



BOROUGH OF AMBLER

COMMITTEE MEETING

May 3, 2016

**PUBLIC SAFETY
PARKS & RECREATION
PUBLIC UTILITIES
FINANCE & PLANNING
SALARY & PERSONNEL**

Public Safety Committee

Tuesday, May 3, 2016

Mr. Curtis, Chairperson

Mrs. Mc Cormick

Mr. Sheward

OLD BUSINESS

1. The Ambler Ambulance is searching for an Ambler Resident interested in a seat on their Board.

NEW BUSINESS

1. **PUBLIC WORKS & CODE REPORT**

The Public Works Report and the Code Enforcement reports are **attached**.

2. **SAFETY MEETING MINUTES**

The Safety meeting minutes are **attached**.

3. **MATTISON – EUCLID AVENUES, ONE-WAY OPTION**

The Traffic Data for Mattison Avenue was received. The Committee will discuss suggestions for both streets to address increased high volume concerns.

Parks & Recreation Committee

Tuesday, May 3, 2016
Mr. DeRuosi, Chairperson
Mrs. Deininger
Ms. Hertz

OLD BUSINESS

1. BOROUGH HALL RENTAL

Staff will be preparing pricing and terms for rental of the Borough Gym and will present to Council for consideration

NEW BUSINESS

1. AMBLER YMCA NIGHT PARK CAMP

Registration will be held for Borough residents on Wednesday May 4th, from 5-7 pm at Borough Hall, Camp will run from June 20-July 29 from 8:30-4:00 Monday-Friday at a cost of \$40.00 per week per child.

2. EDGEWOOD PRESERVE

The committee would like to discuss the deadline and additional funds needed to purchase the Edgewood property.

Public Utilities Committee

Tuesday, May 3, 2016
Mr. Pasceri, Chairperson
Mr. Curtis
Mr. Zaccone

OLD BUSINESS:

NEW BUSINESS

1. BOROUGH ENGINEER REPORT

The Engineer's report will be provided.

2. CROWN CASTLE CELLUAR ANTENNAS

A Conditional Use Hearing is scheduled for Crown Castle on May 3rd at 7:00pm. (Enclosed)

3. VACUUM FILTER EB-1

The Engineer is preparing a request for proposal for the Vacuum Filter in EB-1 located in the Belt Filter Press Building.

4. T-8 GRAVITY THICKENER

The Engineer is preparing a request for proposal for the reconditioning of the T-8 Gravity Thickener.

APPLICATION FOR
LAND DEVELOPMENT REVIEW
BOROUGH OF AMBLER
131 Rosemary Avenue
Ambler, PA 19002
(215) 646-1000
FAX (215) 641-1355



Development Name: CROWN CASTLE NG EAST LLC: DAS FACILITIES

Site Location: Three Proposed DAS NODE FACILITIES - SEE A+E PLANS

Legal Property Owner Name: N/A

Address: Three Locations - ALL IN THE PUBLIC RIGHT OF WAY

Phone: N/A / Fax: N/A

E-Mail Address: N/A

Contact Person (to whom all correspondence will be sent):

Name: PETER BROY

Address: 3200 HORIZON DRIVE, SUITE 150, KOP, PA 19406

Phone: (718) 637-3884 Fax: _____

E-Mail Address: Peter.Broy@CrownCastle.com

Interest of applicant is: () Owner () Equitable Owner () Other-explain _____

Real Estate Manager FOR CROWN CASTLE

Zoning Information:

District VARIOUS

Tax Parcel Number 01-00 N/A

Block N/A Unit N/A

Permitted Density N/A

Total Area N/A

Type of Review Requested:

- Subdivision Plan Land Development Conditional Use Amendment

Type of Plan:

- Sketch Preliminary Final

Type of Submission:

- New Proposal Revised Prior Submission

Statement of Intent: Install three DAS Node Facilities.

Please see the attached A+E Plans.

Land Use/Proposed Number of Lots/Units Intended Use(s):

- Residential _____
- Commercial _____
- Industrial _____
- Office _____
- Other TELECOMMUNICATIONS

Please complete the following items which are applicable to your project:

Attorney's Name: Eli Elbaum
Address: 131-05 14th AVE, College Point, NY 11356
Phone: 915-563-3698 Fax: _____
E-Mail: Eli.Elbaum@CrownCastle.com
Engineer's Name: HBK ENGINEERING, LLC
Address: 2401 WALNUT ST., Philadelphia, PA 19103
Phone: 484-678-8269 Fax: _____
E-Mail: _____

I certify that the plans submitted comply with the requirements of Chapter 22 of the Ambler Borough Code of Ordinances.

Plan submitted by: JOHN SHIVE (please print)

Applicant's Signature: 

Application Fee: \$ 500.00 Attached Under separate cover

Escrow Amount: \$ 500.00 Attached Under separate cover

Ambler Borough Fee Schedule (non-refundable)
Checks should be made payable to "Ambler Borough"

RESIDENTIAL SUBDIVISION/LAND DEVELOPMENT: Application Fee

Preliminary Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.
Final Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.

NON-RESIDENTIAL SUBDIVISION/LAND DEVELOPMENT: Application Fee

Preliminary Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.
Final Plans	\$150.00 plus \$20.00 per unit/lot or each additional 1,000 S.F.

ESCROW FUND: Established based on the following calculations

Minor Subdivisions/Land Development (4 lots or fewer)	AT COST
Major Subdivisions/Land Development (5 lots or greater)	AT COST

CONDITIONAL USE HEARING (Council):

Residential \$500.00; Non-Residential \$1000.00 plus costs.

Finance & Planning Committee

Tuesday, May 3, 2016
Mr. Sheward, Chairperson
Mr. DeRuosi
Ms. Tomlinson

OLD BUSINESS

1. ROSE VALLEY CREEK ORDINANCES

The Planning Commission recommendation letters for the Rose Valley Creek Conservation District Ordinances are **enclosed**. The following Ordinances Steep Slope #1094 / Riparian Buffer #1095 / SALDO planting requirements #1096 were advertised for a hearing scheduled for the Committee meeting on May 3rd at 7:15pm.

2. BOROUGH VEHICLES

Staff will prepare an advertisement to accept Bids for the vehicles that are being replaced.

NEW BUSINESS

1. BOROUGH ENGINEER'S REPORT

The Borough Engineer's report is **attached**.

2. HUMAN RELATIONS COMMISSION

An Ordinance was advertised for adoption establishing a Human Relations Commission and declares it to be a violation to discriminate in employment or public housing on the basis of, among other things, sexual orientation.

3. ORDINANCE 1097 AMENDING THE BOROUGH ZONING ORDINANCE TO REMOVE CERTAIN SPECIAL EXCEPTION USES FROM RESIDENTIAL ZONING DISTRICTS.

A hearing is scheduled for 7:00pm to consider adoption of an Ordinance 1097 that requires certain uses permitted by special exception in the Borough's residential zoning districts be permitted only in the Institutional zoning district. The Planning Commissions review letters and Ordinance are **enclosed**.

4. **RESOLUTION- WAGE TAX**

A request was received to consider adoption of the **attached** resolution and forward to the Bucks County Association of Township Officials, who are taking the lead in moving this issue forward with the Legislature. (The Wage Tax as adopted by the city of Philadelphia requires non-residents working in the city to pay the tax on all wages earned and does not require the city to remit any portion of the taxes paid back to the home communities. The resolution is asking the State Legislature to amend the law and require that up to 1% of the taxes paid to the city be remitted to the municipality in which the taxpayer resides, if they have adopted an EIT)

Borough Of Ambler

131 ROSEMARY AVENUE
AMBLER, PENNSYLVANIA 19002-4476

PHONE 215-646-1000
FAX 215-641-1355 ADMINISTRATION
FAX 215-641-1921 WATER DEPARTMENT
WEBSITE: www.ambler.pa.us



February 23, 2016

Mary Aversa, Borough Manager
Borough of Ambler
122 East Butler Avenue
Ambler, PA 19002

Re: Draft Ordinance Regarding Borough Riparian Corridor
Conservation District and Steep Slope

Dear Mrs. Aversa:

Please be advised that the Ambler Borough Planning Commission at its February 23, 2016, meeting voted unanimously to make a recommendation to Borough Council to regard this draft Ordinance as a guideline for future treatment of the creek as expressed in this proposed Ordinance. The Commission hopes this draft Ordinance will become a cornerstone of a strategy to improve the quality of the environment in the Borough.

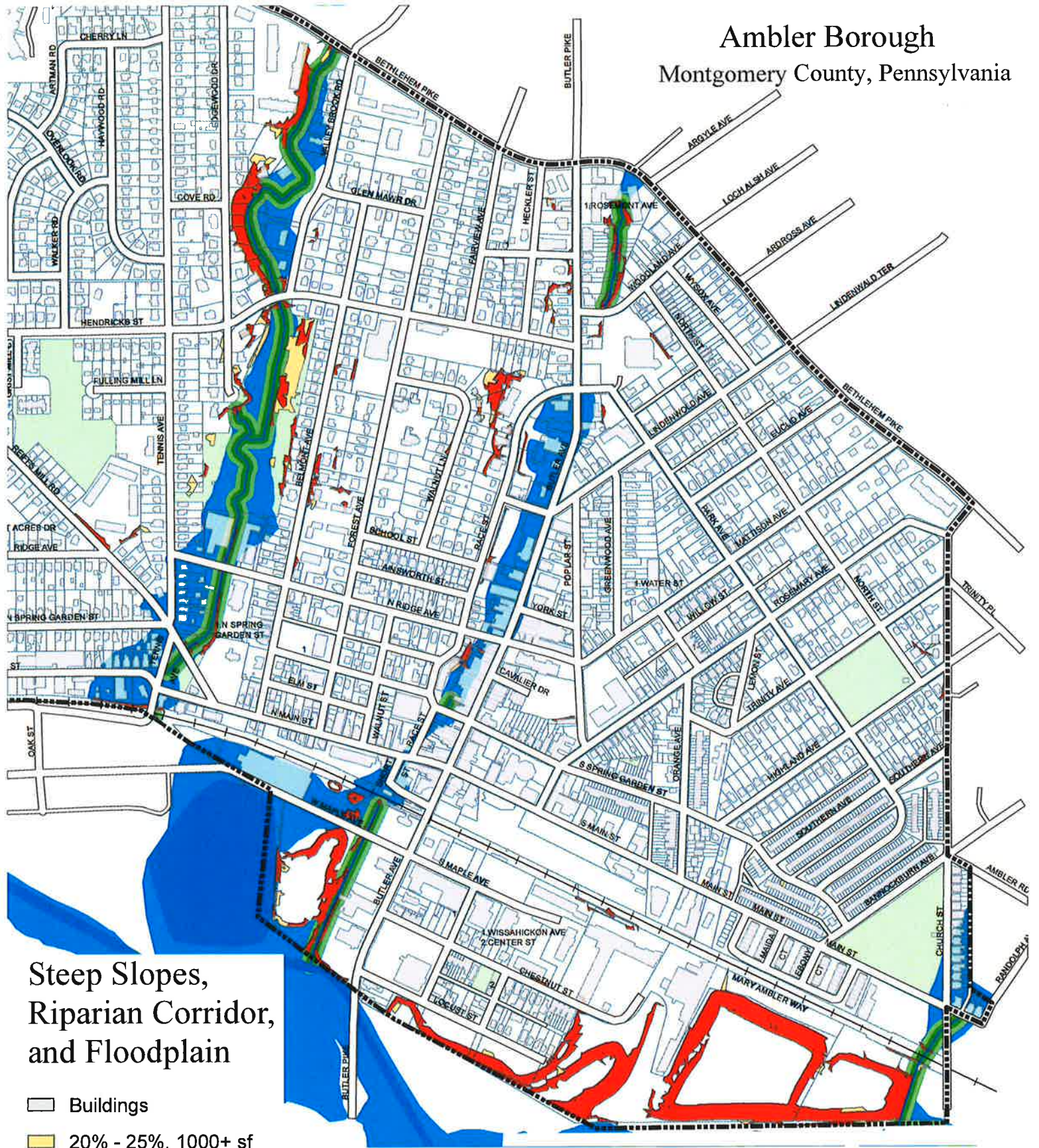
If you have any questions, please feel free to contact our Chairman, Robert Lagreca.

Very truly yours,








Carol Ann DiPietro
Secretary
Ambler Borough Planning Commission

Ambler Borough

Montgomery County, Pennsylvania




Step Slopes, Riparian Corridor, and Floodplain

-  Buildings
-  20% - 25%, 1000+ sf
-  25%+, 1000+ sf
-  25 ft Buffer
-  50 ft Buffer
-  2010 FEMA Floodplain
-  Public Open Space

Montgomery County Planning Commission
 Montgomery County Courthouse - Planning Commission
 PO Box 311 • Norristown PA 19404-0311
 (p) 610.278.3722 • (f) 610.278.3941
www.montcopa.org/plancom
 This map is based on 2010 ortho photography and official sources. Property lines were compiled from individual block maps from the Montgomery County Board of Assessment Appeals, with no verification from the deed. This map is not meant to be used as a legal definition of properties or for engineering purposes.



Map prepared May 2015



THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1094

AN ORDINANCE OF THE BOROUGH OF AMBLER MODIFYING THE DEFINITIONS IN THE ZONING ORDINANCE BY ESTABLISHING A NEW DEFINITION OF STEEP SLOPE; CREATING A STEEP SLOPE CONSERVATION DISTRICT AND CRITERIA AND PROHIBITIONS FOR THE DEVELOPMENT OF LAND MEETING THE DEFINITION OF STEEP SLOPE, TO BE INCLUDED AS A NEW CHAPTER IN THE BOROUGH ZONING ORDINANCE; LEAVING THE REMAINDER OF THE ZONING ORDINANCE IN FULL FORCE AND EFFECT; EFFEFFECTIVE UPON ADOPTION

WHEREAS, the Borough of Ambler has a comprehensive zoning ordinance adopted in accordance with the Municipalities Planning Code, and

WHEREAS, while the ordinance previously contained a definition of steep slope, that definition has never been the basis for any specific steep slope regulation in the Borough, and the previous definition requires modification commensurate with Council's determination that steep slopes should be regulated along the Rose Valley Creek,

NOW THEREFORE, the Borough zoning ordinance, Title 27 of the codified ordinances of the Borough, is amended in the following respects:

1. The existing definition of "Steep Slope", Title 27, Part 2, is deleted in its entirety. In its place, there shall be the following new definition of "Steep Slope": STEEP SLOPE – slopes of twenty-five (25) percent or greater when there are five (5) adjacent contour intervals of two (2) feet each such that, in aggregate, they delineate a slope of at least twenty-five (25) percent.
2. The following new definitions shall also be added to Title 27, Part 2, Definitions:

DISTURBANCE - any physical activity which results in the modification of topography by cutting or filling, striping of topsoil, and /or placing of physical structures or improvements thereon.

DRIP LINE - an imaginary circular line on the soil around a tree that mirrors the circumference of the tree's canopy. The tree's roots usually extend well beyond this line.

FILL - any clean soil or rock materials (sand or clay) used to raise the ground elevation.

LAND DISTURBING ACTIVITY - any change of the land surface including removing vegetative cover, excavating, filling, grading, and the construction of any structure. An agricultural activity such as the planting, growing, cultivating and harvesting of crops is exempt from this definition.

3. The following shall be adopted in its entirety as a new Part of Title 27, Zoning.

§ 27-5001. Statement of Intent

1. To promote the public health, safety, and welfare through the protection of environmentally sensitive steep slope areas and by encouraging the conservation of open space located on steep slope areas.
2. To limit erosion, loss of soil and resultant destruction of the land, siltation of streams and related degradation of surface water, and damage to property owners.

3. To protect low lying areas from flooding by limiting increased stormwater runoff caused by grading of sloped areas, changes in vegetated cover, and construction of structures and other impervious areas.
4. To maintain the ecological integrity and habitat value of steeply sloped areas, including indigenous vegetation and wildlife which could be adversely affected by otherwise permitted disturbances.

§ 27-5002. Steep Slope Conservation District Established

- A. The Steep Slope Conservation District is defined and established as those areas along Rose Valley Creek of at least 1,000 contiguous square feet having slopes of 25% or greater and across any property line.
 - 1) Steep Slope Conservation District calculations are to be based on a site survey by a registered surveyor, on topographic information plotted from a verified aerial survey, or on analysis of U.S. Geological Survey topographic maps where the slope category calculation is based on an area which spans at least five (5) contiguous two-foot (2') contour intervals.
 - 2) The Borough Engineer shall decide whether or not the Steep Slope Conservation District has been shown with sufficient accuracy on the applicant's plans. Based on the Borough Engineer's advice, the Borough may require applicants to revise the boundaries shown on the plans.
 - 3) The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping, testimony of a soil scientist, or other acceptable evidence.

§27-5003. Uses Permitted in the Steep Slope Conservation District

The following uses are permitted by right in the Steep Slope Conservation District in compliance with the requirements of this article.

- a. Wildlife sanctuary, woodland preserve, and arboretum.
- b. Forestry and reforestation in accordance with recognized soil conservation practices.
- c. Game farm or hunting preserve.
- d. Front, side, or rear yards, and required lot area for any underlying zoning district, subject to the requirements of Section 27-5006 herein, provided such yards shall not be used for any use prohibited under Section 27-5005.

§27-5004. Uses Permitted in the Steep Slope Conservation District by Conditional Use

- A. Underground utilities, with special requirements regarding the loss or degradation of soils and vegetation when it can be demonstrated that no other routing which avoids prohibitive slopes is practical or economically reasonable.
- B. Sealed public water supply wells.
- C. Sanitary or storm sewers and stormwater detention basins.
- D. Above ground utility transmission lines and above ground utility line structures.

§27-5005. Prohibited Uses in the Steep Slope Conservation District

A. The following uses are specifically prohibited on steep slopes.

- 1) Solid waste disposal, recycling uses, junk yards, or other outdoor storage uses.
- 2) Extractive uses, including topsoil removal, except when related to an approved conditional use.
- 3) On-lot sewage disposal systems.

§27-5006. General Provisions

- A. The Steep Slope Conservation District shall be an overlay district on all zoning districts. These regulations apply only to those portions of the tract or lot which fall within the Steep Slope Conservation District. The Steep Slope Conservation District shall have no effect on permitted uses in the underlying zoning district, except where said uses are intended to be located within the boundaries of the Conservation District and are in conflict with the uses specifically prohibited in this section.
- B. Disturbance Limits: A disturbance limit of 10% shall be the maximum area of a steep slope within the Conservation District that may be graded and/or stripped of vegetation.
- C. Siting. Improvements shall be sited on the least sensitive portion of the site to avoid the disturbance of natural landforms, geological features, and vegetation on the steepest portions of the site to the greatest extent possible as determined by a licensed engineer.
- D. Landscaping.
- 1) The landscape shall be preserved in its natural state as much as possible. Existing vegetation shall be retained in any part of the tract that is not designated for grading or construction. New landscaping should be in accordance with the Subdivision and Land Development Ordinance.
 - 2) No trees with a diameter at breast height (DBH) of eight (8) inches or more shall be removed from steep slope areas.
 - 3) All disturbed areas shall be stabilized and replanted with non-invasive species appropriate for steep slopes to the extent necessary to prevent erosion. The following list provides examples of non-invasive plant species that are appropriate for steep slope stabilization:

Grasses

Perennials

Sideoats grama (*Bouteloua curtipendula*)

Common yarrow (*Achillea millefolium*)

Canada wild rye (*Elymus canadensis*)

New Jersey tea (*Ceanothus americanus*)

Little bluestem (*Schizachyrium scoparium*)

Blue mistflower (*Conoclinium coelstinum*)

Prairie dropseed (*Sporobolus heterolepis*)

Lanceleaf tickseed (*Coreopsis laceloate*)

Broomsedge bluestem (*Andropogon vriginicus*)

Eastern teaberry (*Gaultheria procumbens*)

Switchgrass (*Panicum virgatum*)

Sundial lupine (*Lupinus perennis*)

exceed 20 feet. Finished slopes of all cuts and fills shall not exceed three to one, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately.

- 2) Grading outside the building footprint or driveway area shall be minimized.
 - 3) Grading inside the drip-line of trees to be preserved on site shall be prohibited.
 - 4) Any disturbance of steep slopes shall be completed within one construction season, and the disturbed areas shall not be left bare and exposed during the winter and spring thaw periods. Permanent vegetative cover shall be planted within three days after completion of grading.
 - 5) All cut and fill slopes shall be landscaped and shall be stabilized to control erosion. The grading and excavation proposed in connection with the development shall not result in landslides, flooding, or erosion at the time of construction and any time thereafter. The Borough, upon the advice of the Borough Engineer, may require the installation of engineered retaining walls and drainage systems.
 - 6) All excess excavated material shall be removed or otherwise placed so as to become an integral part of the site development. Man-made slopes shall conform to patterns of natural terrain.
 - 7) The maximum grade of a roadway or driveway shall not exceed ten (10) percent.
- E. The Borough reserves the right to require full engineering documentation be provided to ensure safety, stability, erosion prevention, and an acceptable stormwater runoff quantity, quality, and velocity.

§27-5007. Administration of the Steep Slope Conservation District

- A. For all earth moving activities within the Steep Slope Conservation District, the Applicant shall submit a site plan prepared by a Pennsylvania-licensed engineer which includes at a minimum the following:
- 1) Existing and proposed slopes of twenty-five (25) percent and greater based at minimum on five (5) contiguous two-foot (2') contour intervals.
 - 2) Location of all existing and proposed waterbodies including but not limited to streams, lakes and wetlands.
 - 3) Existing natural and topographic features, including all trees with a diameter at breast height (DBH) of eight (8) inches or more in steep slope areas.
 - 4) Location of all proposed and existing buildings and streets.
 - 5) Location and inventory of all existing vegetation including meadow, forest, and scrub-lands broken down by those areas of vegetation which will be removed as well as vegetation to be preserved; specifications for re-vegetation shall also be included.
 - 6) Specific methods which will be utilized to control soil erosion and sedimentation, soil loss, and excessive stormwater runoff both during and after construction.
 - 7) A statement and description of the stability of the soils at the site, the appropriateness of the construction method proposed, and the stability of the soils at the site upon completion of construction.

- 8) Hydrology, drainage, and flooding analysis to include a statement on the effect of the proposed development upon waterbodies, watercourses, or wetlands in the vicinity of the project.
- 9) A statement describing the underlying geology attesting to the stability of the site.
- 10) Calculations of the area of proposed disturbance of each slope class on each proposed lot as well as within any proposed road right-of-way.
- 11) Grading plan for the construction site and all access routes.
- 12) Documentation of all conservation and erosion control techniques used before, during, and after construction or redevelopment.
- 13) Specific building and landscaping materials to be used during construction or redevelopment.
- 14) Demonstration of compliance with §22 Subdivision and Land Development and with any applicable special exceptions or conditional uses.

§27-5008. Borough Liability

The granting of a use and occupancy permit, a zoning permit, or approval of a subdivision or land development plan on or near the Steep Slope Conservation District shall not constitute a representation, guaranty, or warranty of any kind by the Borough of Ambler, or by any official or employee thereof, of the practicability or safety of the proposed use and shall create no liability upon Ambler Borough, its officials, or employees. The degree of erosion and sediment control protection intended to be provided by this article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. This article does not imply that areas outside the Steep Slope Conservation

District boundaries or land uses permitted within said district will always be completely free from the adverse effects of erosion and sedimentation.

SO ORDAINED this ____ day of _____, 2016.

Salvatore Pasceri, Council President

ATTEST: _____
Mary Aversa, Secretary

APPROVED: _____
Jeanne Sorg, Mayor

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS
JOSH SHAPIRO, CHAIR
VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR
JOSEPH C. GALE



MONTGOMERY COUNTY
PLANNING COMMISSION
MONTGOMERY COUNTY COURTHOUSE • PO Box 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

March 23, 2016

Mr. Glenn Kucher, Zoning Code Officer
The Borough of Ambler
131 Rosemary Avenue
Ambler, PA 19002

Re: MCPC #16-0059-003
Plan Name: Rose Valley Creek Steep Slope Conservation
District – Definition Zoning Amendment
The Borough of Ambler

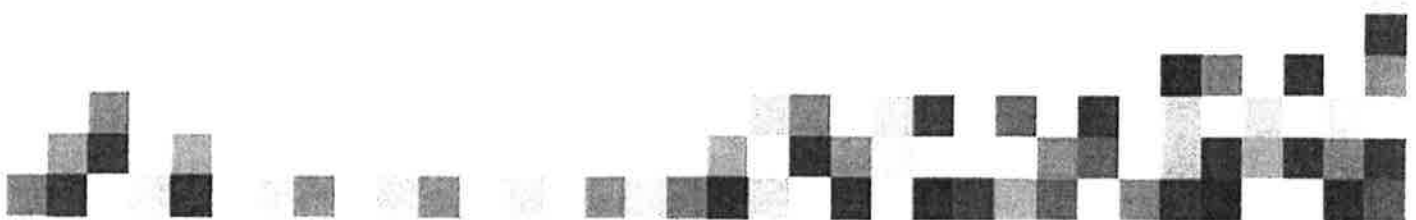
Dear Mr. Kucher:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on March 10, 2016. We forward this letter as a report of our review.

BACKGROUND

The Borough of Ambler is proposing to amend Chapter 27 – Zoning of the Borough's Code of Ordinances to add a new Rose Valley Creek Steep Slope Conservation District (SSCD) as an overlay zoning district. The proposed text would also amend the existing definition of "steep slope" to reflect the language of the proposed SSCD, and would add new definitions for the following terms used within the proposed text: "disturbance", "drip line", "fill", and "land disturbing activity".

The proposed SSCD will apply to areas of at least 1,000 contiguous feet with a slope of 25% or greater along the Rose Valley Creek corridor. The amendment will regulate permitted and prohibited uses within the SSCD, and proposed standards will also regulate things like landscaping, grading, and siting, among other issues, to reduce the potential for disturbance on steep slopes along the Rose Valley Creek corridor.



COMPREHENSIVE PLAN COMPLIANCE

By limiting the potential for disturbance on steep slope areas adjacent to a stream corridor, the proposed text will help to keep soils on such slopes intact and will ensure that land developments or other sources of soil disturbance are unable to exacerbate the rates of erosion or stormwater runoff on those areas as they naturally occur today. These measures will work to ensure that the waterway(s) downhill, specifically the Rose Valley Creek, and the slopes themselves will not be compromised due to excessive erosion or stormwater runoff. Recognizing that stabilizing steep slopes is an important factor in reducing sediment pollution, soil loss, and flooding due to increased stormwater runoff, the proposed amendment will further the following general objectives of County and municipal comprehensive plans:

Montco 2040: A Shared Vision (2015)

- Improve stormwater management and reduce the impact of flooding.
- Conserve natural resources, environmentally-sensitive areas, and farmland.

Ambler Borough's Comprehensive Plan Update (2013)

- The continued protection of natural resources, particularly as it relates to mitigating stormwater runoff and flooding.

Ambler Borough's Comprehensive Plan (2001)

- Establish passive open space areas adjacent to the Rose Valley Creek, particularly at the northern border of Borough Park, to protect the stream and the surrounding natural features. The Comprehensive Plan indicates this as a high-priority objective.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) supports the Borough's proposal without comment as we have found it to be generally consistent with the above-referenced comprehensive plans, as well as with the Ambler Borough Open Space Plan (2006). The Open Space Plan encourages the protection of all sensitive lands adjacent to the Rose Valley Creek, including steep slopes, and calls for the preservation of those areas in an effort to limit the potential for harmful disturbances to occur. By restricting development on steep slopes and taking care to preserve vegetation in those areas, the effects of soil erosion and stormwater runoff will be lessened and the result will ultimately lead to improved water quality within the Wissahickon Creek Watershed.

CONCLUSION

We wish to reiterate that MCPC generally supports the Borough's proposal as the creation and enforcement of the Rose Valley Creek Steep Slope Conservation District will be an important step in municipal and regional efforts to address noted stormwater and water quality concerns within the Wissahickon Creek Watershed. We commend the Borough for taking the initiative to address some of the root issues associated with water pollution and flooding, and in recognizing that protecting steep slopes in strategic areas along waterways is consistent with state, regional, County and municipal objectives as we all work together to protect our vital natural resources. As heightened state and Federal regulations regarding water quality and stormwater management continue to affect all communities in Montgomery County, we encourage municipalities to address these issues at the local level whenever possible.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 602 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,

A handwritten signature in black ink, appearing to read "Lauren Van Dyk". The signature is fluid and cursive, with the first name "Lauren" being more prominent than the last name "Van Dyk".

Lauren Van Dyk, Community Planner
lvandyk@montcopa.org
610-278-3749

c: Mary Aversa, Borough Manager
Joseph Bresnan, Esq., Borough Solicitor
Jim Dougherty, Borough Engineer

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1095

AN ORDINANCE OF THE BOROUGH OF AMBLER AMENDING THE BOROUGH ZONING ORDINANCE BY ESTABLISHING A RIPARIAN CORRIDOR CONSERVATION DISTRICT ALONG THE EDGES OF THE ROSE VALLEY CREEK; LIMITING CERTAIN TYPES OF ACTIVITY WITHIN SUCH DISTRICT; SETTING FORTH REQUIREMENTS FOR THE MANAGEMENT OF SUCH DISTRICT; DEFINING VARIOUS APPLICABLE TERMS; EFFECTIVE UPON ADOPTION.

THE BOROUGH COUNCIL OF THE BOROUGH OF AMBLER DOES HEREBY ORDAIN AS FOLLOWS:

There shall be added to the Borough Codified Ordinances, at Title 27 (Zoning), a new part, Part 31, entitled "Rose Valley Creek Riparian Corridor Conservation District", the text of which is as follows:

§31-100. Definitions

BANKFULL FLOW - The point above a stream which defines the maximum height of channel flow. It is either determined visually or computed as an elevation using the peak rate of runoff from a two-year storm event.

INVASIVE SPECIES – A non-native species whose presence in the environment causes economic or environmental harm or harm to human health.

NATIVE PLANT - A plant native to Pennsylvania, as identified in the most recent edition of The Vascular Flora of Pennsylvania, Annotated Checklist and Atlas.

REFORESTATION - The process of creating woodlands with three distinct layers of vegetation: canopy trees, understory shrubs or trees, and herbaceous groundcover plants.

RIPARIAN AREA - Land adjacent to a stream, lake, pond, or other water body. Riparian areas form the transition between the aquatic and the terrestrial environment.

SELECTIVE CUTTING - A method of removing small groups of trees scattered throughout a woodland in order to retain the biodiversity of the woodland while allowing limited harvesting of trees.

STREAM – Includes all rivers, creeks, brooks, tributaries and other flowing surface waters within a natural channel. More specifically, a perennial or intermittent water body having a defined channel

(excluding man-made ditches) which contains flow from surface and/or ground water sources during at least a portion of an average rainfall year.

STREAM, MAPPED – Streams mapped on the adopted “Ambler Borough Riparian Corridor Conservation District Map,” (Attachment A, as amended) including any adjacent wetlands, and/or water bodies draining into the identified stream.

STREAM, UNMAPPED – Any perennial stream (waterway that has continuous flow in parts of its bed all year round), located on a site survey prepared by a design professional licensed in the Commonwealth of Pennsylvania, including any adjacent wetlands and/or water bodies draining into the identified stream.

STREAM BANK STABILIZATION – A method of repairing eroded stream banks employing required grading, stone, fabric, soil, or other natural materials.

WATER BODY- An intermittent or perennial stream, pond, or lake that is either natural or man-made provided that the bed is composed primarily of substrates associated with flowing water, ponds, or lakes.

WETLANDS – Those areas that are inundated and 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, including swamps, marshes, bogs, and similar areas. More specifically, an area meeting the official wetland definition of the U.S. Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1; or the Pennsylvania Department of Environmental Protection Wetlands Identification and Delineation, Chapter 105 Dam Safety and Waterways Management Rules and Regulations; or the U.S. Environmental Protection Agency Wetlands Identification Delineation Manual, Volume I, Rational, Wetland Parameters, and Overview of Jurisdictional Approach, Volume II, Field Methodology or the most recently amended reports, will be considered a wetland for the purposes of this chapter. In the event the definition of a wetland accepted by the U.S. Army Corps of Engineers conflicts with the definition of a wetland accepted by the Pennsylvania Department of Environmental Protection, or Environmental Protection Agency, the more restrictive definition shall apply.

§31-101. Legislative Intent.

It is the intent of this article to provide reasonable controls governing the conservation, management, disturbance, and restoration of riparian corridors under authority of Article I, Section 27 of the Pennsylvania Constitution, Act 247, the Municipalities Planning Code, as amended and other Commonwealth and Federal statutes. In addition, the specific intent and purposes of this article are to:

- A. Regulate the land use, siting, and engineering of all development to be consistent with accepted conservation practices, so as to respect the carrying capacity of existing natural resources as future development occurs.
- B. Reduce the amount of nutrients, sediment, organic matter, pesticides, and other harmful substances

that reach watercourses, wetlands, and other surface water bodies as well as subsurface waters by optimizing scientifically-proven processes including filtration, deposition, absorption, adsorption, plant uptake, biodegradation, denitrification through stabilizing concentrated flows and encouraging distributed sheet flow, and by improving infiltration in all watershed areas, especially important given the Wissahickon Creek Watershed's documented water quality problems.

- C. Provide for shading (i.e., cooling) of the aquatic environment so as to moderate temperatures, protect fish habitat, retain more dissolved oxygen, and encourage the growth of diatoms, beneficial algae, and aquatic insects in all watershed areas, especially important given the Wissahickon Creek Watershed's documented water quality problems.
- D. Provide organic matter through leaf debris which falls into the stream and becomes trapped by woody debris (fallen trees and limbs) and rocks where such provides food and habitat for small bottom dwelling organisms (insects, amphibians, crustaceans, and small fish), essential to maintain the food chain in all watersheds, especially important given the Wissahickon Creek Watershed's documented water quality problems.
- E. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, reducing streambank erosion and sediment production and protecting fish habitat in all watersheds, especially important given the Wissahickon Creek Watershed's documented water quality problems.
- F. Conserve the natural features important to land and water resources (e.g., headwater areas, groundwater recharge zones, floodway, floodplain, springs, streams, wetlands, woodlands, prime wildlife habitats) and other features constituting high recreational value or containing amenities that exist on developed and undeveloped land.
- G. Conserve natural, scenic, and recreation areas within and adjacent to stream areas for the community's benefit, promoting the positive functions of greenways.
- H. Work with floodplain and other ordinances that regulate environmentally sensitive areas to minimize hazards to life, property, and stream features.
- I. Assist in the implementation of pertinent state laws concerning erosion and sediment control practices.
- J. Limit the removal or fragmentation of woodlands, recognizing that healthy and contiguous woodland areas within the Riparian Corridor Conservation District contribute to stream bank stability and enhance water quality.

Section 31-102. Establishment and Width Determination of the Riparian Corridor Conservation District

A. Applicability

- (1) The Riparian Corridor Conservation District is an overlay district that applies to lands adjacent to

streams, including any adjacent wetlands, and/or naturally occurring water bodies draining into the identified stream. The District does not apply to manmade waterbodies.

(2) The RCC District regulations shall apply when:

- (a) A plan is submitted for Land Development and/or the Subdivision of Land.
- (b) A building Permit application is submitted for construction of a new structure and/or an expansion of an existing structure within 50' of the bank of a mapped stream.

(3) Lots containing legal structures in existence at the time of adoption of this Article shall not be subject to the requirements of this Article unless and until they are the subject of either A.2.a and A.2.b listed above.

(4) Any lands within fifty feet of a water feature described in A.(1), above, that are wholly separated from that water feature by an existing public or private street shall be considered outside the RCC District and the regulations contained in this article shall not apply.

B. Boundary Definition, Zone Determination, and Interpretation: The Riparian Corridor Conservation District is an overlay district that applies to surface streams, wetlands, and water bodies, and the land adjacent to them, of a length no less than one-thousand (1,000) contiguous feet across any property line.

Surface Water Feature	Minimum Corridor Width
<p>1. Mapped Streams As mapped on the adopted "Ambler Borough Riparian Conservation District Map" (Attachment A, as amended), including any adjacent wetlands and/or water bodies draining into the identified stream.</p>	<p>Zone 1: Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream. Zone 2: Minimum width of 25 feet from the outer edge of Zone 1, measured perpendicular to the edge of Zone 1, or equal to the extent of the 100-year floodplain, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater. (Total minimum width of Zones 1 & 2 = 50 feet plus the width of the stream.)</p>
<p>2. Unmapped Streams Any perennial stream¹, located on a site survey prepared by a design professional licensed in the Commonwealth of Pennsylvania, including any adjacent wetlands and/or water bodies draining into the identified stream.</p>	<p>Zone 1: Minimum width of 25 feet from each defined edge of the stream at bank full flow, measured perpendicular to the edge of the stream. Zone 2: Minimum width of 25 feet from the outer edge of Zone 1, measured perpendicular to the edge of Zone 1, or equal to the extent of the 100-year floodplain, or 25 feet beyond the outer edge of a wetland along the stream, whichever is greater. (Total minimum width of Zones 1 & 2 = 50 feet plus the width of the stream.)</p>

C. Zone Designation Adjustments for Steep Slopes: If the extent of the steeply sloped area that is greater than 25% slope is more than 50 feet, Zone 1 shall extend to the 50 foot maximum corridor width and Zone 2 shall not be required. If the extent of the steeply sloped area is less

¹ A "perennial stream" shall mean any waterway that has continuous flow in parts of its bed all year round.

than 50 feet, Zone 1 shall extend to the limit of the steeply sloped area and the width of Zone 2 shall be adjusted so that the total corridor width on one side of a stream will be 50 feet maximum.

D. **Boundary Adjustments:** The boundaries of the Riparian Corridor Conservation District, shall be adjusted in compliance with either or both of the following:

- (1) All properties measuring less than one acre shall be permitted to reduce Zone 1 to fifteen feet (15') and Zone 2 to an additional fifteen feet (15'), measured from the edge of Zone 1, for a total buffer width of thirty feet (30') on each side of the stream bank.
- (2) If any structure legally existing at the time of the passing of this article lies within fifty feet (50') of the defined edge of a stream, in whole or in part, Zone 2 requirements shall not apply. Zone 1 requirements shall apply as specified herein (15' buffer on each side of the stream for properties located within the corridor as of the date of adoption of this ordinance; 25' buffer on each side of the stream for properties that merge and become greater than one acre as the result of an approved land development plan or other formalized demonstration of an intent to merge taking after the date of adoption of this ordinance.

E. **Identification and Width Determination.** The applicant shall be responsible for the following:

- (1) Identifying the streams, wetlands, and/or water bodies on and within 50 feet of the applicant's site, and locating these features accurately on the applicant's plans.
- (2) Initial width determination of the riparian corridor(s) in compliance with Section 27-6002, herein, and for identifying these areas on any plan that is submitted for subdivision, land development, or other improvements that require plan submissions or permits.

Section 31-103. Uses Permitted in the Riparian Corridor Conservation District

The following uses are permitted by right in the Riparian Corridor Conservation District in compliance with the requirements of this article.

A. **Zone 1:**

- (1) Open space uses that are primarily passive in character shall be permitted to extend into the area defined as Zone 1, including:
 - (a) Wildlife sanctuaries, nature preserves, forest preserves, fishing areas, passive areas of public and private parklands, reforestation, and recreational uses permitted under Section 27-1905(4) of the Borough Zoning Ordinance.
 - (b) Stream bank stabilization through revegetation or other appropriate means.

(2) Corridor Crossings:

- (a) Driveways serving one or two single-family detached dwelling units provided the mitigation requirements of Section 27-6008.B are satisfied. The corridor crossing standards of Section 27-6009 should be considered during the design of the driveway.
 - (b) Driveways serving more than two single-family detached dwelling units, or roadways, recreational trails, railroads, and utilities, provided the mitigation requirements of Section 27-6008.B and the corridor crossing design standards of Section 31-109 are satisfied.
- (3) Maintenance of the riparian corridor through the removal of invasive plants, trash, debris, fallen or dead trees, and solid waste, mitigation of soil erosion problems, and planting for the purpose of improving corridor vegetation.

B. Zone 2

- (1) Open space uses including wildlife sanctuaries, nature preserves, forest preserves, passive areas of public and private parklands, recreational trails, reforestation, and stream bank stabilization.
- (2) Agricultural uses conducted in compliance with methods prescribed in the Department of Environmental Protection's Erosion and Sediment Pollution Control Manual, as amended.
- (3) Corridor Crossings:
 - (a) Driveways serving one or two-family detached dwelling units, provided the mitigation requirements of Section 27-6008.B are satisfied. The corridor crossing standards of Section 27-6009 should be considered during design of the driveway.
 - (b) Driveways serving more than two single-family detached dwelling units, or roadways, recreational trails, railroads, and utilities, provided the mitigation requirements of Section 27-6008.B and the corridor crossing design standards of Section 27-6009 are satisfied.
- (4) Residential accessory buildings having an area equal to or less than 225 square feet.
- (5) Passive use areas such as camps, campgrounds, picnic areas, and golf courses.
- (6) Active recreation areas such as ballfields, playgrounds, and non-paved courts provided these uses are designed in a manner that will not permit concentrated flow of stormwater runoff.
- (7) Centralized sewer and/or water lines and public utility transmission lines running along the corridor. When proposed as part of a subdivision or land development, the mitigation requirements of Section 27-6008.B shall be satisfied. In all cases, these lines shall be located as far from Zone 1 as practical.
- (8) The required minimum front, side, and or rear yard setbacks on private lots.

- (9) Fencing, in compliance with 27-1906.I (floodplain district requirements)
- (10) Maintenance of the riparian corridor through the removal of invasive plants, trash, and solid waste, mitigation of soil erosion problems, planting for the purpose of improving corridor vegetation, and lawn mowing.

Section 31-104. Uses Specifically Prohibited in the Riparian Corridor District

Any use or activity not authorized within Section 27-6003 shall be prohibited within the Riparian Corridor Conservation District and the following activities and facilities are specifically prohibited:

- A. Clearing of existing vegetation, except where:
 - (1) Such clearing is necessary to prepare land for a use permitted under Section 27-6003, herein.
 - (2) Where the effects of these actions are mitigated by re-establishment of vegetation.
 - (3) For invasive species only, where vegetation contributes to the overall vigor of the corridor or has significant value for watershed erosion management.
 - (4) The presence of damaged, destroyed, or dead trees or other vegetation poses a risk to public health, safety, or general welfare. In addition, landowners may remove trees or branches of trees that present a risk to property, and the public health, safety or general welfare upon approval of the Borough's code enforcement officer or his or her agent, which may include a certified arborist or tree surgeon.
- B. Sanitary landfills, dumps, junkyards, outdoor storage structure that will be used for the production, storage, or maintenance of a supply of toxic chemicals.
- C. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Montgomery County Conservation District.
- D. Roads or driveways, except where permitted as stream crossings in compliance with Section 27-6003.
- E. Motor or wheeled vehicle traffic in any area not designed to accommodate adequately the type and volume.
- F. Parking lots.
- G. Any type of permanent structure, except those needed for a use permitted in Section 27-6003, herein.
- H. Onsite sewage disposal systems.
- I. Storm water basins, berms, and outfall facilities.

J. Sod farming.

K. Outdoor plant nursery or orchard.

Section 31-105 Nonconforming Structures and Uses in the Riparian Corridor District

Nonconforming structures and uses of land within the Riparian Corridor Conservation District shall be regulated under the provisions of §27, Part 26, Nonconforming Status, herein.

Section 31-106. Boundary Interpretation and Appeals Procedure

- A. When a landowner or applicant disputes the Zone (1 or 2) boundaries of the Riparian Corridor or the defined edge of a water body the landowner or applicant shall submit evidence to the Zoning Hearing Board that describes the boundary, presents the landowner or applicant's proposed boundary, and presents all justification for the proposed boundary change.
- B. The Municipal Engineer and/or other advisors selected by the Borough Council shall evaluate all material submitted and provide a written determination within 45 days to the Borough Council, Planning Commission, and landowner or applicant.
- C. Any party aggrieved by any such determination or other decision or determination under this section may appeal to the Zoning Hearing Board under the provisions of Part 23, Zoning Hearing Board. The party contesting the location of the district boundary shall have the burden of proof in case of any such appeal.

Section 31-107. Inspection of Riparian Corridor Conservation District

- A. Lands within or adjacent to an identified Riparian Corridor Conservation District may be inspected by a Borough representative when:
 - (1) A subdivision or land development plan is submitted.
 - (2) A building permit is requested.
 - (3) A change or resumption of nonconforming use is proposed.
- B. The district may also be inspected periodically by a Borough representative for compliance with an approved restoration plan, excessive or potentially problematic erosion, hazardous trees, or at any time when the presence of an unauthorized activity or structure is brought to the attention of Borough officials.

Section 31-108. Management of the Riparian Corridor District

- A. Riparian Corridor Planting. Re-establishment of forest cover and woodland habitat is encouraged to be as consistent as possible with the requirements of Appendix "B" of the Ambler Borough Subdivision and Land Development Ordinance. The integrity of woodland areas within the corridor shall be maintained consistently across any property line.
- B. Mitigation Measures. Uses permitted in Section 27-6003 involving stream crossings within the riparian corridor shall be mitigated by increasing the width of the corridor as replacement for the area lost due to the encroachment, so that the total corridor area (land area within Zone 1 and Zone 2) for each applicable side of the stream or water body is equal to that required by Section 2501.A. Corridor area is the product of the corridor width required by Section 2501.A and the total length for each applicable side of the stream or watercourse for which a riparian corridor is being established. Perimeter shall be used in place of length for determining wetland buffer area. The increased width shall be spread throughout the corridor to the maximum extent possible. For streams and watercourses, the increased width shall be applied along the length of the stream in blocks of 1,000 feet or more, or the full length of the corridor on the affected property, whichever is less. Measures shall be taken to minimize soil erosion until stabilization is achieved.

Section 31-109. Stream Crossing Standards

All stream crossings permitted in this ordinance, herein, shall incorporate, as required, the following design standards.

- A. The width of the right-of way should not be greater than the minimum right-of-way width required by the Subdivision and Land Development Ordinance.
- B. Crossings should be designed to cross the riparian corridor at direct right angles in order to minimize disturbance of the corridor.
- C. Bridges should be used in place of culverts when crossings would require a 72-inch or greater diameter pipe. When culverts are installed they should consist of slab, arch, or box culverts and not corrugated metal pipe. Culverts should also be designed to retain the natural channel bottom to ensure the passage of water during low flow or dry weather periods.

Section 31-110. Use of Technical Terminology

Technical terminology used in this article shall be interpreted to have the meanings used by recognized sources and experts in the fields of forestry, woodland or meadow management, stream bank protection, wetlands management, erosion and sedimentation control, or other relevant fields.

This ordinance is effective upon adoption. Should any provision hereof be found unenforceable or contrary to law, such provision shall be severable from the remainder, which shall remain valid and enforceable.

SO ORDAINED THIS ____ DAY OF _____, 2015.

Salvatore Pasceri, Council President

ATTEST: _____
Mary Aversa, Secretary

APPROVED: _____
Jeanne Sorg, Mayor

**MONTGOMERY COUNTY
BOARD OF COMMISSIONERS**
JOSH SHAPIRO, CHAIR
VALERIE A. ARKOOSH, MD, MPH, VICE CHAIR
JOSEPH C. GALE



**MONTGOMERY COUNTY
PLANNING COMMISSION**
MONTGOMERY COUNTY COURTHOUSE • PO BOX 311
NORRISTOWN, PA 19404-0311
610-278-3722
FAX: 610-278-3941 • TDD: 610-631-1211
WWW.MONTCOPA.ORG

JODY L. HOLTON, AICP
EXECUTIVE DIRECTOR

March 23 2016

Mr. Glenn Kucher, Zoning Code Officer
The Borough of Ambler
131 Rosemary Avenue
Ambler, PA 19002

Re: MCPC #16-0059-002
Rose Valley Creek Riparian Corridor Conservation District
The Borough of Ambler

Dear Mr. Kucher:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on March 4, 2016. We forward this letter as a report of our review.

BACKGROUND

The Borough of Ambler is proposing to add a new section to Chapter 27 – Zoning of the Borough’s Code of Ordinances. The new section, to be called Part 31 – Rose Valley Creek Riparian Corridor Conservation District (RCCD), establishes a riparian buffer on either side of the banks of the Rose Valley Creek within the limits of the Borough. The regulations set forth by this proposed overlay zoning district will apply only to areas of at least 1,000 contiguous feet along a waterway, and only when a land development and/or subdivision plan is submitted to the Borough, or if a building permit for construction within 50 feet of the stream’s bank is submitted. The proposed addition to the Zoning Ordinance is a result of collaborative work between the Borough of Ambler and the Montgomery County Planning Commission.

The intent of the proposed zoning amendment is to create and/or enhance the riparian corridor, also known as a riparian or vegetative buffer, along the Rose Valley Creek as part of a regional effort to address stormwater management and to improve water quality within the Wissahickon Creek Watershed. The proposed amendment will regulate permitted and prohibited uses within the proposed RCCD in tandem with other applicable land development regulations, with the intention of limiting disturbances within the area and of reserving riparian corridor areas primarily as open space with limited allowances for recreational uses. The proposed text includes a reference to a proposed amendment to the Borough’s Subdivision and Land



Development Ordinance (SALDO) regarding planting requirements within the proposed RCCD, which provides a framework for proper landscaping within the corridor.

COMPREHENSIVE PLAN COMPLIANCE

The proposed Rose Valley Creek Conservation District zoning text amendment will further the following general objectives of County and municipal comprehensive plans:

Montco 2040: A Shared Vision (2015)

- Improve stormwater management and reduce the impact of flooding.
- Conserve natural resources, environmentally-sensitive areas, and farmland.

Ambler Borough's Comprehensive Plan Update (2013)

- The continued protection of natural resources, particularly as it relates to mitigating stormwater runoff and flooding.

Ambler Borough's Comprehensive Plan (2001)

- Establish passive open space areas adjacent to the Rose Valley Creek, particularly at the northern border of Borough Park, to protect the stream and the surrounding natural features. The Comprehensive Plan indicates this as a high-priority objective.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) supports the Borough's proposal without comment as we have found it to be generally consistent with the above-referenced comprehensive plans, as well as with the Ambler Borough Open Space Plan (2006). The Open Space Plan repeatedly encourages the protection of lands adjacent to the Borough's important natural resources, particularly the Rose Valley Creek. Specifically, the Plan calls for areas adjacent to the Rose Valley Creek, beyond those within Borough Park, to be preserved and a riparian buffer to be planted and properly maintained in an effort to both improve water quality and to mitigate stormwater and flooding impacts while allowing for some passive recreation.

Please see our brief comment below regarding the proper numbering of referenced sections within the proposed text.

REVIEW COMMENTS

CITATIONS

- A. Upon review by the Borough solicitor, the numbering scheme for the various sections and subsections within the proposed text was revised to reflect its correct placement within the Borough Zoning Ordinance, and was assigned as Part 31 as referenced above. Previous drafts of the Rose Valley Creek Riparian Corridor Conservation District were assigned an ambiguous section number as a placeholder, however; not all in-text references to other sections of the proposed RCCD have been adjusted accordingly. Please be sure to review all in-text references are reviewed to ensure that they are now properly cited.

CONCLUSION

We wish to reiterate that MCPC generally supports the Borough's proposal as the creation and enforcement of the Rose Valley Creek Riparian Corridor Conservation District will be an important step in municipal and regional efforts to address noted stormwater and water quality concerns within the Wissahickon Creek Watershed. We commend the Borough for taking the initiative to address some of the root issues associated with water pollution and flooding, and in recognizing that implementing best management practices (BMPs) such as riparian buffers is consistent with state, regional, County, and municipal objectives, as we all work together to protect our vital natural resources. As heightened state and Federal regulations regarding water quality and stormwater management continue to affect all communities in Montgomery County, we encourage municipalities to address these issues at the local level whenever possible.

Please note that the review recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 602 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Lauren Van Dyk, Community Planner
lvandyk@montcopa.org
610-278-3749

c: Mary Aversa, Borough Manager
Joseph Bresnan, Esq., Borough Solicitor
Jim Dougherty, Borough Engineer

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1096

**AN ORDINANCE OF THE BOROUGH OF AMBLER AMENDING ITS SUBDIVISION
AND LAND DEVELOPMENT ORDINANCE, APPENDIX "B", BY ADDING
PLANTING REQUIREMENTS WITHIN THE RIPARIAN CORRIDOR AS DEFINED
IN THE BOROUGH ZONING ORDINANCE**

WHEREAS, the Borough of Ambler has prepared and is in the process of adopting amendments to its floodplain ordinance, creating a riparian corridor and establishing various criteria for activities and development within such corridor, and

WHEREAS, in connection with such new regulations, the Borough wishes to establish certain specific planting requirements for those instances when the riparian corridor ordinance requires plantings on the part of property owners within such corridor,

NOW THEREFORE, there is added to Appendix "B" of the Borough Subdivision and Land Development Ordinance a new section, 1004.B, the text of which shall be as follows:

Section 100.4B Riparian Corridor Planting Requirements

- A. Purpose and Application. In areas within the Riparian Corridor Conservation District, as defined in the Ambler Borough Zoning Ordinance, the edge of water features and stream corridors shall be in forest cover to further the ecological and environmental benefits, as stated in the Riparian Corridor Conservation District (RCC). To promote re-establishment of forest cover and woodland habitat, new tree planting shall be implemented in Zone 1 wherever existing trees do not meet the minimum tree planting requirements.
- B. Planting Requirements in the RCC:
- (1) New trees shall be planted at a minimum rate of 15 feet on center or one tree per 225 square feet in staggered rows or an equivalent informal arrangement within the area defined as Zone 1 by the RCC.
 - (2) New trees shall be a variety of sizes ranging from a minimum 4 to 5 foot branched whip to an approximate 1 1/2 " balled and burlapped planting stock.
 - (3) New tree plantings shall be composed of native tree species.
 - (4) Tree plantings shall be located along the streambank to provide shade for the stream, soil erosion control and stormwater benefits, according to accepted streambank restoration practices.
 - (5) Existing trees within Zone 1 shall be preserved and retained. Existing tree cover should be surveyed and inventoried to assess the need for any new plantings.

The remainder of Appendix "B" shall remain in full force and effect, unaffected by this ordinance. Effective upon adoption.

SO ORDAINED this ___ day of _____, 2016.

Salvatore Pasceri, Council President

ATTEST: _____
Mary Aversa, Secretary

APPROVED: _____
Jeanne Sorg, Mayor



March 23, 2016

Mr. Glenn Kucher, Zoning Code Officer
The Borough of Ambler
131 Rosemary Avenue
Ambler, PA 19002

Re: MCPC #16-0059-001
Planting Requirements Riparian Buffer Ordinance
The Borough of Ambler

Dear Mr. Kucher:

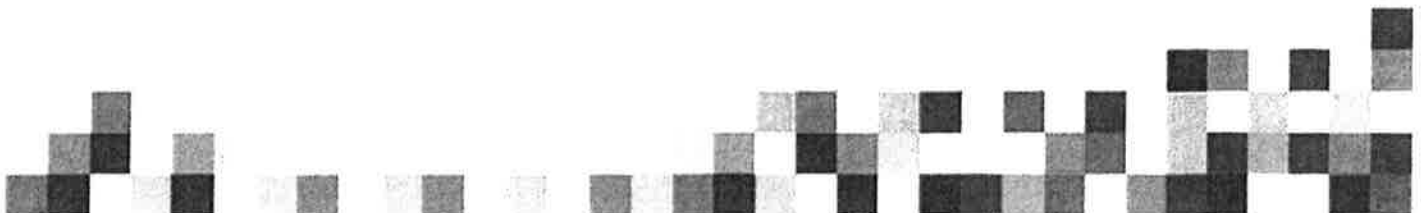
We have reviewed the above-referenced subdivision and land development ordinance text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on March 4, 2016. We forward this letter as a report of our review.

BACKGROUND

The Borough of Ambler is proposing a text amendment to the Borough's Subdivision and Land Development Ordinance (SALDO) to add a new subsection that will set forth planting requirements for areas within the proposed Rose Valley Creek Riparian Corridor Conservation District (RCCD). The proposed text will provide planting requirements that are intended to further the goals of the proposed RCC overlay; these requirements will only be applicable to new plantings as required by the proposed RCCD. The purpose of the proposed amendment is to ensure that new plantings within the RCCD are done in such a manner that maximizes the benefit of vegetation within the corridor on water quality, and in a manner that is consistent with riparian buffer best management practices (BMPs).

COMPREHENSIVE PLAN COMPLIANCE

Montgomery County's Comprehensive Plan, *Montco 2040: A Shared Vision*, includes many goals that are intended to improve and protect waterways, water quality, and stormwater management efforts throughout the County. The proposed SALDO amendment serves as a complimentary text to the proposed



Rose Valley Creek Riparian Corridor Conservation District and, in conjunction with the proposed zoning amendment, it will help to achieve the following specific *Montco 2040* goals:

- **“Improve stormwater management and reduce the impact of flooding”**
Adhering to planting requirements which are meant to create and/or strengthen riparian corridors will work to mitigate the effects of stormwater. Properly planted riparian corridors intercept stormwater runoff before it enters a waterway, and they help to both slow the velocity of the water, as well as to filter out many of the pollutants commonly found in runoff before it enters a waterway.
- **“Conserve natural resources, environmentally-sensitive areas, and farmland”**
Providing appropriate vegetative buffers, i.e. in the form of riparian buffers, is an important step that municipalities can take in their efforts to protect wetlands and waterways. The proposed riparian corridor planting requirements would work to protect these important natural resources within the Borough, and would help to improve water quality on a regional scale.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) supports the Borough’s proposal without comment as we have found it to be generally consistent with the following plans:

- *Montco 2040: A Shared Vision (2015)*
- *Ambler Borough Comprehensive Plan Update (2013)*
- *Ambler Borough Open Space Plan (2006)*

We would like to reiterate the importance of density and diversity in creating successful riparian buffer corridors, and we recommend that the Borough emphasize these concepts when overseeing riparian corridor plantings. For example, including smaller trees and shrubs in plantings, and ensuring diversity among those species which are appropriate for riparian areas, will contribute greatly to the success of the riparian buffer and will reduce maintenance needs.

We have no additional comment as we have demonstrated that the proposed SALDO text amendment to provide planting requirements for areas within the proposed Rose Valley Creek Riparian Corridor Conservation District will further County, regional, and municipal goals which seek to implement BMPs to address issues of water quality and stormwater management.

CONCLUSION

We wish to reiterate that MCPC generally supports the Borough’s proposed Subdivision and Land Development Ordinance text amendment as the inclusion of specific planting requirements for areas within the proposed Rose Valley Creek Riparian Corridor Conservation District will be key to its success as a mechanism to improve water quality and mitigate the impacts of stormwater runoff within the Wissahickon Creek Watershed.

Please note that the review recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body approve the proposed Subdivision and Land Development Ordinance text amendment, Section 602 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Lauren Van Dyk, Community Planner
lvandyk@montcopa.org
610-278-3749

c: Mary Aversa, Borough Manager
Joseph Bresnan, Esq., Borough Solicitor
Jim Dougherty, Borough Engineer

AMBLER BOROUGH

Project No.	Project Name	Status
Borough Engineer		
2001-1010	TEA-21 - Ambler Streetscape 2002	Construction underway.
2003-0122-01	Ambler-2013 NPDES MS4 Permit	Revised TMDL Strategy provided to Ambler 12/16/15 for submission to PADEP. Progress Report due 5/13/2016.
2006-08054	Pedestrian Sidewalk Upgrade Program	Plan revision underway for resubmission to DVRPC. E&S Plan to be submitted to MCCD for adequacy review. Anticipate letting Fall 2016.
2011-01116-01	Glen Mawr Homes-Edgewood SD	Review of Lot 15, Edgewood Dr underway
2011-05036	Bottom Dollar-Site	Construction complete. Punch list items to be addressed. TCO issued. LOMR-F approved, tentative effective date 4/3/15.
2012-11029	Ambler Savings Bank - Land Development	Punch list items to be addressed.
2013-02020	Ambler Crossings	Borough Council granted conditional use approval and prelim/final land development approval at the 10/15/13 public meeting. Developer to install portion of parking area Summer 2016.
2014-04103	Wissahickon Act 167 Plan (Ambler)	Act 167 Plan approved by MontCo and PADEP. New storm water ordinance required to be adopted by 1/16/16. Ordinance provided 12/4/15.
2014-11055	2015 Ambler Road Program	Project completed. Final completion report to be submitted to PennDOT Municipal Services (Liquid Fuels)
2014-12015	St. Mary's Villa Residential Redevelopment- TIS	Meetings with PennDOT, Developer & Ambler held 3/2/15 & 9/15/15. TIS review provided 6/11/15.
2015-06011	2015 Growing Greener Grant Application (Ambler)	Application for installation of water quality inlets submitted 7/9/15.
2016-01010	2016 Ambler Borough-General Services	Hendricks/Rose Valley bridge evaluation.
2016-02064	Crown Castle DAS	CU application under review by Borough
2016-03049	2016 Ambler Borough CDBG Application	CDBG application submitted 4/15/2016. Sidewalk along Bethlehem Pk between Valley Brook and Fairview.
Sewer Engineer		
2013-02020-01	Ambler Crossings - Sewer	Plan review #3 issued 10/16/13. Borough Council granted conditional use approval and prelim/final land development approval at the 10/15/13 public meeting.
2015-03058	2015 CDBG Application	CDBG application for sanitary sewer rehabilitation reviewed by Montgomery County. Verbal notice of \$41,126 grant received. Environmental review process prior to grant issuance underway.
2016-01041	Chapter 94 Report	Chapter 94 report completed and submitted to EEMA.
2016-01050	Ambler Borough General Sewer Services	On-going
Water Engineer		

GILMORE & ASSOCIATES, INC.

AMBLER BOROUGH

Status

Project No. Project Name

Water Engineer

Project No.	Project Name	Status
2013-02020-02	Ambler Crossings - Water	Plan review #3 issued 10/16/13. Borough Council granted conditional use approval and preliminary land development approval at the 10/15/13 public meeting.
2014-06020	Sprint Houston Road Antennae Modifications	Conditional approval to repair antennae mounts issued by email dated 1/28/15.
2015-02008	Montgomery County Houston Road Antennae Modifications	Antennae work completed. Site restoration still required.
2015-05095	Well 8 Chlorine Contact Tank	Bids received on 4/12/16. Apparent low bidder is Zimmerman Environmental, LLC. Recommendation for award issued by letter dated 4/21/16.
2015-05096	John's Lane Water Main Replacement	Water main installation completed and in service. Paving restoration completed.
2015-10079	Marion Avenue Water Main Replacement	Water main installation completed and in service. Paving restoration completed.
2015-10081	Houston Rd Verizon Antennae Modification	Plans for replacement and modification of antennae array reviewed and approved. Awaiting start of installation work.
2016-01049	Ambler Borough General Water Services	On-going
2016-01184	Water Main Extension to BoRit Site	Sketch of proposed water extension sent to Borough on February 23, 2016.
2016-02078	Broad Axe Tank-AT&T Antennae Modifications	Plans received. Awaiting authorization to proceed with review.
2016-03036	Houston Road Tank-AT&T Antennae Modifications	Plans received. Awaiting authorization to proceed with review.
2016-04009	Maple Ave Water Main Replacement	Field survey completed. Awaiting further direction from Water Superintendent.
2016-04074	Water System Sampling Plan	Work underway.

ORDINANCE NUMBER 1097

AN ORDINANCE OF THE BOROUGH OF AMBLER AMENDING THE BOROUGH ZONING ORDINANCE TO REMOVE CERTAIN SPECIAL EXCEPTION USES FROM THE BOROUGH'S RESIDENTIAL ZONING DISTRICTS, BEING AMENDMENTS TO SECTIONS 502, 602, 702, AND 802 OF TITLE 27 OF THE BOROUGH CODIFIED ORDINANCES, LEAVING THE REMAINDER OF THE ORDINANCE IN FULL FORCE AND EFFECT; EFFECTIVE UPON ADOPTION

WHEREAS, the Borough of Ambler has enacted and at times revised a comprehensive zoning ordinance applicable to all of the parcels of land in the Borough, and

WHEREAS, the Borough from time to time modifies the ordinance in furtherance of the stated legislative intent of promoting the most appropriate use of land throughout the Borough, and

WHEREAS, it is the determination of Borough Council that certain uses permitted by special exception in the Borough's residential zoning districts should be permitted only in the Institutional zoning district given the inventory of institutionally zoned parcels and because adding non-residential uses in fully developed residential neighborhoods would be inconsistent with the overall feel of such neighborhoods. Further, given the small size of the Borough, institutional parcels are readily accessible to all residents.

NOW THEREFORE, Borough Council does ORDAIN as follows:

1. 27-502 is amended in the following respect: 502(2), "Special Exception Uses is deleted in its entirety.
2. 27-602 is amended in the following respect: 602(2), "Special Exception Uses" is deleted in its entirety.
3. 27-702 is amended in the following respect: 702(2), "Special Exception Uses" is deleted in its entirety.
4. 27-802 is amended in the following respect: 802(2), "Special Exception Uses" and 802(3), "Conditional Uses" are deleted in their entirety.
5. 27-1702(1), "Permitted Uses" in the Institutional Zoning District", is amended in the following respect: The following uses shall be added to the list of permitted uses.
 - J. Public Utility facility
 - K. Recreational and community center building operated by a non-profit agency.
 - L. Club or lodge, as defined by 27-202 and provided the principal activity is customarily conducted as a business and the services of which are provided for members and guests only.

SO ORDAINED THIS ___ DAY OF _____, 2016. This ordinance is effective upon adoption and the remainder of the zoning ordinance remains in full force and effect, unaffected by the within provisions.

Salvatore Pasceri, Council President

ATTEST: _____
Mary Aversa, Secretary

APPROVED: _____
Jeanne Sorg, Mayor



April 21, 2016

Mr. Glenn Kucher, Code Enforcement Officer
The Borough of Ambler
131 Rosemary Avenue
Ambler, Pennsylvania 19002

Re: MCPC #16-0083-001
Zoning Ordinance Amendment – Residential Uses
The Borough of Ambler

Dear Mr. Kucher:

We have reviewed the above-referenced zoning text amendment in accordance with Section 609 of Act 247, "The Pennsylvania Municipalities Planning Code," as you requested on April 1, 2016. We forward this letter as a report of our review.

BACKGROUND

The Borough of Ambler proposes a zoning text amendment which will remove all special exception uses and conditional uses from the R-1, R-1-A, R-2, and R-3 Residential zoning districts. The amendment would also add some, though not all, of those removed uses to the IN Industrial zoning district as permitted uses. Please see Appendix 1 for a summary of the specific uses to be removed from the Residential districts and those to be added to the Institutional district.

COMPREHENSIVE PLAN COMPLIANCE

We have found the proposed zoning text amendments to be generally consistent with the goals and objectives of the Montgomery County Comprehensive Plan, *Montco 2040: A Shared Vision*, and those of the *Ambler Borough Comprehensive Plan*. Furthermore, we believe that the proposal furthers the following specific goals found in the plans:



MONTCO 2040: A SHARED VISION:***Enhance community character and protect neighborhoods.***

The proposed amendment will move nonresidential uses out of the Borough's residential zoning districts and will place them in other districts where we believe they may be more appropriate. The uses will remain accessible to most of the Borough via the pedestrian network, however relocating them to areas outside of established residential districts will allow the character and existing pattern in those neighborhoods to remain intact as development and redevelopment pressures continue to impact the Borough.

THE AMBLER BOROUGH COMPREHENSIVE PLAN:***Provide for compatible infill development.***

Ambler's Comprehensive Plan calls for infill development which is compatible with existing development and the predominate characteristics of a given district in regard to design, density, scale, and use. The zoning amendment will help to ensure that future infill development within the Borough's residential districts is done in a manner which is compatible with the existing patterns and characteristics found in those neighborhoods.

Reduce land use conflicts.

By moving nonresidential uses out of the residential districts and into other districts where they may be more appropriate, the potential for conflict between residential and nonresidential uses will be mitigated. This may be particularly true in the R-1 and R-1-A zoning districts as they are the least-dense of all the residential districts, and feature a more traditional, suburban form of residential development.

RECOMMENDATION

The Montgomery County Planning Commission (MCPC) generally supports the Borough of Ambler's proposal, however, in the course of our review we have identified the following issues that the Borough may wish to consider prior to zoning amendment adoption. Our comments are as follows:

REVIEW COMMENTS**NONCONFORMING USES**

The Borough may wish to consider whether any of the uses proposed for removal from the residential districts presently exist in those areas. It appears that those uses exist in other districts, outside of residential areas, however any instance where one may be present within the R-1, R-1-A, R-2, or R-3 districts would create a nonconformity should the proposed amendment be adopted.

RELOCATING USES

Club or Lodge Uses. The Borough may wish to consider whether the IN Institutional zoning district is the most appropriate district in which to permit club or lodge uses as they are defined by **§27-202**. Recognizing that alcohol may be served within certain clubs or lodges and that some Institutional

districts are located wholly within or are directly adjacent to residential districts in some instances, we propose that these particular uses may not be appropriate in Institutional districts.

Based on their locations within the Borough and on the uses currently permitted in these districts, we encourage the Borough to consider whether the following zoning districts may be more fitting for club or lodge uses:

- C – Commercial
- DC – Downtown Commercial
- DC-2 – Downtown Commercial-2

CONCLUSION

We wish to reiterate that MCPC generally supports the Borough's proposed zoning amendment, but we believe that our comments will assist in better achieving Ambler's planning objectives for residential development and neighborhood preservation.

Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality.

Should the governing body adopt this proposed zoning ordinance amendment, Section 602 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Lauren Van Dyk, Community Planner
lvandyk@montcopa.org
610-278-3749

c: Mary Aversa, Borough Manager
Joseph Bresnan, Esq., Borough Solicitor

Attachments: Summary of proposed amendment per zoning district affected

R-1 Residential Zoning District

Special Exception Uses to be removed:

- Institutional uses:
 - Borough building and Borough use.
 - Recreational and community center building operated by a non-profit agency.
 - Religious or philanthropic use, but excluding sanitarium, convalescent home and correctional or penal institution.
 - Public, parochial or private non-profit educational institution.
- Public park, playground and outdoor recreational area not operated commercially for profit.

R-1-A Residential Zoning District

Special Exception Uses to be removed:

- Institutional uses:
 - Borough building and Borough use.
 - Recreational and community center building operated by a non-profit agency.
 - Religious or philanthropic use, but excluding sanitarium, convalescent home and correctional or penal institution.
 - Public, parochial or private non-profit educational institution.
- Public park, playground and outdoor recreational area not operated commercially for profit.

R-2 Residential Zoning District

Special Exception Uses to be removed:

- Club or lodge, as defined in §27-202 and provided the principle activity is not one which is customarily conducted as a business and the services of which are provided for members and guests only.
- Residential conversions, in accordance with §27-408.

R-3 Residential Zoning District

Special Exception Uses to be removed:

- Clubs or lodges, as defined in §27-202.

Conditional Uses to be removed:

- Low-intensity offices for educational, fraternal, professional, religious, or philanthropic institutions, subject to:
 - The procedures and standards relating generally to conditional use hearings as set forth elsewhere in this chapter are incorporated by reference
 - The proposed use must be of low intensity, defined here as having a number of occupants, anticipated daily trip generation and overall impact on the neighborhood not inconsistent with the overall nature and character of the neighborhood. The building will be occupied almost exclusively by organizational employees with visits by the public, customers or clients being occasional and sporadic.
 - The property must be one that is in the R-3 District and which also abuts any nonresidential zoning district.
 - If the number of parking spaces required by this chapter for office use cannot be accommodated on site, there shall be a lease of at least ten years' duration for off-street parking at a location within 300 feet of the property.
 - Notwithstanding any other provisions of this chapter to the contrary, signage shall be limited to a single sign of not greater than two feet in one direction and three feet in the other.

IN Institutional Zoning District

Permitted Uses to be added:

- Public utility facility.
- Recreational and community center building operated by a non-profit agency.
- Club or lodge, as defined by §27-202 and provided the principle activity is customarily conducted as a business and the services of which are provided for members and guests only.

Borough Of Ambler

131 ROSEMARY AVENUE
AMBLER, PENNSYLVANIA 19002-4476

PHONE 215-646-1000
FAX 215-641-1355 ADMINISTRATION
FAX 215-641-1921 WATER DEPARTMENT
WEBSITE: www.ambler.pa.us



April 27, 2016

Mary Aversa, Borough Manager
Borough of Ambler
122 East Butler Avenue
Ambler, PA 19002

Re: Proposed Zoning Ordinance Amendment
Permitting Certain Uses by Special Exception
Be Permitted Only in the Institutional Zoning District

Dear Mrs. Aversa:

Please be advised that the Ambler Borough Planning Commission at its April 27, 2016, meeting voted to recommend that certain uses permitted by Special Exception be permitted only in the Institutional Zoning District and not in residential districts. The roll call vote taken was six in favor of the recommendation and one opposed. Seven members were present for the vote.

If you have any questions, please feel free to contact our Chairman, Robert Lagreca.

Very truly yours,

Carol Ann DiPietro
Secretary
Ambler Borough Planning Commission

**BOROUGH OF AMBLER
MONTGOMERY COUNTY, PENNSYLVANIA**

RESOLUTION 2016-

**A RESOLUTION OF AMBLER BOROUGH COUNCIL
REQUESTING AN AMENDMENT TO THE STERLING ACT
TO REQUIRE THAT UP TO ONE PERCENT (1%) OF
PHILADELPHIA WAGE TAX PAID BY NON-RESIDENTS OF PHILADELPHIA
BE REMITTED TO THE MUNICIPALITY IN WHICH THE TAXPAYER RESIDES**

WHEREAS, the Borough of Ambler has enacted an earned income tax (“EIT”) in accordance with the Pennsylvania Local Tax Enabling Act; and

WHEREAS, the Borough of Ambler relies on the revenue generated by the EIT to provide essential services to its residents and taxpayers; and

WHEREAS, the City of Philadelphia, pursuant to the Sterling Act of 1932, enacted an income tax, also known as a wage tax, on both residents and non-residents of Philadelphia employed in Philadelphia; and

WHEREAS, the Sterling Act, unlike the Local Tax Enabling Act, does not require Philadelphia to remit any portion of the wage tax to the municipality in which the taxpayer resides; and

WHEREAS, as a result of this inequity in the Sterling Act, the Borough of Ambler is deprived of annual revenue in EIT;

NOW, THEREFORE, the Borough Council of Ambler Borough hereby **RESOLVES** to formally request that the Governor of the Commonwealth of Pennsylvania and the Senators and Representatives of the General Assembly of Pennsylvania amend the Sterling Act to require that an amount up to one percent (1%) of non-resident Philadelphia Wage Taxes paid by non-residents of Philadelphia be remitted to the municipality in which the taxpayer resides.

SO RESOLVED, this _____ day of _____, 2016.

Salvatore Pasceri, Council President

Jeanne Sorg, Mayor

Mary Aversa, Secretary

Salary & Personnel Committee

Tuesday, May 3, 2016

Mr. Zaccone, Chairperson

Mr. Curtis

Mrs. Deininger

Mr. De Ruosi

OLD BUSINESS

NEW BUSINESS

BOROUGH EMPLOYMENT

1. A recommendation will be made for the vacant position in the WWTP.
2. A recommendation will be made for the vacant Highway Laborer Position.