A key map relating the subdivision to at least three (3) existing intersections of Borough Streets.
- (g) A legend sufficient to indicate clearly between existing and proposed conditions.
- (h) The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of any other Borough ordinance, if any, on both the land to be subdivided and the adjacent land.

304.3

Existing and Proposed Features.

- a. Within four hundred (400) feet of any part of the land being subdivided or developed, the plan shall show the following information:
  - (1) Property lines, existing buildings, present use and current owners.
  - (2) The location, names, width (both cartway and right-of-way) radii and surface conditions of existing and proposed alleys and streets.
  - (3) The location and size of all watercourses of floodplains (including but not limited to the floodway, where applicable, and the Base Flood Elevation). [Amended 12-18-96 by Ordinance 1599]
  - (4) The location of existing and proposed flood or erosion protective facilities.
  - (5) The location and size of existing and proposed sanitary sewers, manholes, storm sewers, and inlets.

- (6) The location and size of existing and proposed utilities above and below ground (e.g. electric facilities, fire hydrants, gas mains, water lines and other utilities).
  - (7) Man-made structures, and natural features which may affect the potential layout of lots and buildings, including steep slopes (over 15 percent), marsh land and other topographical features.
  - (8) Areas subject to deed restrictions or easements.
  - (9) Other information deemed necessary by Borough Council.
- b. Within the land to be subdivided or developed, the plan shall show the following:
- (1) The location and character of existing and proposed buildings, including those existing buildings to be demolished as well as those to be retained.
  - (2) The location, names, widths and other dimensions of existing and proposed streets, including center line courses, distances and curve data, paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing and proposed streets and alleys.
  - (3) For proposed streets, the plan shall show tentative grades to an existing street at a point of four hundred (400) feet beyond the boundaries of the site.
  - (4) The plan shall show measured distances from the centerline of existing and proposed streets to existing and proposed buildings, to existing and proposed trees and plantings, and to control points and monuments.
  - (5) The plan shall show all building setback lines with distances from the right-of-way line.
  - (6) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.
  - (7) The location and size of all watercourses and

boundaries of floodplains (including but not limited to the floodway, where applicable, and the Base Flood Elevation). [Amended 12-18-96 by Ordinance 1599]

- (8) Contour lines at vertical intervals of five (5) feet, except for floodplains which shall be shown at intervals of two (2) feet. Where reasonably practicable, data shall refer to known established elevations or to the U.S.G.S. datum.
- (9) The location and size of utilities above or below the ground, e.g. electric facilities, fire hydrants, gas mains, water lines.
- (10) Man-made structures or natural features which limit the potential layout of buildings and lots, including tree masses, marshlands, steep slopes (over 15 percent) and other topographical features.
- (11) The location and size of any area to be used for open space/recreation purposes.
- (12) The extent of wetlands and soil types with their limitations based upon the Soil Survey of Montgomery County Pennsylvania published, April, 1978, by the Soils Conservation Service, United States Department of Agriculture. [Amended 10-2-96 by Ordinance 1584]
- (13) Areas subject to deed restrictions or easements, including land to be dedicated or reserved for future road widening or other public or common use.
- (14) The location of any lots or areas which shall contain a use or uses other than residential.
- (15) When a preliminary plan covers only a part of the owner's entire holding, a tentative sketch shall be submitted of the perspective street and lot layout for the remaining area of the tract.
- (16) The depth of the water table shall be noted on the plan or in a separate report, along with the location of test borings, where applicable.
- (17) Other information deemed necessary by Borough Council.

304.4

Proposed Improvements.

- a. The plan shall contain a tentative cross section and centerline profile for each proposed or widened cartway shown on the preliminary plan, including the profile for proposed sanitary sewers and storm drains, showing manholes, inlets and catch basins.
- b. The plan shall show preliminary design of any bridges, culverts or other structures and appurtenances which may be required.

304.5

Floodplains.

- 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 floodplain 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 304.3(b)(8) of this Ordinance, and identify accurately the boundaries of the floodplain and the base flood elevation. When floodproofing measures are proposed 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). [Amended 10-2-96 by Ordinance 1584]

304.6 Certificates. Upon approval the preliminary plan must show:

- a. The signature of the subdivider, developer or builder certifying his adoption of the plan and any changes thereto.
- b. The signature of the Borough Secretary certifying that the Borough Council has approved the plan and any changes thereto on the date shown.

Section 305: Final Plan. Applicants submitting a final plan shall conform to the following standards:

305.1 Record Plan.

- a. 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 15" X 18", 18" X 30", or 24" X 36". All lettering and lines should be drawn so as to still be legible should the plan be reduced to half size.
- b. Information to be Shown. The plan, which shall include all portions of an approved preliminary plan, shall show:
  1. A title, as required for a preliminary plan.
  2. 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 one part in 10,000.
  3. The names of abutting owners, names, locations, widths and other dimensions of all roads, including centerline courses, distances and curve data; descriptive date of ultimate right-of-way line, so that a single deed may be drawn to the appropriate authority for the dedication of roads by the subdivider, developer or builder.

4. Evidence should be provided that the plans are in conformance with the Borough Zoning Ordinance and other applicable Borough Ordinances and regulations.

In any instance where such plans do not conform, evidence shall be presented which identifies the special exceptions or variances that have been officially authorized.

5. When only a portion of the tract is being reviewed relative to subdivision or land development, but where future subdivision or development is imminent, the applicant shall demonstrate that the remainder of the tract or parcel may be subdivided or developed in conformance with the existing zoning classification of land use in a logical and satisfactory manner, as a condition of approval of his plan.
6. The location, material and size of all monuments.
7. Building setback lines with distances from the ultimate right-of-way line.
8. Restrictions in the deed affecting the subdivision or development of the property.
9. The location of all floodplains, and steep slopes (over 15 percent).

c. Certificates. When approved, the record plan must show:

1. The signature of the registered Surveyor certifying that the plan represents a survey made by him; that the monuments shown thereon exist as located; and that the dimensional and geodetic details are correct. [Amended 10-2-96 by Ordinance 1584]
2. The signature of the subdivider, developer or builder certifying his adoption of the plan.
3. The signature of the Borough President and Borough Secretary, certifying that the Borough Council approved the plan on the date shown. [Amended 10-2-96 by Ordinance 1584]
4. Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Improvement Construction Plan. (where applicable)

- 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 most appropriate.
- b. Information to be Shown: The plan shall contain sufficient information to provide working plans for the construction of the proposed roads, or any portion thereof, including all appurtenances, sewers and utilities, as shown on the approved preliminary plan from one existing or approved road to another, or in the case of a cul-de-sac, to its turnaround. Said information shall include:
  1. Horizontal Plan. The horizontal plan shall show details of the horizontal layout as follows:
    - (a) Information shown on the approved preliminary plan.
    - (b) The beginning and end of proposed immediate construction.
    - (c) Stations corresponding to those shown on the profile.
    - (d) The curb elevation at tangent points or horizontal curves at road or alley intersections of the curb lines.
    - (e) The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric, and other utility pipes or conduits and of storm drains inlets, and manholes.
    - (f) The location, type and size of curbs and all paving widths.
    - (g) The location and species of all shade trees and the location and type of fire hydrants and street lights.
  2. Profiles. The profile shall be a vertical section of the road with details of vertical alignment as follows:

- (a) Profiles and elevations of the ground along the centerlines of proposed roads.
  - (b) Profiles of sanitary sewers with a profile over the sewer of the present and finished ground surface showing manhole locations beginning at the lowest manhole.
  - (c) Profiles of storm drains showing manhole and inlet locations.
3. Cross Section: The cross section shall comply with the Borough Engineer's standards and specifications as minimum requirements. It shall show a typical cross section across the road with details of grading and construction as follows:
- (a) The road and the location and width of paving within the road.
  - (b) The type, depth and crown of paving.
  - (c) The type and size of curb.
  - (d) When sidewalks are required, grading of the sidewalk area should be carried to the full width of the road and slopes of cut or fill extended beyond the road.
  - (e) The location, width, type and depth of sidewalks, when required.
  - (f) The typical location, size and depths of sewers and utilities.

Section 306: Land Development Plans. Applicants submitting a land development plan shall be required to show the following information, in addition to the information required for a Minor Land Development Plan, as identified in Section 306.1, or a regular Land Development Plan, as identified in Section 306.2.

- a. The zoning classification and applicable requirements with which compliance is necessary for granting final approval.
- b. Man-made features for the use of two or more prospective occupants.
- c. The lot size, floor area and/or gross leasable area as applicable.
- d. The density including the bedroom mix, if applicable.

- e. The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.
- f. The location and placement of accessory structures and facilities.
- g. All roads, parking facilities and pedestrian ways (including the total number of parking spaces).
- h. The areas of common open space or facilities.
- i. A conceptual site utilization layout defining the general location of all proposed uses and activities.
- j. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.
- k. All covenants, deed restrictions or easements relating to use of property.
- l. Other information deemed necessary by Borough Council.

306.1

Minor Land Development Plan. It is the purpose of this section to provide for simplified plan submission and processing requirements by which minor land developments may be submitted and approved. Plans submitted under the provisions of this section must meet the following criteria, conform to the established standards and provide the required information:

A. Criteria for Minor Land Developments

A land development that:

- 1. Contains only one residential building with less than five dwelling units.
- 2. Has not been part of a land development submitted within the past three years.
- 3. Presently fronts on a physically improved street that is legally open to the public.
- 4. Will not involve the construction of any new street or road, the extension of municipal facilities or the creation of any other public improvements.
- 5. Is in general conformance with the Borough Comprehensive Plan and other plans.

B. Drafting Standards.

1. A Minor Land Development Plan shall be clearly and legibly drawn to a scale not in excess of one (1) inch equals fifty (50) feet, except if the parcel being developed is five (5) acres or larger, the plan may be drawn to a scale not in excess of one (1) inch equals one-hundred (100) feet.
2. Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.
3. The plan shall show the courses and distances of the boundary line survey of the entire land to be developed.
4. The sheet or sheets shall be one of the following sizes: 15" x 18", 18" x 30", or 24" X 36". If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan i.e., Sheet No. 1 of 5 sheets.
5. Where there are two (2) or more sheets a key map shall be provided sufficient to show their relationship.

C. Location and Identification

1. The name and address of the developer and the registered Engineer, Surveyor or other qualified person who developed the plan.
2. The name of the development, its location in terms of significant bounding roads and the name of the municipality.
3. The date of preparation (or revision) of the plan, the scale and a north point.
4. The entire tract boundary with bearings and distances and a statement of the tract size.
5. Layout of all structure and facilities on the parcel and the net lot area of the parcel.
6. A key map relating the development to at least three (3) existing intersections of Borough streets.
7. A legend sufficient to indicate clearly between existing and proposed conditions.

D. Existing and Proposed Features

1. Within one-hundred (100) feet of any part of the land being developed, the plan shall show the following information:
  - (a) Property lines, existing buildings, present use and current owners.
  - (b) The location, names, and width (both cartway and right-of-way) of existing and proposed streets and alleys.
  - (c) The location and size of all watercourses and the boundaries of floodplains (including but not limited to the floodway, where applicable, and the Base Flood Elevation).  
[Amended 12-18-96 by Ordinance 1599]
  - (d) Man-made structures and natural features, such as steep slopes (over 15%), which may effect the potential layout of the proposed building.
  - (e) Areas subject to deed restrictions or easements.
  - (f) Other information deemed necessary by Borough Council.
2. Within the parcel to be developed, the plan shall show the following:
  - (a) Location and character of buildings located on the land, including the buildings to be demolished as well as those to be retained and/or preserved.
  - (b) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie ins by courses and distances to the nearest intersection of existing streets and alleys.
  - (c) The location and size of all watercourses and boundaries of floodplains (including but not limited to the floodway, where applicable, and the Base Flood Elevation).  
[Amended 12-18-96 by Ordinance 1599]

- (d) Man-made structures and natural features which limit the potential layout of the proposed building, including the location of the marshland, slopes over 15 percent and other topographical features. Whenever the parcel contains slopes in excess of 15 percent, topographical data may be required by the Borough Engineer.
- (e) Areas subject to deed restrictions or easements.
- (f) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.
- (g) Location and extent of wetlands and of all soil types and their limitations as shown in the soil survey. [Amended 10-2-96 by Ordinance 1584]
- (h) Location and size of on-site sewage facilities, if applicable, and documentation of approval of proposed facilities by local sewage enforcement officer.
- (i) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision or development.
- (j) Other information deemed necessary by Borough Council.

E. Additional Requirements for Developments within Flood-Plains.

Minor land development applications for land within floodplains must conform to the applicable requirements established for lands within such areas in Sections 304.5 and 414 of this Ordinance.

F. Plan Submission

Minor land development plans shall be submitted in accordance with the plan processing procedures identified in Section 307 of this Ordinance.

G. Plan Approval

Plan approval shall be obtained through the procedure identified in Section 307 of this Ordinance. After Borough Council approves the minor land development

plan, the plan shall become a Final Plan when the following certificates are obtained:

1. The signature of the registered Surveyor certifying that the plan represents a survey made by him; that the monuments shown thereon exist as located; and that the dimensional and geodetic details are correct. [Amended 10-2-96 by Ordinance 1584]
2. The signature of the developer certifying his adoption of the plan and any changes thereto.
3. The signature of the Borough Secretary certifying that Borough Council has approved the minor land development plan and any changes thereto on the date shown.
4. Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with Section 308 of this Ordinance.

306.2 Regular Land Development Plan. All land development plans which do not qualify for submission as a minor land development, as described in Section 306.1(A) of this Ordinance, must include the applicable information required in Sections 304 and 305 of this Ordinance in addition to the information required in Section 306.

Section 307: Plan Processing Procedures. The following plan processing procedures shall be following by all applicants for approval of a subdivision or land development plan:

- 307.1 All plans filed for approval shall be submitted in the following order:
- A. Tentative Sketch Plan (optional)
  - B. Minor Subdivision Plan or Minor Land Development Plan (may be submitted in satisfaction of Preliminary and Final Plan requirements for all applicable subdivision or land developments).
  - C. Preliminary Plan
  - D. Final Plan

- 307.2 An applicant shall submit not less than seventeen (17) copies of each plan to the Borough Code Enforcement Officer. [Amended 10-2-96 by Ordinance 1584]
- 307.3 Each plan, whether tentative, minor subdivision or minor land development, preliminary or final, shall be filed one at a time; no subsequent plans shall be filed until a decision on the preceding plan has been reached.
- 307.4 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 he should reapply requesting approval of the plan, shall do so in accordance with the plan sequence outlined in Section 307.1, herein, and the additional procedures below.
- 307.5 Applications for approval of a subdivision or land development plan shall be received by the Borough Code Enforcement Officer. Submittal and processing fees for plans and specifications for such plans shall accompany the applications.
- 307.6 The applicant, or his agent, shall be required to appear in person at the Borough Hall in order to make application for approval of a plan and file plans therewith.
- 307.7 Formal application shall be received at any time during normal Borough working hours. All applications for approval of a plan shall be acted upon the Borough Council and such decisions shall be communicated to the applicant in writing, not later than the prescribed time period according to "The Pennsylvania Municipalities Planning Code".
- 307.8 The applicant must submit a tentative, minor subdivision, minor land development, preliminary, or final plan for review, prior to applying to the Zoning Hearing Board for the granting of variances, special exceptions, and conditional uses. If during the review process, it is determined that a variance, special exception, or a conditional use is necessary, then the applicant shall apply to the Zoning Hearing Board for such.
- 307.9 Schedule of Plan Processing Steps.
- A. Applications for subdivision or land development, accompanied by seventeen (17) copies of the proposed plan, shall be received at the Borough Hall by the Borough Code Enforcement Officer.
  - B. The date shall be stamped on each copy of the plan, and two (2) fees shall be received:

1. See attached fee schedule. [Amended 10-2-96 by Resolution 96-14]
  2. The Montgomery County Planning Commission Act 247 review fee.
- C. A cursory examination of the plan will be conducted to ensure basic compliance with the plan submission requirements of this Article.
- D. The Borough Code Enforcement Officer shall distribute copies of the plan to the following persons, agencies, or groups:
1. Borough Planning Commission
  2. Montgomery County Planning Commission, along with appropriate fee.
  3. Borough Engineer
  4. Borough Solicitor
  5. Borough Fire Marshall
  6. Director of Utilities
  7. Code Enforcement & Land Planning Committee Members
  8. Director of Code Enforcement
- [Amended 10-2-96 by Ordinance 1584]
- E. Application for approval of a Subdivision or Land Development Plan shall be placed on the agenda of the next Borough Planning Commission meeting following formal submission of the application, provided that the application, plans and reports are submitted at least twenty-eight (28) days prior to the meeting. This shall apply to formal Sketch, Preliminary and Final Plan submission. [Amended 10-2-96 by Ordinance 1584]
- F. Application for approval of a subdivision or land development plan shall be placed in the agenda of the next Borough Council meeting following receipt by the Borough Code Enforcement Officer of the recommendation of the Montgomery County Planning Commission\*, Borough Planning Commission, and Borough Engineer.

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\*According to the requirements of "Pennsylvania Municipalities Planning Code," Act 247, and the policies of the Montgomery County Planning Commission, recommendations of the Montgomery County Planning Commission shall be submitted to the Borough Council no later than forty-five (45) days from the date specified on the application form requesting a review by the County Planning Commission. In no instance will this be earlier than five (5) days prior to Montgomery County Planning Commission receipt of the request. If no date is noted, it will be assumed to be two days prior to its receipt by Montgomery County Planning Commission. A

review will be considered late only if the date on the County's report is more than the mandated number of days from the date on the review request, unless a time extension has been granted or the proposal has been temporarily withdrawn. When the time clock has been stopped due to a bad check or other valid reason, the time clock will continue counting from the day on which it was stopped, provided however, that in no case shall there be less than fifteen (15) days remaining.

- G. The Borough Council shall require the applicant to submit copies of all necessary permits from those governmental agencies from which approval is required by federal or state law.
- H. The Borough Council shall act on the plan within ninety (90) days after the date of the next regular meeting of the Borough Planning Commission following the date the application is submitted.

If, however, the next regular meeting of the Borough Planning Commission occurs more than thirty (30) days following the filing of the application the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed. The following optional consequences shall result from action by the Council:

1. If the Council approves the plan, the Borough Secretary will so certify thereon and two (2) copies of the approved plan will be forwarded to the applicant. The applicant would then resubmit four (4) copies of the approved plan (two (2) paper copies and two (2) linen copies for seal and signature).
  2. The Council may conditionally approve a plan, in which case the applicant shall appear at a subsequent Council meeting to demonstrate compliance with the conditions stipulated.
  3. If the Council disapproves the plan, the Borough Secretary will notify the applicant, in writing, of the defects in the application, will describe the requirements which have not been met and shall cite the provisions of state law or Borough Ordinance relied upon.
- I. Approval will be effective for a period of five (5) years, unless extended by Council. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of

preliminary approval. 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 five (5) years from such approval. [Amended 10-2-96 by Ordinance 1584]

- J. When deemed desirable, the applicant may be requested to agree, in writing, to an extension of the time prescribed, herein, in which case the Council, when rendering its decision, shall communicate it to the applicant prior to the termination of the extended time period.
- K. If the Borough Council determines that only a portion of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
- L. When a developer does not intend to develop the plan himself and the Borough Council determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the Record Plan.
- M. The approval of a subdivision or land development 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 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.

Section 308: Recording the Plan. Upon approval of a final plan of subdivision or land development, the applicant shall within ninety (90) days of such final approval record such plan in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania. The approved final plan shall bear the official signature and seal of the Borough of Lansdale, and the review stamp of the Montgomery County Planning Commission, prior to recording.

## ARTICLE IV

### Design Standards

Section 400. General. The following principles of subdivision and land development, general requirements, and minimum standards of design, shall be observed by the applicant in all instances.

- 400.1 All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
- 400.2 Whenever possible, applicants shall preserve trees, groves, waterways, scenic pints, historic sports and other community assets and landmarks.
- 400.3 Subdivisions and land developments should be laid out so as to avoid the necessity for excessive cut or fill unless specifically warranted by terrain or location.
- 400.4 Applicants shall observe the ultimate rights-of-way for contiguous existing streets as prescribed in this Ordinance. 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 street line or Ultimate right-of-way lines.
- 400.5 The standards of design in this Ordinance will be used to judge the adequacy of subdivision and land development proposals. The standards included in these regulations are minimum design requirements. The Borough Council reserves the right in any case to request that development features exceed these standards if conditions so warrant.
- 400.6 The Borough Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of the regulations.
- 400.7 Floodplain land shall not be subdivided or developed except in accordance with the Flood Plain regulations set forth in the Borough's Zoning Ordinance and Section 414. [Amended 10-2-96 by Ordinance 1584]
- 400.8 Improvement construction requirements will be completed under specification of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environ-

mental Resources and the Montgomery County Conservation District, or other appropriate agencies or the specifications included herein. In the event of conflict, the specifications contained in this Ordinance shall govern. [Amended 10-2-96 by Ordinance 1584]

- 400.9            Construction of Facilities. The developer or builder shall construct and install at no expense to the Borough, the streets, curbs, sidewalks, water mains, sanitary and storm sewers, street lights, fire hydrants, street signs, shade trees, monuments, and other facilities and utilities specified in this Article. Construction and installation of such facilities and utilities shall be subject to inspection by appropriate Borough officials during the progress of the work and the subdivider shall pay for inspection.

Section 401: Recommendation by Planning Commission. The standards of design in this Article should be used to judge the adequacy of subdivision proposals. When the literal compliance with mandatory provisions is shown to the satisfaction of the Planning Commission or Borough Council, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, the Planning Commission may recommend to Borough Council such reasonable modifications as will not be contrary to the public interest. [Amended 10-2-96 by Ordinance 1584]

- 401.1            The standards included in these regulations are minimum design requirements.
- 401.2            Developers and subdividers shall, if deemed necessary by Borough Council upon the recommendation of the Borough Planning Commission, provide areas and easements for schools and other public buildings, parks, playgrounds and playfields, and rights-of-way and easements for storm and sanitary sewer facilities in any area that cannot immediately be joined to the existing storm and sanitary sewer systems of the Borough.
- 401.3            Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate for the proposed use. Borough Council reserves the right to accept or refuse offers of dedication for public uses.

Section 402: Streets. In accordance with the Borough Code, all new streets and cul-de-sacs,, and widened portions of all existing rights-of-way, intended for public use shall be dedicated to the Borough subject to final acceptance based on compliance with the following requirements and Section 801 of these regulations.

Street System.

- A. Conformance with Adopted Plans. The proposed street pattern shall conform to existing streets, and to such County and State road and highway plans as have been duly adopted by said agencies.
- B. Arrangement. Streets shall be arranged in a manner which is consistent with both existing and planned streets, and located so as to allow proper development of surrounding properties. Collector streets and primary arterials shall be connected with such existing streets and highways to form continuations thereof. Residential streets shall be laid out so as to discourage their use as collector streets or primary arterials. Where, in the opinion of Borough Council, it is desirable to provide for street access to adjoining property, streets shall be extended by dedication to the boundary of such property.
- C. Conformity with Topography. Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable grade, alignment and drainage.
- D. Grading. The street shall be graded to the full width of the right-of-way and provision made for slopes beyond the right-of-way in conformance with Borough specifications.
- E. Provisions of Streets For Future Development. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory. Streets giving such access shall be improved to the limits of the subdivision. Remnants, reserve strips and landlocked areas shall not be created.
- F. New Streets. New streets shall be designed to continue existing streets at equal or greater right-of-way and cartway width, where practical.
- G. Dead-End Streets. Dead-end streets are prohibited, unless designed as cul-de-sacs or designed for access exclusively to neighboring tracts.
- H. Street Names. Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of Borough Council.

- I. Half Street. The dedication of half streets at the edges of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision for the concurrent dedication of the remaining half of the street must be furnished by the subdivider, developer or builder. When there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.
  
- J. Private Street. Whenever a subdivider or developer proposes to establish a street which is not offered for dedication to public use, Borough Council shall require the applicant to submit, and also to record with the plan, a copy of the agreement made with the Borough on behalf of his heirs and assigns. This agreement must be signed by the Borough Solicitor, and shall establish the conditions under which the street may later be offered for dedication. The agreement should stipulate:
  - 1. That the street shall conform to the Borough's specifications or that the owners of the abutting lot shall include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to conformance with Borough specifications.
  - 2. That an offer to dedicate the street shall be made only for the street as a whole.
  - 3. That agreement by the owners of fifty-one (51%) percent of the front footage shall be binding on the owners of the remaining lots. Such condition shall be noted in the deeds for these properties.

402.2 Street Alignment.

- A. Sight Distance. For all streets, sight distance shall be measured in accordance with Pennsylvania Code, Title 67, Chapter 441. A sight distance equal to the safe stopping sight distance (SSSD) as defined in Chapter 441 or 200 feet whichever is larger shall be maintained. [Amended 10-2-96 by Ordinance 1584]
  
- B. Street Grades.
  - 1. There shall be a minimum grade of at least (1%) one percent on all streets.
  - 2. Grades in excess of five (5%) percent shall be avoided where possible, and no grade shall exceed ten (10%) percent. The grade shall be measured along the centerline.

3. All streets shall be graded to the grades shown on the streets profile and cross section plan submitted and approved with the Preliminary Plan of subdivision or land development. They shall be inspected and checked for accuracy by the Borough Engineer.

402.3 Right-Of-Way Width, Paving Width and Curbing.

A. New Streets, Extensions of Existing Streets. The minimum widths of the ultimate right-of-way and the paving, and the requirements for curbing, shall not be less than the following:

<u>Type of Street</u>	<u>U.R-O-W Width (feet)</u>	<u>Paving Width</u>	<u>Curbing</u>
Primary Arterial	80	50	Required
Collector	60	40	Required
Residential	50	30	Required
Cul-de-Sac	50	30	Required

Borough Council may also require widths in excess of these standards for the following reasons:

1. Where necessary for public safety and convenience.
2. For parking in commercial or industrial areas.

B. Existing Streets. When development occurs along an existing street, the width of which has been set by existing development, the existing right-of-way width and paving width, and curbing shall be adhered to. Borough Council may, however, require adherence to those standards required in Section A or may require widths in excess of those standards for the following reasons:

1. Where necessary for public safety and convenience.
2. For parking in commercial or industrial areas.
3. Where old streets do not provide the proper width and additional dedication is necessary.

C. The area between an existing right-of-way line and the ultimate right-of-way line should be offered for dedication to the authority having jurisdiction over the road when land is subdivided or developed along an existing right-of-way.

- D. Islands, Medial Strips, and Channelization may be required in any area where traffic volumes warrant their use for safety and efficiency, and may be permitted in any area at the discretion of the Borough Council. Such devices on state roads must meet or exceed the requirements of the Pennsylvania Department of Transportation.
- E. A single access street will not be approved when a through street is practicable. The developer or subdivider shall have the burden of showing the impracticability of the through street in order to justify a single access street.

Single access streets shall be served by an appropriately located and designed emergency access-way when required by Borough Council.

Any street which is served by only one intersection with a through street shall be considered a single-access street, regardless of the street's configuration with the proposed subdivision or land development. Included in this classification of streets are:

- 1. Cul-de-sac streets (temporary or permanent)
- 2. Multiple cul-de-sac streets
- 3. Single-access loop streets
- 4. Stub or dead-end streets

[Amended 10-2-96 by Ordinance 1584]

- F. Where it is proposed that a street be constructed to an abutting property line with the intention that such a street will be extended onto the property at a future date, a temporary circular turnabout shall be built, wholly within the right-of-way. The right-of-way whether permanent or temporary shall have a minimum radius of fifty (50) feet, and the cartway of the turnabout shall have a radius of forty (40) feet.

Upon extension of the street, the full rights and responsibilities for the area of the temporary easements shall revert to the owners of the lots on which they are located. The developer responsible for extension of the street shall be responsible for the following:

- 1. Removal of all curbing and paving of the temporary turn-around beyond the width of the street's cartway.
- 2. Installation of new sidewalk, curbing and cartway paving to complete the street connection.

3. Grading, installation and/or restoration of lawn areas where affected by this removal and construction process.

[Amended 10-2-96 by Ordinance 1584]

- G. No fences, hedges, trees, shrubbery, walls, plantings or other obstructions shall be located or be permitted within the right-of-way except for ground covers such as grass, ivy, crown-vetch, or horizontally spreading shrubs less than one (1) foot high, or retaining walls necessitated by street widening and constructed by the authority having jurisdiction over the street.

402.4

Street Intersections.

- A. Number of Intersections. No more than two streets shall cross at the same point. Four-way intersections are to be avoided in the layout of minor streets in residential areas when three-way or (T) intersections can be utilized. When existing streets intersect at odd angles, or have more than four (4) approaches, the subdivider, developer or builder shall be required to make corrective changes to eliminate the odd angle or reduce the number of approaches to the intersection by curving the lesser street.
- B. Minimum Angle of Intersection. Right angle intersections shall be used whenever practicable, there shall be no intersection angle, measured at the center line, of less than sixty (60) degree minimum.
- C. Center Line. Where center line of streets open into opposite sides of a major artery within one hundred (100) feet of each other they shall be made to coincide by curving the minor street or streets.
- D. Sight Distance. Proper sight lines should be maintained at all intersections of streets. There shall be measured along the centerline a minimum clear sight triangle of seventy-five (75) feet from the point of intersection. No building, trees, hedge, shrubbery or other obstruction whatsoever will be permitted in this area. Any obstruction to sight shall be removed at the time a building or structure is erected, whichever shall first occur.
- E. Maximum Grade. Maximum grade within any intersection shall not exceed one (1%) percent and approaches to an intersection shall follow a straight horizontal course for one hundred (100) feet.
- F. Approach Grades. All approaches to an intersection shall not exceed three (3%) percent for a distance of

fifty (50) feet measured from the nearest right-of-way line of the intersecting street.

- G. 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 listed below. Where two streets of different right-of-way widths intersect, the radii of curvature for the widest street shall apply.

<u>Type of Street</u>	<u>Minimum Radius of Arc at intersection of pavement edge or curb line (in feet)</u>	<u>Minimum Radius of Arc at intersection of right-of-way (in feet)</u>
Primary Arterial	40 (or more as may be required)	20
Collector	30	20
Residential	25	15
Cul-de-Sac	25	15

402.5 Street Paving. All street paving must conform to the specifications incorporated in this Section of the Standards and be approved by the Borough Engineer prior to acceptance by Borough Council. All grades, horizontal curves, vertical curves, intersections, sight distances, and tangents shall conform to the requirements established by this ordinance and shall be subject to the approval of the Borough Engineer.

- A. Subgrade. The bottom of the excavation and the top of the fill between the out limits of the paving or base course, when completed, will be known as the subgrade and shall conform to the lines, grades and cross sections given. The subgrade for macadam paving shall conform to the established line, grade and cross section as approved by Council. The subgrade shall be solidly compacted to a firm and unyielding state by rolling with a minimum of ten (10) ton power roller. Unstable areas shall be removed and replaced with a suitable fill and the rerolled as required to provide a uniform even surface.

1. Construction Methods. After the excavation or rough grading has been performed and all drains have been constructed, the subgrade will be fine graded and shaped to the proper cross section. It shall be brought to a firm unyielding surface by rolling the entire area with an approved three wheel power roller having a metal weight of not less than ten tons. Solid rock, boulders, soft clay and all spongy materials which will not con-

solidate under the roller shall be removed from the subgrade to a depth to be determined by the Borough Engineer or other person designated by Council. The space shall be filled with suitable materials from the excavation and the subgrade rerolled until it presents a smooth and firm surface of the proper shape and cross section. Crown board and straight edge shall be used for checking road and street construction. Maximum deviation shall not exceed one quarter (1/4) of an inch.

- B. Shoulder. Supporting shoulder shall be constructed on all sections of projects where a base course or pavement is to be constructed without other permanent support along the sides. All shoulders shall be thoroughly compacted and graded to provide drainage from the macadam surface.
1. Construction Methods. Where concrete curbing is not to be constructed, shoulders are to be constructed adjacent to the paving of the proposed road. The width and type of construction, grade and construction methods of these shoulders is to be determined by, or must meet the approval of the Borough Engineer or other person designated by Council.
- C. Paving Base Course. The base course shall be either "crushed aggregate Base Course" or "Bituminous Concrete Base Course".
1. Crushed Aggregate Base Course. When "crushed aggregate Base Course" is used, it shall have a compressed thickness after compaction of eight inch. Construction for the "crushed aggregate Base Course" will conform with the Pennsylvania Department of Transportation Form 408 Specifications, latest edition.
  2. Materials. The materials used and the construction methods shall meet the requirements of this specification. Type A stone meeting the requirement as specified in Section 310 of the Pennsylvania Department of Transportation Form 408 Specifications shall be used.
    - a. The course stone shall conform to the grading requirements as given in Section 703.3 for Pennsylvania No. 4 aggregate.

- b. The fine stone shall conform to the grading requirements as given in Section 703.3 for Pennsylvania No. 1 aggregate.
3. Construction Methods. The construction methods for the base course shall comply with the following:
  - a. Before spreading any of the course material, the contractor or owner shall furnish a sufficient number of grade stakes to represent the finished grade of the proposed roadway as shown on the drawings. This shall be done to the satisfaction of the Borough Engineer or other person designated by Council.
  - b. Fine Material for Initial Layer. Prior to placing the course material, a layer of fine material, as specified shall be spread uniformly over the subgrade as a bed filler at a minimum thickness of one (1) inch.
4. Spreading the Course Material. The crushed stone shall be placed in two 4-inch layers and spread uniformly on the prepared subgrade so as to distribute the material to the required depth for the full width of the base, unless otherwise specified for part-width construction. Each course shall be thoroughly screened and rolled. This material shall not be placed in a wet and frozen subgrade. No material shall be placed without first obtaining the consent of the Borough Engineer or other person designated by Council. Not more than an average day's work shall be placed in advance of filling or rolling.
5. Rolling Course Material. The course material shall be compacted by rolling with a three-wheel power roller having a metal weight of not less than ten (10) tons. The rolling shall begin at the sides and progress to the center, except on super-elevated curves where the rolling shall begin on the low side and progress to the high side. The rolling shall be parallel to the centerline of the roadway, uniformly lapping each preceding track and covering the entire surface with the rear wheels, and continuing until the material does not creep or wave ahead of the roller wheels. Areas of the base inaccessible to the roller shall be satisfactorily compacted by means of approved tampers. The base course shall be compacted to insure no movement in the base.

6. Application of Fine Material. The fine material generally shall be cast or spread in a series of thin applications, parallel with the roadway. If spread by hand, the spreading shall be performed with a sweeping motion of a square pointed shovel alternately in opposite directions; this process being continued until no more material can be forced into the voids. Hand brooms shall be used to spread the material over the surface, to insure even distribution and filling of all voids in the course material. All excess filler material forming in piles or cakes upon the surface shall be loosened and scattered. The rolling of the surface shall be continued during the process of spreading the filler material and shall be as specified for rolling the course material. Additional filler shall be applied where necessary to fill the voids and the rolling continued until the base course is thoroughly compacted and firmly set. The quantity of filler material necessary shall be determined by the Borough Engineer or other person designated by Council. After the completion of the application and rolling of dry screening, the surface shall be sprinkled with water and rolled. If, at any time, subgrade material should become churned up or mixed with the base course materials, the contractor shall dig out and remove the mixture, reshape and compact the subgrade, and replace the materials removed with clean materials which shall be filled and rolled until compacted satisfactorily.
  7. Bituminous Concrete Base Course. When "Bituminous Concrete Base Course" is used, it shall have a compressed thickness after compaction of (4 1/2 inches). Construction for the "Bituminous Concrete Base Course" will conform with the Pennsylvania Department of Transportation Form 408 Specifications, latest edition.
  8. Materials. Materials meeting the requirements as specified in Section 305.2 of the Pennsylvania Department of Transportation Form 408 Specifications shall be used.
- D. Bituminous Surface Course ID-2A. This surface course shall consist of two (2) courses, (one wearing course for Bituminous Concrete Base Course) binder course or special binder course and wearing course, of hot-mixed, hot-laid asphaltic concrete, constructed on a prepared base course. The bituminous surface course shall have a total thickness, after final compaction,

as specified by the Borough Engineer or other person designated by the Council, but in no case shall be less than two and one-half (2-1/2) inches or one and one-half (1-1/2) inches (Bituminous Concrete Base Course) after compression. All street pavement cross sections, except where super elevated for curves, will be a minimum slope from the center of the road to the gutter of a minimum of one-quarter (1/4) inch per foot to a maximum of one-half (1/2) inch per foot.

1. Materials. The materials shall conform with the requirements as given in Section 420 of the Pennsylvania Department of Transportation Form 408 Specifications, latest edition.
2. Construction Methods. The surface course shall be Type ID-2A as specified in Pennsylvania Department of Transportation Specifications Form 408, latest edition, and shall be applied in strict accordance therewith.
3. No visible moisture shall be present prior to the laying of each course. Road surface temperature shall be 50 degrees F. or greater prior to laying of the bituminous surface. The air temperature shall be 40 degrees F. or greater, with the temperature rising. All bituminous surface courses shall have a total thickness after compression of two and one-half (2 1/2) inches or one and one-half (1 1/2) inches Bituminous Concrete Base Course after compression. All street pavement cross sections, except where super-elevated for curves, will be a minimum slope from the center of the road to the gutter of a minimum of one-quarter (1/4) inch per foot to a maximum of one-half (1/2) inch per foot.
4. Lansdale Borough will require delivery slips for all materials used in the construction of streets.

Section 403: Alleys, Driveways, and Parking Areas.

Section 403.1 Alleys. Alleys are prohibited in residential developments except as the completion or extension of one in existence. In commercial or industrial districts without expressly designed loading areas, alleys with a minimum width of twenty-five (25) feet shall be required. Where such alleys dead-end, they shall be provided with a cul-de-sac having a radius of not less than twenty-five (25) feet. The cartway shall be a minimum of twenty (20) feet.

Section 403.2 Driveways:

- A. Location. Driveways shall be so located as to provide reasonable sight distance at intersections with streets. Whenever practicable, driveways shall be located not less than forty (40) feet from the street intersection, and shall provide access to the street of a lesser classification when there are streets of different classes involved.
- B. Construction. All driveways shall be constructed to conform to the regulations contained in Ordinance No. 1190 of the Borough of Lansdale.
- C. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance, and drainage of the highway.
- D. Access driveways should be located in such manner that they will not unduly cause the following:
  - a. Interference to the traveling public.
  - b. A hazard to the free movement of normal street traffic.
  - c. Areas of traffic congestion on the street.
- E. Frontages of fifty (50) feet or less shall be limited to one driveway. No more than two driveways shall be provided to any single property tract or commercial/business establishment except where the frontage exceeds three hundred (300) feet in length.
- F. The Borough Council shall have the authority to approve driveways intended for the use of two or more families, multi-family developments, commercial and industrial projects where usage by the occupants constitutes essentially a private street. Driveways constituting private streets are those accessways used by two or more families daily or ten or more workers daily for vehicular circulation. Driveways serving as private streets shall not be dedicated to the Borough nor does the Borough assume any responsibility for their maintenance.
- G. Location and placement of driveways serving as private streets shall comply with Section 403.2,

Driveways. Additionally, provisions for drainage and storm water runoff shall be approved by the Borough Engineer.

H. The Borough Council shall evaluate the location, placement and alignment of driveways serving as private streets based upon the ease of accessibility to and efficient maneuverability through the development for protective services of fire and police.

I. The owner, and all successors, of any property which is to abut any driveway serving as a private street shall be fully responsible for the permanent improvement of the driveway(s) and for the maintenance thereof in a good and safe condition.

#### 403.3 Parking Areas.

A. Automobile parking facilities shall be provided off-street whenever feasible, in accordance with requirements of the Zoning Ordinance and this Ordinance.

B. At no time shall angle or perpendicular parking along the curbs of local, public or private access roads or streets be permitted except where permitted by Borough Ordinance. Parking along driveways that serve as access to parking areas with a capacity of 50 cars or more, or to parking areas with a smaller capacity but a high rate of turnover, shall not be permitted. All parking lots and bays allowing any parking other than parallel shall be physically separated from the cartway by a minimum of ten (10) feet and confined by barrier curbing. [Amended 10-2-96 by Ordinance 1584]

C. No one area for off-street parking of motor vehicles in residential areas shall exceed thirty (30) cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten (10) foot planting strips.

D. No less than twenty-five (25) feet of open space shall be provided between the curb line of any parking area and the exterior wall of a building or structure of a residential use. [Amended 10-2-96 by Ordinance 1584]

E. No parking shall be permitted within ten (10) feet of any property line, therefore providing a sufficient buffer area which shall include a planting screen as required in this Ordinance.

With regards to common parking areas of single-family attached dwellings a buffer of two (2) feet is permitted along the rear property line. Fencing sufficient to screen the common parking area and the adjacent property shall be provided. [Amended 10-2-96 by Ordinance 1584]

- F. In commercial and industrial districts, provision of "common parking facilities" is hereby encouraged in recognition of their increased flexibility and efficiency. Subject to formal arrangements between the proposed users of the common parking facilities, satisfactory to the Borough, the Zoning Hearing Board may reduce the aggregate amount of required parking space upon determination that greater efficiency is effected by joint use of the common parking area. When common parking facilities are approved, side and/or rear yard parking requirements may be waived in order to establish unified and continuous parking areas. In such cases, access drives and sidewalks shall be so aligned as to maximize parking efficiency and minimize traffic congestion. Entrances and exits must have good visibility so that, both going in and coming out, drivers can see and cars can be seen.
- G. Parking stall dimensions shall be not less than nine(9) feet in width and eighteen (18) feet in depth. Ten (10%) percent of the total stall area may be maintained in grass provided that such grass area shall be separated from the paved area by a suitable car wheel stop or bumper, the same to be approved by the Borough Engineer. [Amended 10-2-96 by Ordinance 1584]
- H. Screen planting requirements shall be applicable to parking lot facilities, along the area fronting streets and and along the area adjacent to other properties.
- I. Dead-end parking lots in excess of 30 parking spaces shall be designed to provide sufficient turnaround area. In addition, the turnaround area shall be striped and signed for "No Parking". [Amended 10-2-96 by Ordinance 1584]
- J. No less than a five (5) foot radius of curvature shall be permitted for all curblines in all parking areas.
- K. Parking lot dimensions shall be no less than those listed in the following table:

<u>Angle of Parking</u>	<u>Parking Stall</u>		<u>Aisle Width</u>
	<u>Depth</u>	<u>Width</u>	
90	18	9	24'
60	18	9	24'
45	18	9	24'

[Amended 10-2-96 by Ordinance 1584]

- L. No less than five (5) feet of open space shall be provided between the curblines of any parking area and outside wall of any non-residential buildings. Said open space shall be used for pedestrian access to the buildings if other walkways or sidewalks are not provided. [Added 10-2-96 by Ordinance 1584]

Section 404: Sidewalks and Curbs. All sidewalks and curbs shall be constructed in accordance with the regulations contained in Ordinance NO. 1190, as amended, of the Borough of Lansdale.

Section 405: Blocks.

405.1 General. the length, width and shape of blocks shall be determined with due regard to:

- A. Provision of adequate sites for buildings of the type proposed.
- B. Zoning requirements
- C. Topography
- D. Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with primary arterials.

405.2 Size. Block length and width or acreage within bounding roads shall be such as to accommodate the size of lot required in the area by the Zoning Ordinance and to provide for convenient access, circulation control and vehicular and pedestrian safety. Whenever practicable, blocks shall be of such width as to provide two (2) tiers of lots of the minimum size permitted under the applicable zoning classification.

405.3 Through Lots. Double frontage lots are to be avoided and generally will not be permitted except where reversed frontage is desired away from a major thoroughfare to a street of lesser traffic volume.

405.4 Commercial and Industrial Blocks. For commercial or industrial use, the block size shall be sufficient in the judgement of Borough Council to meet all area and yard requirements for such use. Adequate provision shall be made for off-street parking and loading areas as well as for the flow of pedestrian and vehicular traffic so as not to inhibit the flow of such traffic on public rights-of-way.

Section 406. Lots.

406.1 Area. All lots shall be no smaller than the minimum lot area requirements of the applicable zoning classification.

- 406.2      Depth. Lots excessively deep in relation to width are to be avoided.
- 406.3      Width. The minimum width of a lot shall be that width which is measured at the street line, in feet specified for the applicable zoning district.
- 406.4      Corner Lots. all corner lots shall be of sufficient size to comply with all yard requirements of zoning district.
- 406.5      Frontage. The frontage shall not be less than the minimum requirements of the zoning ordinance.
- 406.6      Sidelines. Whenever practicable, the sidelines of a lot shall be set at right angles or radial to the right-of-way line.
- 406.7      Building Lines. Building lines for all lots shall be in conformance with the minimum front, side, and rear yard requirements of the applicable zoning district.
- 406.8      Lot Numbers. For the purpose of development, each subdivision may have an overall system of lot numbers, the number one (1) 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).
- 406.9      Building Numbers. House or building numbers shall be assigned by the municipality based on an overall street plan. Numbers will be assigned in such a way as to allow for vacant parcels and future development.

Section 407. Subdivision or Land Developments with Existing Structures on the Land. Except where a structure was obviously built to house more than one family, but where here-to-fore that structure and the surrounding property was held in single and separate ownership, and further where such a subdivision is proposed for the purpose of separating such a structure into two or more ownership parcels, no subdivision or land development will be approved with the property line extending through any portion of any existing structure.

407.1      If structure(s) is to remain:

- A. In residential zoning districts of the Borough, the lot and lot dimensions of the newly created lot containing the structure(s) must be in scale with the height and bulk of the structure, even if this requires a lot area and/or dimensions exceeding the minimum zoning requirement for that district.

B. In cases where the principal building use has not been as a dwelling, its conversion to a dwelling shall comply with all of the requirements of the Zoning Ordinance and the Building Code of the Borough.

407.2 If existing structure(s) is to be removed. Subdivision or land development approval will be issued upon the condition of the expeditious removal of existing structures in complete conformity to all other Borough procedural requirements. In commercial and industrial areas, plots of land that have been cleared, as well as the existing vacant portions of such lands should be developed in conformity with the long-range needs of the area to the extent possible and all developmental requirements embodied in the Building Code and Zoning regulations shall be adhered to.

407.3 If existing structure is to be replaced or is to be added on to. Demolition plans and/or construction plans must be detailed as part of the subdivision plan review and subsequent subdivision approval will be conditional upon compliance with said proposed details. Renovation work to the remaining portion of a structure following partial demolition must be completed promptly and expeditiously.

407.4 Historical or culturally significant buildings shall retain their respective characters, to the greatest extent practical. [Added 10-2-96 by Ordinance 1584]

Section 408. Grading.

408.1 Excavation. No permanent excavation shall be made with a cut face steeper in slope than one and one-half (1-1/2) horizontal to one vertical (66.7 percent) except under one or more of the following conditions:

- A. The excavation is located so that a line having a slope of one and one-half (1-1/2) horizontal to one (1) vertical and passing through any portion of the face will be entirely inside of the property lines of the property on which the excavation or fill is made.
- B. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than one and one-half horizontal to one vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Borough Engineer and approved by him. The statement shall state that the site has been inspected and the deviation from the slope specified herein before will not result in injury to persons or damage to property.

C. A concrete or stone masonry wall constructed according to present or future designs of the Borough is provided to support the face of the excavation or fill.

- 408.2 Slopes and Fences. The top or bottom edge of slopes shall be a minimum of three (3) feet from property, or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, (where walls or slopes are steeper than one horizontal to one vertical and five (5) feet or more in height) shall be protected by a chain link fence four (4) feet in height approved by the Borough. The fence shall be an integral part of the wall.
- 408.3 Site Grading Plan. The Borough Engineer shall require a grading plan in conjunction with the plan of subdivision or land development in order to ensure compliance with the above standards. The grading plan must be approved by the Borough Engineer before grading is started.

Section 409. Drainage. Stormwater drainage facilities should be designed to convey stormwater runoff in a safe manner. The stormwater works must ensure proper drainage from roadways and away from buildings. All development shall limit the rate of runoff so that the rate of runoff after development does not exceed the rate of runoff from the subject site prior to the development during comparable design storms with return frequencies of 2-, 5-, 10-, 25-, 50-, and 100-years. [Added 10-2-96 by Ordinance 1584]

- 409.1 Block and Lots. Blocks and lots shall be graded to secure proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum 2 percent slopes away from structures shall be required.
- 409.2 Design. All drainage provisions shall be of such design as to carry surface water to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings they shall not be less than one (1%) percent grade and not more than four (4%) percent grade. The swales shall be sodded, planted or provided with other erosion control measure as determined by the Borough Engineer and shall be of such shape and size to conform with specifications of the Borough Engineer.
- 409.3 Concentration. Concentration of surface water runoff shall be permitted only in watercourses.
- 409.4 Construction. The subdivider shall construct and/or install such drainage structures and/or pipes which are necessary to prevent erosion damage and to satisfactorily

carry off such surface waters to the nearest practical street, storm drain or natural water course, in accordance with current State Erosion Control and Sedimentation Regulations.

- 409.5 Multi-Family or Non-Residential Area. To minimize the effects of increased runoff, roof drainage shall be conveyed by downspouts and other drainage facilities constructed under the sidewalk and through the curb, or to a storm sewer, storm water detention and control structure, or natural watercourse, if available, as determined by the Borough Engineer.
- 409.6 Open watercourses will be permitted where they exist naturally and where they will not interfere with public convenience or safety.
- 409.7 When submitting a plan for approval, the designer shall use the following methodology to analyze stormwater runoff:
- A. Stormwater runoff from all development sites shall be calculated using either the Rational Method or the soil cover complex method.
  - B. Design of any detention device or system intended to meet the requirements of this ordinance shall be verified by routing the design storm hydrographs through the proposed system.
  - C. All calculations using the soil complex method shall use the Soil Conservation Service (SCS) Type II-24 hour rainfall distribution.
  - D. All calculations using the Rational Method shall use rainfall intensities consistent with the appropriate times of concentration and return periods using the Intensity-Duration-Frequency Curves prepared by the Pennsylvania Department of Transportation.
  - E. All stormwater runoff and flood plain runoff calculations and design of stormwater management facilities shall be prepared by a registered Professional Engineer licensed in the Commonwealth of Pennsylvania.
  - F. Any alternate rainfall data, runoff models or methodology must be submitted to the Borough with all supporting documentation for approval prior to use.
  - G. All property located within the Neshaminy Creek Watershed shall comply with the Neshaminy Watershed Stormwater Management Plan of 1992, as follows: "Post-

development run-off volume generated from the 1-year, 23-hour design storm must be controlled so that it is released over a minimum of twenty-four (24) hours".

[Amended 10-2-96 by Ordinance 1584]

- 409.8 The designer's computations shall be submitted in duplicate to facilitate the checking of design.
- 409.9 Easements: Drainage easements shall be required along natural water courses to a minimum width of fifteen (15) feet from the centerline and may be used for storm and sanitary sewers, and as open space. Where conditions warrant, such as in floodplains, additional width shall be required in such cases where run-off treatment requires a wider easement. Run-off studies must prove such requirements beyond the floodplain.
- 409.10 Dedication: Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the subdivider, developer, or builder, shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge of drainage and for carrying off of such water and for the maintenance, repair and reconstruction, of the same, including the right of passage by vehicles, machinery and other equipment for such purposes and which shall be of sufficient width for such passage and work. The subdivider, developer, or builder shall convey at no cost, the easements to the Borough upon demand. Further, the subdivider, developer, or builder shall indemnify and/or hold harmless the Borough and its agents against any claim of damage from any downstream property owners that may result from the proposed development. [Amended 10-2-96 by Ordinance 1584]
- 409.11 Requirements.
- A. Storm Drains, Storm and Surface Drainage. All storm drains and drainage facilities such as gutters, catch basins, bridges and culverts shall be installed and the land graded for adequate drainage as shown on the Grading Plan and shall conform to applicable Borough standards. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands, without proper and approved provisions being made for taking care of these conditions. [Amended 10-2-96 by Ordinance 1584]

- B. When Required. Storm drains and appurtenances shall be required to be constructed by the subdivider or developer to take surface water from the bottom of vertical grades, (the grades of which slope on both sides toward the bottom), to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere. All surface waters shall be enclosed in a storm drain.
- C. Location. Whenever practicable storm drains shall be located within the cartway of the street. They shall be protected by a cover of at least twelve (12) inches.
- D. Size and Grade. Storm drains shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning. They shall have a minimum internal diameter of fifteen (15) inches and a minimum grade of 0.5 percent (1/2 of 1%) unless otherwise approved by the Borough Engineer. The design storm for storm drains shall be the 10-year storm with the appropriate Time of Concentration, without any pressure flow. The system performance shall be analyzed for the 25-year frequency design storm identifying any runs that function under pressure flow conditions. In case of storm-water conveyance systems that are part of the detention collection network, the system must be capable of conveying the 100-year flows to the detention facility. Culverts crossing any road shall use a design storm frequency of 25-years.  
[Amended 10-2-96 by Ordinance 1584]
- E. Change in Direction. Abrupt changes in alignment must be effected by installation of manholes. For short runs with slight deviation in alignment special curved storm drain sections may be used in lieu of a manhole after Borough review and approval. [Amended 10-2-96 by Ordinance 1584]
- F. Manholes. Manholes shall be constructed at all changes in horizontal or vertical alignment; shall be spaced not more than three hundred (300) feet apart on pipe of twenty-four (24) inches internal diameter or less, and not more than five hundred (500) feet apart where larger sizes are installed. Inlets may be substituted for manholes where they will serve a useful purpose.
- G. Inlets. Inlet spacing shall be so arranged that ninety-five (95%) percent of the gutter flow will be captured. No inlet smaller than Pennsylvania Depart-

ment of Transportation Type "C" (4 foot) shall be used on streets with grades of four (4%) percent or less. Pennsylvania Department of Transportation Design Manual Procedures shall be used to analyze inlet capacity. Vane grates shall be installed on inlets proposed to be used on streets with grades of more than four (4%) percent. 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 divert the water into the inlet. [Amended 10-2-96 by Ordinance 1584]

- H. Castings. Manhole and inlet castings, together with their covers or gratings shall conform to Borough Standards, as may be in effect at the time the design of the sewer is submitted. All storm sewer manhole castings shall have the word "storm" cast into the lid. All manhole castings shall be of the type capable of accommodating highway loadings.
- I. Storm Water Roof Drains. Storm water roof drains and pipes shall not discharge water over a sidewalk, but shall extend under the sidewalk to the gutter. Where storm drains are accessible, the roof drain shall be connected thereto.
- J. Unnatural Drainage. Wherever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners should be obtained in writing and a copy filed with the Borough Secretary. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties. The subdivider, developer, and/or builder shall indemnify and/or hold harmless the Borough and its agents, against any claim of damage from any downstream property owners that may result from proposed development. [Amended 10-2-96 by Ordinance 1584]
- K. 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 watercourses on the property. These facilities shall not discharge water under the sidewalk through the curb into the gutter.
- L. Stormwater Runoff Detention Facilities - Detention facilities shall be designed with the following requirements:

1. The detention facilities shall be designed to retard the stormwater runoff rates after development as specified in Section 409.
2. Spillways shall be provided for possible overflows, such spillways shall be adequately protected from erosion. The spillway shall be designed to convey the 100-year storm flow.
3. The outlet structure shall provide for complete drainage of all detained water, unless the retention and permanent ponding of water has been approved.
4. All stormwater basins and related facilities shall be landscaped in accordance with Article IV, Section 420.6.
5. All basin bottoms shall be designed with a minimum grade of two percent (2%) unless a concrete low flow channel is provided. In that case, the grade to the low flow channel shall not be less than two percent (2%) with the slope of the channel being no less than one-half of one percent (0.5%). Low flow channels shall be constructed with Class "AA" 3750 pound per square inch portland cement concrete, 4-inches in depth placed on a minimum of 4-inches of PaDOT 2B stone. The channels shall be four (4) feet wide parabolic channels with a minimum depth of two (2) inches.
6. Basins shall be designed to avoid the need for safety fencing. Upon review of the basin design the Borough shall determine if fencing will not be required. Fencing shall be at least four (4) feet high.
7. The basin shall be designed with an access area at least 10 foot wide and slope not exceeding 10:1 for maintenance equipment to reach the basin floor. The access shall coincide with the gate area of required fencing.
8. Landscaping subject to Borough approval shall be installed to screen and buffer the basin from adjoining areas.
9. Basin outlet piping must have a minimum of one (1) anti-seep collar. Collars must not be installed within two (2) feet of pipe joints and must project a minimum of (2) feet around the pipe

perimeter. Maximum collar spacing is fourteen (14) times the design projection around the perimeter.

10. Basin berm embankment shall be constructed according to the following standards:
  - a. Site Preparation - Areas under the embankment and any structural works shall be cleared, grubbed and the topsoil stripped to remove the trees, vegetation, roots or other objectionable material. In order to facilitate clean-out and restoration, the pool area will be cleared of all brush and excess trees.
  - b. Cut-off Trench - A cut-off trench will be excavated along the centerline dam on earth fill embankments. The minimum depth shall be 2 feet. The cut-off trench shall extend up both abutments to the riser crest elevation. The minimum bottom width shall be 8 feet but wide enough to permit operation of compaction equipment. The side slopes shall be no steeper than 1:1. Compaction requirement shall be the same as those for embankment. The trench shall be kept free from standing water during the backfilling operations.
  - c. Embankment - The fill material shall be taken from selected borrow areas. It shall be free of roots, woody vegetation, oversized stones, rocks or other objectionable material. Areas on which fill is to be placed shall be scarified prior to placement of fill.
  - d. The fill material should contain sufficient moisture so that it can be formed by hand into a ball without crumbling. If water can be squeezed out of the ball, it is too wet for proper compaction.
  - e. Fill material will be placed in 6 to 8 inch layers and shall be continuous over the entire length of the fill. Compaction will be obtained by routing earthmoving equipment and vibratory roller compactors over the fill so that the entire surface of the fill is traversed by at least one tread track of the equipment and compactor drum. The embankment shall be constructed to an elevation of 5%

higher than the design height to allow for settlement, if compaction is obtained with hauling equipment.

[Added 10-2-96 by Ordinance 1584]

409.12 Design Submission.

- A. All plans showing the proposed storm sewer construction must be accompanied by a complete design submitted by the registered Professional Engineer licensed in the Commonwealth of Pennsylvania. [Amended 10-2-96 by Ordinance 1584]
- B. When subdivisions or land developments are submitted to the Borough for approval in sections, a complete storm sewer design for the proposed subdivision and land development shall be submitted. The proposed design must include the entire tract and not a portion.
- C. If only a section of a subdivision or land development is contemplated for construction, the engineer shall show how he proposes to handle storm water from this section in order to prevent damage to adjacent properties. If temporary construction is required, the engineer shall include such structures in the plan submitted.
- D. In the event such temporary measures cannot ensure protection to adjacent properties, then the main out-fall line of the storm sewer shall be included as part of the construction for the proposed section.

Section 410. Reserve Strips, Rights-of-Way and/or Easements, Deeds.

- 410.1 Reserve strips controlling access to streets, alleys, subdivisions or adjacent areas are prohibited.
- 410.2 Right-of-way and/or easements for sanitary utilities, road construction or maintenance, or for drainage purposes, public utilities, or for any specific purpose shall be required by the Borough Council as needed. The location and width in each case shall be determined by that body.
  - A. Building setback lines shall be measured from the nearest side of the right-of-way or easement to the proposed building.
  - B. Nothing shall be permitted to be placed, planted, set or put within the areas of an easement. The area shall be kept as lawn.

- C. 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 this regulation) within the area of any easement.
- D. To the fullest extent possible easements shall be adjacent to rear or side lot lines.

410.3 No Right-of-Way nor Easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan.

- A. 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 subdivider.

410.4 Utility Easements. A minimum width of twenty (20) feet shall be provided for common utilities and drainage when provided in undedicated land. Nothing shall be permitted to be placed, planted, set or put within the area of an easement, but shall be maintained as lawn.

Section 411. Public Utilities.

411.1 All water and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the borough for the full width of the right-of-way.

411.2 All gas and water 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 of other companies providing such services. All main underground cables which are within the right-of-way of a street shall be located as specified to the satisfaction of the Borough Engineer.

- A. In order to promote and facilitate the undergrounding 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. 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 such plan.

- B. 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 with public easements or rights-of-way designated for such purposes.
- C. Light standards are to be placed as required by Ordinance. Power source for such standards shall be placed underground as required.
- D. Along collector roads and major highways all new electrical service should be placed underground.

Section 412. Sanitary Sewers.

- 412.1 Sanitary sewers shall be installed and connected to the Borough sanitary sewer system. Where the subdivision or land development necessitates a capital improvement of the Borough's sanitary sewer system, the applicant shall pay that portion of said capital expenditure as is necessitated by the subdivision or land development.
- 412.2 When private streets are utilized, the subdivider or the applicant shall execute a recordable covenant with the Borough and/or the Borough Sewer Authority that, for the purposes of sewer connections, assessments and rentals, the rights and liabilities of himself and his grantees, heirs, successors, and assigns shall be the same as if his property abutted a public street.
- 412.3 Size and Grade. Sanitary sewers shall have a minimum inside diameter of eight (8) inches and a minimum grade of 0.4 percent.
- 412.4 Manholes. Manholes shall be located at intervals of two hundred fifty (250) feet and at each change of line or grade. In exceptional cases, the interval may be extended to not more than three hundred (300) feet. Manhole appurtenances shall conform to current Borough standards.
- 412.5 Laterals. Lateral connections to each lot shown on the final plan shall be installed to the right-of-way line of the street. Each building shall have a separate connection to the Borough Sanitary Sewer System, when accessible.

Section 413. Water Supply.

- 413.1 Each lot shall connect to an approved water system, with the connection to a public water service being required whenever practical.

413.2 The location of any existing or proposed well shall be shown on the preliminary plan for each lot and adjoining lot, where applicable.

413.3 Hydrants. Fire hydrants shall be located at accessible points throughout the subdivision when central water supply is available, and shall be sufficient in number to ensure adequate fire protection.

Section 414. Flood Plain Areas.

414.1 The regulations contained herein shall apply in those areas identified as flood plain in the Flood Plain District of the Lansdale Borough Zoning Ordinance. The Flood Plain boundaries can be determined by referring to the Flood Insurance Study and the Montgomery County Soil Survey, which are available for inspection at the Borough Building. In regard to the adopted Flood Plain District, the regulations contained herein shall apply to those areas defined and established as flood plain and not in conflict with the information provided in the Flood Insurance Study.

414.2 The Regulations contained herein are intended to conform to the requirements of Section 60.3d of the National Flood Insurance Program, P.L. 93-234. Furthermore, it is the purpose of these regulations to [Amended 12-18-96 by Ordinance 1599]:

- A. Regulate the subdivision and development of flood plain land areas in order to promote the general health, welfare and safety of the community;
- B. Require that each subdivision lot or development site in floodplain areas be provided with a safe building site with adequate access; and that public facilities which serve such sites be designed and installed to preclude flood damage at the time of initial construction;
- C. Protect individuals from buying lands which are unsuitable for use because of flood hazards by prohibiting the subdivision and development of unprotected flood-prone areas.
- D. Maintain the certification of Lansdale Borough and the eligibility of the property owners in Lansdale Borough for the benefits of the National Flood Insurance Program, P.L. 93-234.

414.3 Prospective developers shall consult with the Zoning Officer to make a determination as to whether or not the pro-

posed subdivision or land development is located within an identified flood plain.

- 414.4 Where not prohibited by this or any other codes or ordinances land located in flood-prone area(s) may be subdivided or developed with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other codes or ordinances regulating such development.
- 414.5 The Borough Council may, when it is deemed necessary for the health, comfort, safety, or welfare of the present and future population of the area, and necessary facilities, restrict subdivision or development of any portion of the property which lies within the flood plain of any stream or drainage course.
- 414.6 The finished elevation of proposed streets within flood plain areas shall be no more than two (2) feet below the Base Flood Elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights.
- 414.7 Storm drainage facilities shall be designed to convey the flow of surface waters without risk to persons or property. The drainage system shall insure drainage at all points along streets, and insure conveyance of drainage away from buildings.
- The Borough Council may require an underground system to accommodate a 100 year flood and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of excess runoff onto adjacent properties.
- 414.8 All new or replacement sanitary sewer systems, whether public or private, located in flood plain areas shall be flood proofed up to a point one and one-half (1 1/2) feet above the Base Flood Elevation.
- 414.9 All new or replacement water systems, whether public or private in flood plain areas, shall be flood proofed to a point of one- and one-half (1 1/2) feet above the Base Flood Elevation.
- 414.10 All other new or replacement public or private utilities and facilities in flood plain areas shall be elevated or flood proofed to a point one and one-half (1 1/2) feet above the Base Flood Elevation.
- 414.11 Waivers. Guidelines for relaxation from the requirements set forth in this section are as follows:

- A. A waiver shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result,
- B. A waiver shall only be issued if there is:
  - 1. a showing of good and sufficient cause;
  - 2. a determination that failure to relax the requirements would result in exceptional hardship to the applicant
  - 3. a determination that the relaxing of a requirement would not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- C. A waiver shall only be issued upon a determination that the waiver is the minimum necessary, considering the flood hazard, to afford relief.
- D. The Borough shall (1) maintain a record of all waivers including justification for their issuance, and (2) report such decisions issued in its annual report submitted to the Federal Insurance Administrator.

Section 415. Special Drainage Problems and Water Courses.

- 415.1 Any development which creates a significant change in the characteristics of the watershed, thus increasing volume and velocity of surface water runoff, due to the decrease in retention and infiltration of storm water, shall not be permitted until guarantees are made of improvements that will reduce the likelihood of erosion, sedimentation, inundation, and water drainage from peak periods of precipitation and provide for controlled disposal of excess surface water. Such improvements must satisfy the requirements and regulations of the State Department of Environmental Protection (PADEP). All required PADEP Permits must be obtained prior to Final Plan approval. [Amended 10-2-96 by Ordinance 1584]
- 415.2 All continuously flowing natural watercourses shall be maintained at their natural alignments and gradients.
- 415.3 Intermittent watercourses shall be maintained essentially at their existing alignments and gradients. Paving of such watercourses shall not be allowed, nor shall piping, except under roads, driveways and walkways.

Section 416. Erosion and Sediment Control.

- 416.1 Where any excavation or grading is proposed, or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the Montgomery County Conservation District representative concerning plans for erosion and sediment control, and the geologic conditions of the site in order to determine the type and magnitude of development the site may safely accommodate. Before undertaking any excavation or grading, the developer shall conform to all pertinent laws, regulations and ordinances of the Commonwealth of Pennsylvania and Lansdale Borough.
- 416.2 No subdivision or land development plan shall be approved unless (1) there has been a plan approved by the 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 which will insure installation and completion of the required improvements; or (2) there has been a determination by the Borough Council that a plan for minimizing erosion and sedimentation is not necessary.
- 416.3 The Borough Council, in its approval 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 the Pennsylvania Department of Environmental Resources. All applicable regulations and permit requirements of said department as stipulated in its Soil Erosion And Sedimentation Control Manual shall be followed by all parties engaged in earthmoving activities. The Manual is available at the office of the Montgomery County Conservation District, Norristown, Pennsylvania. The Borough Engineer shall assure compliance with the appropriate specifications and requirements.
- 416.4 Performance Principles. The Erosion Control Plan and Narrative shall strictly conform to the standards and specifications of the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the Control Plan [Amended 10-2-96 by Ordinance 1584]:
- A. Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
  - B. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum,

and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

- C. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- D. The disturbed area and the duration of exposure shall be kept to a practical minimum.
- E. Disturbed soils shall be stabilized as quickly as practicable.
- F. Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- G. The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- H. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary the rate of surface water runoff will be structurally retarded.
- I. Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

416.5 Excavations and Fills.

- 1. Cut and fill slopes shall not be steeper than 1-1/2:1 unless stabilized by a retaining wall or cribbing, except as approved by the Borough Council when handled under special conditions.
- 2. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations of the sloping surfaces of fills.
- 3. Cut and fills shall not endanger adjoining property.
- 4. No increased surface runoff will be permitted to leave the property being subdivided or developed by way of natural water courses or storm drainage pipes, without first being suitably retained in such a way as to maintain runoff volume existing on the site previous to subdivision or development.
- 5. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

6. Fills shall not encroach on natural watercourses or constructed channels.
7. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
8. Grading will not be done in such a way so as to divert water onto the property of another landowner without the written consent of that landowner and the approval of the Borough Council.
9. During grading operations, necessary measures for dust control will be exercised.
10. Grading equipment will not be allowed to cross live streams. Provision will be made for the installation of temporary culverts or bridges, if necessary.

416.6 Responsibility.

- A. Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.
- B. Maintenance of all drainage facilities and watercourses within any subdivision or land development is the responsibility of the developer until they are accepted by the Borough or some other official agency, after which they become the responsibility of the accepting agency.
- C. It is the responsibility of any person, corporation, or other entity doing any act on or across a communal stream, watercourse or swale or upon the flood plain or right-of-way thereof, to maintain, as nearly as possible, in its present state the stream, watercourse, swale, flood plain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.
- D. Maintenance of drainage facilities or watercourses originating and completely on private property is the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
- E. No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which

will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Borough or Pennsylvania Department of Environmental Resources whichever is applicable.

- F. Each person, corporation or other entity which makes any surface changes shall be required to:
  - 1. Handle existing and potential off-site runoff through his development by designing to adequately handle storm runoff from a fully developed area upstream.

416.7 Compliance with Regulations and Procedures.

- A. Stream channel construction on watersheds with drainage areas in excess of 320 acres, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Protection. [Amended 10-2-96 by Ordinance 1584].
- B. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required under Article V of this Ordinance.
- C. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plats of subdivision or land development, and become a part thereof.
- D. In the event the developer proceeds to clear and grade prior to recording plats, the Borough Council may revoke the approval of the preliminary plan.

Section 417. Bridges and Culverts.

- 417.1 Bridges and culverts shall be designed to meet current Pennsylvania Department of Transportation Standards to support expected loads and to carry expected flows. They shall be constructed to the full width of the right-of-way.
- 417.2 Approval of the Department of Environmental Protection is required when the area drained upstream of the point under consideration exceeds an area of one-half square mile. [Amended 10-2-96 by Ordinance 1584]

Section 418. Survey Monuments.

- 418.1 Monuments shall be of stone or concrete and located on the right-of-way lines at corners, angle points, beginning and

end of curves, and as otherwise required. Monuments shall be indicated on all plans. They shall be placed after a new street has been completed. The center line of all new streets shall be marked with spikes and referenced to permanent monuments or structures. A certified copy of this referenced information shall be given to the Borough Engineer. Permanent reference monuments of case concrete or durable stone twenty (20) inches by four (4) inches, by four (4) inches, with forty-five (45) degree beveled edges shall be set by the subdivider, developer, or builder, at all corners and angle points of the boundaries of the original tract to be subdivided at all street intersections and intermediate points as may be required.

- 418.2 Bench Marks. The Borough elevations are based on the Borough Sanitary Sewer System 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 plans must be based on this system.
- 418.3 Staking Requirements. All lots shall be staked by the registered engineer or surveyor for the subdivider, builder or developer, when final grading has been completed. This take out shall be visible and completed before an owner or occupant moves into the property. All lot corner markers shall be permanently located and shall be at least five-eighths (5/8) inch metal pin with a minimum length of twenty-four (24) inches located in the ground to existing grade.

Section 419. Natural or Historic Feature Preservation.

- 419.1 Limit of Contract. Where the applicant is offering for dedication, or is required to establish a reservation of open spaces or preserve an area of scenic or historic importance, a "limit of contract" which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent destruction of the character of the area.

[Amended March 15, 1995 by Ordinance No. 1539]

- 419.2 Existing Trees Destroyed by Development.
- A. Every existing tree with a trunk diameter of eight (8) inches or more (measured at 4 1/2 feet above the existing ground level), which is destroyed because of street alignment, building placement, parking area location, grading, or otherwise, shall be replaced with one new tree of a type specified by the Borough with a trunk diameter of not less than two (2) inches measured at six (6) inches above the ground level, (2 inch caliper tree).

B. Such new trees shall be planted in addition to the trees required under Section 420 of this ordinance. At the discretion of the Borough, a number of trees not greater in number than those destroyed, as required under this Section, may be planted on lands owned by the Borough.

C. These replacement trees shall be shown and delineated as such on the landscape plan or shown on a schedule as trees contributed to the Borough. A maximum of thirty (30) percent of the required trees may be replaced as evergreen trees. A maximum of twenty (20) percent of the required trees may be replaced as shrubs at a ratio of five (5) shrubs per required tree.

419.3 Topsoil Preservation. No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored separately. Upon completion of the construction, the topsoil must be re-distributed on the site uniformly. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten (10%) percent and shall be stabilized by sodding on slopes ten (10%) percent of

419.4 Preserved Landscaping. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation includes areas of woodland and trees comparable to required planting improvements, i.e.: landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

#### Section 420. Planting.

420.1 Lot Siting, Planting and Beautification for Subdivisions and Land Developments. In order to promote the highest environmental quality possible, the success to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plan may be subject to the manner in which the layout or design or the plan has preserved existing natural features.

420.2 Landscaping. For all Multi-family, Commercial, and Industrial districts the developer should incorporate sufficient planting into his design so as to gain approval of the Borough Planning Commission. The landscaping can include open space, planting strips, screening, formal gardens, shade trees, natural barriers or other types of acceptable growth.

[Amended March 15, 1995 by Ordinance No. 1539]

420.3 Street Trees. All proposals shall provide street trees

selected from the lists of shade trees in Section 426 of this ordinance, and comply with the following:

- A. When Required: Street trees shall be required for any subdivision or land development as part of the design and construction of the following:
1. New streets;
  2. New sidewalks or pedestrian ways;
  3. Existing streets, sidewalks, pedestrian ways, highways, bicycle trails or pathways when they abut or lie within the subdivision or land development;
  4. Access driveways serving more than four dwelling units;
  5. Access driveways serving two or more non-residential properties.
- B. Location. Street trees shall be provided by the developer and planted a minimum distance of ten (10) feet from the street curb. Trees shall be so located so as not to interfere with the installation and maintenance of sidewalks and utilities.
- C. Spacing.
1. Street trees spacing shall not be less than the minimum listed in Section 426 of this ordinance, nor more than twice the minimum, or fifty (50) feet, whichever is lower.
  2. Where trees are existing along a roadway, the existing street trees over 4" in caliper within twenty (20) feet of the curb face shall be counted toward the street tree requirement. Where such existing street trees are over seventy-five (75) feet apart, new street trees shall be planted between these existing trees at no greater than seventy-five (75) feet on center and no less than twenty-five (25) feet from any existing tree.
- D. Size. Trees shall be a minimum of 2 1/2" calipers. Trees shall meet the general specifications for height and branching in relationship to caliper for species as stated in the American Standard for Nursery Stock by the American Association of Nurserymen. All branches for street trees shall be pruned to a clearance height of ten (10) feet above the ground.

[Amended March 15, 1995 by Ordinance No. 1539]

420.4 Buffer and Screen Planting. Along property lines separating the applicant's proposal from all adjacent properties, buffer planting shall be provided in compliance with the following:

- A. Where required, a ten (10) foot buffer planting area shall be provided along the applicant's property line.
- B. Where development on both sides of the property line is or will be of essentially the same land use and intensity, no additional buffer planting is required.
- C. Where development on any side of the property line is or will be of essentially the same land use, but of significantly different intensities, the buffer area along the effected property line shall be planted with shade trees selected from the plant material lists in Section 426 of this ordinance, planted at a ratio of at least two (2) trees and three (3) shrubs for each one hundred (100) feet of property line or fraction thereof. Minimum spacing listed in Section 426 need not be adhered to; naturalistic clusters of trees are encouraged. Additional planting from the lists in Section 426 are encouraged.
- D. Where the applicant's proposal is non-residential, and the abutting properties are currently used for residential purposes or are zoned for residential uses, buffer planting shall be as follows:
  1. Shade trees from the plant material lists in Section 426 of this ordinance, at a ratio of at least two (2) trees for each one hundred (100) feet of property line or fraction thereof, and;
  2. Screen planting sufficient to substantially obscure the least desirable views from the residential property onto the applicant's property. Screen planting is also required around the following site elements when they are located within 100 feet of the property line or road right of way: trash disposal areas, service or loading docks, outdoor storage areas, sewage treatment plants, and pump stations. Screening plants shall be chosen from the lists in Section 426
    - a. Minimum screen planting shall be a double row of evergreen trees, six (6) feet in height, planted ten (10) feet on

center, with each row offset five (5) feet to achieve a more complete screening effect.

b. Additional planting and the use of earthen mounding or fencing is encouraged to provide a more varied and complete screening effect whenever possible.

c. At the Borough's discretion, where sufficient width for a buffer strip as described in a. or b. above is not available, a row of evergreen or deciduous hedging shrubs may be substituted at a ratio of one (1) shrub per four (4) feet.

[Amended March 15, 1995 by Ordinance 1539]

420.5 Parking Lot Landscaping.

- A. When Required: Landscaping to the following specifications shall be required for all non-single residential parking areas with ten (10) or more spaces and all non-residential off street parking areas with two (2) or more spaces:
1. All non-single family residential off-street parking areas should contain one shade tree per ten (10) parking spaces from the plant material lists in Section 426 of this ordinance.
  2. All non-residential off street parking areas shall contain one shade tree per ten parking spaces and one shrub for every two parking spaces from the plant material lists in Section 426 of this ordinance.
- B. In addition to the trees and shrubs required for buffers and parking areas, a minimum of 10% of any parking lot facility over 2,000 square feet in gross area (measured from outside curb to outside curb) shall be devoted to landscaping.
- C. A maximum of fifteen (15) parking spaces shall be permitted in a row without a landscape island of at least nine (9) feet in width; for parking rows which exceed fifteen (15) parking spaces this island shall contain not less than 162 square feet of planting area.
- D. Raised planter islands shall be placed at the end of each row of parking spaces which begins or terminates at an internal circulation drive.

- E. For any land use where the total number of parking spaces exceeds 100 stalls, the parking area shall be divided by continuous islands perpendicular to the spaces every 183 feet (183 feet assuming six (6) rows of parking and three (3) aisles). These divider islands shall be a minimum of 15' wide.
- F. Raised continuous concrete curbing shall be required around each planting island.

[Amended March 15, 1995 by Ordinance 1539]

420.6 Stormwater Basins and Related Facilities. Landscaping is required in and around all stormwater management basins according to the following guidelines:

- A. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earthen structures, shall be plated with cover vegetation such as lawn grass or naturalized planting specifically suited for stormwater basins.
  - 1. Lawn grass areas shall be sodded or hydro-seeded to minimize erosion during the establishment period and once established, these areas shall be maintained at a height of not more than six (6) inches.
  - 2. Naturalized cover plantings, such as wildflowers, meadows, and non-aggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of stormwater basins, may be planted as an alternative to lawn grass given:
    - a. The plantings provide continuous cover to all areas of the basin.
    - b. The plantings do not interfere in the safe and efficient functions of the basin as determined by the borough engineer.
  - 3. A minimum of one (1) shade tree per 100 feet of basin perimeter shall be planted. The trees should not interfere with the impoundment structure or dam.
- B. Minimum grades inside stormwater basins shall be 2 percent and maximum side sloped of the basin shall be 33 percent (3:1 slope).
- C. Stormwater basins shall be screened with landscaping from adjacent properties.

420.7 Maintenance.

- A. Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plantings are properly maintained. Dead or diseased plant material shall be removed or treated promptly by the property owner and replaced at the next growing season.
- B. All sight triangles shall remain clear, and any plant materials that could endanger safety such as unstable limbs shall be removed and the plant material replaced if necessary. It shall be the responsibility of the property owner to maintain all plantings to ensure a safe environment.
- C. Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer to ensure that the design's buffering and screening concepts are continued.

Section 421 Open Space Areas and Community Assets.

Whenever practicable, provision shall be made for suitable open space for parks, playgrounds, and recreational facilities and areas. In commercial areas, provision shall be made for suitable open space for walkways (connecting parking facilities with commercial structures), malls, sitting areas, etc. Due consideration shall be given to the preservation of natural features, including large trees, groves, waterways, scenic areas, historical buildings or areas, and other amenity areas. Perennial watercourses and ponds shall be preserved and maintained for a distance of fifteen (15) feet from the edge of the banks. [Amended 10-2-96 by Ordinance 1584]

Section 422 Modular and Mobile Home Inspections.

The applicant or developer shall inform the Borough Building Inspector of the delivery date of a modular and/or mobile home. The Borough Building Inspector shall inspect the modular or mobile home upon its arrival at the site prior to installation, to determine if any damage has occurred to the unit during transportation to the site and to determine if it bears the seal of the Pennsylvania Department of Community Affairs or the U.S. Department of Housing and Urban Development, whichever has jurisdiction. The Borough Building Inspector shall also inspect a modular home after its installation and prior to occupancy by residents, in order to determine its compliance with the installation instructions outlined in the Building System Approval Report, which shall be provided by the applicant or developer.

[Amended March 15, 1995 by Ordinance No. 1539]  
Section 423 Landscape Plan.

- A. Intent. The intent of these regulations is to promote practical community development by retarding erosion, sedimentation and stimulating ground water recharge, to retard glare and heat pollution, to stimulate air purification and oxygen regeneration, to provide for noise abatement, to assist in vehicular pedestrian control, to maintain the Borough's natural amenities, and to provide for the harmonious development of contiguous properties in different zoning districts by providing certain minimum landscaping requirements for future land developments, including the conversion of land uses.
- B. When Required. A landscape plan shall be required for land development proposals in all zoning districts in the Borough.
- C. Landscape Plan Requirements.
  1. The landscape plan will show the following base plan information:
    - a. Plan scale and north arrow;
    - b. Building layout;
    - c. Road, parking and truck service area layout and other paved areas;
    - d. Location of all outside storage and trash receptacle areas;
    - e. Existing and proposed underground and above ground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc.;
    - f. Sidewalks, fences and walls;
    - g. Plans will be drawn to a scale of not less than 1" = 50' and show all existing and proposed contours at two (2) foot intervals;
    - h. Existing trees with trunks 8" in diameter or more (measured at 4 1/2 feet above the existing ground level), existing wooded areas, and existing and proposed water areas to remain and to be removed;

- i. New tree placement to replace 8" and greater diameter trees destroyed;
  - j. In order to determine the relationship of planting and grading, areas with slopes in excess of 3:1 will be indicated on the plan
  - k. Locations, species and sizes of all proposed trees and shrubs and areas for lawn or any other ground cover;
  - l. A planting schedule indicating the botanical and common names, height, spread, caliper, quantity and any special remarks for all plant material proposed.
2. It is recommended that plans for proposed planting shall be prepared by a Landscape Architect registered by the Commonwealth of Pennsylvania in order to promote the proper use and arrangement of plant materials. These plans shall be reviewed by the Borough Engineer and approved by the Borough Council.
  3. All plant materials and planting practices shall be in accordance with the "American Standard for Nursery Stock" by the American Association of Nurserymen.
  4. The following note shall be listed on the Subdivision or Land Development plan:

Street trees and other required plant materials shall be planted prior to the issuance of a use and occupancy permit. In lieu of planting due to seasonal constraints, the locations of street trees will be staked and the developer will be required to submit to the Borough a memorandum signed by the purchaser at the time of settlement. This memorandum will indicate that the purchaser understands and acknowledges that the stakes indicate the locations of street trees to be planted and the trees will be planted by the developer.

[Amended March 15, 1995 by Ordinance No. 1539]  
 Section 424. Cost Estimate. A detailed cost estimate shall be submitted to the Borough for the preparation of the land development agreement. This estimate shall show the value of all proposed landscaping. Unit costs for plant material shall include costs for materials, labor, guarantee and maintenance for fifteen (15) months.

Section 425. [Amended March 15, 1995 by Ordinance No. 1539]  
Performance Bond.

- A. A Performance Bond or other surety approved by the Borough Solicitor must be filed with the Borough. Such surety shall be in an amount equal to the cost of purchasing, planting, maintaining and replacing all vegetative materials for a period of fifteen (15) months as stated above in Section 424.
- B. This condition may be satisfied through a Land Development Agreement with sufficient and appropriate financial guarantees.

Section 426 [Amended March 15, 1995 by Ordinance No. 1539]  
Lists of Plant Materials.

The lists in this section shall be used for all planting required by this ordinance. Alternate plant materials may be used only with the approval of the Borough Council, after sufficient evidence is submitted regarding their suitability for their purposes and locations.

A. Large Shade Trees (Street Trees)

	<u>Genus, Species, Cultivar</u>	<u>Common Name</u>	<u>Minimum Spacing*</u>
1.	Acer Rubrum, cv Armstrong	Armstrong Red Maple	30'
2.	Acer Rubrum, cv October Glory	October Glory Red Maple	30'
3.	Acer Sacchurum	Sugar Maple	30'
4.	Fraxinus americana, cv Autumn Purple or Rosehill	White Ash	30'
5.	Fraxinum pennsylvanica cv Marshall's Seedless or Summit	Green Ash	30'
6.	Ginkgo biloba, cv Autumn Gold or Sentry (male only)	Ginkgo	25'
7.	Gleditsia triacanthos var.inermis	Thornless Honeylocust	25'
8.	Platanus acerifolia cv Bloodgood	Bloodgood London Planetree	30'
9.	Tilia cordata Greenspire	Greenspire Littleleaf Linden	30'
10.	Zelkova serrata cv Greenvase/Village Green	Japanese Zelkova	35'



i. Prunus species

Flowering Cherries/Okame,  
Autumnalis, Kwanzan

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Flowering Trees

2. Low Growing Shrubs & Ground Covers:

<u>Genus, Species</u>	<u>Common Name</u>
a. Cotoneasters Horizontalis	Cotoneaster species: Rock, Early, Cranberry, Christmas Carpet
b. Juniperis horizontalis	Juniper species: Blue, Chip, Sargent, Blue Rug
c. Taxus media desiformis	Dwarf Japanese Yews (med. height)
d. Hedera Helix	English Ivy
e. Vinca minor	
f. Pachysandra procumbens	
g. Euonymus (var.)	

3. Screening Plants:

a. Large Trees:

<u>Genus, Species</u>	<u>Common Name</u>
1. Juniperus virginiana	Eastern Red Cedar
2. Carpinos betulus fastitigia	Upright Hornbeam
3. Quercus robur, cv Fasigiata	English Oak

b. Flowering Small Trees:

<u>Genus, Species</u>	<u>Common Name</u>
1. Crataegus phaenopyrum	Washington Hawthorn
2. Crataegus, cv Toba	Toba Hawthorn
3. Pyrus calleryana cv Redspire	Redspire, pear

c. Evergreen Trees:

<u>Genus, Species</u>	<u>Common Name</u>
1. Pinus thunbergii	Japanese Black Pine
2. Pinus strobus	Eastern White Pine
3. Pinus sylvestris	Scotch Pine
4. Thuja occidentalis	American Arborvitae
5. Tsuga canadensis	Canada Hemlock
6. Tsuga caroliniana	Carolina Hemlock

d. Hedge Plants:

<u>Genus, Species</u>	<u>Common Name</u>
1. Ligustrum japonicum	Japanese Privet
2. Ligustrum vulgare	Common Privet
3. Berberis thunbergii	Japanese Barberry
4. taxus cuspidata	Japanese Yew
5. Cornus racemosa	Gray dogwood
6. Ilex species:	Japanese Holly, Inkberry, Compact Holly

D. Sources. Plant materials in these sections were selected from:

1. "Trees for Urban Parks", Morris Arboretum for the U.S. Department of the Interior.
2. "Trees for American Gardens" and "Shrubs and Vines for American Gardens", Donald Wyman.

## ARTICLE V

### Improvement Construction Requirements

#### Section 500. Required Improvements.

- 500.1 Required improvements shall be completed under specifications of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Resources, the Montgomery County Conservation District, and other appropriate agencies and the specifications included herein. In the event of conflict, the specifications established by the agency having jurisdiction over such improvement construction shall take precedent.
- 500.2 The subdivider, developer or builder shall where specified by the Borough Council construct and install with no expense to the Borough, the streets, curbs, sidewalks, water mains, sanitary and storm sewers, street lights, fire hydrants, street signs, shade trees, monuments and other facilities and utilities specified in this ordinance.
- 500.3 The applicant shall agree in writing to construct streets and other improvements required by this ordinance from the lot or lots to be sold or built upon to an existing improved street, subject to the provisions of Section 102.2, herein. The work shall be performed in strict accordance with approved plans and the Borough standards and specifications, or the applicable provisions of Pennsylvania Department of Transportation For 408 Specifications, latest edition, or any subsequent number or section thereof. No plan shall be finally approved until the developer has completed all of the necessary and appropriate improvements as required as a condition for final approval of a plan; or until such time as the applicant has provided a proper guarantee in the form of a performance bond or bonds or other security as approved by Borough Council in the amount equal to 125 percent of the estimated improvements costs as determined by the Borough Engineer with surety satisfactory to the Borough Solicitor. As escrow agreement, and when necessary, development agreements, easement agreements, deeds of dedication, and improvement bonds shall be executed between the developer and the Borough. Such documents shall be prepared by the Borough Solicitor with the costs to be borne by the applicant.
- 500.4 Any performance bond shall assure the complete installation of the required improvements within a period, not longer than three (3) years, and the proceeds of such bond shall be made payable directly to the Borough for installation of the required improvements. The Borough Council with the consent of all parties to the bond, may extend such period upon written application of the subdivider or developer prior to the expiration of such period or upon its own motion at any time prior to a declaration of a default in the bond.

Section 501. Release from Liability.

501.1 The bond shall be released only upon complete installation of the required improvements in accordance with the approved Improvement Construction Plan. Strict compliance with procedures established by Section 510 of Act 247, the "Pennsylvania Municipalities Planning Code", shall be followed with respect to the release of performance bond or other security. If the Borough Council fails to comply with the time limitations of Section 510 all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the performance bond.

501.2 If the required improvements are not completely installed within the fixed period or extended by the Council, the Council shall declare the performance bond in default and authorize the Borough Secretary to collect the amount payable thereunder. Upon receipt of such amount, the Borough shall install such improvements as were covered by the bond and are commensurate with the extent of building development which has taken place in the subdivision or land development, not exceeding in cost, however, the amount collected upon the bond.

Section 502. Public Utilities and Laterals. All sewers (capped and operative), water, gas, electric, telephone and other pipes and conduits, and all service connections or laterals shall be laid to the full width of the ultimate right-of-way, where the need therefore can be reasonably anticipated, before streets are paved. The arrangements for said service connections or laterals shall be the responsibility of the subdivider, developer or builder.

Section 503. Inspection of Work and Materials.

503.1 Notice. The Borough Engineer shall be notified forty-eight (48) hours in advance of the commencement of any construction or installation operation, in order that provision may be made for inspection by the Borough.

Construction and installation operations shall also be subject to inspection by Borough officials during the progress of the work and the subdivider, developer or builder shall pay for all inspections.

503.2 Samples of Materials. Samples of the materials shall be furnished to the Borough Engineer in the same manner as is required of contractors under the Highway and Sanitary Drainage specifications.

503.3 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 shall be supplied to the Borough.

Section 504. 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 required to be constructed 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. The Solicitor shall render final judgement in any instance where a dispute arises as to the direct casual relationship for the improvement(s). The subdivider or developer may be required to cover costs which must be incurred by the Borough or other governmental jurisdiction in order to make these improvements feasible. (For example, but not limited to, right-of-way acquisition). The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those herein prescribed for Section 500, Required Improvements.

## ARTICLE VI

### Condominiums and Condominium Conversions

Section 600. Purpose. In addition to all other requirements set forth in this Ordinance and not in conflict with the requirements of this Article, a Declaration, a Declaration Plan and a Code of Regulations for any proposed condominium, whether to be created by new construction or by conversion of existing structures, shall be approved by the Borough Council in accordance with the requirements set forth in this Article and the Unit Property Act (July 3, 1963, P.L. 196) prior to submission of these documents for proper recording to the Recorder of Deeds of Montgomery County. Furthermore, this Article shall provide for the revocation of an approved condominium and subsequent recording of same by appropriate means.

#### Section 601. The Declaration.

601.1 Submission. In addition to all plans required pursuant to Article III of these regulations, five copies of the Declaration shall be submitted to the Borough Building Inspector accompanied by an application for approval. The Borough Building Inspector shall transmit one copy of each of the following for review and recommendations at least 30 days prior to the date on which the Borough Council is to take action: Borough Secretary; Borough Engineer, Borough Planning Commission and the Montgomery County Planning Commission. The Planning Commission shall transmit the Declaration to the Borough Council with its recommendations for action by the Council.

601.2 The Declaration shall contain the following:

- a. A reference to the Unit Property Act and an expression of the intention to submit the property to the provisions of the Unit Property Act;
- b. A description of the land and building;
- c. The name by which the property will be known;
- d. A statement that the property is to consist of units and common elements as shown in a Declaration plan;
- e. A description of the common elements and the proportionate undivided interest, expressed as a percentage assigned to each unit therein, which percentages shall aggregate one-hundred percent;
- f. A statement that the proportionate undivided interest in the common elements may be altered by the recording of an amendment duly executed by all unit owners affected thereby, subject to Borough approval;
- g. A statement of the purposes or uses for which each unit is intended and restrictions, if any, as to use;

- h. The names of the first members of the Council;
- i. Any further details in connection with the property which the party or parties executing the Declaration may deem appropriate, and any details and information the Borough Council or the Planning Commission may require to properly review the development, to promote the public health, safety and welfare and to protect the rights of the residents of the proposed condominium.

601.3 After the Declaration has been approved by the Borough Council the copies duly certified by the Borough Secretary shall be distributed as follows:

- 1. Three copies will be returned to the applicant for his files and for submission to the Office of the Recorder of Deeds of Montgomery County and the County Planning Commission.
- 2. One copy will be retained in the Borough files.

Section 602. Declaration Plan.

602.1 Submission. In addition to all plans required pursuant to Article III of these regulations, one copy of the Declaration Plan on linen or mylar drafting film, twenty-four inch by thirty-six inch as specified by the Recorder of Deeds of Montgomery County shall be submitted to the secretary Borough Building Inspector together with 4 paper prints accompanied by an application for approval. The Borough Building Inspector shall transmit one copy to each of the following for review and recommendation at least 30 days prior to the date on which the Borough Council is to take action: Borough Secretary, Borough Engineer, Borough Planning Commission, and the Montgomery County Planning Commission. The Planning Commission shall transmit the Declaration Plan to the Borough Council with its recommendations for action by the Borough Council.

602.2 Contents of Declaration Plan. The Declaration Plan shall show the property, the location of the building thereon, the building and layout of floors of the building including the units and the common elements and the name by which the property will be known, the unit designation for each unit therein, and shall bear a certified statement of a registered architect or licensed professional engineer certifying that the Declaration Plan fully and accurately sets forth the foregoing.

602.3 After the Declaration has been approved by the Borough Council, the copies duly certified by the Borough Secretary shall be distributed as follows:

- 1. Three copies will be returned to the applicant for his files and for submission to the Office of the

Recorder of Deeds of Montgomery County and the  
County Planning Commission.

2. One copy will be retained in the Borough files.

Section 603. Code Of Regulations.

603.1 Submission. In addition to all plans required pursuant to Article IV of these regulations, four copies of the Code of Regulations shall be submitted to the Borough Building Inspector accompanied by the application for approval and shall be forwarded to the Borough Council for their action. The Borough Building Inspector shall transmit one copy to the planning commission for its review and recommendations at least 30 days prior to the date on which the Borough Council is to take action. The planning Commission shall transmit the Code of Regulations to the Borough Council with its recommendations for action by Borough Council. All subsequent amendments to the approved Code of Regulations shall be submitted to the Borough Building Inspector for approval in accordance with the requirements of this subsection.

603.2 Contents of Code of Regulations. The Code of Regulations shall provide for at least the following, and may include other lawful provisions:

- a. Identification of the property by reference to the place of record of the declaration and the declaration plan;
- b. The method of calling meetings of unit owners and meetings of the Council;
- c. The number of unit owners and the number of members of Council which shall constitute a quorum for the transaction of business;
- d. The number and qualification of members of Council, the duration of the term of such members and the method of filling vacancies;
- e. The annual election by the council of a president, secretary and treasurer and any other officers which the Code of Regulations may specify;
- f. The duties of each officer, the compensation and removal of officers and the method of filling vacancies.
- g. Trash, refuse and garbage removal from the units and the common elements, snow removal from the common elements, police protection and security of the common elements, provision of other municipal-type services to the units and common elements, maintenance repair and replacement of common elements; payment

of the cost of the foregoing; the Council will be required to supplement any of the foregoing services customarily provided by the Borough as required by the Borough Council.

- h. The manner of collecting common expenses from unit owners which shall include a provision to the effect that all local government fines, penalties, and assessments against individual units or common elements may be imposed and liened directly against the various unit owners or common elements, without reference to any duties or functions of the Council;
- i. The method of adopting and of amending the Code of Regulations, rules governing the details of the use and operation of the property and the use of the common elements, and a requirement that all amendments to the Code of Regulations be approved by Borough Council prior to becoming effective.
- j. Any other provisions which the Borough Planning Commission and Borough Council may require to properly promote the health, safety and welfare of the public and
- k. A requirement that the Borough Secretary receive immediate notification of any change of the personnel comprising the council, in the officers of the council, and in the mailing address of the council.

603.3 Approval. After the Code of Regulations has been approved by the Borough Council, the copies duly certified by the Borough Secretary shall be distributed as follows:

- 1. Three (3) copies will be returned to the applicant for his files and for submission to the Office of the Recorder of Deeds of Montgomery County and County Planning Commission.
- 2. One (1) copy will be retained in the Borough files.

After an amended Code of Regulations has been approved by the Borough Council the copies duly certified by the Borough Secretary shall be distributed as follows:

One (1) copy returned to the applicant.

One (1) copy will be retained in the Borough files.

Section 604. Conversions of Rental Property or Structures to Condominiums.

604.1 Whenever the owner or owners of a structure or structures, intend to convert said structures to condominium owner-

ship, the following provisions, restrictions, and benefits shall apply.

- A. The owner or owners shall give to the tenant or tenants occupying units within said structure under a then-current lease agreement written notice of such intent to convert, at least two weeks prior to filing their declaration plan and code of regulations with the Borough pursuant to Section 601, 602 and 603 of this Ordinance. Said notice shall contain, at a minimum, the following: (1) the actual or estimated prices at which the tenant's unit in the condominium may be purchased when offered for sale; (2) any financing options which may be available to tenants who wish to purchase units; and (3) the date, if known, when units will be offered for sale.
- B. The tenant or tenants occupying units within said structure under a then-current lease agreement shall be given by the owner or owners an automatic extension if desired by the tenant, of the right to occupy said dwelling unit as lessee or tenant for a period of one (1) year without an increase in rent from the date following approval of the condominium documents by Borough Council pursuant to Section 601, 602 and 603 of this Ordinance provided, however, that if the tenant's then-current lease will not, by its terms or by operation of law, expire until more than (1) year after submission of a plan to the Borough, he shall not be required to vacate his dwelling unit until the expiration of his lease.

Furthermore, a tenant must give the owner written notice that the tenant intends to take advantage of the one-year extension of or any specific period of time up to one year, within thirty days after the owner notifies the tenant, in writing, that Borough Council has approved the condominium documents, said notice to the tenance to include notice of the thirty (30) day time period for acceptance of the extension or any part thereof. If the tenant does not so accept within thirty (30) days, the one-year or part thereof extension privilege shall not be applicable to such tenant.

- C. Tenant families, (1) occupying dwelling units within said structure under a then-current lease agreement, and (2) whose household includes one or more members living in said dwelling unit who is sixty-five (65) years of age or older, or blind, or totally disabled as defined by the Director of the Internal Revenue Service, and for whose dwelling unit the yearly rental exceeds 25 percent of the tenant family's gross annual income, and (3) who (including the said elderly, or blind or totally disabled person) have occupied a

dwelling unit within the said structure for a period of one (1) year prior to the owner's aforesaid filing of his condominium conversion documents with the Borough, have the right to occupy said dwelling unit as lessees or tenants for a time period extending until two (2) years from the date of approval of said documents by Borough Council, so long as said elderly or blind or totally disabled person continues as a member of their household in said dwelling unit.

- D. The tenant or tenants in occupancy at the time the aforesaid condominium documents are filed with the Borough shall have the exclusive right to purchase their units for one hundred eighty (180) days after the aforesaid filing of said documents, during which time a tenant's unit shall not be shown to a third party unless he has, in writing, waived his right to purchase.

If a unit has been offered at an estimated price, then, when a tenant's unit is for the first time offered for sale at an actual price, the tenant shall have an additional exclusive right to purchase or enter into an agreement to purchase his unit at such actual price (during which time a tenant's unit shall not be shown to a third party unless he has, in writing, waived his right to purchase), for a period of sixty (60) days following such offer, provided (a) such offered actual price exceeds by ten percent (10%) a previously given estimated price, and (b) the actual price is offered for the first time more than one hundred and twenty (120) days after the aforesaid filing of the said documents.

- E. Within thirty (30) days after an owner files his condominium documents with the Borough, he shall provide each tenant of said structure with a copy of a report, prepared by a Professional Engineer registered in the Commonwealth of Pennsylvania, or by an Architect licensed by the Commonwealth of Pennsylvania, giving a detailed evaluation of the condition of all structural components and major mechanical systems of said structure, including but not limited to heating, air conditioning, plumbing, elevators, electrical, roofing and masonry. Furthermore, he shall at the same time give to each tenant a list of all repairs and improvements which he intends to make to said structure, including the proposed dates of completion, projected life, and estimated costs of such repairs and improvements.

- F. The owner or owners of said structure shall warrant that, for a period of two (2) years from the date of approval of the condominium documents by Borough Council, the owner or owners shall repair or replace

all structural components and major mechanical systems of said structure or pay the cost of said repair or replacement so that they operate in good working order and function at least as well as in the manner as they did at the date of approval of the condominium documents by Borough Council, exclusive of improper operation of malfunction due to improper maintenance or lack of maintenance, unless such improper maintenance or lack of maintenance occurs while the owner controls more than forty-nine percent (49%) of the votes of the Council, exclusive of defects or damage caused by persons other than the owner or owner's agents or employees, exclusive of normal wear and tear and exclusive of Acts of God.

Said warranty shall appear in each agreement, for the sale of any condominium unit to the initial purchaser of the unit by the owner of the structure, executed within two years following the date of approval of the condominium documents by Borough Council, and the agreements of sale shall provide that the warranty shall not merge in the deed to any unit, and that the warranty will survive conveyance of legal title.

The warranty will run to the Council, but not to individual unit owners.

The warranty shall provide that the owner shall be responsible only for the actual repair or replacement of the structural components and major mechanical systems or payment of the cost thereof, and not for consequential, incidental, or special damages, under the terms of the warranty.

The warranty shall apply only if the owner receives notice of any breach of the warranty during the warranty period or within sixty (60) days after the end of the two year warranty period.

Furthermore, in the event that the owner or owners of any structure possess any warranties which run from third persons to the owner or owners and which warrant soundness or fitness of any structural components or major mechanical systems of the structure, the owner or owners shall assign any such warranties capable of assignment to the Council. When covered by such an assigned third party warranty, the Council must take a claim under such assigned warranty prior to making claim against the owner or owners under the owner's or owners' warranty.

- G. Within thirty (30) days after an owner files his condominium documents with the Borough, he shall provide each tenant of said structure with a detailed actual statement of operating expenses of the property for

the immediately preceding calendar year, a statement of estimated real estate taxes, water, sewer rent, electricity, gas, maintenance of common facilities, management fees, use of recreational facilities and all other operating expenses for the first calendar year of operation of the condominium, as well as a statement of estimated monthly payments which the owner of the unit such tenant then occupies will be required to make for such purposes.

H. The provisions, restrictions, and benefits of this section may not be waived by agreement or otherwise.

604.2 Enforcement. The regulations of this section shall be enforced by the Borough Code Enforcement Officer or his authorized designees.

604.3 Violations and Penalties. Any person, firm or corporation who shall violate any of the provisions of this section shall be liable, on conviction thereof, to a fine or penalty not exceeding three hundred dollars (\$300) for each and every offense; and whenever such person, firm or corporation shall have been notified by the Borough Code Enforcement Officer or his authorized designees, by regular mail, verbally, or by service of process, that he is committing such violation of this chapter, each day that he shall continue such violation after such notification shall constitute a separate offense punishable by a like fine or penalty. Such fines or penalties shall be collected as like fines or penalties are now by law collected.

604.4 Services of Process. The owner or owners of said structure shall designate the Borough Code Enforcement Officer as his agent for the purpose of accepting service of any legal process arising out of or in connection with any cause of action against them commenced by any tenant or by any purchaser of a unit and relating to the enforcement of any provisions of this chapter.

However, in no event shall such service of process be made by service on the Borough Code Enforcement Officer until after an unsuccessful bona-fide attempt has been made to secure service by other means provided by the Pennsylvania Rules of Civil Procedure and the Pennsylvania "Long Arm Statute" (Act of July 9, 1976, P.L. 586, No. 142, Sec. 2, et seq., as amended, and any successor legislation thereto).

All owners of said structures shall keep the said Borough Code Enforcement Officer notified of their then-current address for a period of four years following the approval of their condominium documents by Borough Council.

604.5

Other Remedies. In addition to the penalty provisions of this section, any appropriate action or proceeding, whether in law or in equity, may be instituted or taken by Borough of Lansdale or by an aggrieved person against any persons, firm or corporation who is in violation of or has violated any of the provisions of this chapter in order to cause such violation to cease or to redress such violation.

Section 605. Pending Applications for Conversions. Except for Subsection 604.1A of this Section 604 all provisions, benefits and restrictions of Section 604 shall apply to all proposed conversions of structures to condominiums for which condominium documents were filed with the Borough but which were not approved by Borough Council pursuant to adoption of this Ordinance. For any such pending applications for conversions, the thirty (30) day time period referred to in Subsections E and G of Section 604.1 shall commence to run as of the effective date of this Section.

Section 606. Non-Conforming Structures. The owner or owners of a non-conforming structure being converted to condominium ownership shall make any reasonable physical changes that may bring it into conformance with local codes.

Section 607. Declaration of Revocation. A condominium development conversion may be converted into a rental or fee simple property by submission of a Declaration of Revocation, signed by 100 percent of the unit owners and the holders of all mortgages, judgements or other liens affecting the units and provided that such Declaration of Revocation is reviewed and duly recorded as provided for in Sections 601.1 and 601.3(1). The conversion of a condominium development shall not preclude the resubmission of said property for a condominium by the procedures provided herein.

## ARTICLE VII

### Mobile Home Regulations

Section 700. General. Individual mobile homes may be erected on any lot where single-family detached residential units are permitted, provided compliance is made with zoning requirements and all other applicable regulations, including the regulations contained in this ordinance for the subdivision and development of land within the Borough.

Section 701. Site Design: Adaptation to Tract 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. Existing trees and shrubs, rock formations, streams, floodplains, steep slopes, and other natural features of the tract shall be preserved to the maximum extent practical. Favorable views shall be emphasized by the plan.

Section 702. Additional Requirements. In addition to complying with the regulations referenced in Section 700, all mobile homes shall meet the following requirements:

- 702.1 Footings and Anchoring. Each mobile home shall be installed and anchored according to the applicable standards of Standard for the Installation of Mobile Homes (ANSI/NFPA publication #501A, 1977) prior to the unit being occupied or used in any other way.
- 702.2 Stability. All mobile homes 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.
- 702.3 Skirts. All mobile homes shall, prior to occupancy or other use, have skirts installed which are designed to complement the appearance of the mobile home.
- 702.4 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.

Section 703. Utilities.

- 703.1 Water Supply: Individual Water-Riser Pipes and Connections. Applicable sections of Standard for the Installation of Mobile Homes (ANSI/NFPA Publication #501A, 1977) shall be adhered to.
- 703.2 Sewage Disposal: Individual Sewer Connections. Applicable sections of Standard for the Installation of Mobile

Homes (ANSI/NFPA publication #501A, 1977) shall be adhered to.

703.3 Fuel Supply Systems. Applicable sections of Standard for the Installation of Mobile Homes (ANSI/NFPA publication #501A, 1977) shall be adhered to.

Section 704. Mobile Home Portable Fire Fighting Facilities. It is recommended that each mobile home owner adhere to the recommendations contained in Section 10.4.2 of Standard for the Installation of Mobile Homes (ANSI/NFPA publication #501A, 1977).

Section 705. Inspections. Refer to Section 422 of this Ordinance for those inspections involving compliance with the regulations contained in the Pennsylvania Industrialized Housing Act.

## ARTICLE VIII

### Fees, Conditions of Acceptance and Penalties

Section 800. Fees and Costs. The subdivider, builder or developer shall be required to furnish a bond and to pay the following fees and costs:

- 800.1 Preliminary Plan: The Borough filing fee and the Montgomery County Planning Commission Act 247 review fee.
- 800.2 Final Plan: No fee will be charged for filing an Improvement Construction Plan or a Record Plan, unless no preliminary plan has been filed, in which case the fees established for Preliminary Plan will be charged. The subdivider, developer, or builder will be required to furnish a bond, in an amount and with such surety as shall be approved by Borough Council to guarantee the payment of:
- a. Engineering Services. The services of the Borough Engineer as provided in these rules and regulations, including plan review and inspection. In addition, all costs for other engineering and professional certification as deemed necessary.
  - b. Material and Facilities Tests. The actual cost of all drainage, water and/or material tests.
  - c. Dedication. Legal fees, advertising and other costs involved in the dedication of streets and public improvements to the Borough.

Section 801. Conditions of Acceptance.

- 801.1 Conditions. The Borough shall have no obligation to take over and make public any street or other improvement unless:
- a. The requirement improvements, utility mains and laterals, and monuments, shown on an approved plan or plans have been constructed to all requirements.
  - b. It is established to the satisfaction of Borough Council that there is a need for the improvements to be taken over and made public.
- 801.2 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 an ordinance adopted by Borough Council.
- 801.3 Guarantee. The applicant shall guarantee for a period of two (2) years from the date of the ordinance accepting

dedication, to maintain the stability of all materials and work and to promptly replace all poor or inferior materials and work and to remedy all defects in materials or workmanship, all shrinkage, settlement or other faults of any kind whatsoever arising therefrom, at his own expense, and to the satisfaction of the Borough Engineer, when notified in writing to do so by the Borough Engineer and, in order to secure the guarantee as herein required the Borough shall be assured by means of a proper guarantee in the form of a bond, with surety satisfactory to the Borough or the deposit of funds or securities in escrow in an amount equal to five (5%) percent of the completion guarantee posted by the owner with the Borough.

Section 802: Penalties. Any person, partnership, or corporation being the owner or agent of the owner of any lot, tract, parcel, building(s) or land who shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting thereon, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plan of such subdivision or land development or otherwise, or erect any building thereon, without having prepared a final plan in full compliance with the provisions of this ordinance and said plan has not been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation or the agent of any of them, responsible for such violation shall pay a fine not exceeding one thousand dollars (\$1,000) per lot, parcel, building or dwelling. All fines collected for such violations shall be paid over to the Borough of Lansdale. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

## ARTICLE IX

### Amendments; Validity; Repealer

Section 900. Amendment Procedure. The Lansdale Borough Council may, from time to time, amend, supplement, change, modify, or repeal this Ordinance by proceeding in the following manner. The Borough Council by resolution adopted at a regular or special meeting, shall fix the time and place of a public hearing on the proposed amendment and cause public notice thereof to be given as follows:

- 900.1 By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the Borough. The first notice shall not be more than thirty (30) days or less than fourteen (14) days from the date of the hearing.
- 900.2 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 in interest attending such hearing.
- 900.3 Whenever a proposed amendment affects a particular property, then there shall be posted upon said property or premises at such place or places as the Borough Council may direct, notice of said proposed amendment.

Section 901: Referral to Planning Commission. All proposed amendments before adoption shall be referred to the Borough Planning Commission, and the Montgomery County Planning Commission at least thirty (30) days prior to the public hearing, for recommendation and report, which shall not be binding.

Section 902: Validity. The provisions of this Ordinance are severable, and if any article, section, sentence, clause, part or provision thereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining articles, section sentences, clauses, parts or provisions of this Ordinance.

Section 903: Repealer. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed upon the legally effective date of this Ordinance; otherwise to remain in full force and effect.

Section 904: Saving Clause. That nothing in this Ordinance or in the Lansdale Borough Land Subdivision and Development Ordinance of 1965 as hereby amended shall be construed to affect any suit or proceeding pending in any court, or nay rights acquired, or liability incurred, or nay cause or causes of action acquired or existing under the Land Subdivision Regulations prior to this amendment; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 905. Severability Clause. It is hereby declared to be the legislative intent that: (a) If the Court of Competent jurisdiction declared any provisions of this ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this ordinance shall continue to be separately and fully effective; (b) if a court of competent jurisdiction finds the application of any provision or provisions of this Ordinance to any lot, building or structure, or tract of land to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to the person, property or situation immediately involved in the controversy, and the application of any such provision to other persons, property or situations shall not be effected.

Section 906. Hardship Clause.

(a) If any mandatory provisions of these regulations are shown by the applicant, to the satisfaction of the majority of the Borough Council present at the regular or special meeting, to be unreasonable and to cause undue hardship as they may apply to his proposed subdivision, the council may grant a variance to such applicant from such mandatory provisions, so that substantial justice may be done and the public interest secured; provided that such variance will not have the effect of nullifying the intent and purpose of these regulations.

(b) In granting variances and modifications, the Borough Council may impose such conditions as will, in its judgement, secure substantially the objective of the standards or requirements so varied or modified.

Section 907. Conflict with other Regulations. If any regulations in this Ordinance conflict with other Borough regulations, then those regulations which have the most stringent requirements shall govern.

Section 908. Effective Date. This ordinance shall take effect and be in force from and after its approval as required by law.

AMENDMENTS PAGE

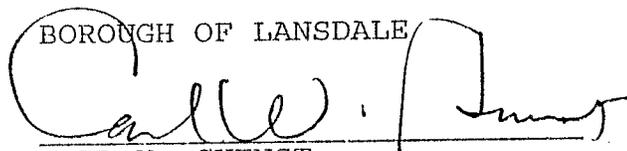
BOROUGH OF LANSDALE

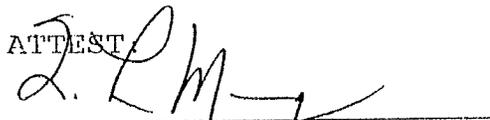
RESOLUTION 96-14

WHEREAS, the Borough of Lansdale has adopted and amended its Sub-division and Land Development Ordinance to update the provisions thereof; and,

WHEREAS, Borough of Lansdale wishes to set fees that accurately reflect increased costs in processing of Land Development and Sub-division Applications.

NOW, THEREFORE, BE IT RESOLVED this 2<sup>nd</sup> day of October, 1996, by the Borough Council of the Borough of Lansdale that the fees and costs associated with Application for Land Development and Sub-division as set forth on the attached schedule are hereby adopted.

BOROUGH OF LANSDALE  
  
CARL W. GUENST  
Council President

ATTEST  
  
F. LEE MANGAN  
Borough Secretary

FEEES

A. Residential  
General Application Fee \$ 250.00  
Per Lot or Dwelling Unit 90.00  
Escrow Amount 3,500.00

B. Non-Residential  
General Application Fee \$ 400.00  
Per Lot or Leasehold 90.00  
Escrow Amount 5,000.00

C. The Borough retains the right to recover any costs incurred for outside consultants and additional engineering review.

D. All applicants requiring legal services incident to the preparation and approval of all agreements, bonds, street dedications, right-of-ways, easements, and other legal documents including advertising of the same shall pay to Lansdale Borough the costs incurred plus a 25 percent administrative charge to cover costs of Lansdale Borough for bill processing.

A P P E N D I X

LANSDALE BOROUGH  
SUBDIVISION AND LAND DEVELOPMENT  
CHECK LIST

This form must be completed by the applicant's registered engineer or land surveyor and submitted as part of a subdivision or land development application with a Tentative Sketch Plan, Minor Subdivision Plan, Minor Land Development Plan, Preliminary Plan, Final Plan (Record Plan and Improvement Construction Plan, where applicable), Land Development Plan or Condominium Proposal. Please check the appropriate boxes below and submit with the required plan(s).

Shown      Not  
                 Applicable

I. TENTATIVE SKETCH PLAN

A. Does the Sketch Plan Show:

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Name of the subdivision or land development                             |
| _____ | _____ | 2. Name and address of the owner   |
| _____ | _____ | 3. Name and address of the engineer, surveyor<br>or architect              |
| _____ | _____ | 4. Tract boundary and location by deed plotting                            |
| _____ | _____ | 5. North point and approximate scale                                       |
| _____ | _____ | 6. A location plan showing the subject tract to<br>the surrounding network |
| _____ | _____ | 7. Existing and proposed streets and lot (or<br>building) layout           |
| _____ | _____ | 8. Significant topographic and physical features                           |
| _____ | _____ | 9. Proposals for control of drainage runoff and<br>community facilities    |

II. MINOR SUBDIVISION PLAN OR MINOR LAND DEVELOPMENT PLAN

A. Drafting Standards

- |       |       |  |
|-------|-------|--|
| _____ | _____ | 1. Scale not in excess of 1" = 50 feet, unless as<br>otherwise permitted |
| _____ | _____ | 2. Dimensions--feet and decimals   |
| _____ | _____ | 3. Bearings--minutes and seconds   |
| _____ | _____ | 4. Courses and distances of boundary line survey                         |
| _____ | _____ | 5. Sheet size: 15"x18", 18"x30", or 24"x 36"                             |
| _____ | _____ | 6. Numbered streets if more than one                                     |

B. Location and Identification--Each plan shall provide:

- |       |       |   |
|-------|-------|---|
| _____ | _____ | 1. Name of subdivision or land development  |
| _____ | _____ | 2. Name and address of subdivider, developer or<br>builder and the registered engineer or land<br>surveyor who developed the plan |
| _____ | _____ | 3. Name of municipality   |
| _____ | _____ | 4. Date of preparation of the plan  |
| _____ | _____ | 5. Scale in equation form and graphic form  |
| _____ | _____ | 6. North point  |
| _____ | _____ | 7. Drawing revision date  |

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Entire tract boundary with bearings and distances and statement of total size of tract
9. Layout and dimensions of all lots and net lot area of each
10. Note setting forth zoning and any other requirements
11. Key map relating the subdivision to at least three existing intersections
12. Legend sufficient to differentiate between existing and proposed conditions

C. Existing and Proposed Features

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1. Within 100 feet of any part of the affected land:
  - (a) Property lines, existing buildings, present use and current owners
  - (b) Existing and proposed streets and alleys
    - (1) Location
    - (2) Name
    - (3) Width (cartway and right-of-way)
  - (c) Location and size of watercourses and flood-prone areas (floodplains)
  - (d) Man-made structures or natural features, such as steep slopes (over 15%), which might affect the potential layout of lots and buildings
  - (e) Areas subject to deed restrictions or easements
  - (f) Other information requested by Borough Council

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2. Within the land to be subdivided or developed:
  - (a) Location and character of existing buildings located on the land, including the buildings to be demolished, as well as those to be retained and/or preserved
  - (b) Existing streets and alleys, if applicable
    - (1) Location
    - (2) Name
    - (3) Paving widths and curb lines
    - (4) Right-of-way
    - (5) Radii at intersections
    - (6) Street location tie-ins by courses and distances to the nearest intersection of existing and planned streets and alleys
  - (c) Location and size of watercourses and flood-prone areas (floodplains)
  - (d) Man-made structures and natural features, such as slopes over 15%, which limit the potential layout of lots and buildings, (when requested by Borough Engineer)
  - (e) Areas subject to deed restrictions or easements
  - (f) Reference to land to be dedicated or reserved for future road widening or other public or common use
  - (g) Location and size of all soil types, if requested
  - (h) On-site sewage facilities, if applicable, including documentation of approval of proposed facilities by local sewage enforcement officer

\_\_\_\_\_  
\_\_\_\_\_

- (i) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision
- (j) Other information deemed necessary by Borough Council

D. Floodprone Areas If applicable, complete Section III (E) of this form

E. Certificates

Upon approval by Borough Council, the signature of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 1. Registered engineer or surveyor attesting to accuracy of monument location and all dimensional and geodetic details
- 2. Subdivider certifying his adoption of the plan and any changes thereto
- 3. Borough Secretary certifying that Borough Council approved the plan and any changes thereto, on the date shown

III. PRELIMINARY PLAN

A. Drafting Standards

\_\_\_\_\_  
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- 1. Scale not in excess of 1" = 50 feet, unless as otherwise permitted
- 2. Dimensions--feet and decimals
- 3. Bearings--degrees, minutes, and seconds
- 4. Courses and distances of boundary line survey
- 5. Sheet size: 15"x18", 18"x30", or 24"x36"
- 6. Numbered sheets if more than one

B. Location and Identification - Each plan shall provide

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- 1. Name of subdivision or land development
- 2. Name and address of subdivider, developer or builder and the registered engineer or land surveyor who developed the plan
- 3. Name of municipality
- 4. Date of preparation of the plan
- 5. Scale in equation form and graphic form
- 6. North point
- 7. Drawing revision date
- 8. Entire tract boundary with bearings and distances and a statement of the tract size
- 9. Layout and dimensions of all lots and net lot area of each
- 10. Note setting forth zoning and any other requirements
- 11. Key map relating the subdivision to at least three existing intersections
- 12. Legend sufficient to differentiate between existing and proposed conditions

C. Existing and Proposed Features on the Land - Does the plan show:

- 1. Within 400 feet of any part of the affected land-





\_\_\_\_\_ \_\_\_\_\_  
(b) Borough Secretary certifying that Borough Council approved the plan, and any changes thereto, on the date shown

IV. FINAL PLAN - RECORD PLAN

A. Drafting Standards - Does the Final Plan:

- \_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_
1. Meet the same standards as Preliminary Plan
  2. Have sheet size 15" x 18", 18" x 30, or 24" x 36"
  3. Have lettering and lines that are legible at half-size reduction

B. Information Needed - Does the Final Plan show:

- \_\_\_\_\_ \_\_\_\_\_  
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\_\_\_\_\_ \_\_\_\_\_
1. Title, as for Preliminary Plan
  2. Courses and distances sufficient for the legal description of all the lines shown on the plan. (Error of closure shall not be greater than one part of 10,000)
  3. Name of abutting owners; names, locations, widths, and other dimensions of all streets, including center line course, distances and curve data, descriptive data of ultimate right-of-way lines
  4. Evidence that the plans are in conformity with zoning, building, sanitation and other applicable Borough ordinances and regulations (In any instance where such plans do not conform, evidence shall be presented which identifies the special exceptions or variances that must be authorized)
  5. Evidence that remainder of tract may be subdivided or developed in conformance with existing zoning classification
  6. Location, material and size of all monuments
  7. Building setback lines with distances from the ultimate right-of-way lines
  8. Restrictions in the deed affecting subdivision or development of property
  9. Location of all floodplains and steep slopes (over 15%)

C. Certificates - Does the Final Plan include:

- \_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_  
\_\_\_\_\_ \_\_\_\_\_
1. Upon approval, the signatures of:
    - (a) Registered Engineer or Surveyor attesting to accuracy of monument locations and all dimensional and geodetic details
    - (b) Subdivider, developer, or builder certifying his adoption of the plan and any changes thereto
    - (c) Borough Secretary certifying that the Borough Council approved the plan, and any changes thereto, on the date shown

V. FINAL PLAN - IMPROVEMENT CONSTRUCTION PLAN (Where applicable)

A. Drafting Standards

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\_\_\_\_\_

1. Is horizontal scale of plan and profile not in excess of 1" = 50 feet
2. Is vertical scale of profile 1" = 2, 5, or 10 feet

B. Horizontal Plan - Does the horizontal plan show:

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1. Information shown on Preliminary Plan
2. Beginning and end of proposed immediate construction
3. Station corresponding to those on profile
4. Curb elevation at tangent points of horizontal curves at street or alley intersections and at projected intersections of curb lines
5. Location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric, and other utility pipes or conduits, and storm sewers, inlets, and manholes
6. Location, type and size of curbs, and widths of paving
7. Location and species of street shade trees and location and type of fire hydrants and street lights

C. Profile Plan - Does this profile plan show:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Profiles and elevations along the centerline of proposed streets or building setback lines
2. Profiles of sanitary sewer with a profile over the sewer of the present and finished ground surface showing manhole locations with stations beginning at the lowest manhole
3. Profile of all storm sewers showing manhole and inlet locations

D. Cross Section - Does the typical cross section show:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1. Ultimate right-of-way width and location and width of paving within the ultimate right-of-way
2. Type, depth, and crown of paving
3. Type and size of curb
4. Location, width, and type and thickness of sidewalks
5. Typical location, size and depth of sewers and utilities

VI. LAND DEVELOPMENT PLAN

- A. In addition to the above requirements, minor and regular land development plans shall be required to show the following information:

\_\_\_\_\_

1. All covenants related to use

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2. Man-made structures for the use of two or more prospective occupants
3. Lot size, floor area or gross leasable area, as applicable
4. Zoning classification and applicable standards with which compliance is necessary for granting final approval
5. Density and/or intensity of use, including bedroom mix, if applicable
6. Total building coverage and area of tract devoted to each use or groups of uses
7. Location and placement of accessory structures and facilities
8. All roads, pedestrian ways and parking facilities (including the number of parking spaces).
9. The areas of common open space and/or recreational facilities
10. General location of all proposed uses and activities
11. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon

VII. COMDOMINIUMS

A. Does the Declaration include:

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1. A reference to the Unit Property Act and an expression of the intention to submit the property to the provisions of the Unit Property Act
2. A description of the land and building
3. The name by which the property will be known
4. A statement that the property is to consist of units and common elements as shown in the Declaration Plan
5. A description of the common elements and the proportional undivided interest, expressed as a percentage, assigned to each unit
6. A statement that the proportionate undivided interest in the common elements may be altered by recording an amendment executed by all unit owners affected
7. A statement of the purposes or uses for which each unit is intended and restrictions, if any, as to use
8. The names of the first members of the Council

B. Does the Declaration Plan include:

\_\_\_\_\_  
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\_\_\_\_\_

1. One copy (24" x 36") on linen or mylar drafting film and four (4) paper prints
2. A map showing the property and the location of the building(s)
3. A map of the building and the layout of the floors, including the units and the common elements
4. The name of the property
5. The unit designation of each unit
6. A certified statement of a registered architect or licensed professional engineer certifying that the plan fully and accurately sets forth the above



Approved by Borough Council of the Borough of Lansdale and enacted into an ordinance  
this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

By: \_\_\_\_\_  
Chairman

Attest:

\_\_\_\_\_  
Secretary

ORDINANCE NO. 1584

AN ORDINANCE OF THE BOROUGH OF LANSDALE AMENDING THE LAND DEVELOPMENT SUBDIVISION ORDINANCE NO. 1226 TO CHANGE DEFINITIONS AND MODIFY PROCEDURES AND REQUIREMENTS AND TO BRING SAID ORDINANCE INTO CONFORMITY WITH THE PENNSYLVANIA MUNICIPALITIES PLANNING CODE AND THE ZONING CODE OF THE BOROUGH OF LANSDALE.

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Lansdale an Ordinance amending the Land Development Subdivision Ordinance as follows:

SECTION 1.

Article 2, Section 201 - Definition of Terms shall be changed as follows:

Subsection 201.6 shall be amended to read:

201.6 Anchoring - Every mobile home shall be anchored to the mobile home stand where it is located prior to the unit being occupied or used in any way. The anchorage shall be provided by eyelets embedded in the concrete with adequate anchor plates or hooks, or other suitable means. The anchorage shall be adequate to withstand wind forces and uplift, in accordance with local and state building codes for buildings and structures, based upon the size and weight of the units. Ground anchors shall not be permitted.

201.23 shall be amended to add the following:

Community Association - A Homeowner's Association or other entity who shall manage the business operation and affairs of a condominium property on behalf of the unit owners. (Size to be stated in Code of Regulations for the property)

Subsection 201.23 shall be redesignated 201.24.

Subsection 201.24 shall be redesignated 201.25.

Subsection 201.25 shall be redesignated 201.26.

Subsection 201.26 shall be redesignated 201.27.

Subsection 201.27 shall be redesignated 201.28.

Subsection 201.28 shall be redesignated 201.29.

Subsection 201.30 shall be redesignated 201.31.

Subsection 201.31 shall be redesignated 201.32.

Subsection 201.32 shall be redesignated 201.33.

Subsection 201.33 shall be redesignated 201.34.

Subsection 201.34 shall be redesignated 201.35.

Subsection 201.36 shall be amended to add the following definition:

Design Storm - The magnitude of precipitation for a storm event measured in the probability of occurrence (i.e.: 100-year storm) and duration (i.e.: 24 hours) and used in designing the stormwater management system.

Subsection 201.37 shall be amended to add the following definition:

Detention Facility - A system of control structures and storage areas (i.e.: basin) designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a pre-determined rate.

Subsection 201.38 shall be amended to add the following definition:

Developable Acre - That portion of a tract of land excluding the existing Rights-of-Way, existing public streets, and flood plains as defined in the Borough of Lansdale Zoning Ordinance 1393, Article XXIX.

Subsection 201.35 shall be redesignated 201.39.

Subsection 201.36 will be redesignated 201.40.

Subsection 201.37 shall be redesignated 201.41.

Subsection 201.38 will be redesignated 201.42.

Subsection 201.43 shall be amended to add the following definition:

Drainage Facility - A ditch, gutter, swale, culvert, basin, storm sewer or other structure designed, intended or constructed for the purpose of conveying, diverting or controlling surface water or ground water.

Subsection 201.39 shall be redesignated 201.44.

Subsection 201.40 will be redesignated 201.45.

Subsection 201.41 shall be redesignated 201.46.

Subsection 201.42 will be redesignated 201.47.

Subsection 201.43 shall be redesignated 201.48.

Subsection 201.44 will be redesignated 201.49.

Subsection 201.45 shall be redesignated 201.50.

Subsection 201.46 will be redesignated 201.51.

Subsection 201.47 shall be redesignated 201.52.

Subsection 201.48 will be redesignated 201.53.

Subsection 201.49 shall be redesignated 201.54.

Subsection 201.50 will be redesignated 201.55.

Subsection 201.51 shall be redesignated 201.56.

Subsection 201.52 will be redesignated 201.57

Subsection 201.53 shall be redesignated 201.58

Subsection 201.54 will be redesignated 201.59

Subsection 201.55 will be redesignated 201.60 and shall be amended to read as follows:

Height - The vertical distance measured from the elevation of the proposed finished grade at the front of the building to the highest point of the roof as further defined below:

- A. Flat roof: Highest point measurable
- B. Mansard roof: Deckline
- C. Gable, hip, gambrel: Ridgeline
- D. For a building with two or more roof heights, to the higher roof
- E. Chimneys, spires, towers, mechanical penthouses, tanks, communication antennae and similar structures shall not be included in calculating the height.

Subsection 201.56 will be redesignated 201.61.

Subsection 201.57 shall be redesignated 201.62 and amended to read as follows:

Improvement - The physical additions, installations, and changes required to render land suitable for the use proposed including but not limited to streets, curbs, sidewalks, utilities and drainage facilities.

Subsection 201.58 shall be redesignated 201.63 and amended to read as follows:

Land Development - (i). The improvement of two or more contiguous lots, tracts or parcels of land for any purpose involving (A) 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 (B) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, lease-holds, condominiums, building groups or other features; (ii) A division of land.

Subsection 201.59 shall be redesignated 201.64.

Subsection 201.65 shall be added and shall read:

Legal Right-of-Way - The street right-of-way legally in the public domain at the time a development plan is submitted.

Subsection 201.60 shall be redesignated 201.66 and shall be amended to read as follows:

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

Subsection 201.61 shall be redesignated 201.67.

Subsection 201.62 will be redesignated 201.68 and shall be amended to read as follows:

Mobile Home - A single-family detached dwelling intended for permanent occupancy, which complies with local and state building codes, and appropriate federal agencies, and is certified by said agencies; contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so it can be attached to a mobile home stand.

Subsection 201.69 shall be added to read:

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

Subsection 201.70 shall be added to read:

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.

Subsection 201.63 shall be redesignated 201.71 and shall be amended to read as follows:

Mobile Home Stand - A permanent foundation designed and constructed to comply with the requirements of Lansdale Borough Building Ordinances and in all cases the foundation shall extend below the frost line.

Subsection 201.64 shall be redesignated 201.72.

Subsection 201.65 will be redesignated 201.73.

Subsection 201.66 shall be redesignated 201.74.

Subsection 201.67 will be redesignated 201.75.

Subsection 201.68 will be redesignated 201.76.

Subsection 201.69 shall be redesignated 201.77.

Subsection 201.70 will be redesignated 201.78.

Subsection 201.71 shall be redesignated 201.79.

Subsection 201.72 will be redesignated 201.80.

Subsection 201.73 will be redesignated 201.81.

Subsection 201.74 shall be redesignated 201.82.

Subsection 201.75 will be redesignated 201.83.

Subsection 201.76 will be redesignated 201.84.

Subsection 201.77 will be redesignated 201.85 and shall be amended to read as follows:

Public Notice - Notice published once a week for two successive weeks in a newspaper of general circulation in the Municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Subsection 201.78 will be redesignated 201.86.

Subsection 201.87 shall be added to read as follows:

Retention Basin - A basin designed to retain stormwater run-off so that a permanent pool is established.

Subsection 201.79 will be redesignated 201.88.

Subsection 201.80 will be redesignated 201.89.

Subsection 201.81 shall be redesignated 201.90.

Subsection 201.82 will be redesignated 201.91.

Subsection 201.83 will be redesignated 201.92.

Subsection 201.84 shall be redesignated 201.93.

Subsection 201.85 will be redesignated 201.94.

Subsection 201.95 shall be added to read as follows:

Skirting - All mobile homes shall require perimeter enclosure of a material suitable for exterior exposure and contact with the ground. The enclosure shall be installed in accordance with the manufacturer's installation instructions and be adequately secured to assure stability, to minimize vibration and susceptibility to wind damage, and to compensate for possible frost heave.

Subsection 201.86 will be redesignated 201.96.

Subsection 201.87 shall be redesignated 201.97.

Subsection 201.88 will be redesignated 201.98.

Subsection 201.89 will be redesignated 201.99.

Subsection 201.90 shall be redesignated 201.100.

Subsection 201.91 will be redesignated 201.101.

Subsection 201.92 will be redesignated 201.102.

Subsection 201.93 shall be redesignated 201.103.

Subsection 201.94 will be redesignated 201.104.

Subsection 201.95 will be redesignated 201.105.

Subsection 201.96 shall be redesignated 201.106.

Subsection 201.97 will be redesignated 201.107.

Subsection 201.98 will be redesignated 201.108.

Subsection 201.99 shall be redesignated 201.109.

Subsection 201.100 will be redesignated 201.110.

Subsection 201.101 will be redesignated 201.111.

Subsection 201.112 shall be added to read as follows:

Surveyor - A licensed surveyor registered as such in the Commonwealth of Pennsylvania.

Subsection 201.102 shall be redesignated 201.113.

Subsection 201.103 will be redesignated 201.114.

Subsection 201.104 shall be redesignated 201.115.

Subsection 201.105 will be redesignated 201.116.

Subsection 201.106 shall be redesignated 201.117 and shall be amended to read as follows:

Ultimate Right-of-Way - The street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes, according to the Borough Comprehensive Plan. The ultimate right-of-way is the legal right of way where it has been offered for dedication and accepted by the Borough.

Subsection 201.107 will be redesignated 201.118.

Subsection 201.108 shall be redesignated 201.119.

Subsection 201.109 will be redesignated 201.120.

Subsection 201.110 will be redesignated 201.121.

Subsection 201.122 shall be added to read as follows:

Wetlands - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas. The term also includes but is not limited to wetland areas listed in the State Water Plan, the United States Fish and Wildlife Service Wetlands Inventory of Pennsylvania, the Pennsylvania Coastal Zone Management Plan and a wetland area designated by a river basin commission.

Subsection 201.123 shall be added to read as follows:

Wetlands Delineation - The process by which wetland limits are determined. Wetlands must be delineated by a qualified specialist according to the 1989 Federal Manuals (as amended) for the Delineation of Jurisdictional Wetlands (whichever is greater) or according to any subsequent Federal or State regulation.

Qualified specialist shall include those persons being Certified Professional Soil Scientists as registered with Registry of Certified Professionals in Agronomy Crops and Soils (ARCPACS); or as contained on consultant's list of Pennsylvania Association of Professional Soil Scientists (NSCSS); or as certified by State and/or Federal certification programs; or by a qualified Biologist/Ecologist.

Subsection 201.111 will be redesignated 201.124.

Article 3, Section 303.7(a) shall be amended to read as follows:

The signature of the registered Surveyor certifying that the plan represents a survey made by him; that the monuments shown thereon exist as located; and that the dimensional and geodetic details are correct.

Article 3, Section 304.3(b)(12) shall be amended to read as follows:

The extent of wetlands and soil types with their limitations based upon the Soil Survey of Montgomery County Pennsylvania published, April, 1978, by the Soils Conservation Service, United States Department of Agriculture.

Article 3, Section 304.5(D) shall be amended to read as follows:

A copy of all plans for new construction in flood plain 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).

Article 3, Section 305.1(C)(1) shall be amended to read as follows:

The signature of the registered Surveyor certifying that the plan represents a survey made by him; that the monuments shown thereon exist as located; and that the dimensional and geodetic details are correct.

Article 3, Section 305.1(c)(3) shall be amended to read as follows:

The signature of the Borough President and Borough Secretary, certifying that the Borough Council approved the plan on the date shown.

Article 3, Section 306.1(D)(2)(g) shall be amended to read as follows:

Location and extent of wetlands and of all soil types and their limitations as shown in the soil survey.

Article 3, Section 306.1(G)(1) shall be amended to read as follows:

The signature of the registered Surveyor certifying that the plan represents a survey made by him; that the monuments shown thereon exist as located; and the dimensional and geodetic details are correct.

Article 3, Section 307.2 shall be amended to read as follows:

An applicant shall submit not less than seventeen (17) copies of each plan to the Borough Code Enforcement Officer.

Article 3, Section 307.9(B)(1) shall be amended to read as follows:

See attached fee schedule.

Article 3, Section 307.9(D)(1) through (8) shall be amended to read as follows:

1. Borough Planning Commission
2. Montgomery County Planning Commission, along with appropriate fee.
3. Borough Engineer
4. Borough Solicitor
5. Borough Fire Marshall
6. Director of Utilities
7. Code Enforcement & Land Planning Committee Members
8. Director of Code Enforcement

Article 3, Section 307.9(E) shall be amended to read as follows:

Application for approval of a Subdivision or Land Development Plan shall be placed on the agenda of the next Borough Planning Commission meeting following formal submission of the application, provided that the application, plans and reports are submitted at least twenty-eight (28) days prior to the meeting. This shall apply to formal Sketch, Preliminary and Final Plan submission.

Article 3, Section 307.9(I) shall be amended to read as follows:

Approval will be effective for a period of five (5) years, unless extended by Council. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of preliminary approval. 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 five (5) years from such approval.

Article 4, Section 400.7 shall be amended to read as follows:

Floodplain land shall not be subdivided or developed except in accordance with the Flood Plain regulations set forth in the Borough's Zoning Ordinance and Section 414.

Article 4, Section 400.8 shall be amended to read as follows:

Improvement construction requirements will be completed under specification 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 included herein. In the event of conflict, the specifications contained in this Ordinance shall govern.

Article 4, Section 401 shall be amended to read as follows:

Recommendation by Planning Commission. The standards of design in this article should be used to judge the adequacy of subdivision proposals. When the literal compliance with mandatory provisions is shown to the satisfaction of the Planning Commission or Borough Council, to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results, the Planning Commission may recommend to Borough Council such reasonable modifications as will not be contrary to the public interest.

Article 4, Section 402.2A shall be amended to read as follows:

Sight Distance - For all streets, sight distance shall be measured in accordance with Pennsylvania Code, Title 67, Chapter 441. A sight distance equal to the safe stopping sight distance (SSSD) as defined in Chapter 441 or 200 feet whichever is larger shall be maintained.

Article 4, Section 402.3(E) shall be amended to read as follows:

A single access street will not be approved when a through street is practicable. The developer or subdivider shall have the burden of showing the impracticability of the through street in order to justify a single access street.

Single access streets shall be served by an appropriately located and designed emergency accessway when required by Borough Council.

Any street which is served by only one intersection with a through street shall be considered a single-access street, regardless of the street's configuration with the proposed subdivision or land development. Included in this classification of streets are:

1. Cul-de-sac streets (temporary and permanent)
2. Multiple cul-de-sac streets
3. Single-access loop streets
4. Stub or dead-end streets

Article 4, Section 402.3(F) shall be amended to read as follows:

When it is proposed that a street be constructed to an abutting property line with the intention that such a street will be extended onto the property at a future date, a temporary circular turnabout shall be built, wholly within the right-of-way. The right-of-way whether permanent or temporary shall have a minimum radius of fifty (50) feet, and the cartway of the turnabout shall have a radius of forty (40) feet.

Upon extension of the street, the full rights and responsibilities for the area of the temporary easements shall revert to the owners of the lots on which they are located. The developer responsible for extension of the street shall be responsible for the following:

1. Removal of all curbing and paving of the temporary turn-around beyond the width of the street's cartway.
2. Installation of new sidewalk, curbing and cartway paving to complete the street connection.
3. Grading, installation and/or restoration of lawn areas where affected by this removal and construction process.

Article 4, Section 403.3(B) shall be amended to read as follows:

At no time shall angle or perpendicular parking along the curbs of local, public or private access roads or streets be permitted except where permitted by Borough Ordinance. Parking along driveways that serve as access to parking areas with a capacity of 50 cars or more, or to parking areas with a smaller capacity but a high rate of turnover, shall not be permitted. All parking lots and bays allowing any parking other than parallel shall be physically separated from the cartway by a minimum of

ten (10) feet and confined by barrier curbing.

Article 4, Section 403.3(D) shall be amended to read as follows:

No less than twenty-five (25) feet of open space shall be provided between the curb line of any parking area and the exterior wall of a building or structure of a residential use.

Article 4, Section 403.3(E) shall be amended to read as follows:

No parking shall be permitted within ten (10) feet of any property line, therefore providing a sufficient buffer area which shall include a planting screen as required in this Ordinance.

With regards to common parking areas of single-family attached dwellings a buffer of two (2) feet is permitted along the rear property line. Fencing sufficient to screen the common parking area and the adjacent property shall be provided.

Article 4, Section 403.3(G) shall be amended to read as follows:

Parking stall dimensions shall be not less than nine (9) feet in width and eighteen (18) feet in depth. Ten (10) percent of the total stall area may be maintained in grass, provided that such grass area shall be separated from the paved area by a suitable car wheel stop or bumper, the same to be approved by the Borough Engineer.

Article 4, Section 403.3(I) shall be amended to read as follows:

Dead-end parking lots in excess of 30 parking spaces shall be designed to provide sufficient turnaround area. In addition, the turnaround area shall be striped and signed for "No Parking".

Article 4, Section 403.3(K) shall be amended to read as follows:

Parking lot dimensions shall be no less than those listed in the following table:

<u>Angle of Parking</u>	<u>Parking Depth</u>	<u>Stall Width</u>	<u>Aisle Width</u>
90	18	9	24'
60	18	9	24'
45	18	9	24'

Article 4, Section 403.3(L) shall be amended to read as follows:

No less than five (5) feet of open space shall be provided between the curblineline of any parking area and outside wall of any non-residential buildings. Said open space shall be used for pedestrian access to the buildings if other walkways or sidewalks are not provided.

Article 4, Section 407.4 shall be added to read as follows:

Historical or culturally significant buildings shall retain their respective characters, to the greatest extent practical.

Article 4, Section 409 shall be amended to read as follows:

Drainage: Stormwater drainage facilities should be designed to convey stormwater runoff in a safe manner. The stormwater works must ensure proper drainage from roadways and away from buildings. All development shall limit the rate of runoff so that the rate of runoff after development does not exceed the rate of runoff from the subject site prior to the development during comparable design storms with return frequencies of 2-, 5-, 10-, 25-, 50- and 100-years.

Article 4, Section 409.7 shall be amended to read as follows:

When submitting a plan for approval, the designer shall use the following methodology to analyze stormwater runoff:

- A. Stormwater runoff from all development sites shall be calculated using either the Rational Method or the soil cover complex method.
- B. Design of any detention device or system intended to meet the requirements of this ordinance shall be verified by routing the design storm hydrographs through the proposed system.
- C. All calculations using the soil complex method shall use the Soil Conservation Service (SCS) Type II-24 hour rainfall distribution.
- D. All calculations using the Rational Method shall use rainfall intensities consistent with the appropriate times of concentration and return periods using the Intensity-Duration-Frequency Curves prepared by the Pennsylvania Department of Transportation.

- E. All stormwater runoff and flood plain runoff calculations and design of stormwater management facilities shall be prepared by a registered Professional Engineer licensed in the Commonwealth of Pennsylvania.
- F. Any alternate rainfall data, runoff models or methodology must be submitted to the Borough with all supporting documentation for approval prior to use.
- G. All property located within the Neshaminy Creek watershed shall comply with the Neshaminy Watershed Stormwater Management Plan of 1992, as follows:  
"Post-development run-off volume generated from the 1-year, 23-hour design storm must be controlled so that it is released over a minimum of twenty-four (24) hours".

Article 4, Section 409.10 shall be amended to read as follows:

Dedication - Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the subdivider, developer, or builder, shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge of drainage and for carrying off of such water for the maintenance, repair and reconstruction of the same, including the right of passage by vehicles, machinery and other equipment for such purposes and which shall be of sufficient width for such passage and work. The subdivider, developer, or builder, shall convey at no cost, the easement to the Borough upon demand. Further, the subdivider, developer, or builder shall indemnify and/or hold harmless the Borough and its agents against any claim of damage from any downstream property owners that may result from the proposed development.

Article 4, Section 409.11(A) shall be amended to read as follows:

Storm Drains, Storm and Surface Drainage - All storm drains and drainage facilities such as gutters, catch basins, bridges and culverts shall be installed and the land graded for adequate drainage as shown on the Grading Plan and shall conform to applicable Borough standards. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands, without proper and approved provisions being made for taking care of these conditions.

Article 4, Section 409.11(D) shall be amended to read as follows:

Size and Grade. Storm drain shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning. They shall have a minimum internal diameter of fifteen (15) inches and a minimum grade of 0.5 percent (1/2 of 1%) unless otherwise approved by the Borough Engineer. The design storm for storm drains shall be the 10-year storm with the appropriate Time of Concentration, without any pressure flow. The system performance shall be analyzed for the 25 year frequency design storm identifying any runs that function under pressure flow conditions. In case of storm-water conveyance systems that are part of the detention collection network, the system must be capable of conveying the 100-year flows to the detention facility. Culverts crossing any road shall use a design storm frequency of 25-years.

Article 4, Section 409.11(E) shall be amended to read as follows:

Change in Direction. Abrupt changes in alignment must be effected by installation of manholes. For short runs with slight deviation in alignment special curved storm drain sections may be used in lieu of a manhole after Borough review and approval.

Article 4, Section 409.11(G) shall be amended to read as follows:

Inlets - Inlet spacing shall be so arranged that ninety-five (95%) percent of the gutter flow will be captured. No inlet smaller than Pennsylvania Department of Transportation Type "C" (4 foot) shall be used on streets with grades of four (4%) percent or less. Pennsylvania Department of Transportation Design Manual Procedures shall be used to analyze inlet capacity. Vane grates shall be installed on inlets proposed to be used on streets with grades of more than four (4%) percent. 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 divert the water into the inlet.

Article 4, Section 409.11(J) shall be amended to read as follows:

Unnatural Drainage - Wherever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners should be obtained in writing and a copy filed with the Borough Secretary. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties. The subdivider, developer, and/or builder shall indemnify and/or hold harmless the Borough and its agents, against any claim of damage from any downstream property owners that may result from proposed development.

Article 4, Section 409.11(L) shall be added to read as follows:

Stormwater Runoff Detention Facilities - Detention facilities shall be designed with the following requirements:

1. The detention facilities shall be designed to retard the stormwater runoff rates after development as specified in Section 409.
2. Spillways shall be provided for possible overflows, such spillways shall be adequately protected from erosion. The spillway shall be designed to convey the 100-year storm flow.
3. The outlet structure shall provide for complete drainage of all detained water, unless the retention and permanent ponding of water has been approved.
4. All stormwater basins and related facilities shall be landscaped in accordance with Article IV, Section 420.6.
5. All basin bottoms shall be designed with a minimum grade of two percent (2%) unless a concrete low flow channel is provided. In that case, the grade to the low flow channel shall not be less than two percent (2%) with the slope of the channel being no less than one-half of one percent (0.5%). Low flow channels shall be constructed with Class "AA" 3750 pound per square inch portland cement concrete, 4-inches in depth placed on a minimum of 4-inches of PaDOT 2B stone. The channels shall be four (4) feet wide parabolic channels with a minimum depth of two (2) inches.
6. Basins shall be designed to avoid the need for safety fencing. Upon review of the basin design the Borough shall determine if fencing will not be required. Fencing shall be at least four (4) feet high.
7. The basin shall be designed with an access area at least 10 foot wide and slope not exceeding 10:1 for maintenance equipment to reach the basin floor. The access shall coincide with the gate area of required fencing.
8. Landscaping subject to Borough approval shall be installed to screen and buffer the basin from adjoining areas.

9. Basin outlet piping must have a minimum of one (1) anti-seep collar. Collars must not be installed within two (2) feet of pipe joints and must project a minimum of (2) feet around the pipe perimeter. Maximum collar spacing is fourteen (14) times the design projection around the perimeter.
10. Basin berm embankment shall be constructed according to the following standards:
  - a. Site Preparation - Areas under the embankment and any structural works shall be cleared, grubbed and the topsoil stripped to remove the trees, vegetation, roots or other objectionable material. In order to facilitate clean-out and restoration, the pool area will be cleared of all brush and excess trees.
  - b. Cut-off trench - A cut-off trench will be excavated along the centerline dam on earth fill embankments. The minimum depth shall be 2 feet. The cut-off trench shall extend up both abutments to the riser crest elevation. The minimum bottom width shall be 8 feet but wide enough to permit operation of compaction equipment. The side slopes shall be no steeper than 1:1. Compaction requirement shall be the same as those for embankment. The trench shall be kept free from standing water during the backfilling operations.
  - c. Embankment - The fill material shall be taken from selected borrow areas. It shall be free of roots, woody vegetation, oversized stones, rocks or other objectionable material. Areas on which fill is to be placed shall be scarified prior to placement of fill.
  - d. The fill material should contain sufficient moisture so that it can be formed by hand into a ball without crumbling. If water can be squeezed out of the ball, it is too wet for proper compaction.
  - e. Fill material will be placed in 6 to 8 inch layers and shall be continuous over the entire length of the fill. Compaction will be obtained by routing earthmoving equipment and vibratory roller compactors over the fill so that the entire surface of the fill is traversed by at least one tread track of the equipment and compactor drum. The embankment shall be constructed to an

elevation of 5% higher than the design height to allow for settlement, if compaction is obtained with hauling equipment.

Article 4, Section 409.12(A) shall be amended to read as follows:

All plans showing the proposed storm sewer construction must be accompanied by a complete design submitted by the registered Professional Engineer licensed in the Commonwealth of Pennsylvania.

Article 4, Section 415.1 shall be amended to read as follows:

Any development which creates a significant change in the characteristics of the watershed, thus increasing volume and velocity of surface water runoff, due to the decrease in retention and infiltration of stormwater, shall not be permitted until guarantees are made of improvements that will reduce the likelihood of erosion, sedimentation, inundation, and water drainage from peak periods of precipitation and provide for controlled disposal of excess surface water. Such improvements must satisfy the requirements of the State Department of Environmental Protection (PADEP). All required PADEP Permits must be obtained prior to Final Plan approval.

Article 4, Section 416.4 shall be amended to read as follows:

Performance Principles - The Erosion Control Plan and Narrative shall strictly conform to the standards and specifications of the Montgomery County Conservation District and the Pennsylvania Department of Environmental Protection. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the Control Plan.

Article 4, Section 416.7(A) shall be amended to read as follows:

Stream channel construction on watersheds with drainage areas in excess of 320 acres, or in those cases where downstream hazards exist, will conform to criteria established by the Pennsylvania Department of Environmental Protection.

Article 4, Section 417.2 shall be amended to read as follows:

Approval of the Department of Environmental Protection is required when the area drained upstream of the point under consideration exceeds an area of one-half square mile.

Article 4, Section 421 shall be amended to read as follows:

Open Space Areas and Community Assets. Whenever practicable, provision shall be made for suitable open space for parks, playgrounds, and recreational facilities and areas. In commercial areas, provision shall be made for suitable open space for walkways (connecting parking facilities with commercial structures), malls, sitting areas, etc. Due consideration shall be given to the preservation of natural features, including large trees, groves, waterways, scenic areas, historical buildings or areas, and other amenity areas. Perennial watercourses and ponds shall be preserved and maintained for a distance of fifteen (15) feet from the edge of the banks.

SECTION 2. Validity.

The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

SECTION 3. Repealer.

Any Ordinance or part of Ordinance conflicting with the provisions of this ordinance be, and the same is hereby repealed, insofar as the same affects this ordinance.

SECTION 4. Severability Clause.

Should any section, paragraph, sentence, clause or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect, and for this reason the provisions of this Ordinance shall be severable.

Acted and ordained this 2<sup>nd</sup> day of October, 1996, to be effective immediately.

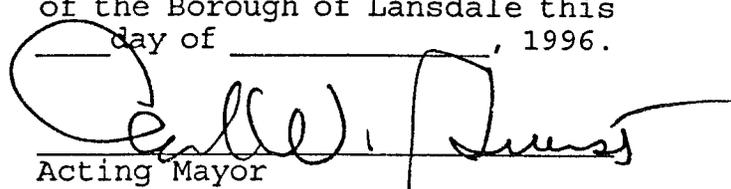
Attest:

  
Borough Secretary

BOROUGH OF LANSDALE

  
Council Vice-President

APPROVED by the Acting Mayor  
of the Borough of Lansdale this  
day of \_\_\_\_\_, 1996.

  
Acting Mayor

**LANSDALE BOROUGH**

**ORDINANCE No. 1709**

**AN ORDINANCE AMENDING THE LANSDALE  
BOROUGH ZONING ORDINANCE, ZONING MAP, AND  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**WHEREAS**, the Borough Council ("Council") of the Borough of Lansdale is desirous of amending its Zoning Ordinance and Subdivision and Land Development Ordinance to ensure the continued protection of the health safety and welfare of the Borough; and

**WHEREAS**, the Council is desirous of amending its Zoning Ordinance and Subdivision and Land Development Ordinance to create and establish and provide regulations for a new district entitled Professional Office and Specialty Restaurant Conservation (POSRC) Overlay District; and

**WHEREAS**, the Council is desirous of amending its Zoning Map by adding the Overlay Zoning District of a portion of the Borough of Lansdale along Broad and Main Streets so that said area is within the newly created POSRC Overlay District; and

**WHEREAS**, the Council determined that the following amendments to the Zoning Ordinance and Subdivision and Land Development Ordinance and the creation of the POSRC Overlay District and the amendment of the Zoning Map to include the new zoning district are consistent with the intent and purpose of the Lansdale Borough Comprehensive Plan and the requirements of the Pennsylvania Municipalities Planning Code.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED AND IT IS HEREBY ENACTED AND ORDAINED** by the Borough Council of the Borough of Lansdale that the Zoning Ordinance, Zoning Map, and Subdivision and Land Development Ordinance of Borough of Lansdale be amended as follows:

**Section 1.** Zoning Ordinance -- Section 122-2303 Nonconformities; Extension.  
Section 122-2303 should be rewritten to read as follows:

**§ 122-2303. Extension.**

Any lawful nonconforming structure, nonconforming lot, or nonconforming use, or a portion thereof may be expanded, provided:

- (a) The proposed expansion shall take place only upon the lot held in single and separate ownership as existed on the date the use became nonconforming. The nonconforming use, lot or structure shall be prohibited from encroaching upon another parcel of land subsequently added to the original parcel.
- (b) If no structural alterations are proposed, the area of such use shall be permitted by right so long as the expansion is not greater than 25% of the area of the use as it existed on the date it became nonconforming.
- (c) If structural alterations are required, said expansion shall be permitted by right so long as the extent of the total expansion does not exceed an additional 25% of the nonconforming floor area or surface area of the use as it existed on the date it became nonconforming, and only when the expansion complies with all other applicable provisions of this section and the underlying zoning district.
- (d) Except as provided above, any and all expansion of a nonconforming use or addition to a nonconforming structure, including additional stories, shall conform to all height, area, width, yard and coverage requirements for the district in which said use or structure is located. A structure which is nonconforming in terms of height shall

not be extended to increase the height. A structure which is nonconforming in terms of side yard can be expanded to the depth of one nonconforming side yard so long as the other side yard related to the expansion complies with the requirements for the district in which the structure is located.

(e) Permission to extend a nonconforming use as described in this Article shall not be construed to mean that a new use or uses may be established.

(f) Structures or land uses that have reached their maximum expansion allowance under previous ordinances are not eligible for additional expansions under the provisions of this Chapter.

**Section 2.** Zoning Ordinance -- Article XXI, Fences, shall be rewritten to read as follows:

## **ARTICLE XXI Fences**

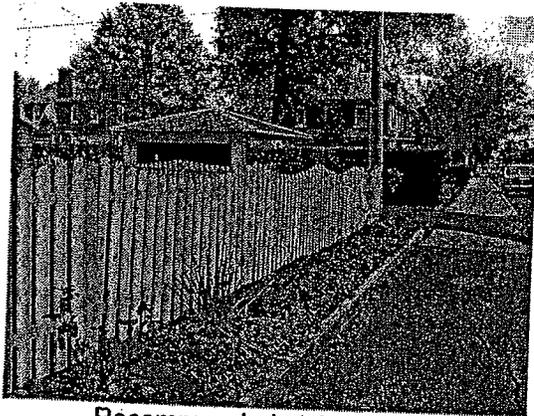
### **§ 122-2100. Applicability.**

The requirements of this Article shall apply to residential districts or areas wherein a residential building is permitted.

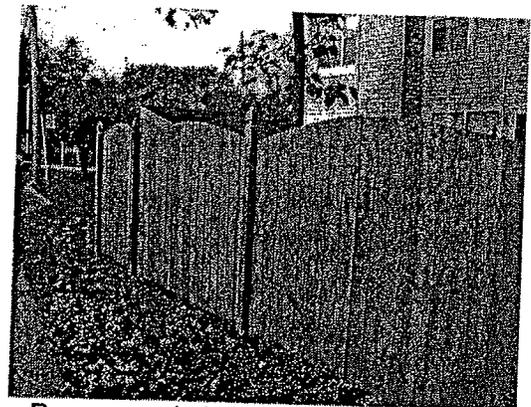
### **§ 122-2101. General restrictions.**

- (A) No fence, except a wall of a building, permitted under the terms of this Article, shall be permitted that is over 6 feet in height, unless that portion of the fence which exceeds 6 feet in height shall be non-opaque, and the total height of the fence may not exceed 8 feet.
- (B) All fences shall be erected with the finished side of the fence facing adjacent properties or streets. The finished side shall be considered the side without the structural supporting members.

- (C) Fences shall be installed and maintained so that they are straight and do not sag or lean.
- (D) Fences shall be erected only at the natural grade of the property and shall not be erected on berms or artificial mounds.
- (E) Vertical members of a picket fence shall not be placed more than 4 inches apart.
- (F) Fences shall maintain proper sight lines at all intersection of streets according to the standards of the Subdivision and Land Development Ordinance.
- (G) Fences shall be a minimum of 2 feet from sidewalks and alleys, and a minimum of 10 feet from the curb of a street, with the sidewalk located between the fence and the street.
- (H) Fences shall be constructed of materials that are natural looking in appearance with either a painted or natural finish. Fencing which is exclusively wire fencing is prohibited. Examples of recommended styles are as follows:



Recommended style.

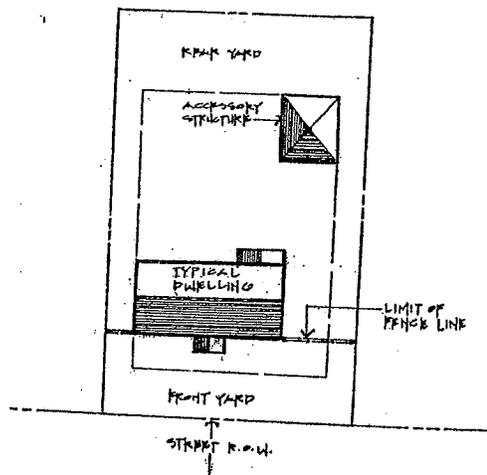


Recommended style.

**§ 122-2102. Front yard fence requirements.**

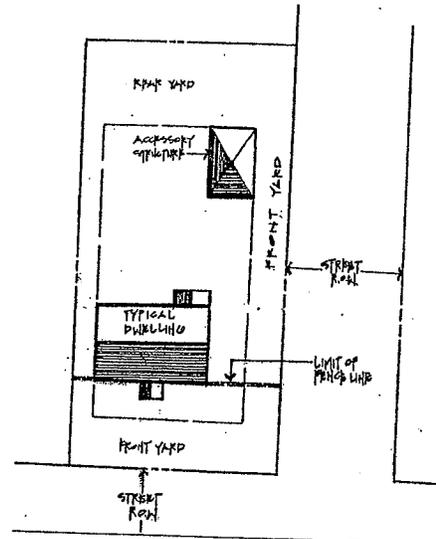
- (A) Between the front wall of the principal building on a lot and the property's rear lot line a fence may be constructed in accordance with the general restrictions of this Article. (See Illustrations A & B detailing this area below.)

**Illustration A**



**Typical Borough Lot**

**Illustration B**



**Corner Borough Lot**

- (B) Outside of the area designated in Section 122-2102.A above, no fence of any type shall be erected on a lot.
- (C) Where no building has been erected on a lot, no fence of any type shall be erected within the front yard setback area specified in this chapter.
- (D) Notwithstanding any of the foregoing provisions, an architectural fence may be erected in the front yard areas of a lot on the property corners, at the sides of dwellings or at the front porch or entrance. Each section of an architectural fence making a corner shall not be more than 10 feet in length, and the total length of the fence shall not be more than 20 feet. In no event shall the total length of an architectural fence along the frontage of the

property exceed 25% of the total frontage of the property. Architectural fences shall contain openings therein equal to 75% or more of the total area of the fence, and the highest point of such fences shall not be more than 4 feet above the existing grade.

**§ 122-2103. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

- (A) NON-OPAQUE - When the through visibility at right angles to any surface of a structure has not been reduced by more than 50 percent by the construction of the structure it shall be considered non-opaque.
- (B) ARCHITECTURAL FENCE – A fence which is primarily designed for purposes of decoration and ornamentation rather than for purposes of enclosure of space.

**Section 3.** Zoning Ordinance -- Section 122-2002, Driveway Specifications should be amended to read as follows:

**§ 122-2002. Driveway specifications.**

- (A) Single-family-dwelling driveways. Driveways shall not be less than 10 feet wide.
- (B) Single-family attached dwellings. Driveways shall not be less than 10 feet in width. In the event that parking is located to the rear of the attached dwelling units as a common parking area, driveways for turnaround purposes and ingress and egress to the parking spaces shall not be less than 16 feet in width. **[Added 10-16-1996 by Ord. No. 1585]**
- (C) Other driveways. Driveways within the parking lot for turnaround purposes and ingress and egress to parking spaces shall not be less than 24 feet wide. **[Amended 10-7-1993 by Ord. No. 1492]**
- (D) One-way driveways. The width of a driveway providing ingress/egress to a street line may be reduced to 15 feet if the driveway is designated

and defined as one-way.

- (E) Other requirements. All driveways shall meet the requirements for driveways and access as set forth in the Lansdale Borough Subdivision and Land Development Ordinance.

**Section 4.** Zoning Ordinance -- Section 122-201 Definitions should be amended to amend the definitions of LOT, PRINCIPAL BUILDING, and USE as follows:

LOT - the definition of LOT shall be amended to include the following sentence: ``A lot may be occupied by one principal building, or one other principal structure, and one use, together with any accessory buildings or other structures or uses customarily incidental to such principal building or structure and use.``

PRINCIPAL BUILDING - the definition of PRINCIPAL BUILDING shall be amended to include the following sentence: ``Only one PRINCIPAL BUILDING shall be permitted on any lot used for residential purposes.``

USE - the definition of USE shall be amended to include the following sentence: ``Only one principal USE shall be permitted on any lot and said one principal USE shall be designated by any applicant at the time of filing any application with the Borough.

**Section 5.** Zoning Ordinance -- Section 122-2204 should be amended to include subsections (c), (d) and (e) as follows:

- (c) Any accessory structure not regulated by above subsection (a) and (b) shall meet the dimensional requirements for the use and zoning district wherein the accessory structure is located.
- (d) Unless connected to the principal building or accessory structure, any accessory structure shall be located a minimum of ten (10) feet from any other building or structure.

- (e) A maximum of two accessory buildings are permitted on any lot. When calculating the setback requirements for accessory structures, the total floor area of all accessory structures on any lot should be utilized to determine the setback requirement (and the need for additional relief) for any accessory structure regardless of the size of any individual accessory structure.

**Section 6.** Zoning Ordinance-- Section 122-2207 and 122-2208 shall be added to read as follows:

**§ 122-2207. Projections into required yards.**

Unless specifically permitted by this chapter, no portion of a building or structure shall be located within the minimum required front, side or rear yard area specified by this chapter except for driveways and those other projections as provided herein.

- A. An unenclosed porch, not more than 14 feet in height, may be erected to extend into a required front or rear yard a distance of not more than 10 feet, provided that in no case shall it extend into such front or rear yard more than  $\frac{1}{2}$  the required depth of said yard.
- B. A terrace, platform, stoop or landing, not covered by a roof, canopy or trellis, which does not extend above the level of the first floor of the building, may be erected to extend into a required yard a distance of not more than 12 feet provided that it shall not extend into such yard more than 40% of the required depth or width of the yard.
- C. A porte-cochere or carport may be erected over a driveway in a required side yard, provided that such structure is:
  - (1) Not more than 14 feet in height and does not extend in length beyond the portion of the building or structure to which it is attached.

(2) Entirely open on at least three sides, exclusive of the necessary supporting columns and customary architectural features.

(3) At least three feet from the side lot line.

D. A buttress, chimney, cornice, pier, or pilaster of a building may project not more than 18 inches into a required yard.

E. Open and unenclosed fire escapes, steps, bay windows and balconies may project not more than three feet into a required yard.

**§ 122-2208. Front yard setback relief.**

A. All front yard setbacks required under this chapter shall be calculated from the ultimate right-of-way of the street on which the lot fronts.

B. If there is a pronounced uniformity or alignment of fronts of existing buildings, the front yard of a proposed building or expansion of a building in any district may be decreased in depth to the average alignment of existing buildings within one hundred (100) feet from each side of the proposed building on the same side of the street and within the same block. Any remaining Front Yard shall be not less than half of the required Front Yard for the underlying district.

**Section 7.** Zoning Ordinance -- Section 122-2205 should be rewritten to read as follows:

A distance of 10 feet shall be maintained between the outermost driveway or parking area and the adjacent property lines. The foregoing shall not include parking areas and driveways as they relate to single-family detached and attached dwelling units. In the case of single-family attached dwelling units, a distance of two feet shall be permitted between the property line and the outermost edge of the parking area or

the driveway. In the case of single-family detached dwelling units, a distance of five feet shall be permitted between the property line and the outermost edge of the parking area or the driveway.

**Section 8.** Zoning Ordinance -- Section 122-1500.G shall be rewritten to read as follows:

- G. Restaurants, Tea Rooms, Places of Business dispensing alcohol and malt beverages in accordance with the Pennsylvania Liquor Control Board Licensing Provisions, provided that any place of business dispensing alcoholic and malt beverages as provided herein is not located within one hundred (100) feet of: (1) any residential zone; or (2) any other place of business dispensing alcohol and malt beverages in accordance with the Pennsylvania Liquor Control Board Licensing Provisions.

**Section 9.** Zoning Ordinance -- A new article XXXVII, entitled "Professional Office and Specialty Restaurant Conservation Overlay District," (POSRC), shall be added as follows:

**§ 122-3700. Legislative Intent.**

The intent of the Borough in permitting development pursuant to this article is as follows:

- A. To promote small-scale office and unique eating establishment uses along Main and Broad Streets.
- B. To encourage the reuse of existing buildings having historic character along Main and Broad Streets, especially older single-family residences, with compatible nonresidential uses.
- C. To protect adjacent residential neighborhoods from the impacts of more intense development along these high traffic volume streets.

**§ 122- 3701. Use Regulations.**

A building may be erected, altered or used and a lot or premises may be used for any of the following purposes and for no other: (footnote)

- A. Business or professional offices, studios, banks or other financial institutions, excluding drive-thru facilities.
- B. Specialty Restaurants, excluding drive-thru facilities, when restaurants are permitted in the underlying Zoning District, subject to the requirements of the underlying Zoning District unless such requirement is specifically modified by the provisions of this POSRC Overlay District.
- C. Conversions of existing residential uses (as provided above) to business or professional offices or specialty restaurants subject to restrictions as detailed in subsections A and B above.
- D. Home Occupations.

Footnote shall read: "Note: Uses shall comply with the regulatory requirements of the underlying zoning district unless alternative regulations are specifically stated within this Overlay District."

**§ 122-3702. Dimensional Regulations**

- A. Minimum Lot Area and Width. See underlying zoning district for requirements.
- B. Front Yard. See underlying zoning district for requirements.
- C. Side and Rear Yards. Upon request, side and rear yard setbacks of the underlying zoning district shall be reduced or eliminated by the Borough's Code Enforcement Officer based on a review by the Borough's Engineer that the following standards are addressed satisfactorily:
  - (1) Maintenance needs are addressed.
  - (2) Adequate landscaping and buffering are provided according to

Section 420.8 of the Subdivision and Land Development Ordinance.

- (3) Required parking is provided.
- (4) No building shall be located closer than fifty (50) feet from residential districts.

D. Building and Impervious Coverage. Upon request, building and impervious coverage requirements shall be reduced or eliminated by the Borough's Code Enforcement Officer based on a review by the Borough's Engineer that the landscaping standards of Section 420.8 of the Subdivision and Land Development Ordinance and any drainage requirements of the Borough are addressed satisfactorily.

### **§ 122-3703. Additional Development Standards.**

The following standards shall apply to any and all development under this article:

- A. Professional offices or other nonresidential use shall not be permitted on any floors of a building above residential uses within the same structure.
- B. Residential uses within a building containing both residential and nonresidential uses shall not be located on the first floor.
- C. Additional Parking Requirements.
  - (1) No off-street parking spaces shall be required for the first four hundred (400) square feet of gross floor area of a building devoted to business or professional offices, studios, banks or other financial institutions.
  - (2) No off-street parking spaces shall be required for the first four hundred (400) square feet of gross floor area of a building devoted to specialty restaurants.
  - (3) Only one reduction in parking requirements, under above subsections (1) and (2), may be applied to the parking requirement for any lot.

- (4) Common Parking Facilities. The applicant shall provide evidence to the Borough Code Enforcement Officer that common parking facilities with adjacent properties have been pursued and they are strongly encouraged. If common parking facilities are proposed, and formal arrangements between the proposed users are entered into to the satisfaction of the Borough Solicitor and Engineer, the Borough Code Enforcement Officer shall reduce the aggregate amount of required parking by up to 15 percent. Subject to formal arrangements between the proposed users and satisfactory to the Borough Solicitor and Engineer.
- (5) Parking Lot Dimensional Requirements and Setbacks. Upon request, aisle width dimensions, parking space dimensions, parking lot setbacks, and landscaping requirements shall be reduced or eliminated by the Borough's Code Enforcement Officer based on a review by the Borough's Engineer provided that the landscaping standards of Section 420.8 of the Subdivision and Land Development Ordinance are satisfactorily addressed and safe entry to/exit from proposed parking areas is approved by the Borough Engineer.
- D. New Buildings or Additions. No new buildings or additions to existing buildings shall be constructed in front of the existing principal building on the lot. The design of new buildings or additions shall be consistent with the architectural style of the existing buildings on the lot and with the predominant character of the abutting structures and neighborhood.

**§ 122-3704. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

- A. SPECIALTY RESTAURANT – an establishment that serves food and beverages primarily to persons seated within the building and where food and beverages are primarily served by an employee at the same table or counter where the items are to be consumed. Drive-thru, drive-up and drive-in service is prohibited.

**Section 10.** Subdivision Ordinance – Section 403.2 shall be amended to add subsection J as follows:

J. Additional Requirements for the Professional Office and Specialty Restaurant Conservation Overlay District.

- (1) New Driveways. No new driveways shall be created on Broad or Main Streets for any lot utilizing the standards of the Professional Office and Specialty Restaurant Conservation Overlay District.
- (2) Shared Access. Each lot utilizing the standards of the Professional Office and Specialty Restaurant Conservation Overlay District shall provide access easements for its parking area and driveways guaranteeing access and use to all abutting lots within the Professional Office and Specialty Restaurant Conservation Overlay District, unless all possible interconnections between two (2) abutting lots must cross wetlands, floodplain, or slopes of fifteen percent (15%) or more. Parking areas on abutting lots shall be directly connected by a driveway. These interconnections shall be constructed during initial land development to the edge of the applicant's property, or the applicant shall escrow funds for the construction of these interconnections at a future date.
- (3) If an alley is utilized for access, improvements shall be made to the alley to ensure public safety satisfactory to the Borough Council and the Borough Engineer.

**Section 11.** Subdivision Ordinance – Section 420.8 shall be added to read as follows:

Section 420.8 Professional Office and Specialty Restaurant Conservation Overlay District Landscaping Requirements. This section shall apply to development proposals requesting increased maximum building and/or impervious coverages, reduced property line setbacks, and/or modified parking area standards under the Professional Office and Specialty Restaurant Conservation Overlay District.

- A. Greening Requirement. Changes in coverage and/or dimensional standards may reduce the pervious coverage (green space) area of a site. If an applicant is requesting these type of changes, the Borough may in exchange require at its

discretion one or more of the following planting or landscaping options based on the unique needs of the site:

- (1) Additional shade trees.
- (2) Additional shrubs or groundcovers.
- (3) Raised planting beds.
- (4) Street planters.
- (5) Hanging flower baskets.
- (6) Window flower boxes.

If the required landscaping does not appear feasible on the site, the Borough may request an equivalent fee-in-lieu of contribution be made to the Borough's Conservation Fund.

B. Buffer and Screening Requirement. Applicants requesting reduced property line and/or parking setbacks may cause the need for additional landscaping for buffering and/or screening purposes. The Borough at its discretion may require additional plantings or fencing to create a buffer and/or screen based on the unique needs of the site.

**Section 12.** The Zoning for the tracts of land located along Broad Street and Main Street, being comprised of all or a portion of the Montgomery County Tax Parcel Numbers listed on the exhibit attached hereto as Exhibit "A" (as shown on the map attached hereto as Exhibit "B"), shall be amended to be included within the newly created POSRC Overlay District. The underlying zoning of the tracts set forth above shall be unchanged and unaffected by this Ordinance

**Section 13.** The aforesaid described changes are incorporated into the Zoning Map of the Borough of Lansdale by reference.

**Section 14. Repeal and Ratification.** All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the ordinances of the Borough that are unaffected by this Ordinance are hereby reaffirmed and ratified.

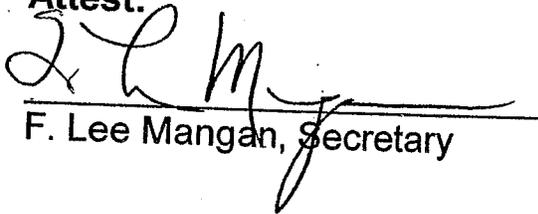
**Section 15. Severability.** Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

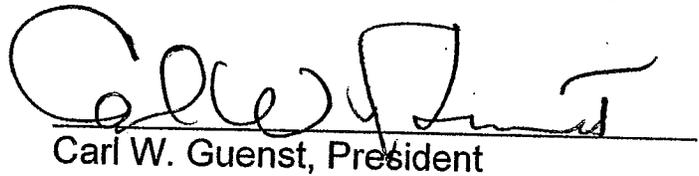
**Section 16. Effective Date.** This Ordinance shall become effective immediately upon enactment.

**ORDAINED AND ENACTED** by the Borough Council of the Borough of Lansdale this 4<sup>th</sup> day of February, 2004.

**BOROUGH OF LANSDALE**

**Attest:**

  
F. Lee Mangan, Secretary

  
Carl W. Guerst, President

**APPROVED** by Michael DiNunzio, Mayor  
of the Borough of Lansdale this 4<sup>th</sup> day  
February, 2004

