

BOROUGH OF TRAPPE

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 428

**AN ORDINANCE AMENDING CHAPTER 295 OF THE
BOROUGH CODE OF THE BOROUGH OF TRAPPE
PROVIDING FOR MORTGAGE SUBDIVISIONS**

Be it **ORDAINED** and **ENACTED** by the Borough Council, Borough of Trappe, Montgomery County, Pennsylvania, and it is hereby **ENACTED** and **ORDAINED** by the authority of same as follows:

SECTION 1. – The Borough of Trappe Code of Ordinances, Chapter 295, Article 1 is hereby amended to add the following:

§295-3.1 Mortgage Subdivisions. A mortgage subdivision, as hereinafter used, is a division or redivision of a lot, tract, or parcel of land for the purpose of granting separate and distinct mortgages on each lot formed by a subdivision of a tract of land. The mortgage subdivision shall be lawful in the CC - Community Commercial District even though each lot does not individually meet the standards of this Chapter or the requirements of the CC – Community Commercial District, provided that:

A. The application for mortgage subdivision approval shall be based upon an approval and recorded development plan for the construction of more than one building on the entire tract of land.

B. The entire tract of land to be used in common by two (2) or more of the buildings complies with lot area, building coverage, setback, sewage disposal or other utilities, off-street parking, green area and frontage requirements of applicable Borough ordinances.

C. Documentary evidence shall be filed with the Borough in a form satisfactory to the Borough.

1. Assigning responsibility for the construction, control and maintenance of the facilities and areas to be used in common. The party so designated shall have the authority to enforce the

conditions attached to the development plan as well as the sole authority to seek amendments thereto.

2. Containing irrevocable cross easements in favor of all parcels within the area of the plan as respects to use, control and maintenance of the facilities and areas to be used in common so that each of the subdivided lots becomes an integral part of the entire parcel.

3. Declaring that the interest of any mortgagee and that of any transferee of the mortgaged property upon a default on the mortgage shall be subject to the requirements of the plan, the obligations and responsibilities as to the facilities and areas to be used in common and the requirements of the cross easements so that such mortgagee or transferee, in the event of a default and transfer of title of the property, shall be bound by the same.

D. In the event of a subdivision for mortgage purposes, the entire area of the tract of land included within the plan shall continue to be treated by the Borough as a single lot for the purposes of maintaining compliance with the requirements of the provisions of this Chapter and Chapter 340, Zoning, of the Borough of Trappe Code of Ordinances.

SECTION 2. – Except as expressly amended herein, Chapter 295 of The Borough of Trappe Code of Ordinances shall remain in full force and effect.

ORDAINED AND ENACTED by the Borough Council of the Borough of Trappe, Montgomery County, Pennsylvania, this 7th day of April, 2015.

Attest:

TRAPPE BOROUGH COUNCIL:

Robert Layman, Municipal Secretary

Nevin H. Scholl, President

Approved this 7th day of April 2015

Connie Peck, Mayor