

CHAPTER 22

SUBDIVISION AND LAND DEVELOPMENT

PART 1

**TITLE, PURPOSE, INTERPRETATION, SUBDIVISION AND LAND
DEVELOPMENT CONTROL**

- §22-101. Title and Purpose**
- §22-102. Subdivision and Land Development Control**

PART 2

DEFINITIONS

- §22-201. General Usage**
- §22-202. Definition of Terms**

PART 3

PLAN SUBMISSION REQUIREMENTS AND PROCESSING PROCEDURES

- §22-301. Applicability**
- §22-302. Plans for Subdivision and Land Development**
- §22-303. Tentative Sketch Plan**
- §22-304. Minor Subdivision Plan**
- §22-305. Preliminary Plan**
- §22-306. Final Plan**
- §22-307. Land Development Plans**
- §22-308. Plan Processing Procedures**
- §22-309. (Reserved)**
- §22-310. Traffic Impact Study**
- §22-311. Water Supply**
- §22-312. Recording of Plats and Deeds**
- §22-313. Lighting Plans Required With All Submissions**

PART 4

IMPROVEMENT CONSTRUCTION AND FINANCIAL SECURITY

- §22-401. Required Improvements**
- §22-402. Financial Security**
- §22-403. Release from Liability**

SUBDIVISION AND LAND DEVELOPMENT

- §22-404. Inspection of Work and Materials
- §22-405. Offsite Improvements

PART 5

FEES, CONDITIONS OF ACCEPTANCE AND PENALTIES

- §22-501. Fees and Costs
- §22-502. Conditions of Acceptance
- §22-503. Maintenance Guarantee
- §22-504. Preventive Remedies
- §22-505. Jurisdiction
- §22-506. Enforcement Remedies

PART 6

ORDINANCES AND AMENDMENTS

- §22-601. Enactment of Subdivision and Land Development Ordinance
- §22-602. Enactment of Subdivision and Land Development Ordinance Amendment
- §22-603. Publication, Advertisement and Availability of Ordinance
- §22-604. Referral to Planning Commission
- §22-605. Hardship Clause
- §22-606. Change of Engineering Standards and Regulations and Landscape Standards

- Appendix A, Engineering Standards and Requirements
- Appendix B, Landscape Planting Requirements

PART 1

TITLE, PURPOSE, INTERPRETATION, SUBDIVISION AND LAND DEVELOPMENT

§22-101. Title and Purpose.

1. Short Title. This Chapter shall be known and may be cited as the “Ambler Borough Subdivision and Land Development Ordinance.”
2. Purpose. This Chapter is adopted for the following purposes:
 - A. To protect and promote safety, health and morals by providing adequate open spaces for circulation, recreation, light and air and for proper distribution of population.
 - B. To provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical and cultural facilities, development and growth, as well as the improvement of governmental processes and functions.
 - C. To accomplish orderly, efficient, integrated and harmonious development of the Borough, consistent with the Borough’s Comprehensive Plan.
 - D. To guide uses of land and structures, type and location of streets, drainage facilities, sewers and other public improvements and to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources.
 - E. To ensure conformance of subdivision and land development plans with the development of public facilities in the Borough of Ambler.
 - F. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards.
 - G. To ensure that the layout and arrangement of the subdivision or land development plan is in conformance with Ambler’s adopted Comprehensive Plan and Zoning Ordinance [Chapter 27] and to any regulations or maps adopted in furtherance thereof.
3. Interpretation. The provisions of this Chapter shall be held to be minimum requirements to meet the above-stated purposes. Where the provisions of this Chapter impose greater 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 prevail.

SUBDIVISION AND LAND DEVELOPMENT

(Ord. 895, 2/22/1993, Art. I, §100)

§22-102. Subdivision and Land Development Control.

1. Subdivision of a Lot or Construction, Opening or Dedication of a Street. No subdivision or land development of any lot, tract or parcel of land shall be made and no street, alley, sanitary sewer, storm drain, water main, gas, oil and electric transmission line or other improvements in connection therewith, shall be laid out, constructed or dedicated for public use or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with this Chapter.
2. Sale of Lots, Issuance of Building Permits and/or Occupancy Permits or Erection of Buildings. No lot in a subdivision or land development may be sold and no permit to erect, alter or repair any building upon land in a subdivision or land development may be issued unless and until a plan has been approved and, where required, recorded and until the required improvements in connection therewith from the lot or building to an existing improved street have either been constructed or the Borough has been assured that the improvements will subsequently be installed by means of a proper completion guarantee as provided in Part 5, "Fees, Conditions of Acceptance and Penalties." An occupancy permit shall not be issued until completion or improvements unless Borough Council decrees there are extenuating characteristics and orders it issuance.

(Ord. 895, 2/22/1993, Art. I, §101)

PART 2

DEFINITIONS

§22-201. General Usage.

1. Words used in the singular include the plural and words in the plural include the singular, words used in the masculine gender include the feminine and words in the feminine gender include the masculine. The word “person” includes natural persons, corporation, associations and partnerships. The word “building” includes the word “structure” and both shall always be construed as if followed by the words “or part thereof.” The word “occupied” includes the words “arranged, designed or intended to be used.” The word “may” is permissive and the words “shall” and “will” are always mandatory.
2. All definitions necessary for interpreting the engineering standards and requirements as well as the landscape standards being Appendices A and B hereof respectively, shall be as set forth in this Chapter, unless defined in said appendices in which the definition contained therein shall control.

(Ord. 895, 2/22/1993, Art. II, §200)

§22-202. Definition of Terms.

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meanings indicated:

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

ACCESS STRIP — a piece of land at least 25 feet wide which provides access from a public street to a rear lot, but which does not meet the minimum requirements of the Chapter with respect to lot width at the building line.

ACCESSORY BUILDING — a building subordinated to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

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

ALLEY — a service way providing a secondary means of access to abutting property and not intended for general traffic circulation.

SUBDIVISION AND LAND DEVELOPMENT

ALTERATION — as applied to a building, any change or rearrangement in the structural parts or in the exit facilities or any enlargement, whether by extension on any side or by any increase in height, or the moving from one location or position to another.

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

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

BALCONY — an open air platform projecting from a building, enclosed by a railing or parapet, usually supported by brackets.

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

BOROUGH COUNCIL — the Ambler Borough Council, Montgomery County, Pennsylvania.

BUFFER — an area designed and functioning to separate the elements and uses of land which abut it and to ease the transition between them. Unless otherwise specified, buffers may be included as part of the required setbacks and yard areas.

BUFFER, OPEN — a buffer normally comprised of grass, ground cover and/or possibly other landscaping material having a specified depth, components to achieve a certain height or density, the purpose of which is to achieve adequate spacing and attractive landscaping between two or more actively used areas.

BUFFER, SCREEN — a buffer comprised of natural and/or manmade material arranged in a certain specified depth, height and density to effectively block the view from one side to another during all seasons of the year and to reduce the transmittal of noise and odors between the sides.

BUILDER — a person who is charged with the responsibility of construction of buildings or other structures or of making any construction improvements on any parcel of land.

BUILDING — any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

BUILDING AREA — the horizontal area measured within the exterior walls of the ground floor of all principal and accessory buildings on a lot. Porches, decks and patios, as defined herein, are also included in the building area. Also referred to as building coverage.

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

BUILDING ENVELOPE — the area on a lot where the principal building(s) are permitted to be erected. This area is defined by the limits of the required front, side and rear yard areas, as delineated by the respective building setback lines.

BUILDING LINE — the line which serves as the rear boundary of the minimum required front yard and creates the front line of the building envelope. Also referred to as front building setback line.

BUILDING SETBACK LINE — lines parallel to the lot lines measured at distances equal to the depths of the minimum required front, side and rear yards. The building setback lines create the boundary of the building envelope.

CALIPER — diameter of a tree's trunk measured 12 inches from the ground.

CARTWAY — the portion of a street or alley intended for vehicular use, exclusive of the sidewalk, berm or shoulder.

CONDOMINIUM — ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all of the occupants, together with individual ownership in a fee of a particular unit or apartment in such buildings or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

COMMON OPEN SPACE — an area of land and/or water used for recreation, resource protection, buffers or common use and restricted for such uses for residents of a development and possibly for the general public. Common open space does not include land occupied by buildings, roads or road right-of-way, nor does it include the yards or lots of single or multifamily dwelling units or parking area as required by the Borough's Zoning Ordinance [Chapter 27]. Common open space used for recreation may contain impervious surfaces, which shall be included in the calculation of the impervious surface ratio.

COMMON PARKING — any parking area used by three or more dwelling units or two or more nonresidential establishments subject to the provisions of Part 21, "Off-Street Parking and Loading," of the Zoning Ordinance [Chapter 27].

COMPREHENSIVE PLAN — the current, officially adopted Ambler Borough Comprehensive Plan, consisting of maps, charts and textual matter, as well as any revisions thereto.

SUBDIVISION AND LAND DEVELOPMENT

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

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

COUNTY PLANNING COMMISSION — the Planning Commission of Montgomery County.

CROSSWALK — a right-of-way for pedestrian travel across a street connecting two blocks.

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

CURB LINE — the outermost edge of the cartway or roadway.

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.

DECK — an unroofed structure elevated 18 inches or more above ground level, usually attached to or part of and with direct access to or from a building.

DENSITY — the number of dwelling units per developable acre.

DEPARTMENT OF ENVIRONMENTAL PROTECTION — the Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

DETENTION POND — an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPABLE ACRE — the gross land area of the proposal minus:

- A. All land within legal rights-of-way of all roads abutting or traversing the proposed subdivision or land development.
- B. Floodplains and soils with slopes of 15% or greater.

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

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

DEVELOPMENT PLAN — the provisions for development, including a plan of subdivision or land development, 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 removal of surface water or groundwater from land by drains, grading or other means and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE FACILITY — any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

DRAINAGE RIGHT-OF-WAY — the lands required for the installation of storm-water sewers or drainage ditches or required along a stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

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

DWELLING — a structure or portion thereof which is used exclusively for human habitation.

- A. **Single-Family Detached Dwelling.** A dwelling designed for and occupied exclusively by one family and having no party wall in common with an adjoining property.
- B. **Two-Family Dwelling.** A dwelling designed for and occupied exclusively by two families.
 - (1) **Twin.** A two-family dwelling with one dwelling unit on each side of the vertical party wall.
 - (2) **Duplex.** A two-family dwelling with one dwelling unit located over the other and separated by an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both units.

SUBDIVISION AND LAND DEVELOPMENT

- C. **Single-Family Attached Dwelling.** A dwelling designed for an occupied exclusively by one family and having no more than two party walls in common with any other dwelling.
- (1) **Quadruplex.** Four single-family attached dwellings in one structure in which each dwelling has two open space exposures and shares one or more party walls with adjoining units.
 - (2) **Townhouse.** A single-family attached dwelling in a row of at least three such units, in which each unit has its own front and rear access to the outside, no unit is located over another and each unit is separated from any other by one or more vertical party walls.
- D. **Multifamily Dwelling.** A dwelling designed for and occupied exclusively by more than two families.
- (1) **Garden Apartment.** A multifamily dwelling of three stories or less in height, excluding residential conversions.
 - (2) **Mid-Rise Apartment.** A multifamily dwelling of four full stories or more in height, excluding residential conversions.

DWELLING UNIT — two or more rooms arranged for the use of one or more individuals living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.

EASEMENT — a right-of-way or other right granted by a property owner for the use of a designated part of his property for certain public or quasi-public purposes.

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

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

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

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

FILL — the conditions resulting from filling, the difference in elevation between the point on the original ground and a designated point of higher elevation of the fixed grade. Also, the material used to make fill.

FILLING — any act by which natural material are placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the

ground or on top of the natural surface of the ground or on top of the stripped surface.

FLOODPLAIN RELATED TERMS –

- A. Base Flood. The flood which has been selected to serve as the basis upon which the floodplain management provisions of this and other ordinances have been prepared. For the purposes of this Chapter, it shall be the 100 year flood as referenced in the current Flood Insurance Study, Ambler Borough and delineated on the Flood Insurance Rate Map of the Federal Insurance Administration.
- B. 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.
- C. Basement. Any area of the building having its floor below ground level on all sides.
- D. Building. A combination of materials to form a permanent structure having walls and a roof. Included shall be all manufactured homes and trailers to be used for human habitation.
- E. Completely Dry Space. A space which will remain totally dry during flooding, the structure is designed and constructed to prevent the passage of water and water vapor.
- F. Development. Any manmade change to improved or unimproved real estate including, but not limited to, the construction, reconstruction, renovation, repair, expansion or alteration of buildings or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading and excavation, mining, dredging, drilling operations, storage of equipment or materials and the subdivision of land.
- G. Essentially Dry Space. A space which will remain dry during flooding, except for the passage of some water vapor or minor seepage, the structure is substantially impermeable to the passage of water.
- H. 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.
- I. Flood. A temporary condition of partial or complete inundation of normally dry land areas.

SUBDIVISION AND LAND DEVELOPMENT

- J. 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.
- K. 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.
- L. Floodplain. A relatively flat or low area adjoining a stream, river or watercourse which is subject to partial or complete inundation during a 100 year flood or any area subject to the unusual and rapid accumulation of surface water from any source, also referred to as flood prone area. The source of this delineation is the Flood Insurance Rate Map of Ambler, available at the Borough Hall and at the Montgomery County Planning Commission. Development within the floodplain is regulated by the Floodplain Conservation District of the Borough's Zoning Ordinance [Chapter 27].
- M. Floodplain Management. The application of a program or activities which may consist of both corrective and preventive measures for reducing flood damages.
- N. Floodproofing. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Such measures are set forth in the Floodproofing Regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2 314 (June, 1972 and as subsequently amended). Floodproofing measures for all new construction and substantial improvements of structures shall satisfy the requirements of the Completely Dry Spaces (W1) and Essentially Dry Spaces (W2) classes referenced in these regulations. In said publication where reference is made to "below" (or above) the "BFD" (base flood datum) it shall be interpreted as meaning below (or above) the base flood elevation.
- O. Floodway. The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the floodway shall be capable of accommodating a flood of the 100 year magnitude.
- P. Identified Floodplain Area. The floodplain area specifically identified in this Chapter as being inundated by the 100 year flood. Included would be areas identified as Floodway (FW), Flood Fringe (FF) and General Floodplain (FA).
- Q. Lowest Floor. The lowest floor of the lowest fully enclosed area (including basement). An unfinished, flood resistant partially enclosed area, used solely for the parking of vehicles, building access and incidental storage, in an area other than a basement area is not considered the lowest floor of a

building; provided, that such space is not designed and built so that the structure is in violation of the applicable nonelevation design requirements of this Chapter.

- R. Minor Repair. The replacement of existing work with equivalent materials for the purpose of its routine maintenance and upkeep, but not including the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support or the removal or change of any required means of egress or rearrangement of parts of a structure affecting the exitway requirements, nor shall minor repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting the public health or general safety.
- S. New Construction. Structures for which the start of construction commenced on or after the effective date of this Chapter and includes any subsequent improvements thereto.
- T. One Hundred Year Flood. A flood that has one change in 100 or 1% chance of being equaled or exceeded in any one year. For the purposes of this Chapter, the 100 year flood (base flood) as defined by the Federal Insurance Administration in the Flood Insurance Study.
- U. Person. An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever, which is recognized by law as the subject of rights and duties.
- V. Recreational Vehicle. A vehicle which is:
 - (1) Built on a single chassis.
 - (2) Not more than 400 square feet, measured at the largest horizontal projections.
 - (3) Designed to be self-propelled or permanently towable by a light-duty truck.
 - (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.
- W. Regulatory Flood Elevation. The 100 year flood elevation plus a freeboard safety factor of 1 1/2 feet.
- X. Substantial Damage. Damage from any cause sustained by a structure whereby the cost of restoring the structure to its before-damaged condition

SUBDIVISION AND LAND DEVELOPMENT

would equal to or exceed 50% or more of the market value of the structure before the damage occurred.

Y. Substantial Improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceed 50% of the market value of the structure either:

- (1) Before the improve or repair is started.
- (2) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affect the external dimensions of the structure. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing State or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.
- (2) Any alteration of a structure listed on a National register of historic places or a State inventory of historic places.

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

GRADE — a change in elevation of a street or parcel of land specified in percent and shown on plans as specified herein.

GRADING AND DRAINAGE PLAN — a plan showing all existing ground features and proposed surface and subsurface drainage facilities, described by grades, contours and topography.

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

GROUND COVER — low growing plan 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 ground cover may also include bark and wood chips, gravel and stone; provided, they are maintained as a continuous pervious cover.

HEIGHT — the height of a building shall be measured from the mean level of the ground surrounding the building to a point midway between the highest and lowest points of the roof; provided, that chimneys, spires, towers, elevator pent-houses, tanks and similar projections shall not be included in calculating the height.

IMPROVEMENT — grading, paving, curbing, street lights and signs, fire hydrants, wells, water mains, sanitary sewers, storm drains, sidewalks, retaining walls, parking area, landscaping or recreation area.

LAND DEVELOPMENT –

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively or a single nonresidential building or a lot or lots regardless of the number of occupants or tenure.
 - (2) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Residential conversions as defined in the Zoning Ordinance [Chapter 27].
- D. Accessory buildings as defined in the Zoning Ordinance [Chapter 27].

LANDOWNER — the legal or beneficial owner or owners of land, or a building thereon, or a portion of either, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Chapter.

LEGAL RIGHT-OF-WAY LINE — the legal boundary line between a street right-of-way and adjacent property. Also referred to as street line and front lot line.

LOT — a parcel of land occupied, or intended to be occupied, by a building and its accessory buildings, together with such open spaces as are required, having at least the required minimum area and minimum lot frontage on a public street.

LOT AREA — the total horizontal area of the lot lying within the lot lines excluding the area between street centerlines and legal right-of-way lines and the area of access strips to rear lots. Areas of the lot with width less than 75% of the minimum required lot width for the district in which the lot is located (corners of wedge shaped lots and panhandles) are also not counted toward lot area.

LOT, CORNER — a lot abutting on and at the intersection of two or more streets. A corner lot has two front yards and must have a designated rear and side yard.

SUBDIVISION AND LAND DEVELOPMENT

LOT FRONTAGE — the length of the front lot line measured at the legal right-of-way line.

LOT LINE — any property boundary line of a lot, further defined as follows:

- A. **Front Lot Line.** The lot line for such portion of the lot as abuts the street. The front lot line shall be deemed to be the same as the legal right-of-way line or street line and shall not be the centerline of the street or any other line within the street, even though such may be the property boundary line.
- B. **Rear Lot Line.** The lot line not intersecting the front lot line that is most distant from and most closely parallel to the front lot line.
- C. **Side Lot Line.** The lot lines most nearly perpendicular to the front lot line.

LOT, REAR — a lot which conforms in all respects to the dimensional requirements of the district in which it is located, except that road frontage and access are limited to a strip of land which is narrower than the required lot width of that district. Rear lots do not include the wedge shaped lots commonly located on a cul-de-sac turnaround. Rear lots are also commonly referred to as flag lots.

LOT WIDTH — the horizontal distance between the side lot lines, measured at the legal right-of-way line, except that for lots bordering the turnaround portion of a cul-de-sac, lot width may be measured at the building line. Required lot width shall extend the full depth of the lot from the front lot line to the rear building setback line of the building envelope.

MOBILE HOME — a single-family detached dwelling intended for permanent occupancy, which may not meet local building codes, but does meet the standards of appropriate Federal agencies and is so certified, contained in one unit or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations and constructed so that it may be used with or without a permanent foundation, including any roofed addition such as extra rooms, covered patios, porches, etc.

MOBILE HOME LOT — a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MODULAR HOME — a single-family or multifamily dwelling intended for permanent occupancy, made by assembling one or more prefabricated three-dimensional sections into an integral living unit, whose construction materials and specifications conform to those of conventionally built units.

MUNICIPAL AUTHORITY — a body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipality Authorities Act of 1945.”

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

PARKING SPACE — a reasonably level space, available for the parking of one motor vehicle, not less than nine feet wide and 18 feet long and covered with a dust-free, all weather surface.

PATIO OR TERRACE — a level, landscaped and/or surfaced area directly adjacent to a principal building at or within 18 inches of ground level and not covered by a permanent roof.

PLAN — a graphic depiction, along with the necessary text, of a proposed land development and/or subdivision.

PLAN, IMPROVEMENT CONSTRUCTION — a plan showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this Chapter showing the details required by Part 3 of this Chapter.

PLAN, LAND DEVELOPMENT — a tentative, preliminary or final plan, including written and graphic material showing the provision for development of a tract, when plans of subdivision would not be applicable.

PLAN, MINOR LAND DEVELOPMENT — a land development that contains only one residential building with less than five dwelling units, has not been part of a land development submitted within the past three years, presently fronts on physically improved street that is legally open to the public, will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements and conforms with the Borough Comprehensive Plan and other Borough plans and meets the requirements of the Borough Zoning Ordinance [Chapter 27].

PLAN, MINOR SUBDIVISION — the division of a single lot, tract or parcel of land, not a part of a prior subdivision within the past three years, into less than four lots, tracts or parcels of land for the purpose, whether immediate or future, of lease, transfer of ownership or the act of building structures and installing site improvements for residential use, such lots shall front on a physically improved street that is legally open to the public, not involve any new street or road or the extension of Borough facilities or the creation of any public improvements and requires a variance(s) from the Zoning Ordinance [Chapter 27] for no more than one of the proposed lots on which new construction will or may occur and conforms

SUBDIVISION AND LAND DEVELOPMENT

with the Borough Comprehensive Plan and other Borough plans and meets the requirements of the Borough Zoning Ordinance [Chapter 27].

PLAN, PRELIMINARY — a plan of subdivision or land development in lesser detail than a final plan prepared for discussion with the Planning Commission and Borough Council showing the proposed street and lot layout, buildings related to topography, the deed restrictions, easements and all other items required under Part three of this Chapter for the entire parcel of land being subdivided.

PLAN, RECORD — a plan prepared for recording showing the ultimate width of streets, the lot lines, easements and all other items required under Part 3 of this Chapter.

PLAN, SOIL EROSION AND SEDIMENTATION CONTROL — a plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

PLAN, TENTATIVE SKETCH — a draft showing proposed streets, lots or buildings related to topography, that is to be used as the basis for informal discussion between the representatives of the Borough Planning Commission and the subdivider, developer or builder prior to the submission of a preliminary plan.

PLANTING AREA — any area designated for landscaping purposes.

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

PORCH — a roofed open area, which may be enclosed with glass or screening, usually attached to or part of and with direct access to or from a building.

PUBLIC GROUNDS — includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Borough Council or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code.

PUBLIC MEETING — a forum held pursuant to notice under 65 Pa. C.S. Ch. 7 (Relating to open meetings).

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

PUBLIC STREET — a street that has been dedicated to the Borough.

RENEWABLE ENERGY SOURCE — any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

RESERVE STRIP — a parcel of land whose primary function is to separate a street from adjacent properties, while not being used or capable of being used as a building lot, open space or recreation area or legitimate environmental protection purposes.

RETENTION BASIN — a structure area for the permanent storage of water runoff.

RIGHT-OF-WAY — a legally created right of passage over another's ground, including a path or thoroughfare which one may lawfully use and existing or future public road or land used for public purposes.

RUNOFF — the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil, but runs off the surface of land.

RUNOFF FROM A FULLY DEVELOPED AREA UPSTREAM — the surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the Borough Comprehensive Plan.

SEDIMENTATION — the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

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

SIGHT DISTANCE, STOPPING — the distance of unobstructed view along the centerline of a street from the driver's eye-height of 3 1/2 feet to the furthest visible point six inches above the street surface.

SUBDIVISION AND LAND DEVELOPMENT

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

SOIL STABILIZATION — the process of returning soil to the static condition where it will not slide, settle or erode, is generally done by means of establishing some type of groundcover.

SOIL SURVEY — the Montgomery County Soil Survey of 1967, prepared by the Soil Conservation Service of the U.S. Department of Agriculture and any revision thereto.

START OF CONSTRUCTION — land preparation such as cleaning, grading and filling, the installation of streets and/or walkways, the excavation for a basement, footing, piers or foundations, the installation on the property of accessory buildings, the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings. For a structure (other than mobile home) without a basement or poured footings, the “start of construction” would include the first permanent framing or assembly of structure or any part thereof on its piling or foundation.

STREET — a public or private right-of-way serving as a means of vehicular and pedestrian travel, furnishing primary access to abutting properties, which may also be used to provide space for sewers and other public utilities.

STREET CLASSIFICATIONS — street classifications established by the American Association of State Highway and Transportation Officials (AASHTO), which have been adopted by the Pennsylvania Department of Transportation (PennDOT) in its design manual. Every street, road or highway within the Borough is classified by its function as one of the following:

- A. Freeways and Limited Access Highways. Expressways with fully-controlled access. Through traffic is given preference, with access permitted only at interchanges with selected public roads, at-grade crossings and direct private driveway access are prohibited. Route 309 and the Pennsylvania Turnpike are the only highways in the area under this classification and there are no such highways within the Borough.
- B. Arterials. Provide a relatively high speed, high volume network for travel between major points. They are further classified into the following sub-classification and are regulated as explained therein:
 - (1) Principal Arterials. Carry most trips entering or leaving area. Butler Pike is a principal arterial.

- (2) Minor Arterials. Interconnect with an augment principal arterials. They accommodate trips of moderate length and emphasize access to services. Bethlehem Pike is a minor arterial.
- C. Collectors. Serve mainly to collect traffic from local streets and channel it to arterials. They carry moderate traffic volumes at moderate speeds. They are further divided into major and minor collector roads, but both have the same right-of-way and cartway width requirements.
- (1) Major Collectors. Serve the more important intracounty travel corridors. Tennis Avenue, North Main Street between Tennis and Butler Avenue and North Spring Garden from the Borough boundary to Tennis Avenue are classified as major collectors.
 - (2) Minor Collectors. Provide service to the remaining small communities. Hendricks Road, Lindewold Avenue, Mattison Avenue, Rosemary Avenue, Mt. Pleasant Road, South Main Street and Bannockburn Road are minor collectors.
- D. Local Roads and Streets. Provide access to most properties within the Borough, linking them to the collector road network. They provide for travel over relatively short distances and have relatively low traffic volumes. Through traffic movement is discouraged on local roads. Local streets in the Borough are all other streets not listed in one of the higher classifications. They can be further classified as follows:
- (1) Residential Subdivision Streets. Provide vehicular access and street frontage to lots and dwellings within a residential subdivision.
 - (2) Nonresidential Subdivision Streets. Provide vehicular access and street frontage for industrial or commercial lots and land uses.
 - (3) Marginal Access Streets. A street parallel or adjacent to a major street providing access to abutting properties by a cartway separated from the major streets by a reserve strip.

STREET, LOCAL ACCESS — are used primarily to provide access to abutting properties.

STREET, COLLECTOR — those which in addition to giving access to abutting properties connect local access streets to primary arterials and which carry traffic to community facilities and to primary arterial streets. Streets in industrial and commercial subdivisions shall generally be considered collector streets.

STREET LINE — the front lot line of a property which abuts the street, synonymous with front lot line and legal right-of-way line.

SUBDIVISION AND LAND DEVELOPMENT

STREET, MARGINAL ACCESS — a street parallel and adjacent to a primary street providing access to abutting properties by a cartway separated from the primary street by a reserve strip.

STREET, PRIMARY ARTERIAL — a street intended to move heavy volumes of fast moving traffic to and from major attractors within the Borough and/or to serve as a route for traffic between communities or large areas.

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

STREET RIGHTS-OF-WAY — rights-of-way for street purposes are defined as follows:

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

STRUCTURE — any form or arrangement of building material involving the necessity of providing proper support, bracing, anchoring or other protection against the elements.

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

SUBSTANTIALLY COMPLETED — where in the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to §509 of the Municipalities Planning Code of 1988) of those improvements required as a condition of final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

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

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

SWALE — a low lying stretch of land which gathers or carries surface water runoff.

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

TRACT AREA — the total acreage within the lot lines, excluding rights-of-way of existing public roads.

TREE — any woody plant with a well defined stem at least four inches in caliper measured at a height of six inches above the natural grade.

TREE MASS — a grouping of three or more trees at least 1 1/2 inches in caliper within a 100 square foot area.

TRANSFERABLE DEVELOPMENT RIGHTS — the attachment of development rights to specified lands which are desired by the Borough to be kept undeveloped, but permitting those rights to be transferred from those lands so that the development potential which they represent may occur on other lands within the Borough where more intensive development is deemed by the Borough to be appropriate.

ULTIMATE RIGHT-OF-WAY — the right-of-way width of a street or other corridor as computed from the centerline, which is expected to be needed in the future to adequately and properly accommodate the anticipated vehicular and pedestrian traffic and related appurtenances, based on the function of the road in the circulation system, as set forth in the Ambler Borough Comprehensive Plan of 1968, Chapter 8, Circulation Plan.

USE AREA — any area of land that is given to one category of land use and is used to compute the net density of that use.

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

VIEWSHED — the viewing area readily perceived by the observer, commonly delineated by visual accents such as, but not limited to, historic structures or structures in architectural interest, stone walls and watercourses and tree lines or ridges.

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

WATERCOURSE — a permanent stream, intermittent stream, river, brook, creek or a channel or ditch for water, whether natural or manmade.

SUBDIVISION AND LAND DEVELOPMENT

WATER SURVEY — an inventory of the source quantity, yield and use of groundwater and surface water resources within a municipality.

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, in accordance with the most current Federal and State regulations. Wetlands generally include swamps, marshes, bogs and similar areas.

WETLAND DELINEATION — the line depicting the uppermost edge of a wetland area or the line separating the wetland areas from upland area, as established by a qualified professional utilizing the “Federal Manual for Identifying and Delineating Jurisdictional Wetlands” dated January, 1989, or as revised. This delineation shall be verified by the regulatory agency or agencies having the jurisdiction to verify said delineation.

YARD — the area(s) of a lot which must remain free of principal buildings and may be used as lawn or planted area, parking or driveway space, in compliance with the provisions of this Chapter. A required yard is measured at right angles from the lot line to the required building setback line forming the building envelope. Yard is further defined as follows:

- A. Required Front Yard. The area extending across the entire width of the lot and situated between the building line and the ultimate right-of-way line of the lot, as required by zoning district.
- B. Required Rear Yard. The area extending across the entire width of the lot and situated between the rear building setback line and the rear lot line. Rear yard depth shall be measured at right angles to the rear line of the lot.
- C. Required Side Yard. The areas lying between the side lines of the lot and the side building setback lines and extending from the front yard to the rear yard. Side yard width shall be measured at right angles to side lines of the lot.

(Ord. 895, 2/22/1993, Art. II, §201; as amended by Ord. 926, 4/15/1997, §2; and by Ord. 995, 12/19/2005)

PART 3

PLAN SUBMISSION REQUIREMENTS AND PROCESSING PROCEDURES

§22-301. Applicability.

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

(Ord. 895, 2/22/1993, Art. III, §300)

§22-302. Plans for Subdivision and Land Development.

1. A tentative sketch plan, as described in §22-303 herein, may be submitted by an applicant to the Borough Planning Commission for informal discussion. Said tentative sketch plan is optional and shall not be considered a formal application subject to the plan processing steps of §22-308I of this Part.
2. A preliminary plan, as described in §22-305 herein, is required for all applicable subdivision and land developments proposed within the Borough.
3. A final plan, as described in §22-306 herein, is required for all applicable subdivisions and land developments proposed within the Borough.
 - A. A final plan shall consist of two parts:
 - (1) Record Plan. As described in §22-306A herein.
 - (2) Improvements Construction Plan. Where applicable, as described in §22-306B herein.
 - B. A plan showing all information required for a final plan, which has been submitted as a preliminary plan and for which no changes have been required by the Borough, may be approved as a final plan.
4. A land development plan, as described in §22-307 herein, shall be required for all land developments in accordance with the definition of same as provided in this Chapter. A land development plan may be required in conjunction with a subdivision plan or in lieu of a subdivision plan when review of a plan on a lot-by-lot basis would not be applicable.
5. A minor subdivision or minor land development plan, as described in §§304 and 307.2 herein, may be submitted in satisfaction of preliminary and final plan requirements for all applicable subdivision and land developments proposed within the Borough.

SUBDIVISION AND LAND DEVELOPMENT

6. Landscape plans shall be submitted as part of the land development plan or land subdivision plan in accordance with the landscaping standards being Appendix B hereof of the Borough then prevailing.

(Ord. 895, 2/22/1993, Art. III, §301)

§22-303. Tentative Sketch Plan.

Sketch plans shall be drawn to reasonably accurate scale but not necessarily showing precise dimensions and shall show the following information:

- A. Purposes. The purposes served by a tentative sketch plan are as follows:
 - (1) 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.
 - (2) For the Borough to provide advice and guidance to an applicant so that:
 - (a) Major issues can be resolved prior to preparation of preliminary plan.
 - (b) The preliminary plan approval process may then be able to proceed faster and more efficiently.

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.

- B. Tentative Sketch Plan Information. Sketch plans should be drawn legibly and to a reasonably accurate scale, but they need not be a precisely surveyed or engineered plan and it should show the following information:
 - (1) The tract boundary and location by deed plotting.
 - (2) A north point and approximate scale.
 - (3) A location plan showing the relationship of the subject tract to the surrounding street network.
 - (4) The existing and proposed road and lot (or building) layout.
 - (5) Significant topographical and physical features, such as floodplains, wetlands, steep slopes (over 15%), woodlands and existing structures.

- (6) Proposals for control of drainage runoff and community facilities.
- (7) Approximate building envelopes.

(Ord. 895, 2/22/1993, Art. III, §302)

§22-304. Minor Subdivision Plan.

1. Purposes. It is the purpose of this Section to provide for simplified plan submission and processing requirements by which minor subdivisions may be submitted and approved. Plans submitted under the provisions of this Section must meet the following criteria, conform to the established standards and provide the required information.
2. Criteria for Minor Subdivisions. A subdivision of a tract of land that:
 - A. Contains less than four lots.
 - B. Has not been part of a subdivision submitted within the past three years.
 - C. Presently fronts on a physically improved street that is legally open to the public.
 - D. Will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements.
 - E. Requires a variance(s) from the Borough Zoning Ordinance [Chapter 27] for no more than one of the proposed lots on which new construction will occur or may occur in the future.
 - F. Is in general conformance with the Borough Comprehensive Plan and other plans.
3. Drafting Standards.
 - A. A minor subdivision plan shall be clearly and legibly drawn to a scale not in excess of one inch equals 50 feet, except if the parcel being subdivided is five acres or larger, the plan may be drawn to a scale not in excess of one inch equals 100 feet.
 - B. Dimensions shall be in feet and decimals and bearings in degrees, minutes and seconds.
 - C. The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.

SUBDIVISION AND LAND DEVELOPMENT

- D. The sheet or sheets shall be one of the following sizes; 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively numbered to show its relation to the total number of sheets comprising the plan, e.g., sheet No. 1 of 5 sheets, etc.
 - E. Where there are two or more sheets a key map shall be provided sufficient to show their relationship.
4. Location and Identification. Each plan shall provide:
- A. The name(s) and address(es) of the subdivider and the registered engineer and/or land surveyor who prepared the plan.
 - B. The name of the subdivision, its location in terms of significant bounding roads and the name of the Borough.
 - C. The date of preparation (or revision) of the plan, the scale and a north point.
 - D. The entire tract boundary with bearing and distances and a statement of the tract size.
 - E. Layout and dimensions of all lots and net lot area of each.
 - F. A key map relating the subdivision to at least three existing intersections of Borough streets.
 - G. A legend sufficient to indicate clearly between existing and proposed conditions.
 - H. The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of other Borough ordinances, if any, on both the land to be subdivided and the adjacent land.
5. Existing and Proposed Features.
- A. Within 100 feet of any part of the land being subdivided, the plan shall show the following information:
 - (1) Property lines, existing buildings, present use and current owners.
 - (2) The location, names and width (both cartway and right-of-way) of existing streets and alleys.
 - (3) The location and size of all watercourses and the boundaries of flood-plains (not limited to the established flood level and regulatory flood elevation, where applicable).

- (4) Manmade structures and natural features, such as steep slopes (over 15%), which may affect the potential layout of lots and buildings.
 - (5) Areas subject to deed restrictions or easements.
- B. Within the land to be subdivided, the plan shall show the following:
- (1) Location and character of buildings located on the land, including the buildings to be demolished, as well as those to be retained and/or preserved.
 - (2) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing streets and alleys.
 - (3) The location and size of all watercourses and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).
 - (4) Manmade structures and natural features which limit the potential layout of lots and buildings, including the location of marshland, slopes over 15% and other topographical features. Whenever the parcel contains slopes in excess of 15%, topographical data may be required by the Borough Engineer.
 - (5) Areas subject to deed restrictions or easements.
 - (6) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.
 - (7) Boundaries and identification of all soil types.
 - (8) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision.
6. Additional Requirements for Subdivisions Within Floodplains. Minor subdivision applications for land within floodplains must conform to the applicable requirements established for lands within such areas in §22-305.6 of this Part and Part 19 of Chapter 27, being the Borough of Ambler's Zoning Ordinance.
 7. Plan Submission. Minor subdivision plans shall be submitted in accordance with the plan processing identified in §22-308 of this Part.
 8. Plan Approval. Plan approval shall be obtained through the procedure specified in §22-308 of this Part. After Borough Council approves the minor subdivision plan, the plan shall become a final plan when the following certificates are obtained:

SUBDIVISION AND LAND DEVELOPMENT

- A. The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
- B. The signature of the registered professional engineer certifying the correctness of the design of all improvements.
- C. The signature of the subdivider certifying his adoption of the plan and any changes thereto.
- D. The signature of the Borough Administrator certifying that Borough Council has approved the minor subdivision plan and any change thereto on the date shown.
- E. Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with §309 of this Part.

(Ord. 895, 2/22/1993, Art. III, §303; as amended by Ord. 926, 4/15/1997, §1)

§22-305. Preliminary Plan.

1. Purpose. A preliminary plan shall be submitted for all proposed subdivisions not eligible for submission as a minor subdivision and for all applicable land developments. Applicants submitting a preliminary plan shall conform to the following standards.
2. Drafting Standards.
 - A. The preliminary plan of a proposed subdivision or land development shall be clearly and legibly drawn to a scale not in excess of one inch equals 50 feet, except if the parcel being subdivided or developed is five acres or larger, the plan may be drawn to a scale not in excess of one inch equals 100 feet.
 - B. Dimensions shall be in feet and decimals and bearings and degrees, minutes and seconds.
 - C. The plan shall show the courses and distances of the boundary line survey of the entire land to be subdivided.
 - D. The sheet or sheets shall be one of the following sizes; 15 inches by 18 inches, 18 inches by 30 inches, 24 inches by 36 inches. If more than one sheet is necessary, each sheet shall be the same size and consecutively

numbered to show its relations to the total number of sheets comprising the plan, e.g., sheet No 1 of 5 sheets, etc.

- E. Where there are two or more sheets a key map shall be provided sufficient to show their relationship.
 - F. All plots and surveys are to be further prepared in accordance with the Professional Engineer Registration Law.
3. Location and Identification. Each plan shall provide:
- A. A title consisting of the name(s) and address(es) of the subdivider and the registered professional engineer and/or land surveyor who prepared the plan.
 - B. The name of the subdivision or land development, its location in terms of significant bounding roads and the name of the Borough.
 - C. The date of preparation (or revision) of the plan, the scale and a north point.
 - D. The entire tract boundary with bearings and distances and a statement of the total size of the tract.
 - E. Layout and dimensions of all lots and net lot area of each.
 - F. A key map relating the subdivision to at least three existing intersections of Borough streets.
 - G. A legend sufficient to indicate clearly between existing and proposed conditions.
 - H. The plan shall include a note setting forth the zoning requirements, including the applicable lot size and yard requirements. The plan also shall show the requirements of other Borough ordinances, if any, on both the land to be subdivided and the adjacent land.
4. Existing and Proposed Features.
- A. Within 400 feet of any part of the land being subdivided or developed, the plan shall show the following information:
 - (1) Property lines, existing buildings, present use and current owners.
 - (2) The location, names, width (both cartway and right-of-way) radii and surface conditions of existing and proposed alleys and streets.
 - (3) The location and size of all watercourses and the boundaries of flood-plains (not limited to the regulatory flood elevation, where applicable).

SUBDIVISION AND LAND DEVELOPMENT

- (4) The location of existing and proposed flood or erosion protective facilities.
 - (5) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.
 - (6) The location and size of existing and proposed utilities above and below ground (e.g., electric facilities, fire hydrants, gas mains, water lines and other utilities).
 - (7) Manmade structures and natural features which may affect the potential layout of lots and buildings, including steep slopes (over 15%), marsh land and other topographical features.
 - (8) Areas subject to deed restrictions or easements.
- B. Within the land to be subdivided or developed, the plan shall show the following:
- (1) The location and character of existing and proposed buildings, including those existing buildings to be demolished as well as those to be retained.
 - (2) The location, names, widths and other dimensions of existing and proposed streets, including centerline courses, distances and curve data, paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing and proposed streets and alleys.
 - (3) For proposed streets, the plan shall show tentative grades to an existing street at a point 400 feet beyond the boundaries of the site.
 - (4) The plan shall show measured distances from the centerline of existing and proposed streets to existing and proposed buildings, to existing and proposed trees and plantings and to control points and monuments.
 - (5) The plan shall show all building setback lines with distances from the ultimate right-of-way line.
 - (6) The location and size of existing and proposed sanitary sewers, manholes, storm sewers and inlets.
 - (7) The location and size of all watercourse and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).

- (8) Contour lines at vertical intervals of five feet, except for floodplains which shall be shown at intervals of two feet. Where reasonably practicable, data shall refer to known established elevation or to the U.S.G.S. datum.
- (9) The location and size of utilities above or below the ground, e.g., electric facilities, fire hydrants, gas mains, water lines.
- (10) Manmade structures or natural features which limit the potential layout of buildings and lots, including tree masses, marshlands, steep slopes (over 15%) and other topographical features.
- (11) The location and site of any area to be used for open space/recreation purposes.
- (12) Boundaries and identification of all soil types.
- (13) Areas subject to deed restrictions or easements, including land to be dedicated or reserved for future road widening or other public or common use.
- (14) The location of any lots or areas which shall contain a use or uses other than residential.
- (15) When a preliminary plan covers only a part of the owner's entire holding, a tentative sketch shall be submitted of the prospective street and lot layout for the remaining area of the tract.
- (16) The depth of the water table shall be noted on the plan or in a separate report, along with the location of test borings, where applicable.

C. Plans for any industrial use shall include the following:

- (1) A description of the industrial operations proposed in sufficient detail to indicate the effects of those operations in producing traffic congestion, noise, glare, air pollution, water pollution, vibration, fire hazards or safety hazards.
- (2) Engineering and architectural plans for the treatment and disposal of industrial waste.
- (3) Engineering and architectural plans for the handling of any excess traffic congestion, noise, glare, air or water pollution, fire or other safety hazard.
- (4) Designation of the fuel proposed to be used and any necessary architectural and engineering plans for controlling smoke.

SUBDIVISION AND LAND DEVELOPMENT

- (5) The proposed number of shifts to be worked and the maximum number of employees on each shift.
 - (6) Any other pertinent data or evidence that the Planning Commission may require.
 - (7) Architectural plans for the setback planting and screening as required under Appendix B hereto.
5. Proposed Improvements.
 - A. The plan shall contain a tentative cross section and centerline profile for each proposed or widened cartway shown on the preliminary plan, including the profile for proposed sanitary sewers and storm drains, showing man-holes, inlets and catch basins.
 - B. The plan shall show preliminary design of any bridges, culverts or other structures and appurtenances which may be required.
6. Floodplains.
 - A. Within floodplains, all subdivisions and land development plans shall be drawn to assure that:
 - (1) Proposals are consistent with the need to minimize flood damage.
 - (2) Public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage.
 - B. Where the subdivision or land development lies partially or completely in a floodplain or where the subdivision or land development borders on a floodplain, the plan shall include detailed information giving the location and elevation of existing and proposed streets, water supply and sanitary facilities, building sites, structures, soil types and proposed floodproofing measures. Such plan shall also show contour lines as described in Subsection 3 of this Section and identify accurately the boundaries of the floodplain and the base flood elevation. When floodproofing measures are proposed for a structure within a floodplain, a registered professional engineer or architect shall certify that the floodproofing measures are adequate to meet the requirements of this Chapter and other Borough ordinances.
 - C. The developer shall provide proof that adequate precautions against flood damage have been taken with respect to the design of any buildings or structures located wholly or partially within a floodplain area.
 - D. A copy of all plans for new construction in floodplain areas shall be submitted by the Borough to the Montgomery County Conservation District for re-

view and comment prior to the issuance of a building permit. The recommendations of the conservation district shall be considered by the Borough Council for possible incorporation into the proposed plan.

7. A copy of the landscaping plan submitted pursuant to Subsection 1 hereof.
8. Certificates. Upon approval, the preliminary plan must show:
 - A. The signature of the subdivider certifying his adoption of the plan and any changes thereto.
 - B. The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
 - C. The signature of the registered professional engineer certifying the correctness of the design of all improvements.
 - D. The signature of the Borough Administrator certifying that the Borough Council has approved the plan and any changes thereto on the date shown.

(Ord. 895, 2/22/1993, Art. III, §304)

§22-306. Final Plan.

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

- A. Record Plan.
 - (1) Drafting Standards. The same standards shall be required for a record plan, as for a preliminary plan and in addition, for recording purposes, the plans shall be placed on sheet sizes of 15 inches by 18 inches, 18 inches by 30 inches or 24 inches by 36 inches. All lettering and lines should be drawn so as to still be legible should the plan be reduced to 1/2 size.
 - (2) Information to be Shown. The plan which shall include all portions of an approved preliminary plan shall show:
 - (a) A title, as required for a preliminary plan.
 - (b) Courses and distances sufficient for the legal description of all the lines shown on the plan. The error of closure shall not be greater than one part in 10,000.
 - (c) The names of abutting owners, names, locations, widths and other dimensions of all roads, including centerline courses, dis-

SUBDIVISION AND LAND DEVELOPMENT

tances and curve data, descriptive data of ultimate right-of-way line so that a single deed may be drawn to the appropriate authority for the dedication of roads by the subdivider, developer or builder. Further, all proposed easements shall be clearly identified and shall include a statement of intention to dedicate to the Borough or other appropriate entity or person.

- (d) Evidence should be provided that the plans are in conformance with the Borough Zoning Ordinance [Chapter 27] and other applicable Borough ordinances and regulations.

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

- (e) When the proposed subdivision or land development affects only a portion of a tract, the applicant must demonstrate that any future subdivision or development will conform to existing zoning regulations and that such activity will be carried out in a logical and satisfactory manner.
- (f) The location, material and size of all monuments.
- (g) Building setback lines with distances from the ultimate right-of-way line.
- (h) Restrictions in the deed affecting the subdivision or development of the property.
- (i) The location of all floodplains and steep slopes (over 15%).

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

- (a) The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
- (b) The signature of the registered professional engineer certifying the correctness of the design of all improvements.
- (c) The signature of the subdivider, developer or builder certifying his adoption of the plan.
- (d) The signature of the Borough Administrator certifying that the Borough Council approved the plan on the date shown.

B. Improvement Construction Plan (Where Applicable).

- (1) **Drafting Standards.** The same standards shall be required for an improvement construction plan as for a preliminary plan, except that the horizontal scale of the plan and profile shall not be in excess of 50 feet to the inch and the vertical scale of the plan shall be two, five or 10 feet to the inch, whichever is most appropriate.
- (2) **Information to be Shown.** The plan shall contain sufficient information to provide working plans for the construction of the proposed roads, or any portion thereof, including all appurtenances, sewers and utilities as shown on the approved preliminary plan from one existing or approved road to another, or in the case of a cul-de-sac, to its turn-around. Said information shall include:
 - (a) **Horizontal Plan.** The horizontal plan shall show details of the horizontal layout as follows:
 - 1) Information shown on the approved preliminary plan.
 - 2) The beginning and end of proposed immediate construction.
 - 3) Stations corresponding to those shown on the profile.
 - 4) The curb elevation at tangent points or horizontal curves at road or alley intersections and at the projected intersections of the curb lines.
 - 5) The location and size of sanitary sewers and lateral connections with distances between manholes, water, gas, electric and other utility pipes or conduits and of storm drains, inlets and manholes.
 - 6) The location, type and size of curbs and all paving widths.
 - 7) The location and species of all shade trees and the location and type of fire hydrants and street lights.
 - (b) **Profiles.** The profile shall be a vertical section of the road with details of vertical alignment as follows:
 - 1) Profiles and elevations of the ground along the centerlines of proposed roads.
 - 2) Profiles of sanitary sewers with a profile over the sewer of the present and finished ground surface showing manhole locations beginning at the lowest manhole.

SUBDIVISION AND LAND DEVELOPMENT

- 3) Profiles of storm drains showing manhole and inlet locations.
- (c) Cross Section. The cross section shall comply with the engineering standards and requirements being Appendix A hereof as minimum requirements.¹ It shall show a typical cross section across the road with details of grading and construction as follows:
- 1) The road and the location and width of paving within the road.
 - 2) Type, depth and crown of paving.
 - 3) The type and size of curb.
 - 4) When sidewalks are required, grading of the sidewalk area should be carried to the full width of the road and slopes of cut or fill extended beyond the road.
 - 5) The location, width, type and depth of sidewalks, when required.
 - 6) The typical location, size and depths of sewers and utilities.

(Ord. 895, 2/22/1993, Art. III, §305)

§22-307. Land Development Plans.

1. Applicants submitting a land development plan shall be required to show the following information, in addition to the information required for a minor residential land development plan, as identified in Subsection 2 or a regular land development plan, as identified in Subsection 3:
 - A. The zoning classifications and applicable requirements with which compliance is necessary for granting final approval.
 - B. Structural features for the use of two or more prospective occupants.
 - C. The lot size, floor area and/or gross leasable area as applicable.
 - D. The density of the development, including the number of bedrooms per dwelling unit.

¹ Editor's Note: Appendix A is included at the end of this Chapter.

- E. The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.
 - F. The location and placement of accessory structures and facilities.
 - G. All roads, parking facilities and pedestrian ways (including the total number of parking spaces).
 - H. The areas of common open space or facilities.
 - I. A conceptual site utilization layout defining the general location of all proposed uses and activities.
 - J. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.
 - K. All covenants, deed restrictions or easements relating to use of property.
 - L. The location and description of all requirements of the Borough's landscaping criterion as then in force.
2. Minor Land Development Plan. It is the purpose of this subsection to provide for simplified plan submission and processing requirements by which minor land developments may be submitted and approved. Plans submitted under the provisions of this subsection must meet the following criteria, conform to the established standards and provide the required information:
- A. Criteria for Minor Residential Land Developments. A residential land development that:
 - (1) Contains only one residential building with less than five dwelling units.
 - (2) Has not been part of a land development submitted within the past three years.
 - (3) Presently fronts on a physically improved street that is legally open to the public.
 - (4) Will not involve the construction of any new street or road, the extension of Borough facilities or the creation of any other public improvements.
 - (5) Is in general conformance with the Borough Comprehensive Plan and other plans.
 - B. Criteria for Minor Nonresidential Land Developments. A nonresidential land development in which:

SUBDIVISION AND LAND DEVELOPMENT

- (1) 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 this Chapter.
- (2) The project involves only a parking lot expansion of not more than 25% of the original parking area.
- (3) There is a building addition of not more than 25% of the square footage of the existing building, up to a maximum addition size of 5,000 square feet.
- (4) There is an addition of tenants to an existing building but only minimal structural improvements are required.

C. Drafting Standards.

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

D. Location and Identification.

- (1) The name(s) and address(es) of the subdivider and the registered professional engineer and/or land surveyor who prepared the plan.
- (2) The name of the development, its location in terms of significant bounding roads and the name of the municipality.
- (3) The date of preparation (or revision) of the plan, the scale and a north point.

- (4) The entire tract boundary with bearings and distances and a statement of the tract size.
- (5) Layout of all structures and facilities on the parcel and the net lot area of the parcel.
- (6) A key map relating the development to at least three existing intersections of Borough streets.
- (7) A legend sufficient to indicate clearly between existing and proposed conditions.

E. Existing and Proposed Features.

- (1) Within 100 feet of any part of the land being developed, the plan shall show the following information:
 - (a) Property lines, existing buildings, present use and current owners.
 - (b) The location, names and width (both cartway and right-of-way) of existing and proposed streets and alleys.
 - (c) The location and size of all watercourses and the boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).
 - (d) Manmade structures and natural features, such as steep slopes (over 15%), which may affect the potential layout of the proposed building.
 - (e) Areas subject to deed restrictions or easements.
- (2) Within the parcel to be developed, the plan shall show the following:
 - (a) Location and character of buildings located on the land, including the buildings to be demolished as well as those to be retained or preserved.
 - (b) If applicable, the location, names, widths and other dimensions of existing streets and alleys, including paving widths, curb lines, rights-of-way and curb line radii at intersections and street location tie-ins by courses and distances to the nearest intersection of existing streets and alleys.

SUBDIVISION AND LAND DEVELOPMENT

- (c) The location and size of all watercourse and boundaries of floodplains (not limited to the regulatory flood elevation, where applicable).
 - (d) Manmade structures and natural features which limit the potential layout of the proposed building, including the location of marshland, slopes over 15% and other topographical features. Whenever the parcel contains slopes in excess of 15%, topographical data may be required by the Borough Engineer.
 - (e) Areas subject to deed restrictions or easements.
 - (f) The plan shall reference any land to be dedicated or reserved for future road widening or other public or common use.
 - (g) Boundaries and identification of all soil types.
 - (h) Location and size of onsite sewage facilities, if applicable, and documentation of approval of proposed facilities by the appropriate Borough Officer.
 - (i) Tentative sketch of future street and lot layout for remaining land not proposed for subdivision or development.
- F. Additional Requirements for Developments Within Floodplains. Minor land development applications for land with floodplains must conform to the applicable requirements established for lands within such areas in §§22-305(6) and 22-404 of this Chapter.
- G. Plan Submission. Minor land development plans shall be submitted in accordance with the plan processing procedures identified in §22-307 of this Part.
- H. Plan Approval. Plan approval shall be obtained through the procedure identified in §22-308 of this Part. After Borough Council approves the minor land development plan, the plan shall become a final plan when the following certificates are obtained:
- (1) The signature of the registered land surveyor certifying that the plan represents a survey made by him, that the monuments shown thereon exist as located and that the dimensional and geodetic details are correct.
 - (2) The signature of the registered professional engineer certifying the correctness of the design of all improvements.
 - (3) The signature of the developer certifying his adoption of the plan and any changes thereto.

- (4) The signature of the Borough Administrator certifying that Borough Council has approved the minor land development plan and any changes thereto on the date shown.
- (5) Certification by the Zoning Hearing Board that any required special exceptions and variances have been granted.

Following final approval, the plan must be recorded in accordance with §309 of this Part.

3. Regular Land Development Plan. All land development plans which do not qualify for submission as a minor land development as described in Subsection 2A of this Section must include the applicable information required in §§22-305 and 22-306 of this Part in addition to the information required in this Section.

(Ord. 895, 2/22/1993, Art, III, §306; as amended by Ord. 985, 6/21/2004, §§1-5)

§22-308. Plan Processing Procedures.

The following plan processing procedures shall be followed by all applicants for approval of a subdivision or land development plan:

- A. All plans filed for approval shall be submitted in the following order:
 - (1) Tentative sketch plan (optional).
 - (2) Minor subdivision plan or minor land development plan (may be submitted in satisfaction of preliminary and final plan requirements for all applicable subdivision or land developments).
 - (3) Preliminary plan.
 - (4) Final plan.
- B. An applicant shall submit not less than eight copies of each plan to the Borough Administrator. In addition, up to four additional copies of each plan shall be submitted to the Borough Administrator if Borough Council, Borough Solicitor or the Borough Planning Commission determine that the plan(s) should be distributed to any of the optional plan recipients listed in Subsection I(4) herein.
- C. Each plan, whether tentative, minor subdivision or minor land development, preliminary or final, shall be filed one at a time, no subsequent plans shall be filed until a decision on the preceding plan has been reached.

SUBDIVISION AND LAND DEVELOPMENT

- D. When the decision reached concerning an application for approval of a specific plan results in a denial of the plan, then the applicant, when and if he should reapply requesting approval of the plan, shall do so in accordance with the plan sequence outlined in Subsection A herein and the additional procedures below.
- E. Applications for approval of a subdivision or land development plan shall be received by the Borough Administrator. Submittal and processing fees for plans and specifications for such plans shall accompany the applications.
- F. The applicant, or his agent, shall be required to appear in person at the Borough Hall in order to make application for approval of a plan and file plans therewith.
- G. Formal application shall be received at any time during Borough business hours. All applications for approval of a plan shall be acted upon by the Borough Council and such decisions shall be communicated to the applicant, in writing, not later than the prescribed time period according to the Pennsylvania Municipalities Planning Code.
- H. The applicant must submit a tentative, minor subdivision, minor residential land development, preliminary or final plan for review, prior to applying to the Zoning Hearing Board for the granting of variances, special exceptions and conditional uses. If during the review process, it is determined that a variance, special exception or a conditional use is necessary than the applicant shall apply to the Zoning Hearing Board for such.
- I. Schedule of Plan Processing Steps.
 - (1) Applications for subdivision or land development, accompanied by not less than eight copies of the proposed plan, shall be received at the Borough Hall by the Borough Administrator.
 - (2) The date shall be stamped on each copy of the plan and two fees shall be received:
 - (a) The Borough filing fee.
 - (b) The Montgomery County Planning Commission Act 247 review fee.
 - (3) A cursory examination of the plan will be conducted to ensure basic compliance with the plan submission requirements of this Part.
 - (4) The Borough Administrator shall distribute copies of the plan to the following persons, agencies or groups:
 - (a) Mandatory Recipients.

- 1) Borough Council.
 - 2) Borough Administrator.
 - 3) Borough Planning Commission.
 - 4) Montgomery County Planning Commission.
 - 5) Borough Zoning Officer.
 - 6) Borough Solicitor.
 - 7) Borough Engineer.
 - 8) Borough Fire Marshall.
- (b) Additional Recipients.
- 1) Borough Building Inspector.
 - 2) Community Ambulance Association.
 - 3) Borough Recreation Board.
 - 4) Chamber of Commerce.
 - 5) Sewer and water authorities.
 - 6) The Environmental Protection Agency.
 - 7) Other technical consultants as needed.
- (5) Application for approval of a subdivision or land development plan shall be placed on the agenda of the next Borough Planning Commission meeting following formal submission of the applicant.
- (6) Application for approval of a subdivision or land development plan shall be placed on the agenda of the next Borough Council meeting following receipt by the Borough Administrator of the recommendation

SUBDIVISION AND LAND DEVELOPMENT

of the Montgomery County Planning Commission², Borough Planning Commission and Borough Engineer.

- (7) The Borough Council shall require the applicant to submit copies of all necessary permits from those governmental agencies from which approval is required by Federal or State law.
- (8) The Borough Council shall act on the plan within 90 days after the date of the next regular meeting of the Borough Planning Commission following the date the application is submitted. If, however, the next regular meeting of the Borough Planning Commission occurs more than 30 days following the filing of the application, the said 90 day period shall be measured from the thirtieth day following the day the application has been filed. The following optional consequences shall result from action by the Council:
 - (a) If the Council approves the plan, the Borough Administrator will so certify thereon and two copies of the approved plan will be forwarded to the applicant. The applicant would then resubmit four copies of the approved plan (two paper copies and two mylar or linen copies for seal and signature).
 - (b) The Council may conditionally approve a plan, in which case the applicant shall appear at a subsequent Council meeting to demonstrate compliance or written acceptance of the conditions stipulated.
 - (c) If the Council disapproves the plan, the Borough Administrator will notify the applicant, in writing, of the defects in the application, will describe the requirements which have not been met and shall cite the provisions of State law or Borough ordinance relied upon.
 - (d) The Borough may refuse to grant any approval necessary to further improve or develop any property which has been developed or which has resulted from a subdivision of property in violation of any ordinance adopted pursuant to this Part. This authority

² Editor's Note: According to Montgomery County Planning Commission policy, recommendations of MCPC shall be submitted to the Borough Council no later than 30 days from the date specified on the application form requesting MCPC review. If the specified date is more than five days prior to MCPC's receipt of the review request, the 30 day review period shall commence five days prior to such receipt. If no date is specified on the review request, the 30 day review period shall commence two days prior to receipt. If an applicant grants a time extension to the Borough, the MCPC review period will be extended the appropriate number of days. The MCPC review period may be suspended if the proposal is temporarily withdrawn, if the review fee is not received or for any other valid reason, in such case, the 30 days review period shall not resume until the situation is resolved. In no instance shall the review period so resumed span a period of less than 15 days

to deny such approval shall apply to any of the following applicants:

- 1) The owner of record at the time of such violation.
- 2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- 3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual constructive knowledge of the violation.
- 4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for granting approval to any such owner, current owner, vendee or lessee for the development of any such property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such property.

- (9) Approval will be effective for a period of five years, unless extended by Council. Where final approval is preceded by preliminary approval, the five year period shall be counted from the date of preliminary approval. No subsequent change or amendment in the Zoning [Chapter 27], subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
- (10) When deemed desirable, the applicant may be requested to agree, in writing, to an extension of the time prescribed herein, in which case the Council, when rendering its decision, shall communicate it to the applicant prior to the termination of the extended time period.
- (11) If the Borough Council determines that only a portion of a proposed plan can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination, if at all.
- (12) When a developer does not intend to develop the plan himself and the Borough Council determines that additional controls are required to ensure safe development, it may require the developer to impose ap-

SUBDIVISION AND LAND DEVELOPMENT

propriate deed restriction on the land. Such deed restriction shall be inserted in every deed and noted on the record plan.

- (13) The approval of a subdivision or land development plan near or within the floodplain shall constitute a representation, guarantee or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of the proposed plan and shall create no liability upon Ambler, its officials or employees. The degree of floodproofing intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This Chapter does not imply that areas outside floodplains or subdivisions or land developments permitted within such areas will always be totally free from flooding or flood damage.

(Ord. 895, 2/22/1993, Art. III, §307; as amended by Ord. 985, 6/21/2004, §6)

§22-309. (Reserved)

(Ord. 895, 2/22/1993, Art. III, §308; repealed by Ord. 991, 8/15/2005)

§22-310. Traffic Impact Study.

1. Purpose. The Traffic Impact Study will enable Ambler Borough to assess the impact of the proposed development on the transportation system, both highways and public transportation, in the Borough. The purpose of the impact study is to ensure that proposed developments do not adversely affect the transportation network and to identify any traffic problems associated with access between the site and the existing transportation network. The study's purpose is also to delineate solutions to potential problems and to present improvements to be incorporated into the proposed development. The study shall assist in the protection of air quality, conservation of energy and encouragement of public transportation use.
2. A traffic impact study shall be prepared by a qualified traffic engineer and/or transportation planner with previous traffic study experience. Procedures and standards for a traffic impact study area as set forth herein. Applicant may provide funds to the Borough to enable the Borough to hire a traffic engineer of its choice to conduct the study, if this procedure is deemed appropriate and approved by the Borough.
3. Applicability. A traffic impact study shall be submitted for all zoning changes, subdivisions and land developments that meet one or more of the following criteria:
 - A. Residential. Five or more dwelling units or lots.

- B. Nonresidential Subdivision. Five lots or more.
- C. Commercial. A commercial building or buildings consisting of 15,000 square feet or more of gross floor space (total floor area on all floors within the exterior walls of the building).
- D. Office. A development consisting of 15,000 square feet or more of gross floor space.
- E. Industrial. Any industrial development consisting of five or more lots, or 15,000 square feet or more of gross floor area, or having more than 35 employees (immediately or future) with access from the site onto a Borough street, or with an expected daily traffic flow of more than 100 vehicle trips per day with site access onto a Borough street.
- F. Institutional. Any medical, educational or institutional development consisting of 15,000 square feet or more of gross floor area.
- G. Other. Any uses that propose to generate 250 or more trips per day.

* The number of trips shall be determined through the use of the Institute of Transportation Engineers (ITE), "Trip Generation," latest edition.

Borough Council, at its discretion, may require any other subdivision or land development application to be accompanied by a traffic impact study; provided, however, that Council notify the applicant within 60 days following the Planning Commission's first meeting to consider the proposal. Such a notification shall specify the reason for the requirement, citing the proposal's particular location or existing problems or type of use. The Ambler Borough Council, at its discretion, may waive the requirement for a traffic impact study. If required by the Borough Council, the developer of a land development shall provide emergency signal preemption for any traffic signals located within or immediately adjacent to the development.

4. Definitions.

LEVEL OF SERVICE — level of service, as described in the 2000 Highway Capacity Manual, indicates how well traffic moves on a particular highway facility or through a specific intersection. There are six levels of servicing ranging from A through "F." Level of service A indicates generally free movement. Level of service "F" represents maximum capacity of the facility. Level "F" indicates congestion. Level of service C is considered the design level of service, representing a stable traffic flow and a relatively satisfactory travel speed.

MAJOR INTERSECTION — any intersection where traffic generated by the proposal will have significant impact on the operation of the intersection and/or any other intersection involving an arterial road. Where doubt exists, the transporta-

SUBDIVISION AND LAND DEVELOPMENT

tion engineer shall seek guidance from Council prior to the submission of the traffic impact study.

PUBLIC TRANSPORTATION — transportation service for the general public provided by a common carrier of passengers generally on a regular route basis, or a private operator offering service to the public.

STUDY AREA — this area will extend approximately 1/2 mile along the adjacent roadways in all directions from all access points or the first major intersection along these roadways. Where doubt exists, the traffic engineer shall seek guidance from the Borough Council prior to the submission of the traffic impact study.

VOLUME/CAPACITY ANALYSIS — this procedure compares the volume of a roadway or intersection approach to its capacity (maximum number of vehicles that can pass a given point during a given time period). The procedures described in the 2000 Highway Capacity Manual, Highway Research Board Special Report 209, shall be followed.

TRIP GENERATION RATES — the total count of trips to and from a study site per unit of land use as measured by parameters such as dwelling units, acres, etc.

WARRANTS FOR TRAFFIC SIGNAL INSTALLATION — this is a series of warrants which detail the minimum traffic or pedestrian volumes or other criteria necessary for the installation of a traffic signal. These warrants are contained in the Manual on Uniform Traffic Control Devices for Streets and Highways, U.S. Department of Transportation, Federal Highway Administration, 1988, as amended, or the most recent version, whichever is later.

Engineering and traffic studies shall be prepared in accordance with Title 67, Chapter 201, "Engineering and Traffic Studies."

5. General Requirements and Standards. A traffic impact study shall contain the following information:
 - A. General Site Description. The site description shall include the size, location, proposed land uses, construction staging and completion date of the proposed subdivision or land development. If the development is residential, types of dwelling units shall also be included. A brief description of other major existing and proposed developments within the study area shall be provided. The general site description shall also include probable socioeconomic characteristics of potential site users to the extent that they may affect the transportation needs of the site (i.e., number of senior citizens).
 - B. Transportation Facilities Description. The description shall contain a 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 locations, all internal roadway widths and rights-of-way, parking conditions, traffic chan-

nelization and any traffic signals or other intersection control devices at all intersections within the site. The report shall describe the entire external roadway system within the study area and include discussion of existing design deficiencies and potential safety hazards. Major intersections in the study area shall be identified and sketched. All existing and proposed public transportation services and facilities within a one mile radius of the site shall also be documented. Report shall include review and discussion of all available accident reports within the study area during the prior three years. All future highway improvements, including proposed construction and traffic signalization shall be noted. The four Year Regional Transportation Improvement Program maintained by the Delaware Valley Regional Planning Commission shall be used as a source of information when determining if any future roadway improvements are scheduled for the adjacent road network. Any proposed roadway improvements due to proposed surrounding developments shall be recorded.

- C. Existing Traffic Conditions. Existing traffic conditions shall be measured and documented for all roadways and intersections in the study area. Existing traffic volumes for average daily traffic, peak highway hour(s) traffic and peak development generated hour(s) and documentation shall be included in the report. Traffic count data shall not be more than one year old. Traffic counts shall be taken on a Tuesday, Wednesday or Thursday of a non-holiday week. Traffic counts shall be collected during average volume conditions, during fair weather and in consideration of any construction activities or special events which may be taking place in the area. Additional counts (conducted on a Saturday for a commercial development or residential development in close proximity to the commercial district or tourist attractions) may also be required in some cases. The Borough Council shall make such determinations. Roadway characteristics shall be described and illustrated. Features to be addressed shall include lane configurations, geometry, signal timing, traffic control devices, posted speed limits and sight distance limitations. Existing levels of service shall be calculated for all intersections and turning movements within the study area. This analysis will determine the adequacy of the existing roadway system to adequately serve the existing traffic demand. Roadways, signalized intersections or individual movements experiencing levels of service below C, and/or volume capacity ratios greater than or equal to 1.0 shall be noted as deficient. Unsignalized intersections with levels of service below D shall also be noted. A volume/capacity analysis based upon existing volumes shall be performed during the peak highway hour(s) and the peak development generated hour(s) for all roadways and major intersections in the study area. Levels of service shall be determined for each location using the current edition of the Highway Capacity Manual Methodology.
- D. Transportation Impact of the Development. Estimation of vehicular trips to result from the proposal shall be completed for the average daily peak highway hour(s) and peak development generated hour(s). Vehicular trip generation rates to be used for this calculation shall be obtained from the

SUBDIVISION AND LAND DEVELOPMENT

Trip Generation. An Information Report, Sixth Edition, Institute of Transportation Engineers, 1977, as amended. These development generated traffic volumes shall be provided for the in-bound and outbound traffic movements as estimated, and the reference source(s) methodology followed shall be documented. All turning movements shall be calculated. These general volumes shall be distributed to the study area and assigned to the existing roadways and intersections throughout the study area. Documentation of all assumptions used in the distribution and assignment phase shall be provided. Traffic volumes shall be assigned to individual access points. If school crossings are to be used, pedestrian volumes shall be assigned to each crossing. Any characteristic of the site that will cause particular trip generation problems shall be noted.

- E. Analysis of Transportation Impact. The total future traffic demand shall be calculated. This demand shall consist of the combination of the existing traffic expanded to the completion year (using a background growth rate for the area from the Montgomery County Planning Commission's traffic count database or from the Delaware Valley Regional Planning Commission's "Highway Network Coverage Counts"), the development generated traffic and the traffic generated by other proposed developments in the study area. A second/volume capacity analysis shall be conducted using the total future demand and the future roadway capacity. If staging of the proposed development is anticipated, calculations for each stage of completion shall be made. This analysis shall be performed during the peak highway hour(s) and peak development generated hour(s) for all roadways and major intersections in the study area. Level of service calculations shall be completed for all major intersections. It is usually at these locations that capacity is most restricted. All access points and pedestrian crossings shall be examined as to the feasibility of installing traffic signals. This evaluation shall compare the projected traffic and pedestrian volumes to the warrants for traffic signal installation.

- F. Conclusions and Recommended Improvements. Levels of service for all roadways and intersections shall be listed. All individual turning movement of roadways and/or intersections showing a level of service below C shall be considered deficient, and specific recommendations for the elimination of these problems shall be listed. This listing of recommended improvements shall include, but not be limited to, the following elements:
 - (1) Internal circulation design.
 - (2) Site access location and design.
 - (3) External roadway and intersection design/safety improvements.
 - (4) Traffic signal installation and operation, including signal timing and transit design improvements. All physical roadway improvements shall be shown in sketches.

Existing and/or future public transportation service shall also be addressed. A listing of all actions to be undertaken to increase present public transportation usage and improve service, if applicable, shall be included. An analysis shall be undertaken to indicate whether or not future public transportation service should be provided to the development.

The listing of recommended improvements for both roadways and transit shall include, for each improvement, the party responsible for the improvement, the cost and funding of the improvement and the completion date for the improvement.

The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements shall be described. The mitigation measures may include recommendations such as roadway widening, turning lanes, deceleration lanes/tapers, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of the use. The responsibility and timing of all recommended roadway improvements shall be described within the traffic impact study.

6. Time of Submission. The traffic impact study shall be submitted to the Planning Commission with the preliminary plan submission. Revisions to preliminary plans may constitute the need for re-submission of the traffic impact study for the revised conditions. Improvement plans shall not be submitted to PennDOT until after review by the Borough Planning Commission and Borough Council.
7. Implementation. Borough Council shall review the traffic impact study to analyze its adequacy in solving any traffic problems that will occur due to the land development or subdivision. Borough Council may determine that certain improvements on and/or adjacent to the site and within the study area are necessary requirements for land development or subdivision plan approval and may attach these as conditions to the approval. If Borough Council determines that such additional improvements are necessary, the developer shall have the opportunity to submit alternative improvement designs to obtain plan approval.
8. Emergency Response Organizations. The Borough shall submit all land development plans proposing the construction of nonresidential buildings or multifamily residential dwellings to the fire department, police department and any other emergency response organization having jurisdiction within the area of the proposed development for review and comment.

(Ord. 895, 2/2/1993; as added by Ord. 965, 9/16/2002)

SUBDIVISION AND LAND DEVELOPMENT

§22-311. Water Supply.

Every ordinance adopted pursuant to this Chapter shall include a provision that, if water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the Borough Council or Planning Commission, as the case may be, that the subdivision or land development is to be supplied by a certificated public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

(Ord. 895, 2/2/1993; as added by Ord. 995, 12/19/2005)

§22-312. Recording of Plats and Deeds.

1. Upon the approval of a final plat, the developer shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the Borough Council, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Recorder of Deeds of Montgomery County. The Recorder of Deeds of Montgomery County shall not accept any plat for recording, unless such plat officially notes the approval of the Borough Council and review by the County Planning Commission.
2. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.

(Ord. 895, 2/2/1993; as added by Ord. 995, 12/19/2005)

§22-313. Lighting Plans Required With All Submissions.

1. For subdivision and land development applications where site lighting is required by this Chapter, is otherwise required by the Borough or is proposed by the applicant, lighting plans shall be submitted to the Borough for review and approval with preliminary and final subdivision/land development plan applications and shall contain the following:
 - A. A plan or plans of the site, complete with all structures, parking spaces, building entrances, traffic areas (both vehicular and pedestrian), vegetation that might interfere with lighting, and adjacent uses that might be adversely impacted by the lighting. The lighting plan shall contain a layout of all proposed fixtures by location, orientation, aiming direction, mounting height and type. The submission shall include, in addition to existing and proposed area lighting, all other exterior lighting (e.g., architectural, build

ing-entrance, landscape, flag, sign, etc.) and shall be drawn to a scale no smaller than one inch equals 50 feet.

- B. A 10' x 10' illuminance grid (point-by-point) plot of maintained horizontal footcandles overlaid on the site plan, plotted out to 0.0 footcandles, which demonstrates compliance with the light trespass, illuminance and uniformity requirements as set forth in this Chapter or as otherwise required by the Borough. When the scale of the plan, as judged by the Borough, makes a 10'x10' grid plot illegible, a larger grid spacing may be permitted.
- C. A chart depicting the maintenance (light-loss) factors, IES candela file nomenclature, lamp-lumen ratings and specific lamp manufacturer's lamp ordering nomenclature, used in calculating the presented illuminance levels.
- D. Description of the proposed equipment, including fixture catalog cuts, photometrics, glare reduction devices, lamps, on/off control devices, mounting heights, pole foundation details and mounting methods.
- E. When landscaping plans are involved, they shall contain the lighting fixture locations and shall demonstrate that the site lighting and landscaping have been coordinated to minimize conflict between vegetation and intended light distribution, both initially and at vegetation maturity.
- F. Security Lighting. Where applicable, security fixtures shall be designated on the lighting plan. Security fixtures shall be designated as no greater than 25% of fixtures on site.
- G. When requested by the Borough, the applicant shall also submit a visual-impact plan that demonstrates appropriate steps have been taken to mitigate the potential consequences of on-site and off-site glare and to retain the intended character of the Borough. This plan may require the inclusion of initial vertical footcandle values at specific off-site venues, (e.g., bedroom windows of adjacent residential uses).
- H. Plan Notes. The following notes shall appear on the lighting plan:
 - (1) Post-approval alterations to lighting plans or intended substitutions for approved lighting equipment shall be submitted to the Borough for review and approval.
 - (2) The Borough reserves the right to conduct post-installation inspections to verify compliance with the ordinance requirements and approved lighting plan commitments and, if deemed appropriate by the Borough, to require remedial action at no expense to the Borough.
 - (3) All exterior lighting shall meet IESNA full-cutoff criteria unless otherwise approved by the Borough.

SUBDIVISION AND LAND DEVELOPMENT

- (4) The installer shall notify the Borough to arrange for inspection and approval of all exterior lighting, including building-mounted lighting, prior to its installation.

2. Streetlight Dedication.

- A. When streetlighting is to be dedicated to the Borough, the applicant shall be responsible for all costs involved in the lighting of streets and street intersections until the street is accepted for dedication.
- B. Prior to dedication and in the event of the formation of a homeowners' association and/or property management declaration, the Borough shall require said agency to enter into an agreement guaranteeing the Borough payment of all costs associated with dedicated streetlighting.
- C. Assumption of Costs of Dedicated Streetlighting. Upon dedication of public streets, the Borough may assess the homeowners' association, individual property owners, or corporations, as may be necessary, to collect all revenues required that are directly or indirectly associated with all costs of each specific streetlighting fixture. These costs shall include:
 - (1) Administration.
 - (2) Collection.
 - (3) Pro-ration of nonpayables.
 - (4) Actual utility electrical charges.
 - (5) Maintenance and maintenance contracts for maintenance of fixtures and associated equipment.

(Ord. 1023, 9/16/2008)

PART 4

IMPROVEMENT, CONSTRUCTION AND FINANCIAL SECURITY

§22-401. Required Improvements.

1. The applicant shall construct all roads, streets, lanes or alleys, together with all other improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas and erosion and sediment control measures in conformance with the final plan as approved, the applicable provisions of the Pennsylvania Department of Transportation Specifications, Form 408, dated 1976, or the latest revision or other applicable regulations.
2. No plat shall be finally approved for recording and nor building permits shall be issued until the developer has completed all required improvements or has provided a performance guarantee in accordance with §22-402 hereof. The request shall state, in full, the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of this Chapter that are involved and the minimum modification necessary. While retaining jurisdiction over the matter, Council may refer the request for modification to the Borough Planning Commission for its advisory comments.

(Ord. 895, 2/2/1993, Art. IV, §400)

§22-402. Financial Security.

When requested by the developer, in order to facilitate financing, the Borough Council or the planning agency, if designated, shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan 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 the Borough Council, such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

- A. Amount. The amount of financial security to be posed for the completion of the required improvements shall be equal to 110% of the cost of completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to

SUBDIVISION AND LAND DEVELOPMENT

post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.

- B. **Determination of Improvement Costs.** The amount of financial security shall be based upon the estimate submitted by the developer which has been prepared by a professional engineer and certified by that engineer to be a fair and reasonable estimate of the costs. If the Borough's Engineer recommends against acceptance of the proposed, the Borough may refuse to accept the estimate based upon good cause which will be demonstrated to the developer. In the event the developer and the Borough cannot agree upon an estimate, then a third professional engineer chosen mutually by the Borough and the developer shall make the estimate. The costs of the third engineer shall be borne equally by the Borough and the developer.
- C. **Time Limit.** Such financial security shall provide for, and secured to the public, the completion of all subdivision improvements for which such security is being posted within the time fixed in the subdivision plan or subdivision agreement for completion of such improvements or in the resolution approving the same.
- D. **Development in Stages.** In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- E. **Water and Sewer Facilities.** If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from Ambler Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section. Proof of availability of whatever source shall be a condition precedent to approval.

(Ord. 895, 2/22/1993, Art. IV, §401)

§22-403. Release from Liability.

- 1. **Partial Release.** As the work of installing the required improvements proceed, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such request

shall be in writing addressed to Borough Council and subject to the provisions for release as established in §509(j) of Act 247, the Pennsylvania Municipalities Code.

2. **Release in Full.** The portion of the financial security unencumbered by the post-completion security of Subsection 4 shall be released only upon complete installation of the required improvements in accordance with the approved improvement construction plan. Strict compliance with procedures established by §510 of Act 247, the Pennsylvania Municipalities Planning Code shall be followed with respect to the release of financial security posted by the subdivider, owner, developer or builder. If the Borough Council fails to comply with the time limitations of §510 of Act 247, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the financial security.
3. **Incomplete Improvements.** If the required improvements are not completely installed within the period fixed or extended by the Council, the Council shall declare the financial security in default and authorize the Borough Administrator to collect the amount payable thereunder. Upon receipt of such amount, the Borough shall install such improvements as were covered by the security and are commensurate with the extent of building development which has taken place in the subdivision or land development, not exceeding in cost, however, the amount collected upon the security.
4. **Post-Completion Security.** The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and accepted by the Borough and 10% of the performance guarantee shall be held back until a maintenance guarantee as provided for in §22-503 has been posted.

(Ord. 895, 2/22/1993, Art. IV, §402)

§22-404. 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 Borough officials during the progress of the work and the subdivider, developer or builder shall pay for all inspections.
2. **Determination of Inspection Fees.** The Borough inspection fees are established by ordinance and annual resolutions. Copies shall be given to applicants at the time a form for application is requested by the developer and at any other time upon request. If, at the time of billing, a developer disputes a charge made as unreasonable or unnecessary and within 20 days of the date of the billing an agreement between the Borough and the developer cannot be reached, a third engineer shall be selected by agreement of the Borough and developer. If the two cannot decide on a third engineer within 20 days of the billing date, either party may request the President Judge of the Court of Common Pleas of Montgomery County to ap-

SUBDIVISION AND LAND DEVELOPMENT

point a third engineer who will be someone who has not worked for either party for at least five years. The third engineer shall render his decision within 50 days of the billing date and the development pay the amount determined immediately. The fee for the third engineer will be paid:

- A. By the developer if the original bill is found reasonable.
 - B. By the Borough if the fair fee is determined to be \$1,000 or more – less than the original bill.
 - C. One-half by each party if the determination is that bill was excessive, but by not more than \$1,000.
3. Samples of Materials. Samples of the materials shall be furnished to the Borough Engineer in the same manner as if required of contractors under the highway and sanitary drainage specifications.
 4. 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. 895, 2/22/1993, Art. IV, §403)

§22-405. Offsite Improvements.

Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed including, but not limited to, road improvements, may be required to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. The Solicitor shall render final judgment in any instances where a dispute arises as to the direct causal relationship for the improvement(s). The subdivider or developer may be required to cover costs which must be incurred by the Borough or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the offsite improvements shall be the same as those prescribed in §22-402.

(Ord. 895, 2/22/1993, Art. IV, §404)

PART 5

FEES, CONDITIONS OF ACCEPTANCE AND PENALTIES

§22-501. Fees and Costs.

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

- A. Preliminary Plan. The Borough filing fee and the Montgomery County Planning Commission Act 247 review fee.
- B. Final Plan. No fee will be charged for filing an improvement construction plan or a record plan, unless no preliminary plan has been filed, in which case the fees established for preliminary plan will be charged. The subdivider, developer or builder will be required to furnish a bond, in an amount and with such surety as shall be approved by Borough Council to guarantee payment of:
 - (1) Engineering Services. The services of the Borough Engineer as provided in these rules and regulations, including plan review and inspection. In addition, all costs for other engineering and professional certification as deemed necessary. Subject to the provisions of §22-_____ of this Chapter.
 - (2) Material and Facilities Tests. The actual cost of all drainage, water and/or material tests.
 - (3) Dedication. Legal fees, advertising and other costs involved in the dedication of streets and public improvements to the Borough.

(Ord. 895, 2/22/1993, Art. V, §500)

§22-502. Conditions of Acceptance.

- 1. Conditions. The Borough shall have no obligation to take over and make public any street or other improvement unless:
 - A. The requirement improvements, utility mains and laterals and monuments shown on an approved plan or plans have been constructed to all requirements.
 - B. It is established to the satisfaction of Borough Council that there is a need for the improvements to be taken over and made public.

SUBDIVISION AND LAND DEVELOPMENT

2. Acceptance. The Borough shall have no responsibilities with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance adopted by Borough Council.

(Ord. 895, 2/22/1993, Art. V, §501)

§22-503. Maintenance Guarantee.

Where the Borough Council accepts dedication of all or some of required improvements following completion (whether such dedication is of the fee or of an assessment) the Council shall require the posting of financial security to secure the structural integrity of the improvements and the functioning of the improvements in accordance with the design and specifications as depicted on the final plan. The security shall be in the form as is authorized for the deposit of the performance guarantee, as described in §22-502 hereof, shall be for a term of 18 months from the date of the acceptance of dedication and shall be in an amount equal to 15% of the actual cost of installation of the improvements so dedicated.

(Ord. 895, 2/22/1993, Art. V, §502)

§22-504. Preventive Remedies.

1. In addition to other remedies, the 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, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - A. The owner of record at the time of such violation.
 - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

- D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-505. Jurisdiction.

District justices shall have initial jurisdiction in proceedings brought under §22-506.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-506. Enforcement Remedies.

1. Any person, partnership or corporation who or which has violated the provisions of any subdivision or land development ordinance enacted under this Chapter or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the 5th day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
2. The Court of Common Pleas of Montgomery County, upon petition, may grant an order of stay, upon good cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for the enforcement pursuant to this Section.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

PART 6

ORDINANCES AND AMENDMENTS

§22-601. Enactment of Subdivision and Land Development Ordinance.

1. Before voting on the enactment of a proposed subdivision and land development ordinance, the Borough Council shall hold a public hearing thereon pursuant to public notice. A brief summary setting forth the principal provisions of the proposed ordinance and a reference to the place within the Borough where copies of the proposed ordinance may be secured or examined shall be incorporated in the public notice. Unless the proposed subdivision and land development ordinance shall have been prepared by the Planning Commission, the Borough Council shall submit the ordinance to the Planning Commission at least 45 days prior to the hearing on such ordinance to provide the Planning Commission an opportunity to submit recommendations.
2. Within 30 days after adoption, the Borough Council shall forward a certified copy of the subdivision and land development to the County Planning Commission.

(Ord. 895, 2/22/1993, as added by Ord. 995, 12/19/2005)

§22-602. Enactment of Subdivision and Land Development Ordinance Amendment.

1. Amendments to the subdivision and land development ordinance shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by this Part. In addition, in case of an amendment other than that prepared by the Planning Commission, the Borough Council shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.
2. Within 30 days after adoption, the Borough Council shall forward a certified copy of any amendment to the subdivision and land development ordinance to the County Planning Commission.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-603. Publication, Advertisement and Availability of Ordinance.

1. Proposed subdivision and land development ordinances and amendments shall not be enacted unless notice of proposed enactment is given in the manner set forth in this Section, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies

SUBDIVISION AND LAND DEVELOPMENT

of the proposed ordinance or amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Borough Council shall publish the proposed ordinance or amendment once in one newspaper of general circulation in the Borough not more than 60 days nor less than seven days prior to passage. Publication of the proposed ordinance or amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
 - B. An attested copy of the proposed ordinance shall be filed in the County Law Library or other County office designated by the County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said ordinances.
2. In the event substantial amendments are made in the proposed ordinance or amendment, before voting upon enactment, the Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
 3. Subdivision and land development ordinances and amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

(Ord. 895, 2/22/1993; as added by Ord. 995, 12/19/2005)

§22-604. Referral to Planning Commission.

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

(Ord. 895, 2/22/1993, Art. VI, §601; as amended by Ord. 995, 12/19/2005)

§22-605. Hardship Clause.

1. **Modifications.** Borough Council may consider and grant, where appropriate, modifications to the provisions of this Chapter where literal enforcement will enact an undue hardship on the developer because of peculiar conditions pertaining to the land in question. A request for relief hereunder must be in writing and will become a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provisions of this Chapter that are involved and the minimum modifi-

cation necessary. While retaining jurisdiction over the matter, Council may refer the request for modification to the Borough Planning Commission for its advisory comments.

2. In granting waivers and modifications, the Borough Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Ord. 895, 2/23/1993, Art. VI, §605; as amended by Ord. 995, 12/19/2005)

§22-606. Change of Engineering Standards and Regulations and Landscape Standards.

The captioned standards annexed hereto as Appendices A and B respectively may be amended and updated, from time to time, by the Borough Council by roll call resolution.

(Ord. 895, 2/22/1993, Art. VI, §606)

SUBDIVISION AND LAND DEVELOPMENT

22 Attachment 1

Borough of Ambler

APPENDIX “A” ENGINEERING STANDARDS

§101. Paving.

The pavement of all streets and all commercial, industrial and multifamily parking areas and driveways into and out of said parking areas shall be installed as shown on the final plan and in accordance with the following standards:

- A. General. All paving shall be constructed both as to materials and methods, in conformance with applicable portions of the Pennsylvania Department of Transportation (PennDOT) Specifications, Form 408, last revision edition.
- B. Pavement Design. All pavement areas shall conform to PennDOT specifications, Publication 408, latest revision, and as follows:¹
 - (1) The pavement for local and residential roads shall have a minimum total compacted depth of 10 inches, consisting of four inches of compacted subbase (PennDOT aggregate No. 2A), 4.5 inches of Superpave base course (25 mm, PG 64-22, 3 to 30 million ESALs), and 1.5 inches of Superpave wearing course (9.5 mm, PG 64-22, 3 to 30 million ESALs, minimum SRL H). The paving materials and workmanship shall be in accordance with PennDOT Specifications, Publication 408, latest revision.
 - (2) The pavement for arterial and collector roads shall have a minimum total compacted depth of 12.5 inches, consisting of four inches of compacted subbase (PennDOT aggregate No. 2A), four inches of Superpave base course (25 mm, PG 64-22, three to 30 million ESALs), three inches of Superpave binder course (19.0 mm, PG 64-22, 3 to 30 million ESALs), and 1.5 inches of Superpave wearing course (9.5 mm, PG 64-22, 3 to 30 million ESALs, minimum SRL H). The paving materials and workmanship shall be in accordance with PennDOT Specifications, Publication 408, latest revision.
- C. Paving Cross-Section. All pavements, except where super-elevated for curves, shall have a minimum slope from center of road to gutter line of 1/4 inch per foot and a maximum slope of 3/4 inch per foot except in super-elevated sections as governed by AASHTO.

¹ Editor's Note: Road Details are included at the end of Chapter 21, Streets and Sidewalks.

AMBLER CODE

- D. Alternative Paving. Alternative paving specifications may be approved for roads, driveways and parking lots not intended for dedication to the Borough, in commercial, industrial, rural, multifamily and mobile home park areas. These approvals will be subject to Borough Council review and must be supported by a detailed engineering analysis.
- E. Street Excavations. Requirements and standards regarding permitting and execution of street excavations provided in Chapter 21, Streets and Sidewalks, Part 2, as amended, shall apply to excavations performed as part of any land development.

(Res. 2/22/1993; as amended by Ord. 1016, 5/19/2008)

§102. Radii of Pavement and Right-of-Way at Intersection.

Street intersections shall be rounded with tangential arcs at pavement edge (curbline) and right-of-way lines as listed below. Where two streets of different right-of-way width intersect, the radii of curvature for the widest street shall apply.

Type of Street	Minimum Radius of Arc at Intersection of Pavement Edge or Curbline (In Feet)	Minimum Radius of Arc at Intersection of Right-of-Way Line (In Feet)
Primary	35 (or more as may be required)	20 (or more as may be required)
Secondary	35	20
Local Access	25	15

- A. All radii specified herein must be increased if large trucks, fire trucks or other emergency vehicles would have difficulty with ingress or egress.

(Res. 2/22/1993)

§103. Driveways and Parking Areas on a Lot Serving a Single Dwelling Unit.

The driveway and parking area shall have a thickness or not less than eight inches and base of which shall consist of six inches base course of 2A modified stone as compacted and a surface which shall be two inches compacted thickness of ID-2A (one inch binder, one inch surface). The paving materials and workmanship shall be constructed in accordance with PennDOT Specifications, Form 408, latest revision.

(Res. 2/22/1993)

SUBDIVISION AND LAND DEVELOPMENT

§104. Construction Inspection.

The construction of all driveways and parking areas will be subject to the inspection and approval of the Borough. The Borough shall be notified a minimum of 48 hours in advance of construction. Failure to follow these rules will prevent use and occupancy of the structure until it can be proven that the driveway was constructed properly.

(Res. 2/22/1993)

§105. Sidewalk Construction.

Requirements and standards regarding construction and repair of sidewalk provided in Chapter 21, Streets and Sidewalks, Part 3, as amended, shall apply to sidewalk construction and repair performed as part of any land development.

(Res. 2/22/1993; as amended by Ord. 1016, 5/19/2008)

§106. Curb Construction.

Requirements and standards regarding construction and repair of curb provided in Chapter 21, Streets and Sidewalks, Part 3, as amended, shall apply to curb construction and repair performed as part of any land development.

(Res. 2/22/1993; as amended by Ord. 1016, 5/19/2008)

§107. Drainage.

1. General.

- 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% slopes away from structures shall be required. Concrete curbs shall be installed in all residential streets, commercial and industrial developments.
- B. Design. All drainage provisions shall be of such design as to carry surface water to the nearest practical street, storm drain, detention basin or natural water course. Where drainage swales are used, they shall not be less than 1% 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.
- 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 street,

AMBLER CODE

storm drain or natural watercourse, in accordance with current State erosion control and sedimentation regulations.

- D. Multifamily or Nonresidential Areas. Roof drainage shall be conveyed by downspouts and other drainage facilities to a stormwater detention and control structure to minimize the effects of increased runoff. No roof drains shall discharge directly to streets without approval of the Borough Engineer.
 - E. Natural Watercourses. Drainage easements shall be required along natural watercourses with a minimum width of 20 feet and may be as open space. 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 will be required to establish high water elevations.
 - F. Easements and Dedication. Where stormwater or surface water will be gathered within the subdivision of land and discharged or drained in volume over lands within or beyond the boundaries or 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 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 upon demand, at the completions and stabilization of all improvements.
2. Requirements and Calculations.
- A. Storm Drains, Storm and Surface Drainage. 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.
 - 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, the grades of which slope on both sides towards the bottom, 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.

SUBDIVISION AND LAND DEVELOPMENT

- (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.

Stormwater management facilities shall be designed so that the peak discharge of runoff after development for the design storm shall be no more than the peak flow before the development was undertaken.

- C. Location. Wherever practicable, storm drains shall be located within the right-of-way of the street. They shall be protected by a cover of at least 24 inches.
- D. Size and Grade. Storm drains shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning and capable of carrying a 25 year design storm. All areas of sumps shall be designed to convey a 100 year storm frequency. They shall have a minimum internal diameter of 18 inches and a minimum grade of 1/2 of 1% unless otherwise approved by the Borough Engineer.
- E. 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. Inlets shall be substituted for manholes where they will serve a useful purpose.
- F. Inlets. Inlet spacing shall be so arranged that 95% of the gutter flow will be captured. No inlet smaller than PennDOT Type C Inlet shall be used. Double inlets spaced by 20 linear feet of pipe shall be required if adequate efficiency is not realized with the PennDOT Type C Inlet. Inlets at street intersections shall be placed on the tangent and not on the curved portions. The gutter adjacent to and immediately upgrade from the inlet shall be so warped as to direct the water into the inlet.
- G. 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.
- H. 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 should be obtained in writing and copy filed with the Borough Manager. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties.
- I. Drainage from Nonnatural Sources. Water originating from other than natural sources, such as air conditioning units, sump pumps or other dry

AMBLER CODE

weather flow, wherever practicable, shall be discharged into natural water-courses on the property. It is desirable that the discharge of water under the sidewalk through the curb into the gutter, be avoided.

3. Calculations of Runoff.
 - A. General. The quantity of runoff shall be computed using current accepted engineering practice.
 - B. Design Frequency. All stormwater facilities shall be designed to transport a 25 year frequency storm. Provision must be made to transport a 100 year frequency storm so that surface waters will not damage property or flood roads and that the 100 year frequency storm shall be transported to the appropriate stormwater management facility. All natural streams shall be provided with a 100 year floodway as calculated by accepted engineering practice.
 - C. Intensity-Duration-Frequency. The intensity-duration-frequency relationship to be used in all stormwater computations shall be that of Region five of the Field Manual of the PennDOT Storm Intensity-Duration-Frequency Charts, dated May, 1986, or latest revision.
 - D. The time of concentration shall consist of the inlet time plus the time of flow in the storm sewer from the most remote inlet to the point in question.
4. Hydraulic Calculations. All calculations shall be based upon accepted engineering practice. Runoff and hydraulic computations shall be submitted in a manner acceptable to the Borough Engineer. Inlet design data shall be submitted on a separate sheet, on the standard PennDOT design form.
5. Design Criteria.
 - A. Minimum internal pipe diameter shall be 18 inches.
 - B. Open channels should have a triangular or trapezoidal cross section. Side slopes shall be a minimum of four horizontal to one vertical. Exceptions to these slopes must be approved by the Borough Engineer.
 - C. Permissible channel velocities, slopes and cover shall be in accordance with the Soil Conservation Service (SCS) Engineering Field Manual, Chapter 7, "Grassed Waterways and Outlets.
 - D. 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. The approval of the Pennsylvania Department of Environmental Protection (DEP) and SCS will be required.

SUBDIVISION AND LAND DEVELOPMENT

- E. Acceptable energy dissipation devices shall be installed to bring discharge velocities down to limits specified in the SCS Engineering Field Manual, Chapter 7. Gabions will be necessary in the channel to reduce erosion downstream from the pipe discharge. Additional rip rapping and/or gabions may be required by the Borough Engineer where erosion potential is great.
 - F. Open-ended influent pipes are to have proper end treatments. Where they cannot be avoided, safety facilities shall be constructed, acceptable to the Borough Engineer to prevent access by small children.
6. Design Facilities.
- A. All pipe material, workmanship and its installation shall conform to PennDOT Specifications, Form 408. All pipe shall be reinforced concrete. Substitutions may be approved by the Borough Engineer.
 - B. Inlets, headwalls, manholes, etc., shall be as shown in PennDOT Standard Details for Roadways or as approved by the Borough Engineer.
 - C. Manholes shall be constructed at all changes in horizontal and vertical alignment. Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches are used and not more than 450 feet apart where larger sizes are installed. Manhole frames and covers shall be good quality cast iron, covers shall be marked "Storm" and have a minimum weight of 220 pounds. Inlets may be substituted for manholes.
 - D. Stormwater drains should be discharged to lawns and subsequently to drainage swales. Only where topography conditions prohibit, should roof drains discharge directly to the street. Roof drains will not be permitted to discharge onto parking areas in high density residential, commercial, shopping center or industrial districts.
7. Stormwater Detention.
- A. Stormwater detention facilities will be required if one of the following conditions are met:
 - (1) Runoff from the development would exceed the capacity of downstream stormwater facilities.
 - (2) 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 groundwater recharge. All reasonable methods will be considered.

AMBLER CODE

8. Design Submission.
 - A. All plans showing the proposed storm sewer construction must be accompanied by a complete design submitted by a registered professional engineer.
 - B. When subdivisions or land developments are submitted to the Borough for approval in sections, a complete storm sewer design for the proposed subdivision and land development shall be submitted. The proposed design must include the entire tract and not a portion of said tract.
 - 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 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.

(Res. 2/22/1993)

§108. Utility Locations, Easements and Rights-of-Way.

Widths and locations and easements and rights-of-way shall be determined by the Borough Engineer 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 yard may occupy the same area.
 - (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 any item 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.
- B. No right-of-way nor easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved

SUBDIVISION AND LAND DEVELOPMENT

plan. Any error found in a deed shall be immediately corrected and re-recorded in the Office of the Recorder of Deeds for Montgomery County at Norristown, Pennsylvania, at the sole expense of the subdivider or developer. All rerecorded information shall be forwarded to the Borough for their records.

- C. Utility Easements. A minimum width of 20 feet shall be provided for common utilities and drainage provided in undedicated land for one use.
- 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. All main underground cables which are within the right-of-way of a street shall be located as specified by 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), wherein the applicant acknowledges that underground utilities shall be installed 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.
 - (3) The provisions of this Appendix shall not be construed as to limit or interfere with the construction, installation, operation and maintenance of public utility structures or facilities which may hereafter be located within public easements or rights-of-way designated for such purposes.
 - (4) Light standards are to be placed as required by ordinance and as required by Ambler Borough Council. Power source for such standards shall be placed underground as required.
 - (5) Along arterial roads and major highways, all new electrical service should be placed underground.

(Res. 2/22/19930)

AMBLER CODE

§109. Sanitary Sewers.

1. Sewers. Sanitary sewers shall be installed and connected to the Borough sanitary sewer system following review of plans and approval by DEP and the Borough Sewer Authority.
 - A. Sanitary sewers, with connection to each building in a subdivision or land development, shall be installed at the expense of the applicant or subdivider and connected to the Borough sanitary sewer system.
 - B. Sanitary sewers shall be constructed according to the applicable regulations.

(Res. 2/22/1993; as amended by Ord. 991, 8/15/2005)

§110. Water Supply.

1. The subdivider shall provide public water service to each lot in a proposed subdivision or land development.
2. Fire hydrants shall be located at points throughout the subdivision and land development as directed by the Ambler Borough Water Department. The type and methods of construction to be employed in the fire hydrants, water distribution system and other appurtenances, shall be in accordance with the current Ambler Borough Water Department specifications.

(Res. 2/22/1993)

§111. Erosion and Sediment Control.

The requirements of this Section apply when they are more stringent than those of DEP or when DEP has no jurisdiction.

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 Montgomery County Conservation District.
- (2) No subdivision or land development plan shall be approved unless there has been a plan approved by the Council members that provides for minimizing erosion and sedimentation consistent with this Section and an improvement bond or other acceptable financial securities are deposited with the Borough in the form of an escrow guarantee which will ensure installation and completion of the required improvements.

SUBDIVISION AND LAND DEVELOPMENT

- (3) The Borough Council, in its consideration of any preliminary plan of subdivision and land development shall condition its approval upon the execution of measures designed to prevent accelerated soil erosion and resulting sedimentation, as required by the Pennsylvania Department of Environmental Protection. All applicable regulations and permit requirements of said Department as stipulated in its Soil Erosion and Sedimentation Control Manual shall be followed by all parties engaged in earth moving activities. The manual is available at the Office of the Montgomery County Conservation District, Creamry, Pennsylvania. The Borough Engineer shall assure compliance with appropriate specifications and requirements.

B. Performance Principles.

- (1) Any effective methods of minimizing erosion and sedimentation may be included in the plan. Any questionable method should 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.

C. Responsibility.

- (1) Whenever sedimentation is caused by stripping vegetation, regrading or other 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) The Borough Council in its consideration of all preliminary plans of subdivision and land development shall condition its approval upon

AMBLER CODE

the execution of erosion and sediment control measures as contained in this Section.

- (2) The installation and design of the required erosion and sediment control measures shall be in accordance with the standards and specifications as previously set forth.
- (3) Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required under the Borough Subdivision and Land Development Ordinance [Chapter 22].
- (4) 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.
- (5) 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 phase, further 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.
- (6) Permission for clearing and grading prior to recording of plans may be obtained under temporary easements or other conditions satisfactory to Borough Council and Solicitor.

(Res. 2/22/1993; as amended by Ord. 991, 8/15/2005)

§112. Bridges and Culverts.

1. Bridges and culverts shall be designed to meet current PennDOT standards to support expected loads and to carry expected flows. They shall be constructed to full width of the planned right-of-way. Allowance for sidewalk must also be made, if required by the Borough.
2. Where County owned roads or bridges are involved, the County Department of Roads and Bridges 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 consent or permit, in writing, from DEP.
4. The following information is required:

SUBDIVISION AND LAND DEVELOPMENT

- A. Drawings, to include location plan.
 - B. Cross-section of present bridge, if one exists.
 - C. Profile of stream for a minimum distance of 500 feet above and below the bridge site showing slopes of the stream bed, normal water surface and flood water surface. If the bridge is on a skew, give the angle of the centerline of the bridge with the direction of the line of flow. In addition, the total drainage area above the bridge site.
 - D. Character of stream bed and banks.
 - E. Extent and depth of overflow during floods.
 - F. Effect of previous floods upon bridges, their span and clearance.
 - G. Whether bridge will be within backwater influence of parent stream.
5. When submitting a plan involving construction of bridges or culverts, there shall be submitted a complete set of structural computation and drawings. These drawings shall be signed and sealed by a registered professional engineer.

(Res. 2/22/1993; as amended by Ord. 991, 8/15/2005)

§113. Survey Monuments.

1. Street right-of-way reference monuments shall be concrete and located on the right-of-way lines at corners, angle points, beginning and end of curves and as otherwise required by the Borough Engineer. Monuments shall be indicated on the record plan. They shall be placed after all construction has been completed. The centerline of all new streets shall be marked with spikes (P.K. nails) and referenced to permanent monuments or structures. A certified copy of this referenced information shall be given to the Borough Engineer. Permanent reference monuments of concrete, 20 inches by four inches by four inches with 45° beveled edges, shall be set by a registered land surveyor at all corners and angle points of the boundaries of the original tract to be subdivided and at all streets intersections and intermediate or additional points as may be required.
2. Lot Pin Requirements. All lots shall have lot pins installed by the registered surveyor for the subdivider, builder or developer, when final grading has been completed. This stake out shall be visible and completed within six months of completion of grading. All lot corner markers shall be permanently located and shall be at least 5/8 inch metal pin with a minimum length of 18 inches. All pins shall have set reference stakes of wood with a minimum length of 24 inches and a surveyor's ribbon. Stakes shall be marked "Property Corner."

AMBLER CODE

3. 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 Engineer's office. All contours and elevations shown on the plan must be based on this system.
4. Duration. These engineering standards shall remain in effect until further action by the Ambler Borough Council.

(Res. 2/22/1993)

SUBDIVISION AND LAND DEVELOPMENT

22 Attachment 2

Borough of Ambler

APPENDIX "B"
LANDSCAPE PLANTING REQUIREMENTS

§100. Statement of Intent.

In addition to the purposes stated in Part 1 of this Chapter, it is the intent of these landscaping planting requirements to:

- A. Promote current landscape architectural professional planting design standards and practices which take into account the horticultural requirements of individual plant species, aesthetic characteristics and safety considerations of planting plans.
- B. Specifically, it is the intent of these landscape planting requirements to conserve existing health plant communities and to require new landscape plantings in infill areas and redevelopment areas in order to:
 - (1) Reduce soil erosion by minimizing stripping of existing woodlands or tree masses thereby protecting water quality.
 - (2) Reduce stormwater runoff velocity and quantity by providing planting areas where stormwater can infiltrate.
 - (3) Improve air quality by conserving existing or creating new plantings which produce oxygen and remove carbon dioxide from the atmosphere.
 - (4) Provide habitat for small animals such as birds.
 - (5) Provide wind breaks, shade and other micro-climate benefits of trees and landscape plantings.
 - (6) Conserve, culturally or environmentally important landscapes such as wooded hillsides, scenic views or aesthetic natural areas.
 - (7) Preserve and enhance property values in the Borough through the implementation of good landscape architectural standards.
 - (8) Provide planted buffers between certain land developments which act to visually integrate a development into existing landscape.
 - (9) Provide planted and architectural visual screens around visually obtrusive site elements within development.

AMBLER CODE

- (10) Enhance the aesthetic appearance of the community and provide privacy and beauty.
- (11) Provide appropriate traffic directional systems through moderating solar radiation (shade).

§100.1. Preservation of Existing Vegetation.

1. Preservation of Existing Vegetation. Each mature tree, tree mass or woodland on the site shall be designated "To Remain" or "To Be Removed," depending on the following criteria:
 - A. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of the healthy trees and shrubs on the site. Special consideration shall be given to major specimen trees.
 - B. A mature tree, tree mass or woodland shall be considered "To Remain" only if it meets all of the following criteria:
 - (1) The outermost branches of the tree(s) are at least five feet from any proposed buildings, structures, paving, parking or utilities (overhead or underground).
 - (2) The outermost branches of the tree(s) are at least five feet from any proposed changes in grade or drainage such as excavations, mounding or impoundments.
 - (3) The tree(s) are clear of any proposed sight triangles and do not by their locations or apparent health post any undue threat to the health, safety and welfare of the community.
 - C. Mature trees and tree masses which do not fit the above criteria shall be designated "To Be Removed." These trees will be removed in the field during the construction process.
 - D. It shall be incumbent on the applicant to prove that 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 and tree masses.
2. Protection of Existing Vegetation. Existing vegetation designated "To Remain," according to §100.1 above, as part of the landscaping of a subdivision or land development shall be identified in the field prior to any clearing and physically protected throughout the construction process. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the dripline on all sides of individual trees, tree masses or woodlands prior to major clearing or con-

SUBDIVISION AND LAND DEVELOPMENT

struction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the landscaping plan.

3. Transplanting Existing Plant Material. Specimen trees or individual trees from woodlands or tree masses designated "To Be Removed" may be transplanted with a tree spade from one area of the site to another. Transplanted trees must conform to §100.5 and 100.6 of this Appendix.

§100.2. Parking Lot Landscaping.

1. Parking lots should 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. Furthermore, parking lots should be adequately shaded in order to reduce the amount of reflected heat.
2. All parking lots with 10 or more stalls shall be landscaped according to the following regulations:
 - A. One planting island shall be provided for every 10 parking stalls. There shall be no more than 10 contiguous parking stalls in a row without a planting island.
 - B. The ends of all parking rows shall be divided from drives by planting islands.
 - C. Parking islands shall be a minimum of nine feet by 18 feet in area, underlain by soil, not base course material, mounded at no more than a four to one slope, nor less than a 12 to one slope 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.
 - D. Where installed to divide parking areas, all planting strips shall be a minimum of eight feet wide and shall run the length of the parking row, underlain by soil, mounded at no more than four to one slope nor less than 12 to one slope 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.
 - E. The placement of light standards shall be coordinated with the landscape design to avoid a conflict with the operation of light fixtures.
 - F. Plant materials shall comply with the requirements of §100.5 herein. The use of plantings selected from the List of Recommended Plant Material, §100.6 is encouraged.

AMBLER CODE

3. All parking lots shall be screened from public roads and from adjacent properties as required in this Section.

§100.3. Street Trees.

1. Street trees shall be required:
 - A. Along all existing streets when they abut or lie within the proposed subdivision or land development.
 - B. Along all proposed streets.
 - C. Along access driveways which serve five or more residential dwelling units.
 - D. Along access driveways which serve two or more nonresidential properties.
 - E. Along major walkways through parking lots and between nonresidential buildings, as recommended by the Borough Planning Commission.
2. The street tree requirement may be waived by the Borough Council where existing vegetation is considered sufficient or to maintain scenic views of open space, historic buildings or natural features.
3. Street trees shall be provided by the subdivider or developer between the legal right-of-way line and the building setback line and shall meet the following standards:
 - A. Trees shall be planted a minimum distance of five feet and a maximum distance of 15 feet from the legal right-of-way line. However, in certain cases, as follows, the Borough Council may permit trees to be planted within the legal right-of-way:
 - (1) In already build-up areas, such as along Butler Pike.
 - (2) In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.
 - B. 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 groundcover. In areas where wider sidewalks are desirable, or space is limited, tree planting pits may be used.
 - C. Trees shall be located so as not to interfere with the installation and maintenance of sidewalks and utilities. Trees shall be planted a minimum distance of three feet from curbs and sidewalks, 15 feet from overhead utilities and six feet from underground utilities.

SUBDIVISION AND LAND DEVELOPMENT

- D. Trees shall be planted at a ratio of at least one tree per 40 linear feet of frontage or fraction thereof. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced.
- E. Trees shall comply with requirements of §100.5 herein. The use of tree species selected from the List of Recommended Plant Materials in §100.6 is encouraged.

§100.4. Buffers and Screens.

1. All subdivisions and land developments shall be landscaped with the following two components:
 - A. Property line buffers which act to integrate new development with its surroundings and to separate incompatible land uses.
 - B. Site element screens which act to minimize or eliminate views to certain site elements located within 100 feet of property lines or road rights-of-way.
2. The following requirements are minimum standards and additional plant material, berms or architectural elements may be included in the plan at the applicant's discretion.
3. Property line buffer requirements where required by Zoning Ordinance [Chapter 27].
 - A. A buffer area as specified in the Zoning Ordinance [Chapter 27] shall be established along all property lines.
 - B. The buffer area may be included within the front, side or rear yard setback.
 - C. The buffer area shall be a continuous pervious 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 within the buffer area.
 - F. Stormwater basins are not permitted within the buffer area.
 - G. For every 100 linear feet of property line to be buffered, there shall be one canopy tree and two ornamental trees. However, one evergreen tree may be substituted for one of the required ornamental trees, at the applicant's discretion.
 - H. Design Criteria.

AMBLER CODE

- (1) The required plant material shall be distributed over the entire length and width of the buffer area.
 - (2) Buffer 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 region are encouraged.
 - (3) Plants shall be spaced to provide optimum growing conditions.
 - (4) All plant materials shall meet the requirements of §100.5 and be selected from the recommend list in §100.6 of this Appendix.
- I. Existing healthy trees, shrubs or woodlands may be substituted for part or all of the required plant material at the discretion of the Borough Council. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer or site element screen.
 - J. Existing topographic conditions such as embankments or berms in conjunction with existing vegetation may be substituted for part or all of the required property line buffers and site element screens at the discretion of the Borough Council. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.
4. Site Element Screens.
- A. Site element screens shall be provided for all proposed land developments around the following site elements, when these are located partially or fully within 100 feet of property lines adjacent to office, commercial, institutional or residential uses or road right-of-way. Site element screens are not required for site elements within 100 feet of property lines adjacent to industrial uses, such distance; however, shall not exceed the dimensions of the property.
 - (1) Parking lots of three or more stalls.
 - (2) Dumpsters, trash disposal or recycling areas.
 - (3) Service or loading docks.
 - (4) Outdoor storage or sales yard.
 - (5) Vehicle storage.
 - (6) Single-family attached rear yards.
 - (7) Multifamily rear yards.

SUBDIVISION AND LAND DEVELOPMENT

- (8) Sewage treatment plants and pump stations.
- (9) Stormwater management basins.
- B. An on-site investigation by the applicant shall determine the adjacent land uses along each property boundary. In the case of vacant land, the existing zoning district shall be used. These existing zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive requirement shall apply.
- C. The type of site element screens shall be determined by the site element and the area available for screening, in accordance with Table 1.
- D. Site elements not include in the above list but with similar visual impact shall be screened according to the requirements for the most similar elements as determined by the Borough.
- E. Screen Location. The site element screen shall be placed between the site element and the property line and shall be designed to block views to the maximum extent possible. The screen shall be located as close as possible to the site element and shall surround the element without impeding function or encroaching on sight triangles.
- F. Screen Types and Design Criteria. The following types of screens shall be used where specified in Table 1:
 - (1) Evergreen or Deciduous Shrubs. Shrubs shall be placed three feet on center in a minimum five-foot-wide bed surrounding the site element and arranged to provide a continuous hedgelike screen up to a minimum height of 3 1/2 feet at maturity. Shrubs may be clipped to form a hedge or left in natural habit.
 - (2) Double Row of Evergreen Trees. A double row of evergreen trees shall be placed 10 feet on center and offset 10 feet to provide a continuous screen at a minimum height of 12 feet at maturity.
 - (3) Opaque Fence. A six-foot opaque fence surrounding the site element on at least three sides with vines planted eight inches on center.
 - (4) Opaque Fence With Ornamental Trees and Shrubs. A six-foot opaque fence surrounding site element on at least three sides with additional plantings at the minimum rate of three shrubs and two ornamental trees or large shrubs for each 10 linear feet of proposed fence, arranged formally or informally next to fence.
 - (5) Architectural Extension of the Building. An eight-foot minimum height architectural extension of the building (such as a wing wall)

AMBLER CODE

shall enclose the service or loading dock. The extension shall be consistent in building materials and style with main building.

- (6) **Berm With Ornamental Trees.** A two-to-three-foot-high continuous curvilinear berm with ornamental trees at the rate of one tree for every 20 feet clustered or arranged informally. Maximum slope is 3:1.
 - (7) **Fence or Trellis With Vines.** A four-to-six-foot-high semi-opaque trellis or fence designed to support vines surrounding the site element on three sides with evergreen vines planted eight inches on center and staked to the fence or trellis. Use of chain link fencing is prohibited.
 - (8) **Berm With Evergreen Shrubs.** A two-to-three-foot-high continuous curvilinear berm with evergreen shrubs planted three feet on center in a formal or informal arrangement at a rate of one shrub for every five linear feet of berm.
 - (9) **Low Wall.** A wall of brick or stone (not cement blocks) at least 50% opaque, no less than three and no more than four feet in height.
- G. The applicant may propose the use of alternative screen types or changes in plant materials or designs which fulfill the intent of this Appendix, with the approval of the Borough Council.
- H. Plant materials shall meet the specifications of §100.5. Use of plantings selected from the List of Recommended Plant Material is recommended.
5. **Site Element Screens in the DC-2 District.**
- A. Refuse areas shall not be located in front of a building or buildings on the lot.
 - B. The storage of refuse shall be provided inside the building or within an outdoor area entirely enclosed by either opaque walls or opaque fencing. Fences shall not be chain link and shall be comprised of wood or simulated wood (such as PVC); walls shall not be exposed cinder block.
 - C. The enclosure shall be architecturally compatible with that of the building or buildings on the lot, as demonstrated by a sketch provided on the preliminary plan.
 - D. **Drive-Throughs.** Drive-throughs shall be required to be screened with evergreens, vegetation, walls, and/or fencing to minimize their view from public rights-of-way and neighboring properties. Any evergreens shall be planted four feet apart and shall be at least six feet in height at time of planting. Any walls shall not be of exposed cinder block. Fences shall be comprised of wood or simulated wood (such as PVC) and be of at least 80% opacity. If there is only one finished side of a fence, it shall face outwards.

SUBDIVISION AND LAND DEVELOPMENT

- E. These provisions are controlling in the DC-2 District over any inconsistent provision in any other part of the Zoning Ordinance.

(As amended by Ord. 1018, 7/21/2008)

§100.4A. Additional Buffering and Screening Requirements for Nonresidential Properties Abutting Parcels in the R-1 District.

1. Where not already required by the Borough Zoning Ordinance [Chapter 27], any land development of a parcel in a nonresidential zoning district which shares any part of its boundary with a parcel in the R-1 Residential District shall include the "basic buffer" described below unless, upon consideration, Council shall conclude that one of the "alternate buffers" would, under the circumstances, provide an adequate and appropriate buffer. These requirements are in addition to any other applicable requirement in this Chapter or the Zoning Ordinance. All vegetative screens shall be maintained and dead plantings replaced.
2. Buffer (see Figure 1: Sample Buffer¹). The buffer will be 15 feet wide in total and shall consist of a six-foot-tall fence made of wood or simulated wood (no chain link; PVC is acceptable provided it is not white, which can cause reflective glare) with at least 80% of the fence being opaque. If only one side of the fence has a finished appearance, that side shall face the residential property. The fence shall be built to (but not on) the property line. The evergreens shall be planted along the inside of the fence, either in a row or in a staggered line. The evergreens shall be at least six feet in height at the time of planting and reach a height of at least 12 feet at maturity. The trees shall be planted five feet apart (measured trunk-to-trunk). The row of trees shall be offset a minimum of five feet from the fence (measured from the trunk), and may be staggered to provide additional room for growth and create a more natural-looking buffer.
3. A buffer shall be required where a nonresidential property's side yard abuts a secondary street, where that property lies opposite the R-1 Residential District. The buffer shall be a continuous row of evergreen shrubs, trees, or a hedge (except where vehicular access is required). Within the intersection's site triangle, the buffer shall be five feet wide and shall not be greater than three feet in height. Outside the site triangle, the buffer shall be five feet wide and shall be a minimum of six feet and a maximum of nine feet tall. The buffer shall be maintained so that it does not grow higher than nine feet.
4. Maintenance. Vegetative buffers and screens shall be maintained so there is continuous vegetation, both low and high. If a tree or shrub in the buffer or screen dies, it shall be replaced. Buffers shall be weeded and mulched as necessary. Where needed to facilitate maintenance of the outer side of the buffer, gates in walls and fences, or breaks in vegetative buffers, shall be required so the property owner can undertake maintenance on the buffer.

¹ Editor's Note: Figure 1 is on file in the office of the Borough Secretary.

AMBLER CODE

5. Buffers shall not be located in road or driveway site triangles (buffers may be extended at an angle to match the line of the sight triangle border), except where required by Subsection 3 above.
6. Where any portion of this Section is inconsistent with any more general ordinance provision relating to buffering requirements, this Section shall control.

(Ord. 1017, 7/21/2008)

§100.5. Plant Materials Specifications, Maintenance and Guarantee.

The following standards shall apply to all landscaping materials or transplanted trees required under this Appendix:

A. General Requirements.

- (1) The location, dimensions and spacing of required plantings should 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, such as wind, soil, moisture and sunlight. (Refer to Plant Table 1)
- (2) Plantings should be selected and located where they will not contribute to conditions hazardous to public safety. Such locations include, but are not limited to, public street rights-of-way, underground and above ground utilities and sight triangle areas required for unobstructed views at street intersections.

B. Plant Specifications.

- (1) All plants shall meet the minimum standards for health, form and root condition as outlined in the American Association for Nurserymen (AAN) standards.
- (2) All plant material shall be hardy within the USDA Hardiness Zone six application to . . .
- (3) Canopy trees shall reach a minimum height and spread of 30 feet at maturity as determined by the AAN standards and shall be deciduous. New trees shall have a minimum caliber of 2 1/2 inches at planting.
- (4) Ornamental trees or large shrubs shall reach a typical minimum height of 15 feet at maturity based on AAN standards. Trees and shrubs may be deciduous or evergreen and shall have a distinctive ornamental character, such as showy flowers, fruit, habit, foliage or bark. New ornamental trees shall have a minimum height of six feet

SUBDIVISION AND LAND DEVELOPMENT

or 1 1/2 inches caliper. New large shrubs shall have a minimum size of 2 1/2 to three feet at time of planting.

- (5) Small shrubs may be evergreen or deciduous and shall have a minimum height at maturity of four feet based on AAN standards for that species. New shrubs shall have a minimum size of 18 inches at time of planting.
- (6) Evergreen trees shall reach a typical minimum height of 20 feet at maturity based on AAN standards for that species and shall remain evergreen throughout the year. New evergreens shall have a minimum height of six feet.

C. Maintenance.

- (1) Required plant material shall be maintained for the life of the project to achieve the required visual effect of the buffer or screen. It shall be the ultimate responsibility of successive property owners to ensure that the required plantings are properly maintained. Dead or diseased plant material shall be removed promptly by the property owner and replaced at the next growing season.
- (2) Safety. All sign triangles shall remain clear and any plant material which could endanger safety such as unstable limbs are removed and the plant material replaced. It shall be the responsibility of the property owner to ensure all plantings and architectural elements are maintained to provide a safe environment.
- (3) Maintenance guidelines for the plantings are encouraged to be published by the planting plan designer, to be used by grounds maintenance personnel to ensure the design's visual buffering and screening concepts are continued.

§100.6. Recommended Plant Material List.

Some native woody plants indicated below are likely to exist on site prior to development and should be considered for preservation for the intended landscape use. If possible to save, but as practical alternative, they should be considered for onsite transportation wherever appropriate. When moved in the spring and/or fall, most native, onsite species have a high transport success rate. Consultation with a landscape architect or horticulturist is strongly recommended prior to transplanting woody plant material.

SHADE OR CANOPY TREES SUITABLE FOR STREET TREES OR PARKING LOTS AS WELL AS FOR BUFFERS OR SCREENS

Acer rubrum	Red maple (native)
Acer rubrum "Bowhall"	Upright cultivar

AMBLER CODE

**SHADE OR CANOPY TREES SUITABLE FOR STREET TREES
OR PARKING LOTS AS WELL AS FOR BUFFERS OR SCREENS**

Acer buergeranum	Trident maple
Acer X freemanii	Hybrid maple
Acer tartaricum	Tartarian maple
Celtis sp.	Hackberry (native)
Chionanthus retusus	Chinese fringetree
Cladastris lutea	Yellow wood (native)
Corylus colurna	Turkish filbert
Ginkgo bilboa	Ginkgo (male only)
Gleditsia triacanthos, inermis	Thornless honeylocust
Liquidamber styraciflua	Sweet gum (native)
Platanus occidentalis	Sycamore (native)
Quercus accutissima	Sawtooth oak
Quercus bicolor	Swamp white oak (native)
Quercus borealis	Scarlet oak (native)
Quercus imbricaria	Shingle oak (native)
Quercus phellos	Willow oak (native)
Quercus prinus	Chestnut oak (native)
Quercus rubra	Red oak (native)
Robinia pseudoacacia	Black locust (native)
Styphnolobium japonicum	Japanese pagoda tree
Tilia americana	American linden (native)
Tilia cordata	Little leaf linden
Tilia tomentosa	Silver linden
Ulmus americana	"Princeton" or "Valley Forge"
Syringa reticulata	"Ivory silk" Japanese tree lilac
Taxodium distichum	Bald cypress
Zelkova serrata	Japanese zelkova

**SHADE OR CANOPY TREES SUITABLE FOR PROPERTY LINE BUFFERS
AND NONVEHICULAR USE AREAS ONLY**

Acer saccharum	Sugar maple (native)
Betula lenta	Sweet birch (native)

SUBDIVISION AND LAND DEVELOPMENT

**SHADE OR CANOPY TREES SUITABLE FOR PROPERTY LINE BUFFERS
AND NONVEHICULAR USE AREAS ONLY**

Betula nigra	River birch (native)
Carya ovata	Shagbark hickory (native)
Carya sp.	Hickory (native)
Fagus grandifolia	American beech (native)
Fagus sylvatica	European beech
Fraxinus americana	White ash (native)
Juglans nigra	Black walnut (native)
Liriodendron tulipifera	Tulip tree (native)
Metasequoia glyptostroboides	Dawn redwood
Ostrya virginiana	Hop hornbeam (native)
Platanus X acerifolia	London plane
Prunus virginiana	Chokecherry (native)
Quercus alba	White oak (native)
Quercus coccinea	Scarlet oak (native)
Quercus vellutina	Black oak (native)
Sassafras albindum	Sassafras (native)
Taxodium distichum	Bald cypress

**ORNAMENTAL TREES SUITABLE FOR PROPERTY LINE BUFFERS
OR SITE ELEMENT SCREENS (10 - 30 FEET AT MATURITY)**

Amelanchier canadensis	Serviceberry (native) "Autumn Brilliance" or "Princess Diana"
Carpinus carolina	Ironwood (native)
Cercis canadensis	Red Bud (native)
Chionanthus virginicus	Fringetree (native)
Cornus florida	Flowering dogwood (native)
Cornus florida	"Appalachian Spring"
Cornus kousa X	Cornus florida: Rutgers hybrid Stellar® series
Cornus kousa	Japanese dogwood
Cornus mas	Cornelian cherry
Crataegus cv. Toba	Toba hawthorn

AMBLER CODE

**ORNAMENTAL TREES SUITABLE FOR PROPERTY LINE BUFFERS
OR SITE ELEMENT SCREENS (10 - 30 FEET AT MATURITY)**

<i>Crataegus mollis</i>	Downy hawthorn
<i>Crataegus ozycantha</i>	English hawthorn
<i>Crataegus phaenopyrum</i>	Washington hawthorn
<i>Halesia carolinia</i>	Silverbells (native)
<i>Hammamelis virginiana</i>	Witch hazel (native)
<i>Hamamelis X intermedia</i>	Witch hazel (hybrid)
<i>Magnolia soulangeana</i>	Saucer magnolia
<i>Magnolia virginiana</i>	Sweetbay magnolia (native)
<i>Malus sp.</i>	Crabapple species (native)
<i>Oxydendrum arboreum</i>	Sourwood (native)
<i>Parrotia persica</i>	Persian parrotia
<i>Prunus saargentii</i>	Sargent cherry
<i>Prunus serrulata cv. Kwanzan</i>	Kwanzan cherry
<i>Sorbus aucupria</i>	European mountain ash
<i>Styrax japonica</i>	Japanese snowbell
<i>Syringa amurensis japonica</i>	Japanese tree lilac

**LARGE DECIDUOUS AND EVERGREEN SHRUBS
SUITABLE FOR USE IN PROPERTY LINE BUFFERS OR
SITE ELEMENT SCREEN (NOT CLIPPED HEDGES)
(MATURE HEIGHT BETWEEN 5 AND 15 FEET)**

<i>Acanthopanax pentaphyllum</i>	Five leaf aralia
<i>Aronia arbutifolia</i>	Chokeberry (native)
<i>Cornus mas</i>	Cornelia cherry
<i>Cotoneaster salicifolia</i>	Willowleaf cotoneaster
<i>Ilex crenata compacta</i>	Compact Japanese holly
<i>Ilex glabra</i>	Inkberry (native)
<i>Ilex crenata hetzi</i>	Hetz holly
<i>Ilex opaca</i>	American holly (native)
<i>Ilex verticillata</i>	American winterberry (various cultivars)
<i>Juniperus chinensis glauca hetzi</i>	Hetz blue juniper
<i>Juniperus chinensis pfitzeriana compacta</i>	Compact pfitzer juniper

SUBDIVISION AND LAND DEVELOPMENT

**LARGE DECIDUOUS AND EVERGREEN SHRUBS
SUITABLE FOR USE IN PROPERTY LINE BUFFERS OR
SITE ELEMENT SCREEN (NOT CLIPPED HEDGES)
(MATURE HEIGHT BETWEEN 5 AND 15 FEET)**

<i>Lonicera fragrantissima</i>	Winter honeysuckle
<i>Philadelphus lemeinei</i>	Mock orange
<i>Ribes alpinum</i>	Currant
<i>Taxus baccata</i>	English yew
<i>Taxus brownii</i>	Brown's yew
<i>Taxus canadensis</i>	Canada yew
<i>Taxus densiformis</i>	Dense yew
<i>Taxus media hatfieldi</i>	Hatfield yew
<i>Viburnum dentatum</i>	Arrow wood (native)
<i>Viburnum lentago</i>	Nannyberry (native)
<i>Viburnum opulus</i>	European cranberry bush
<i>Viburnum prunifolium</i>	Black haw (native)
<i>Thuja sp.</i>	Arborvitae

EVERGREEN SHRUBS SUITABLE FOR SITE ELEMENT SCREENS

Azalea sp. (evergreen species) 3 feet in height minimum

<i>Chamaecyparis obtusa</i>	<i>Chamaecyparis</i>
<i>Chamaecyparis pisifera</i>	<i>Chamaecyparis</i>
<i>Ilex carenata</i> "Hetzi"	Japanese holly
<i>Ilex glabra</i>	Inkberry (native)
<i>Ilex X koehneana</i>	Koehne holly
<i>Ilex X meserveae</i>	Merserve hybrid hollies
<i>Ilex opaca</i>	American holly
<i>Ilex X "Nellie R. Stevens"</i>	Nellie R. Stevens
<i>Juniperis chinensis</i> "Hetzi Glauca"	Hetz blue juniper
<i>Juniperus virginiana</i>	Eastern red cedar (native)
<i>Kalmia latifolia</i>	Mountain laurel (native)
<i>Leucothoe fontanessiana</i>	Leucothoe
<i>Pieris floribunda</i>	Mountain andromeda (native)

AMBLER CODE

EVERGREEN SHRUBS SUITABLE FOR SITE ELEMENT SCREENS

Pieris japonica	Japanese andromeda
Rhododendron sp.	Various large rhododendrons
Taxus sp.	Yew
Thuja sp.	Arborvitae
Viburnum rhyzidophillum	Leatherleaf viburnum

**EVERGREEN TREES SUITABLE FOR PROPERTY LINE BUFFERS
OR SITE ELEMENT SCREENS**

Abies concolor	White fir
Cryptomeria japonica "Yoshino"	Yoshino Japanese cedar
Ilex opaca	American holly (native)
Ilex X "Nellie R. Stevens"	Nellie R. Stevens
Juniperus virginiana	Eastern redcedar - cultivars emerald sen- tinal
Picea abies	Norway spruce
Picea omorika	Siberian spruce
Picea pungens	Colorado spruce
Pinus strobus	White pine (native)
Pinus thunbergii	Japanese black pine
Pseudotsuga menziesii	Douglas fir
Tsuga canadensis	Canadian hemlock (native)

(Ord. 895, 2/22/1993; as amended by Ord. 1064, 3/20/2012)

§100.7. Plan Requirements.

1. Preliminary Landscape Plan.
 - A. Existing Features. The location and character of existing buildings, mature trees standing alone, outer limits of tree masses and other existing vegetation, the location of floodplains, wetlands and other natural features which may affect the location of proposed streets, buildings and landscape plantings.
 - B. Proposed Improvements.

SUBDIVISION AND LAND DEVELOPMENT

- (1) Approximate location of all proposed landscaping required under this Appendix.
 - (2) Demarcation of existing vegetation “To Remain” or “To Be Removed” and the means of protecting existing vegetation during construction.
 - (3) Approximate location of proposed buildings, paving, utilities or other improvements.
2. Final Landscape Plan.
- A. Drafting Standards. The same standards shall be required as for a preliminary plan.
 - B. Information to be Shown.
 - (1) Plan scale, date, north arrow and location map with zoning district designations for the site and adjacent properties.
 - (2) Location of all existing and proposed buildings and structures.
 - (3) Location of all existing and proposed roads, parking, service areas and other paved areas.
 - (4) Location of all outside storage and trash receptacle areas.
 - (5) Sidewalks, berms, fences, walls, freestanding signs and site lighting.
 - (6) Existing and proposed underground and aboveground utilities such as site lighting, transformers, hydrants, manholes, valve boxes, etc. (Reference may be made to other submission drawings)
 - (7) All existing and proposed contours at two-foot intervals, in order to determine the relationship of planting and grading, areas with slopes in excess of three to one shall be indicated on the plan.
 - (8) Existing mature trees, woodland and tree masses to remain.
 - (9) Existing mature trees, woodland and tree masses to be removed.
 - (10) Location of all proposed landscaping, including required street trees, stormwater basin landscaping, parking lot landscaping, perimeter buffer and site element screen landscaping.
 - (11) A planting schedule listing proposed plant material, species, size, quantity and root condition.

AMBLER CODE

- (12) A schedule showing all ordinance landscape requirements and plantings proposed for each category.
 - (13) Planting details, including method of protecting existing vegetation, planting methods.
 - (14) Information in the form of notes or specifications concerning seeding, sodding, groundcover, mulching and the like.
 - (15) A detailed cost estimate shall be submitted with the public improvement escrow, showing the value of all proposed landscaping, including all labor, materials and guarantee.
- C. Certificates. When approved, the landscape plan must show:
- (1) The signature and seal of the registered landscape architect responsible for preparing the landscape plan and details.
 - (2) The signature of the subdivider, developer or builder.
 - (3) The signatures of the Borough Council, Engineer or Borough Landscape Architect and Planning Commission.