

Chapter 295

SUBDIVISION AND LAND DEVELOPMENT

GENERAL REFERENCES

Numbering of buildings — See Ch. 120.

Construction codes — See Ch. 135.

Flood damage prevention — See Ch. 173.

Grading, erosion and sediment control — See Ch. 179.

Streets and sidewalks — See Ch. 286.

Zoning — See Ch. 340.

ARTICLE I
General Provisions

§ 295-1. Title and purpose.

- A. Short title. This chapter shall be known and may be cited as the “Trappe Borough Subdivision and Land Development Ordinance.”
- B. Purpose. This chapter 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 and existing streets or other proposed streets, parks, or other features;
 - (4) To provide adequate open space for pedestrian and vehicular movement, recreation, light, and air, 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;
 - (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 is in conformance with the Borough's adopted Comprehensive Plan and Chapter 340, Zoning, and to any other adopted regulations or maps.

§ 295-2. Interpretation.

The provisions of this chapter shall be held to be minimum requirements to meet the above-stated purposes. Where the provisions of this chapter impose greater restriction than those of any other statute, ordinance or regulations impose greater restrictions than those of this chapter, the provisions of such statute, ordinance or regulations shall prevail.

§ 295-3. Compliance required.

- A. 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 chapter.
- B. 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

- C. until the following has been done: a plan has been approved, and where required, recorded; and all related required improvements have either been constructed or appropriate assurance have been made to the Borough for the completion of the improvements either 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.
- D. The builder is responsible, to the use of the Borough, for any public improvements that must necessarily be demonstrated or installed as a result of the subdivision or land development. Said improvements shall include, but shall not be limited to, relocation of traffic lights, resurfacing of public roads and streets, installation of streetlights, installation of fire hydrants, water mains, water pipes, sanitary sewers, storm drains, sidewalks, crosswalks, shade trees, grading, paving, curbing and signs.
- E. Condominiums. No provisions of this chapter shall be construed to prohibit condominium ownership as permitted by the Pennsylvania Uniform Condominium Act.¹

§ 295-3.1. Mortgage subdivisions. [Added 4-7-2015 by Ord. No. 428]

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 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

1. Editor's Note: See 68 Pa.C.S.A. § 3101 et seq.

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.

ARTICLE II
Terminology

§ 295-4. Definitions. [Amended 10-3-1989 by Ord. No. 265; 7-5-1993 by Ord. No. 285; 12-7-1993 by Ord. No. 295]

- A. 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.
- B. Definition of terms. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated:

ACCEPTED ENGINEERING PRACTICE — That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

ACCESSORY BUILDING — A building subordinate to the principal building on the lot used for purposes customarily incidental to those of the principal building.

AGENT — Any person, other than subdivider, who, acting for the subdivider, submits subdivision or land development plans for the purpose of obtaining approval thereof.

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.

ALTERATION — An alteration, as applied to a building, is any change or rearrangement in the structural parts, or any enlargement, whether by extending on any side or by increasing in height, or adaptation in any way to a different use, or moving from one location or position to another, or in the case of a nonconforming use, any structural change which would prolong the life of such use.

APPLICANT — A landowner or developer, as hereinafter defined, who has filed an application for approval of subdivision or land development plans, including his heirs, successors, agents and assigns.

APPLICATION FOR DEVELOPMENT — Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including, but not limited to, an application for building permit, for the approval of a subdivision, plot or plan or for the approval of a development plan.

ASTM — The American Society for Testing and Materials.[**Added 9-1-2009 by Ord. No. 412**]

BASE FLOOD — The flood which has been selected to serve as the basis upon which the floodplain management provisions of this chapter have been prepared, for purposes of this chapter, the one-hundred-year flood, as referenced in the current Flood Insurance Study, Trappe Borough, prepared by the Federal Insurance Administration, Federal Emergency Management Agency.

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, as delineated in the Flood Insurance Study, the base flood elevation shall be established as a point on the boundary of the Floodplain District as defined in Article XIX of Chapter 340, Zoning, closest to the construction site in question.

BLOCK — An area bounded by streets or streets and natural or man-made features.

BOROUGH COUNCIL — The Trappe Borough Council, Montgomery County, Pennsylvania.

BUFFER — An area designed to separate the uses of land which abut it and which functions 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:

- (1) **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.
- (2) **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.

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.

BUILDING — Any structure, whether built conventionally or in a manner generally referred to as a “mobile or modular” home having enclosing walls and roof, permanently affixed to the land.

BUILDING COVERAGE — The maximum horizontal area covered by buildings at or above grade.

BUILDING SETBACK LINE — A line within a lot, so designated on a subdivision plan or land development plan between which line and the ultimate right-of-way line, no building or other structure or portion thereof, except as provided in Chapter 340, Zoning, may be erected above ground level.

CALIPER — Diameter of a tree's trunk measured 12 inches above the ground.

CARTWAY — The portion of a street or alley intended for vehicular use.

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.

COMMON PARKING — Any parking area used by three or more dwelling units and having space for six or more motor vehicles.

COMPREHENSIVE PLAN — Maps, charts, descriptive matter officially adopted by the Borough showing, among other things, recommendations for the most appropriate use of

land; for the most desirable density of population; for a system of thoroughfares, parkways, and recreation areas; for the general location and extent of facilities for water, sewer, light, and power; for the general location, character and extent of community facilities.

CONDOMINIUM — An estate in real property consisting of an individual interest in a portion of a parcel, together with a separate interest in a space within a structure and possible immediately adjacent exterior space outside the structure. This form of ownership may be applied in residential, professional office, commercial and industrial land use.

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

CORNER LOT — A lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135°. It is the land occupied or to be occupied by the corner building and its accessory buildings.

CUL-DE-SAC — A street with access at one end and terminated at the other by a paved vehicular turnaround.

CURB LINE — The outermost edge of a cartway or road.

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.

DENSITY — The number of dwelling units (persons, families or dwellings) per gross acre or developable acre (whichever may apply).

DEVELOPER — Any landowner, agent or such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.

DEVELOPMENT or LAND DEVELOPMENT — Any of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or 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) Division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development involving:
 - (a) The conversion of an existing single-family detached dwelling or single-family semidetached dwelling into not more than three residential units, unless such units are intended to be a condominium.
 - (b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or

- (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park.

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.

DRAINAGE — The natural or man-made features of the land that are specifically designed to store or carry surface water runoff.

DRIVEWAY — A private way for vehicular and pedestrian access between a public street and a parking area within a lot or property.

DWELLING — A building designed for and occupied exclusively as a dwelling for one family.

DWELLING UNIT — A building or portion thereof providing complete housing facilities for one family.

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.

ENDORSEMENT — The review stamp of the Montgomery County Planning Commission.

ENGINEER — A professional engineer licensed as such in the Commonwealth of Pennsylvania.

EROSION — The removal of surface materials by the action of natural elements.

EXCAVATION — Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the conditions resulting therefrom.

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.

FLOOD — A temporary condition of partial or complete inundation of normally dry land area.

FLOODPLAIN — That area defined in the Floodplain Conservation District of Chapter 340, Zoning, Article XIX; the floodplain definition contained therein is made part of this chapter by reference.

FLOODPROOFING — Any combination of structural and nonstructural 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 floodproofing regulations published by the Office of the Chief Engineers, U.S. Army, Publication Number EP 1165 2 314 (June, 1972 and as subsequently amended). Floodproofing 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.

FRONTAGE — The length of the lot line abutting a public or private right-of-way.

GRADE — A slope of a street or parcel of land specified in percent and shown in plans specified herein.

GROSS FLOOR AREA — The total area included within the exterior walls of a building, exclusive of open courts.

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.

HEIGHT — A building's vertical measurement from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof.

IMPROVEMENT — Grading, paving, curbing, streetlights and signs, fire hydrants, wells, water mains, sanitary sewers, storm drains, sidewalks, parking areas, landscaping or recreation area.

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 chapter.

LOT — A parcel of land which is occupied or is to be occupied by one principal building or other structure or use, together with any accessory building or structures or uses customarily incidental to such principal building or other structure or use, and any such open spaces as are arranged or designed to be used in connection with such principal building or other structure or use, such open spaces and the area and dimensions of such lot not being less than the minimum specified in Chapter 340, Zoning.

LOT AREA — The total horizontal area of the lot lying within the lot lines, provided that no area of land lying within any street line shall be deemed a portion of any lot area; the area of any lot abutting a street shall be measured to the ultimate right-of-way.

MATURE TREE — Any tree of 12 inches or more in caliper, whether standing alone, in tree masses, or woodlands. A mature tree shall be a healthy specimen and shall be a desirable species, as determined by the municipality.

MOBILE HOME — A single-family detached dwelling intended for permanent occupancy, which may not meet local building codes but does meet the standards set by the U.S. Department of Housing and Urban Development; contained in one unit, or in two or more 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 that it may be used with or without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.

MODULAR HOME — Any structure designed as a single-family or multifamily dwelling (except 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. The construction materials and specifications must conform to those of conventionally built homes.

NEW CONSTRUCTION — Structures for which the start of construction as herein defined commenced on or after the effective date of this chapter. This term does not apply to any work on a structure existing before the effective date of this chapter.

ONE-HUNDRED-YEAR FLOOD — A flood that has one chance in 100 or a 1% chance of being equaled or exceeded in any year. For the purposes of this chapter, the one-hundred-year flood (base flood) as defined by the Federal Emergency Management Agency in the current “Flood Insurance Study, Trappe Borough.”

PARKING SPACE — A space for the temporary stopping, standing or storage of one or more motor vehicles, constructed in accordance with § 295-8D of this chapter.

PLAN — A graphic or written representation or document.

PLAN, IMPROVEMENT CONSTRUCTION — A plan showing the construction details of streets, drains, sewers, bridges, culverts, and other improvements as required by this chapter showing the details required by Article IV of this chapter.

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.

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, does not require a variance(s) from Chapter 340, Zoning, for development and is in general conformance with the Borough Comprehensive Plan.

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 no more than two 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 does not require a variance(s) from Chapter 340, Zoning, for any 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.

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 IV of this chapter for the entire parcel of land being subdivided and/or developed.

PLAN, RECORD — A plan prepared for recording purposes showing the ultimate right-of-way width of streets, the lot lines, easements, and all other items required under Article IV of this chapter.

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.

PLANTING AREA — Any area designated for landscaping purposes.

PUBLIC NOTICE — Notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. 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 or less than 14 days from the date of the hearing.

RESERVE STRIP — A parcel of land separating a street from adjacent properties.

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.

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 land.

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.”

SHRUB — A woody perennial plant having persistent woody stems, branching from the base.

SIGHT DISTANCE — The distance of unobstructed view along the center line of a street from four feet above the road surface to the farthest visible point four inches above the street surface.

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 10 feet long from the point of intersection and whose hypotenuse connects the two legs.

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

SOIL STABILIZATION — Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

SOIL SURVEY — A report entitled, Soil Survey of Montgomery County, Pennsylvania, published April, 1967, by the Natural Resources 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.

SPECIMEN TREE — Any tree with a caliper that is 75% or more of the record tree of the same species in the Commonwealth of Pennsylvania.

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.

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.

STREET LINE — The dividing line between a lot and the right-of-way of a street, legally open or officially recorded by the Borough.

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.

STREET, HALF — A street of less than the right-of-way and cartway width.

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.

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.

STREET, RESIDENTIAL — A street used primarily as the principal means of access to local properties and which carries a small volume of traffic.

STRUCTURE — Any form or arrangement of building materials built, constructed or erected, which requires location on the ground or attachment to something located on the ground.

SUBDIVISION — The division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court, or distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be excepted.

SUBSTANTIAL IMPROVEMENT — Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either: before the improvement or repair is started; or if the structure has been damaged, and is being restored before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIALLY COMPLETED — Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the requirement improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipal Planning Code²) of those improvements required as a condition for final approval have been completed in accordance

with the approved plan, so that the project will be able to be used, occupied, or operated for its intended use.

SURVEY MONUMENT — A specified structure of masonry or steel permanently placed on or in the ground for surveying reference.

SWALE — A low-lying stretch of land which gathers or carries surface runoff.

TOPSOIL — Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the “A Horizon.”

TRACT AREA — The total acreage within the lot lines, excluding that area continuously covered by water and rights-of-way of existing public roads.

TREE — Any woody plant with a well-defined stem at least 2 1/2 inches in caliper measured at a height of 12 inches above the natural grade.

TREE MASS — A grouping of three or more trees, each at least 2 1/2 inches in caliper within a one-hundred-foot area.

ULTIMATE RIGHT-OF-WAY LINE — The dividing line between a lot and the outside boundary or right-of-way line of a public street, road or highway legally opened or officially plotted, or between a lot and a privately owned street, road or way over which the owners or tenants of two or more lots each held in single and separate ownership have the right-of-way.

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.

VEHICULAR USE AREA — Any paved ground surface, except a street, used by any type of vehicle, whether moving or at rest.

VISUAL SCREEN — A barrier of living or nonliving landscape material put in place for the purpose of obscuring the view of the premises screened; also called a “buffer.”

WATER SURVEY — An inventory of the source, quantity, yield and use of ground water and surface water resources within the municipality.

WATERCOURSE — A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.

WOODLAND — A stand of predominantly native vegetation covering at least one acre, consisting of at least 50% cover of mature trees of varying size.

YARD — An open, unoccupied space on the same lot with a building, or other structure or use, open and unobstructed from the ground to the sky.

ARTICLE III
Design Standards

§ 295-5. Recommendations of Planning Commission.

The standards of design in this article should be used to judge the adequacy of subdivision and land development proposals. Where, in the opinion of the Planning Commission, literal application of these standards in certain cases would work undue hardship or be plainly unreasonable, the Planning Commission may recommend to the Council such reasonable exceptions as will not be contrary to the public interest.

- A. The standards included in these regulations are minimum design requirements.
- B. Developers and subdividers shall, if deemed necessary by Borough Council and 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.
- C. 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.

§ 295-6. Construction of facilities.

The subdivider, developer, or builder shall construct and install, with no expense to the Borough, the streets, curbs, sidewalks, water mains, sanitary and storm sewers, streetlights, fire hydrants, street signs, shade trees, monuments, lot pins, 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.

§ 295-7. General standards.

The following principles of land subdivision and development, general requirements and minimum standards of design shall be observed by the subdivider, developer and builder in all instances:

- A. 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.
- B. Whenever possible, applicants shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.
- C. Subdivisions and land developments should be laid out so as to avoid the necessity for excessive cut or fill specifically warranted by terrain or location.
- D. Applicants shall observe the ultimate rights-of-way for contiguous existing streets as prescribed in this chapter. 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 Chapter 340, Zoning, shall be delineated as measured from the ultimate right-of-way line.

- E. 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.
- F. Floodplain land shall not be subdivided or developed except in accordance with the floodplain regulations set forth in Chapter 340, Zoning.
- G. Improvement construction requirements will be completed under specification of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection and the Montgomery County Soil and Water Conservation District, or other appropriate agencies or the specifications included herein. In the event of conflict, the specifications contained in this chapter shall govern.
- H. Where no public water supply is available to the subdivision or land development, the Council may require the subdivider, developer, or builder, to obtain from the district sanitarian of the Pennsylvania Department of Health, certificates of approval as to the quality and adequacy of the water supply proposed to be utilized by the subdivider, developer, or builder, and approval of the type and construction methods to be employed in the installation of the individual water supply system.
- I. Where the subdivision or land development is inaccessible to sanitary sewers, the Council may require the subdivider, developer or builder, to obtain from the district sanitarian of the Pennsylvania Department of Health, certificates of approval of the sewage disposal facilities proposed to be provided by the subdivider, builder or developer.
- J. Proposed subdivisions and land developments shall be coordinated with the existing nearby neighborhood so that the community as a whole may develop harmoniously.
- K. The proposed subdivision, land development and land use shall conform to Chapter 340, Zoning, to the Comprehensive Plan of the Borough of Trappe, and subsequent updates, and to all other applicable Borough ordinances and regulations.

§ 295-8. Streets. [Added 6-5-1990 by Ord. No. 269; 12-7-1993 by Ord. No. 295]

All new streets and culs-de-sac, and widened portions of existing rights-of-way intended for public use shall meet the following requirements:

A. Street system.

- (1) Conformance with Borough development plans, county and state plans. The development plans of streets shall conform to existing streets and to such Borough, county and state road and highway plans as have been duly adopted by said agencies.
- (2) 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 and primary arterial streets 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 collectors and 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.

- (3) 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.
- (4) 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 specifications.
- (5) 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.
- (6) New streets. New streets shall be designed to continue existing streets at equal or greater right-of-way and cartway width, where practical.
- (7) Dead-end streets. Dead-end streets are prohibited, unless designed as culs-de-sac or designed for access exclusively to neighboring tracts.
- (8) 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 approval of Borough Council.
- (9) Half streets. The dedication of half streets at the edges of a new subdivision is prohibited. If the 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.
- (10) Private street. Whenever a subdivider or developer proposes to establish a street which is not to be offered for dedication for public use, Borough Council shall require the applicant to submit, and also to record with the plan, a copy of the agreement made between the Borough and the applicant, including 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:
 - (a) 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.
 - (b) That an offer to dedicate the street shall be made only for the street as a whole.
 - (c) That agreement by the owners of 51% 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.

B. Street alignment.

- (1) Sight distance. For all streets, a sight distance of 200 feet should be maintained. Sight distance should be measured at the center line of the street and at the driver's eye height of four feet.
- (2) Horizontal curves. The minimum horizontal radius at the center line for curves on primary roads shall be 500 feet; for collector roads, they shall be 300 feet; and for local residential roads, they shall be 150 feet. Minimum right-of-way for development along existing streets will correspond with the ultimate right-of-way for these streets. Except for local streets, there shall be a tangent of at least 100 feet measured at the center line between reverse curves.
- (3) Vertical curves. Vertical curves shall be used at changes in grade of more than 1%. The length of the curve shall approximate 50 feet for each 1% change in grade. Over summits or bumps, vertical curves shall not produce excessive flatness in grade.
- (4) Street grades.
 - (a) There shall be a minimum grade of at least 1% on all streets.
 - (b) Grades in excess of 5% shall be avoided where possible, and no grade shall exceed 10%. The grade shall be measured along the center line.
 - (c) All streets shall be graded to the grades shown on the street profile and cross section plan submitted and approved with the final plan of subdivision or land development. They shall be inspected and checked for accuracy by the Borough Engineer.
 - (d) Street intersections. The grade within 50 feet of any intersection shall not exceed 3%.
- (5) Right-of-way widths, paving widths and curbing.
 - (a) New streets, extensions of existing streets. The minimum widths of the ultimate right-of-way, the paving and the curbing shall not be less than the following:

	Widths		
	Right-of-Way	Paving	
	(feet)	(feet)	Curbing
Primary arterial	80	52	Required
Collector street	60	36	Required

	Widths		
	Right-of-Way	Paving	
	(feet)	(feet)	Curbing
Residential road	50	30	Required
Cul-de-sac	50	30	Required

- (b) Where Subdivisions or Land Developments are proposed with frontage along existing streets without paved cartways meeting the above requirements, the Applicant shall widen the cartway along their frontage to the required half width.
- (c) Borough Council may also require widths in excess of these standards where necessary for public safety and convenience.
- (d) Where on-street parking is proposed, the street paving shall be widened a minimum additional 10 feet.
- (e) The areas 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.
- (f) 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 all roads must meet or exceed the requirements of the Pennsylvania Department of Transportation.
- (g) To the greatest extent possible, through streets shall be provided. The feasibility of a through street will be based on the physical features of the development tract and/or adjoining lots, the potential for extension of the street to adjoining lands based on existing development patterns, restrictions imposed by other government regulations and other recorded documentation, and the ability of the design to meet all other requirements of this Ordinance.
 - [1] Cul-de-sacs should be utilized only where required by topography and natural features. Cul-de-sacs shall not be used where it is possible to create grid pattern streets.
 - [2] When cul-de-sac Streets are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through Street would not be practicable.
 - [3] A cul-de-sac shall not be less than 250 feet in length nor more than 500 feet in length measured from center of cul-de-sac to nearest right-of-way line of intersecting street or in accordance with current Pennsylvania Department of Transportation Liquid Fuel reimbursement standards, except in cases approved by Borough Council where conditions of the land so warrant the variation in length.
 - [4] A cul-de-sac shall have a right-of-way of 50 feet and shall have a circular turnaround with a minimum right-of-way radius to curb line of 50 feet and an outer paving radius of 40 feet. The centerline grade on a cul-de-sac street shall not exceed ten (10%) percent, and the grade of the diameter of the turnaround shall not exceed five (5%) percent.
 - [5] A cul-de-sac shall not serve more than 20 lots.

[6] The paved edge of a driveway entering a cul-de-sac shall be a minimum of twelve (12) feet from the right-of-way line.

- (h) 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 50 feet, and the cartway of the turnabout shall have a radius of 40 feet.
- (i) No fences, hedges, 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, or horizontally spreading shrubs less than one-foot high, or retaining walls necessitated by street widening and constructed by the authority having jurisdiction over the street.

C. Street intersections.

- (1) 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 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.
- (2) Minimum angle of intersection. Right-angle intersections shall be used whenever practicable, especially when local streets empty into primary or collector thoroughfares; there shall be no intersection angle, measured at the center line, of less than 60°.
- (3) Radii of pavement and right-of-way at intersection. Street intersections shall be rounded with tangential arcs at pavement edge (curbline) 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.

	Minimum Radius of Arc at Intersection of Pavement Edge or Curb Line (feet)	Minimum Radius of Arc at Intersection of Right-of- Way Line (feet)
Primary arterial	40 (or more as may be required)	20 (or more as may be required)
Collector street	30	20
Residential road	25	15
Cul-de-sac	25	15

- (4) Sight line at intersections. Proper sight lines should be maintained at all intersections of streets. Measured along the center line, there should be a clear sight triangle of 75 feet, from the point of intersection. No building, trees, hedges, 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.

- (5) Center line. Where center line of streets open into opposite sides of a major arterial within 100 feet of each other, they shall be made to coincide by curving the minor street or streets.

D. Street paving. All street paving, as well as driveways and parking spaces shall be constructed in accordance with the following specifications:

- (1) All streets new streets and culs-de-sac, and widened portions of existing rights-of-way intended for public use: 9.5 mm bituminous wearing course, 19 mm bituminous binder course, on six-inch bituminous concrete base course (BCBC), on h25 mm 2A stone subbase. Construction shall conform to the current editions of PennDOT Publication 408/2003; Publication 213; Publication 72M, Standards for Roadway Construction, Series RC-1M to 100M; Publication 111M, Standards for Traffic Control Signing, Series 7700 and 7800, current edition, including all supplemental specifications, circular letters and amendments. All streets and related features shall be constructed to the line, grade and dimension shown on the plans, profiles and cross sections and typical sections as approved on the final land development plan.
- (2) Driveways intended for use by two or more families daily; driveways intended for use by 10 or more workers daily; driveways providing access to 10 or more parking spaces; parking areas comprised of 10 or more parking spaces: 1 1/2 inch bituminous wearing course, 9.5 mm on two-inch bituminous binder course, 19 mm on eight-inch crushed aggregate base course or approved equal.
- (3) Driveways intended for use by more than two but less than 10 workers daily; driveways providing access to more than two but less than 10 parking spaces; parking areas comprised of not less than three or more than nine parking spaces: 1 1/2 inch bituminous wearing course, 9.5 mm on two-inch bituminous binder course, 19 mm on six-inch crushed aggregate base course (No. 4 ballast stone chocked with fine aggregate) or approved equal.
- (4) Driveways intended for use by one family: two-inch bituminous surface course, 9.5 mm on six-inch 2-A stone base or approved equal.
- (5) Each driveway shall:
 - (a) Be properly graded for drainage.
 - (b) Be maintained in good condition, free of weeds, dust, trash or debris.
 - (c) Consist of a minimum 18' deep space, surfaced to whatever extent necessary to allow use under all normal seasonal conditions of weather, available for a temporary stopping, standing or storage of one or more motor vehicle(s).
 - (d) Comply with the driveway requirements of § 295-10. Reserve strips, easements, alleys, driveways.
- (6) In order to reduce stormwater runoff and increase soil-water recharge, the use of porous paving is encouraged.

- (a) Porous paving materials may be used in parking lots and driveways, including overflow or temporary parking areas, when approved by Borough Council upon the recommendation of the Borough Engineer. Porous paving shall consist of: a porous asphalt surface, three inches thick, consisting of uniformly graded 3/8-inch aggregate, with an asphalt binder equal to about 6% of the aggregate's dry weight on a layer of small gravel, 1/4 to 1/2-inch in diameter on a reservoir of two to 2 1/2 inch stone, which yields approximately 40% void space in the cavity.
 - (b) A depth of the reservoir may be as little as nine inches, but must be deep enough to contain the water generated by the design storm and may require extra volume to accommodate the percolation process. Factors such as the slope of the site and the soil percolation rate must be considered. The bottom and sides of the excavated reservoir shall be covered by filter fabric capable of preventing sedimentation.
- (7) The Borough Engineer shall determine if fill is required to be placed below the required stone base of all driveways. The applicant shall provide for all testing of earth materials as may be required by the Borough Engineer to render said determination, including but not limited to evidence of meeting DEP clean fill due diligence requirements. **[Added 9-1-2009 by Ord. No. 412]**
- (a) All fill material must be approved by the Borough Engineer.
 - [1] Imported fill material shall be free from debris, organic material, brick, lime, concrete and any other material that, in the opinion of the Borough Engineer, would prevent the adequate compaction and/ or performance of the fill material.
 - [2] Structural fill material shall consist of well-graded granular soil with a maximum particle size of three inches, less than 30% retained on a three-fourths-inch sieve, and less than 15% fines (materials passing the No. 200 sieve). The liquid limit of the fines shall not exceed 35, and the plasticity index shall be a minimum of 15.
 - (b) Fill material must be moistened or dewatered to obtain optimum moisture for compaction.
 - (c) Fill material shall be homogenous and shall be placed in such a manner that it is free from lenses, pockets, voids and other imperfections.
 - (d) Fill material shall be placed to extend at least one foot beyond the edge of the driveway.
 - (e) Fill shall be placed as a minimum eight-inch layer, compacted to not less than 95% of maximum dry density as measured by ASTM D698.
 - (f) The Borough Engineer shall inspect the fill and shall confirm same has been correctly placed prior to the installation of the driveway's stone base. In the event the applicant installs said stone base prior to the Borough Engineer's inspection

and confirmation, the Borough Engineer may require the applicant to remove the stone base materials to allow for said inspection and confirmation.

- (g) If the required density is not attained, the applicant shall provide additional testing as may be required by the Borough Engineer so as to determine adjustments needed to the minimum thickness of the fill layer, the minimum thickness of the stone base, compaction equipment, moisture content, and/or compactive effort.

E. Street names. All public rights-of-way, including alleys, streets and roadways, shall be named and designated by the developer after approval by the Borough Council upon recommendation of the Borough Planning Commission. The developer shall be responsible and bear the costs for erecting appropriate street signs as required by Borough Council upon the recommendation of its engineer.

F. Streetlighting. The owner/developer will be responsible for the costs of the erection and construction of such streetlighting as is deemed necessary by the Borough. The Borough Engineer, in cooperation with the public utility, will indicate the type, location and number of streetlights to be provided. The subdivision and development plan shall indicate the location of such streetlighting, and the type and design thereof.

§ 295-9. Sidewalks and curbs.

A. To provide adequate and proper pedestrian circulation, sidewalks shall be required within all subdivisions and shall be constructed to the following minimum specifications:

- (1) Sidewalks shall be PennDOT Class A concrete (3,300 psi, twenty-eight-day strength) with dimensions as follows:

District/Use	Minimum Width (ft.)	Setback from Curb (ft.) (a)
Village Commercial	8 (b)	5
Community Commercial/Limited Industrial	5	5
Residential Districts on Arterial Roads	5	5
Residential Districts on Collector/Local Streets, 5 or More Units/Acre	5	2
All Other Districts/Uses	4	2

- (a) Setback shall be landscaped in all but Village Commercial.
- (b) Eight-foot width shall be clear of street furniture, door swings, or other encumbrances.

(c) Minimum thickness at driveways: 6”

[1] Non-residential driveways shall include 6x6 – W2.9xW2.9 welded wire fabric.

(d) Minimum thickness all other areas: 4”

- (2) All sidewalk improvements must be approved by the Borough Engineer.
- (3) In land developments with common areas, sidewalks shall be located appropriately to serve as access between parking areas and buildings and in common areas to serve as internal site circulation.
- (4) Sidewalks shall be located between the curb and public street right-of-way line four feet from the curb line. The grade and paving of the sidewalk shall be continuous across driveways except in certain cases where heavy traffic volume dictates special treatment.
- (5) Sidewalks not less than 10 feet wide, and with concrete or asphalt paving not less than four feet wide may be required where necessary to provide access to schools, churches, parks and commercial areas. They shall be maintained by the abutting property owners in the same manner as sidewalks on public streets.
- (6) Sidewalks shall be constructed so as to discharge drainage to the street, the grade of which shall not be less than 1/4-inch per foot.
- (7) All construction and materials to be in conformance with PennDOT Form 408.

B. Curbs.

- (1) Concrete curb shall be installed on each side of all new or widened streets. Concrete curb shall be 18 inches deep, seven inches wide at the top and eight inches wide at the base. The normal distance from the top of the curb to flow line of the gutter shall be eight inches. **[Amended 6-5-2012 by Ord. No. 418]**
 - (a) Parking lot curb reveals shall be 6" minimum.
 - (b) Curbing shall be built in ten-foot lengths and an approved expansion joint of 1/4-inch minimum thickness shall be used at each joint. A combination curb and gutter may be used at the option of the developer when approved by the Borough Engineer. Where combination of curb and gutter is used, it must be placed on a minimum of four inches of crushed stone or gravel to provide adequate drainage beneath the curb.
 - (c) All concrete used in the construction of improvements shall be certified to develop a compressive stress of at least 3,300 psi at twenty-eight-day strength with certification of the mix furnished to the Borough Engineer.
 - (d) Concrete shall be placed in forms that are straight and securely braced. Care shall be taken to control the water content to prevent separation of aggregates. All concrete shall be thoroughly stamped in the forms. After the concrete has set sufficiently, the form shall be removed and the exposed surface shall be rubbed to provide an even finish. All edges shall be finished with an approved edging tool.
 - (e) To provide for driveways, depressions in the curbing may be constructed and finished during this time period.
 - (f) All construction and materials to be in accordance with PennDOT Form 402.

§ 295-10. Reserve strips, easements, alleys, driveways and parking. [Amended 9-3-1996 by Ord. No. 317]

A. Reserve strips controlling access to streets, subdivisions or adjacent areas are prohibited.

B. Easements.

(1) Utility easements.

(a) If easements are used at the rear of lots to provide sanitary sewer, storm sewer, water or gas mains, a minimum easement of 10 feet from the rear of each lot must be provided, or a total minimum easement of 20 feet.

(b) Drainage easements shall be required along all natural watercourses to a minimum width of 15 feet from the center line and may be used for the storm and sanitary sewers, and as open space. Where conditions warrant, such as in floodplains, additional width shall be required in such cases where runoff treatment requires a wider easement. Runoff studies must prove such requirements beyond the floodplain.

(c) Nothing shall be permitted to be placed, set or put within the area of an easement. It shall be maintained as lawn.

(2) Rights-of-way or easements for road construction 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 an easement.

(3) No right-of-way nor easement for any purposes whatever 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 rerecorded in the Office of the Recorder of Deeds for Montgomery County at Norristown, Pennsylvania, at the sole expense of the subdivider.

C. Alleys. Alleys are prohibited in the Borough.

D. Driveways.

(1) Location. Driveways shall be so located, as to provide reasonable sight distance at intersections with streets. A stopping area measured 20 feet behind the right-of-way line shall be provided not to exceed a 4% grade. Driveways shall be located not less

than 40 feet from the street intersection as measured from the right-of-way to the driveway centerline, regardless of the street side of the driveway. When developing areas zoned CC Community Commercial District, the specific requirements regarding driveway location as found in Chapter 340, Zoning, shall be complied with. In addition, driveways shall provide access to the street of a lesser classification when there are streets of different classes involved.

- (2) 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.
- (3) Access driveways should be located in such a 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.
- (4) Lots with frontage of 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 300 feet in length.
- (5) Driveways shall be paved to the width and grades as follows:

Land Use	Minimum* Paving Width (feet)	Minimum Radius at Curb (feet)	Maximum Grade	Maximum Change of Grade/10 feet
Single-family residential	10	5	10%	10%
Multifamily residential	12 (one-way)	10	8%	10%
	24(two-way)	10	8%	10%
Commercial and industrial	12 (one-way)	15	5%	7%
	24(two-way)	15	5%	7%

NOTE:

* Driveways shall be flared to meet street paving.

- (6) The Borough Council shall have the authority to approve driveways intended for the use of two or more families, multifamily 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 10 or more workers daily for vehicular circulation. Driveways serving as private streets shall not be dedicated to the Borough and the Borough shall not assume any responsibility for their maintenance.

- (7) 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.
- (8) 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.
- (9) The construction of all driveways shall include provisions for drainage and stormwater runoff and shall approved by the Borough Engineer.
- (10) All driveway entrances along Main Street, in the Borough of Trappe, shall be so constructed, wherever physically and economically practicable in accordance with the design features set forth as Alternative No. 1, which is attached hereto and incorporated herein.³ In the event that the Borough Council, upon recommendation of its engineer, determines that the driveway entrance and ramp cannot be practically constructed in accordance with Alternative No. 1, then the driveway entrance and ramp shall be designed and constructed in accordance with Alternative No. 2,⁴ attached hereto and made a part hereof. In the event that Borough Council determines, pursuant to recommendation of its engineer, that it is impractical to construct the driveway entrance and ramp in accordance with Alternatives No. 1 and 2, then Alternative No. 3,⁵ which design is attached hereto and made a part hereof, shall be used, and the driveway entrance and ramp shall be so constructed in accordance with that design standard and detail.

E. Parking areas.

- (1) Automobile parking facilities shall be provided off street whenever feasible, in accordance with requirements of Chapter 340, Zoning, and this chapter.
- (2) 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. All parking lots and bays allowing any parking other than parallel shall be physically separated from the cartway by a minimum of seven feet and confined by barrier curbing.
- (3) No one area for off-street parking of motor vehicles in residential areas shall exceed 30 cars in capacity. Separate parking areas on a parcel shall be physically separated from one another by ten-foot planting strips.
- (4) No less than 20 feet of open space shall be provided between the curb line of any parking area and the outside wall of the dwelling unit in residential areas.
- (5) No parking shall be permitted within 10 feet of any property line, therefore providing a sufficient buffer area which shall include a screen required in § 295-26 of this chapter. See also § 340-55. Vehicular access; parking and sidewalks, subsection B(4).

3. Editor's Note: Alternative No. 1 is included in this chapter.

4. Editor's Note: Alternative No. 2 is included in this chapter.

5. Editor's Note: Said alternatives are included at the end of this chapter.

- (6) In commercial and industrial districts, provision of common parking facilities is hereby encouraged in recognition of this 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 affected 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.
- (7) Parking space dimensions shall be as follows: **[Amended 9-2-2008 by Ord. No. 406]**
- (a) For parking spaces that are at a ninety-degree angle to the plane of travel: 18 feet by nine feet.
 - (b) For parking spaces that are at a sixty-degree angle to the plane of travel: 21 feet by nine feet.
 - (c) For parking spaces that are at a forty-five-degree angle to the plane of travel: 19 feet by nine feet.
 - (d) All handicapped parking spaces shall meet design requirements as set forth by the Americans with Disabilities Act [42 U.S.C. § 12101 et seq., 28 CFR Part 36].
- (8) Screen planting requirements shall be applicable to parking lot facilities, along the area fronting streets and along the area adjacent to other properties.
- (9) All dead-end parking lots shall be designed to provide sufficient backup area for the end stalls.
- (10) No less than five-foot radius of curvature shall be permitted for all curblines in all parking areas.
- (11) Parking lot aisle widths shall be no less than the following: **[Amended 9-2-2008 by Ord. No. 406]**
- (a) For ninety-degree angle of parking, one-way aisle: 25 feet.
 - (b) For ninety-degree angle of parking, two-way aisle: 25 feet.
 - (c) For sixty-degree angle of parking, one-way aisle: 18 feet.
 - (d) For sixty-degree angle of parking, two-way aisle: 20 feet.
 - (e) For forty-five-degree angle of parking, one-way aisle: 15 feet.
 - (f) For forty-five-degree angle of parking, two-way aisle: 18 feet.

- (12) Where curbs are not provided in a parking area, all parking spaces shall include a concrete wheel stop. Said wheel stop shall be located no more than three feet from the front of the parking space. **[Added 2-2-2010 by Ord. No. 415]**
- (13) Parking lot grades shall not exceed 5%.
- (14) To comply in part with parking requirements of Chapter 340 Zoning, garages, carports, and other enclosed or semi-enclosed spaces must meet the minimum parking space dimensions listed above.

§ 295-11. Blocks.

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

- (1) Preservation of adequate sites for buildings of the type proposed.
- (2) Zoning requirements.
- (3) Topography.
- (4) Requirements for safe and convenient vehicular and pedestrian circulation, including the reduction of intersections with arterial streets.

B. Size. Block length or width or acreage within bounding roads shall be as such as to accommodate the size of lot required in the area by Chapter 340, Zoning, 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 tiers of lots of the minimum size permitted under the applicable zoning classification.

C. 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.

D. Commercial and industrial blocks. For commercial or industrial use, the block size shall be sufficient in the judgment of Borough Council to meet all area and yard requirements for such use. Adequate provision shall be made for off-street parking and loading area 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.

§ 295-12. Lots. [Amended 12-1-1987 by Ord. No. 247]

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

B. Depth. Lots excessively deep in relation to width are to be avoided.

C. Width. The width of a lot shall be that width specified for the applicable zoning district or greater.

D. Corner lots. All corner lots shall have the setback from both streets as required by Chapter 340, Zoning, for the front setback.

- E. Building lines. Building lines for all lots shall be in conformance with the minimum front, side and rear yard line requirements of the applicable zoning district.
- F. Building numbers. House or building numbers shall be assigned by the Borough.
- G. Frontage. Every lot shall have frontage along the ultimate right-of-way line of a street for at least 50 feet. Modifications are possible in multiple-family, commercial, industrial and rear lot developments as described below.
- H. Rear lots.
- (1) Rear lotting shall be allowed only when it is demonstrated by the applicant that no other method of subdivision is practical or desirable on the subject tract, the result is clearly superior to the conventional approach, and would not set an undesirable precedent for the neighborhood.
 - (2) Rear lotting shall be permitted only in residential subdivision, limited to the lower-density areas, and in the case of a sizable tract, the access strip can logically serve as a public street for future development.
 - (3) Rear lots shall only be permitted as one tier behind a lot with full frontage.
 - (4) When it is determined that utilization of a rear lotting technique is justifiable, certain criteria shall be established:
 - (a) Rear lots shall be connected to a public street by an access strip held in fee simple ownership or by an irrevocable easement, approved by the Borough Solicitor and Engineer, providing unconditional egress and ingress to no more than two(2) of the rear lots.
 - (b) The access leg shall not be included in the calculations of net lot area required by the minimum standards of the applicable zoning classification.
 - (c) Access strips must be at least 25 feet wide, but must not exceed a vertical grade of 8% and must not contain a horizontal turn greater than 45°.
 - (d) Where public sanitary sewers exist or are proposed for the near future, rear lotting shall be permitted only on the tract if it is connected to the sewer system.
 - (e) No more than two access strips shall abut on another. When two access strips abut, a common access point must be shared, and preferably a common driveway shall be provided. A road frontage lot and an abutting rear lot are also encouraged to share a common access point or driveway.
- I. Sidelines. Whenever feasible, the sidelines of a lot shall be set at right angles or radial to the right-of-way.

§ 295-13. Subdivision or land development with existing structures.

No subdivision or land development will be approved with the property line extending through any portion of any existing structure, unless the structure was obviously built to house more than one family and the purpose of the subdivision is to separate the structure and surrounding land into two or more parcels for different ownership.

A. If structure(s) is to remain:

- (1) 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 dimension exceeding the minimum zoning requirement for that district.
- (2) 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 Chapter 340, Zoning, and the Building Code of the Borough.⁶

B. If existing structure(s) is to be removed. Subdivision or land development approval will be issued upon the condition of the expeditious removal of the existing structure 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.

C. If existing structure is to be replaced or expanded. 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.

§ 295-14. Grading.

A. Excavation. No permanent excavation shall be made with a cut face steeper in slope than 3 horizontal to one vertical except under one or more of the following conditions.

- (1) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than three horizontal to one vertical, and written statement of a geotechnical engineer, licensed by the Commonwealth of Pennsylvania, to the effect is submitted to the Borough Engineer and approved by him. The statement shall indicate that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.
- (2) 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.

6. Editor's Note: See Chapter 135, Construction Codes.

- B. Slopes and fences. The top or bottom edge of slopes shall be a minimum of three 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 feet or more in height) shall be protected by a chain link fence four feet in height, approved by the Borough. The fence shall be an integral part of the wall.
- C. 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.

§ 295-15. Stormwater management.

See § 283 Stormwater Management for additional requirements.

§ 295-16. Floodplain areas.

- A. The regulations contained herein shall apply to those areas defined and established as floodplain, in Article XIX of Chapter 340, Zoning, and not in conflict with the information provided in the Flood Insurance Study. The Flood Boundary and Floodway Map shall be available for inspection in the Borough Office.
- B. 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 and the Pennsylvania Flood Management Act, P.L. 851, No. 166 of 1978,⁷ and as either is amended. Furthermore, it is the purpose of these regulations to:
- (1) Regulate the subdivision and development of floodplain areas in order to promote the general health, welfare and safety of the community.
 - (2) 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.
 - (3) Protect individuals from buying land which is unsuitable for use because of flood hazards by prohibiting the subdivision and development of unprotected floodplain areas.
 - (4) Maintain the certification of the Borough of Trappe and the eligibility of the property owners in the Borough for the benefits of the National Flood Insurance Program, P.L. 93-234.
- C. Prospective developers shall consult with the Zoning Officer to make a determination as to whether or not the proposed subdivision or land development is located within an identified floodplain.

7. Editor's Note: See 32 P.S. § 679.101 et seq.

- D. When not prohibited by this or any other codes or ordinances, land located in floodplain 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 and ordinances regulating such development.
- (1) The net buildable area of such subdivision, less all required floodplain setbacks, must meet or exceed the minimum lot area requirements of the underlying Zoning District.
- E. The finished elevation of proposed streets within floodplain areas shall be no more than two feet below the base flood elevation. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights on- and off-site.
- F. Storm drainage facilities shall be designed to convey the one-hundred-year flow without risk to persons or property. The drainage system shall ensure drainage at all points along streets, and ensure conveyance of drainage away from buildings.
- G. All new or replacement sanitary sewer systems, whether public or private, and all appurtenances thereto (including, but not limited to, pumping stations) located in floodplain areas shall be flood proofed up to a point 1 1/2 feet above the base flood elevation.
- H. All new or replacement water systems, whether public or private, in floodplain areas, shall be flood proofed to a point 1 1/2 feet above the base flood elevation.
- I. All other new or replacement public or private utilities and facilities in floodplain areas shall be elevated to a point 1 1/2 feet above the base flood elevation.
- J. Waivers. Guidelines for relaxation from the requirements set forth in this section are as follows:
- (1) A waiver shall only be issued within any designated regulatory flowery if any increase in flood levels during the base flood discharge shall result.
- (2) A waiver shall only be issued if there is:
- (a) A showing of good and sufficient cause;
- (b) A determination that failure to relax the requirements would result in exceptional hardship to the applicant;
- (c) A determination that the relaxing of a requirement will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public conflict with existing local laws or ordinances or adversely impact adjacent landowners.
- (3) A waiver shall only be issued upon a determination that the waiver is the minimum necessary, considering the flood hazard to afford relief.
- (4) The Borough shall:
- (a) Maintain a record of all waivers including justification for their issuance; and

- (b) Report such decisions issued in its annual report submitted to the Federal Insurance Administrator.

K. See § 173 Flood Damage Prevention for additional requirements.

§ 295-17. Special drainage problems and watercourses.

- A. 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 and regulations of the Pennsylvania Department of Environmental Protection, Bureaus of Water Quality Management and Dams and Encroachments.
- B. All continuously flowing natural watercourses shall be maintained at their natural alignments and gradients.
- C. 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.

§ 295-18. Erosion and sediment control.

- A. 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 Trappe Borough. Furthermore, for standard subdivisions and land developments, the Borough reserves the right to require on-site sampling and profiling by a qualified soil professional to insure the design and construction accuracy necessary for intensive land use.
- B. 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 in the form of an acceptable guarantee 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.
- C. 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 Protection. 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 earth-moving 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.

D. Performance standards. The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

- (1) Stripping of vegetation, regrading, or other development shall be done in such a way that will minimize erosion.
- (2) 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.
- (3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- (4) The disturbed area and the duration of exposure shall be kept to a practicable minimum.
- (5) Disturbed soils shall be stabilized as quickly as practicable.
- (6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development.
- (7) The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.
- (8) Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the flow of surface water runoff will be structurally controlled.
- (9) 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.

E. Excavations and fills.

- (1) Cut and fill slopes shall not be steeper than 3:1 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 watercourses 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 and shall be clean and free of material that will decay, settle, or otherwise not meet accepted engineering standards.
- (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 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.

F. Responsibility.

- (1) Wherever 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.
- (2) 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.
- (3) 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 floodplain or right-of-way thereof, to maintain, as nearly as possible, in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.
- (4) 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.
- (5) 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 Protection, whichever is applicable.
- (6) Each person, corporation or other entity which makes any surface changes shall be required to handle the existing and potential off-site runoff through his development by designing to adequately handle the storm runoff from a fully developed area upstream.

G. Compliance with regulations and procedures.

- (1) 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.
- (2) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required under Article VI of this chapter.
- (3) 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.
- (4) 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.

§ 295-19. Bridges and culverts.

- A. 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.
- B. Approval of the Department of Environmental Protection is required when the area drained upstream of the point under consideration exceeds an area of 1/2 square mile.

§ 295-20. Public utilities.

- A. 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.
- B. 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 or 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.
 - (1) 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.
 - (2) The provisions of this chapter 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.

- (3) Light standards are to be placed as required by ordinance. Power source for such standards shall be placed underground as required.
- (4) Along collector roads and major highways, all new electrical service should be placed underground.

§ 295-20.1. Key lock box systems. [Added 11-4-2009 by Ord. No. 414]

- A. All nonresidential uses shall provide for a key lock box system. A key lock box system shall likewise be provided for restricted common areas at multifamily residential uses; said areas include but are not limited to apartment building lobbies, clubhouses and similar facilities.
- B. The Trappe Borough Fire Marshal shall approve the make and model of the key lock box system to be installed.
- C. Unless otherwise required by the Fire Marshal, the key lock box shall be installed on the front of the structure, and adjacent to the main entry door on the right-hand side of said door, and at a height between five feet and seven feet above the grade or floor at this location. The Fire Marshal may require installation at another location he deems to allow for a more efficient and effective response by emergency personnel. The Fire Marshal shall have the final determination as to the location of the key lock box.
- D. The key lock box shall contain the keys for exterior doors and/or gates at the property, the keys for interior doors and/or gates within the building, and the keys to doors and/or panels that control access to shared systems (i.e., HVAC, elevators, alarm panels, sprinkler controls and electrical panels), as required by the Fire Marshal. Each key shall be clearly labeled and easily identifiable.

§ 295-21. Sanitary sewers and waste disposal.

- A. Sewers. Whenever practicable, sanitary sewers shall be installed and connected to the Borough sanitary sewer system. The areas not presently served by public sanitary sewers, the Borough Council may require, in addition to installation of temporary, individual on-site sewage disposal facilities, the installation and capping of sanitary sewer mains and house connections, if studies by the Borough Council indicate that extension of public sanitary sewer trunks or laterals to serve the property subdivided appears probable or necessary to protect public health.
 - (1) 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.
 - (2) Size and grade. Sanitary sewers shall have a minimum inside diameter of eight inches and a minimum grade of 0.4%.
 - (3) Manholes. Manholes shall be located at intervals of 250 feet and at each change of line or grade. In exceptional cases, the interval may be extended to not more than 300 feet. Manhole appurtenances shall conform to current Borough standards.

- (4) 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, except that the garage accessory to dwellings may be connected to the dwelling line.
- B. On-lot disposal system. If public sewage disposal is not available, and the sewage treatment is on a project or individual lot basis, such private facilities must be installed by the subdivider, developer or builder under the direct supervision of the state or local health officer. Conformance with Act 208 of 1976, as amended, The Pennsylvania Sewage Facilities Act,⁸ is required; including, but not limited to, a disclosure statement on certain land sales.
- (1) Necessary tests and inspection. Such officer shall require percolation tests, soil samples and other data to determine the size and extent of facilities needed. During installation of such facilities and before final coverage, the state or local health officer and his officers shall make inspections and check to assure that all requirements and specifications have been met. They shall be granted free access to the development area at all times during this period.
 - (2) Certificate of approval. After assuring that all requirements and specifications have been met, the appropriate board will then issue a certificate of approval to the Secretary of the Borough as a requirement of final plan approval.
 - (3) Proximity to other improvements on the lot (minimum isolation distances). In no instance shall a septic tank, tile field or other effluent disseminating system be located closer to other lot improvements than the distances described in Title 25, Rules and Regulations, Part I, Department of Environmental Protection, Chapter 73, and as amended.

§ 295-22. Water supply.

- A. All water mains and lines, as indicated on the preliminary plan shall be installed from each lot to the municipal supply. Where no public water is available, it must be furnished by the developer on the project on an individual lot basis. If wells are installed on each lot, and the lot also contains its own sewage disposal facilities, the well shall be drilled, cased to a depth of 50 feet and grouted. The state and local health officer shall inspect and check the well installation for conformance to standards, shall ascertain an ample supply of pure water and shall issue to the Secretary of the Borough a certificate of approval as a requirement to final plan approval.
- B. Hydrants. Fire hydrants shall be located at accessible points throughout the subdivision when public water supply is available, and shall be at twelve-hundred- foot intervals.

§ 295-23. Survey monuments.

- A. 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

8. Editor's Note: See 35 P.S. § 750.1 et seq.

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 20 inches by four inches, by four inches, with fort-five-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 or developed, and at all street intersections and intermediate points as may be required.

- B. Bench marks. The Borough elevations are based on the Borough Sanitary Sewer System Datum. Location and elevation are available to all engineers and surveyors upon request to the Colledgeville-Trappe Municipal Authority office. All contours and elevations shown on plans must be based on the system. **[Amended 6-5-2012 by Ord. No. 418]**
- C. 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 stake 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 5/8-inch metal pin with a minimum length of 24 inches located in the ground to existing grade.

§ 295-24. Natural or historic feature preservation. [Amended 7-5-1993 by Ord. No. 285]

- A. 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.
- B. Topsoil protection. 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 redistributed on the site uniformly. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10% and shall be stabilized by sodding on slopes 10% or more as shown on the final grading plan.
- C. 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.

§ 295-25. Preservation and replacement of existing vegetation. [Added 7-5-1993 by Ord. No. 285]

- A. Preservation of existing vegetation. Each mature tree, tree mass or woodland on the site shall be designated “TO RETAIN” or “TO BE REMOVED” in accordance with the following criteria:
 - (1) All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Special consideration shall be given to major specimen trees.

- (2) It shall be incumbent on the applicant to prove that vegetation removal is minimized. If challenged by the municipality, the applicant shall produce evidence such as written documents or plans certified by a registered landscape architect or other alternative layouts are possible and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands.
 - (3) A mature tree, tree mass or woodland shall be considered “TO REMAIN” only if it meets all of the following criteria:
 - (a) The outermost branches of the tree(s) are at least five feet from any proposed buildings, structures, paving, parking, or utilities (overhead or underground).
 - (b) The outermost branches of the tree(s) are at least five feet from any proposed changes in grade or drainage such as excavations, mounding or impoundments.
 - (c) The tree(s) are clear of any proposed sight triangles and do not, by their location or apparent health, pose any undue threat to the health, safety, and welfare of the community.
 - (4) Mature trees, tree masses, or woodlands that do not fit the above criteria shall be designated “TO BE REMOVED.” These trees will be removed in the field during the construction process.
 - (5) The applicant may remove up to 25% of the existing trees which are six inches dbh or greater on the site without needing to replace any of them. However, any proposal to remove more than 25% of the existing trees which are six inches dbh or greater on the site shall replace all the trees that are to be removed as prescribed below in Subsection E. Trees which are prohibited from removal may not be removed as part of the 25% removal allowance. **[Added 10-5-2004 by Ord. No. 377]**
 - (6) An applicant may not have removed more than 25% of the trees which are six inches dbh or greater on the site during any time in the five years prior to submitting the application for a land development or subdivision unless such tree removals were part of a tree cultivation program, of which the Borough was notified in writing before tree removal. **[Added 10-5-2004 by Ord. No. 377]**
- B. Protection of existing vegetation. Existing vegetation designated “TO REMAIN,” in accordance with Subsection A(2) of this section as part of the landscaping of a subdivision or land development shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary physical barrier, such as a snow fence, shall be erected a minimum of one foot outside the drip line on all sides of individual trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscape plan.
- C. Hydrology. Alteration of existing drainage pattern and water supply for the protected vegetation shall be minimized.

- D. Transplanting existing plant material. Specimen trees or individual trees from woodlands of tree masses designated “TO BE REMOVED” are encouraged to be transplanted from one area of the site to another.
- E. Tree replacement requirements. **[Added 10-5-2004 by Ord. No. 377]**
- (1) Any subdivision or land development proposal which will result in the destruction of 25 (%) percent of the existing trees six (6) inches dbh or greater on a lot shall replace the removed trees that are in excess of the 25 (%) threshold.
 - (2) The total tree removal impact of woodland areas designated “TO BE REMOVED” shall be measured by a forest density survey that calculates the approximate quantity of trees (with 6” or greater dbh) per square foot area. All individual specimens of 24 inches or greater dbh shall be individually counted and located on the plan for the entire woodland area to be removed. Calculated woodland tree removals and individual mature tree removals shall be listed on the plan.
 - (3) Replacement trees shall be planted on the site to mitigate for the existing trees removed, in addition to other landscaping requirements. Proposed replacement tree plantings shall be listed on the plan.
 - (4) Replacement ratio.
 - (a) Tree replacement shall occur in the following manner:
 - (b) Each tree six (6) inches dbh or greater that is destroyed over the 25 (%) threshold shall be replaced with one tree with a caliper of 2½ “inch caliper.
 - (c) Every effort shall be made to preserve trees greater than 36 inches dbh. The Borough may expect relocation of improvements by the applicant to preserve these trees.
 - (d) Heritage trees shall not be removed under any circumstance. A “heritage tree” is one that has been determined to likely be old enough that it existed when Trappe was established as a Borough in 1896; or any tree determined by the Shade Tree Commission as being important, such as (but not limited to) any shade tree whose trunk is within 35 feet of the right-of-way of Main Street or any memorial tree. Any heritage tree larger than 36 inches dbh that is proposed to be removed shall be determined by a certified arborist or a dendrochronologist as to its probable age.
 - (e) If 100% of existing trees that are 24 inches dbh or greater are preserved, the applicant may reduce the amount of replacement trees by up to 50%. If 75% of existing trees that are 24 inches dbh or greater are preserved, the applicant may reduce the amount of replacement trees by up to 20%.
 - (f) Existing dead or imminently dying trees shall not be counted.
 - (g) Replacement trees shall not be planted any closer than 15 feet apart, but preferably at least 20 to 40 feet apart, depending on the species.

- (h) Large shrubs that grow to at least eight feet in height can be counted as replacement trees at the rate of three shrubs per replacement tree. Shrubs may be substituted for a maximum of 30% of the replacement trees.
 - (i) Evergreen trees may be counted as 1.25 replacement trees.
 - (j) When more than six species are used as replacement trees, the total number of replacement trees may be reduced by 10%.
- (5) Replacement tree and shrub species shall be chosen from the list of recommended plants this article in § 295-30, Buffers.
 - (6) Calculation and estimation of existing trees shall be performed before any clearing commences and shall be documented on the plan as required in the foregoing requirements.
 - (7) Calculation and estimation of the existing trees remaining after construction shall be performed and compared with the calculations of the approved plan. Any tree removals in addition to those on the approved plan shall be replaced as required in this section prior to the issuing of any occupancy permits.
 - (8) Tree Replacement Fee. A fee in lieu of tree replacement may be allowed, subject to Borough Council approval. A tree replacement fee shall be required for each replacement tree required but not planted on the application site.
 - (a) The Tree Replacement Unit Cost shall be established from time to time by Borough Council based on the market cost of a tree, installation (labor and equipment), maintenance for two years, and fund administration.
 - (b) The amount of the fee shall be the Tree Replacement Unit Cost times the number of trees necessary to satisfy the tree replacement requirements of this Ordinance.

The fee shall be paid to the Borough prior to the issuance of a Tree Removal Permit and placed in a separate account earmarked specifically for the planting of new trees in Borough owned parks, open spaces, or rights-of way.

§ 295-26. Planting. [Amended 7-5-1993 by Ord. No. 285]

- A. 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.
- B. Shade trees. Shade trees shall be provided by the developer and planted at a minimum distance of five feet inside the lot line paralleling the right-of-way line. Trees shall be so located as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted not less than 40 feet apart. **[Amended 2-2-2010 by Ord. No. 415]**

C. Plan requirements.

- (1) Preliminary landscape plan shall show the following:
 - (a) Existing features. The location and character of existing buildings, mature trees standing alone; other limits of tree masses and other existing vegetation; the location of floodplains, wetlands, and other natural features that may affect the location of proposed streets, buildings, and landscape plantings.
 - (b) Proposed landscaping.
 - [1] Approximate location of all proposed landscaping required under this chapter.
 - [2] Demarcation of existing vegetation “TO REMAIN” or “TO BE REMOVED” and the means of protecting existing vegetation during construction.
 - [3] Approximate location of proposed buildings, paving, utilities of other improvements.
- (2) Final landscape plan.
 - (a) Drafting standards. The same standards shall be required as for a preliminary plan. (See § 295-34.)
 - (b) Information to be shown:
 - [1] Plan scale, date, North arrow, and location map with zoning district designations for the site and adjacent properties.
 - [2] Location of all existing and proposed buildings and structures.
 - [3] Location of all existing and proposed roads, parking, service areas, and other paved areas.
 - [4] Location of all outside storage and trash receptacle areas.
 - [5] Sidewalks, berms, fences, walls, freestanding signs, and site lighting.
 - [6] Existing and proposed underground and aboveground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. (Reference may be made to other submission drawings.)
 - [7] All existing and proposed contours at two-foot intervals to determine the relationship of planting and grading, areas with slopes in excess of 3:1 shall be highlighted on the plan.
 - [8] Existing mature trees, woodland, and tree masses to remain.
 - [9] Existing mature trees, woodland and tree masses to be removed.

- [10] Location of all proposed landscaping, including required street trees, stormwater basin landscaping, parking lot landscaping, property line buffer, and site element screen landscaping.
 - [11] A planting schedule listing the scientific and common name, size, quantity and root condition of all proposed plant material.
 - [12] A schedule showing all landscape requirements and plantings proposed for each category.
 - [13] Planting details, including method of protecting existing vegetation, and landscape planting methods.
 - [14] Information in the form of notes or specifications concerning seeding, sodding, ground cover, mulching and the like.
 - [15] A detailed cost estimate shall be submitted with the public improvement escrow, showing the value of all proposed landscaping, including all labor, materials, and guarantee.
- (a) This condition may be satisfied through a land development agreement with sufficient and appropriate financial guarantees.
 - (b) Certificates. When approved, the landscape plan must show:
 - [1] The signature and seal of the registered landscape architect, horticulturist, or nurseryman responsible for preparing the landscape plan and details.
 - [2] The signature of the subdivider, developer, or builder.
 - [3] The signatures of the elected municipal officials, engineer, or landscape architect, and Planning Commission.

§ 295-27. Open space areas and community assets.

Whenever practicable, provision shall be made for suitable open space for parks, playgrounds, and recreational areas. Due consideration shall be given to the preservation of natural features, including large trees, groves, waterways, scenic areas, historical spots, and other community assets. In commercial areas, provisions shall be made for suitable open space for walkways (connecting parking facilities with commercial structures), malls, sitting areas, etc.

A. Dog walk areas. All residential developments possessing thirty or more existing and/ or proposed residential units shall provide an area for a dog walk.

(1) Dog walk area, design criteria.

- (a) Dog walk areas shall be at least one half acre for developments possessing up to 30 existing and/or proposed units, and at minimum one acre for developments possessing 31 or more existing and/or proposed units.

- (b) Dog walk areas shall be located no closer than 15 feet from a property line, right-of-way or building.
 - (c) Dog walk areas shall be located no closer than 100 feet from wetlands, basins and water surface areas.
 - (d) Dog walk areas shall not be located within parking areas.
 - (e) For every 100 feet of perimeter, the dog walk area shall be furnished with one covered trash receptacle, bag dispenser, and identification sign.
 - (f) Dog walk areas shall be surrounded by a fence, minimum 4 feet height, chain link or split rail with wire, equipped with a double-gated entry.
 - (g) For every 40 feet of perimeter, the dog walk area shall provide one shade tree.
 - (h) For every half-acre, the dog walk area shall provide one bench.
- (2) Dog walk area, ownership and maintenance.
- (a) The dog walk area shall be situated on land privately owned and maintained by a homeowners' association, landlord, management association, management company or like entity.
 - (b) A maintenance schedule for the dog walk area shall be included in the declaration for the community, or in a deed of restriction, in a form acceptable to the Borough, to be recorded in and for the Office of Deeds, Montgomery County.

B. Walkways in commercial areas

- (1) Commercial Land Development plans shall include walkways from parking areas to building entrances, sitting areas, and adjacent residential areas and community facilities (parks, cultural establishments, schools, and government offices).
- (2) Such walkways shall be:
 - (a) Paved, concrete or asphalt.
 - (b) Minimum width: 5 feet.
 - (c) Minimum thickness: 4 inches.

§ 295-28. 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 has been approved by the U.S. Department of Housing and Urban Development. No modular unit or modular home

may be occupied before the Borough has received a copy of the structural engineering bulletin(s) indicating approval by the U.S. Department of Housing and Urban Development of the dwelling or the components of the dwelling.

§ 295-29. Well sites. [Added 12-1-1987 by Ord. No. 219-B]

- A. Where any plan is submitted that encompasses land that would allow for the development of any use, present or in the future, under Chapter 340, Zoning, and/ or this chapter, whether or not so provided or proposed in the plan submitted, for at least 30 residential dwellings or the equivalent EDUs where the said property is being used for commercial and/or industrial and/or manufacturing and/or residential use, the developer shall provide for adequate land to be dedicated to the Borough of Trappe suitable for the development and use of the municipal water well to be operated by the Colledgeville-Trappe Joint Water Authority, as a public improvement, for the purpose of serving the development, presently or in the future, with municipal water. The aforesaid land to be so dedicated to the Borough of Trappe shall first be tested by a test well by the developer, at the developer's cost and expense, to assure that:
- (1) The well site would provide a minimum of 100 gallons per minute;
 - (2) Will conform to the regulations of the Pennsylvania Department of Environmental Protection and the Delaware River Valley Basin Authority and be acceptable for the appropriate operational permit from said agencies;
 - (3) Will meet the specifications of the Colledgeville-Trappe Joint Water System as approved by their engineer;
 - (4) That the proposed well site will have adequate ingress and egress for the construction and development of the well, as well as the future use and maintenance thereof, including the necessary easements for ingress and egress on the public road to the well site for the construction, use and maintenance thereof as well as for the laying of the necessary pipe to interconnect with the municipal water system; and
 - (5) That the proposed site shall meet the specifications, regulations, and applicable rules and ordinances of and concerning the Colledgeville-Trappe Joint Water System.
- B. If the development plan as submitted provides for more than 200 residential units or the equivalent of more than 200 EDUs for commercial and/or industrial and/or manufacturing and/or residential use or combination thereof, then one more well site shall be provided for each 200 residential units or portion thereof or for the equivalent 200 EDUs or portion thereof. In ascertaining the number of residential units or EDUs to establish the number of well sites and test wells to be provided, the number of residential units or the required EDUs for any industrial and/or manufacturing unit and/or commercial unit and/or residential unit or combination thereof shall control whether or not the proposed plan is for the development of said residential dwellings or units, commercial units, industrial and/or manufacturing units or combination thereof. The intention is to establish the maximum use for the site, whether or not the use is presently proposed for development, and to set aside the necessary well sites to provide for test wells thereon, even though the proposed development of the potential use may be in the future. Accordingly; the potential for ultimate development of the site is

allowed under Chapter 340, Zoning, and this chapter rather than the development as proposed by the plans or application presented shall establish the number of residential units or EDUs.

- C. Each site shall be dedicated to the Borough of Trappe, by fee simple deed, unencumbered by any lien, easement, or restriction, at the time of subdivision approval and shall provide for the appropriate ingress and egress to the public road for the construction, use and maintenance of any well thereon as well as the appropriate easement and right-of-way for piping, as well as the construction, maintenance and use of the appropriate pipe and appurtenances to interconnect the well with the Collegeville-Trappe Joint Water System.
- D. Where, in the opinion of the engineer for the Collegeville-Trappe Joint Water System, adequate land and a test well cannot be provided to meet the standards and conditions aforesaid on the land to be so subdivided or developed, then the developer shall make a capital contribution equal to the fair market value of the cost of a well site that could then and there be developed in the Borough of Trappe for municipal water supply use by the Collegeville-Trappe Joint Water System and the cost of a test well. If the developer and the Borough of Trappe disagree as to the equivalent capital contribution aforesaid, in lieu of dedicating land, and the costs of establishing a test well, then each party shall select a licensed real estate broker, and the majority of the three licensed real estate brokers shall establish the fair capital contribution for the public improvement aforesaid. The decision of the majority of the three licensed real estate brokers shall be conclusive and binding upon the parties. Each party shall bear the cost and expense of paying their licensed real estate broker, and shall share equally in the costs and expense of the third licensed real estate broker.

§ 295-30. Buffers. [Added 10-3-1989 by Ord. No. 265; amended 7-5-1993 by Ord. No. 285]

- A. Screen buffer. Where required by the Ordinance or the Zoning Ordinance, all screening plant materials shall be chosen from the following recommended plant material list:

- (1) Shade or canopy trees.

Scientific Name	Common Name
Acer rubrum	Red maple (native)
Celtis sp.	Hackberry (native)
Cladastris lutea	Yellowwood (native)
Corylus colurna	
Ginkgo biloba	Ginkgo (male only)
Gleditsia triacanthos, inermis	Thornless honey locust
Koelreuteria paniculata	Golden rain tree
Liquidamber styraciflua	Sweet gum (native)
Platanus occidentalis	Sycamore (native)
Quercus bicolor	Swamp white oak (native)
Quercus coccinea	Scarlet oak (native)

Scientific Name	Common Name
<i>Quercus imbricaria</i>	Shingle oak (native)
<i>Quercus phellos</i>	Willow oak (native)
<i>Quercus prinus</i>	Chestnut oak (native)
<i>Quercus rubra</i>	Red oak (native)
<i>Sophora japonica</i>	Japanese pagodatree
<i>Tilia americana</i>	American linden (native)
<i>Tilia cordata</i>	Littleleaf linden
<i>Tilia tomentosa</i>	Silver linden
<i>Zelkova serrata</i>	Japanese zelkova

- (2) Shade or canopy trees. Suitable for property line buffers and nonvehicular use areas only (minimum mature height: 30 feet or more).

Scientific Name	Common Name
<i>Acer saccharinum</i>	Silver maple (native)
<i>Acer saccharum</i>	Sugar maple (native)
<i>Betula lenta</i>	Sweet birch (native)
<i>Betula nigra</i>	River birch (native)
<i>Carya ovata</i>	Shagbark hickory (native)
<i>Carya sp.</i>	Hickory (native)
<i>Fagus grandifolia</i>	American beech (native)
<i>Fagus sylvatica</i>	European beech
<i>Liriodendron tulipifera</i>	Tuliptree (native)
<i>Meta sequoia glypostroboides</i>	Dawn redwood
<i>Ostrya virginiana</i>	Hop hornbeam (native)
<i>Phellodendron amurense</i>	Amur cork tree
<i>Plantanus acerifolia</i>	London plane
<i>Prunus virginiana</i>	Chokecherry (native)
<i>Quercus alba</i>	White oak (native)
<i>Quercus coccinea</i>	Scarlet oak (native)
<i>Quercus palustris</i>	Pin oak (native)
<i>Quercus vellutina</i>	Black oak (native)
<i>Sassafras albidum</i>	Sassafras (native)

- (3) Ornamental trees. Suitable for property line buffers or site element screens (minimum mature height: 15 feet or more).

Scientific Name	Common Name
<i>Amelanchier canadensis</i>	Serviceberry (native)
<i>Carpinus carolinia</i>	Ironwood (native)
<i>Cercis candensis</i>	Redbud (native)
<i>Chionanthus virginicus</i>	Fringetree (native)
<i>Cornus florida</i>	Flowering dogwood (native)
<i>Cornus kousa</i>	Japanese dogwood
<i>Cornus mas</i>	Cornelian cherry
<i>Crataegus cv. Toba</i>	Toba hawthorn
<i>Crataegus mollis</i>	Downy hawthorn
<i>Crataegus oxycantha</i>	English hawthorn
<i>Crataegus Phaenopyrum</i>	Washington hawthorn
<i>Halesia carolinia</i>	Silverbells (native)
<i>Hammamelis virginiana</i>	Witch hazel (native)
<i>Koelreuteria paniculata</i>	Golden raintree
<i>Laburnum vossi</i>	Goldenchain
<i>Magnolia soulangeana</i>	Saucer magnolia
<i>Magnolis virginiana</i>	Sweetbay magnolia (native)
<i>Malus sp.</i>	Crab apple species (native)
<i>Oxydendrum arboreum</i>	Sourwood (native)
<i>Prunus sargentii</i>	Sargent cherry
<i>Prunus serrulata cv. Kwanzan</i>	Kwanzan cherry
<i>Styrax japonica</i>	Japanese snowbell
<i>Syringa amurensis japonica</i>	Japanese tree lilac

- (4) Large deciduous shrubs. Suitable for use in property line buffers or site element screen (not clipped hedges) (minimum mature height: 15 feet or more).

Scientific Name	Common Name
<i>Aronia arbutifolia</i>	Black chokeberry (native)
<i>Calycanthus floridus</i>	Sweet shrub (native)
<i>Cephalanthus occidentalis</i>	Buttonbush (native)
<i>Clethra acuminata</i>	Summersweet (native)

Scientific Name	Common Name
<i>Cornus serica</i>	Red osier dogwood (native)
<i>Enkianthus campanulatus</i>	Redvien enkianthus
<i>Forsythia</i> sp.	Forsythia
<i>Fothergilla major</i>	Large fothergilla (native)
<i>Ilex verticillata</i>	Winterberry (native)
<i>Lindera benzoin</i>	Spicebush (native)
<i>Lonicera</i> spp. (shrubbery vat.)	Honeysuckle bush
<i>Myrica pennsylvanica</i>	Bayberry (native)
<i>Philadelphus</i> spp.	Mock orange
<i>Physocarpus opulifolius</i>	Common ninebark
<i>Rosa multiflora</i>	Multiflora rose
<i>Sambucus canadensis</i>	Elderberry (native)
<i>Spiraea nipponica</i>	Snow mound spirea
<i>Vaccinium corymbosum</i>	Blueberry (native)
<i>Viburnum dentatum</i>	Arrow wood (native)
<i>Viburnum lentago</i>	Nannyberry (native)
<i>Viburnum prunifolium</i>	Black haw (native)
<i>Viburnum</i> spp.	Other large viburnums
<i>Viburnum trilobum</i>	American cranberry (native)

- (5) Deciduous or evergreen shrubs. Suitable for clipped hedges in property line buffers or site element screens (minimum mature height: four feet or more).

Scientific Name	Common Name
<i>Aronia arbutifolia</i>	Black chokeberry (native)
<i>Berberis</i> sp.	Barberry Sp.
<i>Cornus mas</i>	Cornelian cherry
<i>Cotoneaster salicifolia</i>	Willowleaf cotoneaster
<i>Ilex crenata compacta</i>	Compact Japanese holly
<i>Ilex glabra</i>	Inkberry (native)
<i>Ilex crenata hetzi</i>	Hetz holly
<i>Juniperus chinensis glauca hetzi</i>	Hetz blue juniper
<i>Juniperus chinensis pfitzeriana compacta</i>	Compact pfitzer juniper
<i>Philadelphus lemoinei</i>	Mock orange

Scientific Name	Common Name
<i>Taxus canadensis</i>	Canada yew
<i>Taxus densiformis</i>	Dense yew
<i>Taxus media</i> Hatfieldi	Hatfield yew
<i>Viburnum dentatum</i>	Arrow wood (native)
<i>Viburnum lentago</i>	Nannyberry (native)
<i>Viburnum opulus</i>	European cranberry bush
<i>Viburnum prunifolium</i>	Black haw (native)
<i>Thuja</i> sp.	Arborvitae

- (6) Evergreen shrubs. Suitable for site element screens (minimum mature height: four feet).

Scientific Name	Common Name
Azalea, evergreen species, must reach three-foot height	Azalea
<i>Ilex crenata</i> “hetzi”	Japanese holly
<i>Ilex glabra</i>	Inkberry (native)
<i>Ilex mesevvea</i>	Blue holly series
<i>Juniperus chinensis</i> “Hetzi Glauca”	Hetz blue juniper
<i>Juniperus virginiana</i>	Eastern red cedar (native)
<i>Kalmia latifolia</i> and cvs	Mountain laurel (native)
<i>Leucothoe fontanessiana</i>	Leucothoe
<i>Pieris floribunda</i>	Mountain andromeda (native)
<i>Pieris japonica</i>	Japanese andromeda
<i>Rhododendron</i> sp.	Various lg. rhododendrums
<i>Taxus</i> sp.	Yew
<i>Thuja</i> sp.	Arborvitae
<i>Viburnum rhytidophillum</i>	Leatherleaf viburnum

- (7) Evergreen trees. Suitable for property line buffers or site element screens (minimum mature height: 20 feet).

Scientific Name	Common Name
<i>Abies concolor</i>	White fir
<i>Ilex opaca</i>	American holly (native)
<i>Picea abies</i>	Norway spruce
<i>Picea omorika</i>	Siberian spruce

Scientific Name	Common Name
<i>Picea pungens</i>	Colorado spruce
<i>Pinus strobus</i>	White pine (native)
<i>Pinus thunbergii</i>	Japanese black pine
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Tsuga canadensis</i>	Canadian hemlock (native)
<i>Tsuga caroliniana</i>	Carolina hemlock (native)

(8) Canopy trees. Suitable for stormwater detention basins.

Scientific Name	Common Name
<i>Acer rubrum</i> +	Red maple
<i>Acer saccharinum</i> *	Silver maple
<i>Betula nigra</i> *	River birch
<i>Illex opaca</i> *	American holly
<i>Liquidambar styraciflua</i> +	Sweet gum
<i>Nyssa sylvatica</i> *	Black gum
<i>Quercus phellos</i> *	Willow oak
<i>Quercus bicolor</i> +	Swamp white oak
<i>Quercus palustris</i> *	Pin oak
<i>Taxodium distichum</i> +	Bald cypress

NOTES:

* Suitable for usually well-drained areas that may be subject to occasional flooding.

+ Suitable for permanently wet areas.

(9) Deciduous/evergreen ornamental trees. Suitable for stormwater detention basins.

Scientific Name	Common Name
<i>Amelanchier canadensis</i> *	Shadblow serviceberry
<i>Carpinus carolinia</i> *	Ironwood
<i>Chionanthus virginicus</i> *	Fringetree
<i>Magnolia virginiana</i> *	Sweetbay
<i>Thuja occidentalis</i> cv. <i>nigra</i> *	Arborvitae

NOTES:

* Suitable for usually well-drained areas that may be subject to occasional flooding.

+ Suitable for permanently wet areas.

(10) Deciduous or evergreen shrubs suitable for stormwater detention basins.

Scientific Name	Common Name
<i>Aronia arbutifolia</i> +	Red chokeberry
<i>Caly canthus florida</i> *	Sweetshrub
<i>Cephalanthus occidentalis</i> +	Button bush
<i>Clethra alnifolia</i> +	Summersweet
<i>Cornus amonium</i> +	Silky dogwood
<i>Cornus serica</i> +	Red-stem dogwood
<i>Hammamelis virginiana</i> *	Witch hazel
<i>Illex glabra</i> +	Inkberry
<i>Illex verticillata</i> +	Winterberry
<i>Lindera benzoin</i> *	Spice bush
<i>Myrica cerifera</i> *	Southern bayberry
<i>Myrica pennsylvanica</i> +	Northern bayberry
<i>Rhododendron nudiflorum</i> +	Pinxterbloom azalea
<i>Rhododendron viscosim</i> +	Swamp azalea
<i>Sambucus canadensis</i> *	Elderberry
<i>Viburnum cassanoides</i> *	Witherod
<i>Viburnum dentatum</i> *	Arrow wood
<i>Viburnum lentago</i> *	Nannyberry
<i>Viburnum tribolum</i> *	American cranberry

NOTES:

* Suitable for usually well-drained areas that may be subject to occasional flooding.

+ Suitable for permanently wet areas.

(11) Herbaceous perennials. Suitable for stormwater detention basins.

Scientific Name	Common Name
<i>Aster novae angliae</i> *	New England aster
<i>Chrysanthemum leucanthemum</i> *	Ox-eye daisy
<i>Echinacea purpurea</i> *	Purple cornflower
<i>Eupatorium dubium</i> +	Joe pye weed
<i>Eupatorium fistulosum</i> +	Hollow joe pye weed
<i>Hemerocallis sp.</i> *	Day lily

Scientific Name	Common Name
Hesperis matronalis*	Dames rocket
Hibiscus moshentos+	Rose mallow
Iris pseudocaris+*	Yellow iris
Iris vericolor+	Blue flag
Lobelia cardinalis+*	Cardinal flower
Lobelia siphilitica+*	Blue lobelia
Monarda didyma*	Bee balm
Panicum virgatum+*	Switchgrass
Phalaris arundinacae*	Canary reed grass
Rudbeckia sp.*	Black-eyed susan
Scirpus acustus+	Hard stem bullrush
Typha angustifolia+	Narrowleaf cattail
Typha latifolia+	Common cattail
Vernonia noveboracensis+*	New York iron weed

NOTES:

* Suitable for usually well-drained areas that may be subject to occasional flooding.

+ Suitable for permanently wet areas.

B. Existing live trees that are in the buffer area shall be allowed to remain in that area and can be used to satisfy the requirements of the buffer. **[Added 10-5-2004 by Ord. No. 377]**

C. Maintenance.

- (1) 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 insure 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.
- (2) Safety. All sight triangles shall remain clear, and any plant material 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 and architectural elements to insure a safe environment.
- (3) Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer, to be used by grounds maintenance personnel to insure that the design's buffering and screening concepts are continued.

D. Landscape bond.

- (1) Any tree or shrub that dies within 18 months of planting shall be replaced by the current landowner or developer. Any tree or shrub that, within 18 months of planting or replanting is deemed, in the opinion of the municipality, not to have survived or not to have grown in a manner characteristic of its type, shall be replaced. Substitutions for certain species of plants may be made only when approved by the municipality.
- (2) The developer or landowner shall deposit with the municipality a sum of money equal to the amount necessary to cover the cost of purchasing, planting, maintaining, and replacing all vegetative materials for a period of 18 months.

§ 295-31. Land reserved for park and recreation purposes. [Added 1-14-1992 by Ord. No. 277]

A. Intent.

- (1) To implement the objectives of the Borough's Comprehensive Plan and Parks and Open Space Plan (latest edition), it is the intent of this section to provide for the reservation of park and recreational facilities in residential subdivisions and land developments, or in lieu thereof, the payment of fees to the Borough, or the construction of recreational facilities, or a combination of these options.
- (2) To assure that developers of residential projects make suitable provision for the open space and outdoor recreational needs of the future occupants of their projects.
- (3) To encourage developers to consider the impact of their projects upon the natural environment and ways to mitigate that impact.
- (4) To assure that lands set aside for open space and outdoor recreational use are of appropriate type, size, and location for such uses.
- (5) To promote improvements to open space and outdoor recreational areas consistent with recreational use.

B. Criteria and standards for park land and open spaces.

- (1) Residential subdivisions and land developments shall contain open space recreational facilities of 4,000 square feet per dwelling unit in accordance with the design standards outlined below. Said open space and recreational facilities need not be dedicated to the Borough, and shall be, at the discretion of the developer, private reservation of open space and recreational facilities in conjunction with the subdivision and development as proposed. If the property is not offered for dedication to the Borough, the developer shall establish a satisfactory arrangement, as approved by the Borough Council and its Solicitor, for the maintenance of such open space and recreational facilities, in perpetuity, for the benefit of the residents and property owners of said subdivision and land development, by establishing appropriate securities and escrows.
- (2) Park land design standards. All land set aside for open space and recreational use shall:

- (a) Be contained within the proposed subdivision and land development.
- (b) Consist of one continuous tract of land.
- (c) Be readily accessible to all residents and properties within said subdivision and land development and have at least fifty feet (50') of public road frontage.
- (d) Otherwise, be generally suitable for park and recreational purposes, taking into consideration traffic flows, prior uses of the parcel that may affect the health, welfare, or safety of the public or uses of other properties in the vicinity of the parcel that would adversely affect the use of the subject property for recreational or park use.
- (e) Be suitable for the location of facilities which can meet the various recreational needs of the residents, businesses, and industries.
- (f) Where possible, be suitable for accessible connection to an existing adjacent recreation area.
- (g) Be generally well drained and suitable for different forms of active and passive recreation with the following features:
 - [1] No more than fifteen (15%) percent of the area consisting of environmental constrains such as wetlands, 100-year floodplains, or areas with greater than 15% slopes.
 - [2] No more than fifty (50%) percent of the area wooded.
 - [3] Undivided by a public or private road.
 - [4] No more than fifteen (15%) percent of the area encumbered by easements, utilities, or stormwater management facilities. Land within utility easements may be used for recreation purposes only if the utility companies possessing legal rights to the easements do not prohibit their use for such purposes.
- (3) At the sole discretion of Borough Council, where Council determines that the intent of the ordinance can be attained otherwise, Council may waive or modify, upon written application, the open space and recreational design standards aforesaid; and if Council deems necessary, impose such other conditions and/or standards to achieve the objective and purpose of this chapter.

C. Alternatives to private open space and recreational facilities.

- (1) Intent. It is the intent of this section to provide open space and recreational facilities for all new residential development.
- (2) Fee in lieu of private open space and recreational facilities. If a developer is unable to establish private recreational and open space facilities as per the design standards aforesaid, or if said developer determines not to set aside land for open space and recreational facilities within the development for private use of the development, and if

approved by the Borough Council, the developer may pay a fee in lieu thereof, which shall be equal to the amount established by Borough Council from time to time based upon a certified appraiser's written opinion of the fair market value of open space in the Borough, times two (2) to account for the cost of adding recreational facilities and related improvements thereto.

- (3) Use of fees due. Fee in lieu of payments shall be used to expand and improve existing public parks or to acquire land and develop new public recreational sites and facilities. Fee-in-lieu payments shall be deposited into the Open Space Fund and be used to acquire or develop open space or park sites in the Borough of Trappe. [**Amended 5-1-2012 by Ord. No. 417**]
- (4) Deposit of fees. Fees collected by the Borough shall be deposited in an interest-bearing Open Space Fund account. [**Amended 5-1-2012 by Ord. No. 417**]
- (5) Collection of fees. Fee-in-lieu payments shall be collected prior to the final plan approval.

D. Miscellaneous provisions.

- (1) Private park and recreational facilities established in connection with the proposed subdivision and land development application must be permanently dedicated to recreation and park use and the maintenance of such site must be adequately secured by deed restrictions, homeowner association agreements, or other applicable and acceptable provisions.
- (2) Borough Council shall determine whether the land proposed for private dedication meets the design standards set forth in this chapter. If Borough Council deems that the land proposed does not meet the criteria and standards set forth in this chapter, or that the securities for the maintenance of such site are not adequately secured, the applicant, within 10 days of notice of Council's decision, may file written objections therefore and request a hearing before Council. Borough Council, upon due notice, shall hold a public hearing; and thereafter, Council shall render findings of fact, decision and conclusions of law with respect to those matters objected to. The applicant shall bear the cost and expense of a stenographer.
- (3) Any land dedicated to the Borough shall be used only for the purpose of providing park and recreational facilities and for the preservation of open space and shall be available for use by all Borough residents.
 - (a) Acceptance of dedicated land shall be by means of a signed resolution to which a property description of the dedicated area shall be attached. A fee simple warranty deed conveying the property shall be delivered to the [municipality] with title free and clear of all liens, encumbrances, and conditions excepting public utility easements.

ARTICLE IV
Plan Submission Requirements

§ 295-32. Applicability.

The procedures set forth in this article shall be followed by all applicants proposing to subdivide or develop land in the Borough of Trappe.

§ 295-33. Classification of subdivision and land development plans. [Amended 10-3-1989 by Ord. No. 265]

A. Tentative sketch plan (optional or if requested by the Borough).

- (1) The sketch may be drawn in pencil or ink.
- (2) The sketch shall show the following information:
 - (a) Name and address of the owner and the engineer, surveyor or architect.
 - (b) Name of subdivision or land development.
 - (c) A North arrow and appropriate scale.
 - (d) The tract boundary and location by deed plotting.
 - (e) A location plan showing the subject tract to the surrounding network.
 - (f) The existing and proposed road and lot (or building) layout.
 - (g) Significant topographical and physical features, such as floodplains, steep slopes (over 15%), woodlands, and existing structures.
 - (h) Proposals for control of drainage runoff and community facilities.

B. Minor plans. A plan which satisfies the criteria set forth below shall be considered a minor subdivision or land development and may be used to satisfy the preliminary and final plan requirements for standard subdivisions. The information required to be shown on minor plans is listed in § 295-34A through D and G. In addition, minor land developments shall include the information required in § 295-34F.

- (1) Criteria for minor subdivisions. This procedure is not intended to promote piecemeal development and shall only involve a subdivision of a tract that:
 - (a) Contains not more than two 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 street or road, the extension of municipal facilities or the creation of any other public improvements;

- (e) Does not require the need for any variance by the Zoning Hearing Board from the provisions of Chapter 340, Zoning;
 - (f) Is in general conformance with the Borough Comprehensive Plan;
 - (g) Contains no more than five acres;
 - (h) Where a minor land development and subdivision does not involve significant stormwater and/or erosion control issues as may be determined by the Borough Engineer.
- (2) Criteria for minor land developments. This procedure is not intended to promote piecemeal development and shall only involve land developments which:
- (a) Contain only one residential building with less than five dwelling units;
 - (b) Has not been part of a land development 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 erection of any other public improvements;
 - (e) Does not require the need for any variance by the Zoning Hearing Board from the provisions of Chapter 340, Zoning;
 - (f) Is in general conformance with the Borough Comprehensive Plan;
 - (g) Contains no more than five acres;
 - (h) Where a minor land development and subdivision does not involve significant stormwater and/or erosion control issues as may be determined by the Borough Engineer.
- C. Standard plans. A subdivision or land development which does not meet the criteria set forth in Subsection B, above, shall be required to submit the following plans:
- (1) Preliminary plan. The information required to be depicted on a preliminary plan shall include all of the requirements listed in § 295-34.
 - (2) Final plan. Final plan shall consist of two parts:
 - (a) A record plan. Such plan shall include the information listed in § 295-35A.
 - (b) An improvement construction plan. Such plan shall include the information listed in § 295-35B.
- D. Disqualification. The Borough Planning Commission or the Borough Council may require a standard preliminary plan submission in place of minor plan submission when conditions warrant it, in the sole discretion of the aforesaid bodies or as suggested by the Borough Engineer.

§ 295-34. Minor and standard preliminary plan requirements. [Amended 6-1-1982 by Ord. No. 219-A; 9-6-1988 by Ord. No. 254]

All minor and standard preliminary subdivisions and land development plans shall include the following information:

A. Drafting standards.

- (1) A subdivision or land development plan shall be clearly and legibly drawn to a scale not in excess of one inch equals 50 feet, except if the parcel being subdivided is five acres or larger, the plan may be drawn to a scale not in excess of one inch equals 100 feet.
- (2) Dimensions shall be in feet and decimals; bearings shall be in degrees, minutes and seconds for each lot and the entire tract.
- (3) The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.
- (4) The sheet or sheets shall be one of the following sizes: 15 inches by 18 inches, 18 inches by 30 inches, or 24 inches by 36 inches. 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.
- (5) Where there are two or more sheets, a key map shall be provided sufficient to show their relationship.

B. Location and identification. Each plan shall provide:

- (1) The name and address of the subdivider, developer and/or builder, and the name, address and seal of the registered engineer, surveyor, or other qualified person who developed the plan.
- (2) The name of the subdivision, or land 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 and dimensions of all lots and net lot area of each.
- (6) A key map relating the subdivision to at least three existing intersections of Borough streets.
- (7) A legend sufficient to indicate clearly between existing and proposed conditions.
- (8) 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.

C. Existing and proposed features.

- (1) Within 400 feet of any part of the land being subdivided, the plan shall show the following information:
 - (a) Property lines, existing buildings, present use and current owners.
 - (b) The location, names, width (both cartway and right-of-way) surface conditions and contour of existing and proposed streets, alleys, driveways, walkways, etc.
 - (c) The location and size of all watercourses and the boundaries of floodplains (not limited to the established flood level and regulatory flood elevation, where applicable).
 - (d) Location and character of existing buildings, man-made structures and natural features, such as steep slopes over 15%, which may have significant impact on the ability of the applicant to subdivide or develop land in question.
 - (e) Areas subject to deed restrictions or easements.
 - (f) Other information deemed necessary by Borough Council.
 - (g) Location and size of existing and proposed sanitary and storm systems and water facilities.
 - (h) Steep slopes over 15% as delineated by Montgomery County soil survey shall be plotted and designated as such on the plan.
 - (i) Contours obtained from the U.S. Geographical Survey Maps at intervals of five feet.
 - (j) Location of existing utilities above and below ground, i.e., electric facilities, fire hydrants, gas mains, water mains, etc.
 - (k) Location and type of soil conditions as per the Montgomery County Soil Survey or by other survey reports prepared by qualified agencies and firms.
 - (l) Location of trees standing alone and outer limits of tree masses.
- (2) Within the land to be subdivided, 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, curblines, rights-of-way and curblines 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 (not limited to the Regulatory Flood Elevation, where applicable).

- (d) Man-made structures and natural features which limit the potential layout of lots and buildings, including the location of marshland, slopes over 15% and other topographical features. Whenever the parcel contains slopes in excess of 15%, 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 size of all soil types, as per Montgomery County Soil Survey or by other survey reports prepared by qualified agencies and firms.
- (h) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision.
- (i) A clear site triangle shall be clearly shown for all street intersections.
- (j) A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if covenants are recorded, including the book and page number.
- (k) All wetlands as certified by either a registered engineer or a consultant recognized and certified by the U.S. Army Corps of Engineers.
- (l) Whenever a subdivider or developer proposes to establish a street which is not offered for dedication to public use, the Borough Council shall require the subdivider to submit, and also to record with the plan, a copy of an agreement made with the Borough Council on behalf of the subdivider's heirs, assigns and successors in interest and signed by the Borough Solicitor, and which shall establish the conditions under which the street may later be offered for dedication, and shall stipulate, among other things:
 - [1] That the street shall conform to the municipal specifications or the owners of the abutting lot shall include with the offer of dedication sufficient money, as estimated by Borough Engineer, to restore the street to conformance with the Borough specifications then and there existing;
 - [2] That an offer to dedicate the street shall be made only for the street as a whole;
 - [3] That the method of assessing repair costs be as stipulated; and
 - [4] That the agreement by the owner of 51% of the front footage thereon shall be binding on the owners of the remaining lots.
- (m) Other information deemed necessary by Borough Council.

D. Additional requirements for subdivision within floodplains.

- (1) Within floodplains, all subdivisions and land development plans shall be drawn to assure that:
 - (a) Proposals are consistent with the need to minimize flood damage;
 - (b) Public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage;
 - (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
 - (2) 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 and identify accurately the boundaries of the floodplain and the base flood elevation. When floodproofing measures are proposed for structure within a floodplain, a registered professional engineer or architect shall certify that the floodproofing measures are adequate to meet the requirements of this chapter and other Borough ordinances.
 - (3) 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.
 - (4) A copy of all plans for new construction in floodplain areas shall be submitted by the Borough to the Montgomery County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Borough Council for possible incorporation into the proposed plan.
- E. Additional requirements for standard preliminary plans. The following requirements need not be shown on a minor subdivision or land development plan, unless required by the Borough Engineer. However, all standard preliminary subdivision and land development plans shall be required to contain the following additional information.
- (1) Existing and proposed features. Within 400 feet of any part of the land being subdivided or developed, the plan should show the following additional information:
 - (a) The radii and surface conditions of existing and proposed alleys and streets.
 - (b) The location of existing and proposed floor or erosion protective facilities.
 - (c) The location and size of existing and proposed sanitary sewers, manholes, storm sewers, and inlets.
 - (d) 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).
 - (e) Contours obtained from the U. S. Geographical Survey Maps at intervals of five feet.

- (f) Steep slopes over 15% as delineated by Montgomery County Soil Survey shall be plotted and designated as such on the plan.
 - (g) Location and types of soil conditions as per Montgomery County Soil Survey or by other survey reports prepared by qualified agencies and firms.
 - (h) Location, character and elevation of existing buildings.
 - (i) Location of trees standing alone and outer limits of tree masses.
- (2) Within the land to be subdivided and developed, the plan shall show the following additional information:
- (a) For proposed streets, the plan shall show tentative grades to an existing street as a point 400 feet beyond the boundaries of the site.
 - (b) The plan shall show measured distances from the center line of existing and proposed streets to existing and proposed buildings, to existing and proposed trees and plantings; and to control points and monuments.
 - (c) The plan shall show all building setback lines with distance from the right-of-way line.
 - (d) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.
 - (e) Contour lines at vertical intervals of five feet except for floodplains which shall be shown at intervals of two feet. Where reasonably practicable, data shall refer to known established elevations or to the U.S.G.S. datum.
 - (f) The location and size of utilities above and below the ground, e.g., electric facilities, fire hydrants, gas mains, water lines.
 - (g) Man-made structures or natural features which limit the potential layout of buildings and lots, including tree masses, marshlands, steep slopes (over 15%) and other topographical features.
 - (h) The location and size of any area to be used for open space/recreational facilities.
 - (i) Areas subject to deed restrictions or easements, including land to be dedicated or reserved for future road widening or other public or common use.
 - (j) The location of any lots or areas which shall contain a use or uses other than residential.
 - (k) 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.
- F. Additional requirements for all land development plans (minor and standard preliminary plans).

- (1) The zoning classification and applicable requirements with which compliance is necessary for granting final approval.
- (2) Man-made features for the use of two or more prospective occupants.
- (3) The lot size, floor area and/or gross leasable area, as applicable.
- (4) The density including the bedroom mix, if applicable.
- (5) The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.
- (6) The location and placement of accessory structures and facilities.
- (7) All roads, parking facilities and pedestrian ways (including the total number of parking spaces).
- (8) The areas of common open spaces or facilities.
- (9) A conceptual site utilization layout defining the general location of all proposed uses and activities.
- (10) Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.
- (11) All covenants, deed restrictions or easements relating to the use of the property.
- (12) Other information deemed necessary by Borough Council.

G. Minor plan approval. Minor plan approval shall be obtained through the procedure identified in Article V of this chapter. After Borough Council approves the minor subdivision or minor land development plan, the plan shall become a final plan when the following certificates are obtained:

- (1) The signature and seal of a registered land surveyor certifying 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. The signature of a professional engineer certifying the correctness of the design of all improvement.
- (2) The signature of the subdivider certifying his adoption of the plan and the change therein.
- (3) The signature of the Borough Secretary certifying that Borough Council has approved the minor subdivision plan and any changes thereto on the date shown.
- (4) Following final approval, the plan must be recorded in accordance with § 295-37 of this chapter.

H. Standard preliminary plan approval. A standard preliminary subdivision or land development plan shall show the following signatures upon approval:

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

§ 295-35. Final plan. [Amended 6-1-1982 by Ord. No. 219-A; 10-3-1989 by Ord. No. 265]

Applicants submitting a final plan shall conform to the following standards:

A. Record plan.

- (1) Drafting standards. The same standards shall be required for a record plan as for a preliminary plan, and in addition, for recording purposes, the plans shall be placed on sheet sizes of 15 inches by 18 inches, 18 inches by 30 inches, or 24 inches by 36 inches. All lettering and lines should be drawn so as to still be legible should the plan be reduced to half size.
- (2) Information to be shown. The plan, which shall include all portions of an approved preliminary plan, shall show:
 - (a) A title, as required for a preliminary plan.
 - (b) Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than one part in 10,000.
 - (c) The names of abutting owners, names, locations, widths and other dimensions of all roads, including center line courses, distances and curve data; descriptive data 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.
 - (d) Evidence should be provided that the plans are in conformance with Chapter 340, Zoning, 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.
 - (e) 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.
 - (f) The location, material and size of all monuments.
 - (g) Building setback lines with distances from the ultimate right-of-way line.
 - (h) Restrictions in the deed affecting the subdivision or development of the property.
 - (i) The location of all floodplains, and steep slopes (over 15%).

(3) Certificates. When approved, the record plan must show:

- (a) The signature and seal of a registered land 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. The signature of a professional engineer certifying the correctness of the design of all improvements.
- (b) The signature of the subdivider, developer or builder certifying his adoption of the plan.
- (c) The signature of the Borough Secretary, certifying that the Borough Council approved the plan on the date shown.
- (d) Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

B. Improvement construction plan (where applicable).

- (1) Drafting standards. The same standards shall be required for an improvement construction plan as for the standard preliminary plan, except that the horizontal scale of the plan and profile shall not be in excess of 50 feet to the inch and the vertical scale of the plan shall be two feet, five feet, or 10 feet to the inch, whichever is most appropriate.
- (2) 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 standard 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:
 - (a) Horizontal plan. The horizontal plan shall show details of the horizontal layout as follows:
 - [1] Information shown on the approved standard preliminary plan.
 - [2] The beginning and end of proposed immediate construction.
 - [3] Stations corresponding to those shown on the profile.
 - [4] The curb elevation at tangent points or horizontal curves at road or alley intersections and at the projected intersections at the curblines.
 - [5] The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric and other utility poles or conduits and of storm drains, inlets and manholes.
 - [6] The location, type and size of curbs and all paving widths.
 - [7] The location and species of all shade trees and the location and type of fire hydrants and streetlights.

- (b) Profiles. The profile shall be a vertical section of the road with details of vertical alignment as follows:
 - [1] Profiles and elevations of the ground along the center lines of proposed roads.
 - [2] 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.
 - [3] Profiles of storm drains showing manholes and inlet locations.
- C. 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:
 - (1) The road and the location and width of paving within the road.
 - (2) The type, depth and crown of paving.
 - (3) The type and size of curb.
 - (4) 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.
 - (5) The location, width, type and depth of sidewalks, when required.
 - (6) The typical location, size and depths of sewers and utilities.
- D. A landscaping plan shall be submitted with the final plans showing all pertinent information including the location, size, and species of all trees and shrubs to be preserved or planted, or alternatively, the general characteristics of existing vegetation to be preserved.

ARTICLE V
Plan Submission Procedures

**§ 295-36. Plan processing for all required subdivision and land development plans.
[Amended 10-3-1989 by Ord. No. 265]**

- A. All plans filed for approval shall be submitted in the following order:
- (1) Tentative sketch plan (optional or if requested by the Borough).
 - (2) Minor subdivision plan or minor land development plan (may be submitted in satisfaction of standard preliminary and final plan requirements for all applicable subdivision or land development)
 - (3) Standard preliminary plan.
 - (4) Final plan.
- B. Each plan, whether tentative, minor subdivision or minor land development, standard 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.
- C. 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 Subsection A herein, and the additional procedures below.
- D. Applications for approval of a subdivision or land development plan shall be received by the Borough Secretary. Submittal and processing fees for plans and specifications for such plans shall accompany the applications.
- E. The applicant, or his agent, shall be required to appear in person at the offices of the Borough Secretary in order to make application for approval of a plan and file plans therewith.
- F. Formal application shall be received at any time during normal Borough working hours. All applications for approval of a plan shall be acted upon by 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."
- G. The applicant must submit a tentative, minor subdivision, minor land development, standard 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.
- H. The schedule of plan processing steps shall be as follows:
- (1) Applications for subdivision or land development, accompanied by six copies of the proposed plan, shall be received by the Borough Secretary.

- (2) The date shall be stamped on each copy of the plan, and two fees shall be received:
 - (a) The Borough filing fee.
 - (b) The Montgomery County Planning Commission Act 247 review fee.
- (3) A cursory examination of the plan will be conducted to ensure basic compliance with the plan submission requirements of this article.
- (4) The Borough Secretary shall distribute copies of the plan to the following persons, agencies or groups:
 - (a) Borough Planning Commission.
 - (b) Montgomery County Planning Commission, along with appropriate fee.
 - (c) Borough Engineer.
 - (d) Borough Solicitor.
 - (e) Zoning Officer.
 - (f) Other appropriate local, county or state agencies.
- (5) 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.
- (6) Application for approval of a subdivision or land development plan shall be placed on the agenda of the next Borough Council meeting following receipt by the Borough Secretary of the recommendation of the Montgomery County Planning Commission⁹, Borough Planning Commission, and Borough Engineer.
- (7) 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.
- (8) The Borough Council shall act on the plan within 90 days following the date of the regular meeting of the Borough Planning Commission next following the date the application is filed, provided that, should the said next regular meeting of the Borough Planning Commission occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the date the application has been filed. The following optional consequences shall result from action by the Borough Council:

9. Note: According to Montgomery County Planning Commission policy, recommendations of the MCPC shall be submitted to the Borough Council no later than 45 days from the date specified on the application form requesting MCPC review. If the specified date is more than five days prior to MCPC's receipt of the review request, the forty-five-day review period shall commence five days prior to such receipt. If no date is specified on the review request, the forty-five-day review period shall commence five days prior to such receipt. If no date is specified on the review request, the forty-five-day review period shall commence two days prior to receipt. If an applicant grants a time extension to the Borough, the MCPC review period will be extended the appropriate number of days. The MCPC review period may be suspended if the proposal is temporarily withdrawn, if the review fee is not received, or for any other valid reason; in such case, the forty-five-day review period shall not resume until the situation is resolved. In no instance shall the review period be resumed for a period of less than 15 days.

- (a) If the Council approves the plan, the applicant shall provide the requisite copies, including Mylar or linen copies for seal, signature and recording as required by Borough Council, the Montgomery County Planning Commission, and the Recorder of Deeds in and for Montgomery County.
 - (b) The Borough Council may conditionally approve a plan, in which case the applicant shall appear at a subsequent Borough Council meeting to demonstrate compliance with the conditions stipulated. The applicant shall submit the proper copies of the plan as per Subsection H(8)(a) above.
 - (c) If the Borough Planning Commission or the Borough Council disapproves the plan, the applicant shall be notified in writing at his last known address not later than 15 days following the decision.
- (9) Changes in the subdivision and land development ordinance or zoning ordinance shall affect plats as follows:
- (a) From the time an application fee for approval of a plat, whether preliminary or final, is duly filed as provided in this chapter, and while such application is pending approval or disapproval, no change or amendment to the Zoning, Subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to the decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
 - (b) When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, 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 years from such approval.
 - (c) Where final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
 - (d) Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five- year limit, or in any extension thereof as may be granted by the governing body, no change of municipal ordinance or plan enacted subsequent to the date of filing of the

preliminary plat shall modify or revoke any aspect of the approved final plan pertaining to zoning classifications or density, lot, building, street or utility location.

- (e) In the case for preliminary plat calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which the applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plan approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to the approval of the governing body in its discretion.
 - (f) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plan plat approval, including compliance with the landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have been substantially completed within the said five-year period, the aforesaid protection shall apply for an additional term or terms of three years from the date of final plat approval for each section.
 - (g) Failure of the landowner to adhere to the aforescheduled submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision, and other governing ordinance enacted by the municipality subsequent to the date of the initial preliminary plan submission.
- (10) 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.
 - (11) 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.
 - (12) 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.
 - (13) 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 employee thereof of the practicability or safety of the

proposed plan and shall create no liability upon the Borough, its officials, or employees. The degree of floodproofing intended to be provided by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This chapter 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.

- (14) Upon cause shown, Borough Council may grant a modification of the requirements of one or more provisions of this chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and the purpose and intent of the ordinance is observed. All requests for modification shall be in writing and shall accompany and be a part of the application for development, together with a written extension of the time for review signed by the applicant. The written request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved, and the minimum modification necessary.

§ 295-37. Recording the plan. [Amended 10-3-1989 by Ord. No. 265]

Upon approval of the final plan of subdivision, the plan shall be recorded forthwith and not later than 15 days after approval. At the discretion of Borough Council, the plan shall be recorded by the Solicitor. Such recorded plans and copies shall depict all appropriate stamps, seals and signatures, the date of recording and the plan book and page number in which the plan is recorded. The applicant shall pay for all the expense and costs associated with recording of the plan.

ARTICLE VI
Improvement Construction Requirements
[Amended 10-3-1989 by Ord. No. 265]

§ 295-38. Development agreement.

Every application for a subdivision and land development shall be subject to the provisions of this chapter and the Pennsylvania Municipality Planning Code. The final approval of any plat, whether by action of the Borough Council of the Borough of Trappe, or by deemed approval under Section 508 of the Pennsylvania Municipalities Planning Code¹⁰ or otherwise, shall be subject to a development agreement being duly executed by the developer, owner and Borough Council, or otherwise, approved by a court of competent jurisdiction, and duly recorded of record. The fully executed or otherwise approved development agreement must be recorded of record, in the Recorder of Deeds Office in and for Montgomery County, Pennsylvania, prior to any development or permits being granted. The development agreement shall incorporate all the terms and conditions upon approval of the plat, including but not limited to the public improvements, standard of design, site and development plans, requirements concerning impounding basins, surface water and drainage, erosion, and stormwater management, street signs, barricades, landscaping, fencing, parking, capital cost contributions, indemnification, certification of insurance, compliance with rules and regulations of the Borough of Trappe and its ordinances, security for public improvements, maintenance bond, deed of dedication, construction and maintenance of streets, necessary covenants running with the land or easements, certification of title, waste material, assignment, inspection, time of performance, building permits, liability of the Borough of Trappe, remedies, payment of all costs, expenses and fees.

§ 295-39. Required improvements.

- A. Required improvements shall be completed under specifications of the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, 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.
- B. No plan shall be finally approved unless the streets shown have been improved as required by this chapter and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by this chapter have been installed in accordance with this chapter.
- C. The applicant and owners of record shall agree in writing to construct streets and all other improvements required by this chapter from the lot or lots to be sold or built upon an existing improved street, subject to the provisions of § 295-3, 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 Form 408 Specifications, latest edition, or any subsequent number or section thereof.
- D. Title insurance shall be supplied to the Borough verifying and insuring that any and all public improvements shall be constructed on property subject to the plans submitted and owned by the owners of record as represented. The title insurance shall inure to the benefit of the

10. Editor's Note: See 53 P.S. § 10508.

Borough in an amount equal to the estimated value of the improvements as determined by the Borough Engineer and as approved by the Borough Solicitor. Where financial security is provided to the Borough in accordance with this section, proof shall be presented in accordance with the title insurance certificate that the value of the property minus all liens of record exceeds the estimated improvement cost as determined by the Borough Engineer by an amount equal to 110% thereof. As a condition of final approval, the owners of record shall execute a lien, encumbering the property, as further guarantee of the completion of the public improvements. The lien and encumbrance shall be established by appropriate documents to be prepared by the Borough Solicitor with costs to be borne by the applicant. The lien shall be secondary to the liens and encumbrances of record as set forth in the title insurance policy, and the aforesaid priority in favor of the Borough shall so be insured by the title insurance company with the appropriate documentation being presented to the Borough.

- E. Financial security to cover costs of any improvements. In lieu of the completion of any improvements required as a condition for final plan approval, a deposit in an amount sufficient to cover the costs of any improvements or common amenities shall be provided to the Borough. Included, but not limited to, in the determination of these costs are roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. Without limitation as to the type of financial security which the Borough may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- (1) Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the developer, builder or subdivider posting the financial security, provided said bonding company or lending institution is authorized to conduct business within the commonwealth.
 - (2) Amount of financial security.
 - (a) The amount of the financial security to be posted for the completion of the required improvements shall be equal to 110% of the costs of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough Council may adjust the amount of the financial security by comparing the actual costs of the improvements which have been completed and the estimated costs for the completion of the remaining improvements as of the expiration of the 90 days after either the original date scheduled for completion or rescheduled date of completion. Subsequent to said adjustment, the Borough Council may require the developer to post additional security in order to assure that the financial security equals 110%. Any additional security shall be posted by the developer in accordance with this section.
 - (b) The amount of the financial security required shall be based upon the estimate of costs of completion of the required improvements, submitted by the applicant or developer and prepared by a professional engineer, licensed as such, in this commonwealth, and certified by such engineer to be a fair and reasonable estimate of such costs. The Borough Council, upon the recommendation of its

engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and Borough Council are unable to agree upon an estimate, the estimate shall be recalculated and recertified by another professional engineer licensed as such in the commonwealth and chosen mutually by the Borough Council and the applicant or developer. The estimates certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of such engineer shall be paid equally by Borough Council and the applicant or developer.

- (3) The cost of the improvements shall be established by submission to the Borough Council of bona fide bid for bids from the contractor(s) chosen by the party posting the financial security to complete the improvements or, in the absence of such bona fide bids, the cost shall be established by estimate prepared by the Borough Engineer.
- (4) Such bond, or other security, shall provide for and secure to the public, the completion of any improvements which may be required within one year of the date fixed in the subdivision or land development plan for completion of such work.
 - (a) If the subdivider, developer or builder requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure.
 - (b) In any case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- (5) As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such request shall be in writing addressed to Borough Council and subject to the provisions for release as established in Section 509 of Act 247 of 1968, "The Pennsylvania Municipalities Planning Code."¹¹
- (6) The issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plan shall not be conditioned upon actual completion when financial security has been provided by the developer, builder or subdivider.
- (7) Occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets, as required, providing access to and from existing public roads to such building or buildings; as well as the completion of all other improvements as depicted upon the approved plan, either upon the lot or lots

11. Editor's Note: See 53 P.S. § 10509.

beyond those in question, if such improvements are necessary for the reasonable use of or occupancy of the building(s).

- F. Where the Borough accepts dedication of all or some of the required improvements following completion, financial security shall be posted to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan for a term not to exceed 18 months.
- (1) The financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements.
 - (2) The amount of said financial security shall not exceed 15% of the actual cost of installation of said improvements.

§ 295-40. Complete release from liability.

- A. When the developer has completed all the necessary and appropriate improvements, the developer shall notify the Borough Council in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The Borough shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough Council and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the governing body. Said report shall detail and shall indicate approval or rejection of the said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
- B. If the required improvements are not completely installed within the fixed period or extended by the Council, the Council shall declare the financial security 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 or financial security 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.

§ 295-41. 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 thereof 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.

§ 295-42. Inspection of work and materials.

- A. Notice. The Borough Engineer shall be notified 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.

- B. 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.
- C. Delivery slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, road, curbs, sidewalks, or any other facility within a Borough right-of-way or easement shall be supplied to the Borough.

§ 295-43. 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 land development of the site. The Borough Solicitor shall render final judgment 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 § 295-39.

§ 295-44. Lighting requirements and design standards. [Added 11-13-2007 by Ord. No. 401]

A. Purpose. To require and set minimum standards for outdoor lighting to:

- (1) Provide lighting in outdoor public places where public health, safety and welfare are potential concerns.
- (2) Protect drivers and pedestrians from the glare of nonvehicular light sources.
- (3) Protect neighbors and the night sky from nuisance glare and stray light.
- (4) Further the intent of §340-185.A of the Zoning Ordinance.

B. Applicability.

- (1) Outdoor lighting shall be required for safety and personal security in areas of public assembly and traverse; including, but not limited to, the following: multifamily residential other residential developments with lot sizes of 20,000 square feet or smaller, as well as commercial industrial, public-recreational, and institutional uses.
- (2) The Borough Council may require that lighting be incorporated into other outdoor uses or locations, as they deem necessary.
- (3) The glare-control requirements herein contained apply to outdoor lighting in all above-mentioned uses as well as, but not limited to, sign, architectural, landscaping, and residential lighting.

C. Definitions. The following words and phrases when used in this section shall have the following meanings indicated:

FOOTCANDLE — A unit of light intensity stated in lumens per square foot and measurable with a footcandle or light meter.

FULL-CUTOFF LIGHTING UNIT — A lighting unit in its mounted form that allows no direct light from the lighting unit above a 90° plane, and no more than 10% of rated lamp output an 80° plane, at any lateral angle around the fixture.

GLARE — The sensation produced by direct lighting that causes an annoyance, discomfort or loss in visual performance and visibility to the eye.

ILLUMINANCE — The intensity of incident light at a point, measured in footcandles or lux.

LIGHTING UNIT — A complete lighting unit, including a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

LIGHT TRESPASS — Light emitted by a lighting installation which shines beyond the boundaries of the property on which the installation is sited.

D. Criteria.

(1) Illumination levels.

- (a) Lighting, where required by this chapter, shall have intensities and uniformity ratios in accordance with the current recommended practices of the Illuminating Engineering Society of North America (IESNA) as contained in the IESNA Lighting Handbook.
- (b) Future amendments to said recommended practice shall become a part of this chapter without further action of the Borough.

(2) Lighting fixture design (non reg).

- (a) All lighting fixtures within the Village Commercial District should have an historic character in design.
- (b) For lighting horizontal tasks such as roadways, pathways and parking areas, fixtures shall meet IESNA “full cutoff” criteria (not have more than 2.5% of their light output emitted above 90° at any lateral angle around the fixture).
- (c) The use of floodlighting, spotlighting, wall-mounted fixtures, decorative globes and other fixtures meeting IESNA “full cutoff” criteria shall be considered only with glare control and in accordance with Subsection D(3) hereof and the approval of the Borough Council.
- (d) Fixtures shall be equipped with light-directing devices such as shields, visors or hoods when necessary to redirect offending light distribution.

- (3) Control of nuisance and disabling glare.
 - (a) All outdoor lighting, whether or not required by this chapter, shall be aimed, located, designed, fitted and maintained so as not to present a hazard to drivers or pedestrians and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property, i.e., nuisance glare.
 - (b) Floodlights and spotlights shall be so installed or aimed that they do not project their output into the windows of neighboring residences, adjacent uses, directly skyward or onto a roadway or pedestrian way.
 - (c) Unless otherwise permitted by the Borough Council, e.g., for safety and security, lighting shall be controlled by automatic switching devices such as time clocks or combination motion detectors and photocells, to permit extinguishing offending sources between 11:00 p.m. and dawn to mitigate nuisance glare and sky-lighting consequences.
 - (d) Vegetation screens shall not be employed to serve as the primary means for controlling glare. Rather, glare control shall be achieved primarily through the use of such means as cutoff fixtures, shields and baffles, and appropriate application of fixture mounting height, wattage, aiming angle and fixture placement.
 - (e) The intensity of illumination projected onto a residential use from another property shall not exceed 0.1 vertical footcandle, measured at 30 inches above the ground at the property line. See §340-185.A(4) for related requirements.
 - (f) External illuminated signs shall be lighted by fixtures mounted at the top of the sign and aimed downward. Such fixtures shall be automatically extinguished between the hours of 11:00 p.m. and dawn.
 - (g) Fixtures meeting IESNA “full cutoff” criteria shall not be mounted in excess of 12 feet above grade. Fixtures not meeting the IESNA “full cutoff” criteria shall not be mounted in excess of 16 feet above grade except as specifically approved by the Borough Council. §340-185.A(2) for related requirements.
 - (h) Fixtures used for architectural lighting, e.g., facade, fountain, feature and landscape lighting, shall be aimed so as not to project their output beyond objects intended to be illuminated and shall be extinguished between the hours of 11:00 p.m. and dawn.
- (4) Installation.
 - (a) Electrical feeds for lighting standards shall be run underground, not overhead.
 - (b) Lighting standards in parking areas shall be placed a minimum of five feet outside paved area, or on concrete foundations at least 30 inches high above the pavement or suitable protected by other approved means. See §340-185.A(3) for related requirements.

(5) Maintenance.

- (a) Lighting fixtures and ancillary equipment shall be maintained so as to always meet the requirements of the IESNA and this chapter. Where a conflict is found to exist, the Borough shall determine what is in the best interest of the Borough.

E. Residential development fixture placement. Streetlighting fixtures in residential developments shall be placed at a minimum to achieve the following:

- (1) At the intersection of public roads with entrance roads to the proposed development.
- (2) Intersections involving proposed public or nonpublic primary distributor streets within the proposed development.
- (3) At the apex of the curve of any primary distributor street, public or nonpublic, within the proposed development, having less than three-hundred-foot minimum center-line radius.
- (4) Cul-de-sac bulb radii.
- (5) Terminal ends of center median islands having concrete-structure curbing, trees and/or other fixed objects not having breakaway design for speeds of 25 mph or greater.

F. Plan submission.

- (1) Lighting plans shall be submitted to the Borough for review and approval and shall include:
 - (a) Layout of the proposed fixture locations.
 - (b) Isofootcandle plots for individual fixture installations and ten-foot-by- ten-foot illuminance-grid plots for multifixture installations that demonstrate compliance with the intensities and uniformities set forth in this chapter.
 - (c) Description of the equipment, including fixture catalog cuts, photometrics, glare-reduction devices, lamps, control devices, mounting heights and mounting methods proposed.
- (1) When required by the Borough Council, the applicant shall submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare.
- (2) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.

G. Post-installation inspection. The Borough reserves the right to conduct a post- installation nighttime inspection to verify compliance with the requirements of this chapter, and if appropriate, to require any and all corrective action at no expense to the Borough.

H. Compliance monitoring.

(1) Safety hazards.

- (a) If Borough judges a lighting installation creates a safety or personal security hazard, the person(s) responsible for the lighting shall be notified and required to take remedial action.
- (b) If appropriate corrective action has not been effected within 45 days of notification, the Borough may levy a fine for as long as the hazard continues to exist.

(2) Nuisance glare and inadequate illumination levels.

- (a) When the Borough judges an installation produces unacceptable levels of nuisance glare, skyward light, excessive or insufficient illumination levels or otherwise varies from this chapter, the Borough may cause notification of the person(s) responsible for the lighting and require appropriate remedial action.
- (b) If the infraction so warrants, the Borough may act to have the problem corrected within 90 days of notification.

I. Nonconforming lighting. Any lighting fixture or lighting installation existing on the effective date of this chapter that does not conform with the requirements of this chapter shall be considered as a lawful nonconformance subject to the following:

- (1) A nonconforming lighting fixture or lighting installation shall be made to conform with the requirements of this chapter when:
 - (a) The nonconformance is deemed to create a safety hazard.
 - (b) It is replaced or relocated.

J. Streetlighting dedication.

- (1) When streetlighting is to be dedicated to the Borough, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
- (2) Prior to dedication and in the event of the formation of a homeowners' association and/or property management declaration, the Borough shall require said agency to enter into an agreement guaranteeing payment of all costs associated with dedicated streetlighting.
- (3) Assumption of costs of dedicated streetlighting.
 - (a) Upon dedication of public streets, the Borough shall assess the homeowners' association, individual property owners, or corporations, as may be necessary to collect all revenues required that directly or indirectly associated with all costs of each specific streetlighting fixture. These costs shall include:

- [1] Administration.
 - [2] Collection.
 - [3] Proration of nonpayables.
 - [4] Actual utility electrical charges.
 - [5] Maintenance and maintenance contracts for fixtures and associated equipment.
- K. Search lights or laser lights. Search lights and/or laser lights shall be prohibited for advertising or entertainment purposes.
- L. Review by lighting expert. The Borough, directly or through its Planning Commission, when it deems it necessary, shall engage a lighting expert to review the lighting designs of the development, structure or use, at the sole cost of the applicant.
- M. Exemptions. Upon written application made, the Borough Council may allow exemptions from a temporary use such as for festivals or carnivals.

ARTICLE VII
New Residential Sale Notice/Disclosure
[Added 4-2-2002 by Ord. No. 359]

§ 295-45. Applicability.

This chapter shall apply to the record owner (the “seller”) of a vacant subdivided residential lot or a newly constructed home within the Borough (“new residential property”) who is selling such new residential property to a member(s) of the general public (the “buyer”). This chapter is not intended to duplicate any information required to be included in disclosures made under the Pennsylvania Uniform Planned Community Act, the Pennsylvania Uniform Condominium Act and/or the Pennsylvania Real Estate Seller Disclosure Act.¹² To the extent that there is any conflict between this chapter or any provisions hereof and any of the foregoing Acts, or any other state or federal law, the foregoing Acts or any other state law or any federal law, shall take precedence.

§ 295-46. Intent.

The requirements of this chapter are imposed with an intention to inform the buyer of important information pertaining to the new residential property that the buyer should consider obtaining and to inform the buyer as to where to obtain such information, including but not limited to the general nature of the subdivision and/or land development project in which the new residential property is located (the “project”) and limitations, easements and restrictions relating to the new residential property. The notice and/or disclosures required under this chapter are not intended to constitute an exhaustive recitation of items which may be of importance in any particular transaction involving new residential property, but instead are intended to alert buyers as to potential issues of importance.

§ 295-47. Disclosure requirements.

- A. Before signing a sales agreement for any new residential property, the seller shall provide a notice/disclosure statement to the buyer which conforms with the requirements of this chapter (the “disclosure statement”) and shall obtain from the buyer a signed disclosure statement that verifies that the seller has provided the information that is required by this chapter.
- B. The seller of any new residential property shall display the final municipally approved record subdivision or land development plan for the project (the “plan”) in the location where property sales are transacted by the seller or shall otherwise make the plan available for review by the buyer(s). A copy of the plan must also be made available for purchase by buyer(s) at no greater than the cost to seller to duplicate the plan or, alternatively, may be provided by seller to the buyer(s) at no cost to the buyer(s). The seller shall also make the full set of the approved plans for the project available for the review by the buyer. Anything herein to the contrary notwithstanding, in the event an agreement of sale is entered into before final approval for the project has been received from the Borough, the seller shall only be obligated under this subsection to: make the latest version of the full set of plans for the project available for review by the buyer prior to the execution of the agreement of sale; inform the buyer that the buyer should review the final plans before completing settlement;

12. Editor's Note: See 68 Pa.C.S.A. § 5101 et seq., 68 Pa.C.S.A. § 3101 et seq., and 68 P.S. § 1021 et seq., respectively.

and make the plan and full set of final, approved plans available for the buyer's review and make the plan available for the buyer's purchase after the plans have been approved by the Borough.

- C. Seller shall provide the buyer with the condominium or homeowners' association documents (including declaration, plats and plans and bylaws) or, in the event the project is not subject to either the Pennsylvania Uniform Planned Community Act or the Pennsylvania Uniform Condominium Act, the declaration of restrictions or similar document applicable to the project, if any. The foregoing documents shall be provided to the buyer before an agreement of sale for new residential property is fully executed.
- D. Seller shall provide the buyer with a list of all utility easements and other easements executed or to be executed by seller in connection with the project which will ultimately be, but have not yet been recorded, if any. The foregoing list shall be provided to the buyer before an agreement of sale for new residential property is fully executed.
- E. Seller shall provide the buyer with a list of any permits and/or approvals which are required to develop the project and the new residential property as shown on the plan, and shall inform the buyer that the buyer can contact the applicable permitting or approving agencies to determine the status of such permits or approvals. The foregoing list shall be provided to the buyer before an agreement of sale for the new residential property is fully executed.
- F. In addition to the above items, the seller shall provide the following information to a buyer prior to the execution of an agreement of sale for new residential property by both the buyer and the seller:
 - (1) The seller shall inform the buyer that the plan and/or the full set of approved subdivision/land development plans for the project should be reviewed by the buyer for purposes of identifying, among other things:
 - (a) Common areas, such as parklands, streets, open space, bike paths, walking trails (for pedestrians as well as for animals) and recreational facilities which are part of the project and which may be near or adjacent to the new residential property that the buyer is purchasing (the "new residential property");
 - (b) The lot lines or other boundaries of the new residential property the buyer is purchasing and of lots or units adjacent thereto and any applicable dimensional requirements relating to such lots or units, including setback requirements, and building coverage, impervious coverage and height limitations;
 - (c) Stormwater management facilities and drainage areas, including detention/retention basins and easements;
 - (d) Sanitary sewer facilities and easements;
 - (e) Utility easement areas;
 - (f) The zoning classification of the new residential property at the time the subdivision/land development of which the new residential property is a part was approved by the Borough;

- (g) The existence of any environmentally sensitive areas on the new residential property being purchased or within the project, including steep slopes, wetlands, and floodplains, and the fact that governmental laws, rules, regulations and ordinances may limit the use and development of these areas;
 - (h) Restrictions on the project imposed by the Borough;
 - (i) The existence and location of on-site water and/or on-site sanitary sewage facilities or systems.
- (1) The seller shall inform the buyer that the buyer should review the current Zoning Map and Zoning Ordinance of the Borough to determine the zoning classification of the property within the project as well as the properties surrounding the project for the purpose of determining permitted principal and accessory uses, and any applicable dimensional requirements such as building size, setback requirements, building and impervious coverage limitations, and height limitations. The seller shall further inform the buyer that the current Zoning and Subdivision and Land Development Ordinances of the Borough are available for review and purchase at the Borough office, and that such ordinances are subject to change.
 - (2) The seller shall inform the buyer that the buyer should review the recorded subdivision and land development plans and the zoning classification of properties surrounding the project for the purpose of identifying conditions and permitted principal uses and permitted accessory uses on surrounding properties which may impact the project generally or the new residential property specifically. The seller shall further inform the buyer that such approved plans are available for review at the Borough office and that the recorded portions of such plans are available at the Montgomery County Recorder of Deeds Office. The seller shall further inform the buyer that such zoning information is available in the current Borough Zoning Code and Zoning Map, and that current Zoning and Subdivision, and Land Development Ordinances and Zoning Map of the Borough are available for review and purchase at the Borough office, and that such ordinances are subject to change.
 - (3) The seller shall inform the buyer that the buyer should obtain a title report for the new residential property from a reputable title insurer and obtain copies of all plans, documents, easements and restrictions listed therein to determine what easements, restrictions or other limitation affects, may affect or may be imposed on the new residential property.
 - (4) The seller shall inform the buyer that the buyer should review any declarations, deed restrictions, homeowners' association documents or other documents relating to the new residential property for the purpose of determining, among other things, what obligations the buyer shall have after purchasing the new residential property with respect to maintenance, repair and replacement of the new residential property, any common replacement of the new residential property, any common areas or any other areas; a description of the real estate the buyer will be purchasing; obligations or potential obligations of the buyer with respect to any homeowners' association and common areas; the ownership of common areas; what future development can take place within the project, and the restrictions on the use of the property within the project.

- (5) If applicable, the seller shall inform the buyer that local authorities may require connection to the public water and/or sewer systems in the future and that tapping/connecting fees may be imposed.
- (6) The seller shall inform the buyer of the existence, location and record owner of any natural gas or petroleum transmission line located within 100 yards of the new residential property being purchased by the buyer.
- (7) The seller shall inform the buyer that the buyer should consider contacting the Borough to determine the status of dedication of any roads, common areas, sewer facilities or other areas in the project.

§ 295-48. Residential disclosure statement.

The buyer shall review and sign the notice/disclosure statement just prior to the signing of an agreement of sale for new residential property. The seller will be obligated to provide a copy of the signed disclosure statement to the Code Enforcement Office prior to the issuance of a certificate of occupancy or use and occupancy certificate for the new residential property, unless the new residential property is first occupied by seller or a party to whom seller leases the new residential property, in which event the issuance of a certificate of occupancy shall not be conditioned upon receipt of a signed disclosure statement. The disclosure statement required to be provided to buyers hereunder shall be in substantially the following form.¹³

13. Editor's Note: See the Residential Disclosure Statement included at the end of this chapter.

ARTICLE VIII
Fees, Conditions of Acceptance and Penalties

§ 295-49. Fees and costs.¹⁴ [Amended 6-1-1982 by Ord. No. 219-A]

The subdivider, builder or developer shall be required to furnish bond and to pay the following fees and costs:

- A. Preliminary plan. The Borough filing fee and the Montgomery County Planning Commission Act 247 review fee.
- B. 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 post financial security in an amount and with such surety as shall be approved by Borough Council to guarantee the payment of:
 - (1) Engineering and legal services. The services of the Borough Engineer shall be paid by the applicant for plan review and inspection. In addition, all costs for other engineering, planning, legal and professional services and/or certification, as deemed necessary, shall be paid by the applicant.
 - (2) Material and facilities tests. The actual cost of all drainage, water and/or material tests.
 - (3) Dedication. Legal fees, advertising, engineering and other costs involved in the dedication of streets and public improvements to the Borough.

§ 295-50. Conditions of acceptance.

- A. Conditions. The Borough shall have no obligation to take over and make public any street or other improvement unless:
 - (1) The required improvements, utility mains and laterals, and monuments, shown on an approved plan or plans, have been constructed to all requirements.
 - (2) It is established to the satisfaction of Borough Council that there is a need for the improvements to be taken over and made public.
- B. Acceptance. The Borough shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance adopted by Borough Council.

§ 295-51. Violations and penalties. [Amended by 10-3-1989 by Ord. No. 265]

Any person, partnership, or corporation who or which has violated the provisions of this chapter, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough of Trappe, shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney's fees, incurred by the municipality as a result thereof. Each day that a violation

¹⁴ Editor's Note: Fees are fixed by resolution. Current Fee Schedule is on file in the Borough offices.

continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good-faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter, each day that a violation continues shall constitute a separate violation.

ARTICLE IX
Amendments; Validity; Repealer

§ 295-52. Amendment procedures.

The Borough may, from time to time, amend, supplement, change, modify, or repeal this chapter by proceeding in the following manner. The Borough, 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:

- A. 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 30 days or less than 14 days from the date of the hearing.
- B. The notice shall state the time and place of the hearing, the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.
- C. 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 may direct, notice of said proposed amendment.

§ 295-53. Reviews required.

All proposed amendments before adoption shall be referred to the Planning Commission, the Borough Engineer, and the Montgomery County Planning Commission at least 30 days prior to the public hearing, for recommendation and report, which shall not be binding.

§ 295-54. Validity.

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