

Chapter 22

Subdivision and Land Development

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Part 1**General Provisions****§22-101. Title.**

This Chapter shall be known as the “Hatboro Borough Subdivision and Land Development Ordinance of 2010,” as amended.

(Ord. 1005, 5/23/2011)

§22-102. Enactment.

This Chapter has been enacted in conformance with the provisions of the Pennsylvania Municipalities Planning Code, Act No. 247 of 1968 as reenacted and amended, 53 P.S. §10101 *et seq.*, and Act 167, the Storm Water Management Act of 1978, 32 P.S. §680.1 *et seq.*

(Ord. 1005, 5/23/2011)

§22-103. Contents.

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

- A. Plan submission and processing requirements.
- B. Certification as to accuracy of plans.
- C. Design standards.
- D. Engineering standards.
- E. Administrative procedures for granting waivers or modifications.
- F. Provisions for the development and public dedication of various public improvements including land for recreation purposes.
- G. Provisions for the exclusion of certain development from the definition of land development.
- H. Standards for the development of mobile/manufactured home parks.

(Ord. 1005, 5/23/2011)

§22-104. Purposes.

The following are the purposes of this Chapter:

- A. To protect and provide for the public health, safety and general welfare of Hatboro Borough.
- B. To guide the future growth and development of Hatboro Borough in accordance with the adopted comprehensive plan to the best extent possible. The purposes and objectives of the Borough Comprehensive Plan are hereby included by reference to the extent that they are not inconsistent with this Chapter.
- C. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of land.
- D. To encourage the orderly and beneficial development of the community

through growth management techniques assuring the timing and sequencing of development.

E. To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land, and to minimize conflicts among uses of land and buildings.

F. To provide adequate and efficient transportation, water supply, sewage facilities, schools, parks and other public facilities.

G. To require adequate, appropriately located easements or rights-of-way for utilities and storm drainage facilities.

H. To ensure that any lands offered for dedication or otherwise reserved for use as public or common grounds shall be of suitable size, configuration, and topographic character for their designated uses.

I. To provide the beneficial relationship between the uses of land and buildings and the circulation of traffic throughout Hatboro Borough, having particular regard to the avoidance of vehicular congestion and provision of pedestrian safety.

J. To ensure that public facilities and services are available concurrent with development and will have a sufficient capacity to serve the proposed subdivision or land development and that the community will be required to bear no more than its fair share of the costs of providing the services required by the development.

K. To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout of land.

L. To encourage and promote flexibility, economy, and ingenuity in the layout and design of subdivisions and land developments.

M. To provide equitable and expeditious handling of all subdivision and land development proposals by providing uniform procedures and standards.

N. To encourage subdivision and land development in accordance with principles and practices which conserve energy, including the layout of the proposal and the siting of the buildings, both during and after construction and which encourage the use of alternative energy sources.

O. To prevent the pollution of air, surface water, groundwater, to assure the adequacy of drainage facilities, and to encourage the wise use of natural resources.

P. To accomplish coordinated development that is compatible with the existing developed portions of Hatboro Borough, and to buffer certain land uses to minimize impacts.

Q. To serve such other purposes as are authorized by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 1005, 5/23/2011)

§22-105. Interpretation.

The provisions of this Chapter shall be the minimum requirements to meet the above-stated purposes if permitted by law. Where the provisions of this Chapter impose greater restrictions than those of any other statute, ordinance, or regulations, then the provisions of this Chapter shall prevail. Where the provisions of any other statute,

ordinance, or regulations impose greater restrictions than those of this Chapter, the provisions of such statute, ordinance, or regulations shall take precedence. If there is a conflict between the provisions of this Chapter and the Borough Zoning Ordinance [Chapter 27], the ordinance with the greater restriction shall apply. No portion of this Chapter grants any form of relief from any State or Federal statute unless specifically granted by such statute.

(Ord. 1005, 5/23/2011)

§22-106. Jurisdiction.

The Hatboro Borough Council shall, after an opportunity for review by the Hatboro Planning Commission and Montgomery County Planning Commission, act upon all proposals for subdivisions and land developments (as defined below and in §22-202 of this Chapter) which are located in whole or in part of Hatboro Borough.

A. *Subdivision and Land Development.* 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 or electric line, or any other improvements, shall be laid out, constructed, or dedicated for public use, or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Chapter.

B. *Sale of Lots, Issuance of Building Permits or Erection of Buildings.* No lot or condominium unit 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 will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been constructed or guaranteed for construction in the form of a bond, escrow, or other means approved by the Hatboro Borough Council under the advice of the Hatboro Borough Engineer and Solicitor, in accordance with the laws of the Commonwealth.

C. *Condominiums.* No provision of this Chapter shall be construed to prohibit condominium ownership as permitted by the Uniform Condominium Act, 68 Pa.C.S.A. §3101 *et seq.*, or related Pennsylvania laws; however, the division of real property to create condominium units intended for separate ownership constitutes a subdivision and must meet all the applicable requirements of this Chapter.

(Ord. 1005, 5/23/2011)

§22-107. Amendment Procedure.

The Hatboro Borough Council may, from time to time, amend or repeal this Chapter in conformance with the requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(Ord. 1005, 5/23/2011)

Part 2**Definitions****§22-201. Language Interpretations.**

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

- A. Words used in the present tense include the future.
- B. The singular number includes the plural and the plural includes the singular.
- C. The phrase “used for” includes “arranged for,” “designed for,” “intended for,” “maintained for,” and “occupied for.”
- D. The word “person” includes an individual, corporation, partnership, incorporated association, and/or any other similar entity.
- E. The words “include” or “including” shall not limit the term to the specified examples, but are intended to extend the meaning to all other instances of like kind and character.
- F. The word “building” shall always be construed as if followed by the words “or part thereof.”
- G. The word “may” is permissive, and the words “shall” and “will” are always mandatory.
- H. The words “he” or “she” or “they” are to be used interchangeably with the word “person.”
- I. The word “street” includes alley, aisle, lane, road, highway, avenue, boulevard, or expressway.
- J. The word “stream” includes watercourse, creek or river.
- K. If a term is not defined in this Chapter, but is defined in the Borough Zoning Ordinance [Chapter 27], then the definition in the Zoning Ordinance shall apply to this Chapter.

(Ord. 1005, 5/23/2011)

§22-202. Definition of Terms.

Words and terms used in this Chapter shall have the meanings given in this Part. Unless expressly stated otherwise, any pertinent word or term not a part of this listing, but vital to the interpretation of this Chapter, shall be construed to have its plain and ordinary meaning as commonly accepted by practitioners including civil engineers, surveyors, architects, landscape architects, and planners. Any reference to a publication shall be the current version of the publication with all amendments unless otherwise specifically noted in this Chapter.

Accepted engineering practice—that which conforms to accepted principles, tests, or standards of nationally recognized technical, scientific, and/or engineering authorities.

Accelerated erosion—the removal of the surface of the land through the combination of man’s activities and natural processes at a rate greater than would

occur from natural processes alone.

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

Aisle—the traveled way by which cars enter and depart parking spaces.

Alley—see “street.”

Alluvial soil—soil formed from material such as gravel, sand, silt or clay, deposited by a stream and showing little or no modification of the original material by soil forming process.

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

Applicant—a landowner or developer, as hereinafter defined, or agent for a landowner, executor of an estate, or purchaser of a property, who has filed an application for subdivision or land development, including his/her/its heirs, successors, and assigns. The words “applicant,” “builder” and “developer” may be used interchangeably in this Chapter.

Application for subdivision or land development—every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plan, or for the approval of a development plan.

Architectural lighting—a lighting arrangement primarily used to highlight a building, landscape feature, facade or other feature and is not used for pedestrian or vehicular traverse.

Authority—a body politic and corporate created pursuant to the action of May 2, 1945, P.L. 382, No.164, known as the “Municipality Authorities Act of 1945,” 53 P.S. §301 *et seq.*

Base flood—see definition under “floodplain related terms.”

Block—an area bounded by streets or streets and natural or manmade features.

BMP Manual—the most recent edition of the Pennsylvania Stormwater Best Management Practices Manual accepted as policy by the Pennsylvania Department of Environmental Protection.

Bond—any form of surety bond in an amount and form satisfactory to the Hatboro Borough Council. All bonds shall be approved by the Hatboro Borough Council whenever a bond is required by regulations.

Borough—the Borough of Hatboro.

Borough Council—the elected governing body of the Hatboro Borough.

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 may be divided into two or more types as explained in the design standards of this Chapter and in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

Builder—a person who constructs structures, buildings and/or improvements

pursuant to an approved permit, subdivision and/or land development. The words “applicant,” “builder” and “developer” may be used interchangeably in this Chapter.

Building—any structure whether built conventionally or in a manner generally referred to as “mobile,” “modular” or “manufactured” and having enclosed walls and roof, permanently located on the land, the ordinary use of which requires people to enter the structure. See definition of “structure.”

Building envelope—the area of a lot within which a principal building may be erected. This area is defined by the limits of the minimum front, side, and rear yard areas, and encompasses the area of the lot not found in the yard areas and rights-of-way.

Caliper—the diameter of a tree trunk measured in inches, 6 inches above ground level for trees 4 inches in diameter and 12 inches above ground level for trees over 4 inches in diameter.

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

Cartway—the hard or paved surface portion of any street, or that portion of a street customarily used by vehicles in the regular course of travel over the street.

Community sewerage system—a centralized sewerage system including collection and treatment facilities which was created to service a specific development independent of other sewerage systems.

Comprehensive Plan—the current, officially adopted Comprehensive Plan for Hatboro Borough including various background studies, reports and elements.

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

Condominium—a form of ownership of real property, as defined in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S.A. §3101 *et seq.*, which includes an undivided interest in a portion of a parcel, together with a separate interest in a space within a structure.

Contiguous—lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.

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

Cul-de-sac—a street with a single means of access and egress which culminates in a turnaround.

Culvert—a structure designed to convey stormwater not incorporated into a closed pipe system under a road or pedestrian pathway.

Curb return—the connecting link between a street curb and the curb of a driveway.

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

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

DEP—the Pennsylvania Department of Environmental Protection.

Design storm—the magnitude of precipitation from a storm event measured in return period (i.e., a 50-year storm) and duration (24-hour storm) and used in computing stormwater control devices.

Detention basin—an impoundment basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it over a pre-determined rate.

Developer—any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. The words “applicant,” “builder” and “developer” may be used interchangeably in this Chapter.

Development—any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations.

Development plan—the provisions for development, including a planned residential development, 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 manmade features of land that are specifically designed to store or carry surface water runoff.

Driveway—a private way providing for vehicular and pedestrian access between a public or private street and a parking area on a lot or property.

Easement—a right-of-way or other right granted by a property owner for the use of a designated part of property owner’s property for public, quasi-public, or private purposes, including utilities, drainageways, and access.

Engineer—a professional engineer licensed as such in the Commonwealth of Pennsylvania, and competent in the profession encompassed by these regulations.

Equivalent dwelling unit—a standardized measurement of the consumption, use or generation of sewage equivalent to that of a new single family residential dwelling unit.

Escrow—a deposit of cash with the Hatboro Borough or escrow agent to secure the promise to perform some future act.

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

Floodplain related terms—

Base flood—the flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared. For the purposes of this Chapter, it shall be the 100-year flood as referenced in the current Flood Insurance Study and delineated on the Flood Insurance Rate Map of the Federal Insurance Administration.

Base flood elevation—the 100-year flood elevation as referenced in the Flood Insurance Study. Within the approximated floodplain, alluvial soils floodplain, or other similarly documented areas, the 100-year flood elevation shall be established as a point on the boundary of the floodplain nearest to the construction site in question.

FEMA and FIA—the Federal Emergency Management Agency and the Federal Insurance Administration who have jurisdiction over the National Flood Insurance Program and its related studies and regulations. FEMA is the parent agency of the FIA.

Flood—a temporary condition of partial or complete inundation of normally dry land areas.

Flood Insurance Rate Map—the official FIA map which shows special hazard zones and risk areas for insurance rating purposes. For the purposes of this Chapter, it also delineates floodplain areas.

Flood Insurance Study—the examination and determination of flood hazards by the FIA. The flood elevations contained in this study are used for floodplain management purposes as related to this and other ordinances.

Floodplain—the area defined by official Federal mapping as being within the 100-year floodplain.

Flood-proofing—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 Flood-Proofing Regulations published by the Office of the Chief Engineers, U.S. Army, Publication Number E 1165 2 314 (June 1972 and as subsequently amended). Flood-proofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces and Essentially Dry Spaces 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.

Floodplain soils or soils on floodplains—areas subject to periodic flooding or listed in the Official Soil Survey provided by the U.S. Department of Agriculture, Natural Resources Conservation Service, Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/>), as soils having a flood frequency other than none. Such soils include, but are not necessarily limited to:

- (a) Alluvial land (Ae).
- (b) Alton gravelly loam, flooded (AIA).
- (c) Bowmansville silt loam (Bo).
- (d) Hatboro silt loam (Ha).

- (e) Marsh (Mh).
- (f) Pope loam (PoA).
- (g) Rowland silt loam (Ro).

One-hundred year flood—a flood that has one chance in 100 or a 1 percent chance of being equaled or exceeded in any 1 year. For the purposes of this Chapter, the 100-year flood (base flood) as shall be defined by the Federal Insurance Administration in the Flood Insurance Study.

Regulatory flood elevation—the 100-year flood elevation plus a freeboard safety factor of 1 foot.

Substantial improvement—any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (a) Before the improvement or repair is started.
- (b) 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:

- (a) Any project for improvement of a structure to comply with existing Commonwealth or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.
- (b) Any alteration of a structure listed on a National Register of Historic Places or a State Inventory of Historic Places.

Footcandle—a unit of light intensity stated in lumens per square foot and measurable with an illuminance meter, a.k.a. footcandle or light meter.

Front of lot—the edge of a lot which borders on a street or highway. In the case of a corner lot, the front may be designated by Borough Council or by the owner.

Frontage—the extent of a building or of land along a public street or highway.

Full cutoff—an IESNA lighting fixture standard whereby the fixture is shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting element so that direct light emitted above the horizontal plane is eliminated.

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

Grade—the slope of a street, parcel of land, utility lines, drainageways, etc., specified in percent and shown on plans as required herein.

Groundcover—low growing plant materials planted in a manner to provide continuous plant cover of the ground surface; lawn, ivy, and other low plant materials are included. Non-plant groundcover may also include bark or wood chips, gravel, and stone provided they are maintained as a continuous pervious cover.

Guarantee, maintenance—any security which may be required from the developer by Hatboro Borough at the time of acceptance of dedication by Hatboro Borough of improvements installed by the developer. Such security may include an irrevocable letter of credit, escrow account or surety bond with a bonding company or Commonwealth or Federally chartered financial institution. The maintenance guarantee shall be in conformance with the requirements of §509 of the MPC, 53 P.S. §10509.

Guarantee, performance—any security which may be required from the developer by Hatboro Borough in lieu of the requirement that certain improvements be made before Hatboro Borough approves a developer's subdivision or land development plan. Such security may include irrevocable letter of credit, escrow account or surety bond with a bonding company or Commonwealth or Federally chartered financial institution. The performance guarantee shall be in conformance with the requirements of §509 of the MPC, 53 P.S. §10509.

Illuminance—the quantity of light measured in footcandles.

Impervious surface—material which is impenetrable and unable to absorb water, including, but not limited to, buildings, structures and paved areas.

Impoundment—a body of water, such as a pond, confined by dam, dike, floodgate or other barrier.

Improvements—structures, buildings, streets, curbs, gutters, sidewalks, streetlights and signs, water and sewer mains, stormwater management systems, fire hydrants, open space and recreation facilities, shade trees, buffer or screen plantings, soil and all other physical additions, installations and changes to the tract, including the removal of any of these items from the tract, that are required by this Chapter or necessary to result in a complete subdivision or land development.

Improvements, public—improvements, including but not limited to, those contained in the definition of “improvements,” that are intended for dedication to Hatboro Borough, or other municipal body or authority, either in fee or in easement.

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

Individual sewage disposal systems—a septic tank and drainage field or other type of sewage disposal system as permitted by DEP located on a single lot and serving one equivalent dwelling unit.

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.

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective

occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development in accordance with §503(1.1) of the MPC, 53 P.S. §10503(1.1).

Land development, minor—a land development that meets §22-310.A(4) of this Chapter.

Landowner—the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having proprietary interest in land.

Landscape architect—a registered landscape architect licensed as such in the Commonwealth of Pennsylvania, and competent in the profession encompassed by these regulations.

Lot, flag (interior)—a lot which does not adjoin a street, but which is connected thereto by an access strip of required minimum width. Minimum lot area and dimensional standards shall be those of the applicable zoning district, and shall be met on that portion of the lot exclusive of the access strip.

Marginal access street—a street parallel to and adjacent to a collector or arterial street which provides access to abutting properties and separation from traffic.

Mature tree—any tree of 6 inches or more in caliper, whether standing alone or in a tree mass or woodlands. A mature tree shall be a desirable species as determined by the Shade Tree Commission or landscape architect designated by Borough Council.

Mobile home—a transportable single-family dwelling intended for permanent occupancy in one unit or two units designed to join into an integral unit, which arrives at the site complete and ready for occupancy except for minor and incidental unpacking and assembly operation, and constructed so that it may be used without a permanent foundation. A mobile home need not meet local building codes but shall meet the standards of the U.S. Department of Housing and Urban Development, as indicated in the Structural Engineering Bulletin(s) which shall be provided to the municipality by the applicant.

Mobile home lot—a parcel of land in a mobile home park with the necessary utility connections and other appurtenances necessary for the placement of mobile home.

Mobile home stand—that part of a mobile home lot which has been reserved and prepared for the placement of a mobile home.

Modular or manufactured housing—housing which bears a label, as required by and referred to in the act of November 17, 1982, P.L. 676, No. 192, known as the Manufactured Housing Construction and Safety Standards Authorization Act, certifying that it conforms to Federal construction and safety standards adopted under the Housing and Community Development Act of 1974 (Public Law 93-383, 88 Stat. 633).

Monument—a tapered, permanent survey reference point of stone or concrete

having a top 4 inches on each side and a length of 24 inches.

Off-site—located outside the boundary lines of the lot or tract which is being subdivided or developed.

Official Map—the map adopted by the Hatboro Borough Council pursuant to Article IV of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

On-site—located inside the boundary lines of the lot or tract which is being subdivided or developed including the right-of-way of a contiguous street.

Open space, common—a parcel or parcels of land within a tract which meets all of the following standards:

(1) Is designed, intended and suitable for active or passive recreation by residents of a development or the general public.

(2) Is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned.

(3) Will be deeded to the Borough and/or deed restricted to permanently prevent uses of land other than “common open space” and noncommercial recreation.

(4) Does not use any of the following areas to meet minimum open space requirements:

(a) Existing or proposed street rights-of-way.

(b) Vehicle streets or driveways providing access to other lots.

(c) Land beneath building(s) or land within 20 feet of a building (other than accessory buildings) clearly intended for noncommercial recreation and other than agricultural buildings and a farmstead which are permitted within land approved by the Borough for agricultural preservation.

(d) Off-street parking (other than that clearly intended for noncommercial recreation).

(e) Area(s) needed to meet a requirement for an individual lot.

(f) For land intended to be open to the public, that does not have provisions for entry with a 20-foot minimum width by pedestrians from a street open to the public or from an adjacent common open space area that has access to such a street.

(g) Land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of Borough Council would be a reasonably safe and useful for active or passive recreation during the vast majority of weather conditions.

(h) Portions of land that have a width of less than 20 feet.

(i) Individual owned lots of a subdivision with deed-restricted open space.

(j) Land occupied by a swimming pool intended strictly for public use.

Ordinance, this—the Hatboro Borough Subdivision and Land Development Ordinance.

Outdoor athletic facility lighting fixture—a lighting fixture used to illuminate the air space and playing surface of a planned and engineered facility approved by the Borough in which organized athletic events are performed in an open air and outdoor field, court, ring, track, pool or other similar setting.

PDF or portable document format—an open standard electronic file format for representing documents in a manner independent of the computer application software, hardware, and operating system.

Peak discharge—the maximum rate of flow of stormwater runoff at given point and time resulting from a particular magnitude storm.

PennDOT or PADOT—the Pennsylvania Department of Transportation.

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

Pond—natural or manmade permanent body of water of any size.

Plat—the map or plan or a subdivision or land development, whether preliminary or final.

Public hearing—a formal meeting held pursuant to public notice intended to inform and obtain public comment, prior to taking action in accordance with and pursuant to the requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Public meeting—a forum held pursuant to notice under 65 Pa.C.S., Ch. 7 (relating to open meetings.)

Release rate—the level of control of the post-development peak rate of runoff to be achieved for a particular site, expressed as a percentage of the pre-development peak rate of runoff.

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

Right-of-way—a strip of land over which are provided rights for various purposes including vehicular access and travel, storm drainage, and utilities. Also see “street rights-of-way.”

Security—a letter of credit, surety bond, or cash escrow provided by the applicant to secure its promises regarding public improvements associated with an approved subdivision or land development.

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

Sewage facilities plan—a comprehensive plan for the provision of adequate sewage facilities which was adopted by the Hatboro Borough Council and approved by the Pennsylvania Department of Environmental Protection.

Sewage facilities planning module—completed forms submitted to the Sewage Enforcement Officer and the Pennsylvania Department of Environmental Protection for the purposes of revising the sewage facilities plan resulting from a

proposed land development or subdivision.

Sight distance, stopping—the distance of unobstructed view along the centerline of a street from the driver's eye-height of 3.5 feet to the furthest visible point 6 inches above the street surface.

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

Specimen tree—any tree with a caliper that is 75 percent or more of the record tree of the same species in the Commonwealth of Pennsylvania.

Soil survey—the Web Soil Survey soil data and information as produced by the National Cooperative Soil Survey and operated by the USDA Natural Resources Conservation Service (NRCS), United States Department of Agriculture. The Web Soil Survey available online at <http://websoilsurvey.nrcs.usda.gov/>.

State—the Commonwealth of Pennsylvania.

Stormwater Management Plan—a plan prepared and adopted by Montgomery County pursuant to Act 167 of 1978, 32 P.S. §680.1 *et seq.*, as amended.

Street—a public or private right-of-way serving primarily as a means of vehicular and pedestrian travel, furnishing access to abutting properties, and which may also be used for utilities, shade trees, and stormwater control. Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians.

Arterial street—a street serving a large volume of comparatively high speed and long distance traffic.

(a) *Principal*. An arterial serving the heaviest volumes of traffic and involving controls on access.

(b) *Minor*. An arterial serving high volumes, providing a high degree of mobility, and some limits on access.

Collector street—a street designed and located to provide a means to accommodate traffic between neighboring communities and to interconnect arterial streets with local roads.

(a) *Major*. A collector serving moderate levels of traffic within the municipality, providing a mix of mobility and access and linking adjacent communities.

(b) *Minor*. A collector serving lower amounts of traffic and serving as a through road.

Local street—a street intended to provide access to other streets from individual properties.

Cul-de-sac street—a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.

Private street—a local street, serving only abutting lots that is not offered or required to be offered for dedication.

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 whose principle frontage is some other street. An alley is desirable in situations where the number of driveways to the front of narrow lots make on-street parking spillover difficult or impossible.

Stormwater basin—a structure which provides for the storage and slow release of stormwater runoff during and after a storm. Referred to as a sediment, retention or detention basin.

Street line—the dividing line between a lot and a street, identical to the ultimate right-of-way line.

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

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

Ultimate right-of-way—the street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes. The ultimate right-of-way is the legal right-of-way where it has been offered for dedication and accepted by Hatboro Borough or PennDOT.

Equivalent right-of-way—a street right-of-way required to be reserved where private streets are permitted. The width shall be determined by the street's function, in accordance with the street classifications contained in this Chapter.

Structure—

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

(2) Any form or arrangement of building material involving the necessity of providing proper support, bracing, tying, anchoring or other protection against the forces of the elements. Also see “building.”

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

Subdivision, minor—a subdivision that meets §22-310.A(3) of this Chapter.

Surveyor—a land surveyor, licensed as such in the Commonwealth of Pennsylvania, and competent in the skills needed to conduct the surveys, lay out the subdivision plans and install all markers required by the terms of this Chapter.

Topsoil—the original upper layer of soil material to a depth of 6 inches which is usually darker and richer than subsoil.

Traffic impact study—a technical evaluation of the traffic impacts associated with a proposed subdivision or land development. Criteria for a traffic impact study are contained in §22-802 of this Chapter.

Trip—a single or one way vehicle movement to or from a property or study area. “Trips” can be added together to calculate the total number of vehicles expected to

enter or leave a specific land use or site over a designated period of time.

Watercourse—a place intended or used for the directed surface flow of water, including permanent and intermittent streams, springs, brooks, creeks, channels, ditches, swales, and rivers.

Water supply, public—a system which is owned by a municipality, municipal authority, public company or private company which services more than a single community or subdivision and may be interconnected with other water supply systems.

Wetlands—those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands are delineated in accordance to manuals and procedures adopted by the Pennsylvania Department of Environmental Protection and the United State Army Corps of Engineers, among others. See §22-410.2 of this Chapter.

Wooded area—a tree mass or plant community covering an area of ¼ acre or more, in which tree species are dominant or co-dominant and the branches of the trees form a complete, or nearly complete aerial canopy. The extent of any woodland plant community or any part thereof shall be measured from the outermost drip line of all the trees in such plant community. Woodland shall include any area where timber has been harvested within the previous 3 years and/or woodland disturbance has occurred within the previous 3 years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards or old fields.

Zoning ordinance—the Borough Zoning Ordinance, as amended [Chapter 27]. (Ord. 1005, 5/23/2011)

§22-203. Abbreviations.

The following abbreviations are defined below. Any reference to a publication shall be the current version of the publication with all amendments unless otherwise specifically noted in this Chapter.

- A. AASHTO—American Association of Highway and Transportation Officials.
- B. ADA—Americans with Disabilities Act.
- C. ADAAG—Americans with Disability Act Accessibility Guidelines.
- D. ANLA—American Nursery & Landscape Association.
- E. ANSI—American National Standards Institute.
- F. ASCE—American Society of Civil Engineers.
- G. ASLA—American Society of Landscape Architects.
- H. ASTM—American Society for Testing Materials.
- I. AWWA—American Water Works Association.
- J. BMP—Best Management Practice.
- K. COE—Army Corps of Engineers.
- L. DCED—Pennsylvania Department of Community and Economic

Development.

- M. DCNR–Pennsylvania Department of Conservation and Natural Resources.
- N. DRBC–Delaware River Basin Commission.
- O. EPA–Federal Environmental Protection Agency.
- P. FEMA–Federal Emergency Management Agency.
- Q. FHWA–Federal Highway Administration.
- R. IESNA–Illuminating Engineering Society of North America.
- S. ITE–Institute for Traffic Engineers.
- T. MCCD–Montgomery County Conservation District.
- U. MCHD–Montgomery County Health Department.
- V. MCPC–Montgomery County Planning Commission.
- W. MPC–Pennsylvania Municipalities Planning Code.
- X. MS4–Municipal Separate Storm Sewer System.
- Y. MUTCD–Manual on Uniform Traffic Control Devices.
- Z. NPDES–National Pollutant Discharge Elimination System.
- AA. NRCS–National Resources Conservation Service.
- BB. OSHA–Occupational Safety and Health Administration.
- CC. PADEP–Pennsylvania Department of Environmental Protection.
- DD. PennDOT–Pennsylvania Department of Transportation.
- EE. PEMA–Pennsylvania Emergency Management Agency.
- FF. PROWAG–Public Rights of Way Accessibility Guidelines.
- GG. UCC–Uniform Construction Code.
- HH. USDA–United States Department of Agriculture.
- II. USGS–United States Geological Survey.
- JJ. VAA–Vehicular Access Analysis.

(Ord. 1005, 5/23/2011)

Part 3

Plan Submission Requirements and Processing Procedures

§22-301. Applicability.

Before any land is to be subdivided or developed in accordance with this Chapter, the owner of the property, or his/her designated agent shall apply for and secure approval of the subdivision or land development in accordance with the procedures contained within this Part.

(Ord. 1005, 5/23/2011)

§22-302. General Procedures.

All applications for subdivision and/or land development shall be classified as sketch plans, preliminary plans, final plans, or minor plans, as further regulated herein.

Types of Submission	Sketch	Preliminary	Final
Minor Plan (See §22-310)	Recommended	May be concurrent with Final Plan	Required
Subdivision/Land Development	Recommended	Required	Required

A. *Sketch Plans.* Applicants are strongly encouraged, but not required, to submit a sketch plan for any subdivision or land development proposal, in accordance with the requirements of §§22-303 and 22-304. Submission of a sketch plan does not constitute a formal submission for approval of a subdivision or land development.

B. *Preliminary Plans.* A preliminary plan is required to be submitted for all proposals for subdivision and/or land development, except for those which qualify as minor plans. Preliminary plans shall be submitted in accordance with the requirements of §§22-305 and 22-306.

Applicants may be required by Hatboro Borough Council to submit plans and additional information as a part of the preliminary plan submission where a portion of the property being proposed for subdivision or land development could be further subdivided or developed. The plans and additional information shall show how the immediate proposal can fit logically into an overall plan for the entire site.

C. *Final Plans.* A final plan is required to be submitted for all proposals for subdivision and/or land development. Final plans shall be submitted in accordance with the requirements of §§22-307 and 22-308.

D. *Minor Plans.* Applications which qualify as minor plans may be submitted for concurrent preliminary and final plan processing and approval, in accordance with the standards and requirements of §22-310.

E. *Other Approvals.* The applicant is responsible for making the appropriate

applications for various Federal, State, county and municipal permits as appropriate.

F. *Waiver / Modification of Requirements.* The Hatboro Borough Council may grant a modification or waiver of the requirements of one or more provisions of this Chapter, if the literal enforcement of them will exact undue hardship or is unnecessary because of peculiar conditions pertaining to the land in question, provided that such modifications will not be contrary to the public interest and that the purpose of and intent of this Chapter is observed or when the applicant demonstrates that an alternative standard to a requirement set forth in the ordinance would provide equal or superior results in furtherance of the purposes and intent of this Chapter. A written request must be made to the Borough for consideration by the Hatboro Borough Council upon the recommendation of the Borough Planning Commission. The Borough Planning Commission shall have a 30-day period to review and/or comment to Borough Council on waiver/modification requests. The waiver/modification request shall state the following:

- (1) Name of application for subdivision and/or land development.
- (2) Basis and facts of unreasonableness or hardship on which the request is based.
- (3) Provision(s) of the ordinance involved.
- (4) Minimum modification or standard requested if an alternative standard is being requested.

All waivers/modifications granted shall be documented on the plan with notation as to the date when they were approved by the Hatboro Borough Council.

G. *Pre-Application Meeting.* It is recommended that any applicant considering a land development or subdivision within the Borough meet with the Borough Zoning Officer prior to making a formal submission.

H. *Deferral of Submission Requirements.* The Borough staff may allow the deferral of the timing of certain submission requirements from the preliminary plan stage to the final plan stage if:

- (1) The applicant commits in a manner that is legally binding upon the applicant and his/her successors to not construct any buildings or improvements or major re-grading until after final plan approval.
- (2) The Borough staff determines such submission information is not necessary to determine feasibility of the preliminary plan. Such deferrals may include, but are not limited to, street and utility profiles, detailed grading, and erosion and sedimentation plans.

(Ord. 1005, 5/23/2011)

§22-303. Sketch Plan Submission Requirements.

1. Purposes.

A. To inform the Borough of an applicant's intent to subdivide and/or develop a property, and graphically show the concepts and extent of the proposal.

B. For the Borough to provide advice and guidance to an applicant so that:

- (1) Overall layout and circulation issues can be resolved prior to

preparation of preliminary plans.

(2) The preliminary plan approval process may then be able to proceed faster and more efficiently.

C. To show how a tract of land may be further subdivided or developed in cases where only a portion of a property is currently under an active proposal, with a logical pattern of streets and access.

D. To facilitate a cooperative effort between the Borough and the applicant to resolve significant subdivision and/or land development issues prior to the preparation of preliminary plans.

E. This plan shall have no legal standing with regard to future plan approvals but shall be considered as a guide for future development.

2. It is to the applicant's advantage to show as much of the requested information as possible. Although the Borough Planning Commission will discuss any plan presented, a lack of significant information may result in little useful guidance to the applicant.

3. *Sketch Plan Information.* A sketch plan shall be drawn legible and to scale, but it need not be a precisely surveyed or engineered plan, and it shall show the following information:

A. The entire tract boundary and total acreage.

B. Existing and proposed streets, lots, buildings, and approximate building envelopes.

C. Vehicular ingress and egress. See §22-407.

D. Significant physical features such as floodplains, steep slopes, woodlands, and existing structures.

E. Contour lines at intervals of no more than 10 feet.

F. Approximate locations for stormwater control facilities, if necessary.

G. Location plan showing the relationship of the subject tract to the surrounding road network and major physical features.

H. North point and scale.

I. Name and address of the owner.

J. Name and address of the engineer, surveyor or architect, if applicable.

K. Any additional information which the applicant believes will help explain the proposal.

L. Current use of the subject tract and current use of each adjacent parcel.

M. Tax map and unit number, and parcel number of the subject tract.

(Ord. 1005, 5/23/2011)

§22-304. Sketch Plan Submission and Review Procedure.

This review procedure is intended to facilitate a cooperative effort between the Borough and the applicant to resolve significant subdivision and/or land development issues prior to the preparation of preliminary plans.

A. Applicant prepares sketch plan including all requirements in §22-303,

“Application for Sketch Plan,” and Montgomery County Planning Commission Review Request Form.

B. Applicant submits 15 copies of the sketch plan and 15 copies of all supporting documentation to the Borough Zoning Officer, in person by the applicant or applicant’s agent, at the Borough Office during normal Borough business hours. Extra copies shall be provided if requested by the Borough.

C. Sketch plan must be accompanied by:

- (1) Borough filing fee and escrow per §22-902.
- (2) Completed Borough application for sketch plan and administrative forms.
- (3) Montgomery County Planning Commission review fee.
- (4) Montgomery County Planning Commission Review Request Form.
- (5) One electronic copy of all plans in PDF format on ISO 9660 1999 or Joliet formatted CD-R or other acceptable electronic media.

D. The Borough Zoning Officer conducts a cursory review of the application, administrative forms, and sketch plan to check the submission for completeness.

- (1) If the submission is incomplete, immediately returns the submission to the applicant and indicates the deficiencies.
- (2) If submission is complete, accepts sketch plan and application.

E. The Borough Zoning Officer shall immediately distribute copies of the sketch plan and sketch plan application to:

- (1) Borough Manager/Secretary—1 copy.
- (2) Borough Zoning Officer—1 copy.
- (3) Assistant Borough Manager/Planner—1 copy.
- (4) Borough Planning Commission—5 copies.
- (5) Borough Fire Marshall—1 copy.
- (6) Borough Public Works Director—1 copy.
- (6) Borough Solicitor—1 copy.
- (7) Borough Engineer—2 copies.
- (8) Montgomery County Planning Commission, along with the required review fee and completed review request form—1 copy.

F. The Montgomery County Planning Commission reviews the sketch plan and prepares analysis for review by the Borough Planning Commission. The review and recommendations of the Montgomery County Planning Commission shall be submitted to the Borough no later than 30 days from the date when the plans were received by Montgomery County.

G. The Borough Zoning Officer shall schedule on the meeting agenda of the Borough Planning Commission an informal discussion of the sketch plan.

H. The applicant or his representatives shall appear as scheduled at the Borough Planning Commission meeting to explain the sketch plan and to discuss the issues identified by the Montgomery County Planning Commission. The applicant shall be prepared to discuss significant issues including, but not limited

to:

- (1) Land use proposed (i.e., residential, commercial, industrial).
- (2) Density or intensity of proposal.
- (3) Access to the subject site.
 - (a) Intersection locations.
 - (b) Road realignments.
- (4) Site plan design.
 - (a) Lotting.
 - (b) Roads.
 - (c) Buildings.
 - (d) Common areas.
 - (e) Open space.

I. Upon completion of its review of the sketch plan, which shall include consideration of the timely recommendations of the Borough Engineer, County Planning Commission, Borough Planner, Traffic Engineer, and other technical advisors when requested, the Borough Planning Commission may make suggestions and recommendations to the applicant during the meeting at which the plan is discussed. These suggestions and recommendations need not be presented in writing to the applicant; however, they should be summarized in the minutes of the Borough Planning Commission for reference and these should include the following:

- (1) Recommendations regarding non-compliance with Borough ordinance requirements and/or planning policies must be implemented by the applicant in the form of plan revisions.
- (2) Recommendations and suggestions in the form of preferences or alternatives shall be seriously evaluated by the applicant prior to further plan processing.
- (3) Future studies or analysis that the applicant shall undertake during the preliminary plan stage.

J. Applicants may present alternative sketch plans at one meeting or may present alternatives at subsequent meetings, provided that appropriate agenda time has been scheduled in advance.

K. After the Borough and applicant have resolved the major concepts involved in the proposal, the applicant may proceed to preliminary plan submission.

(Ord. 1005, 5/23/2011)

§22-305. Preliminary Plan Submission Requirements.

This Section contains the requirements for preliminary plans for subdivisions and/or land developments in terms of drafting standards, basic information, existing features, and proposed features, and is written in a checklist format.

A. *Checklist Format.* This Section or copies of it may be used as a checklist by the applicant and/or the municipality to ensure completeness of plan submissions.

B. *Drafting Standards.* Plans shall be professionally prepared in compliance with the following:

(1) The plan shall be drawn to a standard engineering scale not exceeding 100 feet to the inch.

(2) A standard sheet size shall be used (such as 12 inches by 18 inches, 18 inches by 24 inches, or 24 inches by 36 inches), appropriately related to the scale of the drawing.

(3) All sheets shall be the same size, and be numbered relative to the total number of sheets (i.e., 1 of 5, etc.).

(4) (a) Where two or more sheets are needed to show the entire tract, a reduced scale key plan shall be provided to show how the sheets fit together.

(b) A reduced scale plan of the entire site at a scale greater than 100 feet to the inch may be required in cases where it would facilitate the review and approval process. Applicants are encouraged to submit such plans in cases where they are not required.

(5) Property lines shall be drawn and labeled in conformance with the Engineer, Land Surveyor and Geologist Registration Law, 35 P.S. §148 *et seq.*, and accepted surveying and civil engineering practices, including dimensions shown in feet and decimal fractions thereof, and bearings shown in degrees, minutes, and seconds.

(a) Tract boundary lines shall be the heaviest property lines.

(b) Proposed lot lines shall be the next heaviest lines.

(c) Possible future lots, if shown, shall be the lightest line weight, and may be shown as dashed lines.

(d) Property lines to be eliminated where two lots are proposed to be joined in common deed shall be properly noted and depicted on the boundary to be removed.

(6) The plans must include a conversion table from English to metric units.

C. *Basic Information.* All preliminary plans shall show the following basic information:

(1) Name of the subdivision or land development.

(2) Name, address and phone number of applicant.

(3) Name, address and phone number of the firm which prepared the plan and professional seal of the individual certifying its accuracy and compliance with applicable standards.

(4) Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.

(5) North point and graphic and written scale.

(6) Location plan showing the relationship of the subject tract to the surrounding road network and major physical features. The location plan shall be at a scale not less than 800 feet to 1 inch and include features within 2,000

feet.

(7) The entire tract boundary with bearings and distances and total tract acreage.

(8) A list of the basic dimensional and density requirements of the applicable zoning district, compared to the applicant's proposal including, an explanation of the calculation of area set aside for open space, impervious coverage, net buildable area, and any other design or dimension requirements spelled out in the Zoning Ordinance [Chapter 27].

(9) Zoning classification(s) of all lands abutting the proposal.

(10) The current use and names of all current owners of immediately adjacent lands.

(11) A statement showing:

(a) Number of acres under proposal, after deleting rights-of-ways of streets. Net and gross acreage should be indicated in accordance with the Zoning Ordinance [Chapter 27].

(b) Number of lots and/or dwelling units, or gross leasable area.

(12) Description of variances or special exceptions and the dates they were granted, if any.

(13) Description of any deed restrictions or other covenants affecting development of the tract.

(14) The requirements of any other local ordinance which may affect the proposal.

(15) Legend sufficient to indicate clearly between existing and proposed conditions.

(16) Name and address of the owner of record.

(17) Tax block and unit number of all parcels being subdivided or developed.

(18) Deed book and page numbers for all parcels being subdivided or developed.

(19) Parcel numbers of all parcels being subdivided or developed.

D. *Existing Features Plan.* Within the tract proposed for subdivision and/or land development, and within 100 feet of the tract boundaries, the following information shall be shown on the preliminary plan:

(1) Streets bordering or crossing the tract, including:

(a) Locations.

(b) Names.

(c) Rights-of-way.

1) Legal.

2) Ultimate.

(d) Cartway widths.

(e) Surface conditions.

- (f) Location of curbs and sidewalks.
- (2) Water resources, including:
 - (a) Ponds.
 - (b) Wetlands.
 - (c) Watercourses, springs.
 - (d) Flood-prone or floodplain areas including data from FEMA studies, or other studies as determined appropriate by the Borough Engineer. All floodplain studies shall be conducted in accordance with the provisions of the standards for floodplain analysis included in this Chapter.
- (3) Sanitary sewers, including:
 - (a) Pipe locations.
 - (b) Pipe sizes and materials.
 - (c) Direction of flow.
 - (d) Gradient of flow.
 - (e) Manholes.
 - (f) Invert elevations.
- (4) Storm sewers, including:
 - (a) Pipe locations.
 - (b) Pipe sizes and materials.
 - (c) Direction of flow.
 - (d) Gradient of flow.
 - (e) Inlets, catch basins and manholes.
 - (f) Invert elevations.
- (5) Other existing stormwater and/or erosion control facilities, including:
 - (a) Basins.
 - (b) Swales.
 - (c) Diffusion devices.
 - (d) Velocity controls.
 - (e) Related technical data for those facilities.
- (6) Other natural features, including:
 - (a) Location, size, species, and condition of trees 6 inches in diameter or greater, when standing alone or in small groups.
 - (b) Outer limits of woodlands and a general description of their types, sizes, and conditions.
 - (c) Locations and limits of geologic features which may affect the locations of proposed streets or buildings, including:
 - 1) Rock outcroppings.
 - 2) Quarries.

- 3) Sinkholes.
 - (7) Soil types, including:
 - (a) The following information, based on the USDA NRCS Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/>) shall be provided.
 - 1) Mapped limits.
 - 2) Soil type symbol.
 - 3) Tabulation of the following data:
 - a) Soil type name.
 - b) Soil type symbol.
 - c) Slope.
 - d) Hydrologic soil group.
 - e) All limitations for site development specific to the type of development proposed including, but not limited to, depth to water table, depth to bedrock, and construction limitations.
 - f) Actions or precautions to be taken to resolve the specific limitations.
 - (8) Contour information, including:
 - (a) Contours at a vertical interval of 2 feet, accurately drawn from photogrammetric or on-site survey data.
 - (b) Areas with slopes of 15 percent or greater shall be shaded, as determined from the contours shown on the plan.
 - (9) Other man-made features, including:
 - (a) Location, size, character, and configuration of existing buildings, labeled “to remain” or “to be removed” as applicable.
 - (b) Location and description of existing buildings and other structures less than 100 feet beyond the tract boundaries.
 - (c) Location, type, and ownership of utilities, both above and below ground, with notes to describe:
 - 1) Easement or right-of-way dimensions.
 - 2) Additional setback or development restrictions imposed by the utility company.
 - 3) Specific type of product transported with pipelines.
 - (10) Vehicular Access Analysis, in compliance with §22-407.8 of this Chapter.
- E. *Proposed Features and Lotting Plan.* Within the tract proposed for subdivision and/or land development, the following information shall be shown on the preliminary plan:
- (1) *Subdivision and/or Land Development Layout.*
 - (a) Proposed streets, alleys, driveways, and parking areas, including:
 - 1) Names or other identification.
 - 2) Right-of-way widths and lines.

- 3) Cartway widths.
 - 4) Centerline courses, distances, and curve data.
 - 5) Curb lines.
 - 6) Radii at intersections.
 - 7) Street location tie-ins by courses and distances.
 - 8) Capacity of parking areas.
 - 9) Sight distance at proposed intersections with existing streets.
 - 10) Site access points.
- (b) Layout and dimensions of all lots, including the net and lot area as defined within the Zoning Ordinance [Chapter 27].
- (c) All building setback lines.
- (d) All parking setback lines where applicable.
- (e) Proposed sidewalk or other walkway locations.
- (f) Proposed buildings, including:
- 1) Locations.
 - 2) Configurations.
 - 3) Sizes (ground level floor area, total floor area, and height).
 - 4) Total building coverage (square feet and percentage of site).
 - 5) Locations and types of accessory structures.
 - 6) Ground floor elevations.
- (g) Common use areas, including:
- 1) Open space areas.
 - 2) Recreation areas.
 - a) Locations.
 - b) Configurations.
 - c) Size.
 - d) Use of common area.
 - 3) Recreation facilities.
 - a) Locations.
 - b) Types of facilities.
 - 4) Parking, driveway, or road areas when privately owned for common use.
 - 5) Walkways or pathways.
 - 6) Notes regarding offers of dedication or retention in private ownership, as applicable.
- (h) Areas for future uses, including:
- 1) Road extensions.
 - 2) Stormwater management facilities.
 - 3) Additional subdivision or land development in sketch form,

in accordance with the requirements of §22-303, "Sketch Plan Submission Requirements," and in accordance with the intent of §22-304, "Sketch Plan Submission and Review Procedure." Applicants may be required by Hatboro Borough Council to submit plans and additional information to show how the immediate proposal can fit logically into an overall plan for the entire site.

4) Explanatory notes for such future uses.

(i) Proposed landscaping plan, including:

1) Street trees.

2) Planting screens.

3) Buffer areas.

4) Other related landscape features such as mounding and water features.

5) Managed meadow.

(j) Existing and proposed easements.

(2) *Grading and Drainage Plan.* The following information shall be shown on the preliminary plan. See §22-302.H, which may allow information to be submitted at the final plan stage.

(a) Proposed contours for the entire site at the contour interval of the plan.

(b) Approximate limits of site disturbance, including a clear delineation of existing vegetation including trees, hedge rows, wooded areas, scrub growth, meadow, and actively farmed land:

1) To be removed.

2) To be preserved including method of preservation.

(c) Stormwater management and erosion control and sedimentation facilities, including:

1) Basins.

2) Swales.

3) Diffusion devices.

4) Velocity controls.

5) Pipe locations.

6) Pipe sizes and materials.

7) Direction of flow.

8) Gradient of flow.

9) Inlets, catch basins, and manholes.

10) Invert elevations.

11) Design calculations for these facilities shall be submitted in report form with a note on the preliminary plan referencing the report.

(3) *Infrastructure Plan.*

- (a) Sanitary sewer line locations, clearly identifying the following:
 - 1) Pipe sizes and materials.
 - 2) Direction of flow.
 - 3) Gradient of flow.
 - 4) Manholes.
 - 5) Invert elevations.
 - (b) Sanitary sewage pumping stations.
 - (c) Approved on-site disposal locations.
 - (d) Sewage treatment plant locations.
 - (e) Water supply facilities, including:
 - 1) Central water supply lines.
 - 2) Pipe sizes and materials.
 - 3) Fire hydrant locations.
 - 4) Well locations when on-lot, including the 100-foot radius clear zone separating wells from sewage disposal locations.
 - (f) Finished floor elevations of proposed buildings.
 - (g) Municipal waste disposal facilities.
- (4) *Cross Sections, Profiles, Structural Designs.* The following shall be provided:
- (a) Cross section and centerline profile for each proposed or widened cartway, driveway, or parking area shown on the preliminary plan including:
 - 1) Road centerline grades and vertical curvature including road centerline elevations shown at horizontal intervals of 25 feet along vertical curves and 50 feet for straight grades.
 - 2) Profiles for sanitary sewers, water mains, storm drains, including locations of manholes, inlets, and catch basins.
 - (b) Preliminary design of any bridges, culverts, or other structures and appurtenances which may be required.
- (5) *Stormwater Management.* The following shall be provided:
- (a) Plans, details design reports, engineering calculations, easements, and agreements required by the Borough Stormwater Management Ordinance [Chapter 23].
- F. *Additional Information.* The following additional information shall be submitted with the preliminary plan.
- (1) All required local, State, and Federal permits shall be submitted to the Borough. These permits may include, but are not limited to: Montgomery County, PennDOT, or Hatboro road access permits; DEP permits for drainage, stream alteration, wetlands encroachment, water quality discharge, dams, erosion, and sedimentation control, air pollution, or sanitary sewage facilities.
 - (2) All engineering calculations which support the proposed

improvements such as drainage calculations, sanitary facility design calculations, or structural calculations.

(3) Certification of inspection and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accord with current industry and DEP standards.

(4) Developments utilizing public water or public sewer facilities shall provide proof that those services will be provided.

(5) Sewage facilities plan approval from DEP, if applicable.

(6) Recommendation of approval of the erosion and sediment control plan from the Conservation District.

(*Ord. 1005, 5/23/2011*)

§22-306. Preliminary Plan Submission and Review Procedure.

The procedure contained in this Section shall regulate the submission and review of preliminary plans for subdivision and land development.

A. Applicant prepares preliminary plan including all requirements in §22-305, “Application for Preliminary Plan,” and Montgomery County Planning Commission Review Request Form.

B. Applicant submits 25 copies of the preliminary plan and 25 copies of all supporting documentation to the Borough Zoning Officer, in person by the applicant or applicant’s agent, at the Borough Office during normal Borough business hours. Extra copies shall be provided if requested by the Borough.

C. Preliminary plans must be accompanied by:

(1) Borough filing fee and escrow per §22-902.

(2) Completed Borough application and administrative forms.

(3) Montgomery County Planning Commission review fee.

(4) Completed Montgomery County Planning Commission Review Request Form.

(5) One electronic copy of the entire preliminary plan submission in PDF format on ISO 9660 1999 or Joliet formatted CD-R or other acceptable electronic media.

D. The Borough Zoning Officer conducts a cursory review of the application, administrative forms, and preliminary plan to check the submission for completeness.

(1) If the submission is incomplete, immediately returns the submission to the applicant and indicates the deficiencies.

(2) If submission is complete, accepts preliminary plan and application.

E. The Borough Zoning Officer shall immediately distribute copies of the preliminary plan and preliminary plan application to:

(1) Borough Manager/Secretary—1 copy.

(2) Borough Zoning Officer—1 copy.

(3) Assistant Borough Manager/Planner—1 copy.

- (4) Borough Council—8 copies.
- (5) Borough Planning Commission—5 copies.
- (6) Borough Fire Marshall—1 copy.
- (7) Police Chief—1 copy.
- (8) Borough Public Works Director—1 copy.
- (9) Borough Solicitor—1 copy.
- (10) Borough Engineer—2 copies.
- (11) Traffic Engineer—2 copies.
- (12) Montgomery County Planning Commission, along with the required review fee and completed review request form—1 copy.
- (13) Any other technical consultants as needed.

F. At the same time that the preliminary plan submission is made to the Borough, the applicant shall also make submission to the Montgomery County Planning Commission. Applicant is advised to contact the agency for its individual requirements with regard to preliminary plans, applications, fees, etc. The Borough shall be copied on all correspondence to outside review agencies.

G. The Montgomery County Planning Commission reviews the preliminary plan and prepares analysis for review by the Borough Planning Commission. The review and recommendations of the Montgomery County Planning Commission shall be submitted to the Borough no later than 30 days from the date when the plans were received by Montgomery County Planning Commission.

H. The application for review of the preliminary plan shall be placed on the agenda of the next regularly scheduled meeting of Borough Planning Commission following the plan submission date provided that plans are received 15 working days prior to that date.

I. Upon completion of its review of the preliminary plan, which should include consideration of the timely recommendations of the Borough Engineer, Montgomery County Planning Commission, Borough Planner, Traffic Engineer, and other technical advisors when requested, the Borough Planning Commission shall communicate its recommendations to the Hatboro Borough Council.

J. The Hatboro Borough Council shall have a 90-day time period to act on the preliminary plan unless the applicant has agreed in writing to an extension of the time period.

(1) The 90-day time period shall be measured from the date of the next regularly scheduled Borough Planning Commission meeting following the plan submission date.

(2) If the next regularly scheduled Borough Planning Commission meeting occurs more than 30 days following the plan submission date, then the 90-day time period shall be measured from the thirtieth day following the plan submission date.

(3) If an extension of the 90-day time period is applied, it shall be measured from the expiration of the original 90-day period. A time extension shall postpone the deadline and effects of the 90-day time period for the additional number of days agreed to in writing prior to the last scheduled

Borough Council meeting within the 90-day plan review period.

K. The Hatboro Borough Council shall consider the preliminary plan application at one or more of its public meetings during the 90-day time period, and/or extension thereof if applicable, and shall render a decision on the preliminary plan following receipt of the recommendations of the Borough Planning Commission, Borough Engineer, County Planning Commission, and/or other technical advisors as requested.

(1) Provided, in accordance with the Pennsylvania Municipalities Planning Code, that Borough Council shall not approve an application until the Montgomery County Planning Commission report of its recommendations is received, or until the expiration of 30 days from the date the application was forwarded to the Montgomery County Planning Commission.

(2) In accordance with the policies of the Montgomery County Planning Commission, the date the application was forwarded to Montgomery County shall be considered to be:

(a) The date noted on the Borough's request for review; or,

(b) Two days prior to Montgomery County's receipt of the request if no date is noted on the request; except that,

(c) In no instance will the date be earlier than 5 days prior to Montgomery County's receipt of the request.

L. *Procedure Following Borough Council's Decision.* When Borough Council makes a decision on a preliminary plan, one of the following procedures will be followed, depending on the type of decision:

(1) *Denial.* If Borough Council denies approval of a preliminary plan, then the written notification to the applicant shall specify the defects found in the application and describe the requirements which have not been met, and shall cite the provisions of the statute or ordinance relied upon for the denial.

(2) *Approval.* If Borough Council approves a preliminary plan, as filed by the applicant, then the Borough Secretary will so certify thereon, and two copies of the approved plan will be forwarded to the applicant. The applicant shall then submit two paper copies of the approved plan for Borough seal and signature.

(3) *Approval Subject to Conditions.* If Borough Council approves a preliminary plan, conditioned upon the performance of any act or the obtaining of any other approval or permit by the applicant, the applicant shall be given the opportunity to accept or reject the conditions within a 10-day period. The approval of the plan shall be rescinded automatically without action of Borough Council, within 10 days of the date at which conditional approval was granted, upon either the applicant's failure to execute the written acceptance or upon rejection of such conditions by the applicant. Written notice will be provided to the applicant in the following manner:

(a) Specify the conditions of approval and request the applicant's written agreement to the conditions.

(b) State that the application will be denied if the applicant does not agree to the conditions, and specify the defects found in the application,

describe the requirements which have not been met, and cite the provisions of the statute or ordinance relied upon for denial of the plan and application.

(c) State that the preliminary plan approval shall be rescinded automatically upon the applicant's failure to accept or reject the conditions within 10 days following the decision by Borough Council to grant conditional approval.

(d) The applicant is responsible to offer to grant any written extensions that may be required by the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Following submission of written agreement to the conditions specified by the Board, the applicant shall submit two paper copies of the preliminary plan, which show compliance with the conditions, by plan revision or notation, for Borough seal and signatures.

(4) Written notification of Borough Council's decision shall be communicated to the applicant personally or be mailed to the applicant's last known address not later than 10 days following the decision.

M. *Effective Period of Approval.* Changes to ordinances may affect plan approvals after 5 years from the date of preliminary plan approval as provided in the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(1) No subsequent change or amendment in the zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of approval within the 5-year period from the date of preliminary plan approval.

(2) In the case where preliminary and final plan approval are concurrent, the 5-year period shall be measured from the date of that concurrent approval.

(3) In a case of a preliminary plan calling for the installation of improvements beyond the 5-year period, a schedule shall be filed by the applicant with the preliminary plan delineating all proposed sections as well as deadlines within which applications for final plan approval of each section are intended to be filed.

(a) Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plan approval, until final plan approval has been granted to the final section.

(b) Any modification in the aforesaid schedule shall be subject to approval of Borough Council in its discretion.

(c) Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25 percent of the total number of dwelling units as shown on the preliminary plan, unless a lesser percentage is approved by Borough Council in its discretion.

(d) For any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within the initial 5-year period, the terms of paragraph .I above shall also apply to each subsequent section for an additional term of 3 years from the date

of final plan approval of each section.

(4) If a final plan is not approved within 5 years after preliminary plan approval, the preliminary plan approval shall be null and void unless a timely extension has been requested and approved by Borough Council.

(Ord. 1005, 5/23/2011)

§22-307. Final Plan Submission Requirements.

All final plans for subdivisions and/or land developments shall consist of two basic parts, the improvements construction plan and the record plan, and shall comply with the requirements of this Section.

A. Improvements Construction Plan.

(1) *Drafting Standards.* The same standards shall be required for an improvements construction plan as for a preliminary plan, except that the horizontal scale of the plan and profile shall not exceed 50 feet to the inch and the vertical scale of the plan shall be 2, 4, or 5 feet to the inch, whichever is most appropriate.

(2) *Information to be Shown.* The plan shall contain sufficient information needed for the construction of the proposed streets, or any portion thereof, including all appurtenances, sewers and utilities, as shown on the approved preliminary plan. This information shall include:

(a) *Horizontal Plan.* The horizontal plan shall show details of the horizontal layout as follows:

- 1) Information shown on the approved preliminary plan.
- 2) The beginning and end of proposed immediate and future construction.
- 3) Stations corresponding to those shown on the profiles.
- 4) The curb elevation at tangent points of horizontal curves, at street, road or alley intersections, and at the projected intersections of the curb lines.
- 5) The location and size of sanitary sewers and lateral connections and water mains with distances between manholes, gas, electric and other utility pipes or conduits and of storm drains, inlets and manholes.
- 6) The location, type and size of curbs and all paving widths.
- 7) The location of fire hydrants and street lights.

(b) *Profiles.* The profiles shall show details as follows:

- 1) Profiles and elevations of the ground along the centerlines of proposed streets.
- 2) Profiles of sanitary sewers with a profile over the sewer of the existing and finished ground surface showing manhole locations beginning at the lowest manhole.
- 3) Profiles of storm drains showing catch basins, inlet, and manhole locations, swales, ditches, etc.

4) Profiles of water mains.

(c) *Cross Sections.* The cross section for each classification of street shall comply with the Hatboro Borough'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 ultimate right-of-way width and the location and width of the cartway.

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 shall be carried to the full width of the ultimate right-of-way.

5) The location, width, type and depth of sidewalks, when required.

6) The typical locations, size and depths of sewers and utilities.

7) Proposed grading to the ultimate right-of-way line.

(d) *Additional Information.* The following additional information shall be submitted with the final plan.

1) All required local, Commonwealth, and Federal permits shall be submitted. These permits may include: Montgomery County, PennDOT, or Hatboro road access permits; DEP permits for drainage, stream alteration, wetlands encroachment, water quality discharge, dams, erosion, and sedimentation control, air pollution, or sanitary sewage facilities.

2) The following statements shall be required on the final plan:

a) "The Approved Improvement Construction Plan, a copy of which may be inspected at the Borough Office, has been made a part of the Approved Final Plan."

b) "For access to a highway under the jurisdiction of PennDOT, a highway occupancy permit is required, pursuant to §420 of the Act of June 1, 1945, P.L. 1243, No. 428, 36 P.S. §670-420, known as the "State Highway Law." Access to the State highway shall be only as authorized by the highway occupancy permit."

3) All engineering calculations which support the proposed improvements such as drainage calculations, sanitary facility design calculations, or structural calculations.

4) Certification of inspection and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accord with current industry and DEP standards.

5) Developments utilizing public water or sewer facilities shall provide proof that those services will be provided.

6) Sewage facilities plan approval from DEP, if applicable.

7) Recommendation of approval of the erosion and sediment

control plan from the Conservation District.

B. *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 standard sheet sizes (such as 12 inches by 18 inches, 18 inches by 24 inches, or 24 inches by 36 inches). All lettering and lines shall be drawn to be legible if the plan is reduced to half size. The requirements of the Montgomery County Recorder of Deeds Office shall be met.

(2) *Information to be Shown.* The plan, which shall include all portions of an approved preliminary plan, shall also show:

(a) Basic information, as required for a preliminary plan, §22-305.C.

(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) Names or identification of the following:

1) Abutting owners (name, tax block and unit number, and parcel number).

2) All dimensional and technical descriptions of roads.

3) Easements.

4) Rights-of-way.

5) Open space, recreation, and/or other common use areas.

6) Other public improvements.

7) For land development plans, all additional information pertinent to the location and construction of site improvements, including buildings, walks, parking, driveways, etc.

8) Montgomery County Planning Commission file number.

9) Current use of the subject tract and current use of each adjacent parcel.

(d) All lots deeded to the ultimate right-of-way so that a single deed may be drawn to the appropriate body having jurisdiction for the dedication of streets by the applicant.

(e) Evidence that the plans are in conformance with the Zoning Ordinance [Chapter 27] and other applicable Borough ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception, waiver, or variance has been officially authorized.

(f) The location, material and size of all existing and proposed monuments with reference to them.

(g) Building setback lines with distances from the ultimate right-of-way line, and property lines.

(h) Appropriate notes and conditions governing the use or development of the proposed property.

C. *Certifications.* When approved, the record plan must show:

(1) The signature and seal of the registered engineer and surveyor certifying that the plan represents his/her work; that the monuments shown thereon exist as located; that the dimensional and geodetic details are correct and that the survey has been prepared in accordance with the Pennsylvania Engineer, Land Surveyor and Geologist Registration Law, 63 P.S. §143 *et seq.*

(2) The signature and seal of the licensed landscape architect responsible for the landscape and lighting plan(s), if applicable.

(3) The notarized signature of the applicant certifying his adoption of the plan.

(4) The signature of the Borough Secretary, certifying that the Hatboro Borough Council approved the final plan on the date shown.

(a) Spaces shall be provided for the signatures of the members of the Hatboro Borough Council whose signatures are required.

(b) Space shall be provided for the signature of the Borough Engineer and Chairman of the Borough Planning Commission.

(5) A blank space shall be provided for the stamp and seal of the Montgomery County Planning Commission, located along the right-hand edge of the plan, measuring 3½ inches wide and 2½ inches high.

(*Ord. 1005, 5/23/2011*)

§22-308. Final Plan Submission and Review Procedure.

Final plans shall be submitted and reviewed in accordance with the procedure contained in this Section.

A. A final plan for an application that has been previously granted preliminary plan approval shall be approved by Borough Council when it is determined that:

(1) The final plan conforms to the approved preliminary plan.

(2) All engineering and other technical details have been resolved to the satisfaction of the Borough Engineer, as evidenced by a letter from the Borough Engineer, and to the satisfaction of other technical advisors, when requested by Borough Council.

(3) A signed recommendation is received from the Borough Planning Commission if specifically requested by Borough Council.

(4) All financial security and legal agreements in accordance with requirements specified in Part 5 of this Chapter have been found satisfactory by Borough Council, under the review and advice of the Borough Solicitor, all security has been posted, and all agreements have been executed.

(a) When requested by the developer, in order to facilitate financing, Borough Council shall furnish the applicant with a signed copy of a Resolution indicating approval of the final plan contingent upon the applicant obtaining satisfactory financial security.

(b) The final plan shall not be signed nor recorded until the financial improvements agreement is executed.

(c) The Resolution of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by Borough Council.

(5) The plan complies in all respects with applicable Borough ordinances or that appropriate variances or waivers have been granted for features that do not comply.

(6) All necessary permits have been obtained from the applicable regulatory agencies, authorities, or departments.

(7) All agreements and documents to be recorded with the final plan have been found satisfactory by Borough Council, under the review and advice of the Borough Solicitor.

B. A final plan for an application that has not been previously granted preliminary plan approval may be granted concurrent preliminary and final plan approvals, in compliance with the following:

(1) The final plan complies with both the preliminary and final plan submission requirements, §§22-305 and 22-307, herein.

(2) The final plan is submitted and processed in compliance with §22-306, "Preliminary Plan Submission and Review Procedure."

(3) The final plan complies with paragraph .A(2), (3), (4), (5) and (6), above.

C. *Processing Steps for Applications with Previous Preliminary Plan Approval.*

(1) Applicant prepares final plan including all requirements in §22-307 (or §22-310 for minor plans), and application for final plan.

(2) Applicant submits 25 copies of the final plan and 25 copies of all supporting documentation to the Borough Zoning Officer, accompanied by the Borough filing fee and required administrative forms. Additional copies shall be provided if requested by the Borough.

(3) Final plans must be accompanied by:

(a) Borough filing fee and escrow per §22-902.

(b) Completed Borough application and administrative forms.

(c) One electronic copy of the entire final plan submission in PDF format on ISO 9660 1999 or Joliet formatted CD-R or other acceptable electronic media.

(4) The Borough Zoning Officer conducts a cursory review of the application, administrative forms, and final plan to check the submission for completeness; and,

(a) If the submission is incomplete, immediately returns the submission to the applicant and indicates the deficiencies.

(b) If submission is complete, accepts final plan and application.

(5) The plan submission date will be stamped on the plan and all accompanying documents, and the application for final plan approval shall be placed on the agenda of the next regularly scheduled meeting of the Borough

Planning Commission following the plan submission date.

(6) Copies of the plan will be distributed to the following:

(a) Borough Engineer, Solicitor, Zoning/Code Officer, and Planning Commission.

(b) Other Borough boards or officials, sewer and/or water authorities, and/or other technical advisors as needed, such as Borough Planner and Traffic Engineer.

(7) Borough Council shall grant final plan approval in compliance with paragraph .A, above.

D. When the final plan is approved, the applicant shall present paper and linen or mylar copies of the plan to be signed by Borough Council, and the Borough Secretary, together with the date of the approval and official Borough seal.

(Ord. 1005, 5/23/2011)

§22-309. Recording the Final Plan.

Within 90 days following final plan approval, the applicant shall record the final plan in the Office of the Recorder of Deeds.

A. In accordance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, whenever final plan approval is required by a municipality, the Montgomery County Recorder of Deeds shall not accept any plan for recording unless it contains the official approval of Borough Council and certification of review by the Montgomery County Planning Commission.

B. Prior to recording, the applicant shall present the municipally approved plan to the Montgomery County Planning Commission for its stamp and seal, with one paper copy given to the Montgomery County Planning Commission for its files.

C. *Procedure for Recording the Final Plan.*

(1) The applicant shall submit 4 paper copies and 2 mylar copies of the final plan for certifications required in §22-307.C.

(2) The applicant shall present the municipally approved plan to the Montgomery County Planning Commission for its stamp and seal, with one paper copy given to the Montgomery County Planning Commission for its files.

(3) The applicant shall, within 90 days of final plan approval by Borough Council or by the Court on appeal, or upon satisfaction of financial security and legal agreement requirement of Part 5 as part of conditional approval, record the final plan in the Office of the Recorder of Deeds of Montgomery County. If the plan is not recorded within the 90-day period, the approval shall lapse and become void. Borough Council may extend the 90-day period upon written request by the applicant.

(4) The applicant shall return to the Borough one paper, one mylar copy, and one electronic copy of all plans in PDF format on ISO 9660 1999 or Joliet formatted CD-R or other acceptable electronic media, along with the receipt/certification that recording is complete.

(Ord. 1005, 5/23/2011)

§22-310. Minor Plan Submission Requirements and Review Procedure.

Minor plans may be submitted and processed only for lot line adjustments, simple conveyances, minor subdivisions, or minor land developments as characterized herein, in accordance with the standards and requirements in this Section.

A. *Standards for Qualification as a Minor Plan Submission.*

(1) *Lot Line Adjustment.*

(a) A proposal between two abutting, existing, legally approved and recorded lots.

(b) A common lot line is proposed to be adjusted in terms of its location or configuration.

(c) The land area of each lot may be different after adjustment, but the total lot area of the two lots will be unchanged.

(d) No alteration will occur to the perimeter boundary lines of the two lots.

(e) Neither lot shall violate the applicable dimensional requirements of the Zoning Ordinance [Chapter 27] as a result of the lot line adjustment.

(f) Possible reasons for lot line adjustments include, but are not necessarily limited to:

1) Correcting errors regarding locations of existing improvements (e.g., if the driveway for Lot #1 is located on Lot #2);

2) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow).

3) Preferences of the landowners involved.

(g) No change of land use shall be proposed as part of a lot line adjustment.

(2) *Simple Conveyance.*

(a) A proposal between two abutting, existing, legally approved and recorded lots.

(b) A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.

(c) The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.

(d) The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the Zoning Ordinance [Chapter 27], so that after conveyance, it will remain in compliance with those requirements.

(e) The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the Zoning Ordinance [Chapter 27], provided that it shall be deed restricted to the extent that it may not be transferred independently, but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

(3) *Minor Subdivision.*

(a) A subdivision proposal which would divide one existing lot into two lots, both of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.

(b) The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Borough requirements for lot frontage and access to a public street for both proposed lots.

(c) The existing lot has not been a part of an approved subdivision proposal during the 5 years previous to the current application.

(d) The subdivision will not require new road construction, road improvements, or the extension of existing public utility lines.

(e) The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Borough Engineer.

(f) *Disqualification.* Borough Council may require standard preliminary plan submission in place of a minor plan when conditions warrant it, upon the advice of the Borough Planning Commission or Borough Engineer or Borough Solicitor.

(4) *Minor Land Developments.*

(a) A land development proposal where it is found that the intended development or modification of a site, or use and occupancy of an existing structure will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of the ordinance.

(b) Parking lot expansions.

(c) Additions to existing nonresidential buildings provided that the addition is less than 3,500 gross square feet and involves no more than 15 percent of the size of the existing building.

(d) The conversion of a residential dwelling that results in the creation of no more than four new dwelling units.

(e) The addition of tenants to an existing nonresidential building when minimal structural improvements are required.

(f) The need for a zoning variance shall disqualify the land development from being considered a minor land development.

(5) *Land Development 500 Feet and Under.*

(a) On the recommendation of the Borough Zoning Officer and/or Borough Engineer, Borough Council may waive the land development process for a land development involving 500 feet or less. The applicant shall be required to proceed through the permitting process and obtain all required permits.

B. Plans for lot line adjustment, simple conveyance, minor subdivision and minor land developments shall comply with the following submission requirements:

(1) *Drafting Standards.*

(a) The plan shall be drawn to a standard engineering scale not

exceeding 100 feet to the inch.

(b) Sheet size shall be 12 inches by 18 inches, 18 inches by 24 inches, or 24 inches by 36 inches, appropriately related to the scale of the drawing; only one sheet shall be permitted.

(c) Property lines shall be drawn and labeled in conformance with accepted surveying and civil engineering practices, including dimensions shown in feet and decimals, and bearings shown in degrees, minutes and seconds.

(2) *Basic Information to Be Shown on the Plan.*

(a) Name, address and phone number of the applicant.

(b) Name, address and phone number of any other property owner involved in the proposal.

(c) Name, address, phone number and professional seal of the individual that prepared the plan.

(d) Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.

(e) North point and graphic and written scale.

(f) Location plan showing the relationship of the subject tract to the surrounding road network and major physical features. The location plan shall be at a scale not less than 800 feet to 1 inch and include features within 2,000 feet.

(g) The entire boundary lines of all lots involved in the proposal, with bearings and distances and lot areas.

(h) A list of the basic dimensional requirements of the applicable zoning district.

(i) Legend sufficient to indicate clearly between existing and proposed conditions.

(j) Notes sufficient to describe what is being proposed and which land areas are to be transferred as a result of the proposal.

(k) Current use of the tract and current use of each adjacent parcel.

(3) *Existing and Proposed Features to Be Shown on the Plan.*

(a) *For Lot Line Adjustments.*

1) The lot line proposed to be adjusted, as it currently exists, shown as a dashed line, labeled "lot line to be removed."

2) The lot line as it is proposed to be after adjustment, drawn using the standard lot line delineation at a heavier line weight than the other lot lines, and labeled "proposed new lot line."

3) Any existing physical features of the site which are involved in the decision to adjust the line.

4) Any existing and/or proposed features which will be directly affected by the lot line adjustment.

(b) *For Simple Conveyances.*

1) The land area to be conveyed, drawn in a manner which makes it readily identifiable.

a) The lot lines defining this area shall be drawn using the standard lot line delineation at a heavier line weight than the other lot lines.

b) This area shall be labeled "This area to be conveyed to (name) and is not a separate building lot."

2) The area of the parcel being conveyed.

3) The areas of the previously existing lots and their areas following conveyance.

4) Any existing and/or proposed site features which will be directly affected by the conveyance.

(c) *For Minor Subdivisions.*

1) *Existing Features.*

a) Streets bordering or crossing the tract, showing names, right-of-way and cartway widths, and surface conditions.

b) Locations of sanitary and/or storm sewer lines, and water supply lines.

c) Location of all watercourses and limits of any flood-prone areas, based on FEMA studies or engineering determination.

d) Contours obtained from U.S.G.S. 7.5 min. quad maps, or more accurate methods.

e) Location and description of existing buildings and other structures, labeled "to remain" or "to be removed" as applicable, and location and description of existing buildings and other structures less than 50 feet beyond the tract boundaries.

f) Outer limits of tree masses.

g) Locations of any natural or manmade features which may affect the developability of the land, such as quarries, wetlands, etc., within the property and up to 100 feet beyond the tract boundaries.

h) Location, type and ownership of major utilities, such as pipelines and electric transmission lines, both above and below ground, with notes describing:

i. Easement or right-of-way dimensions.

ii. Additional setback or development restrictions imposed by the utility company.

iii. Specific type of product using pipelines.

i) Areas subject to deed restrictions or easements.

2) *Proposed Features.*

a) Layout and dimensions of both lots, including net lot areas and ultimate rights-of-way.

- b) All building setback lines.
 - c) Locations of on-site water supply and sewage disposal, if applicable.
 - d) Driveway locations and grades.
- (d) *For Minor Land Developments.*
- 1) The existing and proposed features for minor subdivisions above shall be used for minor land developments. In addition to these requirements, the following shall be shown:
 - a) Parking lot locations.
 - b) New buildings or additions to existing structures.

C. *Minor Plan Submission and Review Procedure.*

(1) All minor plans shall be considered to be preliminary plans for the purposes of submission for review and approval, and shall comply with the requirements of §22-306, "Preliminary Plan Submission and Review Procedure."

(2) When a minor plan qualifies for approval, or for approval subject to conditions, in accordance with §22-306.I, herein, the minor plan may be granted concurrent preliminary and final plan approvals, provided that the plan includes the final plan certifications required by §22-307.C, herein, and complies with §22-308.A(2), (3), (4), (5) and (6), herein.

(3) A minor plan which will require access to a State highway shall provide the "highway access" statement on the plan, as required by §22-307.A(2)(d)2)b).

(Ord. 1005, 5/23/2011)

Part 4**Design Standards****§22-401. General Standards.**

The following shall apply to all subdivision and land development proposals:

A. All portions of a tract shall be designated as to their use, such as lots, roads, open space, parking areas, etc.

B. Applicants shall preserve scenic areas, historic sites, other community assets and landmarks, and natural amenities such as trees and waterways.

C. Plans shall be designed to avoid excessive disturbance of vegetation and movement of earth.

D. Floodplain land areas shall be governed by additional standards contained in this Chapter, the Zoning Ordinance [Chapter 27], and the UCC [Chapter 5, Part 1].

E. The applicant shall construct, install, and guarantee, at no expense to the Borough, all improvements required as part of plan approval, including, but not limited to, streets, curbs, sidewalks, water and sewage facilities, stormwater management facilities, street lights, fire hydrants, road signs, monuments, lot pins, utilities, shade trees, streetscape enhancements and utility line relocation.

F. Improvements shall be constructed in accordance with Part 7.

G. The standards contained within this Part are the minimum standards to be used in all subdivisions and land developments. Applicants are always encouraged to exceed minimum standards.

(Ord. 1005, 5/23/2011)

§22-402. Conformance with Plans.

1. *Comprehensive Plan.* Proposals for land development or subdivision shall be generally consistent with the Borough Comprehensive Plan, especially as to the use of land, intensity of development, transportation, community facilities and resource protection. Residential development shall also be consistent with the housing element of the comprehensive plan. All proposals shall be located in areas designated for development in the growth management or land use plan element and be serviced by currently available infrastructure or where infrastructure will be developed concurrent with the development.

2. *Public Service Improvements.* Proposals shall be consistent with the location and timing of public service improvements, such as, streets, stormwater facilities, and water and sewage facilities, in accordance with the appropriate infrastructure plans governing those facilities. In addition, the location of existing or planned public service facilities shall be considered in locating and planning development.

(Ord. 1005, 5/23/2011)

§22-403. Site Organization.

Proposed land developments and subdivisions shall address the opportunities and

limitations present on a site and its adjacent surroundings. Site opportunities shall be maximized to enhance the overall quality of the development and sincere steps shall be taken to lessen potential negative impacts upon a site and the surrounding community. The physical, social, and psychological needs of the users of the site shall be evaluated and appropriately incorporated into the final subdivision layout or site design. The impacts of the proposed development on the natural environment and surrounding land uses shall be given a high priority and made an integral part of the overall design for the land development and subdivision. The following site organization guidelines shall be used:

A. *Site Improvement Layout.* Building placement shall provide a functional relationship with a site's topography, existing vegetation, surrounding land uses and pertinent natural features.

B. *Existing Natural Features.* Existing natural features shall be recognized and integrated into the site layout. Natural features such as streams, hillsides, wetlands, unique habitat, woods and similar natural resources shall be considered strong design determinants and be incorporated into the overall site plan to strengthen the unique quality of the land.

C. *Open Space and Scenic Views.* The placement of open space and preservation of scenic views shall be a fundamental design decision. Open space offers more than an opportunity to provide recreation, it can protect important natural systems, reduce the perceived density of development and effectively buffer different land uses, as described in the Hatboro Borough Open Space and Recreation Plan.

D. *Circulation.* Movement within a site and access to the site shall consider the safety and convenience of various types of users. Cross access between properties and joint access are encouraged to improve circulation.

E. *Relationship to Surrounding Uses.* The proposed design shall complement positive surrounding uses through building setbacks, buffers, and separation of uses. Various potential negative impacts upon surrounding land uses including noise, light, and loss of privacy shall be mitigated.

F. *Climate.* The impact of climate including on the development and potential users should be considered. Opportunities for alternative energy use should be considered.

(Ord. 1005, 5/23/2011)

§22-404. Lotting.

1. *Lot Size and Width.* Each lot shall comply with the Zoning Ordinance [Chapter 27] as to lot area and width requirements. Lots that contain natural restrictions such as wetlands, waterbodies, steep slopes or other features shall be made large enough to provide suitable area for the intended use of the lot without requiring encroachment upon natural amenities. Lots with existing or planned public improvements such as fuel pipe lines, underground utility easements, stormwater detention basins, high voltage power lines or other facilities shall be sized to allow suitable room for the intended use of the lot without requiring encroachment on the public facilities or easements.

2. *Lot Shape.* Deep, narrow lots and wide, shallow lots are to be avoided except that lots containing uniquely designed structures, such as certain types of attached

dwelling units, may receive special consideration. The depth of the lot shall not exceed 2.5 times its width. Every lot shall contain a building envelope suitable for the type(s) of development proposed.

3. *Lot Frontage.* Every lot shall have sufficient frontage along the right-of-way of a public, private or common street, in accordance with the Zoning Ordinance [Chapter 27]. Sufficient frontage is the minimum width required to site a driveway into the property in accordance with the design requirements in this Section and other appropriate State and local regulations.

4. *Lot Lines.* Lot lines shall be drawn parallel, concentric, at right angles, or radial to the street right-of-way line unless not feasible or undesirable due to existing, permanent, natural or manmade features.

5. *Reverse Frontage Lots.* Reverse frontage lots may be used as an alternative to marginal access streets, or normal lotting when the lots abut a major collector street or street of a higher classification, or steep grades (over 15 percent) at the street right-of-way line. When reverse frontage lots are used and the total lot depth is less than 200 feet, an additional 25 feet shall be added to the portion of the lot abutting major collector street or street of a higher classification, to provide a landscaped buffer area in accordance with §22-413.2 and the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

6. *Rear or Flag Lots.* Rear lots or flag lots may be permitted by Borough Council in accordance with the following standards:

A. *Purposes.*

(1) To permit reasonable subdivision of land which is physically constrained by unusual configuration of the tract or limited road frontage, and which could not be subdivided in a desirable manner using conventional streets and lotting patterns.

(2) To preserve farmland, woodland, scenic views, historic sites or other environmental amenities by locating buildings away from roads.

(3) To avoid access to a street of higher classification.

(4) Shall not be used as a means to avoid building a street.

B. *Parts of a Rear Lot.* Rear lots shall be comprised of two parts, the access strip and the body of the lot, in compliance with the following standards:

(1) The access strip shall be a minimum of 25 feet wide for its entire length unless the body of the flag lot is likely to undergo further subdivision in the future. If a rear lot is capable of subdivision in the future and is not deed restricted against further subdivision, the access strip must be at least 50 feet wide and be able to contain a street capable of meeting all appropriate public street and intersection standards contained in this Chapter. When an access strip is designed for a future street, a note shall be placed on the plan reserving the access strip for a future street; however, dedication is not required.

(2) The access strip shall be a fee-simple part of the rear lot, and shall not be a separate parcel or easement.

(3) The body of a rear lot shall comply with all the minimum dimensional

requirements of the zoning district in which it is located. The area of the access strip shall not be counted toward the minimum lot area requirement.

(4) The front yard of the rear lot shall be parallel the frontage street. In the event the access strip is proposed for a future street, a second front yard for the purpose of establishing setbacks shall be measured from the potential access street.

C. *Review Factors.* In reviewing applications for rear lots, the following factors shall be considered by Borough Council, Borough Planning Commission, and the Borough Engineer.

(1) The amount of street frontage and configuration of the property being subdivided.

(2) The sizes and number of lots proposed, including both the total number of lots and the number of rear lots. No rear lot shall have a lot size less than 15,000 square feet.

(3) The type and character of street which the tract abuts.

(4) The type and character of the neighborhood and abutting parcels.

(5) The topography of the parcel being subdivided, with an emphasis on saving trees, avoiding steep slopes, and preserving floodplain, wetlands, and other environmental features if present.

(6) The location and safety of access points and street intersections.

(7) The economic impact on the Borough of maintaining a street as compared to using rear lots.

(8) The visual and physical impacts of street construction from excessive regrading, for example, as compared to the use of access strips.

D. *Design Standards for Rear Lots.*

(1) The length of the access strip shall be kept to a minimum:

(a) As a guide, the preferred length is approximately equal to the depth of one lot which complies with the minimum lot width and area requirements of the district in which it is located.

(b) No access strip shall exceed two times the lot depth described above, unless the primary purposes of the additional length are to preserve farmland or other land for preservation of agriculture or rural character, by locating new development remote from street frontage.

(2) The location of the access strip shall be logical relative to the body of the rear lot, surrounding lot configurations, and natural features of the land, and it shall intersect the public street at a safe, visible location.

(3) Turns greater than 45 degrees or with a radius less than 150 feet and vertical grades in excess of 10 percent are prohibited in access strips.

(a) It may be necessary to widen the access strip at such sharp turns and steep slopes to accommodate grading, drainage, tree preservation, or emergency vehicles.

(b) Access strips that may become future streets shall be configured to accommodate horizontal curves required for streets.

(4) Driveways within access strips shall be paved from the edge of street pavement to a distance of 15 feet to the interior of the lot.

(5) Joint driveways are encouraged among both front and rear lots. No more than 2 access strips may abut each other. Each pair of access strips must share a common access point and driveway from the edge of pavement to a distance of at least 50 feet beyond the ultimate right-of-way line of the street, from which point either one common driveway or two individual driveways may continue. The shared portion shall be a minimum of 12 feet wide. Shared portions of driveways shall be 18 feet wide where access is taken from major collector streets or streets of a higher classification.

(6) Access points to rear lots, whether single or paired, shall be separated by at least 300 feet as measured along the right-of-way. Separation distance shall be measured from the center point of the nearest access strips unless specific driveway access points have been clearly established.

(7) No more than one tier of rear lots shall be permitted on a tract. In other words, a rear lot may not be located behind another rear lot.

(8) In a subdivision of five or more lots, rear lots may comprise no more than 15 percent of the total number of lots, rounded to the nearest whole number.

(9) Rear lots are not permitted at the bulb or turn-around of a cul-de-sac.

(Ord. 1005, 5/23/2011)

§22-405. Blocks.

1. The minimum block length shall be 500 feet and the maximum block length shall be 1,600 feet.

2. The block width shall be two lot depth when the lots are laid out back to back according to the requirements of the Zoning Ordinance [Chapter 27]. When reverse lotting is designed the block width shall be in accordance with the reverse frontage lot standards of §22-404.5.

3. Blocks shall be designed to provide efficient, convenient, and safe pedestrian and vehicular circulation, including the reduction of intersections with arterial streets.

4. Blocks shall be designed to reflect natural features that may constrain subdivision and land development. Unless a watercourse is located along the rear of lots in the block, drainage shall be away from the interior of the block toward the abutting streets.

5. Where necessary for safe, convenient and direct pedestrian access to commercial, institutional, or open space/recreation areas as determined by the Borough, walkways shall be designed into block area. The walkways shall extend straight from one street to the other on an easement or public right-of-way at least 10 feet in width.

(Ord. 1005, 5/23/2011)

§22-406. Community Facilities.

1. The Hatboro Borough Council shall determine the need for additional community facilities to serve the proposed subdivision or land development.

2. Where deemed essential by the Hatboro Borough Council, upon consideration of the particular type of development proposed, and especially in large-scale residential developments, the Hatboro Borough Council may require the dedication or reservation of such areas or sites of an extent and location suitable to the needs created by the development for schools, parks and other purposes in accordance with the park and recreation plan, community facilities plan or official map.

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

4. Where a proposed park, playground, school or other public use shown in the Comprehensive Plan is located in whole or in part in a subdivision or land development, the Hatboro Borough Council may require the dedication or reservation of land within the subdivision or land development, in those cases in which the Hatboro Borough Council deems such requirements to be necessary in accordance with §22-416.

5. Provisions for future roads shall be made where one or more access strips are intended as a right-of-way for a road which will serve future lotting. The following regulations shall apply:

A. Legal guarantees shall be provided to assure use of any access strip proposed for future use as a street, subject to approval of the Borough Solicitor.

B. The street shall be constructed or financially guaranteed at the applicant's expense, in compliance with Borough Standards.

C. Access strips legally and financially guaranteed for future use as roads may comprise the legal and physical access to otherwise landlocked previously existing parcels only if the access is irrevocably guaranteed.

D. An overall sketch plan shall be submitted as part of the proposed subdivision, to show how the rear lotting and reservation of access strips for future streets forms a logical and appropriate first phase in subdivision of the entire tract, and/or how it will allow interconnection with adjacent tracts.

E. When the street is constructed, any access strips which are no longer needed should revert to the owners of the abutting lots, in accordance with the terms agreed to as part of the original preliminary plan approval which created the access strips.

(Ord. 1005, 5/23/2011)

§22-407. Traffic and Circulation.

1. All new streets and extensions and widening of existing streets:

A. Shall be offered for dedication to the authority having jurisdiction over the street at the time of plan approval. The Borough may accept dedication of lands which are not accepted by other jurisdictions.

B. Shall conform to the circulation element of the Borough Comprehensive Plan, as amended, Borough Ultimate Right-of-Way Map, Borough Official Map and Montgomery County or Commonwealth highway plans, and be coordinated with existing streets.

C. Shall provide appropriate access between abutting tracts of land for

immediate or future use.

D. Shall create a road hierarchy among interior subdivision and land development streets and exterior streets to ensure proper through traffic flow, local access, and internal traffic distribution and flow.

E. Shall be related closely to existing topography to assure reasonable grades, alignment and drainage, appropriate access to lots, and to minimize regrading and removal of vegetation.

F. Shall be designed to continue existing streets at equal or greater right-of-way and cartway width, as recommended by the Borough Engineer and Borough Planning Commission.

G. Construction standards shall be in accordance with the Technical and Engineering Standard in Part 7 of this Chapter.

2. *Classification of Streets and Widths.* Every street or highway within the Borough shall be classified by its function as one of the following, and shall be subject to the requirements for its classification as contained in this Part, including vehicular access analysis and other requirements. These classifications are based on the Montgomery County Transportation Plan Element. The right-of-way and cartway widths shall comply with the street classification standards specified in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

A. *Arterials.* Arterials provide a high degree of mobility in order to better serve trips of longer length. They are further subclassified as follows:

(1) *Principal Arterials.* Principal arterials generally provide between two and four through lanes of travel depending upon traffic volume and land use density. Principal arterials have typical posted speeds of 45 miles per hour.

(2) *Minor Arterials.* Minor arterials interconnect with and augment principal arterials in serving major activity centers. They typically accommodate trips between three and five miles in length. They are spaced at intervals consistent with population density and carry traffic within or between several municipalities of Montgomery County.

B. *Collectors.* Collectors serve a dual function of providing a mix of accessibility and mobility. They are further subclassified as follows:

(1) *Major Collectors.* These types of roads provide a combination of mobility and access with a priority on mobility. Ideally access is partially controlled with preference given to through traffic. Access is permitted with at grade intersections and major access driveways of selected land uses such as a retail or employment center. Few if any individual driveways shall be permitted off of major collections. They accommodate trips within and between neighboring municipalities.

(2) *Minor Collectors.* Minor collectors provide a combination of access and mobility with more emphasis on access. They allow more access to abutting properties with little or no restriction. Individual driveway access is permitted. Generally minor collectors accommodate trips only within a small segment of a Borough. They are spaced at intervals to collect traffic from local roads and neighborhoods and channel it to major collectors and arterials. Finally, minor

collectors may serve as a major road through a residential neighborhood.

C. *Local Streets.* Local streets have relatively short trip lengths generally not exceeding one mile. Because property access is their main function, there is little need for mobility and high operating speeds. This function is reflected by use of lower posted speed between 20 and 30 miles per hour. Through traffic is discouraged from using local roads.

(1) *Residential Streets.* New streets or extensions of existing streets in residential developments function primarily to provide vehicular access and street frontage for each lot. New residential streets shall have cartways of a minimum of 34 feet and parking on both sides unless no driveways take access on them or the development otherwise provides significant off-street public parking which is convenient to all the proposed houses.

(2) *Nonresidential Streets.* Nonresidential streets shall function primarily to provide vehicular access and street frontage for industrial office, institution and commercial lots and land uses.

D. *Minimum Width.* Each land development involving 3 or more dwelling units and each new lot shall have frontage along a street with a minimum right-of-way width of 24 feet and a minimum paved cartway width of 18 feet, unless a stricter requirement is established by another section.

3. *Private Streets.*

A. Private streets shall meet all of the same requirements as a public street.

B. An irrevocable right-of-access shall be guaranteed to all properties whose access depends upon the private street, by means of legal agreement or covenants, subject to approval by Borough Council as advised by the Borough Solicitor.

C. The legal access agreements and/or covenants shall be:

(1) Clearly noted on the subdivision or land development plans for all proposals using private streets for access.

(2) Included in the deeds for all properties having these access rights.

(3) Recorded in the Office of the Montgomery County Recorder of Deeds.

(4) Clear and specific with regard to property owner's rights to further subdivision or further land development, especially in regard to the need to receive approval from the homeowners association, if applicable, and/or waiver from the requirement of this Chapter.

D. The private street may be owned by one or more of the property owners who have right-of-access, or may be owned by an association of the property owners. The number of individual property owners who may own a private street without forming an association shall be limited to five unless Borough Council, within its discretion, approves more than five.

E. Maintenance of the private street shall be guaranteed by a recorded declaration binding the individual property owners and/or the formation and administration of an association or other legally binding organization of all landowners with access rights.

(1) Documents governing the property owners and/or the association shall be subject to approval of Borough Council upon the advice of the Borough

Solicitor, shall be filed with the Borough and shall be recorded with the deed for each property with access rights.

(2) All property owners who own private streets and property owners in an association owning a private street shall have a share in the rights and bear a share of the costs and other burdens of maintenance, as specified in the access agreements and/or covenants. This share shall also apply to the assessed costs for upgrading to public street standards, in accordance with Part 7 of this Chapter.

(3) If one or more property owners believe that the street is not being properly maintained, and cannot succeed in having the other property owners and/or association authorize or conduct proper remedies, then that/those property owners may request the Borough to authorize an inspection of the street by the Borough Engineer. The cost of the inspection shall be paid by those property owners requesting the inspection. If the Borough Engineer determines that the street is not being properly maintained, the Borough may take corrective actions in accordance with paragraph .H, herein.

F. Borough Council reserves the right to order the private street to be upgraded to meet all of the standards and requirements for a public street, if, at any time, Borough Council shall deem the street to be a health or safety hazard for reasons of improper or inadequate maintenance.

(1) The full costs of upgrading the street, including engineering, legal and related costs, shall be assessed against the property owners and/or association. With each association, the share of the assessment to be paid by each property owner shall be as specified in the association's legal access agreements and/or covenants.

(2) Prior to such action by Borough Council, the landowners with access rights shall be notified, in writing, by certified mail, of the pending action. The landowners will have 30 days from the date of such notice to propose an alternative solution acceptable to Borough Council.

G. *Additional Provisions.*

(1) Any vehicular accessway which provides the primary access to three or more lots, but is not offered for dedication as a public street, shall be considered a private street subject to these requirements.

(2) Not more than five dwelling units, lots and/or condominiums may be served by a private street which has access to a public street (private dead-end or cul-de-sac street).

(3) A private street with more than one access to a public street or streets may have not more than five lots or dwelling units per public street access.

(4) Emergency access may be required to a private street which has only one public street access.

(5) For private cul-de-sac streets, a suitable turnaround shall be provided, subject to the approval of the Borough Engineer. A 40-foot radius paved bulb turn around is encouraged, but other configurations may be used if approved by the Borough Engineer. A 60-foot radius for the ROW shall be provided.

(6) Undedicated alleys shall be considered private streets.

H. Further subdivision or land development of any lot depending upon a private road for vehicular access is prohibited if it would exceed the number of lots permitted, maximum length of cul-de-sac or any other applicable requirements contained in this Chapter. If an applicant requests such further subdivision, the following standards shall apply:

(1) In order to permit such further subdivision one of the following shall take place:

(a) The street must be upgraded to meet all the standards and requirements for public street construction, and must be offered for dedication to the Borough.

(b) Further subdivision may be permitted and the street may remain private, if Borough Council approves the waiver of necessary design standards.

(2) The applicant shall apply in writing to Borough Council for approval to upgrade the street or to be granted appropriate waivers.

(a) Application to Borough Council shall include written approval from the property owners and/or homeowners association for the applicant to seek Borough approval for upgrading or waivers.

(b) Upgrade of the street or waivers shall not be approved by Borough Council unless approval is first received from the homeowners association.

(3) The costs of upgrading a private street to public street standards including the dedication, and/or costs involved in granting waivers shall be borne by the individual property owners and/or association in accordance with the recorded legal access agreements and/or covenants.

I. An individual private driveway may be legally reclassified and physically upgraded and improved to become a private street upon approval of Borough Council.

(1) A right-of-way shall be established to contain the private street in compliance with the requirements herein.

(2) The private driveway shall be physically improved to comply with private street construction and paving width standards, as well as applicable dimensional standards.

(3) Maintenance shall be guaranteed as established for private street in this Chapter.

(4) Upgrading of existing individual driveways to private street status is encouraged where it would take the place of several individually owned and maintained access strips.

J. Parking shall not be permitted within an 18-foot wide cartway of a private street where allowed, but may be permitted outside the cartway in a manner that does not interfere with the free movement of emergency vehicles along the private street.

(1) The legal access agreements and/or covenants shall guarantee free unobstructed access throughout the minimum 18-foot wide cartway. If violations occur, attempts shall be made to resolve the problems with the

individual property owners and/or within the structure of the association. Under situations of repeated and/or flagrant violations, individual property owners may request police enforcement of free and unobstructed access.

(2) If there is a continuing access problem caused by improper parking, Borough Council shall notify the individual property owners and/or homeowners association, in writing, that the problem must be corrected by some means satisfactory to the Borough Engineer or Solicitor, depending upon whether the solution is a physical or legal remedy.

(3) If, after written notification, the individual property owners and/or the homeowners association fail to correct the parking problem, Borough Council may order the upgrading of the private street to public street standards as specified herein. The individual property owners and/or the homeowners association shall have 30 days from the date of written notification to propose a solution to the parking problem.

K. In considering applications for waivers of private street standards, Borough Council shall consider the following:

(1) Number of lots and/or dwelling units in excess of the permitted maximum.

(2) Whether or not more lots could be proposed along the private street, in conformance with the applicable zoning, in addition to those proposed in conjunction with the waiver application. For example, one additional unit may be acceptable in itself, but may not be acceptable if a potential would exist for five more lots.

(a) Borough Council may require the applicant to submit a sketch plan and/or information showing the approximate maximum number of lots and/or dwelling units which could be created under the applicable zoning requirements, on all lands serviced by the private street.

(b) When conditions are considered favorable for limited additional subdivision under the private street access, Borough Council may request deed restrictions against further subdivision as a condition of final approval of the subdivision.

(3) Ability of a private street to be served by an emergency access as a condition of granting a waiver.

(4) Characteristics of properties, neighborhood and private street(s) involved:

(a) Configuration of the properties.

(b) Lot sizes and development characteristics, with particular regard to avoiding congested appearance and functioning.

(c) Topography, including vegetation and other environmental characteristics.

(d) Character of land and development surrounding the properties in question, including their development status and potential development.

(5) Whether or not requiring a public street would have an appreciable benefit to the properties and/or the Borough in terms of access and traffic

circulation.

(6) The economic impact of permitting the waiver compared to requiring a public street.

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

A. Single-access streets shall be subject to the requirements for their classification of street, notwithstanding their single-access status.

B. Shall be served by an appropriately located and designed emergency accessway when required by Borough Council. Standards for the emergency accessways are included in §22-710.

C. *Permanent Cul-de-Sac Streets.*

(1) Shall be permanently closed at one end.

(2) Shall be provided with a vehicular turn-around at the closed end with a right-of-way radius of at least 50 feet, and a paving radius of at least 40 feet. Alternative vehicular turn-around designs are encouraged to improve traffic flow and overall design of the subdivision. If an off-set bulb turn-around is used, the left side bulb configuration is preferable.

(3) Shall not exceed 750 feet in length or serve more than 25 houses. Under special conditions as approved by Borough Council the length of cul-de-sacs may exceed the above maximum length standard. Measurement of the length shall be made from the centerline of the abutting through road or point of intersection with another cul-de-sac to the centerline of the turn-around, measured along the cul-de-sac street's centerline.

(a) Special conditions may include, but not be limited to:

- 1) Extreme topographical restrictions (slopes, floodplains, etc.).
- 2) Oddly shaped tract configuration.
- 3) Lack of alternative outlets.

(4) Generally should be permitted only as side streets extending from a through street.

(5) May not create a four-way intersection unless two permanent cul-de-sac streets intersect directly opposite one another along a local access street.

(6) Shall be identified by a standard warning sign stating "no outlet" when deemed appropriate by Borough Council to help avoid mistaken turning movements.

D. *Temporary Cul-de-Sac Streets.*

(1) May be temporarily closed at one end, with the intent to extend the street onto the abutting tract upon its development.

(2) Shall be built to the tract boundary line at a location and grade that are logical for extension onto the abutting tract, but shall not exceed 750 feet in length, unless approved by Borough Council when warranted by special conditions, as in §22-407.4.C(3)(a)1) and 2), herein.

(3) Shall not be extended as a cul-de-sac street, but shall be connected to another through street, unless approved by Borough Council when warranted by special conditions as in §22-407.4.C(3)(a), herein.

(4) Shall form a logical step in the circulation pattern of area in which it is located.

(5) Shall be provided with a vehicular turn-around at the closed end, abutting the tract boundary, with a paving radius of at least 40 feet.

(a) Construction shall meet the same requirements as for a permanent cul-de-sac turn-around.

(b) Those portions of the turn-around extending beyond the street right-of-way shall be located on temporary access easements, valid only until the road is extended.

(c) Upon extension of the street, the full rights and responsibilities for the area of the temporary easements shall revert to the owners of the lots on which they were located.

(d) Curbing and sidewalks are generally not required along the edge of the temporary turn-around area that will be abandoned when the street connects to an adjoining street in the future.

(6) The developer responsible for extension of the street shall also be responsible for the following:

(a) Removal of all paving of the temporary turn-around beyond the width of the street's cartway.

(b) Installation of new sidewalk, curbing, and cartway paving to complete the street connection.

(c) Extension, burying, or relocating of utilities as necessary.

(d) Repair of any improvements damaged in this process.

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

E. *Multiple Cul-de-Sac Streets.*

(1) Are single-access streets which terminate in more than one vehicular turn-around.

(2) Shall be discouraged but may be permitted when no alternatives are determined to be feasible and preferable by Borough Council upon advice of the Borough Planning Commission and Engineer.

(3) May be permitted where the length of cul-de-sac is less than 750 feet, measured from the centerline of the through street intersection to the centerline of each turn-around.

(4) May be permitted to exceed the 750-foot limit when approved by Borough Council when warranted by special conditions, as in §22-407.4.C(3)(a), herein, or when qualified as a temporary cul-de-sac as regulated in §22-407.4.D, herein.

F. *Single-Access Loop Streets.*

(1) Are single-access streets which do not terminate in a vehicular turn-

around, but instead loop back to intersect with themselves.

(2) Shall be discouraged but may be permitted when no alternatives are determined to be feasible and preferable by Borough Council upon advice of the Borough Planning Commission and Engineer.

(3) When permitted, shall meet the following requirements:

(a) Shall not under any circumstances exceed 2,000 feet in length, measured from the intersection with the through street, along the entire centerline around to its intersection with itself.

(b) Shall not contain or serve more than 45 residential lots or dwelling units.

G. *Stub Streets.*

(1) Shall be provided in appropriate locations for vehicular access to abutting undeveloped lands when required by Borough Council upon advice of the Borough Planning Commission and Engineer.

(2) Shall not be longer than:

(a) The depth of one building lot abutting the street.

(b) The width of two building lots abutting the street.

(3) Shall not be provided with a vehicular turn-around.

(4) Shall be constructed to the property line in accordance with the standards of this Chapter applicable to the classification of street it will be upon extension.

5. *Street Alignment.* Sight distance, horizontal and vertical curvature, super-elevation, and maximum and minimum street grades shall be in compliance with the standards contained in "A Policy on Geometric Design of Highways and Streets," published by the American Association of State Highway and Transportation Officials, most recent edition, or PennDOT standards, whichever is more restrictive, subject to approval by Borough Council, upon recommendation of the Borough Engineer. In addition, the following standards and guidelines shall be applied:

A. Minimum horizontal highway alignment design criteria for all roads shall conform to the standards set forth in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

B. Long radius, gentle curves are encouraged rather than shorter radius curves connected by tangents.

C. Curve-tangent relationships shall follow accepted engineering guidelines for safety and efficiency including that minimum radius curves shall not be used at the ends of long tangents. A minimum tangent length measured at the centerline of 100 feet shall be provided on streets between the PT (point of tangent) of the first curve and PC (point of curve) of the second curve. A minimum 100 feet tangent length shall be provided between two curves in reverse direction, unless used for traffic calming purposes in residential areas and by approval of the Borough Engineer.

D. Street grades shall be measured along the centerline in accordance with the following:

(1) Minimum grade for all streets shall be 1 percent.

(2) Street grades in excess of 5 percent should be avoided wherever possible. Maximum grades for local roads shall be 10 percent.

(3) Curve-grade combinations shall follow accepted engineering guidelines for safety and efficiency including that minimum radius horizontal curves will not be permitted in combination with maximum grades.

(4) At all approaches to intersections, grades of streets of lower classification shall not exceed 1 percent for a distance of 50 feet from the intersection of curblines or edges of cartways.

6. *Street Intersection Design.* All street intersections shall be governed by the standards of this Section, and the standards in Part 7.

A. *Number of Streets.* Not more than two streets shall intersect at the same point.

B. *Three-Way/Four-Way Intersections.* Three-way or “T” intersections shall be used instead of four-way intersections unless the four-way intersection can be justified in terms of necessary and desirable traffic movements.

C. *Angle of Intersections.*

(1) All intersection approaches shall be designed at 90 degree angles for a minimum of 50 feet from the edge of the cartway of the road intersection road unless sufficient reason exists to justify a lesser angle.

(2) Where intersections designed at less than 90 degrees are used, they shall be designed so that the heavier traffic flow will make the obliquely angled turn rather than the acutely angled turn.

D. *Corrective Changes to Existing Intersections.* When existing streets intersect at odd angles or have more than four approaches, the applicant who has control over the land abutting the intersection shall make corrective changes to bring the intersection into compliance with this Chapter, as required by Borough Council who shall first seek the advice of the Borough Engineer and Borough Planning Commission and other technical advisors or agencies, as appropriate. For State and county highways, corrective changes shall comply with the requirements of the appropriate agency.

E. *Waiver of Corrective Changes.* Borough Council may waive the above requirements for corrective changes under one or more of the following conditions:

(1) When changes made on the applicant’s land will not improve the intersection’s deficiencies.

(2) When other road improvements are already planned which would correct the problem without changes required of the applicant.

(3) When not allowed by PennDOT or Montgomery County where the intersections are under their jurisdiction.

F. *Approaches to Intersections.* Approaches to intersections shall follow a straight course for a minimum of 50 feet for local roads. All other streets shall follow a straight course in accordance with accepted engineering standards, but in no case less than 50 feet. Measurement shall be made from the intersection of curblines or edges of cartways for each corner.

G. All intersections shall provide clear sight distance in compliance with PennDOT standards.

7. *Street Intersection Spacing.* Street intersection spacing shall be done in compliance with the regulations contained in this Section, measured from centerline to centerline.

A. The applicant shall prepare a vehicular access analysis, in compliance with subsection .8, herein, for all street intersections proposed along arterial and collector streets.

B. The minimum spacings shall be as set forth in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council. Where greater spacing is required in compliance with AASHTO or PennDOT standards, the greater spacing distances shall be applied, as determined by the Borough Engineer, in relation to the vehicular access analysis.

C. *Offset Intersections.* In any case where the centerlines of street intersections are, or would be, within 150 feet of each other, they shall be made to coincide by relocating the street within the applicant's land, unless additional problems of sight distance or other safety-related problems would be created. As an alternative, relocation further away from the offset intersection may be done in compliance with the intersection spacing requirements contained in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council, when approved by Borough Council.

8. *Vehicular Access Analysis for Streets and Driveways.* A vehicular access analysis (VAA) shall be prepared by the applicant whenever vehicular access is proposed to be taken from arterials or collectors as defined herein, for the following purposes and in compliance with the following requirements:

A. To encourage planning for entire tracts, and blocks rather than piecemeal subdivision and/or development.

B. To permit reasonable access to private properties while guarding the general public's right to safe and efficient travel along public streets.

C. To minimize the total number of access locations in order to reduce the degree of interference on traffic flow and/or safety caused by a proliferation of driveway and/or street intersections.

D. To identify safe locations for access and to choose the preferable locations while the location, number, and geometries of the access points are governed by the regulations.

E. To encourage or required, as appropriate, the use of shared or paired driveways or local access streets for vehicular access.

F. To encourage the use of flexible lotting for traffic safety, visual benefits, preservation of natural features, and/or rural character.

G. To encourage the creation and use of local access roads for access, rather than multiple driveways along arterial and major collectors.

H. The vehicular access analysis shall include an on-site survey of the physical characteristics of the entire frontage along the arterial or major collector

street used for access, include all information needed to establish sight distances, slope of the street, any features which may impede sight distance, and the physical characteristics of the subject lot abutting the street which may impede suitable vehicular access, such as embankments, steep slopes, watercourses, floodplain, wetlands, woodlands, and/or manmade features such as buildings, walls, or other structures in compliance with the following:

(1) The horizontal plan shall show the following at a scale not exceeding 50 feet to 1 inch:

(a) Legal and ultimate rights-of-way, and centerline.

(b) Existing cartway and shoulder widths and conditions.

(c) Existing contours drawn at 2-foot intervals, or as required by the Borough Engineer.

(d) Existing natural and manmade features within 50 feet of the street centerline on the side of the street where the intersection(s) will be proposed.

(e) Existing natural and manmade features more than 50 feet from the street centerline which may impede street or driveway access into the site.

(2) Profiles drawn at a horizontal scale not exceeding 50 feet to the inch, and vertical scale of 2, 4, or 5 feet to 1 inch, whichever is most appropriate.

(a) Along the road centerline.

(b) Ten feet from the edge of the existing cartway.

(c) Ten feet from the edge of the cartway when widened in compliance with this Chapter.

I. The vehicular access analysis (VAA) shall be submitted for the following:

(1) All preliminary plans for developments that are not minor subdivisions or minor land developments.

J. The VAA may be submitted for tentative sketch plans at the applicant's option for residential proposals.

K. No plan shall be approved unless its proposed streets or driveways for vehicular access comply with the findings of the VAA and the related vehicular access requirements of subsection .9 herein, as verified by the graphic evidence of the VAA and visual evidence of on-site inspection by the Borough Engineer.

L. Clear sight distance in compliance with PennDOT standards shall be provided for all proposed driveway and/or street intersections.

9. *Vehicular Access Requirements.* The following requirements apply to all streets and/or driveways which are proposed to intersect arterials and/or collectors:

A. All street intersections shall comply with the requirements of subsection .6, "Street Intersection Design," and subsection .7, "Street Intersection Spacing," herein, in accordance with the findings of the vehicular access analysis.

B. All driveways with an anticipated traffic generation of more than 25 vehicular trips per day, in compliance with PennDOT and ITE Standards, shall be treated as street intersections and shall comply with the standards of subsections

.6 and .7.

C. Driveways with an anticipated traffic generation of 25 or less vehicular trips per day, in compliance with PennDOT and ITE standards, shall comply with the requirements of subsection .10, "Driveway Intersections with Streets (Minimum Use Driveways)."

D. Any driveway intersections serving individual parcels of land may be prohibited by Borough Council where such intersections would create congestion, interference, and/or hazards to traffic flow and safety by reason of street grades, land forms, vegetation, frequency of driveway intersections, limited sight distances, and/or high speed traffic flow as identified in the vehicular access analysis. In such cases, the Borough Council encourages reasonable alternative forms of vehicular access to the parcel of land by means of:

- (1) Local streets.
- (2) Single, shared or paired driveways.
- (3) Reverse frontage lotting.
- (4) Other means which are legally and technically suitable in the opinions of the Borough Solicitor and Engineer.

E. Where driveway intersections are prohibited by Borough Council and alternative forms of vehicular access would cause an undue burden upon an applicant, Borough Council may permit an alternative interim access solution in compliance with the following:

- (1) It is the safest feasible alternative, acceptable to the Borough Engineer and/or PennDOT.
- (2) Suitable provisions are made for a preferable permanent access solution, consistent with paragraph .D, above, including legal agreements to enable implementation of the permanent solution.
- (3) A waiver is requested by the applicant in compliance with §22-302.F.

10. *Driveway Intersections with Streets (Minimum Use Driveways)*. Driveways with 25 or less vehicular trips per day that intersect with streets shall be subject to the PennDOT and Borough permit process for State roads, the Borough's permit process for Borough roads, and the additional requirements of this Chapter.

A. Driveway intersections with streets:

- (1) Shall provide adequate sight distance in compliance with AASHTO and/or PennDOT standards.
- (2) Shall not cause or contribute to:
 - (a) Hazards to the free movement of normal street traffic.
 - (b) Traffic congestion on the street.
 - (c) Interference with the design, maintenance, and/or drainage of the street.
- (3) Shall be designed and constructed in compliance with PennDOT standards when intersecting a State street, unless Borough standards are more restrictive.
- (4) Shall be designed and constructed in compliance with the Borough

Engineering Standards when intersecting a Borough street.

B. In order to facilitate safe and efficient access between streets and driveways, the number of driveways permitted to serve individual parcels of land shall be kept to the minimum needed to adequately and reasonably serve the parcel in question.

(1) The Borough may require that a lot have an area on the lot available for vehicle turn-around so that vehicles do not need to back out onto a collector or arterial street.

(2) A minimum lot width of 300 feet at the ultimate right-of-way line shall be required for all lots with access by an individual private driveway from an arterial road.

(a) Location(s) shall be verified by the VAA.

(b) Where driveways are paired within a 50-foot wide strip abutting a common lot line, lot width may be reduced to 275 feet per lot.

(c) Only one driveway shall be permitted per lot.

(3) A minimum lot width of 250 feet at the ultimate right-of-way line shall be required for all lots with access by an individual private driveway from a Collector road.

(a) Locations shall be verified by the VAA.

(b) Where driveways are paired within a 50-foot strip abutting a common lot line, lot width may be reduced to 225 feet at the ultimate right-of-way line.

(c) Only one driveway shall be permitted per lot.

(4) The use of local access streets is encouraged with use of the Hatboro Borough's standard or flexible lotting provisions:

(a) Along local access streets lot widths as permitted by the Borough Zoning Ordinance [Chapter 27] shall prevail.

(b) Rear, interior, or flag lots shall be permitted only along local access streets.

C. *Distance from Street Intersections.* Driveways for individual residential lots shall be located as far from street intersections as is reasonably possible, but not less than 75 feet, measured from the point of intersection of the street ultimate right-of-way lines (extended).

D. *Choice of Streets.* When streets of different classes are involved, the driveway shall provide access to the street of lesser classification unless this requirement is waived by Borough Council for reasons of sight distance, incompatibility of traffic, grading, drainage, or other major reasons.

E. *Stopping Areas.* Regardless of the driveway classification, all driveways shall be provided with a stopping area within which the grade shall not exceed 4 percent. The stopping area shall be measured as follows:

(1) The length of stopping area shall be a minimum of 20 feet, or the length of the longest vehicles anticipated to use the driveway, whichever is greater.

(2) Stopping areas shall be measured from the ultimate right-of-way line for all streets.

F. *Clear Sight Triangles.* Clear sight triangles shall be provided where driveways intersect streets in compliance with the standards of subsection .12, "Clear Sight Triangles."

11. *Driveways.*

A. *Review and Approvals.* Applicants shall submit plans in accordance with Part 3 to the Borough Planning Commission, for its evaluation and advice, in the following circumstances:

(1) When lots are proposed to be subdivided along existing arterials or collectors, with vehicular access to that street.

(2) For all nonresidential proposals which require a new driveway or upgrading of an existing driveway to handle larger volumes of traffic than that which exists at the time of plan submission.

(3) For all proposals whose driveways would generate 25 or more vehicular trips per day, based on ITE trip generation standards.

B. The Borough Planning Commission shall review the proposal in accordance with the procedures of Part 3 of this Chapter, and the vehicular access analysis, where applicable (see subsection .8).

C. Following evaluation by the Borough Planning Commission, the applicant may submit plans to the Commonwealth or Borough for formal review and, as appropriate, approval and issuance of permits.

D. No driveway location, classification, or design shall be considered finally approved by the Borough unless permits have been granted by the Commonwealth and/or Borough and preliminary plan approval has been granted by Borough Council for the subdivision and/or land development which the driveway(s) will serve.

12. *Clear Sight Triangles.* Clear sight triangles shall be required to be maintained along all approaches to all street intersections, and all intersections of driveways with streets, in compliance with the standards herein.

A. Clear sight triangles shall be measured along street and driveway centerlines, from their point of intersection.

B. Where differing classifications of streets intersect, the higher classification of street shall determine the dimensions used.

C. For driveways, the dimensions used shall be determined by the classification of street being intersected.

D. The legs of a clear sight triangle shall be measured as follows: A leg of a triangle that is along the centerline of a local street or a commercial driveway shall be 25 feet long. A leg of a triangle along the centerline of each collector street shall be 200 feet. A leg of a triangle along the centerline of each arterial street shall be 300 feet long. These legs of a triangle shall be connected by a third longer leg to form a triangle. The legs shall be measured from the point of intersection of the street cartways (disregarding the curved radius at the corner).

E. Within the area of clear sight triangles, obstructions to visibility shall not

be permitted within the following ranges of height:

(1) For all streets, between 3 feet and 8 feet above the edge of paving.

(2) Any plant materials placed within clear sight triangles shall be properly maintained to continually comply with the height restrictions herein. If not properly maintained, the Borough reserves the right to trim or remove the plant materials, upon due notice to the property owner.

(3) Traffic signals and signs, public street lamps, and utility poles may be placed within clear sight triangles as necessary, with every effort made to avoid interfering with clear sight.

(4) Exceptions may be made by the Hatboro Borough Council to permit the following items in a clear sight triangle:

(a) One private sign or lamp post, provided that the post does not exceed 1 foot square or diameter, and that the sign or lamp itself is above the top height limitation.

(b) One shade tree, provided that, as the tree matures, its lower branches will be removed within the restricted height ranges.

(c) Existing shade trees, provided that the lower branches are removed within the restricted height ranges, and that the size, number, and arrangement does not impede adequate visibility. The Hatboro Borough Council may require removal of one or more trees as necessary to provide adequate visibility.

(5) Grading within a clear sight triangle shall not exceed a 6 percent increase measured from the elevation of the edge of paving. Existing grades in excess of 6 percent shall be regraded into compliance.

(6) Where street or driveway grades drop off from an intersection, the Hatboro Borough Council may modify these requirements as necessary to improve visibility at the intersection.

13. *Parking and Related Internal Driveways.* Parking and related internal driveways shall be governed by the following regulations.

A. *General.*

(1) Off-street parking facilities shall be provided in compliance with the parking requirements of the Zoning Ordinance [Chapter 27] and the regulations contained herein.

(2) Angled or perpendicular parking shall not be permitted along public or private streets, except where specifically permitted by this or other ordinances.

(3) The terms “parking lot,” “parking area,” and “parking” are interchangeable. “Parking” includes the driveway which provides direct access to the parking spaces.

B. *All Parking Lots.*

(1) Parking shall not be permitted along driveways which serve as the entrance(s) or exit(s) to parking areas with a capacity of 50 cars or more. A minimum driveway length of 30 feet shall be provided between the road ultimate right-of-way line and the first parking space or internal driveway

intersection.

(2) Parking areas shall be set back from tract boundary lines and ultimate right-of-way lines in compliance with the requirements of the Borough Zoning Ordinance [Chapter 27]. In any case not regulated by zoning, parking areas shall not be located closer than 15 feet from any tract boundary line or ultimate right-of-way line. These setback areas shall be landscaped in accordance with §22-413.4, "Parking Lot Landscaping."

(3) Where the edge of an existing parking area is located close to a street, driveway, or other parking area and the property is proposed for subdivision and/or land development, a minimum separation of 10 feet shall be provided between these features where feasible. This spacing shall consist of a raised landscaped area, preferably curbed, with planting in conformance with §22-413.4, herein.

(4) Dead-ended parking areas shall be discouraged when the required parking capacity can be accommodated in a layout that permits more convenient vehicular movements. However, extraneous through-traffic flow shall be avoided.

(a) Up to 30 parking spaces may also be located in a dead-ended parking area if there is no more desirable alternative feasible, and sufficient back-up areas provided for the end stalls.

(b) More than 30 parking spaces may be located in a dead-ended parking area only if a turnaround area is provided at the closed end, suitable for passenger car turning. The turnaround area may be circular, "T" or "Y" shaped, or other configuration acceptable to the Hatboro Borough Council.

(5) Parking spaces designed for the exclusive use by disabled persons shall be installed in all parking lots as close and convenient to building entrances as is reasonable. The specific number and locations of handicapped stalls shall be in conformance with the Americans with Disabilities Act (ADA) as last revised.

C. *Residential Parking Lots.*

(1) Parallel rows of parking spaces, which are not separated by a driveway, shall be separated by a raised and/or curbed planting strip, a minimum of 10 feet wide, landscaped in accordance with §22-413.4, herein.

(2) A single row of parking spaces located parallel to and between 2 driveways, shall be separated from one of the driveways by a raised and/or curbed planting strip, a minimum of 5 feet wide, landscaped in accordance with §22-413.4, herein.

(3) Parking lots shall be divided into sections of not more than 20 cars each, with the sections separated by raised and/or curbed planting strips, a minimum of 10 feet wide, landscaped in accordance with §22-413.4, herein.

(4) The entire parking lot perimeter shall be landscaped in compliance with §22-413.4, herein.

D. *Nonresidential Parking Lots.*

(1) Parking lots with a capacity of from 15 to 40 cars shall require a raised

and/or curbed planting strip, a minimum of 10 feet wide, landscaped in accordance with §22-413.4, herein, around the entire perimeter except where buildings, driveways, and walkways are located.

(2) Parking lots with a capacity of from 41 to 100 cars shall require a planting strip a minimum of 9 feet wide and an additional 10 percent raised and/or curbed planting area(s) within the perimeter of the lot, landscaped in accordance with §22-413.4, herein.

(3) Parking lots for more than 100 cars shall be divided into sections by raised and/or curbed planting strips, a minimum of 9 feet wide, landscaped in accordance with §22-413.4, herein.

(a) These planting strips shall be located parallel to the rows of parking, to serve the following purposes:

1) To separate main access (entrance-exit) driveways from rows of parking spaces.

2) To separate other major driveways from rows of parking spaces (service drives, general internal circulation).

3) To separate large parking areas into smaller units at intervals of not more than four rows of parking stalls with each unit capacity not greater than 100 cars.

(b) The ends of rows of parking shall be marked as islands by means of painted lines, the use of different paving materials such as paving blocks, bricks, or round stones or planted islands.

1) Marked, end islands shall be equal in size to one parking space for each row of spaces.

2) Parking shall be prohibited on these islands.

3) The first parking space abutting the end of each island shall be reserved and marked as parking for disabled persons, at the end of the row closest to the building unless more convenient locations are available. Ramps shall be provided at convenient intervals for access between parking surface and sidewalks.

(c) For parking areas with an ultimate capacity greater than 500 cars, the requirements of clause (b)3), above may be modified by the Hatboro Borough Council to provide separation into units at intervals of six rows of parking stalls, with each unit capacity no greater than 150 cars.

d. The applicant may request the Borough to permit an alternative design which achieves the purposes of these parking area requirements as well or better than the requirements herein. The final decision to permit an alternative design shall be made by the Hatboro Borough Council, with the advice of the Borough Planning Commission and Engineer.

(4) The primary plant materials used shall be shade or canopy trees, chosen from the list of plant materials listed in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council. These trees shall be planted in the planting strips at a spacing equal to the minimum

spacing recommended for the type of tree.

(5) Additional planting is encouraged and may include a variety of ornamental trees, shrubs, and ground covers, chosen from the list of plant materials in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council, provided that:

(a) At the ends of planting strips at driveway intersections, drivers' visibility shall be maintained by limited plantings within 35 feet of the intersection.

(b) At the ends of planting strips between rows of parking spaces, visibility shall be maintained by limited plantings within 20 feet of the intersection.

(c) Limited planting shall mean:

- 1) Not more than one shade or canopy tree within the area.
- 2) No shrubs or ground cover plants exceeding 2 feet in height.
- 3) No evergreen trees.

(6) The specific purposes to be served by these requirements are:

(a) To add visual character and improve the appearance of large parking areas by reducing their massiveness into smaller units.

(b) To provide shade for parked cars.

(c) To reduce random vehicular flow across parking areas.

(d) To permit a high level of visibility for these uses (stores, offices) for which visibility is an important factor.

(e) To facilitate snow removal and storm drainage, and to conserve energy in construction and resurfacing operations, by permitting relatively large units of paving surface, not obstructed by numerous, small, barrier island areas.

E. *Parking Area Dimensions.* The parking requirements of the Zoning Ordinance [Chapter 27] shall apply to any subdivision or land development.

(1) *Parking Areas.* In parking lots that service residential, institutions or retail areas, stalls shall have a minimum dimension of 9 feet by 18 feet with a 22-foot aisle.

(2) At the discretion of the Hatboro Borough Council the minimum length of parking stalls may be reduced by 1 foot if an overhanging area of grass or other pervious surface and is separated from the paved area by a bumper stop which allows the parked vehicle to extend at least 1 foot over the edge of the pavement.

(3) The minimum dimensions for parallel parking stalls are 9 feet by 22 feet.

(4) Angled parking can be used at the discretion of the Hatboro Borough Council. Aisles abutting angled parking spaces should be restricted to one-way traffic.

(5) The minimum dimensions for angled parking spaces are indicated in

the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

(6) Where parking stalls abut sidewalks, parked vehicles shall not overhang the sidewalks unless the sidewalk is widened by 1 foot.

(7) Parking spaces for physically disabled persons shall be 12 feet wide and equal in depth to the spaces abutting them in accordance with standards developed under the Americans with Disabilities Act (ADA).

14. *Driveways Within Sites Proposed for Development.* The following requirements apply to all driveways within all sites proposed for land development.

A. Smooth transition shall be provided between the driveway section required for access to a public street and the driveway(s) required for internal site circulation.

B. Main access driveways (entrance-exit), and service driveways handling trucks shall be a minimum paved width of 30 feet, with one lane in each direction, unless otherwise required by PennDOT standards governing the volume of traffic anticipated.

C. Access driveways for cars and other small vehicles which are clearly secondary in importance may be reduced to 26 feet in paved width, unless otherwise required by PennDOT standards governing the volume of traffic anticipated.

D. Storefront driveways in shopping centers shall be a minimum paved width of 35 feet, to allow one lane in each direction and a drop-off/pick-up lane along the sidewalks.

E. Driveways along other nonresidential buildings shall be a minimum paved width of 26 feet, except where a drop-off/pick-up lane is proposed, the width shall be 35 feet.

15. *New Dwellings and Lots along Narrow Streets and Alleys.* Each land development involving three or more new dwelling units and each new lot shall have frontage along a street with a minimum right-of-way width of 24 feet and a minimum paved cartway width of 18 feet, unless a more restrictive requirement applies.

(Ord. 1005, 5/23/2011)

§22-408. Grading and Erosion Control.

1. *Topsoil Protection.*

A. The top 6 inches of soil that existed naturally on the site prior to subdivision or land development shall be stockpiled on the site.

B. Following construction, the stockpiled soil shall be redistributed uniformly on the site to a minimum depth of 6 inches.

C. All disturbed areas excluding the stockpile soil of the site shall be stabilized and protected against erosion in compliance with the Erosion and Sediment Pollution Control Program Manual as prepared by the Bureau of Watershed Management Division of Waterways, Wetlands and Stormwater Management, Commonwealth of Pennsylvania, Department of Environmental

Protection, Office of Water Management.

D. Any topsoil in excess of 6 inches in depth that existed prior to subdivision or land development may be stockpiled separately for other uses by the applicant. Topsoil may be removed from the site only upon issuance of a permit by Borough Council to ensure that sufficient topsoil will remain on the site and in the Borough.

2. *Soil Erosion and Sediment Pollution Control.* The requirements of 25 Pa.Code, Chapter 102 shall apply to all subdivisions and land developments.

A. *General.*

(1) For qualifying tracts, no changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by the Montgomery County Conservation District.

(2) No subdivision or land development plan shall be approved unless: (a) there has been a plan approved by Borough Council that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements; or, (b) there has been a determination by the Montgomery County Conservation District that a plan for minimizing erosion and sedimentation is not necessary.

(3) Borough Council, in its consideration of any preliminary plan of subdivision and land development shall condition its approval upon the execution of measures designed to prevent accelerated soil erosion and resulting sedimentation, as required by DEP and the Montgomery County Conservation District. The Borough Engineer shall assure compliance with appropriate specifications and requirements.

B. *Performance Principles.*

(1) Any effective methods of minimizing erosion and sedimentation that are satisfactory to the Borough Engineer and Montgomery County Conservation District can be included in the plan. Any method shall be discussed with the Borough Engineer and Montgomery County Conservation District prior to submission.

(2) No unfiltered stormwater coming from an area which has been disturbed shall be permitted onto an adjacent tract.

C. *Responsibility.*

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development activity, 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) It is the responsibility of the person, corporation or other entity causing, or directing to cause such sedimentation, 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.

(3) 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 stream or watercourse without having obtained prior approval from the Borough, Montgomery County Conservation District or DEP, whichever is applicable.

D. Compliance with Regulations and Procedures.

(1) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and security requirements as required under Part 5 of this Chapter.

(2) The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plans of subdivision or land development, and become a part thereof.

(3) At the time that a building permit is applied for, a review shall be conducted by the Borough Engineer to ensure conformance with the plan as approved. During construction, further consultative technical assistance will be furnished, if necessary, by the Borough Engineer and the Montgomery County Conservation District. During this development phase, the Borough Engineer or Borough Code Officer shall inspect the development site and enforce compliance with the approved plans.

(4) Permission for clearing and grading after preliminary plan approval may be obtained under temporary permits or other conditions satisfactory to the Borough, at the applicant's risk.

(5) In the event the developer proceeds to clear and grade prior to recording plans, without satisfying conditions specified under paragraph .D(4) above, Borough Council may revoke the approval of the preliminary plan.

3. *Grading.* All permanent and temporary cutting, filling, grading, regrading, and/or other forms of earthmoving activities shall be known as "grading" and shall be conducted only in compliance with Part 7 of this Chapter.

A. All grading shall be set back from property lines a sufficient distance but at least a minimum of 5 feet to prevent any adverse effects on adjacent properties.

B. Whenever grading will increase the volume or velocity of stormwater flow toward a property line, the applicant shall install and maintain drainage facilities sufficient to prevent adverse effects on the adjoining property, in compliance with the Technical and Engineering Standards. The construction and operation of these drainage facilities shall not cause any adverse effects on abutting properties.

C. Along property lines, where grading creates an abrupt drop-off from the abutting property, in contrast to a previously existing gradual change, the applicant shall be required to install a fence or other suitable protective barrier.

D. A permit shall be required for grading operations. Permits shall be issued by the Zoning Officer upon recommendation of the Borough Engineer for each tract, lot, parcel, or site which comprises a separate operation, unrelated to or not contiguous with nearby grading proposed or performed by the applicant. A permit shall not be required in the following situations, however:

(1) For an excavation which does not exceed 20 cubic yards of total material removed.

(2) For a fill which does not exceed 20 cubic yards of material deposited.

(*Ord. 1005, 5/23/2011*)

§22-409. Stormwater Management and Drainage.

1. *General.* The developer shall construct and/or install such drainage structures as necessary to:

A. Prevent erosion damage and to satisfactorily carry off or detain and control the rate of release of surface waters.

B. Encourage all runoff control measures to percolate the stormwater into the ground to aid in the recharge of groundwater.

C. Carry surface water to the nearest adequate street, storm drain, detention basin, natural watercourse or drainage facility.

D. Take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.

E. Not only handle the anticipated peak discharge from the property being subdivided or developed, but also the existing and forecasted runoff being contributed from all land at a higher elevation in the same watershed. Where available, the Stormwater Management Plan for the watershed prepared in accordance with Storm Water Management Act, 32 P.S. §680.1 *et seq.*, shall be used for determining surface water runoff release rate as indicated in Part 7, "Technical and Engineering Standards."

F. Maintain the adequacy and integrity of the natural stream channels. Accelerated bank erosion shall be prevented by controlling the rate and velocity of runoff discharge to these watercourses.

G. Preserve the adequacy of existing culverts and bridges by suppressing the new flood peaks created by new land development.

H. Provide off-site improvements to satisfactorily handle the stormwater from the proposed development if the Stormwater Management Plan indicates a need.

I. Satisfy all requirements of the Hatboro Stormwater Management Ordinance [Chapter 23], as amended. If the requirements of the Hatboro Stormwater Management Ordinance [Chapter 23] are more restrictive than this Chapter or are in conflict with this Chapter, the Stormwater Management Ordinance [Chapter 23] shall apply.

2. *Retention of Existing Watercourses and Natural Drainage Features.*

A. Whenever a watercourse, stream, or intermittent stream is located within a development site, it shall remain open in its natural state and location and shall not be piped.

B. A 50-foot wide buffer from each side of the edge or bank of a watercourse shall be maintained. No removal of vegetation, except for routine clearing and thinning of dead trees and shrubs or mowing of existing lawns or fields shall take place within this buffer area without specific permission of the Borough.

C. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.

D. No stormwater run-off or natural drainage shall be so diverted as to overload exiting drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands. In cases where additional stormwater flows will overload adjacent structures, the applicant shall be responsible for enlarging the facilities.

E. *Drainage Swales.* Drainage swales shall be incorporated into the land development or subdivision to convey concentrated stormwater flows away from streets and structures and toward stormwater control devices, storm sewers, or waterbodies. Because of their critical nature, the design of all vegetated channels shall, at a minimum, conform to standards of DEP and the Montgomery County Conservation District.

F. *Storm Drainage Pipe.* In areas with high velocities of stormwater where swales or surface culverts are not appropriate, storm sewers shall be provided in conformance with the appropriate technical and engineering standards.

G. *Stormwater Detention / Retention Areas.*

(1) Various forms of on-site stormwater control structures shall be incorporated into the land development or subdivision in order to retain or detain excess stormwater in accordance with §§22-703.5 and 22-703.6.

(2) Selected stormwater control devices shall be compatible with the site characteristics. Preference shall be given to control systems that provide water quality and groundwater recharge benefits.

(3) When basins are provided, they shall be designed to utilize the natural contours of the land whenever possible. When such design is impracticable, the construction of the basin shall utilize slopes as flat as possible to blend the structure into the terrain.

(4) Prior to the granting of final approval of any subdivision or land development plan, the Borough must be satisfied through contractual arrangements that all stormwater facilities will be properly maintained. If all, or a portion, of the facilities will be on property which will be conveyed to an individual homeowners association or any other eventual owner, the guarantees must be in such a form that they will carry through to the new owners.

(5) If the land of the proposed subdivision or land development will be conveyed to two or more separate owners, the developer shall provide written assurance and deed restrictions to the Borough that the basins will be properly maintained, by the owners or if acceptable to the Borough, be dedicated to the Borough, which shall then be responsible for maintaining the basins.

(6) Basins shall be designed to facilitate regular maintenance, mowing and periodic desilting and reseeding. The required maintenance and maintenance schedule must be included on the plans.

(7) Basins shall not be located within floodplain, floodplain soils, or within the 50-foot wide stream buffer, whichever is greater.

(8) In residential subdivisions and residential developments, shallow

broad basins are preferred to steep sided basins.

(9) The area of basins which have more than 50 percent of the perimeter of its sides in slopes of greater than 10 percent or basins that retain stormwater for more than 24 hours shall not be included in the open space required.

(10) The maximum slope of the earthen basin embankments shall be four to one. The top or toe of any slope shall be located a minimum of 5 feet from any property line. The minimum top width of the basin berm shall be 10 feet.

H. *Drainage Easements.* Drainage easements shall be provided to accommodate all storm drainage requirements and shall be a minimum of 30 feet in width. Storm sewers, as required, shall be placed in the road right-of-way, parallel to the roadway and shall be designed as a combination storm sewer and underdrain. When located in undedicated land, they shall be placed within an easement not less than 20 feet wide, as approved by the Borough Engineer.

I. *Storm Drainage Pipe.* In areas with high velocities of stormwater where swales or surface culverts are not appropriate, storm sewers shall be provided in conformance with the appropriate technical and engineering standards.

(Ord. 1005, 5/23/2011)

§22-410. Floodplains and Wetlands.

1. *Additional Regulations for Floodplain Areas.* The regulations contained herein shall apply in the 100-year floodplain as identified in the Zoning Ordinance [Chapter 27].

A. The regulations contained herein are intended to conform to the requirements of the National Flood Insurance Program as amended and the Pennsylvania Floodplain Management Act, 32 P.S. §679.101 *et seq.*, as amended 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 lands which are unsuitable for use because of flood hazards by prohibiting the subdivision and development of unprotected floodplain areas.

(4) Maintain the certification of the Borough and the eligibility of the property owners in the Borough for the benefits of the National Flood Insurance Program.

B. 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.

C. Where not prohibited by this or any other codes or ordinances, land located in floodplain may be subdivided or developed in accordance with this and any other codes or ordinances regulating such development.

D. The finished elevation of proposed streets within floodplain areas shall be a minimum of 2 feet above the base flood elevation. Drainage openings shall be sufficient to discharge flood flows without increasing flood heights onto lands of other property owners.

E. Storm drainage facilities, in designated floodplain areas, shall be designed to convey the 100-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.

F. All new or replacement sanitary sewer systems, whether public or private, located in floodplain areas shall be flood-proofed, and all appurtenances thereto (including, but not limited to, pumping stations) shall be flood-proofed up to a point 2 feet above the base flood elevation.

G. All other new or replacement public or private utilities and facilities in floodplain areas shall be elevated or flood-proofed to a point 2 feet above the base flood elevation.

H. *Waivers.* Guidelines for relaxation from the requirements set forth in this Section are as follows:

(1) A waiver shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(2) A waiver shall only be issued if there is:

(a) A determination that failure to relax the requirements would result in exceptional hardship to the applicant.

(b) 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, or conflict with existing local laws or ordinances.

(c) A determination that relaxing of a requirement will not result in any adverse impact on adjacent landowners either upstream or downstream.

(3) A waiver may 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.

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

I. 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 identifying the following:

(1) Location and elevation of existing and proposed streets, water supply and sanitary facilities, and any other permitted improvements, soil types, and proposed flood-proofing measures.

(2) Boundaries of the floodplain and the base flood elevation.

J. The regulations for flood areas stated herein are in addition to any regulations imposed on the applicant by DEP, Montgomery County Conservation District and/or the U.S. Army Corps of Engineers. The applicant is responsible to obtain any and all required local, State and Federal permits.

2. *Wetlands.*

A. The presence of hydric soils may indicate the presence of wetlands. When hydric soils are indicated on the site, a wetlands study shall be conducted in accordance with the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. In the event no wetland study is undertaken, the location of hydric soils on site will be assumed to be wetlands for the purpose of this Chapter and so noted on the plan.

(1) A jurisdictional determination from the U.S. Army Corps of Engineers shall be required if hydric soils are present per the Soil Survey.

B. Wetlands as defined by the U.S. Army Corps of Engineers and the Commonwealth of Pennsylvania in accordance with §404 of the Federal Clean Water Act of 1977 as amended and Chapter 105 of the Pennsylvania Clean Streams Act Amendments of 1978 as amended shall be preserved in subdivisions and land developments. Required permits shall be obtained at an early stage to determine the extent and location in proposed subdivision and/or land development.

C. When a wetland is identified, a 50-foot minimum buffer shall be delineated so as to protect the wetland area from building. Building setback lines shall be measured from the edge of the wetlands buffer area.

3. *Woodlands and Vegetation.* Preservation of existing woodlands, mature trees, and unique vegetation is required to maintain habitat and protect soil from erosion. Existing woodlands shall be incorporated into common open space, buffer areas, and on large lots. The developer is encouraged to prune existing wooded areas in order to remove diseased, dead or damaged trees. Woodland protection standards are contained in §22-413.1 of this Chapter.

4. *Steep Slopes.* Steep slopes are defined by the Zoning Ordinance [Chapter 27] or slopes over 15 percent shall not be disturbed and when possible incorporated into common open space or buffer areas.

(Ord. 1005, 5/23/2011)

§22-411. Infrastructure.

1. Subdividers, builders and developers shall provide a connection to each dwelling and principal building from the public water system.

A. Applicants shall present evidence to Borough Council that the subdivision or land development is to be supplied by a certificated public utility, or by a municipal corporation, authority, or utility.

2. *Waste Water Disposal.* Waste water from a subdivision or land development must be disposed of in an environmentally safe manner.

A. *Sanitary Sewers.* Unless applicant is in an area that cannot be served by public sewer, sanitary sewers shall be installed and connected to the Borough or authority sanitary sewer system following review of plans and approval by DEP

and the municipal authority. In areas not presently served by central sanitary sewers, appropriate sewage disposal must be provided in accordance with the regulations of DEP and in addition, the installation and capping of sanitary sewer mains and house connections may be required if studies by Borough Council indicate that extension of sanitary sewers to serve the property subdivided appears probable or necessary to protect public health.

B. *Private Pretreatment for Industrial Uses.* Pre-treatment sewage disposal for industrial uses, by means of private treatment plants or other facilities may be permitted in compliance with DEP regulations and municipal ordinance requirements.

3. *Solid Waste Storage.*

A. *Central Trash Storage (Including Commercial Establishments, Apartments and Condominiums).* Trash and recyclable storage areas shall be developed as follows:

(1) *Design.* All trash collection equipment shall be placed within enclosures. Enclosures shall be at least large enough to adequately contain all trash and recyclable material containers. Generally the sizing and type of storage containers will depend upon the amount of trash and recyclables expected to be generated in the buildings they service. Enclosures shall be 6 feet high or at least 1 foot higher than the proposed collection container. Enclosures shall be made of durable material including masonry blocks or steel reinforced wood or plastic fencing. In most cases, garden type fencing or landscaping is not durable enough. The entrance to the enclosure shall be at least 10 feet wide to accommodate front loading trucks. Gates placed on the entrance shall be durable and equipped with piston type bolts to secure gates in both a closed and open position.

The trash storage area shall be placed on a concrete pad. The dimensions of the pad are dependent on the number and size of proposed containers. Ideally, the pad shall extend 6 to 10 feet in front of where the proposed container is to be placed to support the front wheels of the trash truck servicing the site. The area above the container shall be free of obstructions. Generally, a 15-foot clearance above the storage area is sufficient.

(2) *Locations.* In locating a trash storage, area several objectives shall be balanced including spatial demands, distance from source of trash generation, setback from adjoining property as provided for in the Zoning Ordinance [Chapter 27], and access for disposal trucks. Trash storage may be placed near building service entrances or loading docks. In apartment or condominium complexes with centralized waste storage, containers may be located in an area which is convenient to each grouping of 10 to 15 units. Spatial consideration (i.e., loss of parking area or loading space) is important. An access lane of 100 feet must be provided for trash storage areas.

During the servicing of these containers (up to 5 minutes), it is important that internal circulation at the site is not impeded. Trash containers ideally shall be within a building setback in a given zoning district. At a minimum, they shall be set back in accordance with accessory structures as provided in the Zoning Ordinance [Chapter 27].

(3) *Operations.* Trash storage containers shall be serviced at least once a week. Recycling containers can be serviced at a less frequent interval. If a dumpster contains food it shall be serviced every 3 days. A storage container shall have tight fitting lids, secured at all times, and be leak free. It shall also be cleaned out at least two times a year.

(Ord. 1005, 5/23/2011)

§22-412. Solar Access.

1. Subdividers, developers, or builders are encouraged to consider the following standards in subdivisions and land developments to protect solar access and reduce the impact of heat.

A. *Streets.* In planning a subdivision or land development to protect solar access, the street system should be oriented to the extent possible in an east-west direction.

B. *Lot Angles.* Side lot lines should be laid out in a north-south direction where the resulting angle with the street line is not less than 30 degrees. A variation of up to 25 degrees east or west of the north/south axis of the side lot lines shall be permitted.

C. *Building Orientation.* Buildings should be located so as to receive unobstructed sunlight on the south wall of their long axis. At least 25 percent of the structures should have solar access.

D. *Street Trees.* Street trees should be planted by the subdivider, developer, or builder along all streets in the development with due consideration of solar access and shading. The trees should not impede solar access.

E. *Open Space.* Where open space is being provided as part of the subdivision or land development, it shall be located, whenever possible, to provide a buffer from the shading effects of taller structures on existing or proposed shorter structures.

(Ord. 1005, 5/23/2011)

§22-413. Landscaping.

1. *Vegetation Protection.*

A. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs. Special consideration shall be given to major specimen trees. The following guidelines shall be used in determining whether specific vegetation is to be preserved or removed:

(1) Healthy trees with a trunk diameter of 6 inches or greater, measured 4.5 feet above the ground, tree masses or woodland shall be preserved, unless one or more of the following conditions apply:

(a) The center of the tree lies within 20 feet of the foundation of a new structure.

(b) The tree is unhealthy, diseased, or of an undesirable variety.

(c) The tree or trees obstruct proposed clear sight triangles, other than the trunk of the tree.

(d) The center of the tree is located within 10 feet of a proposed

cartway, parking area, utility corridor, on-site sewage system, or sidewalk portion of a right-of-way.

(2) It shall be the responsibility of the applicant, to demonstrate that existing vegetation removal is minimized by showing that no alternative layouts are possible, and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and woodlands.

(3) Mature trees, tree masses, or woodlands that do not fit the above criteria shall be designated “TO BE REMOVED.” These trees shall be removed during construction. However, if trees are of transplantable size and species, transplanting is recommended. (See paragraph .C).

B. Existing vegetation to remain shall be identified in the field prior to any clearing and physically protected during construction. A temporary physical barrier such as a snow fence shall be erected outside the dripline on all sides of individual trees, tree masses, and woodlands prior to clearing and construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier, and shall remain until construction is complete.

C. Mature trees or individual trees from woodlands or tree masses that are to be removed may be transplanted with a tree spade from one area of the site to another. Pruning, fertilizing, staking and guying is not always appropriate for large transplanted trees and decision of such shall be at the discretion of the transplanting professional. Transplanted trees shall be maintained and provided the same warranty period as newly installed trees per §22-713.4 and replaced per §22-413.1.E. if they do not survive.

D. *Credit for Tree Preservation.* If existing trees are preserved, they may serve as a credit towards the number of deciduous shade or ornamental trees required to be planted. Existing tree caliper shall be taken at 4.5 feet above existing grade. The following table shall be used to determine the credit:

Existing caliper of 30 inches and above	4 Tree Credit
Existing caliper of 15 to 29 inches	3 Tree Credit
Existing caliper of 7 to 14 inches	2 Tree Credit
Existing caliper of 2 to 6 inches	1 Tree Credit

E. *Tree Replacement Requirements.*

(1) Any tree 3 inches in caliper or greater, removed in conjunction with a subdivision or land development shall be replaced onsite. Should sufficient area not exist onsite, the applicant may install trees elsewhere in the Borough, as directed by the Director of Parks and Recreation, or provide a fee in-lieu-of replacement trees. The fee for each tree shall be determined at market rate for installation, guarantee, etc.

(2) Replacement trees shall be a minimum of 2.5 inches in caliper at the time of installation.

(3) Replacement trees shall be provided at an inch-per-inch replacement ratio.

(4) Trees which are diseased and which should be removed for safety or for the protection of other healthy trees, as certified by a trained arborist, may be removed and will not be subject to the requirements of this Section.

(5) Tree removal necessary to accommodate public utilities or public facilities to be constructed or installed by the Borough or the Borough Authority shall be exempt from the requirements of this Section.

(6) Trees required to be planted in accordance with this Section shall be installed in addition to other landscaping requirements set forth in this Chapter.

2. *Buffer and Screens.*

A. All subdivisions and land developments shall be landscaped with the following two components:

(1) Property line buffer that act to integrate new development with its surroundings and to separate incompatible land uses.

(2) Site element screens that to minimize or eliminate views to certain site elements located within 100 feet of property lines or public or private rights-of-way.

B. The following requirements are minimum standards; additional plant material, berms, or architectural elements may be included in the plan at the applicant's discretion.

C. *Property Line Buffer Requirements.*

(1) Property line buffers shall be required for these types of development:

(a) All nonresidential development.

(b) All multi- and single-family attached development.

(c) All single-family detached cluster development.

(d) All mobile home parks.

(2) An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case where adjoining or adjacent land is vacant, then the zoning district shall be used for the intensity of proposed land uses to determine the amount and type of plant material required for buffering. In the case where there are several permitted uses on a site, the most restrictive requirements shall apply. The Borough shall have final approval of interpretation of the land uses or zoning map.

(3) The quantity and type of materials shall be determined by the intensity of the proposed use land use and the adjacent use, vacant land or zoning district, according to Figure IV-6.

(4) *Buffer Area Location and Dimensions.*

(a) A buffer area of not less than 25 feet nor more than 50 feet in width shall be established along all property lines unless otherwise specified in the Zoning Ordinance [Chapter 27].

(b) The buffer area may be included within the front, rear or side yard setback.

(c) The buffer area may be a continuous planting bed consisting of

trees, and shrubs, and grass or groundcover.

- (d) Parking is not permitted in the buffer area.
- (e) Site element screens are permitted in the buffer area.
- (f) Stormwater detention basins are permitted in the buffer area.

(5) *Plant Material Quantities and Types.* For every 100 linear feet of property line to be buffered, the following minimum quantities and types of plant material shall be required:

Low Intensity	1	Canopy tree
	2	Ornamental trees
Medium Intensity	1	Canopy tree
	2	Ornamental trees
	2	Evergreen trees
	5	Shrubs
High Intensity	1	Canopy tree
	2	Ornamental trees
	5	Evergreen trees
	10	Shrubs

(6) *Design Criteria.*

(a) The required plant material shall be distributed over the entire length and width of the buffer area.

(b) Buffer area plant material may be arranged symmetrically (formal) or asymmetrically (informal) and may be grouped to form plant clusters. However, informal groupings which reflect the natural character of the county are encouraged.

(c) Plants shall be spaced to provide optimum growing conditions.

(d) A variety of deciduous tree species is required as follows:

No. of Trees	Minimum No. of Tree Species	Maximum Percentage of 1 Species
0-5	1	100 percent
6-15	2	50 percent
16-30	3	40 percent
31-50	4	30 percent
51+	6	20 percent

(e) All plant material shall meet the requirements for specifications contained in §22-713.

(7) Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the Hatboro Borough Council. The minimum quantities and or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer.

(8) Existing topography, such as embankments or berms, may be substituted for part or all of the required property line buffer at the discretion of the Hatboro Borough Council. The minimum visual effect shall be equal to or exceed that of the required buffer.

D. *Site Element Screens.*

(1) Appropriate site element screens shall be required in all proposed land developments around but not limited to these site elements when these are located partially or fully within 100 feet of the property line or road right-of-way:

- (a) Parking lots.
- (b) Dumpsters, trash disposal, or recycling areas.
- (c) Service or loading docks.
- (d) Outdoor storage or sales yard.
- (e) Vehicle storage.
- (f) Single family attached rear yards.
- (g) Multi-family house rear yards.
- (h) Active recreation facilities.
- (i) Detention basins.
- (j) Sewage treatment plants and pumping stations.
- (k) Site elements with similar to above visual impact.

(2) *Screen Location.* The site element screen shall be placed between the site element and the property line to block views to the maximum extent possible. The screen shall be located as close as possible to the site element surrounding it without impeding function or encroaching on sight triangles.

(3) Existing healthy trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of the Hatboro Borough Council. The minimum quantities and or visual effect of the existing vegetation shall be equal to or exceed that of the required screen.

(4) Existing topography, such as embankments or berms, may be substituted for part or all of the required site element screen at the discretion of the Hatboro Borough Council. The minimum visual effect shall be equal to or exceed that of the required screen.

(5) The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of these regulations with the approval of the Hatboro Borough Council.

(6) All plant material shall meet the requirements for specifications contained in §22-713 of this Chapter.

3. *Street Trees.*

A. Street trees shall be required:

(1) Along all existing streets when they abut or lie within the proposed subdivision or land development.

(2) Along all proposed streets.

(3) Along access driveways which serve five or more residential dwelling units or two or more nonresidential properties.

(4) Along major walkways through parking lots and between nonresidential buildings, as recommended by the Borough Planning Commission.

B. The street tree requirements may be waived by the Hatboro Borough Council where there is sufficient existing vegetation or to maintain scenic views of open space, farmland, natural features, or solar access.

C. Street trees shall be provided by the subdivider or developer between the ultimate right-of-way and the building setback line, and shall meet these standards:

(1) Trees shall be planted a minimum distance of 5 feet and a maximum distance of 15 feet from the ultimate right-of-way line. However, in certain cases, the Hatboro Borough Council may permit trees to be planted within the ultimate right-of-way:

(a) In area such as existing villages where front yards may be located within the ultimate right-of-way.

(b) In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.

(2) In nonresidential developments, trees shall be located within a planting bed within the front yard setback, at least 10 feet in width, planted in grass or ground cover. In areas where wider sidewalks are desirable, or space is limited, planting pits may be used.

(3) Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum of 3 feet from curbs and sidewalks, 15 feet from overhead and underground utilities.

(4) Trees shall be planted at a ratio of at least one tree per 50 feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property although they need not be evenly spaced.

(5) Trees shall conform to the technical specifications in §22-713.

4. *Parking Lot Landscaping.*

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

B. All parking lots with 10 or more stalls shall be landscaped according to the following regulations.

(1) One planting island shall be provided for every 10 parking stalls.

There shall be no more than 10 continuous parking stalls in a row without a planting island.

(2) In residential developments large parking lots shall be divided into smaller parking areas of no more than 40 stalls by planting strips.

(3) In nonresidential developments large parking lots shall be divided into smaller parking areas of no more than 100 stalls by planting strips.

(4) Planting islands shall be a minimum of 9 feet by 18 feet in area, underlain by soil, not base course material, mounded up to 6 inches minimum above the paved parking or drive area and shall be protected by curbing or bollards. Each planting island shall contain one shade tree plus shrubs and/or groundcover to cover the entire area.

(5) All planting strips shall be a minimum of 8 feet wide and run the length of the parking row underlain by soil mounded up to 6 inches above the paved parking or drive area and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of street type shade trees at intervals of 30 to 40 feet, plus shrubs and groundcover to cover the entire area.

(6) The placement of light standard shall be coordinated with the landscape design to avoid a conflict with the operation of light fixtures.

(7) Plant material shall comply with the technical specifications in §22-713.

(8) All parking lots shall be screened from public roads and from adjacent property as required in the buffer and screen section.

5. *Seeding and Sodding.*

A. All areas of a subdivision or land development shall be seeded where the slopes are 8 percent or less except areas of existing woodland, wildlife habitat, wetland, floodplain or other significant natural feature. The type and method of seeding shall conform with recommendations of the Montgomery County Conservation District and the DEP Pollution and Sediment Control Manual.

B. Sodding is required in a subdivision or land development where slopes are over 8 percent, in the bottom of swales, on embankments, and as may be deemed necessary for soil erosion control by the Montgomery County Conservation District.

(Ord. 1005, 5/23/2011)

§22-414. Sidewalks, Curbs, and Storm Sewers.

Sidewalks, curbs, and storm sewers shall be installed along all existing and proposed public and private streets, common driveways, and common parking areas except when this requirement is waived at the discretion of Borough Council, upon recommendation of the Borough Planning Commission and Borough Engineer. Technical and Engineering Standards for sidewalks, curbs, and storm sewers are contained in Part 7 and in Chapter 21 of the Borough's Codified Ordinances.

A. Borough Council may waive the sidewalk requirements under one or more of the following conditions:

(1) Where proposed residential lot widths will be 125 feet or greater.

(2) There is clearly no destination to be reached by pedestrians (e.g.,

shopping center, bus stop, employment, schools), or none anticipated in the foreseeable future.

(3) The sidewalk(s) would not be an extension of an existing network which provides neighborhood or village circulation.

(4) An alternative pedestrian circulation concept can be shown to be more desirable, especially when using open space areas, provided that appropriate walks are provided between the open space walkways and the pedestrian origins and destinations.

(5) The rural character, density of the area and/or small size of the proposal preclude the purposeful use of sidewalks.

B. Regardless of the small size of a land development or subdivision proposal, sidewalks, curbs, and storm sewers shall be required wherever they fill a gap in an existing network.

C. If for any reason an interim waiver of these requirements is made, a sufficient guarantee shall be posted for the eventual installation of these items, subject to approval by Borough Council upon recommendation of the Borough Engineer and Solicitor, in accordance with §22-503 of this Chapter.

D. Sidewalk construction and location standards shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

E. Sidewalks shall be provided in appropriate locations to provide a safe and efficient pedestrian access between parking areas and buildings.

F. Additional sidewalks shall be required where deemed necessary by the Borough Council to provide access to schools, churches, parks, community facilities, and commercial or employment centers, and to provide necessary pedestrian circulation within land development and/or subdivisions where otherwise required sidewalks would not be sufficient for public safety and convenience. Such additional sidewalks may be constructed of alternative materials, in compliance with the Part 7, "Technical and Engineering Standards."

G. Driveway crossings shall be designed in compliance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

(Ord. 1005, 5/23/2011)

§22-415. Historic Features Preservation.

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

A. No proposal will be approved with a property line extending through any portion of an existing building, except where that property line follows a party wall separating semi-detached or attached units, in accordance with the Zoning Ordinance [Chapter 27].

B. When existing buildings are retained:

(1) Buildings shall be in conformance with the current Borough Property Maintenance Code [Chapter 5, Part 2].

(2) Additions to retained buildings shall conform in all respects to the requirements of the Zoning Ordinance [Chapter 27] applicable to the district in which the building is located, and shall be in harmony with the character, design, building materials, and other architectural features of the building.

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

(4) New buildings abutting the retained building shall reflect their respective characters, to the greatest extent practical.

(5) In nonresidential districts retained buildings shall be provided with adequate parking, service and landscaped areas in accordance with the Zoning Ordinance [Chapter 27] provisions for the intended use. If the applicant cannot specify the intended use, then the most land consumptive provisions shall be applied, to ensure sufficient land area for uses permitted in that district.

(6) The building setback lines, existing and proposed buildings, driveways, parking areas, walks, and other similar information shall be shown on the plan, with a note added describing the buildings, and their intended purposes.

(7) No plan approval shall be granted to a subdivision or a land development unless and until the above requirements are complied with to the satisfaction of Borough Council, upon recommendation of the Borough Planning Commission and Borough Engineer.

C. When existing buildings will be removed:

(1) The plan must show the location and include a brief description of the building(s) to be removed.

(2) Plan approval will be granted upon written agreement to the expeditious removal of buildings intended for removal, in conformance with Borough demolition permits.

(3) The applicant shall comply with the demolition requirements of the UCC.

(4) If the building will not be removed immediately, a financial guarantee must be posted for its removal, in compliance with §22-503, herein.

(Ord. 1005, 5/23/2011)

§22-416. Recreation Land and Open Space.

Subdividers and developers shall provide recreation land in compliance with this Section, unless a stricter requirement is established in the Zoning Ordinance [Chapter 27].

A. *Natural Feature Conservation.* In addition to any requirements of the Zoning Ordinance [Chapter 27] and §22-410 of this Chapter, the applicant shall conserve environmentally sensitive features should be conserved based on the natural tolerances to encroachment and development as follows:

Natural Feature With Environmental Constraint	Minimum Percentage of Feature To Be Preserved
Floodplains	100 percent
Watercourses	100 percent
Wetlands	100 percent
Wetland Buffer	80 percent
Ponds	100 percent
Stream Buffer	100 percent
Steep Slopes (15–25 percent)	70 percent
Very Steep Slopes (over 25 percent)	80 percent
Woodlands	50 percent

Where features overlap, the greater percentage shall be conserved. The percentage of each feature is the extent that it shall not be altered, regarded, filled or built upon. The land shall be permanently restricted by easement from further development. The deed restrictions shall be in a form acceptable to the Borough.

B. Recreation Land Standards.

(1) The following minimum amounts of recreation land shall be provided within a subdivision or land development.

(a) Residential–1,100 square feet per dwelling unit.

(b) Nonresidential–the greater of 2 percent of gross acreage or 10 percent of gross floor area.

C. Location and Criteria for Land to Be Dedicated to the Borough. Lands to be dedicated to the Borough shall:

(1) Be suitable for its intended recreation purpose.

(2) Be required to be dedicated to the Borough for public recreation, unless Borough Council decides not to accept the dedication.

(3) Be owned, funded, or maintained by a system approved by Borough Council if the recreation land will not be dedicated to the Borough.

D. Acceptance and Use of Dedicated Land.

(1) Any land dedicated to the Borough shall be used only for the purpose of providing park and recreational facilities and for the preservation of natural features.

(2) When land is dedicated, acceptance by the Borough 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 Borough with title free and clear of all liens, encumbrances and conditions excepting public utility easements.

E. Alternatives to the Dedication of Park and Recreational Land. Upon agreement of both the Borough and the applicant, the applicant may pursue the

following alternatives:

(1) *Fee in Lieu.* The applicant may pay a fee in lieu of dedication of park and recreational land. The amount of the fee shall be in an amount as determined by Borough Council.

(2) *Improvements to Other Recreation Sites.* The applicant may, through an agreement with the Borough construct recreational facilities on existing or proposed park land in another part of the Borough. The value of such improvements shall be comparable to the fee in lieu of dedication that would have otherwise applied, based upon the applicant's estimates, as reviewed by the Borough Engineer.

(3) A combination of land dedication and/or alternative approaches listed herein may be pursued, based upon an agreement between the applicant and Borough Council.

F. *Use of Fees.* Fee in lieu payments shall be used to expand, improve and maintain existing public parks or to acquire land and develop new recreational facilities. Fees received for a particular development shall be expended on sites or facilities accessible to residents of the proposed development.

(1) A fee authorized by this Chapter shall, upon receipt by the Borough, be deposited in an interest-bearing account, designated as the Borough Parks and Recreation Fund. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only upon the design, construction or acquisition of specific recreational facilities as approved by Borough Council.

G. *Recreation Land Criteria.* Recreation land set aside in fulfillment of the requirements of this Part shall be designed in accordance with the following standard and principles.

(1) Recreation land shall be consistent with the plans and proposals outlined in any Borough Recreation and Open Space Plan as amended and be reviewed by the Borough Parks and Recreation Committee.

(2) Recreation land shall be interconnected with permanently preserved land on abutting property, if possible, including provisions for public access ways for general public use to permit residents safe and easy access to areas of the said land.

(3) Recreation land shall be a cohesive whole if possible, except that two or more parcels connected by legal public access provisions may be determined to be in public interest.

(4) Recreation land shall have frontage on a public or private road or easement capable of providing suitable grade for access to the open space from the frontage for maintenance vehicles and equipment traffic.

(5) Recreation land may include land within utility corridors only if the utility companies having legal rights to these corridors do not prohibit their use for such purposes.

(6) Recreation land shall be sited in the land that has physical characteristics capable of serving the purposes intended for such areas and with a design for recreational use and development that is sensitive to the site

physical characteristics.

(7) Recreation land shall have a close visual and physical relationship to as many dwelling units as reasonably possible, yet sited with sensitivity to surrounding land use.

(8) Recreation land may preserve and protect environmentally sensitive and/or aesthetic features and be landscaped to provide sufficient man-made screening or buffer areas to minimize any negative impacts upon adjacent development.

H. *Recreation Land Ownership and Perpetuation.* Any of the methods cited under this Section may be used either individually or in combination, to own and perpetually preserve recreation land that is provided in fulfillment of this Section. The final subdivision and/or land development plan shall clearly indicate the manner in which recreation land will be owned and administered. Following final plan approval, the recreation land required shall not be transferred to another entity except for the transfer to another method of ownership as outlined below. Written notice of any proposed transfer of recreation land shall be given to the Borough for approval no less than 30 days prior to such event.

(1) The Borough may, but is not required to, accept fee simple dedication of recreation land in accordance with appropriate sections of this Chapter.

(2) There shall be no cost of acquisition (other than costs indicated to the transfer of ownership or the conveyance of easements, and title insurance).

(3) The Borough shall agree to and has access to maintain the open space.

(4) The recreation land shall be in an acceptable condition to the Borough at the time of dedication with regard to size, shape, location and that any improvements are certified as satisfactory by the Borough.

(5) The subdivider or developer shall have, at no expense to the Borough, prepared the legal description, with metes and bounds, of the land being offered for dedication.

(6) The Borough shall accept the dedication by means of a signed Resolution to which a property description, deed, and plan of dedication area or areas shall be attached.

(7) All dedications in fee simple shall be free and clear of any liens or encumbrances.

(8) An agreement citing all subdivider or developer obligations serving as a condition to plan approval shall be approved by the Borough and recorded with the plan at the same time as the plan is approved.

I. A public agency acceptable to the Borough may, but shall not be required to, accept the fee simple dedication of recreation land, provided that the Borough approves a maintenance plan whereby the grantee agrees to and has access to maintain the recreation land.

J. The Borough or another public agency acceptable to the Borough may, but shall not be required to, accept the dedication of less than fee simple interests in any portion of the recreation land, title of which shall remain in private ownership, provided that a maintenance agreement satisfactory to the Borough is reached

between the owner and the grantee.

K. Recreation land may remain or be placed in the ownership of the individual property owners and shall be restricted from further subdivision and/or land development by deed restriction, provided that:

(1) The Borough shall agree to the boundaries of the recreation land that shall be held in private ownership.

(2) Restrictions providing for the protection and continuance of the recreation land which meet Borough specifications shall be placed in the deed for each property that has the recreation space area within its boundaries.

(3) A maintenance agreement suitable to the Borough shall be established, and the deeds to the properties that are located within the deed restricted recreation land areas shall clearly state that the maintenance responsibility for the open space lies with the individual property owner.

L. A private, non-profit conservation organization, among whose purposes is to conserve recreation land and/or natural features may, but shall not be required to, accept the conveyance of fee simple or less-than-fee simple interests in any portion of the recreation land, provided that:

(1) Any private, non-profit conservation organization intended to be the grantee of a conveyance shall be acceptable to the Borough as a bona fide conservation organization with perpetual existence.

(2) Any conveyance shall contain appropriate provisions for proper reverter or retransfer in the event that the grantee becomes unwilling or unable to continue carrying out its function.

(3) A maintenance agreement acceptable to the Borough shall be established between the owner and the grantee.

M. Recreation land may be controlled with condominium agreements that shall be approved by the Borough and be in conformance with Pennsylvania law. All land and facilities shall be held as "common element" as defined by Pennsylvania law.

N. Recreation land may be held in common ownership by a homeowners association, subject to all the provisions set forth herein and Pennsylvania law. In addition, the homeowners association shall be governed according to the following:

(1) The owner or applicant shall provide to the Borough a description of the organization, including its by-laws, and all documents governing maintenance requirements and use restrictions for recreation land, and the homeowners association agreement shall be recorded.

(2) The organization shall be established (with financial subsidization by the subdivider or developer if necessary) before any lot in the subdivision or building in the development is sold.

(3) Membership in the organization and fees shall be mandatory for all purchasers of property therein and their successors.

(4) The organization shall be responsible for the maintenance of insurance on the recreation land.

(5) The members of the organization shall share equitably the costs of

maintaining, insuring, and operating the recreation land.

(6) The subdivider or developer for any tract proposed to contain recreation land shall arrange with the Montgomery County Board of Assessment a method of assessment of the common facilities which will allocate to each tax parcel in the development a share of the total assessment for such recreation land. Where this alternative is not utilized, the organization shall be responsible for applicable real estate taxes on common facilities.

(7) The organization shall have or hire adequate staff, as necessary, to administer, maintain and operate the recreation land.

(8) The organization shall have the power to compel contributions from property owners therein to cover their proportionate shares of the initial cost and costs associated with the maintenance and upkeep of the recreation land.

O. *Guarantees and Agreements.* Every applicant for subdivision and land development, whether preliminary or final, shall be accompanied by a form of agreement or agreements to be approved by the Borough. The agreements shall be properly recorded simultaneously with the recording of the final plan, and shall specify the following:

(1) The subdivider or developer agrees that he shall lay out and construct all recreation land areas in accordance with the final plan as approved, where any or all of these improvements are required as conditions of approval, and that the improvements shall be completed within the time or times specified by the Borough.

(2) The subdivider or developer, at the Borough's discretion, shall be required to place in an escrow account for a period of three years, an amount of financial security to cover the costs of providing all recreation land requirements established as conditions for final approval of the plan.

(3) The Borough is authorized to make random inspections of non-dedicated municipal recreation land as deemed necessary and appropriate to ensure that the subdivider or developer and any successors duly perform, abide by, and complete any duties, obligations, or requirements as set forth in the final plan and/or formal agreements.

(4) The Borough shall be granted the right to enforce the deed restrictions regarding the use and maintenance of the recreation land if the organization fails in its responsibilities. The amount of financial security necessary to reimburse the Borough for its expense of performing remedial measures shall be forfeited by the subdivider or developer.

(a) In the event that the entity charged with maintenance responsibilities, or any successor thereto, fails to maintain all or any portion of the recreation land in reasonable order and condition in accordance with the development plan and all applicable laws, rules, and regulations, the Borough may serve written notice upon such entity, upon the residents and owners of the uses relating thereto, setting forth the manner in which the entity has failed to maintain the recreation land in reasonable condition.

(b) Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of their responsibilities, in which case the Borough may enter the premises and take corrective action.

(c) The financial security funds in the applicant's escrow account, if any, may be forfeited, if applicant is in violation of (a) and/or (b) above and any permits may be revoked or suspended. If the funds of the escrow account are insufficient to pay the costs of remedial maintenance, the costs of corrective action by the Borough shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties. The Borough, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the Office of the Prothonotary of Montgomery County, upon the properties affected by such lien.

(5) All plans finally approved, whether or not recorded, shall be binding upon the subdivider or developer, his heirs, executors, administrators, successors and assigns; shall limit and control the use and operation of all recreation land designated in such plans, to the conditions appearing in such plans and cited in any associated formal agreement for the approval thereof.

(Ord. 1005, 5/23/2011)

§22-417. Renewable Energy Resources.

Renewable energy resources including: solar energy, wind power, biomass, geothermal energy and hydropower (electric) should be seriously considered in the design of land developments and subdivisions. The siting of renewable energy resources will be considered an important factor when looking a requests for waivers to this Chapter.

A. *Solar Access.* Subdividers, developers, or builders are encouraged to consider the following standards in subdivisions and land developments protect solar access and reduce the impact of heat.

(1) *Streets.* In planning a subdivision or land development to protect solar access, the street system shall be oriented to the extent possible in an east-west direction.

(2) *Lot Angles.* Side lot lines shall be laid out in a north-south direction where the resulting angle with the street line is not less than 30 degrees. A variation of up to 25 degrees east or west of the north/south axis of the side lot lines shall be permitted.

(3) *Building Orientation.* Buildings should be located so as to receive unobstructed sunlight on the south wall of their long axis. At least 25 percent of the structures shall have solar access.

(4) *Street Trees.* Street trees shall be planted by the subdivider, developer, or builder along all streets in the development with due consideration of solar access and shading. The trees should not impede solar access.

(a) *Open Space*. Where open space is being provided as part of the subdivision or land development, it shall be located, whenever possible, to provide a buffer from the shading effects of taller structures on existing or proposed shorter structures.

(*Ord. 1005, 5/23/2011*)

Part 5**Improvement Construction Requirements****§22-501. Applicability.**

Before the final plan is signed and made ready for recording or prior to the issuance of any permits needed for construction or occupancy of any subdivision or land development, all applicants are required to complete to the satisfaction of the Hatboro Borough Council all required improvements in the manner set forth in this Part.

(Ord. 1005, 5/23/2011)

§22-502. Completion or Guarantee of Required Improvements.

1. No final plan shall be approved until the applicant has either:

A. Completed all of the improvements required by Borough Council for final plan approval, in compliance with the requirements of this Chapter.

B. Provided a proper financial security for those improvements, as required by this Part, in compliance with the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, to cover the estimated costs for completion of those improvements.

2. The work completed or guaranteed shall be in strict accordance with the approved plans and the requirements of this Chapter.

3. No lot or condominium in a subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development shall be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements in connection therewith have either been completed or guaranteed for completion as required herein.

4. The plans shall show that any development in any floodplain area shall comply with the Floodplain Ordinance and the UCC [Chapter 5, Part 1].

5. *Deferral or Waiver of Required Improvements.* The Hatboro Borough Council may defer or waive at the time of final plan approval, subject to appropriate conditions, the provision of any or all required improvements, as in its judgment, are not requisite in the interests of public health, safety and welfare, or which are inappropriate due to the inadequacy or nonexistence of connecting facilities. A separate public improvement agreement may be executed by Borough Council guaranteeing completion of any deferred improvement.

(Ord. 1005, 5/23/2011)

§22-503. Financial Security.

1. In lieu of the completion of improvements required for final plan approval, financial security, in an amount required, shall be guaranteed to the Borough in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.* Such financial security shall ensure the complete installation of all the required improvements to be completed on or before the date fixed in the plan approval, subdivision agreement, and/or development agreement for

completion of such improvements.

2. The amount of such security to be posted for the completion of required improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the required financial security by comparing the actual cost of improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to ensure that the financial security equals said 110 percent. Any additional security shall be posted by the developer in accordance with this subsection.

3. In determining the cost of the completion of improvements for setting the amount of financial security required in subsection .2, such cost shall be based upon an estimate of the cost of completion of required improvements submitted by the applicant or developer, and prepared by a professional engineer and certified to be fair and reasonable. The Borough, under recommendation of the Borough Engineer, may refuse to accept the estimate for good reasons provided to the applicant. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer which is mutually chosen by the Borough and the applicant. The estimate certified by the third engineer shall be presumed to be fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant.

4. When requested by the applicant in order to facilitate financing, Borough Council shall furnish the applicant with a signed copy of a Resolution indicating approval of the final plan contingent upon the applicant obtaining a satisfactory financial security. Final plans shall not be signed nor recorded until the financial improvements agreement is executed. The Resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days, unless a written extension is granted by Borough Council.

5. The Borough at its option, may accept financial security in cash, in the form of an irrevocable letter of credit, escrow account or surety bond with a bonding company or Commonwealth or Federal chartered lending institution chosen by the party posting financial security provided said institution or company is authorized to conduct such business in Pennsylvania.

(Ord. 1005, 5/23/2011)

§22-504. Release From Liability.

Borough Council may release all or parts of the posted financial security as completion of improvements proceeds, in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

A. *Partial Release of Security.* As the work of the installation of the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, such portions of the financial security necessary for the payment of the contractor or contractors

performing the work. Any such request shall be done in writing addressed to the Borough, in a form or format acceptable to the Borough. Upon receipt of the request for release of a portion of the improvement security, the Borough shall within 45 days allow the Borough Engineer to certify, in writing, that such portion of the improvements has been completed in accordance with the approved plan at which time the Borough shall authorize the release to the applicant or his designee by the bond company or lending institution of an amount of funds that the Borough Engineer feels fairly represents the value of the work completed. The Borough may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of 10 percent of the estimated cost of the aforesaid improvements. Release of security does not constitute acceptance of the work by the Borough.

B. *Incomplete Improvements.* If the required improvements are not completely installed within the period fixed or extended by Borough Council, Borough Council may:

(1) Declare the financial security in default and require that all improvements be installed regardless of the extent of the building development at the time the agreement is declared in default.

(2) Suspend final plan approval until the development improvements are completed and record a document to that effect for the purpose of public notice.

(3) Obtain funds under the security and complete improvements.

(4) Assign the right to receive funds under the security to any third party, including a subsequent owner of the property wherein improvements were not completed in exchange for that subsequent owner's promise to complete improvements.

(5) Exercise any other available rights under the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

C. *Post-Completion Security.* The applicant shall be responsible for maintenance of all improvements until and unless they are offered for dedication and accepted by the Borough. Fifteen percent of the financial security may be held back to ensure that the public improvements are maintained until they are dedicated.

(Ord. 1005, 5/23/2011)

§22-505. Inspection of Work and Materials.

1. *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 the Borough during the progress of the work. The subdivider, developer or builder shall pay the reasonable and necessary expenses for inspections, in accordance with the fee schedule established by Resolution of Borough Council.

2. *Improvement Specifications.* All required road improvements shall be constructed in accordance with the applicable provisions of the Pennsylvania Department of Transportation, Publication Form 408, current edition, including the

latest revisions and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications found in the Part 7, Technical and Engineering Standards.

A. *Specifications.* The specifications shall be furnished to the applicant by the Borough. If any of the specifications are unavailable at the Borough office, the Borough Engineer shall provide the applicable specifications.

B. *Sample of Materials.* During or after construction of any required improvement, if the Borough requires a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Borough Engineer.

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

(Ord. 1005, 5/23/2011)

§22-506. [Reserved].

(Ord. 1005, 5/23/2011)

§22-507. Conditions of Acceptance.

1. *Conditions.* The Borough shall have no obligation to accept dedication of any street or other improvement but may consider accepting dedication if:

A. The required improvements, utility mains and laterals, and monuments, shown on the approved plan or plans have been constructed to meet all requirements, and are free of defects or deterioration.

B. It is established to the satisfaction of Borough Council that there is a need for the dedication of improvements.

2. *Acceptance.* The Borough shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance or Resolution adopted by Borough Council.

3. *Offer of Dedication.*

A. The applicant shall submit a written offer of dedication to the Borough for the streets or other improvements, including the following:

(1) A deed of dedication covering the improvements.

(2) A copy of a title insurance policy establishing the applicant's clear title to the property.

B. The items required in paragraph .A above, shall be submitted to the Borough Engineer and Solicitor for their review and recommendations.

C. Borough Council may accept dedication of the streets or other improvements by passing an ordinance or Resolution to that effect.

(Ord. 1005, 5/23/2011)

§22-508. Guarantee of Completed Improvements.

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

A. Said financial security shall be of the same type as otherwise required by §22-503, herein.

B. The amount of financial security shall be 15 percent of the actual cost of installation of the improvements.

C. The term of the guarantee shall be 18 months from the date of acceptance of dedication.

D. *Landscaping Security.* The applicant shall be responsible for the full replacement of all dead or diseased trees or shrubs for 18 months after they have been planted. Security in the amount of 15 percent of the full landscaping replacement costs shall be held for a period of 18 months following the planting of the required landscaping. Replacement plantings shall carry the same 18-month replacement period from the date of replacement.

E. *Stormwater Facilities Security.* The applicant shall be responsible for the full replacement of all stormwater facilities for 18 months after they have been installed. Security in the amount of 15 percent of the full stormwater replacement costs shall be held for a period of 18 months following the installation of the required stormwater facilities. Replacement stormwater facilities shall carry the same 18-month replacement period from the date of replacement.

(Ord. 1005, 5/23/2011)

§22-509. Private Maintenance of Improvements.

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

(Ord. 1005, 5/23/2011)

§22-510. Required Contracts/Development Agreements.

Before Borough Council shall cause its approval to be endorsed upon the final plans of any subdivision or land development, and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Borough in the manner and form set forth by the Borough Solicitor which shall include, but not be limited to, the following:

A. To construct or cause to be constructed, at the owners' expense, all streets, curbs, sidewalks, fire hydrants, street lights, drainage facilities, water and sewer facilities, street signs, monuments, capped sewers, parks, and other improvements shown on said final plan when required to do so by Borough Council in accordance with the standards and specifications of the Borough.

B. To maintain at the owners' cost the said streets, curbs, sidewalks, drainage

facilities, water and sewer facilities, street signs, parks, monuments, fire hydrants, street lights, capped sewers, and other improvements, until the same are accepted or condemned by the Borough for public use, and for a period of 18 months thereafter to repair and reconstruct the same of any part of one of them when such repair or reconstruction shall be specified by Borough Council as necessary by reason of faulty construction, workmanship, or materials, and, at or before acceptance of such improvements by the Borough.

C. To install, or cause to be installed, at the owner's expense and without any cost to the Borough for any part of such installation, street lighting facilities on all streets abutting the subdivision.

D. To pay all costs, charges or rates, of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the applicant, until such time as the streets shown on the subdivision plans shall be officially accepted as public streets of the Borough. To indemnify and hold harmless the Borough from and against all suit, actions, claims, and demands for electric service to the streets shown on said plans, or any part thereof, to the time that said streets shall be accepted as public streets of the Borough in the manner hereinabove set forth.

E. Pay the inspection fees required by the Borough.

F. To obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision at his own cost, and obtain from the owner of the lands so abutted or traversed full releases from all damages which may occur due to a change in grade, construction, or otherwise, of the street, drainage facility or other improvements and such releases shall inure to the benefit not only of the owner of the subdivision but to the Borough as well.

G. To promptly remove or cause to be removed snow from the streets as may be required for safe traverse of the streets prior to dedication.

H. To promptly reimburse to the Borough reasonable fees for the Borough Solicitor, Borough Engineer, Borough Planner or other applicable Borough consultant.

I. Such other provision(s) as deemed necessary by Borough Council.

(Ord. 1005, 5/23/2011)

Part 6**Mobile Home Regulations****§22-601. General Applicability.**

1. *Individual Mobile Homes.* Individual mobile homes as defined in Part 2 may be erected on any lot where the use is permitted by the Zoning Ordinance [Chapter 27], provided compliance is made with the zoning requirements and all sections of this Chapter which apply to subdivisions and developments of single-family detached dwellings, and application local or Federal building codes.

2. *Mobile Home Parks.* The provisions of this Part shall be followed in the construction or alteration of all mobile home parks, as defined in Part 2. These provisions are in addition to other applicable regulation of this Chapter. Compliance with the Borough Zoning Ordinance [Chapter 27] is also required.

(Ord. 1005, 5/23/2011)

§22-602. Site Design.

The following regulations shall apply to mobile home parks:

A. *Arrangement of Structure and Facilities.* The tract, including mobile home stands, patios, other dwellings and structures, and all tract improvements, shall be organized in relation to topography, the shape of the plot, and common facilities.

B. *Adaptation to Tract Assets.* Each mobile home unit or other dwelling or structure shall be fitted to the terrain with a minimum disturbance of the land and a minimum elevation difference between the floor level of the unit and the ground elevation under it. Existing trees and shrubs, rock formation, streams, floodplains, steep slopes, and other natural features of the tract shall be preserved to the maximum extent practical. Favorable views shall be emphasized by the plan.

C. *Courts and Spaces.* Groups or clusters of units, so placed as to create interior spaces and courtyards, shall be incorporated whenever feasible.

D. *Orientation.* Mobile homes are encouraged to be arranged in a variety of orientations, and are strongly encouraged to have many units with their long sides facing the street rather than their ends, in order to provide variety and interest.

E. *Street Layout.* Street patterns unrelated to the topography of the site are to be avoided.

F. *Streets.*

(1) *Standards.* All Borough standards for the construction of streets contained in this Chapter shall be adhered to for all streets in and abutting mobile home parks. For streets that are to be maintained as private internal streets, owned and maintained by the mobile home park operator or owned and maintained in common by the residents/owners of the individual lots, the standards shall be as follows:

(a) *Right-of-Way.* There shall be an equivalent right-of-way reserved along those streets with the same width as a public street.

(b) One overflow off-street parking space for each three mobile homes

shall be provided where on-street parking is not allowed. See “Street Standards” in §22-407 of this Chapter.

(c) *Grades.* Gradients on all residential streets shall not exceed 10 percent.

(d) *Cul-de-Sacs.* A paved turnaround area with a minimum radius of 40 feet shall be provided at the closed end of any cul-de-sac street serving as a sole access to 4 or more mobile home units. No permanently-closed cul-de-sac street shall exceed 500 feet in length or serve as the only access to more than 20 mobile home lots.

(e) *Pavement.* Pavement width of all residential streets serving as access to mobile home lots shall be not less than 26 feet. Pavement may be reduced to not less than 20 feet on a street serving as access to no more than 10 mobile home lots where parking is prohibited along the road and off-street visitor parking is provided in common areas within 300 feet of all dwelling units.

(2) *Access Limitations.* Mobile home lots may have direct access only onto streets internal to the development. Direct access from a mobile home lot shall not be permitted onto the streets from which the mobile home park gains primary access.

(3) *Conversions.* Any street built as a private street, and later proposed for conversion to a public street, shall be brought up to the applicable standards for public streets prior to being dedicated as a public way, unless this requirement is waived by the Borough Council subsequent to determining that compliance with the requirement would have a negative effect on the mobile home park.

G. *Pedestrian Circulation.*

(1) *General Requirements.* All mobile home parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for intended use, durable and convenient to maintain between individual mobile homes, mobile home development, all community facilities provided for the residents, and off-site pedestrian traffic generators, such as schools, bus stops, commercial centers, etc. These pedestrian walkways may parallel vehicular streets, or they may form a separate but coordinated system away from streets. Walkways must be provided wherever pedestrian traffic is concentrated and where school children congregate.

(2) *Common Walk System.* Where a common walk system is provided and maintained between locations, such common walks shall have a minimum width of 4 feet. Where these walks parallel streets they shall be separated from the street pavement by a distance of at least 4 feet.

(3) *Individual Walks.* All dwellings shall be connected to common walks, or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of 2 feet.

H. *Parking.*

(1) *Spaces Required.* Two paved off-street parking spaces shall be provided for each dwelling unit on the same lot. Parking for any commercial

or other nonresidential use shall follow the requirements otherwise applicable for such uses.

(2) *Common Parking Areas.* All common parking areas shall conform with the dimensional requirements in §22-407.

(Ord. 1005, 5/23/2011)

§22-603. Common Open Space and Buffers.

1. *Arrangement.* The common space shall be designed as a contiguous area unless the applicant demonstrates to the satisfaction of the Hatboro Borough Council that two or more separate areas would be preferable. The open space shall also have easily identifiable pedestrian and visual accessibility to all residents of the mobile home park, although all units do not have to abut the common open space.

2. *Recreation.* Recreation areas and facilities shall be provided to meet the anticipated needs of the residents of the mobile home park. Not less than 25 percent of the required open space area exclusive of lands within the required buffers, shall be devoted to recreation. Recreation areas should be of a size, shape and topography that is conducive to active and passive recreation, in compliance with applicable zoning requirements.

3. *Buffers.*

A. *General Requirements.* Along all exterior property boundary lines a permanent buffer shall be provided.

B. *Existing Buffers.* In cases where the property line of a mobile home park occurs along natural features which function as buffers, including, but not limited to, mature vegetation, significant grade changes or stream valleys which are likely to be permanently preserved, buffering may be waived along that property line upon approval of the Hatboro Borough Council upon recommendation of the Borough Planning Commission.

C. *Buffer Landscape Plan.* A landscaping plan shall be submitted in accordance with the provisions of §22-413.2 of this Chapter and the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

(Ord. 1005, 5/23/2011)

§22-604. Common Elements.

1. *Maintenance.* Prior to development plan approval, provisions acceptable to Borough Council and the Solicitor for the maintenance of all common elements and common facilities shall be established.

2. *Service Building.* The structure or structures containing the management office and other common facilities shall be conveniently located for the use intended.

(Ord. 1005, 5/23/2011)

§22-605. Utilities.

1. *Water Supply.*

A. *General Requirements.* An adequate supply for domestic, auxiliary and fire

fighting uses shall be provided for all uses included in the mobile home park, including service buildings and accessory facilities, in accordance with the Hatboro Zoning Ordinance [Chapter 27].

B. *Water Distribution System.* All water piping, fixtures and other equipment shall be constructed and maintained in accordance with State and local regulations as well as those of the servicing utility.

C. *Individual Water-Riser Pipes and Connection.*

(1) Individual water-riser pipes shall be located within the confined areas of the mobile home stand at a point where the water connection will approximate a vertical position, thereby insuring the shortest water connection possible and decreasing susceptibility to water pipe freezing.

(2) The water-riser pipe shall have a minimum inside diameter consistent with the standards of the servicing public utility, or in lack thereof, of the Hatboro Engineer, and terminate at least 4 inches above the ground surface. The water outlet shall be provided with a cap when a mobile home does not occupy the lot.

(3) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipes and to protect risers from heaving and thawing actions of ground during freezing weather. Surface drainage shall be diverted from the location of the riser pipe.

D. *Fire Protection.* All mobile home parks shall be provided with fire hydrants to meet the specifications of the Middle States Department Association of Fire Underwriters. In addition, those hydrants shall be in sufficient numbers to be within 600 feet of all existing and proposed mobile homes and other dwellings and structures, measured by way of accessible streets or common areas.

2. *Sewage Disposal.*

A. *General Requirements.* An adequate and safe sewerage system shall be provided in all mobile home parks for conveying and disposing of sewage from dwellings, service buildings and accessory facilities in accordance with the State requirements.

B. *Sewer System.* All sewer lines shall be located trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the water supply system. The system shall be constructed and maintained in accordance with all State regulations, as well as those of the servicing utility.

C. *Individual Sewer Connections.*

(1) Each mobile home stand shall be provided with a sewer riser pipe consistent with the standards of the servicing utility or Hatboro Plumbing Code. The sewer riser pipe shall be located on each stand to connect vertically with the mobile home.

(2) The connection shall have an insides diameter and slope as required by the servicing utility or Hatboro Plumbing Code. All joints shall be water-tight.

(3) All material used for sewer connections shall be semi-rigid, corrosive resistant, nonabsorbent and durable. The inner surface shall be smooth.

(4) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall extend at least ½ inch above ground elevation.

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

(Ord. 1005, 5/23/2011)

§22-606. Permits, Licenses, Fees and Inspections.

1. *Permits and Licenses Required.*

A. *Lots for Sale.* In a mobile home park where lots will be sold individually, no lot to be conveyed shall be developed or mobile home placed or constructed until the final subdivision and/or land development plan has been properly approved and recorded and the proper construction permits have been issued. No mobile home or other structure shall be occupied until a valid occupancy permit has been issued by the Borough.

B. *Lots for Lease.* In a mobile home park where spaces will be leased, the following regulations shall apply:

(1) Valid permit(s) authorizing construction of initial occupancy shall be required from the Borough Code Enforcement Officer.

(2) Final approval of the subdivision and land development application by Borough Council as well as recording of the final plan is required.

C. *Annual Licenses.* In addition to the initial permits, the operator of a mobile home park with lots for lease shall apply to the Hatboro Code Enforcement Officer on or before the first day of each year for an annual license to continue operation of the mobile home park. The Code Enforcement Officer shall issue the annual license upon satisfactory proof that the park continues to meet the standards prescribed by the State agencies having jurisdiction and the standards of this Part and other applicable ordinances. The license so issued shall be valid for 1 year from the date of issuance.

2. *Fees.*

A. Fees for the initial application and preliminary and final approvals of any mobile home park shall be set by Borough Council.

B. The fee for the annual license required for mobile home parks having lots for lease shall be prescribed by regulations of the Hatboro Borough Council and shall be submitted to the Code Enforcement Officer with the application for the annual license.

3. *Inspection.* The same inspection requirements shall apply as apply to any other residential development.

A. In addition, the applicant or developer shall inform the Borough Building Inspector in advance of the installation date of mobile home. The Borough Building Inspector shall inspect the installation to determine if it meets the applicable

government standards.

B. Upon receipt of the application for annual license and before issuing such annual license, the Zoning Officer or other designated representative of the Borough shall make an inspection of the mobile home park to determine compliance with this Part and other applicable ordinances. The Zoning Officer or other representative shall thereafter notify the licensee of any instances of noncompliance and shall not issue the annual license until the licensee has corrected all such violations.

(Ord. 1005, 5/23/2011)

§22-607. Additional Requirements.

1. *Mobile Home Stands.* A concrete pad, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons shall be used for all mobile homes.

2. *Anchoring.* The requirements of the UCC shall apply.

3. *Stability.* All mobile homes placed within a mobile home park shall, prior to occupancy or other use, be affixed to their mobile home stands in such a way so as to prevent tilting of the unit. No mobile home shall permanently rest on the wheels used to transport the unit.

4. *Skirts.* All mobile homes placed within a mobile home park shall, prior to occupancy or other use, have skirts or other approved enclosures installed for protection of the utility connections.

5. *Hitch.* The hitch or tow bar attached to a mobile home for transport purposes shall be removed when the mobile home is placed on its mobile home stand.

(Ord. 1005, 5/23/2011)

Part 7**Technical and Engineering Standards****§22-701. Purposes and Contents.**

This Part contains the best practices, technical and engineering requirements for design and construction of required improvements, utilities, grading and erosion control, survey detail, stormwater drainage, paving, curbing, pathways and sidewalks, emergency access, bridges, signage and markings, lighting, solid waste storage, street names, and easements.

(Ord. 1005, 5/23/2011)

§22-702. Street Improvements.

1. All adjacent structures and areas disturbed or damaged during construction shall be properly repaired, restored, or replaced to the satisfaction of the Borough by the party causing the damage.

2. All trees, roots, stumps, brush, down timber, wood, rubbish and any objectionable material shall be removed from the full legal right-of-way, or as approved by the Borough Engineer. Efforts shall be made during construction of streets to preserve any vegetation specifically identified in the landscaping plan for preservation.

3. *Paving.* The pavement of all streets and all commercial, industrial, and multifamily parking areas and driveways into and out of parking areas shall be installed as shown on the final plan and in accordance with the standards set forth in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

4. *Radii of Pavement and Right-of-Way at Intersections.* Street intersections shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

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

6. *Sidewalk Construction and Driveway Crossing.* Sidewalk construction, including standards established by the Americans with Disabilities Act, and driveway crossing specifications, shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

7. *Bituminous Pathway (Bike/Hiking Path).* Pathways shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

8. *Driveway Apron.* The concrete apron in the driveway area shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by

Resolution of Borough Council.

9. Driveways normally used by not more than 25 vehicles per day shall comply with the standards contained in 67 Pa.Code, Chapter 441, "Access to and Occupancy of Highways by Driveways and Local Roads," §441.8(i)(5), "Grade Requirements Where Curbs and Sidewalks are Present." Driveways normally used by more than 25 vehicles per day shall comply with standards appropriate for their anticipated traffic volumes in conformance with accepted engineering standards and practices. The Borough Engineer shall be consulted for accepted engineering standards and practices.

10. *Maximum Grades for Driveways.*

A. Residential driveways shall not exceed 10 percent grade.

B. All other driveways shall not exceed 7 percent grade.

11. All driveways shall be provided with a stopping area within which the grade shall not exceed 4 percent. The stopping area shall be measured as follows:

A. The length of stopping area shall be a minimum of 20 feet, or the length of the longest vehicles anticipated to use the driveway, whichever is greater.

B. Stopping areas shall be measured from the ultimate right-of-way line for all streets.

12. Maximum grade requirements shall not be waived unless extremely difficult circumstances exist and cannot be mitigated by alternative locations, designs, or lotting, in which case a safe, practical alternative may be permitted by the Hatboro Borough Council, upon recommendation of the Borough Engineer.

13. *Curb Construction.* All curbing shall be constructed be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

(*Ord. 1005, 5/23/2011*)

§22-703. Drainage and Stormwater Management.

1. *General Drainage Provisions.*

A. *Blocks and Lots.* Blocks and lots shall be graded to secure proper drainage away from buildings and to allow the collection of stormwater in catch basins. Minimum 2 percent slopes away from structures shall be required. Slopes of less than 2 percent must have the approval of the Borough Engineer.

B. *Design.* All drainage provisions shall be of such design as to carry surface water to the nearest practical storm drain, detention basin, retention basin or natural watercourse. Where drainage swales are used, they shall not be less than 1 percent grade. The swales shall be sodded or planted as required and shall be of such shape, size, and slope to conform with specifications of the Borough Engineer. Stormwater management facilities must address volume reduction, groundwater recharge, peak rate control, and water quality. Designs must incorporate features that provide aesthetic and wildlife benefits while controlling vectors and other nuisances, including mosquitoes. Stormwater facilities shall be designed based on accepted standards such as those provided in the Borough Stormwater Management Ordinance [Chapter 23], as amended, and the Pennsylvania Stormwater Best Management Practices Manual, as amended.

C. *Construction.* The developer shall construct and/or install such drainage structures and/or pipes which are necessary to prevent erosion damage and to satisfactorily carry off such surface waters to the nearest practical storm drain or natural watercourse, in accordance with current Pennsylvania Erosion Control and Sedimentation Regulations.

D. *Roof Drains.* Roof drainage shall be conveyed per §23-703, "Roof Drains," of the Stormwater Management Ordinance [Chapter 23].

E. *Natural Watercourses.* Drainage easements shall be required along natural watercourses to a minimum width of 20 feet. Where conditions warrant, such as in floodplains, additional width shall be required to convey a 100-year design storm. Staged discharge or water surface profile studies for the design storm may be required to establish high water elevations.

F. *Easements and Dedications.* Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the subdivider, developer, or builder shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge or drainage and for carrying off of such water and for the maintenance, repair, and reconstruction of the same, including the right of passage over including vehicles, machinery, and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The subdivider, developer, or builder shall convey, at no cost to the Borough, easements to the Borough on demand, at the completion and stabilization of all improvements.

2. *Hydrologic Calculations.*

A. Calculations to determine potential runoff shall include hydrologic analysis indicating peak discharge rate and volume of runoff for both pre-development and post-development conditions.

B. *Design Methodology.* The methods of calculation used to determine peak rate and volume of runoff for design of stormwater management facilities shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

3. *Hydraulic Calculations.* All calculations shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

4. *Storm Sewers and Drainageways.*

A. *General Provisions.* All storm drains and drainage facilities such as gutters, catch basins, bridges, inlets, and culverts shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved with the final plan. Construction of these facilities shall generally conform with PennDOT Specifications Pub. 408, latest edition.

B. *When Required.* Storm drains and appurtenances shall be required to be constructed by the subdivider to take surface water from the bottom of vertical grades to lead water away from springs, and to avoid excessive use of cross gutters at street intersections and elsewhere.

(1) Open watercourses will be permitted where they exist naturally and where, in the opinion of the Borough Engineer, they will not interfere with public convenience or safety, but in fact will provide comparable or superior drainage capabilities of piped drainage. Necessary stream corridor improvements including rock stabilization and gabions where necessary shall be performed.

(2) When submitting a plan for approval involving the construction of storm drainage facilities the designer's computations shall be submitted in duplicate to facilitate the checking of design.

(3) Design of storm drainage facilities shall be completed in accordance with accepted engineering practices subject to approval by the Borough Engineer.

C. *Location.* Wherever practical, storm sewers shall be located within the right-of-way of the street. They shall be protected by a cover of at least 18 inches. Trench restoration shall conform to the construction standards of this Part.

D. *Size and Grade.* Storm sewers shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning, and capable of carrying design storms per subsection .2 and the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council. They shall have a minimum internal diameter of 15 inches and a minimum grade of 0.5 percent unless otherwise approved by the Borough Engineer. Maximum internal pipe diameter shall be 60 inches. Special box culverts or open channels shall be used when a 60-inch pipe is not capable of carrying the design storm. Open channels will not be permitted where a conduit equal to or less than 60 inches in diameter can be constructed.

E. *Storm Drainage Pipe Materials.* All storm drainage pipes up to but not including 42 inches in equivalent diameter shall be constructed in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

F. All storm drainage pipe and/or culverts 42 inches in equivalent diameter and above shall be constructed in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

G. *Change in Direction.* Special curved storm drain sections may be used where abrupt changes are made in alignment in lieu of constructing manholes if the circumstances so warrant as approved by the Borough Engineer.

H. *Manholes.* Manholes shall be constructed at all changes in horizontal or vertical alignment; shall be spaced not more than 300 feet apart on pipe of 24 inches internal diameter or less, and not more than 450 feet apart where larger sizes are installed. Inlets may be substituted for manholes where they will serve a useful purpose. Manhole frames and covers shall be good quality cast iron; covers shall be marked "STORM" and have a minimum weight of 220 pounds.

I. *Inlets.* Inlets spacing shall be arranged in compliance with PennDOT Design Manual No. 2 as last revised. Inlet structures shall be designed in

compliance with PennDOT RC-34 as last revised. All inlets within road rights-of-way shall be equipped with PennDOT bicycle safe grates.

J. *Castings*. Manhole and inlet castings, together with their covers or gratings shall conform to PennDOT or Borough Standards, as may be in effect at the time the design of the sewer is submitted.

K. *Unnatural Drainage*. Wherever construction stops or concentrates the natural flow of storm drainage in such a way to affect adjoining properties, approval of the owners shall be obtained in writing and a copy filed with the Borough. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties.

L. *Drainage from Nonnatural Sources*. Water originating from other than natural sources, such as air conditioning units, sump pumps, or other dry weather flow, wherever practicable, shall be discharged into natural watercourses on the property. The discharge of water under the sidewalk through the curb into the gutter is prohibited.

M. *Design Criteria*.

(1) Minimum internal pipe diameter shall be 15 inches.

(2) Open channels shall have a parabolic or trapezoidal cross-section in compliance with accepted engineering practices.

(3) Permissible channel velocities, slopes, and cover shall be in accordance with the DEP Erosion and Sediment Pollution Control Program Manual.

(4) Existing stream channels shall be maintained in their natural state. Only under unusual circumstances will it be permitted to line, straighten, or relocate an existing stream, with approval of DEP and the Montgomery County Conservation District.

(5) Acceptable energy dissipation devices shall be installed to bring discharge velocities down to limits specified in the DEP Erosion and Sediment Pollution Control Program Manual. Rip-rapping and/or gabions may be required by the Borough Engineer where erosion potential is great.

(6) Where open-ended influent pipes cannot be avoided, safety facilities shall be constructed, acceptable to the Borough Engineer.

(7) Storm sewers and culverts shall be sized, based on the design storm, to provide a minimum 1-foot of freeboard at inlets, manholes, and embankments.

5. *Stormwater Detention*.

A. Stormwater detention facilities will be required if one of the following conditions is present:

(1) Runoff from the development would exceed the capacity of downstream stormwater facilities.

(2) Runoff from the development would increase the peak runoff by 1 cubic foot per second (CFS) or more from the existing conditions. One single-family dwelling not requiring subdivision is exempt from this requirement.

(3) Runoff from a proposed parking facility or building would increase the peak runoff from the existing condition.

B. The design criteria for the stormwater detention facility shall be agreed upon by the Borough Engineer. Developers are encouraged to investigate all measures to reduce and detain water, for discharge at a delayed rate or ground water recharge. All reasonable methods will be considered.

6. *Basins or Other Management Facilities.*

A. *General Provisions.*

(1) The design of all stormwater basins must be approved by the Borough Engineer based upon their effectiveness for achieving stormwater control objectives, water quality enhancement, groundwater recharge, ease of maintenance, safety considerations, and conformance to landscape and surrounding uses and activities.

(2) Basins shall be installed prior to any earth moving in the areas that drain into them. The phasing of their construction shall be noted on the plan.

(3) Where basins are required by Borough, adequate maintenance guarantees, indemnification, insurance, and security shall be provided by the applicant and approved by the Borough.

(4) Where feasible, basins shall be developed jointly by abutting landowners, or regionally by several developing landowners.

(5) If a basin is to remain in private ownership, the applicant shall assure proper maintenance in the form of a recorded deed restrictions, bonds, or escrows, as approved by the Borough. The Borough has the right to enter the lot to perform any required maintenance that has not been performed or carried out in a timely manner by the lot owner. The lot owner shall be liable for the cost of any maintenance which is performed by the Borough, the Borough shall place a lien on the property for all costs if the owner refuses to pay them.

(6) Developers are encouraged to use best management practices (BMPs), if appropriate, to provide for additional water quality improvement and groundwater recharge. The methods and design criteria of stormwater controls or BMPs that may be used are described in the Borough Stormwater Management Ordinance [Chapter 23], as amended, and the "Pennsylvania Stormwater Best Management Practices Manual," December 2006, as amended.

(7) A dam safety permit under 25 Pa.Code, Chapter 105, as issued by the Department of Environmental Protection is required for all basins that have dams on a natural watercourse where:

(a) The contributory drainage exceeds 100 acres.

(b) The greatest depth of the impounded water measured at the upstream toe of the dam at maximum storage exceeds 15 feet.

(c) Impoundment storage capacity at the maximum storage elevation exceeds 50 acre-feet.

(8) A dam safety permit under 25 Pa.Code, Chapter 105, as issued by the DEP is required for basins not on a natural drainage course where the greatest depth at the upstream toe of the dam at maximum storage exceeds 15 feet or the impounding storage capacity at a maximum storage elevation exceeds 50

acre-feet.

B. Facility Design.

(1) Basins shall be designed based upon the appropriate hydrologic and hydraulic calculations which have been reviewed and approved by the Borough Engineer. Basin storage capacity must be sufficient to meet the requirements of this Chapter.

(2) Basins shall incorporate curvilinear reflective of surrounding topography.

(3) Minimum grades of stormwater basins shall be 2 percent. Grades of less than 2 percent may be permitted when designed to convey water as approved by the Borough Engineer. The maximum basin side slopes shall be 3 to 1.

(4) The sizing and scale of the basin shall be compatible with other elements of the site.

C. Structural Improvements.

(1) Outlet works and emergency spillways shall be sized to cause detention of and passage of design inflow so as to maintain a 2-foot freeboard for storms up to a 25-year, 24-hour design storm and a 1-foot freeboard for storms up to the 100-year, 24-hour storm.

(2) Emergency spillways, where considered necessary by the Borough Engineer, shall be sized and located to permit the safe passage of stormwater flows from a 100-year storm. The maximum velocities in vegetated spillways excavated in undisturbed soil shall be checked based upon the velocity of peak flow in the emergency spillway during an assumed clogged primary outlet condition. Where maximum velocities exceed design standards contained in the Erosion and Sediment Pollution Control Manual, suitable lining shall be provided. All emergency spillways placed on fill materials shall be lined. Lining for emergency spillways shall incorporate native colors and materials where possible including mono slab revetments, grass pavers and native stone.

(3) *Inlet Structures.* The invert of the inlet pipe into a basin shall be 6 inches above the basin floor or lining so that the pipe can adequately drain after rain storms. Inlets shall discharge into areas of the basin that slope toward the outlet structure. Inlet and outlet structures shall be located at a maximum distance from each other in order to promote water quality benefits. The Borough Engineer may require a rock filter or rock filled gabion for entrapping sediments carried in stormwater if sufficient separation of inlet and outlet structure cannot be achieved.

(4) *Energy Dissipators.* Devices to dissipate or spread stormwater flow shall be installed at points where pipes or drainageways drain into or from a basin. Energy dissipators shall comply with criteria in Hydraulic Engineering Circular No. 15, Design for Stable Channels with Flexible Linings, published by the Federal Highway Administration, or the DEP Erosion and Sediment Pollution Control Program Manual.

(5) *Outlet Structures.* To minimize clogging and to facilitate cleaning, outlet pipes shall have an internal diameter of at least 18 inches and a

minimum grade of 1 percent. Anti-seep collars shall be located on all outlet pipes. All principal outlet structures shall be built with reinforced concrete with watertight construction joints. The developer shall consider the use of architecturally treated concrete, stucco, painted surface or stone facade treatment for enhancing the outlet structure. Outlet pipes shall be constructed of reinforced concrete with rubber gaskets in conformance with AASHTO M170, M198 and M207. Child proof trash racks or anti-vortex devices shall be constructed at all outlets and designed to facilitate cleaning and avoid clogging caused by debris.

(6) *Stabilization*. Prior stabilization, structures including stilling basins, energy dissipators, and channel lining shall be constructed at the outlets of all basins and emergency spillways. The stabilization structures shall control water to avoid erosion, reduce velocities of released water and direct water so that it does not interfere with downstream activities.

(7) *Wet Basins*. Existing ponds or permanent pool basins can be used provided that they meet the following criteria:

(a) The minimum permanent pool level shall be maintained to allow sufficient depth throughout the year to reduce the growth of unwanted vegetation and mosquitoes.

(b) The pond must be of sufficient size to allow the appropriate aquatic community needed to maintain a healthy pond ecology.

(c) An outlet structure shall be designed to allow complete drainage of the pond for maintenance.

(d) The applicant shall submit wet basin planting schedule and method for mosquito control.

The design of a detention facility with a permanent pool shall include the determination of the proposed site's ability to support a viable permanent pool. The design shall take into account for such factors as the required rate and quality of dry weather inflow, the quality of stormwater inflow, seasonal and longer term variations in groundwater table, and effects of suspected pollutant loadings.

(8) *Basins with Gabion Dams*. Gabion outlet control structures for stormwater basins shall be filled with rocks 6 inches to 8 inches in diameter. Outlet flow through the gabions shall be calculated by the following equation:

$$Q = (.40 \times h \times w^2) / L$$

where: Q = flow in cubic feet per second (CFS)

h = height of ponding in basin (feet)

w = width of stone structure (feet)

L = average structure thickness
(top of berm + bottom of berm)/2

(9) *Underground Basins*. Underground stormwater detention systems can be used where sufficient space is not available for above-ground systems or where underground storage systems are recharging groundwater.

(10) Developers are encouraged to use best management practices (BMPs),

if appropriate, to provide for additional water quality improvement and groundwater recharge. The methods and design criteria of stormwater controls or BMPs that may be used are described in the Borough Stormwater Management Ordinance [Chapter 23], as amended, and the “Pennsylvania Stormwater Best Management Practices Manual,” December 2006, as amended. In evaluating potential stormwater BMPs, the order of preference shall be as follows:

- (a) Infiltration BMPs.
- (b) Wet ponds.
- (c) Artificial wetlands.
- (d) Minimum first flush detention or dual purpose detention (where appropriate).

7. *Design Submission.*

A. All plans showing the proposed storm sewer construction must be accompanied by a complete design prepared by a registered engineer.

B. When subdivisions or land developments are submitted to the Borough Engineer for approval in sections, a complete storm sewer design for the proposed subdivision and land development shall be submitted. The proposed design must include the entire tract and not a portion.

C. If only a section of a subdivision or land development is contemplated for construction, the applicant's engineer shall show how he proposes to handle stormwater from this Section in order to prevent damage to adjacent properties. If temporary construction is required, the applicant's engineer shall include such structures in the plan submitted.

D. In the event such temporary measures cannot ensure protection to adjacent properties, then the main outfall line of the storm sewer shall be included as part of the construction for the proposed section.

(Ord. 1005, 5/23/2011)

§22-704. Utility Locations, Easements, and Rights-of-Way.

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

A. *General Standards.*

(1) Easements and required front, side or rear yards may co-occupy the same land.

(2) Nothing shall be permitted to be placed, planted, set or put within the areas of an easement unless it is a portable or removable object. The area shall be kept as lawn.

(3) The owner of any lot, upon written request by the Borough and at the owner's sole expense, shall remove anything placed, planted, set or put, (with or without knowledge of these regulations) within the area of any easement.

(4) To the fullest extent possible, easements shall be adjacent to rear or side lot lines, and occupying only a portion of one lot (not centered on two lots).

B. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan. Any error found in a deed shall be immediately corrected and re-recorded in the Montgomery County Office of the Recorder of Deeds, at the sole expense of the subdivider or developer.

C. *Utility Easements.* A minimum width of 20 feet shall be provided for common utilities and drainage when provided in undedicated land for one use. Multiple utility uses within one easement require additional easement width.

D. *Public Utilities.* All water, sewer and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the Borough Engineer.

E. *Underground Utilities.* All water, sewer and gas mains shall be installed underground. All electric, telephone and communication services, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services, except where it is demonstrated to the satisfaction of Borough Council that underground installations herein required are not feasible because of physical conditions of the lands involved. All main underground cables which are within the right-of-way of a street shall be located as specified by the utility company, subject to approval by Borough Council, upon recommendation of the Borough Engineer.

(1) In order to promote and facilitate the underground installation of utility distribution lines, a letter of endorsement shall be required from the suppliers of utility service (not limited to electrical, telephone, or cable television) of the developer's choice wherein the applicant acknowledges that underground utilities are feasible and shall be consummated as part of the improvement plan.

(2) A statement relative to the intent of the developer to provide underground utility service shall be placed on the final plan requisite to final approval of the plan.

(3) The provisions in this 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 within public easements or rights-of-way designated for such purposes.

(4) Lighting is to be located as required by ordinance. Power source for such standards shall be placed underground as required.

(5) Along arterial and collector streets, all new electrical service shall be placed underground.

(Ord. 1005, 5/23/2011)

§22-705. Wastewater Facilities.

1. Any new lot or principal building shall be connected to the public sanitary sewage system.

2. *Sewage Facilities Design.* The design and installation of sewage facilities shall be done in accordance with applicable DEP requirements, applicable public sanitary

sewage authority requirements, applicable utility owner requirements, and applicable Borough requirements.

(Ord. 1005, 5/23/2011)

§22-706. Water Supply.

1. The subdivider or developer shall provide public water service to each dwelling and principal building lot in a subdivision or land development.

2. Fire hydrants shall be located at accessible points throughout the subdivision when centralized water supply is available, and shall be located in accordance with the Borough Engineer, Borough Fire Marshal, and municipal authority or water company. Hydrants shall be located at each street intersection and at intermediate points as approved by the Borough Engineer and Borough Fire Marshal. Generally hydrant spacing may range from 350 to 600 feet depending upon the area being served. The type and methods of construction to be employed in the installation of fire hydrants shall be in accordance with current regulations of the water supplier.

3. *Public Water Supply Facilities Design.* The design for public water supply facilities shall be in accordance with the DEP Water Supply Manual.

(Ord. 1005, 5/23/2011)

§22-707. Erosion and Sediment Control.

Each subdivision and land development shall comply with erosion and sediment control regulations of DEP, the Montgomery County Conservation District, and the Borough Stormwater Management Ordinance [Chapter 23], as amended.

A. *General.* For qualifying tracts, no changes shall be made in the contour of the land; no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been approved by the Montgomery County Conservation District.

(1) No subdivision or land development plan shall be approved unless: (a) there has been a plan approved by Borough Council that provides for minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Borough. The form of an escrow guarantee which will ensure installation and completion of the required improvements shall be of the form specified in Part 5; or, (b) there has been a determination by the Montgomery County Conservation District that a plan for minimizing erosion and sedimentation is not necessary.

(2) Borough Council, in its consideration of any 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 DEP. All applicable regulations and permit requirements of said Department as stipulated in its Soil Erosion and Sedimentation Pollution Control Manual shall be followed by all parties engaged in earth-moving activities.

B. *Performance Principles.*

(1) Any effective methods of minimizing erosion and sedimentation can be included in the plan. Any questionable method shall be discussed with the Borough Engineer prior to submission.

(2) No unfiltered stormwater coming from an area which has been disturbed shall be permitted onto an adjacent tract or discharge into any water body.

C. *Responsibility.*

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development activity, it shall be the responsibility of the 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) It is the responsibility of any person, corporation, or other entity doing any act on or across a 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.

(3) 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 stream or watercourse without having obtained prior approval from the Borough or DEP, whichever is applicable.

D. *Compliance with Regulations and Procedures.*

(1) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required under Part 5 of this Chapter.

(2) The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plans of subdivision or land development, and become a part thereof.

(3) At the time that a building permit is applied for, a review shall be conducted by the Borough Engineer to ensure conformance with the plan as approved. During the construction, further consultative technical assistance will be furnished, if necessary, by the Borough Engineer and the Montgomery County Conservation District. During this development phase, the Borough Engineer shall inspect the development site and enforce compliance with the approved plans.

(4) Permission for clearing and grading prior to recording of plans or receipt of final plan approval may be obtained under temporary permits or other conditions satisfactory to the Borough, at the applicant's risk.

(5) In the event the developer proceeds to clear and grade prior to recording plans, without satisfying conditions specified under subparagraph (4), Borough Council may revoke the approval of the preliminary plan.

(Ord. 1005, 5/23/2011)

§22-708. Bridges and Culverts.

1. Bridges and culverts shall be designed to meet current PennDOT standards to support expected loads and to pass design stormwater flows. They shall be constructed to the full width of the planned cartway. Allowance for sidewalk must also be made, if required by the Borough.

2. Where County-owned roads or bridges are involved, the County Engineer must review and approve all proposals.

3. It is unlawful to construct any dam or other water obstruction, or to make any change in or addition to, any existing water obstruction, or in any manner change or diminish the course, current, or cross-section of any stream or body of water, without first having made written application to and obtained a permit or consent in writing from DEP.

4. The following information is required: drawings to include location plan; cross-section of present bridge if one exists; profile of stream for a reasonable distance above and below bridge site, showing slopes of bed, normal water surface and flood water surface. If the bridge is on a skew, give the angle of the center line of the bridge with the direction of the line of flow. In addition, the following information is required for new bridge construction: the total drainage area above the bridge site; description of watershed; length of stream from source to bridge site and to the mouth; character of stream bed and banks; extent and depth of overflow during floods; effect of previous floods upon bridges, their span and clearance; and whether bridge will be within backwater influence of parent stream.

5. A complete set of structural computations and drawings shall be submitted with plans involving construction of bridges and culverts.

(Ord. 1005, 5/23/2011)

§22-709. Survey Monuments.

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

2. *Lot Pin Requirements.* All lots upon which construction is planned shall be temporarily staked or pinned, or permanently monumented and certified to such by a registered surveyor for the owner, subdivider, builder, or developer, before issuance of a building permit. A signed certificate of compliance must be submitted with a building permit application. Temporary stakes or pins with a surveyor's ribbon attached may be acceptable on existing lots where construction of an accessory building or an addition to the primary structure is proposed, only if construction is begun within 30 days of the

certificate of compliance date. Temporary stakes or pins shall remain in place until witnessed and accepted by the Borough Building Inspector. Prior to final approval of a new subdivision plan, all new lot corner markers shall be marked with a minimum $\frac{5}{8}$ inch diameter metal pin extending at least 24 inches into the ground and at least 1 inch revealed above the ground surface, or an equivalent metal marker, approved by the Borough Engineer. Upon completion of construction and final grading, pins shall be replaced with permanent monuments as described in subsection .1.

3. *Original Monuments.* In situations where they may be of legal or historical importance, the original monuments and marks must not be destroyed, defaced, hidden, or possibly confused by creating new monuments and marks unless absolutely necessary, e.g., the originals are decayed, destroyed, or unsafe. In some cases, to be determined by the Borough Engineer, new monuments shall be set as a reference or witness to the original monument to avoid disturbing the original. When in the opinion of the Borough Engineer, the angle point falls in a location that is not appropriate to set a concrete monument, a written request for a waiver shall be submitted for consideration by Borough Council.

4. *Bench Marks.* The Borough elevations are based on the USGS datum. Location and elevation is available to all engineers and surveyors upon request to the Borough Engineer's Office. All contours and elevations shown on the plan must be based on this system.

(Ord. 1005, 5/23/2011)

§22-710. Emergency Accessways.

1. Minimum cartway width shall be 10 feet.
2. When paved, pavement shall conform to the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.
3. When not paved, the cartway shall be constructed of crushed stone of appropriate size, depth, and compaction to support the largest generally serving fire trucks under all weather conditions. Placed on top of the 6 inches of crushed stone shall be an interlinked porous pavement constructed of fiber reinforced polyethylene or concrete grass pavers. All void areas shall be filled with topsoil and seeded with an appropriate grass mix.
4. Markings or appropriate form of identification shall be placed at the entrance to the emergency accessway. If necessary, break away bollards shall be installed at each end of the emergency accessway.
5. Emergency accessways shall be maintained through properly recorded easements or deed restrictions which at a minimum prohibit the planting of any vegetation except grass within the accessway.

(Ord. 1005, 5/23/2011)

§22-711. Lighting.

1. A. The applicant shall provide and install street lights in locations determined to be necessary by the Borough. The Borough may also require that street lights be provided and installed by the applicant along private streets.

B. The design of the street light fixtures and poles shall be subject to approval by the Borough. Where a predominant design of luminaries and poles has been established, the Borough may require that such design be used in new lights.

C. Lighting shall be designed in accordance with standards developed by the electric utility provider. The Borough may require that lighting meet standards recommended in the IESNA Lighting Handbook. Construction of highway lighting shall be in conformance with PennDOT Specifications Publication 408, most recent edition.

2. *Outdoor Lighting.*

A. Permanent outdoor lighting is required in places where public health, safety and welfare are potential concerns. The outdoor lighting section shall protect drivers and pedestrians from the glare of non-vehicular light sources that shine into their eyes and thereby impair safe traverse, protect neighbors and the night sky from nuisance glare and stray light from poorly aimed, placed, applied, maintained or shielded light sources.

B. The requirements herein apply where outdoor lighting is required by Borough ordinance, is otherwise required by the Borough, or is proposed by the applicant. The requirements contained herein also apply to sign, architectural, and landscape lighting. The requirements herein do not apply to streetlights and traffic lights located in the public right-of-way and owned by the Borough of Hatboro.

3. *Plan Submission.*

A. Lighting plans shall be submitted for review and approval of any lighting installation in connection with a land development application for any use identified in this Section.

B. Lighting plans shall include the following:

(1) A site plan, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent use(s) that might be adversely impacted by the lighting, and containing a layout of all proposed fixtures by location and type.

(2) Description of the proposed equipment shall be included, including fixture catalog cuts, photometrics, glare reduction devices, lamps and mounting heights.

(3) When requested by Borough Council, the applicant shall also submit a visual impact plan that demonstrates appropriate steps have been taken to mitigate on-site and off-site glare, including, but not limited to, a plot plan with a matrix of the calculated footcandles with measurements 10 feet into the neighboring properties, including those on the opposite side of a public right-of-way or public roadway, at 5 feet above ground.

C. Notification must be sent to the Borough Engineer before any post-approval alterations to lighting plans or intended substitutions for approved lighting equipment are made. Post-approval alterations or intended substitutions to the approved lighting plan must meet the requirements of the originally approved plan.

4. *Design Standards.*

A. All lighting fixtures for off-street parking areas, off-street loading areas, driveways and for safety of persons and property must meet IESNA full cutoff.

B. All fixtures for pedestrian areas and walkways must meet IESNA full cutoff.

C. Maximum heights of light fixtures, including the mounting base, are as follows:

(1) Eight feet at a property line which abuts a nonresidential zoned property and the height may rise 1 foot for every 3 feet in distance away from the property line, to a maximum of 30 feet.

(2) Eight feet at any spot within 5 feet of a residential zoned property and the height may rise 1 foot for every 3 feet in distance away from the property line, to a maximum of 30 feet.

5. *Performance Standards.*

A. All lighting shall be effectively shielded and shall be installed and/or aimed so as to shield nearby public or private properties from direct glare that may create a safety hazard.

B. Illumination trespass standards from one property to another shall be as follows:

(1) In no case shall illumination exceed 0.5 footcandles, when measured, line of sight, at the property line of an aggrieved property of nonresidential use.

(2) In no case shall illumination exceed 0.3 footcandles, when measured, line of sight, at the property line of an aggrieved property of residential use.

C. Architectural lighting, as defined by this Section, shall be aimed or directed so as to preclude light projection beyond the immediate object or objects intended to be illuminated. All such lighting shall be extinguished between the hours of 10 p.m. and 6 a.m.

D. Glare control shall be accomplished primarily through the proper selection and application of lighting equipment. Only after those means have been exhausted shall vegetation, fences and similar screening methods be considered acceptable for reducing glare.

6. *Enforcement and Compliance.*

A. The landowner is responsible if found to be noncompliant to the lighting plan approved by the Borough Council. The Borough may conduct a post-installation inspection to verify compliance to the approved plan. After installation, the Borough, by way of an authorized enforcement officer, may require the landowner, at the landowner's expense, to make adjustments, remedial measures, or other means to comply with the approved lighting plan.

B. Notwithstanding the installation date or pre-existing conditions of a lighting fixture or arrangement, if the Borough determines that the standards set forth are not met, the Borough, by way of an authorized enforcement officer, may require the landowner, at the landowner's expense, to make adjustments, remedial measures, or other means to comply with the lighting standards.

C. Notwithstanding the above requirements of this Section, if at any time the

Borough deems a lighting fixture or arrangement to be a potential safety hazard or nuisance, it may, at the landowner's expense, require the landowner to make adjustments, remedial measures, or other means to mitigate or prevent the potential hazard or nuisance.

D. The measurement of the amount of illuminance, in footcandles, shall be at the spot where the lighting fixture or arrangement is causing the potential nuisance.

E. The Borough reserves the right to conduct post-construction inspections to confirm all outdoor lighting fixtures and arrangements, including architectural lighting, comply with the ordinance standards.

(Ord. 1005, 5/23/2011)

§22-712. Street Names.

1. *Street Signs.* The developer shall erect at every intersection a street sign or street signs having thereon the names of the intersecting streets. At intersections where streets cross, there shall be at least two such street signs and at the intersections where one street ends or joins another street, there shall be at least one sign. Street signs shall be erected before the first dwelling on the street is occupied. Temporary street signs may be erected with the permission of Borough Council. Any temporary signs will be replaced prior to roadway dedication. Street sign letter size shall conform to standards established pursuant to the Americans with Disabilities Act. Street sign color and design shall reflect the style prevailing in the Borough as interpreted by the Borough Engineer.

2. *Street Names.* Street names shall be determined in consultation with the Borough. Street names shall bear a reasonable relationship to significant natural features or history of the community. Efforts shall be made to reduce the occurrence of similar names or similar sounding names within the Borough or postal delivery area.

(Ord. 1005, 5/23/2011)

§22-713. Plant Materials Specifications.

1. A. All street trees shall be selected and installed to the standards contained in the Borough Shade Tree Regulations [Chapter 25, Part 1].

B. All other required planting shall be in accordance with the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

2. *General Requirements.*

A. The location, dimensions, and spacing of required plantings shall be adequate for their proper growth and maintenance taking into account the sizes of such plantings at maturity and their present and future environmental requirements and tolerances including wind, moisture, sunlight, pests and diseases.

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

3. *Plant Specifications.* All plants shall meet the standards set forth in the Borough of Hatboro Specifications and Design Standards, incorporated herein by reference and as may be amended from time to time by Resolution of Borough Council.

4. *Maintenance.*

A. Required plant material shall be perpetually maintained to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive landowners to ensure that the required plantings are properly maintained. Dead or diseased plant materials shall be removed or treated properly by the landowner and replaced during the next growing season.

B. *Safety.* All sight triangles shall remain clear, and any plant materials that could endanger safety such as unstable limbs shall be removed and the plant materials shall be replaced if necessary. It shall be the responsibility of all property owners to maintain all plantings and architectural elements to ensure a safe environment.

C. Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer, to be used by grounds maintenance personnel.

D. *Replacement.* Any tree or shrub which 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 is deemed, in the opinion of Borough, not to have survived or not to have grown in a manner characteristic of its species, shall be replaced. Substitutions for certain species of plants may be made with the approval of the Borough.

E. Landscaping shall also be planted around all detention basins, except in locations where such landscaping would obstruct stormwater flows, emergency spillways or sight distance.

(Ord. 1005, 5/23/2011)

Part 8**Traffic Studies****§22-801. Applicability.**

Due to the need to better define the impacts of a proposed project upon the community and surrounding environment, Hatboro Borough may require the preparation of special studies in accordance with this Part.

(Ord. 1005, 5/23/2011)

§22-802. Traffic Impact Study.

1. *Purpose.* This study and report will be used to assess the effect of a proposed subdivision, land development, or zoning change on the transportation system in Hatboro Borough. The purpose of the study is to ensure that proposed developments or zoning changes do not adversely affect the transportation network, to identify any traffic problems associated with site access, to determine traffic problems on Borough, County or State streets in the vicinity of the proposed project and to determine where future streets are required. The study also will assist in the protection of air quality, the conservation of energy, and the safety of the motoring public. The study will also present specific determination of necessary traffic control signing (i.e., stop signs, speed limit signing, warning signs, no parking signing, etc.), conforming to applicable Commonwealth regulations and applicable Hatboro Borough requirements.

2. *Conduct of Traffic Management Study.* The traffic management study shall be prepared by a qualified engineer and/or transportation planner with previous traffic study experience. The requirements, procedures, and standards for a traffic management study are set forth in subsection .4.

3. *Definitions.*

Study area—this area will extend along all borough, county, and State roads serving the development and will extend to all major intersections along all roads within ½ mile of the site involved. Where doubt exists, the qualified traffic engineer and/or transportation planner will seek guidance from Hatboro Borough and/or the Borough Engineer prior to the submission of the study.

Major intersection—any intersection, where traffic generated by the proposal will have a significant effect on the flow of traffic through the intersection. Where doubt exists, the qualified traffic engineer and/or transportation planner shall seek guidance from the Borough and/or the Borough Engineer prior to the submission of the study.

Volume/capacity analysis—this procedure compares the volume of a traffic facility to its capacity. The procedure described in the latest version of the Highway Capacity Manual, Transportation Research Board, Special Report 209, shall be followed.

Queue analysis—this procedure includes the average queue and maximum queue of vehicles which will be observed in each traffic stream and intersection approach, measured in both feet and vehicles. Various statistical and/or computer

models may be applied.

Level-of-service—this evaluation is defined in the latest version of the Highway Capacity Manual, Special Report 209, operational conditions within a traffic stream (or at an intersection approach). Level-of-service is indicated by speed, travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Six levels of service are defined for each type of traffic facility, ranging from A to F. Level-of-service “A” indicates free flow; level-of-service “B” indicates stable flow; level-of-service “C” indicates stable, but inhibited flow; level-of-service “D” indicates high density, restricted stable flow; level-of-service “E” indicates operation at or near capacity; and level-of-service “F” is indicative of flow breakdown.

Trip generation—the total count of trips to and from a study site per unit of land use (i.e., acres, dwelling units, etc.) as established by the most recent edition of the Institute of Transportation Engineers, Trip Generation Report. For land uses not listed in this report or if information is determined through a small sample size, the qualified traffic engineer and/or transportation planner shall seek guidance from Hatboro Borough or designee prior to the submission of the study.

Warrants for traffic signal installation—this is a series of warrants which detail the minimum traffic volume, pedestrian volume, or other criteria necessary for the installation of a traffic signal. These criteria are contained in the most recent edition of the manual on Uniform Traffic Control Devices for Streets and Highways, by FHWA.

4. *General Requirements and Standards for a Traffic Management Study.* A traffic management study shall follow the outline in paragraph .A and include information as contained in paragraph .B.

A. *Traffic Management Study Outline.*

(1) *Introduction.*

- (a) Site and study area boundaries.
- (b) Existing and proposed site uses.
- (c) Existing and proposed nearby development.
- (d) Existing and proposed roadways and intersections.

(2) *Analysis of Existing Conditions.*

- (a) Daily (weekday and Saturday) peak hour traffic volume.
- (b) Volume/capacity analyses at critical points.
- (c) Levels-of-service at critical points.

(3) *Analysis of Future Conditions without Proposed Development.*

- (a) Daily (weekday and Saturday) peak hour traffic volume.
- (b) Volume/capacity analyses at critical points.
- (c) Levels of service at critical points.

(4) *Analysis of Future Conditions with Proposed Development.*

- (a) Trip generation.
- (b) Trip distribution.
- (c) Traffic assignment.

- (d) Daily (weekday and Saturday) peak hour traffic volume.
- (e) Volume/capacity analyses at critical points.
- (f) Levels-of-service at critical points.
- (5) *Recommended Improvements.*
 - (a) Proposed recommended improvements.
 - (b) Volume/capacity analyses at critical points.
 - (c) Levels-of-service at critical points.
- (6) *Conclusions.*

B. *Traffic Management Report Guidelines.* The report made after the study shall be in the following format and contain the following information unless any part of the following requirements are specifically waived by Hatboro Borough:

(1) *Introduction.* The objective of this Section is to clearly identify the land use and transportation setting for the site and its surrounding area.

(a) *Site and Study Area Boundaries.* A brief description of the size, location, general terrain features, proposed land uses, construction, staging, and completion date of the proposed land development. If the development is residential, types of dwelling units, and number of bedrooms shall be included. Also, the description shall include probable socioeconomic characteristics of site users with respect to transportation needs of the site (i.e., number of senior citizens).

(b) *Existing and Proposed Site Uses.* The existing and proposed uses of the site shall be identified in terms of type and zoning classification category.

(c) *Existing and Proposed Nearby Development.* A complete description of the existing land uses in the vicinity of the site, as well as their current zoning, proposed uses for adjacent land, other major existing and proposed land development.

(d) *Existing and Proposed Roadways and Intersections.* The description shall contain full documentation of the proposed internal and existing external transportation system. This description shall include proposed internal vehicular, bicycle, and pedestrian circulation, all proposed ingress and egress location, all internal roadways (widths and rights-of-way), parking conditions, traffic channelization, and any traffic signals or other intersection control devices at all intersections within the site.

Also, locations for all signing (i.e., speed limits, etc.) shall be shown and verified.

The report shall describe the entire external roadway system within the study area. Major intersections in the study area shall be identified and illustrated. All existing and proposed public transportation services and facilities within a one mile radius of the site shall also be documented. All future highway improvements within Hatboro Borough and the study area, including proposed construction and traffic signalization, shall be noted. Improvements cited within the most recent Hatboro Borough

Comprehensive Plan shall be referenced. Improvements from the Delaware Valley Regional Planning Commission's 3-year Transportation Improvement Program and PennDOT's 12-year State Transportation Improvement Program (TIP), within Hatboro Borough and the study area, shall also be noted. Any proposed, or in-place roadway improvements due to proposed surrounding developments shall be noted.

(2) *Analysis of Existing Conditions.* This Section shall describe the results of the volume/capacity analysis to be completed for the roadways and intersections in the study area under existing conditions as well as any data collection efforts that are required.

(a) *Daily and Peak Hour Volumes.* Schematic diagrams shall be presented depicting existing traffic (ADT), the weekday peak highway traffic hour(s) and peak development generated hour(s), and the Saturday peak traffic hour. All documentation must be contained in the report. Turning movement and mainline volumes shall be presented for all peak hour conditions (weekday a.m. peak, weekday p.m. peak, weekday site generated and Saturday peak) while only mainline volumes are required for ADTs. Source and method of computation must be included. The turning movement counts must take place on a Tuesday, Wednesday, or Thursday and shall be completed in normal driving conditions when school is in session (i.e., counts shall not be performed in inclement weather or icy/snowy conditions). The morning peak period counted shall be 7 to 9 a.m. and the afternoon peak period counted shall be 4 to 6 p.m.

(b) *Volume / Capacity Analyses at Critical Points.* A volume/capacity analysis based upon existing volumes shall be performed during the weekday and Saturday peak traffic hour(s) and the peak development generated hour(s) for all roadways and major intersections in the study area.

(c) *Levels-of-Service at Critical Points.* Based on the results obtained in the previous section, levels-of-service are to be computed and presented in schematic form. Included in this Section shall also be description of typical operating conditions at each level-of-service.

(3) *Analysis of Future Conditions Without Proposed Development.* This Section shall describe the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed development. The future year(s) for which projections are made shall be development completion year unless reported otherwise by Hatboro Borough. Factors used within this Section include, but are not limited to, background traffic growth expansion and traffic generated by other proposed developments as well as associated improvements.

(a) *Daily and Peak Hour Traffic Volumes.* This Section shall clearly indicate the method and assumptions used to forecast future volumes in order the Borough personnel can duplicate these calculations.

(b) *Volume / Capacity Analyses at Critical Points.* The ability of the roadway system to accommodate future traffic (without the proposed development) is to be described in this Section. If roadway improvements

or modifications are committed for implementation, the volume/capacity analysis shall be presented for these conditions. Periods of analysis shall be presented for these conditions. Periods of analysis shall be the same as those previously performed in subparagraph (2).

(c) *Levels of Service at Critical Points.* Based on the results obtained in the previous section, levels-of-service are to be determined and presented as in subparagraph (2).

(4) *Analysis of Future Conditions with Proposed Development.* This Section describes the adequacy of the roadway system to accommodate future traffic with development of the site.

(a) *Trip Generation.* The estimation of vehicular trips to result from the proposal shall be completed for average weekday, average Saturday, peak traffic hours during the weekday a.m. and p.m. peak traffic hours, the weekday peak development generated hour and the Saturday peak hour. These development generated traffic volumes shall be provided for the in-bound and out-bound traffic movements as estimated and the reference source(s) and methodology followed shall be documented. Any characteristics of the site which may cause particular trip generation problems shall be noted.

(b) *Trip Distribution.* The direction of approach for site generated traffic will be presented in this Section for the appropriate time periods. As with all technical analysis steps, the basic method and assumptions used in this work must be clearly stated in order that Hatboro Borough officials may replicate these results.

(c) *Traffic Assignment.* This Section describes the utilization of study area roadways by site generated traffic. The proposed traffic volumes to describe mainline and turning movement volumes for future conditions with the site developed as proposed. Traffic volumes shall be assigned to individual access points. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing.

(d) *Daily and Peak Hour Traffic Volumes.* Mainline and turning movement volumes shall be presented, in schematic form, for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time periods (identified previously).

(e) *Volume / Capacity Analyses at Critical Points.* A volume/capacity analysis shall be performed for the appropriate peak hours for future conditions with the site development as proposed.

(f) *Levels-of-Service at Critical Points.* Based on the results obtained in the previous section, levels-of-service are to be determined and presented as in subparagraph (2).

(5) *Recommended Improvements.* A description of proposed improvements to remedy deficiencies shall be included in this Section. Improvements shall be identified which would replace capacity and/or return pre-development levels of service conditions. Alternative improvement scheme shall be presented for post-development traffic volumes to operate at a minimum level-of-service "D" and level-of-service "E" and in no circumstance leave post-development levels

of-service at unacceptable conditions (level “F”). These recommendations shall separately identify committed projects of governmental agencies which were described and independently identified in subparagraph (1)(d).

(a) *Proposed Recommended Improvements.* This Section shall describe the location, nature, and extent of proposed improvements to assure sufficient capacity. The listing of recommended improvements shall include, but not be limited to, the following elements: internal circulation design, speed limit, stop and no parking sign locations, site access location and design, external roadway and intersection design and improvements, and traffic signal installation and operation including phasing and timing. All physical roadway improvements shall be shown in sketches. This listing shall also include, for each improvement: preliminary cost estimates, funding source, timing and likelihood of the improvement implementation, and the party responsible for the improvement.

(b) *Volume/Capacity Analyses at Critical Points.* Another iteration of the volume/capacity analysis shall be presented and described which demonstrates the anticipated results of making recommended improvements.

(c) *Levels of Service at Critical Points.* Based on the results obtained in the previous section, levels-of-service for the study area with improvements shall be provided.

(Ord. 1005, 5/23/2011)

Part 9**Administration, Fees and Enforcement****§22-901. General Administration.**

All provisions of this Chapter shall be administered by Hatboro Borough or their officially designated representatives. All matters relating to this Chapter shall be submitted to the municipal secretary or other designated municipal employee who will handle the matter in accordance with policies, procedures, and guidelines established by Hatboro Borough.

(Ord. 1005, 5/23/2011)

§22-902. Fees and Costs.

1. No application for sketch, preliminary or final plan approval shall be received and processed until the fees and/or escrow deposit, as set forth below, shall have been paid.

2. By Resolution, Borough Council shall adopt and periodically amend a schedule of fees, payable by the applicant to Hatboro Borough for the filing of sketch, preliminary, and final plans.

3. Hatboro Borough Council shall adopt and amend by Resolution a schedule of escrow deposits to be paid by the applicant to Hatboro Borough at the time of filing of an application, sufficient to pay all Hatboro Borough expenditures anticipated in the course of its review and disposition of plans.

A. Costs incurred by Hatboro Borough in excess of the escrowed amount shall be paid by the applicant prior to the granting of approvals or permits, including occupancy permits.

(1) If the escrow deposit is expended, the applicant shall make further deposits upon notice from the Borough in such a manner that the total deposit with the Borough shall at all times equal the initial amount as determined by the schedule of escrow deposits until approval of the plans and final acceptance of construction by the Borough.

B. If costs incurred by Hatboro Borough are less than the escrowed amount, the difference shall be refunded to the applicant following disposition of the plans.

4. Hatboro Borough expenditures subject to escrow as in subsection .3, above, include, but are not limited to, the following:

A. Engineering and other technical services such as plan review and construction inspections.

B. Materials and facilities tests.

C. Services of the Hatboro Borough Solicitor in reviewing and/or preparing documents related to the plan reviews.

D. Such other fees and expenditures as are authorized by Pennsylvania law.

(Ord. 1005, 5/23/2011)

§22-903. Enforcement.1. *Preventative Remedies.*

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

B. Hatboro Borough may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Chapter. As an additional condition for the issuance of any permit or approval, Hatboro Borough may require compliance with the conditions that would have been applicable to the property at which time the applicant acquired it.

2. Any person, partnership, or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by Hatboro Borough, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney fees incurred by Hatboro Borough as a result thereof.

3. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the magisterial district judge.

4. If the defendant neither pays nor timely appeals the judgment, Hatboro Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

5. Each day that a violation 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 this Chapter 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.

6. All fines collected for such violations shall be paid to Hatboro Borough.

(Ord. 1005, 5/23/2011)