

BOROUGH OF SOUDERTON
SUBDIVISION AND LAND
DEVELOPMENT ORDINANCE

Montgomery County, Pennsylvania

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SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

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ARTICLE I
TITLE; PURPOSE; INTERPRETATION; SUBDIVISION AND
LAND DEVELOPMENT CONTROL

Section 100. Title.

This ordinance shall be known and may be cited as the Souderton Borough Subdivision and Land Development Ordinance.

Section 101. Purpose.

This ordinance is adopted for the following purposes:

- 101.1 To assist orderly, efficient, integrated and harmonious development of the borough;
- 101.2 To assure the development of sites suitable for building purposes and human habitation;
- 101.3 To coordinate proposed streets with existing streets, parks or other features of the borough and its Comprehensive Plan;
- 101.4 To provide adequate open spaces for recreation, light and air, and for proper distribution of population thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens of the borough;
- 101.5 To provide adequate areas for vehicular and pedestrian movement within the borough;
- 101.6 To insure conformance of subdivision and land development plans with the proper use and development of public improvements in the borough and coordination of inter-municipal programs;
- 101.7 To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards; and
- 101.8 To insure that the layout and arrangement of the subdivision or land development plan is in conformance with the borough's Comprehensive Plan and Zoning Ordinance and to any regulations or maps adopted in furtherance thereof.

Section 102. Interpretation.

The provisions of this ordinance shall be minimum requirements to meet the above-stated purposes. Where the provisions of this ordinance impose greater restrictions than those of any other statute, ordinance or regulation, then the provisions of this ordinance shall prevail. Where the provisions of any other statute, ordinance or regulation impose greater restrictions than those of this ordinance, the provisions of such statute, ordinance or regulation shall take precedent.

Section 103. Subdivision and Land Development Control.

- 103.1 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 or 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 ordinance.

- 103.2 Sale of Lots, Issuance of Building 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, unless and until a plat 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 complete guarantee in the form of a bond, bank guaranteed escrow account, cash or letter of credit, at the discretion of the borough, in escrow sufficient to cover the cost of the required improvements and engineering as estimated by the Borough Engineer, including up to a 15 percent contingency factor and provisions for yearly review for inflation.
- 103.3 Condominium. The sale of dwelling or commercial units as condominiums under the Pennsylvania Unit Property Act shall be permitted and no regulations within this ordinance shall be construed to prohibit the condominium form of ownership.

ARTICLE II DEFINITIONS

Section 200. General Usage.

Words used in the singular include the plural, and words in the plural include the singular; words used in the masculine gender include the feminine, and words in the feminine include the masculine. The word “person” includes natural persons, corporations, associations and partnerships. The word “owner” shall mean a person who is the registered owner of real estate to be subdivided and/or developed in accordance with the provisions of this ordinance. The word “street” indicates “road” and “watercourse” includes “drain”, “ditch” and “stream.” The word “building” includes the word “structure,” and both shall always be construed as if followed by the words “or part thereof.” The word “may” is permissive, and the words “shall” and “will” are always mandatory. The word “borough” means the Borough of Souderton, Montgomery County, Pennsylvania; the term “Borough Council” means the Borough Council of the Borough of Souderton; the term “Zoning Hearing Board” means the Zoning Hearing Board of the Borough of Souderton.

Section 201. Definition of Terms.

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

- 201.1 Accepted Engineering Practice – That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.
- 201.2 Anchoring – The fastening of the mobile home to its mobile home stand in order to prevent upset or damage due to wind, erosion, flooding or other natural forces.
- 201.3 Accessory Building – A building subordinated to the principal building on a lot, and used for purposes customarily incidental to those of the principal building.
- 201.4 Alley – A right-of-way, municipally- or privately-owned, on which no dwelling or stores front, serving as the secondary means of access to two or more properties.
- 201.5 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.
- 201.6 Applicant – A landowner or developer, as hereinafter defined, who has filed an application for approval of a development plan, including his heirs, successors or assigns.
- 201.7 Application for Development – Applications required to be filed and approved prior to the start of subdivision or development.
- 201.8 Block – An area bounded by streets or streets and natural or manmade features.
- 201.9 Builder – A person, who is not necessarily the owner of the land or the agent of the same, who by contract or other agreement is charged with the responsibility of construction of buildings or structures, or of making any construction improvement on any parcel of land.
- 201.10 Building – A combination of materials to form a permanent structure having walls and a roof. Included shall be all mobile homes and trailers used for human habitation.
- 201.11 Building Coverage – The maximum horizontal area covered by buildings at or above grade.

- 201.12 Building Setback Line – A line within a lot, whether or not designated on a plan, between which line and the ultimate right-of-way line of the street on which the lot abuts a building may not be erected.
- 201.13 Cartway – The portion of a street or alley intended for vehicular use; the traveled part of the street not including shoulders.
- 201.14 Code of Regulations – Such governing regulations as are adopted pursuant to this ordinance for the regulation and management of condominium properties, including amendments thereof as may be adopted from time to time.
- 201.15 Common Elements – Means and includes:
- A. The land on which the building is located and portions of the building which are not included in a unit;
 - B. The foundations, structural parts, supports, main walls, roofs, basements, halls, corridors, lobbies, stairways, and entrances and exits of the building;
 - C. The yards, parking areas and driveways;
 - D. Portions of the land and buildings used exclusively for the management, operation or maintenance of the common element;
 - E. Installation of all central services and utilities;
 - F. All apparatus and installations existing for common use;
 - G. All other elements of the building necessary or convenient to its existence, management, operation, maintenance and safety or normally in common use; and
 - H. Such facilities as are designated in the declarations as common elements.
- 201.16 Common Open Space – A parcel or parcels of land, or a combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. The common open space shall essentially be free of buildings.
- 201.17 Comprehensive Plan – The Souderton Borough Comprehensive Plan, consisting of maps, charts and textual matter, as well as any revisions thereto.
- 201.18 Condominium – An estate in real property consisting of an individual interest in a space within a structure and/or a portion of the property together with an undivided interest in common elements.
- 201.19 Crosswalk – A right-of-way for pedestrian use access a block, connecting two of the bounding streets.
- 201.20 Council – A homeowner’s association or other entity who shall manage the business, operation and affairs of a condominium property on behalf of the unit owners. (Size to be stated in Code of Regulations for the property).
- 201.21 Cul-de-Sac – A street with access at one end and terminated at the other by a paved vehicular turnaround.

- 201.22 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.
- 201.23 Declaration – The instrument by which the owner of the property submits the property to the provisions of the Act of July 3, 1963, P.L. 196, Article I, Section 101, et seq. (Unit Property Act) and all amendments thereto.
- 201.24 Declaration Plan – A survey of the property to be submitted according to the provisions of P.L. 196, July 3, 1963 (Unit Property Act) which shall bear the verified statement of a registered architect or licensed professional engineering certifying that the Declaration Plan fully and accurately:
- A. Shows the property, the location of the building(s) thereon, the building and the layout of the floors of the building(s), including the units and the common elements; and
 - B. Sets forth the name by which the property will be known and the unit designation for each unit therein.
- 201.25 Declaration of Revocation – A statement of intent to convert a condominium to a fee simple or rental property or structure, signed by 100 percent of the unit owners and the holders of all mortgages, judgments or other liens affecting the units.
- 201.26 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.
- 201.27 Development Plan – The provisions for guiding development, including a plan of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity to use or density of development, streets, parking facilities, ways, common open space and public facilities.
- 201.28 Driveway – A private way providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.
- 201.29 Dwelling – A building designed and constructed for residential purpose in which people live or intend to live.
- 201.30 Dwelling Unit – One or more rooms arranged for the use of one or more individual living together as a single housekeeping unit, with cooking, living, sanitary and sleeping facilities.
- 201.31 Easement – A private right-of-way granted, but not dedicated, for limited use of private land for sanitary or storm facilities, streams, drainage ditches and within which the lessee or owner of the property shall not erect any structure, but shall have the right to make any other use of the land which is not inconsistent with the purpose of the easement.
- 201.32 Endorsement – The review stamp of the Montgomery County Planning Commission.
- 201.33 Engineer – A professional engineer licensed as such in the Commonwealth of Pennsylvania.
- 201.34 Erosion – the removal of surface materials by the action of natural elements.
- 201.35 Established Flood Level – A point on the boundary of the flood prone (floodplain) area which is closest to the development site.

- 201.36 Excavation – Any act by which natural materials are dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, as well as the conditions resulting therefrom.
- 201.37 Fill – Any act by which natural materials are placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface, as well as the conditions resulting therefrom.
- 201.38 Floodplain – See Flood Prone Area.
- 201.39 Flood Prone Area – A relatively flat or low land area adjoining a stream, river or watercourse, which is subject to partial or complete inundation; or, any area subject to the unusual and rapid accumulation or runoff of surface waters from any source (a Floodplain).
- 201.40 Flood Hazard Boundary Map – A map prepared by the Federal Insurance Administration of the U.S. Department of Housing and Urban Development designating the boundaries of areas having special flood hazards in Souderton Borough.
- 201.41 Flood Proofing – Those measures intended to reduce the risk to persons and property from construction activities in flood prone areas as set forth in flood proofing regulations published by the Office of the Chief Engineers, U.S. Army, publication number EP 1165 2 314 (June 1972 and as subsequently amended). In said publication where reference is made to “below (or above) the RFD (Regulatory Flood Datum)” it shall be interpreted as meaning below (or above) the established flood elevation. Said regulations are contained in the Building Code of Souderton Borough, as amended.
- 201.42 Grade – A slope of a street or parcel of land specified in percent and shown n plans as specified herein.
- 201.43 Gross Floor Area – The total area included within the exterior walls of a building, exclusive of open courts.
- 201.44 Ground Cover – Natural mulch or non-deciduous or low-growing plants installed or planted in such a manner as to provide a continuous cover over the ground.
- 201.45 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.
- 201.46 Improvement – Grading, paving, curbing, street lights and signs, fire hydrants, wells, water mains, sanitary sewers, storm drains, sidewalks, parking areas or landscaping.
- 201.47 Land Development:
- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more existing or prospective occupants by means of, or for the purposes of, streets, common area leaseholds, condominiums, building groups of other features; and
 - B. A subdivision of land.
- 201.48 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 purpose of this ordinance.

- 201.49 Lot – A tract or parcel of land intended for separate use, building development or transfer of ownership.
- 201.50 Lot Area – The area contained within the property lies of the individual parcels of land excluding any area within any public right-of-way, but including the area of any easement.
- 201.51 Mobile Home – A single-family detached dwelling intended for permanent occupancy, which may not meet local building codes but does meet the standards of the Pennsylvania Department of Community Affairs and appropriate federal agencies, and is certified by them; 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.
- 201.52 Mobile Home Lot – A parcel of land provided with the necessary utility connections, patio and other appurtenances necessary for the erection thereon of a single mobile home, and the exclusive use of its occupants, though it may instead be designed, developed and used for a modular or conventionally built single-family detached home rather than a mobile home.
- 201.53 Mobile Home Stand – The part of an individual lot which has been reserved and prepared for the placement of the mobile home.
- 201.54 Modular Home – A single-family or multifamily dwelling intended for permanent occupancy, made by assembling one or more factory produced three-dimensional sections into an integral living unit, whose construction materials and specifications conform to those of conventionally-built units.
- 201.55 Motor Home – A travel trailer which combines the living section and the power source into a single unit.
- 201.56 Official Street Map – The map of current adoption showing the rights-of-way and approximate location of the lines of existing and proposed public streets for the whole of Souderton Borough.
- 201.57 Parking Space – A space, readily accessible, surfaced to whatever extent necessary to permit use under all normal seasonal conditions of weather, available for parking of one motor vehicle,. The parking space shall consist of not less than 200 square feet (10 feet in width and 20 feet in length) of usable area for each motor vehicle.
- 201.58 Plan – A graphic or written representation or document which in the case of condominiums shall include a Declaration, Code of Regulations and Declaration Plan.
- 201.59 Plan, Improvement Construction – A plan showing the construction details of streets, drains, sewers, bridges, culverts and other improvements as required by this ordinance showing the details required by Article III of this ordinance.
- 201.60 Plan, Land Development – A tentative sketch plan, preliminary major or final major plan including written and graphic material showing the provision of development of a tract, when plans of subdivision would not be applicable.
- 201.61 Plan, Minor Subdivision – The division of a single lot, tract or parcel of land, not a part of a prior subdivision, into not more than two lots, tracts or parcels of land for the purpose, whether immediate or future, of lease, transfer of ownership or the act of building structures and installing site improvements for residential use; such lots shall front on an existing street, not

involve any new street or road or the extension of municipal facilities or the creation of any public improvements, and shall conform to all provisions of the borough's Zoning Ordinance and this ordinance and rules and regulations promulgated there under.

- 201.62 Plan, Preliminary Major – A plan prepared for discussion with the Borough Planning Commission and the Borough Council showing the proposed street and lot layout, the deed restrictions, easements and all other items required under Article III of this ordinance for the entire parcel of land being subdivided.
- 201.63 Plan, Record Major – A plan prepared for recording showing the ultimate width of streets, the lot lines, easements and all other items required under Article III of this ordinance.
- 201.64 Plan, Tentative Sketch – A draft showing proposed streets, lots or building 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.
- 201.65 Planting Area – Any area designated for landscaping purposes.
- 201.66 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 or less than 14 days from the date of the hearing.
- 201.67 Regulatory Flood – The 100-year flood, which is a flood having an average frequency of occurrence on the order of once in 100 years, although the flood may occur in any year.
- 201.68 Regulatory Flood Elevation – The 100-year flood elevation is based upon the information contained in a Flood Plain Information Report prepared by the U.S. Army Corps of Engineers or other consulting engineer (where available).
- 201.69 Reserve Strip – A parcel of land separating a street from adjacent properties.
- 201.70 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 the land.
- 201.71 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.
- 201.72 Sectional Homes – See Modular Home.
- 201.73 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.”
- 201.74 Shrub – A woody perennial plant having persistent woody stems, branching from the base.
- 201.75 Sight Distance – The distance of unobstructed view along the centerline of a street from the driver's sight height to the farthest visible point 5 feet above the street surface.

- 201.76 Sight Triangle – The area of a triangle, whose legs are the sides of the cartway and an accessory which intersects with it, each being not less than 10 feet long from the point of intersection and whose hypotenuse connects the two legs.
- 201.77 Skirts – Panels specifically designed for the purpose of screening the underside of a mobile home by forming an extension of the vertical exterior walls of the mobile home and covering the entire distance between the bottom of the exterior walls and the ground elevation below.
- 201.78 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.
- 201.79 Soil Stabilization – Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- 201.80 Soil Survey – A report entitled, “*Soil Survey of Montgomery County, Pennsylvania*” published April 1967 by the Soil Conservation Service, U.S. Department of Agriculture, which is available in the borough or through the Extension Service, Agricultural Agency, the Pennsylvania State University of Norristown.
- 201.81 Street – A right-of-way, publicly- or privately-owned, serving primarily as means of vehicular and pedestrian travel, furnishing access to abutting properties, which may also be used to provide space for sewer, public utilities, shade trees and sidewalks.
- 201.82 Street Line – The dividing line between a lot and the right-of-way of a street, legally open or officially recorded by the borough.
- 201.83 Street, Marginal Access – A street parallel and adjacent to a collector street providing access to abutting properties by a cartway separated from the collector street by a reserve strip.
- 201.84 Street, Collector – A street carrying heavy traffic volumes of fast moving traffic.
- 201.85 Street, Residential – A street used primarily as the principal means of access to local properties and which carries a small volume of traffic.
- 201.86 Street, Feeder and Industrial – A street connecting local residential streets to collector streets and which carries a lesser volume of traffic.
- 201.87 Structure – Anything constructed or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, swimming pools and other similar items.
- 201.88 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, transfer of ownership, or building or lot development.
- 201.89 Swale – A low lying stretch of land which gathers or carries surface water runoff.
- 201.90 Topsoil – Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the “A Horizon.”

- 201.91 Tree – Any woody plant with a well-defined stem at least one inch in caliper measured at a height of 6 inches above the natural grade.
- 201.92 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.
- 201.93 Vehicular Use Area – Any paved ground surface, except a street, used by any type of vehicle whether moving or at rest.
- 201.94 Visual Screen – A barrier of living or nonliving landscape material put in place for the purpose of obscuring the view of the view of the premises screened; also called a buffer.
- 201.95 Water Connection – The water connection consists of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- 201.96 Water Rise Pipe – the water riser pipe is that portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.
- 201.97 Watercourse – A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water whether natural or manmade.
- 201.98 Yard – An open, unoccupied space on the same lot with a building or buildings or use, open and unobstructed from the ground to the sky.

ARTICLE III
PLAN SUBMISSION REQUIREMENTS AND PROCESSING PROCEDURES

Section 300. Applicability.

The procedures set forth in this Article shall be followed by all applicants proposing to subdivision or develop land in Souderton Borough.

Section 301. Plans for Subdivision and Land Development.

- 301.1 A Tentative Sketch Plan – as described in Section 302, herein, may be submitted to the Borough Planning Commission for informal discussion with the Planning Commission and shall not be considered as a formal application.
- 301.2 A Minor Subdivision – as described in Section 303, herein, is required for all applicable subdivision proposed within the Borough.
- 301.3 A Preliminary Plan (Major Subdivision or Land Development) – as described in Section 304, herein, is required for all applicable subdivisions or land developments proposed within the borough.
- 301.4 A Final Plan (Major Subdivision or Land Development) – as described in Section 305, herein, is required for all applicable subdivisions or land developments proposed within the borough.
 - A. A final plan shall consist of two parts:
 - 1. Improvement Construction Plan – as described in Section 305.1, herein.
 - 2. Record Plan – as described in Section 305.2, herein.
 - B. A plan showing all information required for a final plan, which has been submitted as a preliminary plan for which no changes have been required by the borough may be approved as a final plan.

Section 302. Tentative Sketch Plan.

An applicant desiring to submit a tentative sketch plan shall show the following information:

- 302.1 Name of the subdivision or land development.
- 302.2 Name and address of the owner.
- 302.3 Name and address of the engineer, surveyor or architect, if any.
- 302.4 The tract boundary and location by deed plotting.
- 302.5 A north point and approximate scale.
- 302.6 A location plan showing the relationship of the subject tract and the surrounding network and major features.
- 302.7 The existing and proposed streets and lots for building layout.
- 302.8 Significant topographical and physical features, such as floodplains, steep slopes, woodlands, United States Geodetic Survey (U.S.G.S.) contours and existing structures.

- 302.9 Proposals for control of drainage runoff and proposal for community facilities.
- 302.10 Such other information as the applicant determines necessary to convey an understanding of the plan.

Section 303. Minor Subdivisions.

It is the purpose of this section to provide for simplified plan submission and processing requirements by which minor subdivision may be submitted and approved. Applicants submitting a minor subdivision shall conform to the following standards.

303.1 General Standards.

- A. A tract of land that is not part of a previous subdivision (under this section or otherwise) may be divided into two lots or parcels without the necessity of full compliance with the preliminary (Section 304) and final (Section 305) plan requirements of this ordinance for major subdivisions; except that in the event that the proposed subdivisions shall require improvements of streets, sanitary sewers, drainage facilities, culverts or other municipal improvements, the Borough Planning Commission or Borough Engineer may recommend to the Borough Council that the provisions of this section on minor subdivisions shall not be applicable and the applicant shall be required to comply with the requirements for major subdivisions. The final plan shall meet the following standards and shall contain the following information.
- B. Where a minor subdivision covers only a part of the owner's entire holding, a tentative sketch shall be submitted of the perspective street and lot layout for the remaining area of the tract.
- C. When the Borough Council approves the minor subdivision plan this shall constitute a final plan.

303.2 Drafting Standards.

- A. The scale of the plan shall not be smaller than 40 feet to the inch, and be accurate to within one part in 300.
- B. Dimensions shall be in feet and inches 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.
- D. The sheet or sheets shall be one of the following sizes: 15" x 18", 18" x 30", 24" x 36" or 36" x 42". 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 (i.e. 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.

303.3 Location and Identification. Each plan shall provide:

- A. A title consisting of the name of the subdivision or land development, the name and address of the subdivider, owner, developer or builder, and the registered engineer or land surveyor who developed the plan.

- B. The name of the municipality.
- C. The date of preparation of the plan, scale in equation form and graphic form, north point and all subsequent revision dates.
- D. The entire tract boundary with bearings and distances.
- E. The gross and net area of the entire tract.
- F. The plan shall include a note setting forth the zoning requirements including the applicable lot size and yard requirements and proof of any variances or special exceptions which may have been granted. The plan shall also show the requirements of any other borough ordinance, if any, on both the land to be subdivided and the adjacent land.
- G. A location map relating the subdivision or site to be developed to at least two existing intersections of borough streets or roads.
- H. A legend sufficient to indicate clearly between existing and proposed conditions.

303.4 Existing and Proposed Features.

- A. Within 100 feet of any part of the land being subdivided, the plan shall show the following information:
 - 1. The location, name, width (both cartway, right-of-way and ultimate right-of-way), radii and surface condition of existing alleys and streets.
 - 2. The location and size of all watercourses and the boundaries of flood prone areas (not limited to the Established Flood Level and Regulatory Flood Elevation, where applicable).
 - 3. The location, character of existing buildings and manmade structures, and natural features which have a significant impact on the affected sites.
 - 4. Provide the location of storm sewer facilities, water service lines, and sanitary sewer lines with the streets abutting the lands being subdivided.
 - 5. Names of all owners of immediately adjacent land.
 - 6. Area subject to deed restrictions.
- B. Within the land to be subdivided, the plan shall show the following information:
 - 1. The location, names, widths and other dimensions, including centerline courses, distances and curve data, paving widths, curb lines, right-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.
 - 2. The location and size of existing and proposed sanitary and storm sewer system, water facilities and other utility facilities.
 - 3. The location and size of all watercourses and boundaries of flood prone areas (not limited to the Established Flood Level and Regulatory Flood Elevation, where applicable).
 - 4. Steep slopes, over 15 percent, as delineated in the Montgomery County Soil Survey, shall be plotted and designated as such on the plan.
 - 5. Contours obtained from U.S.G.S. maps at intervals of 5 feet.

6. The location and type of soil conditions as per the Montgomery County Soil Survey, or by other survey reports prepared by qualified agencies or firms.
 7. Areas subject to deed restrictions.
 8. The location and character and elevation of existing buildings; the location of trees standing alone and the outer limits of tree masses; the location of quarries, floodplains, marshland and other topographical features which may affect the location of proposed structures or improvements.
 9. Any other manmade or natural features having a significant impact on the ability of the applicant to subdivide or develop the land in question.
- C. All plans shall be drawn to assure that:
1. Proposals are consistent with the need to minimize flood damage;
 2. Utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage; and
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. 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 flood prone area.
- E. Where the subdivision or land development lies partially or completely in a flood prone area, or where the subdivision or land development borders on a flood prone area, the plan shall include detailed information giving the location and elevation of existing and proposed streets, water supply and sanitary facilities, building site, soil types and proposed flood proofing measures. Such plan shall also show contour lines at 2-foot intervals within the flood prone area and identify accurately the boundaries of the flood prone area and the base flood elevation.
- F. A copy of all plans for new construction in flood prone areas shall be submitted by the borough to the Montgomery County Conservation District for review and comment prior to the issuance of a building permit. The commendations of the Conservation District shall be considered by the Borough Council for possible incorporation into the proposed plan.

303.5. Lot Layout.

- A. The plan shall show the layout of all streets, alleys and walkways, including names and widths of cartways and rights-of-way.
- B. The plan shall show the layout and dimensions of all lots and the gross and net lot area of each.
- C. The plan shall reference any land to be dedicated or reserved for public or common use.
- D. The plan shall show all building setback lines with distance from the ultimate right-of-way lines.
- E. When there are existing buildings located on the land being subdivided, the buildings to be demolished, as well as those to be retained and/or preserved, shall be indicated.
- F. The plan shall show the location of off-street parking or a note of a garage.

303.6 Certification. Upon approval of the minor plan to be recorded, the plan must show:

- A. The signature of the registered engineer or surveyor certifying that the plan represents a survey made by him; that the monuments shown thereon exist as located; and that the dimensioned and geodetic details are correct.
- B. The signature of the subdivider, developer or builder certifying his adoption of the plan and any changes thereto.
- C. The signature of the Chairman of the Borough Planning Commission certifying that they have reviewed the plan, and the date of the review.
- D. The signature of the Borough Secretary certifying that the Borough Council has approved the minor subdivision plan and any changes thereto on the date shown.

Section 304. Preliminary Plan—Major Subdivision or Land Development.

Applicant submitting a preliminary plan for subdivision shall conform to the following standards:

304.1 Drafting Standards.

- A. The scale of the plan shall not be smaller than 40 feet to the inch.
- B. Dimensions shall be in feet or meters and decimals and bearings in degrees, minutes and seconds. A conversion table should be attached to each plan converting values into their metric equivalent.
- 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" x 18", 18" x 30", 24" x 36" or 36" x 42". 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 (i.e. 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.

304.2 Location and Identification. Each plan shall provide:

- A. A title consisting of the name of the subdivision or land development, the name and address of the subdivider, owner, developer or builder, and the registered engineer or land surveyor who developed the plan.
- B. The name of the municipality.
- C. The date of preparation of the plan, scale in equation form and graphic form, north point and all subsequent revision dates.
- D. The entire tract boundary with bearings and distances.
- E. The gross and net area of the entire tract.

- F. The plan shall include a note setting forth the zoning requirements including the applicable lot size and yard requirements and proof of any variances or special exceptions which may have been granted. The plan shall also show the requirements of any other borough ordinance, if any, on both the land to be subdivided and the adjacent land.
- G. A location map relating the subdivision or site to be developed to at least two existing intersections of borough streets.
- H. A legend sufficient to indicate clearly between existing and proposed conditions.

304.3 Existing and Proposed Features.

- A. Within 200 feet of any part of the land being subdivided or developed, the plan shall show the following information:
 - 1. The location, name, width (both cartway, right-of-way and ultimate right-of-way), radii and surface condition of existing and proposed alleys and streets.
 - 2. The location and size of all watercourses and the boundaries of flood prone areas (not limited to the Established Flood Level and Regulatory Flood Elevation, where applicable).
 - 3. The location of existing and proposed flood or erosion protective facilities.
 - 4. The location and size of existing sanitary and storm sewers.
 - 5. The location and size and ownership of existing utilities above and below ground, i.e. electric facilities, fire hydrants, gas mains and water mains.
 - 6. The location, character of existing buildings and manmade structures, and natural features which have a significant impact on the affected sites.
 - 7. Areas subject to deed restrictions.
 - 8. Names of all owners of immediately adjacent lands.
- B. Within the land to be subdivided or developed, the plan shall show the following information:
 - 1. The location, names, widths and other dimensions including centerline courses, distances and curve data, paving widths, curb lines, right-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.
 - 2. The location and size of existing and proposed sanitary sewer, storm sewer and all other utility above and below ground.
 - 3. The location and size of all watercourses and the boundaries of flood prone areas (not limited to the Established Flood Level and Regulatory Flood Elevation, where applicable). Supporting hydrologic and hydraulic data will be required to substantiate the 100-year floodplain location.
 - 4. Steep slopes, over 15 percent, as delineated in the Montgomery County Soil Survey, shall be plotted and designated as such on the plan.
 - 5. Existing and proposed contours at vertical intervals of 5 feet.
 - 6. The location and type of soil conditions as per the Montgomery County Soil Survey 1967, or by other survey reports prepared by qualified agencies or firms. A description of each soil type, limitations of the soils for on-lot sewage disposal and erosion resistance levels.

7. Any area within the land to be subdivided or developed to be used for open space or recreation purposes.
 8. Areas subject to deed restrictions.
 9. The location and character and elevation of existing buildings; the location, species and size of trees standing alone and the outer limits of tree masses; the location of quarries, floodplains, marshland and other topographical features which may affect the location of proposed streets or buildings.
 10. Any other manmade or natural features having a significant impact on the ability of the applicant to subdivide or develop the land in question.
- C. All plan 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 damage thereto by flooding; and
 3. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. 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 the flood prone area.
- E. Where the subdivision or land development lies partially or completely in a flood prone area, or where the subdivision or land development borders on a flood prone area, the plan shall include detailed information giving the location and elevation of existing and proposed streets, water supply and sanitary facilities, building site, soil types and proposed flood-proofing measures. Such plans shall also show contour lines at 2-foot intervals within the flood prone area and identify accurately the boundaries of the flood prone area and the base flood elevation.
- F. A copy of all plans for new construction in flood prone areas shall be submitted by the Borough to the Montgomery County Conservation District for review and comment prior to the issuance of a building permit. The recommendations of the Conservation District shall be considered by the Borough Council for possible incorporation in the proposed plan.

304.4 Proposed Road and Lot Layout.

- A. The plan shall show the layout of all streets, alleys and walkways, including names and widths of cartways and rights-of-way.
- B. The plan shall show the layout and dimensions of all lots and the gross and net lot area of each.
- C. The plan shall reference any land to be dedicated for public or common use.
- D. The plan shall show tentative grades to an existing road to a point 200 feet beyond the boundaries of the land being subdivided.
- E. The plan shall show the location and size of sanitary sewers and storm drains proposed to serve the subdivision or development. Supporting calculations for the design of the sanitary and storm facilities shall be submitted.

- F. The plan shall show all building setback lines with distances from the street line.
- G. The plan shall indicate those lots or areas which shall contain a use or uses other than residential.
- H. When there are existing buildings located on the land being subdivided, the building to be demolished, as well as those to be retained, and/or preserved, shall be indicated.
- I. The plan shall include a statement showing: the number of acres being subdivided; the number of lots created; the type and number of buildings and their character; the lineal feet of new streets; the lineal feet of streets to be widened; and the average lot sizes.
- J. Where a preliminary plan covers only a part of the owner's entire holding, a tentative sketch shall be submitted of the perspective street and lot layout for the remaining area of the tract.
- K. The plan shall show the location of off-street parking or a note of a garage.

304.5 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, water mains, storm drains, etc., showing manholes, inlets and catch basins. These plans may be submitted as separate sheets.
- B. The plan shall show preliminary design of any bridges, culverts or other structures and appurtenances which may be required.

304.6 Certification.

- A. The signature of the registered engineer or surveyor verifying that the plan represents a survey made by him; that the monuments wherein exists as located; and that the dimensional and geodetic details are correct.
- B. The signature of the subdivider, owner, developer or builder certifying his adoption of the plan and any changes thereto.
- C. The signature of the Chairman of the Borough Planning Commission certifying that they have reviewed the plan, and the date of the review.
- D. The signature of the Borough Secretary certifying that the Borough Council has approved the preliminary plan and any changes thereto on the date shown.

Section 305. Final Plan.

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

305.1 Improvements Construction Plan.

- A. 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 be at least 40 feet to the inch and the vertical scale of the plan shall be 2, 4, 5 or 10 feet to the inch, whichever is most appropriate.

- B. Information to be Shown. The plan shall contain sufficient information to provide working plans for the construction of the proposed streets, or any portion thereof, including all appurtenances, sewers and utilities, as shown on the approved preliminary plan from one existing or approved street to another, or in the case of a cul-de-sac, to its turnaround. This information should include:
1. Horizontal Plan – The horizontal plan shall show details of the horizontal layout as follows:
 - a. Information shown on the approved preliminary plan.
 - b. The beginning and end of proposed immediate construction.
 - c. Stations corresponding to those shown on the profile.
 - d. The curb elevation at tangent points or horizontal curves at road or alley intersections and at the projected intersections of the curb lines.
 - e. The location and size of sanitary sewers and lateral connections and water mains with distances between manholes, gas, electric and other utility pipes and conduits and of storm drains, inlets and manholes.
 - f. The location, type and size of curbs and all paving widths and depths.
 - g. The location and species of all shade trees and the location and type of fire hydrants and street lights.
 2. Profiles – The profile shall show details of the horizontal layout as follows:
 - a. Profiles and elevations of the ground along the centerlines of proposed streets.
 - b. 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.
 - c. Profiles of storm sewers showing manhole locations, swales, ditches, etc.
 - d. Profiles of water mains.
 3. Cross-Section – The cross-section shall comply with the borough's standards and specifications as minimum requirements. It shall show a typical cross-section across the road with details of grading and construction as follows:
 - a. The ultimate right-of-way width and the location and width of the cartway.
 - b. The type, depth and crown of paving.
 - c. The type and size of curb.
 - d. When sidewalks are required, grading of the sidewalk area should be carried to the full width of the ultimate right-of-way and slopes of cut or fill extended beyond ultimate right-of-way.
 - e. The location, width, type and depth of sidewalks, when required.
 - f. The typical location, size and depths of sewers and other utilities.
 4. Additional Information – The following additional information shall be submitted with the final plan.
 - a. All required local, state and federal permits shall be submitted. These permits may include: Montgomery County, Pennsylvania Department of Transportation (PennDOT) or Souderton permits; department of Environmental Resources permits

for drainage, stream alteration, dams, erosion and sedimentation control, air pollution or sanitary sewer facilities.

- b. The following statement shall be required on the final plan: *“The Approved Improvement Construction Plan, a copy of which may be inspected at the office of the Borough Manager, has been made a part of the Approved Final Plan.”*
- c. All engineering calculations which support the proposed improvements such as drainage calculations, sanitary facilities design calculations, or structural calculations.

305.2 Record Plan.

- A. 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” x 18”, 18” x 30”, 24” x 36” or 36” x 42”. All lettering and lines should be drawn so as to still be legible should the plan be reduced to half size.
- B. Information to be Shown. The plan, which shall include all portions of an approved preliminary plan, shall show:
 1. A title, as required for a preliminary plan.
 2. 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 5,000.
 3. The names of abutting owners; names, locations, widths and other dimension of all roads, including centerline courses, distance and curve data; descriptive data of street lines not parallel with or concentric with a centerline, and location tie-ins by courses and distances to the nearest intersections of all existing, planned and approved streets, alleys, and easements, recreational areas and other public improvements, within the land to be subdivided or developed.
 4. All lots are to be deeded to the side of streets that a single deed may be drawn to the appropriate body having jurisdiction for the dedication of streets by the subdivider, developer or builder.
 5. Evidence should be provided that the plans are in conformance with the Zoning Ordinance and other applicable borough ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception or variance has been officially authorized.
 6. The location, materials and size of all monuments with reference to them.
 7. Building setback lines with distance from the ultimate right-of-way line.
 8. Restrictions in the deed affecting the subdivision of the property.
 9. The location of all floodplains and steep slopes.
- C. Certificates. When approved, the record plan must show:
 1. The signature of the registered engineer or 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 subdivider, owner, developer or builder certifying his adoption of the plan.
 3. The signature of the Chairman of the Borough Planning Commission certifying that they have reviewed the plan, and the date of the review.

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

Section 306. Land Development Plans.

Applicants submitting a land development plan shall be required to show the following information, either for a preliminary or final plan, in addition to the applicable information in Sections 303 and 304 of this Article:

- 306.1 All covenants relating to use.
- 306.2 Manmade features for the use of two or more prospective occupants.
- 306.3 The lot size, floor area or gross leasable area as applicable.
- 306.4 The zoning classification and applicable standards with which compliance is necessary for granting final approval.
- 306.5 The density and/or intensity of use, including the bedroom mix, if applicable.
- 306.6 The total building coverage and the area of the total tract devoted to each use or group of uses, if applicable.
- 306.7 The location and placement of accessory structures and facilities.
- 306.8 All roads, parking facilities and pedestrian way (including the total number of parking spaces).
- 306.9 The areas of common open space or facilities.
- 306.10 A conceptual site utilizing layout defining the general location of all proposed uses and activities.
- 306.11 Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.
- 306.12 Mixed-Use Development Plan Submittal Requirements. When an existing lot that is located within the Mixed Use Redevelopment District is proposed for development or redevelopment as a mixed-use development, the following plan requirements shall apply:

A. Open Space/Amenity Plan.

1. The applicant shall submit an open space/amenity plan detailing the location of the proposed open space areas and their conceptual designs. The plan shall present the location, size, design and type of open space amenities to be incorporated into the proposed mixed-use development. The plan shall be based on master design standards included in the Mixed Use Redevelopment District.
2. Required Park Areas:
 - a. Pocket Park – The design and construction of a pocket park of at least 5,000 square feet is mandatory. The pocket park shall be a passive-style park and incorporate features such as plaza paving, benches and trash receptacles, lighting, public art, and landscaping, etc. The location, design, ownership and maintenance of a pocket park shall be as approved by Borough Council.
 - b. Neighborhood Park – The design and construction of a neighborhood park with public access of at least 60,000 square feet is mandatory. The neighborhood park

shall be a passive-style park and incorporate site features including a public multi-purpose assembly area with additional features such as gazebos, benches, and trash receptacles, lighting, public art and landscaping, etc. The location, design, ownership, and maintenance responsibility of this neighborhood park shall be as approved by Borough Council.

3. At least 5 percent of the mixed-use development project gross site area, excluding the required neighborhood park, shall be devoted to public open space amenities. The amenities may include site features such as trails, public plazas, outdoor dining areas, passive open space areas excluding required buffer areas and landscape areas; and active recreational facilities, etc.

[Ord. 702, 4/2/12]

4. At least 5 percent of the mixed-use project construction cost located in the HSROD, including site development costs, excluding on-site demolition and off-site improvements; and building shell construction costs must be devoted to art and architectural features. Of the 5 percent, at least 2 percent of the required art and architectural features shall be artisan-designed or distinctive features. These may include but are not limited to the following:
 - a. Architectural or façade treatment such as clock towers, murals and ornamental-sloped roof designs, etc., beyond the traditional façade details.
 - b. Site features such as water features, garden structures and sculptures, etc.
 - c. Streetscape furnishings such as artisan-designed or distinctive lighting, benches, trash receptacles, bike racks, etc., excluding signage.
 - d. To determine conformance with this requirement, the applicant shall prepare an itemized cost estimate that includes site development and building shell construction costs based on the submitted land development plans. In addition, the applicant shall prepare and submit an itemized cost estimate of the proposed art and architectural features and their percentage of estimated construction values. These proposed art and architectural features and their corresponding cost estimates shall be approved by Borough Council.
5. Design features on the plan should incorporate pedestrian walkways, street furniture, lighting, signage, bicycle racks, seating elements, flags, fountains, public art, etc., so as to ultimately create a unifying pedestrian/amenity system.
6. The design and location of at least one (1) Transit Stop shall be required as part of the overall development plan.
7. All utilities servicing the project site shall be located underground to the maximum extent possible.

B. Streetscape Plans. The applicant shall submit a Streetscape Plan detailing a comprehensive overview of the proposed streetscape designs for the entire development. The plan shall present the locations, style, color and manufacturer of the specific streetscape components such as lights, paving, benches, trash receptacles, and other site features, etc. The plan shall be based on the Master Design Standards included in the Mixed Use Redevelopment District.

C. Architectural Plans. The applicant shall submit Architectural Plans with design criteria to be approved by Borough Council detailing a comprehensive overview of the proposed architectural design for each building type. The plans shall include floor plans, elevations and other graphics

necessary to clearly present the coordinated architectural theme, building size, materials, facades and architectural detailing for the buildings. The plan shall be based on and follow the Master Design Standards for the Mixed Use Redevelopment District.

- D. Signage Plans. The applicant shall submit a coordinated Signage Plan with design criteria to be approved by Borough Council detailing a comprehensive overview of the proposed signage package for the approved development plan. The plan shall present the locations, sizes, style, color, construction materials and details of the specific sign package components. The plan shall be based on and follow the Master Design Standards for the Mixed Use Redevelopment District.
- E. Lighting Plans. The applicant shall submit a coordinated Lighting Plan with design criteria to be approved by Borough Council detailing a comprehensive overview of the proposed lighting layout for the approved development plan. The site plan shall be complete with all structures, parking spaces, vehicular and pedestrian traffic areas, vegetation, and other site areas. It shall present a point-by-point illuminance grid plot on 10-foot x 10-foot centers (or as necessary for suitable legibility) of footcandles overlaid on the site plan demonstrating compliance with the light trespass, illuminance, and uniformity requirements of this Ordinance.

[Ord. 684, 9/8/09]

Section 307. Plan Process Procedures.

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

- 307.1 All plans filed for approval shall be submitted in the following order:
 - A. Tentative sketch plan (as required);
 - B. Preliminary major or minor plan (as applicable); and
 - C. Final plan.
- 307.2 An applicant shall submit not less than eight copies of each plan to the Borough Manager or Zoning Officer.
- 307.3 Each plan, whether tentative, 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.
- 307.4 When the decision reached conceding an application for approval of a specific 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 Section 307.1, herein, and the additional procedures outline in Section 307.
- 307.5 Application for approval of a subdivision or land development plan shall be received by the Manager or Zoning Officer of the Borough. Submittal and processing fees for plans and specifications for such plans shall accompany the applications. Where an application (preliminary or final plan) is submitted which is not in conformance with the Zoning Ordinance and other applicable borough ordinances and regulations, then and in that event, a preliminary approval conditioned upon obtaining the necessary zoning clearance or approval shall be the only approval given. Upon receipt of a preliminary approval conditioned upon the granting of a special exception or variance or other zoning clearance the applicant may then submit to the relevant zoning officials for such zoning approvals. Upon obtaining the same, the applicant

shall provide evidence thereof that the plans are in conformance with the Zoning Ordinance and other applicable borough ordinances and regulations.

307.6 The applicant, or his agent, shall be required to appear in person at the borough building in order to make application for approval of a plan and file plans therewith.

307.7 Formal application shall be received upon appointment with the Borough Manager or Zoning Officer from which time all applications for approval of a plan, whether preliminary or final, shall be acted upon by the Borough Council and such decision shall be communicated to the applicant, in writing, not later than the prescribed time period after the date of formal application as is required for such responses.

307.8 Any application for approval of a subdivision or land development plan must have attached thereto or accompanying therewith the required fees as well as comply with the Subdivision and Land Development Plan Checklist requirements. Failure to provide either of the above items shall result in the application being returned for failure to be a complete application. Any incomplete application shall not be considered for a formal application.

307.9 Schedule of Plan Processing Steps.

A. Applications for subdivision or land development accompanied by eight copies of the proposed plan and appropriate fees shall be received at the borough building by the Borough Manager or Zoning Officer.

B. The date shall be stamped on each copy of the plan, and two fees shall be received:

1. The borough filing fee; and
2. The Montgomery County Planning Commission Act 247 review fee.

C. A cursory explanation of the plan will be conducted to ensure basic compliance with the plan submission requirements of this Article.

D. The Borough Manager or Zoning Officer shall distribute copies of the plan to the following persons, agencies or groups:

1. Borough Council – Development Committee: 1
2. Borough Manager
3. Borough Planning Commission: 1
4. Montgomery County Planning Commission, along with appropriate fee: 1
5. Borough Engineer: 1
6. Borough Zoning Officer: 1
7. Borough Solicitor: 1
8. Pennsylvania Department of Environmental Resources (PADER) (where applicable): 1

E. Application for approval of a subdivision or land development plan shall be placed on the agenda of the next official local planning commission and development committee meeting following the application and then on the agenda of the Borough Council following the receipt of recommendations from the County Planning Commission and Borough Engineer.

- F. Recommendations of the Montgomery County Planning Commission, the Borough Planning Commission, and Borough Engineer shall be submitted to the Borough Council no later than 45 days from the date stamped on the plan.
- G. After the plan has been reviewed and comments filed by the Borough Planning Commission, the Borough Engineer, the Montgomery County Planning Commission, and the Development Committee of the Borough Council, the plan will be presented to Borough Council for final approval. The Borough Council shall act on the plan within 90 days of the date stamped on the plan.
 - 1. If the plan is approved by the Borough Council and the subdivision filing fees have been paid by the applicant, the procedure noted under Section 308 should be followed.
 - 2. If the plan is denied by the Borough Council, the applicant shall be advised in writing about the specific reasons for the denial within 5 days of the action of the Borough Council.

Section 308. Recording the Plan.

Upon approval of a final plan of subdivision or land development, the applicant shall within 90 days of such final approval record such plan in the Office of the Recorder of Deeds of Montgomery County, Pennsylvania. The approval final plan shall bear the official signature and seal of the Borough of Souderton, The Borough Planning Commission and the review stamp of the Montgomery County Planning Commission prior to recording. Any plan or subdivision not so recorded within 90 days shall be considered invalid.

308.1 Recording Procedure.

- A. Applicant or his authorized representative presents 2 mylar and 2 paper copies of the subdivision plan, approved by the Borough Council, to the Building and Zoning Officer at the borough office. If the applicant wishes to have copies of the signed subdivision plan for his records, he should submit such copies in addition to the four required.
- B. The Building and Zoning Officer will have the plans signed by the appropriate borough officials and the borough seal will be embossed on the plans.
- C. The Building and Zoning Officer will then notify the applicant that the plan may be picked up. The applicant should then complete the information required from him on the plans and have the plans notarized.
- D. The applicant shall then take the plans to the Courthouse in Norristown. The plans should first be submitted to the Montgomery County Planning Commission. The will sign and place their stamp on the plan and will retain one paper copy for their files.
- E. The applicant shall then have the remaining plans signed by the Montgomery County Recorder of Deeds. The plan should be marked to include the plan book page number where the plan is recorded. The Recorder of Deeds will retain one mylar or paper copy for his files.
- F. Finally, one mylar and one paper copy of the signed plan must be returned to the Building and Zoning Officer at the borough office.
 - 1. For some larger subdivisions, there may be a subdivision agreement between the developer or applicant and the borough. These agreements are prepared by the Borough Solicitor and are considered a part of the requirements to be met before any building permits are issued in conjunction with a subdivision. When such agreements are so

warranted, they will be incorporated in the final approval granted by the Borough Council.

2. The Borough Council may conditionally approve a plan (including the requirements to establish a specific escrow fund to guarantee improvements) in which case the applicant, or his authorized representative, or Borough Manager or Zoning Officer who has reviewed the plan, shall appear at a subsequent the Borough Council meeting to demonstrate compliance with the conditions stipulated. The applicant shall resubmit the proposed plan demonstrating compliance with the conditions stipulated.
3. If the Borough Council disapproves the plan, the Borough Manager or Building and Zoning Officer 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 of borough ordinance relied upon.

G. Approval will be effective for a period of 3 years, unless extended by the Borough Council. This provision is to be interpreted to require that all construction and required public improvements shall be completed within the 3-year period. Where final approval is preceded by preliminary approval, the 3-year period shall be counted from the date of the preliminary approval. No subsequent change or amendment in the zoning, subdivision or other governing ordinances or plans 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 3 years from such approval.

H. When deemed desirable, the applicant may be requested to agree, in writing, to an extension of the time prescribed, herein, in which case the Borough Council when rendering its decision, shall communicate it to the applicant prior to the termination of the extended time period.

308.2 After a subdivision or land development plan shall have been officially recorded, the streets, parks and public improvements shown thereon shall be considered to be part of the official plan of the borough. Streets, parks and other public improvements shown on a subdivision or land development plan to be recorded may be offered for dedication to the borough by formal notation thereof on such plan, or the subdivider, developer or builder may note on such plan that such improvements have not been offered for dedication to the borough. Every street, park or other improvement shown on a subdivision or land development plan that shall have been recorded, as provided herein, shall be deemed to be a private street, park or improvement, until such time as the same shall have been offered for dedication to the borough and accepted, by ordinance or resolution, or until it shall have been condemned for use as a public street, park or other improvement.

ARTICLE IV
DESIGN STANDARDS FOR RESIDENTIAL AND NONRESIDENTIAL
SUBDIVISIONS AND LAND DEVELOPMENTS

Section 400. General.

The following principles of subdivision and land development, general requirements and minimum standards of design shall be observed by the applicant in all instances.

- 400.1 All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created. Frontage on an ordained street is a requirement for the issuance of a building permit.
- 400.2 When only a portion of the tract is being reviewed relative to subdivision and land development, but where future subdivision or development is imminent, or possible, the applicant shall demonstrate that the remainder of the tract or parcel may be subdivided or developed in conformance with the existing zoning classification of land use in a logical and satisfactory manner, as a condition of approval of his plan.
- 400.3 Applicants shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.
- 400.4 Subdivisions and land developments should be laid out so as to avoid the necessity for excessive cut or fill unless specifically warranted by terrain or location.
- 400.5 Low lying land subject to period flooding shall not be subdivided or developed for residential development or for such other uses as may involve danger to health, safety, morals and general welfare.
- 400.6 The Borough Council in its consideration of any preliminary plan of a subdivision or land development shall condition its approval upon the execution of measures designed to prevent accelerated soil erosion and resulting sedimentation, as required by the PADER. 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 earthmoving activities. The manual is available at the office of the Montgomery County Conservation District, Courthouse, Norristown, PA.
- 400.7 Applicants shall observe the street lines for contiguous existing streets as prescribed by the borough ordinances. Applicable building setback lines, as defined by the Zoning Ordinance, shall be delineated as measured from the street line.
- 400.8 Proposed subdivision and land development shall be coordinated with the existing nearby neighborhoods, as well as both abutting tracts where future development is possible, so that the community as a whole may develop harmoniously.
- 400.9 Improvement construction requirements will be completed under specifications of PennDOT, PADER, and the Montgomery County Conservation District, or other appropriate agencies or the specifications included herein; whichever specifications are most stringent shall take precedence over any less restrictive law, ordinance or regulation.

400.10 The subdivider, owner, developer or builder shall where specified by the Borough Council construct and install with no expense to the borough, the streets, curbs, sidewalks, water mains, sanitary and storm sewers, street lights, fire hydrants, street signs, shade trees, monuments and other facilities and utilities specified in this Article. Construction and installation of such facilities and utilities shall be subject to inspection by appropriate borough officials during the process of work and the subdivider shall pay for inspection.

Section 401. Recommendations of Borough Planning Commission and Borough Engineer.

401.1 The standard of design in this Article should be used to judge and ascertain the adequacy of subdivision or land development proposals. Where the applicant believes that the literal application of any of these standards would cause undue hardship or be plainly unreasonable and unnecessary, the applicant shall request in writing that an exception be granted and present the justification for the request. The Borough Engineer and the Borough Planning Commission may recommend such reasonable requests and the Borough Council may grant such reasonable exceptions as in their opinion will not be contrary to the public interest. If a written request for exceptions is not submitted, these standards will be applied literally.

401.2 The standards included in these regulations are minimum design requirements. The Borough Council reserves the right in any case to request that development features exceed these standards if conditions so warrant.

401.3 In reviewing subdivision or land development plans, the governing body may refer such plans to the Borough Planning Commission and Borough Engineer for recommendations concerning the adequacy of existing and proposed community facilities to serve the additional dwellings proposed by the subdivision or land development.

401.4 Subdividers are requested to give careful consideration to the desirability of providing adequate rights-of-way paving on existing streets, and reserving areas and easements for facilities normally required in residential sections, including churches, libraries, schools and other public buildings, parks, playground and playfields; shopping and local business centers; rights-of-way and easements for storm and sanitary sewer facilities in those areas that cannot be immediately joined to the existing storm and sanitary sewer systems of the borough.

401.5 Areas provided or reserved for community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. The Borough Council reserves the right to accept or refuse offers of dedication for public uses.

Section 402. Streets.

Unless specified otherwise by the Borough Council, all new streets or widened portions of all existing public rights-of-way, intended for public use, shall be dedicated to the borough. However, where a development abuts a state-owned right-of-way, the applicant shall request the appropriate state agency to accept dedication.

402.1 Street System.

A. Conformance with Adopted Plans. The proposed street pattern shall conform to existing streets to the borough's rights-of-way map and to such county and state road and highway plans as have been duly adopted by said agencies.

B. Arrangement. Streets shall be arranged in a manner to meet with the approval of the Borough Council, considered in relation to both existing and planned streets, and located so as to allow proper development of surrounding properties. Collector and feeder streets shall be connected with such existing streets so as to form continuations thereof. Residential streets shall be laid out to discourage their use as collector or feeder streets.

- C. Conformity with Topography. Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable grade, alignment and drainage.
- D. Grading. The street shall be graded to the full width of the right-of-way and provision made for slopes beyond the right-of-way in conformance with borough specifications.
- E. Provisions of Streets for Future Development. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory. Streets giving such access shall be improved to the limits of the subdivision. Remnants, reserve strips and landlocked areas shall not be created.
- F. New Streets. New streets shall be laid out to continue existing streets at equal or greater right-of-way and cartway width, where practical.
- G. Dead-End Streets. Dead-end streets are prohibited, unless designed as cul-de-sacs or designed for access exclusively to neighboring tracts.
- H. Street Names. Continuation of existing streets shall be known by the same name. Names of new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of the Borough Council.
- I. Half Street. The dedication of half streets at the edges of a new subdivision is prohibited. If circumstances render this impracticable, adequate provision of the concurrent dedication of the remaining half of the street must be furnished by the subdivider, developer or builder. When there exists a half street in an adjoining subdivision, the remaining half shall be provided by the proposed development.

402.2 Street Alignment.

- A. Sight Distance. For all streets, a sight distance of 100 feet should be maintained. Sight distance should be measured at the centerline of the street and at a driver's eye height of 5 feet.
- B. Street Grade.
 - 1. There shall be a minimum grade of at least 1 percent of all streets.
 - 2. Grades in excess of 5 percent shall be avoided where possible, and no grade shall exceed 7 percent. The lineal grade shall be measured along the centerline.
 - 3. All streets shall be graded to the grades shown on the street profile and cross-section plan submitted and approved with the preliminary plan of subdivision or land development. They shall be inspected and checked for accuracy by the Borough Engineer.

402.3 Right-of-Way Width, Paving Width and Curbing.

- A. Street. The minimum widths of the right-of-way and the paving, and the requirements for curbing shall not be less than those of an existing street of which the new street is to be a continuation, or less than the following:

Type of Street	Right-of-Way Width (in feet)	Paving Width	Curbing
Collector	80	50	Required
Feeder & Industrial	60	40	Required
Residential	50	30	Required
Cul-de-Sac	50	30	Required

- B. Minimum right-of-way width for development along existing streets shall correspond with the appropriate ordinances.
- C. Islands, medial strips and channelization may be required in any area where traffic volumes warrant their use for safety and efficiency, and may be permitted in any area at the discretion of the Borough Council. Such devices on state roads must meet or exceed the requirements of PennDOT.
- D. A cul-de-sac will not be approved when a through street is practicable. The developer or subdivider shall have the burden of showing the impracticability of the through street in order to justify a cul-de-sac.

A cul-de-sac shall not be more than 300 feet in length, except in cases approved by the Borough Council where conditions of the land so warrant an increase in length. A cul-de-sac shall have a right-of-way of 50 feet and shall have a circular turnaround with a minimum right-of-way radius of 50 feet and a minimum outer paving radius of 40 feet.

Where it is proposed that a street be constructed to an abutting property line with the intention that such a street will be extended onto the adjoining property at a future date, the temporarily terminated cul-de-sac shall be constructed the same as one permanently terminated, including the right-of-way width. Construction of the street curbing and sidewalk shall be in accordance with specification hereinafter included in these standards.

- E. Additional widths may be required by the borough.
 1. Where necessary for public safety and convenience.
 2. For parking in commercial or industrial areas.
 3. Where old streets do not provide the proper width and additional dedication is necessary.
- F. No fences, hedges, trees, shrubbery, walls, plantings or other obstructions shall be located or be permitted within the right-of-way except for groundcovers such as grass, ivy, crown-vetch or horizontally spreading shrubs less than 3 feet high, or retaining walls necessitated by street widening and constructed by the authority having jurisdiction over the street, without specific authorization of the Borough Council.

402.4 Street Intersections.

- A. Number of Intersections. No more than two streets shall cross at the same point. Four-way intersections are to be avoided in the payout when three-way or “T” intersections can be utilized. When existing streets intersect at odd angles, or have more than four approaches, the subdivider, developer or builder shall be required to make corrective changes to eliminate the odd angle or reduce the number of approaches to the intersection by curving the lesser street.

- B. Minimum Angle of Intersection. Right angle of intersections shall be used whenever practicable, especially when residential streets empty into collector or feeder streets; there shall be no intersection angle, measured at the centerline, of less than 60 degrees minimum.
- C. Centerline. Where centerline of residential or feeder streets open into opposite sides of a collector street within 100 feet of each other they shall be made to coincide by curving the minor street or streets.
- D. Sight Distance. Proper sight lines should be maintained at all intersections of streets. There shall be measured along the centerline a minimum clear sight triangle of 75 feet from the point of intersection. No building, tree, hedge, shrubbery or other obstruction whatsoever will be permitted in this area. Any obstruction to sight shall be removed at the time a building or structure is erected, whichever shall first occur.
- E. Maximum Grade. Maximum grade within any intersection shall not exceed one percent and approaches to an intersection shall follow a straight horizontal course for 100 feet.
- F. Approach Grades. All approaches to an intersection shall not exceed 3 percent for a distance of 50 feet measured from the nearest right-of-way line of the intersecting street.
- G. Radii of Pavement and Right-of-Way at Intersections. Street intersections shall be rounded with tangential arcs at pavement edge (curbline) and right-of-way lines as listed below. Where two streets of different right-of-way widths intersect, the radii of curvature for the widest street shall apply.

Type of Street	Minimum Radius of Arc at Intersection of Pavement Edge or Curbline (in feet)	Minimum Radius of Arc at Intersection Right-of-Way Line (in feet)
Collector	40 (or more as may be required)	20
Feeder & Industrial	30	20
Residential	25	15
Cul-de-Sac	25	15

402.5 Street Paving. All street paving must conform to the specifications incorporated in this section of the ordinance and be approved by the Borough Engineer prior to acceptance by the Borough Council. All grades, horizontal curves, vertical curves, intersections, sight distances and tangents shall conform to the requirements established by this ordinance and shall be subject to the approval of the Borough Engineer.

- A. Subgrade. The bottom of the excavation and the top of the fill between the outer limits of the paving or base course, when completed, will be known as the subgrade and shall conform to the lines, grades and cross-sections given. The subgrade for bituminous paving shall conform to the established line, grade and cross-section as approved by Borough Council. The subgrade shall be solidly compacted to a firm and unyielding state by rolling with a minimum of 10-ton power roller. Unstable areas shall be removed and replaced with a suitable fill and then rerolled as required to provide a uniform even surface.
 1. Construction Methods – After the excavation or rough grading has been performed and all drains have been constructed, the subgrade will be fine graded and shaped to the proper cross-section. It shall be brought to a firm unyielding surface by rolling the entire area with an approved power roller having a metal weight of not less than 10 tons. Solid rock, boulders, soft clay and all spongy materials which will not consolidate under

the roller shall be removed from the subgrade to a depth to be determined by the Borough Engineer or other person designated by the Borough Council. The space shall be filled with suitable material from the excavation and the subgrade rerolled until it represents a smooth and firm surface of the proper shape and cross-section. Crown board and straight edge shall be used for checking road and street construction. Maximum deviation shall not exceed one-quarter of an inch.

- B. Shoulder. Supporting shoulder shall be constructed on all sections of project where a base course or pavement is to be constructed without other permanent support along the sides. All shoulders shall be thoroughly compacted and graded to provide drainage from the bituminous surface.
1. Construction Methods. Where concrete curbing is not to be constructed, shoulders are to be constructed adjacent to the paving of the proposed road. The width and type of construction, grade and construction method of these shoulders is to be determined by, or must meet the approval of the Borough Engineer or other person designated by the Borough Council.
- C. Paving Base Course. The base course shall be an aggregate-bituminous base course and/or aggregate-lime pozzolan base course to the compressed thickness as required by the Borough Engineer. Construction will conform with PennDOT Specifications 408 dated 1973 or the latest revision thereto.
1. Materials. The materials used and the construction methods shall meet the requirements of this specification. Base course stone shall meet the requirements of PennDOT Specifications 408 current edition shall be used.
 - a. The course stone shall conform to the grading required as given in PennDOT Form 408 for Pennsylvania No. 4 aggregate.
 - b. The fine stone shall conform to the grading requirements as given in PennDOT Form 408 for Pennsylvania No. 1 aggregate.
 2. Construction Methods. The construction methods for the base course shall comply with the following:
 - a. Before spreading any of the course material the contractor or owner shall furnish a sufficient number of grade stakes to represent the finished grade of the proposed roadway as shown on the drawings. This shall be done to the satisfaction of the Borough Engineer or other person designated by the Borough Council.
 - b. Fine materials for Initial Layer – prior to placing the course material, a layer of fine material as specified shall be spread uniformly over the subgrade as a bed and filler at a minimum thickness of one inch.
 - c. Spreading the Course Material – The crushed stone shall be placed in two 4-inch layers and spread uniformly on the prepared subgrade so as to distribute the material to the required depth for the full width of the base, unless otherwise specified for part-width construction. Each course shall be thoroughly screened and rolled. This material shall not be placed in a wet or frozen subgrade. No materials shall be placed without first obtaining the consent of the Borough Engineer or other person designated by the Borough Council. Not more than an average day's work shall be placed in advance of filling or rolling.
 - d. Rolling Course Material – The course material shall be compacted by rolling with a power roller having a metal weight of not less than 10 tons. The rolling shall begin at the sides and progress to the center, except on super-elevated curves where rolling shall be parallel to the centerline of the roadway, uniformly lapping each

preceding track and covering the entire surface with the rear wheels, and continuing until the material does not creep or wave ahead of the roller wheels. Areas of the base inaccessible to the roller shall be satisfactorily compacted by means of approved tampers. The base course shall be compacted to insure no movement in the base.

- e. Application of Fine Material – The fine material generally shall be cast or spread in a series of thin applications, parallel with the roadway. If spread by hand, the spreading shall be performed with a sweeping motion of a square-pointed shovel alternatively in opposite directions; this process being continued until no more material can be forced into the voids. Hand brooms shall be used to spread the material over the surface, to ensure even distribution and filling of all voids in the course material. All excess filler material forming in piles or cakes upon the surface shall be loosened and scattered. The rolling of the surface shall be continued during the processing of spreading the filler material and shall be as specified for rolling the course material. Additional filler shall be applied where necessary to fill the voids and the rolling continued until the base course is thoroughly compacted and firmly set. The quantity of filler material necessary shall be determined by the Borough Engineer or other person designated by the Borough Council. After completion of the application and rolling of dry screening, the surface shall be sprinkled with water and rolled. If, at any time, subgrade material should become churned up or mixed with the base course materials, the contractor shall dig out and remove the mixture, reshape and compact the subgrade, and replace the materials removed with clean materials which shall be filled and rolled until compacted satisfactorily.

D. Bituminous Surface Course ID-2A. This surface course shall consist of two courses, binder course or special binder course and wearing course, of hot-mixed, hot-laid asphaltic concrete, constructed on a prepared base course. The bituminous surface course shall have a total thickness, after final compaction, as specified by the Borough Engineer or other person designated by the governing body but in no case shall be less than after compaction. All street pavement cross-sections, except where super-elevated for curves, will be a minimum slope from the center of the road to the gutter of a minimum of one-quarter inch per foot to a maximum of one-half inch per foot.

- 1. Materials. The materials shall conform with the requirements given in Section 420 of PennDOT's Specification Form 408, dated 1973, or the latest revision thereto.
- 2. Construction Methods. The surface course shall be Type ID-2A as specified in PennDOT's Specification Form 508, dated 1973, or the latest revision thereto and shall be applied in strict accordance therewith.
No visible moisture shall be present prior to laying of each course. Road surface temperature shall be 50 degrees or greater prior to laying of a bituminous surface. The air temperature shall be 40 degrees Fahrenheit or greater with the temperature rising. All bituminous surface courses shall have a total thickness after compression of 2½ inches maximum. All edges shall be kept straight and sharp forming a clean cut line between finished road and gravel shoulder where shoulder construction is used.

E. Souderton Borough will require delivery slips for all materials used in the construction of streets and may require design mix tests at the applicant's expense.

Section 403. Alleys, Driveways and Parking Areas.

- 403.1 Alleys. Alleys are prohibited in residential developments, however, under special circumstances prohibition may be waived at the discretion of the Borough Council. In commercial or industrial districts without expressly designed loading areas, alleys with a minimum width of 25 feet shall

be required. Where such alleys dead-end, they shall be provided with a turnaround having a radius of not less than 25 feet. The cartway shall be a minimum of 20 feet.

- A. Paving. The paving requirements shall be the same as for street paving.
- B. Intersections. Intersections of right-of-way lines shall be rounded by a tangential arc, the minimum radius of which shall be 10 feet, and the edge of the paving at intersections shall be rounded by a tangential arc the minimum radius of which shall be 15 feet.
- C. Obstructions. No fences, hedges, trees, shrubbery, walls, plantings or other obstructions shall be located within the right-of-way except as authorized by the Borough Council. Reasonable sight distance shall be provided at intersections with streets.

403.2 Driveways.

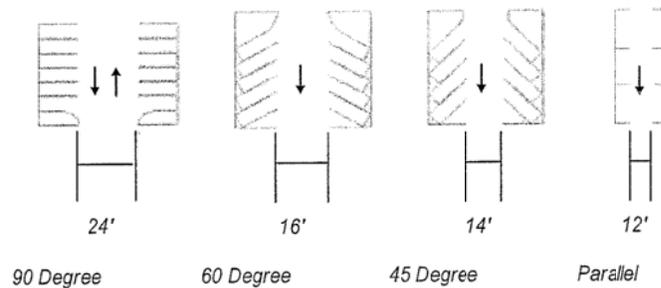
- A. Location. Driveways shall be so located, as to provide reasonable sight distance at intersections with streets. A stopping area measured 20 feet behind the right-of-way line shall be provided not to exceed 4 percent grade.
- B. Intersections. Driveways shall be located not less than 40 feet from the street intersection and shall provide access to the street of a lesser classification when there are streets of different classes involved.
- C. All driveways shall be located, designed and constructed in such a manner as not to interfere or be inconsistent with the design, maintenance and drainage of the highway.
- D. Access driveways should be located in such a manner that they will not unduly cause the following:
 - 1. Interference to the traveling public;
 - 2. A hazard to the free movement of normal street traffic; or
 - 3. Areas of undue traffic congestion on the street.
- E. Frontages of 50 feet or less shall be limited to one driveway. Normally not more than two driveways need to be provided to any single property tract or commercial/business establishment. Exceptions may be made where frontage exceeds 300 feet in length.
- F. Borough Council shall have the authority to approve driveways intended for the use of two or more families, apartment developments, commercial and industrial projects where usage by the occupants constitutes essentially a private street. Driveways constituting private streets are those access ways used by two or more families daily or 10 or more workers daily for vehicular circulation. Driveways serving as private streets shall not be dedicated to the borough nor does the borough assume any responsibility for their maintenance.
- G. Location and placement of driveways serving as private streets shall comply with Section 403.2, Driveways. Additionally, provisions for drainage and stormwater runoff shall be approved by the Borough Engineer.
- H. The Borough Council shall evaluate the location, placement and alignment of driveways serving as private streets based upon the ease of accessibility to and efficient maneuverability through the development for protective services for fire and police.

- I. Construction of driveways to be used as private streets shall conform to minimum design standards for public streets other than those applicable to rights-of-way width, curbing and shoulder grading provided however, that the width of the cartway shall not be in any event less than 25 feet.
- J. The owner, and all successors, of any property which is to abut any driveway serving as a private street shall be fully responsible for the permanent improvement of the driveway(s) and for the maintenance thereof in a good and safe condition.

403.3 Surface Parking Space Design Standards.

- A. Marking of Spaces. Nonresidential parking spaces and multifamily parking spaces shall be striped on pavement or designated with some other form of permanent marking.
- B. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls.
- C. Dimensions.
 - 1. Standard Spaces. A required off-street parking space shall be at 9 feet in width and 18 feet in length exclusive of any access drives, aisles or columns. Where parking lots have more than 5 percent slope, all spaces shall be 11 feet in width and 18 feet in length.
 - 2. Parallel Parking. Parallel parking spaces shall be 22 feet in length and 8 feet in width.
 - 3. Aisles shall not be less than 24 feet wide for 90 degree parking, 16 feet wide for 60 degree parking, 14 feet wide for 45 degree parking and 12 feet wide for parallel parking. The angle shall be measured between the centerline of the parking space and the centerline of the aisle. No parking shall be allowed in the aisles. Driveway entrance width shall not exceed 24 feet when crossing sidewalks. (see Figure 1: Parking Dimensions)

Figure 1: Parking Dimensions



Arrows indicate required direction of traffic flow.

[Amended: Ord. 672, 6/4/07]

- D. In commercial and industrial districts, provision of “common parking facilities” is hereby encouraged in recognition of their increased flexibility and efficiency. Subject to formal application being filed by the proposed users of the common parking facilities, the Borough Zoning Hearing Board may reduce the aggregate amount of required parking space upon determination that greater efficiency is affected by joint use of the common parking area. When common parking facilities are approved, side and/or rear yard parking requirements may be waived in order to establish unified and continuous parking areas. In such cases,

access drives and sidewalks shall be so aligned as to maximize parking efficiency and minimize traffic congestion. Entrances and exits must have good visibility so that, both going in and coming out, drivers can see and cars can be seen.

- E. Parking space dimensions shall not be less than 10 feet in width and 20 feet in depth.
- F. Buffer planting requirements shall be applicable to parking lot facilities, along the area fronting collector, feeder and industrial streets and along the area adjacent to other properties.
- G. All dead-end parking lots shall be designed to provide sufficient back up area for the end stalls.
- H. No less than a 5-foot radius of curvature shall be permitted for all curblines in all parking areas.
- I. Parking lot dimensions shall be no less than those listed in the following table:

Angle of Parking	Parking Stall		Aisle Width	
	Depth	Width	One-Way	Two-Way
90°	20	10	25'	25'
60°	21	10	18'	20'
45°	20	10	15'	18'

Section 404. Sidewalks and Curb Specifications.

Sidewalks and curbing requirements and specifications as set forth in the codified borough ordinances are to be applied to the subdivisions and land developments reviewed under this ordinance. An appropriate permit must be obtained for all sidewalk and curb work.

Section 405. Blocks.

- 405.1 Length. In general all blocks in a subdivision shall have a minimum height of 500 feet and a maximum length of 1,300 feet unless special conditions warrant a variance.
- 405.2 Width. Whenever practicable blocks shall be of such width as to provide two tiers of lots of the minimum size permitted under the applicable zoning classification except in the case of lots along a major thoroughfare where the lot fronts on an interior street. Double frontage lots are to be avoided and generally will not be permitted except where reverse frontage is desired away from a major thoroughfare to a street of lesser traffic volume.
- 405.3 Blocks. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers will be required along with safe and convenient limited access to the street system. Space for off-street loading will also be required with similar access. Extension of street, railroad access right-of-way and utilities shall be provided by the zoning ordinance.

Section 406. Lots.

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

- 406.2 Depth. Lots excessively deep in relation to width are to be avoided. A proportion of 2½:1 is generally required as proper maximum.
- 406.3 Width. The minimum width of a lot shall be the width which is measured along the street line, in feet specified for the applicable zoning district.
- 406.4 Rear Lotting.
- A. Rear lotting shall be allowed at the discretion of the Borough Council only when it is demonstrated by the applicant that no other method of subdivision is practical or desirable on the subject tract, and that the result is clearly superior to the conventional approach.
 - B. Rear lotting shall generally be permitted only in residential subdivisions and preferably be limited to the lower-density areas.
 - C. When it is determined that utilization of a rear-lotting technique is justified, certain criteria shall be established:
 - 1. Access to the rear lot shall be through an access strip held in fee simple ownership, not through easement over adjacent property.
 - 2. The access leg shall not be included in the calculations of net lot area required by the minimum standards of the applicable zoning district.
 - 3. The minimum width of the access strip for a single lot should be 25 feet. When two or more lots are proposed using a common access strip, or when the lot area of the one lot is more than twice the minimum established by the prevailing zoning, then a 50-foot wide accessway should be provided. This ensures the provisions for a future road right-of-way should further subdivision be desired or practical.
 - 4. When the tract is located in an area where public sanitary sewers exist or are proposed for the near future, rear lotting shall be permitted only if the dwelling to be constructed on the rear lot is connected to the sewer system.
- 406.5 Frontage. The frontage shall not be less than the minimum requirements of the Zoning Ordinance.
- 406.6 Sidelines. Whenever practicable, the sidelines of a lot shall be set at right angles or radial to the right-of-way line.
- 406.7 Building Lines. Building lines for all lots shall be in conformance with the minimum front, side and rear yard requirements of the applicable zoning district.
- 406.8 Lot Numbers. For the purpose of development, each subdivision may have an overall system of lot numbers, the number one (1) being assigned to a lot in the first section to be developed. (Such system of lot numbers shall not be confused with the regular house or building numbering system based on a borough-wide plan.)
- 406.9 Building Numbers. House or building numbers shall be assigned by the municipality based on an overall street plan. Numbers will be assigned in such a way as to allow for vacant parcels and future development.

Section 407. Subdivisions or Land Developments with Existing Structures on the Land.

Except where a structure was obviously built to house more than one family, but where heretofore that structure and the surrounding property was held in single and separate ownership, and further where such a subdivision is proposed for the purpose of separating such a structure into two or more ownership parcels, no subdivision or land development will be approved with the property line extending through any portion of any existing structure.

407.1 If Structure(s) is to Remain:

- A. In residential zoning districts of the borough, the lot and lot dimensions of the newly created lot containing the structure(s) must be in scale with the height and bulk of the structure, even if this requires a lot area and/or dimensions exceeding the minimum zoning requirement for that district.
- B. In cases where the principal building use has not been as a dwelling, its conversion to a dwelling shall comply with all of the requirements of the Zoning Ordinance and the building Code of the borough.

407.2 If Existing Structure(s) is to be Removed. Subdivision approval will be issued upon the condition of the expeditious removal of existing structures in complete conformity to all other borough procedural requirements. In commercial and industrial areas, plots of land that have been cleared, as well as the existing vacant portions of such land should be developed in conformity with the long-range needs of the area to the extent possible and all developmental requirements embodied in the Building Code and zoning regulations shall be adhered to.

407.3 If Existing Structure is to be Replaced or is to be Added on to. Demolition plans and/or construction plans must be detailed as part of the subdivision plan review and subsequent subdivision approval will be conditional upon compliance with said proposed details. Renovation work to the remaining portion of a structure following partial demolition must be completed promptly and expeditiously.

Section 408. Grading.

408.1 Excavation. No permanent excavation shall be made with a cut face steeper in slope than 1½ horizontal to 1 vertical (66.7%) except under one or more of the following conditions:

- A. The excavation is located so that a line having a slope of 1½ horizontal to 1 vertical and passing through any portion of the face will be entirely inside of the property lines of the property on which the excavation or fill is made.
- B. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than 1½ horizontal to 1 vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to the effect is submitted to the Borough Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified herein before will not result in injury to persons or damage to property.
- C. A concrete or stone masonry wall constructed according to present or future designs of the Souderton Borough is provided to support the face of the excavation or fill.

408.2 Slopes and Fences. The top or bottom edge of slopes shall be a minimum of 3 feet from property, or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines (where walls or slopes are steeper than 1 horizontal to 1 vertical and 5 feet or more in height), shall be protected by a chain

link fence 4 feet in height approved by the borough. The fence shall be an integral part of the wall.

408.3 Site Grading Plan. The Borough Engineer may at his discretion require a grading plan in conjunction with the plan of subdivision or land development in order to ensure compliance with the above standards.

Section 409. Drainage.

409.1 General.

- A. All storm sewers and drainage facilities such as gutters, storm drains, bridges and culverts shall be installed and the land graded for adequate drainage as shown on the grading plan submitted and approved.
- B. Blocks and lots shall be graded to secure proper drainage away from buildings and to allow the collection of stormwater in detention basins. Minimum two percent slopes away from structures shall be required.
- C. Drainage easements shall be required along natural watercourses to a minimum of 20 feet from the center line and may be used for storm and sanitary sewers, and as open space. Where conditions warrant, such as in floodplains, additional widths shall be required in such cases where runoff treatment requires a wider easement. Runoff studies must prove such requirements.
- D. Where stormwater or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the subdivider, owner, developer or builder shall reserve and obtain easements over all lands affected. The easements shall be adequate for such discharge of drainage and for carrying off of such water and for the maintenance, repair and restriction, of the same, including the right of passage over including vehicles, machinery and other equipment for such purposes, and which shall be of sufficient width for such passage and work. The subdivider, developer or builder, shall convey, at no cost, the easements to the borough upon request.

409.2 Design. All drainage provisions shall be of such design as to carry surface water to the nearest practical street, storm drain or natural watercourse. Where drainage swales are used to deliver surface water away from buildings, they shall not be less than 1 percent grade and not more than 4 percent grade. The swales shall be sodded or planted as required and shall be of such shape and size to conform with specifications of the Borough Engineer.

409.3 Construction. The subdivider 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, storm drain or natural watercourse, in accordance with current State Erosion Control and Sedimentation Regulations.

409.4 Open Watercourses. Will be permitted where they exist naturally and where, in the opinion of the departments and/or agencies affected, they will not interfere with public convenience or safety, but in fact will provide comparable or superior drainage capabilities of piped drainage.

409.5 When submitting a plan for approval involving the construction of storm drains, the designer's computations shall be submitted in duplicate to facilitate the checking of design. The following tables and charts shall be used for all computations.

RATIONAL FORMULA FOR AMOUNT OF RUNOFF

$$Q = C i A$$

In which: Q = runoff from district in cubic feet per second

C = runoff coefficient

i = the average intensity of rainfall, in inches per hour, for a period of maximum rainfall of a given frequency of occurrence, and having a duration equal to the time required for runoff from the furthest point in the drainage area to the point considered in design

A = drainage area of district in acres

RATIO OF RUNOFF TO RAINFALL FOR VARIOUS SURFACES

Roofs and all paved surfaces	90%
All other surfaces excepting permanent wooded areas	35%
Permanent wooded areas	20%

TYPE OF CHANNEL	MANNING'S "N" VALUE	VELOCITY FEET PER SECOND	
		MAXIMUM	MINIMUM
Earth	.035	5	3.5
Rubble Lines	.020	10	3.5
Poured Concrete	.015	15	3.5
Reinforced Concrete Pipe	.013	15	3.5
Corrugated Metal Pipe	.025	10	3.5

Reference should be made to PennDOT Design Manual 2 – Table 2.12 or any subsequent amendments thereto for additional list of surfaces.

409.6 If other types or materials of construction are proposed to be used, and approved, the Borough Engineer will furnish on request appropriate “n” values to be used.

409.7 Design Criteria.

- A. Storm drains shall be adequate for the anticipated runoff when the area is fully developed as permitted by zoning. They shall have a minimum internal diameter of 15 inches and a minimum grade of 0.5 percent unless otherwise approved by the Borough Engineer.
- B. 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.
- C. Erosion control measures shall be taken where pipes or channels discharge. Pipes and channels shall be brought into the main channel at an angle of 60 degrees or less.
- D. The maximum permissible discharge velocity shall be 4 feet per second. Acceptable energy dissipation devices shall be installed to bring discharge velocities down to this limit. Riprap will be necessary in the channel to reduce erosion of 20 feet downstream from the pipe

discharge. Additional riprapping may be required by the Borough Engineer where erosion potential is great.

- E. Open ended influent pipes are to be avoided. Where they cannot be avoided, safety facilities shall be constructed.

409.8 Design Features.

- A. All pipe material and its installation shall conform to PennDOT Specifications Form 408. All corrugated metal pipe shall be galvanized, full-coated with a paved invert.
- B. Inlets, headwalls, manholes, etc. shall be as shown in PennDOT Standard Details for Roadways. Maximum inlet capacities shall be determined using the PennDOT Design Manual.
- C. Manholes shall be constructed at all changes in horizontal and vertical alignments. Manholes shall not be more than 300 feet apart where pipe sizes of 24 inches or less 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 roof drains should be discharged to lawns and subsequently to drainage swales. Roof drains will not be permitted to discharge onto parking areas in high density residential, commercial, shopping center or industrial districts. Roof drains may be discharged directly to the street through metal or plastic pipe placed underneath the concrete sidewalk.

409.9 Stormwater Retention.

- A. Stormwater retention 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 the development would increase the peak runoff from the existing conditions. One single-family dwelling not requiring subdivision is exempt from this requirement.
 - 3. Runoff from a proposed parking facility or building would increase the peak runoff from the existing condition.
- B. The design criteria for the stormwater retention facility shall be agreed upon by the Borough Engineer. Developers are encouraged to investigate all measures to reduce and retain water. All reasonable methods shall be considered.

409.10 Design Submission.

- A. All plans showing the proposed storm sewer construction must be accompanied by a complete design submitted by the registered 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 or land development shall be submitted. The proposed design must include the entire tract and not a portion, including all contributing upstream drainage areas and projected land uses.

- C. If only a section of a subdivision or land development is contemplated for construction, the 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 insure 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.

Section 410. Reserve Strips, Rights-of-Way and/or Easements, Deeds.

- 410.1 Reserve Strips – Controlling access to streets, alleys, subdivisions or adjacent areas are prohibited.
- 410.2 Rights-of-Way and/or Easements – For sanitary utilities, road construction or maintenance, or for drainage purposes, public utilities, or for any specific purpose shall be required by the Borough Council as needed and the location and width in each case shall be determined by that body.
 - A. Building setback lines shall be measured from the nearest property line.
 - B. Nothing permanent shall be permitted to be placed, planted, set or put within the areas of an easement. The area shall be kept as lawn.
 - C. The owner of any lot, upon written request by the borough and at the owner’s sole expense, shall remove anything placed, set or out (with or without knowledge of this regulation), within the area of any easement.
 - D. To the fullest extent possible easements shall be adjacent to the rear or side lot line.
- 410.3 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 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.
- 410.4 Utility Easements – A minimum width of 20 feet shall be provided for common utilities and drainage when provided in undedicated land. Nothing permanent shall be permitted to be placed, planted, set or put within the area of an easement, but shall be maintained as lawn.
- 410.5 Public Utilities – All water and gas mains and other underground facilities shall be installed prior to street paving at locations approved by the borough for the full width of the right-of-way.
- 410.6 Underground Utilities – All gas and water mains shall be installed underground. All existing and proposed electric, telephone and communication services, both main and service lines, shall be provided by underground cables, installed in accordance with prevailing standards and practices of the utility or other companies providing such services, except where it is demonstrated to the satisfaction of the Borough Council that underground installation herein required are not feasible because of physical conditions of the lands involved. All main underground cables which are within the right-of-way of a street shall be located as specified by the Borough Council.

The provisions in this ordinance 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.

Light standards are to be placed as required by ordinance. The power source for such standards shall be placed underground as required.

Along collector roads and major highways all new electrical service shall be placed as determined by the Borough Council.

[Ord. 674, 7/2/07]

Section 411. Sanitary Sewers.

411.1 Sewers. Sanitary sewers shall be installed and connected to the borough sanitary sewer system following review of plans and approval by PADER and/or the Sanitation Committee of the Borough Council and the Borough Engineer.

- A. When consistent with the Borough Sewage Facilities Plan, 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. The provisions of and expense for a supplement to the Borough Sewage Facilities Plan shall be the responsibility of the applicant.
- B. When no consistent with the Borough Sewage Facilities Plan, the applicant must request a revision to the plan in accordance with Act 537, "The Pennsylvania Sewage Facilities Act," in order to allow installation of sewers, and must support that revision request with adequate documentation prepared at the expense of the applicant.
- C. Sanitary sewers (size and grade, etc.) shall be constructed according to the regulations of the Sanitation Committee of the Borough Council and the Borough Engineer.
- D. A sewer shall be considered to be planned for extension to a given area any time after preliminary engineering and related studies have been completed and the construction of facilities adequate to serve the area containing the subdivision has been programmed for completion within a reasonable time.
- E. Lateral connections to each lot shown on the final plan shall be installed to the right-of-way line of the street prior to paving. Each building shall have a separate connection to the Borough Sanitation Sewer System.
- F. This section shall be applicable to all subdivisions and land developments, whether utilizing public or private streets; or driveways serving as private streets; and in the case of a subdivision or land development utilizing private streets, the subdivider or applicant shall execute recordable covenant with the borough for the purpose of sewer connections, assessments and rentals, the rights and liabilities of himself and his grantees, heirs, successors and assigns shall be the same as if his property abutted a public street.

Section 412. Water Supply.

412.1 The subdivider shall provide adequate public water service to each lot in a subdivision.

412.2 Where no public water service is available and it would be an undue hardship for the subdivider to have the public water service extended, the subdivider may on approval of the Borough Council, be permitted to construct a well on each lot. All wells shall be constructed according to present rules and regulations of the North Penn Water Authority and/or PADER.

- 412.3 The proposed location of the wells shall be shown on the preliminary plan for each lot. Where there are existing wells on the property or adjoining lots, they must also be shown.
- 412.4 A circular area with a radius conforming to the rules and regulations, or future amendments thereto, of PADER shall be shown around each well to denote clear space in which no on-site sewage system is to be located.
- 412.5 Where no public water service is furnished the circles are not necessary, with the exceptions of those wells lying immediately adjacent to the subdivision. However, the usable area is limited by a clear zone surrounding the water service line to each house as required by PADER.
- 412.6 Fire hydrants shall be located at accessible points throughout the subdivision when centralized water supply is available, and shall be located according to the regulations of North Penn Water Authority and/or PADER. They shall be of sufficient number to insure adequate fire protection. Their type and methods of construction to be employed in the installation of fire hydrants shall be in accordance with the current state regulations and those of the North Penn Water Authority.

Section 413. Special Drainage Problems, Flood-Prone Areas and Watercourses.

- 413.1 Those areas defined as floodplain by the Flood Plain Conservation District of the borough Zoning Ordinance shall be subject to the requirements and restrictions contained in the Subdivision and Land Development Ordinance.
- 413.2 The regulations contained herein are intended to conform to the requirements of Section 1910.3b of the National Flood Insurance Program, P.L. 93-234. Furthermore, it is the purpose of these regulations to:
- A. Regulate any subdivision or land development of flood-prone land areas in order to promote the general health, welfare and safety of the community.
 - B. Require that each subdivision lot or development site in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such sites be designed and installed to preclude flood damage at the time of initial construction.
 - C. Protect individuals from buying lands which are unsuitable for use because of flood hazards by prohibiting the subdivision and development of unprotected flood-prone areas.
 - D. Maintain the certification of Souderton Borough and the eligibility of the property owners in Souderton Borough for the benefits of the National Flood Insurance Program, P.L. 93-234.
- 413.3 Pre-Application Procedures for Subdivisions and Land Developments.
- A. Prospective developers shall consult the Montgomery County Conservation District representative concerning erosion and sediment control measures and the effect of geologic conditions on the proposed subdivision and land development.
 - B. Prospective developers shall consult with the Borough Zoning Officer and, if necessary, the Borough Planning Commission to make a determination as to whether or not the proposed subdivision or land development will be affected by an identified flood-prone area.
- 413.4 The following requirements shall apply to all subdivisions and land developments proposed in Souderton Borough.

- A. Where not prohibited by this or any other codes or ordinances, land located in flood-prone area(s) may be subdivided or developed with the provisions that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other codes or ordinances regulating such development.
 - B. The Borough Council may, when it is deemed necessary for the health, comfort, safety or welfare of the present and future population of the area, and necessary to the conservation of water, drainage and sanitary facilities, prohibit subdivision of any portion of the property which lies within the floodplain of any stream or drainage course.
 - C. No subdivision or land development shall be approved if the proposed development or improvements will, individually or collectively, increase the Established Flood Level or Regulatory Flood Level (where available) more than one foot at any point.
 - D. If the Borough Council determines that only a portion of a proposed plan can be safely developed, it shall limit development to that part or shall require that development proceed consistent with this determination.
 - E. When a developer does not intend to develop the plan himself and the Borough Council determines that additional controls are required to insure safe development, it may require the developer to impose appropriate deed restrictions on land. Such deed restrictions shall be inserted in every deed and noted on the Record Plan.
- 413.5 Where any excavation or grading is proposed, or where any existing trees, shrubs or other vegetative cover will be removed, the developer shall consult the Montgomery County Conservation District representative concerning plans for erosion and sediment control and a report on the soil characteristics of the site in order to determine the type and magnitude of development of site may safely accommodate. Before undertaking any excavation or grading, the development shall conform to all pertinent laws, regulations and ordinances of the Commonwealth of Pennsylvania and Souderton Borough.
- 413.6 Storm drainage facilities shall be designed to convey the flow of surface waters without risk to persons or property. The drainage system shall insure drainage at all points along streets, and insure conveyance of drainage away from buildings.
- The Borough Council may require an underground system to accommodate a 100-year flood and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local and regional drainage plans. The facilities shall be designed to prevent the discharge of increased peak runoff onto adjacent properties.
- 413.7 Any development which creates a significant change in the characteristics of the watershed, thus increasing volume and velocity of surface water runoff due to the decrease in retention and infiltration of stormwater, shall not be permitted until guarantees are made of improvements that will reduce the likelihood of erosion, sedimentation, inundation and water drainage from peak periods of precipitation and provide for controlled disposal of excess surface water. Such improvements must satisfy the requirements and regulations of PADER, Bureaus of Water Quality Management and Dams and Encroachments.
- 413.8 All sanitary sewer systems located in the flood-prone areas, whether public or private, shall be flood proofed up to a point one foot above the Established Flood Level or Regulatory Flood Level (where available).
- 413.9 All water systems in flood-prone areas, whether public or private, shall be flood proofed to a point one foot above the Established Flood Level or Regulatory Flood Level (where available).

If there is an existing public water supply system within or near the subdivision or land development, the Borough Council shall require the developer to connect to this system where practical, and shall prescribe the procedures to be followed by the developer in connecting to said system.

- 413.10 All other public or private utilities and facilities shall be elevated or flood proofed to a point one foot above the Established Flood Level or Regulatory Flood Level (where available).
- 413.11 The Borough Council, in its consideration of any preliminary plan of subdivision or land development, shall condition its approval upon the execution of measures design to prevent accelerated soil erosion and resulting sedimentation, as required by PADER. 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.
- 413.12 All continuously flowing natural watercourses shall be maintained in their natural state, except that removal of debris and correction of severe erosion shall be required.
- 413.13 Intermittent watercourses shall be maintained essentially at their existing alignments and gradients except that they may be improved by minor regarding and shall either be planted in grass or provided with erosion preventive improvements such as rip rap. Paving of such watercourses shall not be allowed, nor shall piping, except under roads, driveways and walkways.
- 413.14 Intermittent watercourses often are significant elements at the headwaters of larger streams, and are usually small in size. Therefore, developers should be encouraged to design and build with respect for these drainageways. The Borough Council may allow rerouting of these drainageways only when serious considerations o warrant, or when the site drainage will be improved by such proposed alignment changes.

Section 414. Erosion and Sediment Control.

414.1 General.

- A. For qualifying tracts, no changes shall be made in the contour of the land; o 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 processed and reviewed by the Borough Planning Commission, or there has been a determination by the Borough Council that such plans are not necessary.
- B. No subdivision or land development plan shall be approved unless: (1) there has been a plan approved by the Borough Council that provides for minimizing erosion and sedimentation consistent with this section and an improvement bond or other acceptable securities re deposited with the borough in the form of an escrow guarantee which will insure installation and completion of the required improvements; or (2) there has been a determination by the Borough Council that a plan for minimizing erosion and sedimentation is not necessary.
- C. The Borough Council, in its consideration of any preliminary plan of subdivision or land development, shall condition its approval upon the execution of measures designed to prevent accelerated soil erosion and resulting sedimentation, as required by PADER. All applicable regulations and permit requirements of said department as stipulated in its Soil Erosion and Sedimentation Control Manual shall be followed by all parties engaged in earth-moving activities. The manual is available at the office of the Montgomery County

Conservation District, Norristown, Pennsylvania. The Borough Engineer shall assure compliance with the appropriate specifications and requirements.

414.2 Performance Principles.

- A. Any effective method of minimizing erosion and sedimentation can be included in the plan. Any questionable method should be discussed with the Borough Engineer prior to submission.
- B. No unfiltered stormwater coming from an area which has been distributed shall be permitted onto an adjacent tract.

414.3 Responsibility.

- A. Whenever sedimentation is caused by stripping vegetation, regarding or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses, and to repair any damage at his expense as quick as possible.
- B. It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale or upon the floodplain or right-of-way thereof, to maintain, as nearly as possible, in its present state the stream, watercourse, swale, floodplain or right-of-way during the activity and to return it to its original or equal condition after such activity is completed.
- C. No person, corporation or other entity shall block, impede the flow of, alter, construct any stream or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the borough or PADER, whichever is applicable.

414.4 Compliance with Regulations and Procedures.

- A. The Borough Council in its consideration of all preliminary plans of subdivision and land development shall condition its approval upon the execution of erosion and sediment control measures as contained in subsection 414.2, 414.3 and 414.4 of this section.
- B. The installation and design of the required erosion and sediment control measures shall be in accordance with the standards and specifications on file with the Borough Engineer.
- C. Final plans for minimizing erosion and sedimentation as approved will be incorporated into the agreement and bond requirements as required under Article V of this ordinance.
- D. The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the final plans of subdivision or land development, and become a part thereof.
- E. At the time that a building permit is applied for, a review shall be conducted by the Borough Engineer and/or Building or Zoning Officer to insure conformance with the plans as approved. During the construction further consultative technical assistance will be furnished, if necessary, by the Borough Engineer and the Montgomery County Soil and Water Conservation District and/or Building or Zoning Officer. During this development phase, the Borough Engineer shall inspect the development site and enforce compliance with the approved plans.

- F. Permission for clearing and grading prior to recording of plans may be obtained under temporary easements or other conditions satisfactory to the borough.
- G. In the event the developer proceeds to clear and grade prior to recording plans, without satisfying conditions specified under subparagraph F., the Borough Council may revoke the approval of the preliminary plan.

Section 415. Bridges and Culverts.

- 415.1 Bridges and culverts shall be designed to meet the current PennDOT standards to support expected loads and to carry expected flows. They shall be constructed to the full width of the right-of-way.
- 415.2 Where county-owned roads or bridges are involved, the Montgomery County Roads and Bridges department must review and approve all proposals.

Section 416. Survey Monuments.

- 416.1 Monuments. Monuments shall be steel pipes or stone or concrete and located in the right-of-way lines at corners, angle points, beginning and end of curves, and as otherwise required. Monuments shall be indicated on all plans. They shall be placed after a new street has been completed. The centerline of all new streets shall be marked with spikes and referenced to permanent monuments or structures. A certified copy of this referenced information shall be given to the Borough Engineer. Permanent reference monuments shall be set by the subdivider, developer or builder, at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections and intermediate points as may be required.
- 416.2 Bench Marks. The borough elevations are based on the Borough Sanitary Sewer System Datum. Location and elevation is available to all engineers and surveyors upon request to the borough office. All contour and elevations shown on plans must be based on this system.
- 416.3 Staking Requirements. All lots shall be staked by the registered engineer or surveyor for the subdivider, when final grading has been completed. This stakeout shall be visible and completed before an owner or occupant moves into the property. All lot corner markers shall be permanently located and shall be at least 5/8-inch metal pin with a minimum length of 24 inches, located in the ground to existing grade.

Section 417. Natural or Historic Feature Preservation.

- 417.1 Limit of Contract. Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a “limit of contract” which will confine excavation, earth-moving procedures and other changes to the landscape, may be required to ensure preservation and prevent destruction of the character of the area in open space.
- 417.2 Tree Preservation. All trees 6 inches or more in caliper at breast height should not be removed unless until the proposed right-of-way line of a street or the location of such trees is impracticable for development. Relocation of noteworthy plant material shall be required where retention is impracticable.
- 417.3 Topsoil Preservation. No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored separately. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10 percent and shall be stabilized by

sodding on slopes 10 percent or more and planted in ground over on slopes 20 percent provided that rip rap shall be utilized for banks exceeding 25 percent.

Section 418. Landscaping.

418.1 Legislative Intent. It is the intent of this section to:

- A. Enhance the pedestrian streetscape.
- B. Maximize and expand Souderton Borough's urban tree canopy.
- C. Conserve energy by moderating solar radiation and providing shade and improve air quality.
- D. Enhance the aesthetic appearance of Souderton Borough and provide privacy and beauty.
- E. Preserve and enhance property values through the implementation of good landscape architectural standards.
- F. Provide planted and architectural visual screens around visually obtrusive site elements within development.
- G. Reduce stormwater runoff velocity and volume by providing planting area where stormwater can infiltrate.
- H. Aesthetically improve stormwater management facilities.
- I. Reduce soil erosion and protect surface water quality by minimizing stripping of existing trees.

418.2 Applicability. All subdivisions and land developments shall comply with the standards of this section.

- A. A landscape plan shall be submitted as part of the preliminary plan submission. The landscape plan shall be prepared by a qualified professional such as landscape architect, horticulturist, urban forester, nurseryman, or landscape designer.
- B. The landscape plan shall depict a planting design that mitigates the impacts of the proposed site activity, is coordinated with the proposed development and the surrounding community character, and complies with at least the minimum planting requirements of this Article.

418.3 Preservation and Protection of Existing Vegetation.

- A. Preservation of Existing Vegetation.
 - 1. All subdivisions and land developments shall be laid out in such a manner as to minimize the removal and/or disturbance of healthy trees, shrubs and other vegetation on the site. Special consideration shall be given to mature specimen trees and ecologically significant woodlands.
 - 2. Removal or disturbance of vegetation in environmentally sensitive areas, including wetlands, floodplains, steep slopes, riparian corridors, Pennsylvania Natural Diversity Inventory (PNDI) wildlife habitats, and ecologically significant woodlands, shall be undertaken only as permitted in Section 418.3D.1.a. to minimize the adverse effects of such actions.
 - 3. The applicant shall prove to the satisfaction of Souderton Borough Council that vegetation removal is minimized. If challenged by the municipality, the applicant shall

produce evidence such as written documents or plans certified by a registered landscape architect or other qualified professional showing that no more desirable layouts are possible and no alternative clearing or grading plan would reduce the loss of mature trees, tree masses, and woodlands.

4. Each freestanding mature tree, tree mass, or woodland on the site shall be designated "TO REMAIN" or "TO BE REMOVED" in accordance with the following criteria:
 - a. A mature tree, tree mass, or woodland shall be designated "TO REMAIN" only if it meets all of the following criteria:
 - (1) The outermost branches of the tree(s) are at least 5 feet or the trunk of the tree at least 20 feet, whichever is greater, from any proposed buildings, structures, paving, parking, or utilities (overhead or underground).
 - (2) The outermost branches of the tree(s) are at least 5 feet or the trunk of the tree is at least 20 feet, whichever is greater 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, do not, by their location or apparent health, pose any undue threat to the health, safety, and welfare of the community.
 - (4) Existing drainage patterns and water supply for the protected vegetation shall be maintained to the greatest degree feasible.
 - b. Mature trees, tree masses, or woodlands that do not fit the above criteria shall be designated "TO BE REMOVED."

B. Protection of Existing Vegetation. Existing vegetation designated "TO REMAIN," in accordance with Section 418.3.A.4 above, as part of the landscaping of a subdivision or land development shall be identified in the field prior to any clearing and shall be physically protected throughout the construction process. A temporary, sturdy physical barrier, such as a snow fence, shall be erected a minimum of one foot outside the dripline or a minimum of 20 feet from the tree's trunk, whichever is greater on all sides of freestanding trees, tree masses, or woodlands prior to major clearing or construction. The barrier shall be placed to prevent disturbance to or compaction of soil inside the barrier and shall remain until construction is complete. The barrier shall be shown on the erosion and sedimentation control plan and the landscape plan. Reference to the sequence of construction notes to insure incorporation of tree protection before the earliest stages of site disturbance.

C. Credit for Preserved Trees.

1. Requirements for street trees and buffer plantings may be met, whenever possible, by preserving existing trees. Credit for existing trees which are "To Remain", as determined in Section 418.3.4., to offset either the street tree or buffer planting requirements are to be calculated as follows:

Figure 1. Credit for Preserved Trees

Preserved Tree (dbh)	Number of Trees Credited (2 ½" caliper)
36" or greater	8 trees
18-35"	6 trees
12-17"	4 trees
8-11"	2 trees

D. Tree Replacement Planting Requirements.

1. Size Requirements:

- a. Any permitted removals (those listed “to be removed”) of trees with 6 inches dbh or greater must be replaced with one or more trees whose total trunk diameter (measured by caliper as nursery stock) equals the total inches in dbh of the tree(s) removed.
 - b. Each mature tree of 8 up to 18 inches dbh which is designated “TO BE REMOVED”, as outlined above, shall be replaced with one tree of not less than two and one-half (2 ½) inches in caliper at the time of planting. The total tree removal impact of woodland areas designated “TO BE REMOVED” shall be measured by a forest density survey that calculates the approximate quantity of trees (with 8” or greater dbh) per square foot area. Calculated woodland tree removals and individual mature tree removals shall be listed on the plan.
 - c. Each mature tree of 18 inches or greater dbh designated “TO BE REMOVED” shall be replaced with one or more trees whose total trunk diameter (measured by caliper as nursery stock) equals the total inches in dbh of the tree removed.
2. Replacement trees shall be planted on the site to mitigate for the existing trees removed, in addition to other landscaping requirements. Proposed replacement tree plantings shall be listed on the plan.
 3. If the site does not reasonably contain enough room for the required replacement trees, the governing body may allow the developer to locate some or all of the replacement trees on public lands or accept an equivalent fee-in-lieu of plantings, at their discretion.
 4. Calculation and estimation of existing trees shall be performed by the applicant and approved by the Borough before any clearing commences and shall be documented on the plan.
 5. Calculation and estimation of the existing trees remaining after construction shall be performed and compared with the calculations of the approved plan. Any tree removals additional to those on the approved plan shall be replaced as required by this section prior to the issuing of any occupancy permits.

418.4 Street Trees.

A. Street trees shall be required:

1. Along all existing streets when they abut or lie within the proposed subdivision or land development except where existing trees serve to meet the planting requirement.
2. Along all proposed streets.
3. Along access driveways that serve five or more residential dwelling units.
4. Along access driveways that serve nonresidential properties.
5. Along major walkways through parking lots and between nonresidential buildings.

B. The street tree requirement may be waived by Borough Council to maintain scenic views of open space, natural features, or other valued features.

C. Street trees shall be located between the ultimate right-of-way line and the building setback line and shall meet the following standards:

1. Trees shall be planted a minimum distance of 5 feet and a maximum distance of 10 feet from the ultimate right-of-way line. However, in certain cases, as follows, Borough Council may permit trees to be planted within the legal right-of-way.
 - a. In areas, where planting areas may already be located within the legal right-of-way.
 - b. In cases where closely spaced rows of street trees may be desirable and future street widening is considered unlikely.
2. In nonresidential developments, trees shall be located within a planting area within the front yard setback, at least ten feet in width, planted in grass or groundcover.
3. In areas where wider sidewalks are desirable, or space is limited, street trees shall be planted in tree wells or a planter strip underlain by structural soil, providing enhanced growth and survivability rates.
 - a. Tree Wells. Tree wells shall be a minimum of 4 feet long x 4 feet wide x 3.5 feet deep below the ground surface. Larger wells are recommended and could be connected with tree grates, concrete unit pavers, and/or cobbles. A 2-foot x 2-foot opening or 2-foot diameter opening shall be left for the tree grate.
 - b. Planter Strip. Planter strips shall not be less than 5 feet wide. If located along a parking stall or stalls, it shall be covered similar to a tree well.
 - c. Root channels or other methods may be used.
4. Trees shall be distributed along the entire frontage of the property, although they need not be evenly spaced. Trees shall be located so as not to interfere with sidewalks, utilities, and the existing streetscape design. Trees shall be planted such that their trunks are a minimum distance of 3 feet from curbs and sidewalks, 12 feet from overhead utilities, and 6 feet from underground utilities.
5. Trees shall be planted at a maximum of one tree per 30 linear feet of street frontage or a minimum at one tree per 20 linear feet of street frontage. Trees shall comply with the requirements of Section 418.10, herein.
6. Tree species shall be selected based on appropriate growth rates and mature heights for use beneath and adjacent to overhead utility lines. The use of tree species selected from the List of Recommended Plant Materials is recommended. Alternative species could be permitted subject to the recommendation of the Borough Engineer and as directed by Borough Council (Appendix A).

418.5 Buffer Plantings.

- A. Use Requirements. Buffer plantings shall be installed in subdivisions and land developments to integrate a new development with its surroundings, to separate incompatible land uses by providing screening and to minimize or eliminate views to certain site elements in compliance with the following regulations:
 1. Buffer plantings shall be required for the following types of development and as otherwise specified in the Souderton Borough Zoning Ordinance:
 - a. All nonresidential development.
 - b. All multifamily, single-family attached and semi-attached development.
 - c. Active recreational facilities.
 - d. Construction of any of the following items:
 - (1) Public utility facilities or structures,
 - (2) Waste collection, storage and/or treatment facilities,

(3) Any other structure of similar character or impact.

2. 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 shall be used. The existing or zoned uses shall be noted on the plan. In the case of several permitted uses on a site, the most restrictive landscaping requirements shall apply. Souderton Borough shall have final approval or interpretation of land uses or zoning map.

B. Buffer Area Location and Dimensions.

1. A buffer planting area of not less than 15 feet in width shall be established along all property lines and external street boundaries of the tract proposed for subdivision or land development, unless otherwise specified in the zoning ordinance. Where zoning regulations allow building setbacks less than 15 feet, the buffer area may be reduced to equal the width of the minimum building setback.
2. The buffer area may be included within the front, side, or rear yard setback.
3. The buffer area shall be a continuous previous planting area consisting of canopy trees, small understory trees, and shrubs, with grass or groundcover. No paving shall be permitted within the buffer areas except for driveway crossing and/or walkways.
4. Parking is not permitted in the buffer area.
5. Stormwater basins are permitted in the buffer area provided that the visual screening requirements of the buffer are met.

C. Minimum Buffer Planting Requirements. The minimum planting requirements shall be determined by the intensity of the proposed land use and the adjacent land use, vacant land, or zoning district, according to Table 1 and 2.

D. Minimum Plant Material Requirements. The following requirements are minimum standards; additional plant material, grading treatments, or architectural elements may be included in the plan, at the applicant's discretion. In accordance with Table 1 and 2, for every 100 linear feet of property line and external street boundaries of the tract proposed for subdivision or land development to be buffered, the following minimum quantities, types and sizes of plant material when planted shall be required:

Table 1. Buffer Standards

Type of Buffer	Plant Material
Softening Buffer	1 canopy tree (2 ½" min. caliper); 2 understory trees (1 ½" min. caliper); 2 evergreen trees (8' min. ht.)
Filtering Buffer	2 canopy trees (2 1/2" min. caliper); 2 understory trees (1 ½" min. caliper); 5 evergreen trees (8' min. ht.); 5 shrubs (24" min. ht.)
Screening Buffer *	8 evergreen trees (8' min. ht.); 2 understory trees (1 ½" min. caliper); 2 tall canopy trees (2 ½" min. caliper); 10 shrubs (24" min. ht.) - or - 15 upright evergreen shrubs (4' min. ht.); 4 ornamental trees (1 ½" min. caliper) or 3 canopy trees (2 ½" min. caliper) - or - an alternative planting design that will result in at least an equivalent degree of visual screening to one of the above screening buffers.

Limited Area/Buffer **	1 upright evergreen shrub per 3 feet (4' min. ht.) - or - 4-6 foot solid fence or wall
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* A screening buffer must be adequate to visually screen the proposed land use or development from off-site view. Several different planting options could be used to create an effective buffer. Grading treatments and architectural features, such as walls, fences and/or naturally undulating berms may be necessary in addition to the minimum planting quantities in order to effectively provide a visual screen.

** The limited area/buffer can be used in older developed areas where space for planting is severely restricted. The planting screen would be equivalent to an evergreen hedge planting. Alternative planting arrangements, such as shade or flowering trees with deciduous shrubs, could be considered in conjunction with a fence or wall, at the discretion of Borough Council.

E. Mitigation of Visual Impacts.

1. The use of a Screening Buffer shall be required to mitigate the adverse visual impacts that the proposed land uses or site elements have on the subject tract, adjoining properties and the community in general. In addition to the requirements for buffer plantings as listed in Table 1 and 2, the following proposed land uses and site elements shall be screened from off-site with a Screening Buffer:
 - a. Dumpsters, trash disposal, recycling areas, and mechanical equipment.
 - b. Service and loading docks.
 - c. Outdoor storage areas.
 - d. Sewage treatment plants and pump stations.
2. 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 at the discretion of Borough Council. The minimum visual effect shall be equal to or exceed that of the required buffer or screen.

Table 2. Property Line Buffers
(See Table 1 for the description of softening, filtering, and screening buffers)

Proposed Use	Adjacent Uses		
	Office/Industrial & Public Recreation	Commercial/Industrial	Two-Family, Multifamily, Single-Family Attached, Mobile Home Park
Office/Institutional *	Softening	Softening	Screening
Commercial/Industrial	Filtering	Softening	Screening
Residential +	Softening	Filtering	Softening
Active Recreation (playing fields, golf courses, swim clubs, etc.)	Screening	Screening	Softening

* All uses in office/limited industrial parks shall be considered office/institutional uses.

+ All mixes uses that have a residential component shall be considered residential.

418.6 Parking Lot Landscaping.

- A. Parking lots shall be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights, to delineate driving lanes, define rows of parking. Furthermore, parking lots shall be adequately landscaped to provide shade in order to reduce the amount of reflected heat and to improve the aesthetics of parking lots.
- B. Planting Regulations. All parking lots shall be landscaped according to the following regulations:
 - 1. Parking Stall Rows:
 - a. One planting island/diamond 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/diamond.
 - b. As an alternative to the previous planting island/diamond requirement (planting island/diamonds located every 10 contiguous parking spaces) the applicant must provide one canopy tree for every 10 parking spaces in other planting areas and in perimeter parking planting areas at the discretion of Borough Council.
 - 2. The ends of all parking rows shall be divided from drives by planting island/diamonds.
 - 3. In residential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 40 stalls.
 - 4. In nonresidential developments, large parking lots shall be divided by planting strips into smaller parking areas of no more than 80 stalls.
 - 5. Planting island/diamonds shall be a minimum of one parking stall or 9 feet by 18 feet in area whichever is greater, underlain by soil (not base course material) and shall be protected by curbing, wheel stops, or bollards. Each planting island/diamond shall contain one shade tree plus low-growing shrubs and/or groundcover to cover the entire area.
 - 6. All planting strips shall be a minimum of 15 feet wide. Strips shall run the length of the parking row, underlain by soil, and shall be protected by curbs, wheel stops, or bollards. Planting strips shall contain plantings of one canopy tree every 25 feet, plus shrubs and/or groundcover to cover the entire area at maturity.
 - 7. The placement of light standards shall be coordinated with the landscape plan to avoid a conflict with the effectiveness of light fixtures.
 - 8. Plant materials shall comply with the requirements of Section 418.10, herein. The use of plantings selected from the List of Recommended Plant Materials is recommended. Alternative species could be permitted subject to the recommendation of the Borough Engineer and as directed by Borough Council (Appendix A).
- C. Screening Requirement. All parking lots shall be screened from public roads and from adjacent properties according to the following:
 - 1. The perimeter of all parking lots shall be planted with a filtering buffer as per Section 418.5.D.
 - 2. The perimeter planting area around all parking lots shall be a minimum of 5 feet in width or as provided elsewhere in the Zoning Ordinance.

418.7 Additional Plantings.

- A. All proposed non-residential structures shall incorporate the following minimum plant materials in the landscaping areas adjacent to the proposed structure:
 - 1. One canopy tree (2½” minimum caliper) or 2 understory trees (8-foot minimum height) shall be planted for every 50 feet of proposed building façade facing a public street.
 - 2. Five deciduous or evergreen shrubs (18” minimum height) shall be planted for every 20 feet of proposed building façade facing a public street.
 - 3. Planting areas shall be a minimum 150 square feet with a minimum 10-foot width.
 - 4. A minimum of 25 percent of the area between the building façade and the property frontage shall consist of pervious planting areas.
- B. All proposed residential lots shall plant at least one canopy tree per 10,000 square feet, or a portion thereof, of lot area. Existing trees to remain may satisfy part or all of this planting requirement.
- C. All proposed attached residential units shall plant a minimum of one canopy tree for every two dwelling units.
- D. At the discretion of Borough Council, if sufficient planting space is not available immediately adjacent to the proposed structure, required building façade plantings may be located on the other areas of the tract.

418.8 Stormwater Basins and Associated Facilities. Landscaping shall be required in and around all stormwater management basins according to the following:

- A. All areas of stormwater management basins, including basin floors, side slopes, berms, impoundment structures, or other earth structures, shall be planted with suitable vegetation such as naturalized meadow plantings or lawn grass specifically suited for stormwater basins. The use of plantings selected from the List of Recommended Plant Materials is recommended. Alternative species could be permitted subject to the recommendation of the Borough Engineer and as directed by Borough Council (Appendix A).
 - 1. Trees and shrubs shall be planted in and around stormwater basins provided they do not interfere in the proper function of the basin and no trees are planted within 30 feet of an outlet/drain structure, emergency spillway or dam. A minimum planting of 2 trees and 10 shrubs per 100 linear feet of basin perimeter shall be planted in and around the basin.
 - 2. Naturalized ground cover plant species, such as wildflowers, meadows, and nonaggressive grasses specifically designed for the permanently wet, intermittently wet, and usually dry areas of stormwater basins, shall be seeded in the floors and slopes of the basin and meet the following requirements:
 - a. The plantings provide a satisfactory continuous cover to all areas of the basin.
 - b. The plantings do not interfere in the safe and efficient function of the basin as determined by the municipal engineer.
 - 3. Lawn grass areas may be sodded or hydro-seeded to minimize erosion during the establishment period. Once established, these turf grass areas shall be maintained at a height of not more than 6 inches.
- B. Basin shape shall incorporate curvilinear features to blend with the surrounding topography.

- C. Minimum grades inside stormwater basins shall be 2 percent and maximum side slopes of the basin shall be 33 percent (3:1 slope).
- D. Stormwater basins shall be screened from adjacent properties using the buffer plantings standards according to Section 418.5.

418.9 Landscape Design Criteria.

A. Design Criteria.

- 1. Plantings shall be placed in arrangements and locations to best mitigate the adverse impacts of proposed site development. The required plant material shall be distributed over the entire length and width of any required buffer area.
- 2. Plantings shall be spaced to comply with the visual mitigation requirements with consideration given to the provision for the future growth habits and mature sizes of selected plant species.
- 3. Plant species selection shall be based on the following considerations:
 - a. Existing site conditions and their suitability for the selected plants based on the site’s soils, hydrology and microclimate.
 - b. Specific functional objectives of the plantings which may include but not limited to visual screening, noise abatement, energy conservation, wildlife habitat, erosion control, stormwater management, and aesthetic value.
 - c. Maintenance and replacement considerations such as hardiness, resistance to insects and disease, longevity, availability and cost of plant materials.
 - d. A minimum variety of tree species is required as follows:

Number of Trees	Minimum Number of Tree Species	Maximum % of Any One Species
0-5	1	100%
6-15	2	50%
16-30	3	40%
31-50	4	30%
51+	5	20%

- 4. Existing native non-invasive trees, shrubs, or woodlands may be substituted for part or all of the required plant material at the discretion of Borough Council. The minimum quantities and/or visual effect of the existing vegetation shall be equal to or exceed that of the required buffer. In order for existing vegetation to qualify for required buffer plantings, proof must be demonstrated that adequate protection measures, particularly in the plant’s root zone, are incorporated into the plan.
- 5. Plant materials shall meet the specifications of Section 418.10.

418.10 Plant Materials Specifications, Maintenance, and Guarantee. The following standards shall apply to all plant materials or transplanted trees as required under this Ordinance.

A. Plant Specifications.

1. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Association of Nurseryman (AAN) Standards.
2. All plant material shall be hardy and within the USDA Hardiness Zone 6 applicable to Montgomery County, Pennsylvania.
3. Proposed plant materials shall meet or exceed the minimum planting size requirement for the intended landscape use.
4. Trees shall be selected that are appropriate for their location. The following factors shall be considered when selecting a tree species: maintenance requirements, hardiness, salt tolerance, shape and form, and the subsurface growing conditions. The use of native species is encouraged.
5. The use of plantings selected from the List of Recommended Plant Materials is recommended. Alternative species could be permitted subject to the recommendation of the Borough Engineer and as directed by Borough Council (Appendix A).

B. Maintenance.

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

C. Landscape Bond.

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

418.11 Plan Requirements.

A. Preliminary landscape plan shall show the following:

1. Existing Features. The location and character of existing buildings, mature tree standing alone; outer limits of tree masses and other existing vegetation; the location of floodplains, wetlands, and other natural features that may affect the location of proposed streets, buildings, and landscape plantings. These features should be differentiated by different line weights on the plan or be on a separate sheet.

2. Proposed Landscaping:
 - a. Approximate location of all proposed landscaping required under this Ordinance.
 - b. Demarcation of existing vegetation “TO REMAIN” or “TO BE REMOVED” and the means of protecting existing vegetation during construction.
 - c. Approximate location of proposed buildings, paving, utilities, or other improvements.

B. Final Landscape Plan

1. Drafting Standards. The same standards shall be required as for a preliminary plan. (See municipal ordinance)
2. Information to be shown:
 - a. Plan scale, date, north arrow, and location map with zoning district designations for the site and adjacent properties.
 - b. Location of all existing and proposed buildings and structures.
 - c. Location of all existing and proposed roads, parking, service areas, and other paved areas.
 - d. Location of all outside storage and trash receptacle areas.
 - e. Sidewalks, berms, fences, walls, freestanding signs, and site lighting.
 - f. Existing and proposed underground and aboveground utilities such as side lighting, transformers, hydrants, manholes, valve boxes, etc. (Reference may be made to other submission drawings).
 - g. All existing and proposed contours at 2 foot intervals to determine the relationship of planting and grading areas with slopes in excess of 3:1 shall be highlighted on the plan.
 - h. Existing mature trees, woodland, and tree masses to remain.
 - i. Existing mature trees, woodland, and tree masses to be removed.
 - j. Location of all proposed landscaping, including required street trees, stormwater basin landscaping, parking lot landscaping, property line buffer, and site element screen landscaping.
 - k. A planting schedule listing the scientific and common name, size, quantity, and root condition of all proposed plant material.
 - l. A schedule showing all landscape requirements and plantings proposed for each category.
 - m. Planting details, including method of protecting existing vegetation, and landscape planting methods.
 - n. Information in the form of notes or specifications concerning seed mix, seeding methods, sodding, groundcover, mulching, and the like, etc.
 - o. 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.
3. This condition may be satisfied through a land development agreement with sufficient and appropriate financial guarantees.

- a4. Certificates. When approved, the landscape plan must show:
 - a. The signature and seal of the registered landscape architect responsible for preparing the landscape plan and details.
 - b. The signature of the subdivider, developer, or builder.
 - c. The signatures of the elected municipal officials, engineer, or landscape architect, and planning commission.

[Ord. 673, 6/4/07]

Section 419. Recreational Areas and Community Assets.

Wherever practicable, provision shall be made for parks, playgrounds and recreational facilities. In all commercial zoning districts, the developer shall provide at least 1,000 square feet of public recreational space for each residential unit. Additionally, in commercial areas, provision shall be made for suitable open space for walkways (connecting parking facilities with commercial structures), malls, sitting areas, etc. Due consideration shall be given to the preservation of natural features, including large trees, groves, waterways, scenic points, historical spots and other community assets. *[Ord. 674, 7/2/07]*

- 419.1 The Borough Council, in exercising their duties regarding the approval of subdivision or land development plans, shall consider the following criteria in determining whether to approve the proposed location of open space area(s) in a proposed subdivision or land development.
 - A. Open space area(s) shall be developed to complement and enhance the manmade environment. In the selection of the location of such areas, consideration shall be given to the preservation of natural features which will enhance the attractiveness and value of the remainder of the property to be subdivided or developed. Such features are: floodplains, including streams and ponds; slopes equal to or greater than 15 percent; mature, permanent vegetation; exceptional views; and other community assets as determined by the Borough Council.
 - B. Said area(s) shall relate to abutting public open space and/or other land uses.
 - C. Said area(s) shall be located and designed so that it does not become a barrier to the handicapped, aged or people with baby strollers.
 - D. Said area(s) shall be at a location conveniently accessible to the residents to be served.
 - E. Said area(s) specifically designated for open space use shall be fully usable and suitable for that purpose.
 - F. Said area(s) shall be of such size and shape as to be usable for passive and/or active recreational uses.
 - G. Said area(s) shall comprise a single parcel of land except where the Borough Council determines that the creation of two or more parcels would be in the public interest and determine that, where feasible, a connecting path or strip of land between the parcels is in the public interest.
 - H. Safe and easy access to said open space area(s) shall be provided either by adjoining public road frontage, public easements, paths, bicycle circulation systems and/or sidewalks. Location of public roads which traverse said open space area(s) shall be avoided wherever possible. Sufficient perimeter parking shall be provided.

- I. Accessway(s) to the site shall be sufficiently wide so that maintenance equipment will have reasonably convenient access to said area(s). In all instances, said open space area(s) shall be maintained in a careful and prudent manner.
- J. Said area(s) shall not include the rights-of-way of any residential development interior street and fuel, power and other transmission lines, whether underground or overhead. Exceptions may be granted by the Borough Council.
- K. Said area(s) shall be to the greatest extent practical, easily accessible to essential utilities, such as water, sewage and power.
- L. Steep slopes, streams, lakes, watercourses, ponds and floodplains may comprise no more than 40 percent of the open space land area. In all instances, a minimum of 60 percent of the open space land area shall be suitable for dry ground recreational use. Fifty percent of the dry ground recreational use area shall not exceed 2 percent finished grade. Exceptions may be granted by the Borough Council in cases of exceptional topography, watercourses and tree coverage.

419.2 The location, form, overall design and use of said open space area(s) shall be approved by the Borough Council of Souderton Borough. The Borough Council shall request the review and recommendation of the Borough Planning Commission before rendering a final decision on the appropriateness of said open space area(s).

Section 420. Mixed-Use Development Master Design Standards.

The design standards for the MUR Mixed Use Redevelopment District provide a clear and decisive tool for managing the visual and physical aspects of its development. These standards provide specific criteria to assist developers to create a built environment that is consistent with the design goals of a “Village Center” concept. To establish a strong sense of place and an attractive image for the Village Center, public improvements and private developments must be coordinated and managed in a clear and coherent fashion. The Master Design Standards provide this guidance in six basic categories:

420.1. Landscape Standards. Landscape standards concentrate on creating a well-designed, pedestrian oriented district and a development that acknowledges the importance and benefits of landscaping and other site features in the Village Center’s built environment.

A. General Requirements:

- 1. Landscape materials selection shall carefully consider the use of native plants and landscaping that is sensitive to such concerns as visual buffering, accent and ornamentation, water usage and fertilization, maintenance concerns, and relationships with plant materials already in the community.
- 2. Plantings shall be designed using species that need minimum fertilization, pesticides, and herbicides.
- 3. Native species and plants beneficial to wildlife must be integrated into buffers and naturalized landscape areas.
- 4. Invasive plants as determined by DCNR and DEP shall not be planted.
- 5. Creation of new lawns shall be restricted to perimeter buffer yards, parking lot islands and usable activity areas within the Village Center. Less dense groundcovers, shrubbery, or natural forest are encouraged. Where lawns are used the seed mix shall be selected to minimize fertilizer, pesticide, water and maintenance requirements.

B. Maintenance Requirements:

1. The owner, tenant or agent thereof shall be jointly responsible for the maintenance of landscaping in a healthy, neat and orderly condition. Dead or diseased plants shall be replaced in a timely manner based on the growing seasons. All landscaped areas shall be kept free of refuse and debris.
2. All plantings shall be maintained with a regimen that does not increase nutrient release to surface or ground waters.
3. The landscaping, buffering, and screening required by these design standards and any other applicable standards shall be maintained in a manner that meets or exceeds the requirements in effect at the time of the development. Damaged or destroyed trees, shrubs, and other plants shall be replaced promptly by the end of the next planting season.
4. It is the intent of the landscape plan for the development to exhibit a landscape theme with densely grown shade tree structure. To that end, all shade and street trees shall be pruned on a yearly basis to insure a dense, wide canopy and branching structure for these trees.

C. Streetscape Landscape Requirements:

1. The following standards specifically address landscaping within the street right-of-way or on private properties directly related to the street. In the Village Center, the intent is to create a pedestrian-friendly streetscape environment. This may be accomplished with a combination of architectural façade treatments at the ground floor level, landscaping and hardscape features such as paving, street furnishings and lighting.
2. The number, spacing and size of street trees that are required along all Village Center streets shall adhere to their regulations established in the Mixed Use Redevelopment District Ordinance.
3. Tree varieties shall be selected that respond to the harsh growing conditions of the suburban environment.
4. Additionally, varieties should be selected that are appropriate for the scale of the space within which they are located. For instance, broad, spreading trees may be appropriate for wide sidewalks and open spaces while more upright varieties may be more suited to narrow streets or alleys.
5. The ground plane treatment of tree pits may be accomplished in several ways including the use of tree grates, cobble stones or other paving materials. Tree pits may also remain open, planted areas. This decision should be based on the volume of pedestrian activity anticipated on each street and the available sidewalk dimension.
6. Roadway medians shall be landscaped with trees, groundcovers, and/or ornamental plantings.
7. The goal is to have the street trees along public streets as continuous and close together as practical. Twenty-five to 30-foot spacing is desired and 35 feet is the maximum. Final tree placement will be subject to tree type, building entries, and other special features, utility locations and sight distance requirements.

D. Site Landscape Requirements:

1. All plant materials shall be sized so that landscaping has an attractive appearance at the time of installation and a mature appearance within three years of planting.

2. Shade trees, not including street trees, shall be at least 3-inch caliper at the time of installation unless otherwise required. Flowering and evergreen trees shall be at least 10 feet in height at the time of installation. All shrubs, except accent, color or ground cover planting, shall be at least 3 feet in height or spread at the time of planting.
3. All proposed foundation shrubs (except accent, color or ground cover planting) shall be a minimum of 3 gallon size.
4. Shrubs and ground cover plants shall be spaced close enough together to ensure an attractive and mature planting effect.
5. The use of native plant species is encouraged and should be maximized as appropriate to the site and the context of the surrounding development.
6. Tree species shall be selected for root growth habits that will not cause damage to sidewalks, or shall be protected by root barriers, or sited away from hardscape areas. The selection and planting of trees shall encourage the planting of higher canopy shade trees as opposed to lower growing ornamental tree species.
7. Proposed landscaping should coordinate with landscaping of surrounding properties to reinforce the character of the overall development.
8. Landscaping shall permit adequate sight distance for motorists and pedestrians entering and exiting a site and shall not interfere with circulation patterns.

E. Loading Areas and Dumpster Landscape Requirements:

1. To the extent possible, loading areas and dumpsters shall be located out of view from adjacent properties and major public and private streets.
2. Where loading areas and dumpsters will be visible from adjacent properties or major public and private streets, the screening of these facilities will be required. Screening may be accomplished by the use of decorative walls, fences or evergreen landscaping, or a combination of these.

420.2 Streetscape Standards. Streetscape standards guide the treatments of the Village Center streets and the public spaces within the right-of-way, and along private streets, to set a coordinated image and a strong framework for the built environment.

A. Pedestrian Circulation Requirements:

1. Pedestrian walkways that are a part of a well-conceived public environment establish connections within residential areas, between residential and commercial centers, and between employment centers and supporting commercial uses. The pedestrian system should provide the framework that connects public and private activity spaces and buildings.
2. All minimum sidewalk widths shall be considered clearance widths from obstacles such as trees, lights, power poles, fire hydrants, street furniture and signage.
3. Sidewalks along all streets may be located either directly behind the curb line or behind required planting strips.
4. Sidewalks shall be set behind the required planting strips along all other roadway types, unless otherwise approved.

5. Marked crosswalks and pedestrian on-demand traffic signal systems must be provided at all intersections that are signalized or where sidewalks are required along at least one of the intersecting roadways. On demand traffic signal systems may be required at congested signalized intersections where provision of walk time in signal cycles will cause further delay and pedestrian traffic is low at peak periods.
6. Marked crosswalks must be provided to connect sidewalks at all intersections where sidewalks are required along at least one of the intersecting roadways and where stop signs face the roadway perpendicular to the required sidewalks. Crosswalks may be indicated by stamped asphalt patterns, contrasting colored pavers or patterned colored concrete paving.

B. Sidewalk Cafe Requirements:

1. Sidewalk cafes are seating areas associated with restaurants along the public right-of-way or along private streets. They may be located adjacent to the internal street or within the public right-of-way.
2. There shall be a minimum of 6 feet clear distance free of all obstructions to allow adequate pedestrian movement along the sidewalk. This minimum distance shall be measured from the portion of the cafe that is nearest either the curb line or the nearest obstruction. When calculating this minimum clear path, parking meters, traffic signs, and trees that have gratings flush to grade without fences or guards shall not count as obstructions. There shall also be a minimum of 8 feet by 8 feet clear sidewalk at each cafe entrance.
3. No portion of sidewalk cafes, such as doors, windows, walls, or any other objects associated with a sidewalk cafe, shall swing or project beyond the designated exterior perimeter of the sidewalk cafe. Fire exit doors shall be exempt from this provision.
4. Furnishings of a sidewalk cafe shall consist solely of moveable elements such as tables, chairs, umbrellas, planters, self-supporting railings and fences, and other moveable accessories.
5. No structure or enclosure to accommodate the storage of trash may be erected or placed adjacent to, or separate from, the sidewalk cafe or adjacent to an internal street or within the public right-of-way.
6. Awnings over unenclosed sidewalk cafes are not required, but are encouraged.
7. At no point shall the awning of an unenclosed sidewalk cafe be lower than 7 feet above the floor of the cafe.
8. To maximize visual access, the height of all railings or planters including the vegetation therein, shall not be higher than 30 inches except where the Americans with Disabilities Act (ADA) or International Building Code (IBC) requirements govern.
9. All obstructions shall be removed from the sidewalk during periods when the unenclosed sidewalk cafe ceases operation for the season, except for the planters that may be placed with their longest sides against the wall of the restaurant.
10. The sidewalk cafe shall be at the same elevation as the adjoining sidewalk. Paint, grass or artificial turf, carpet, platforms, or any other surface cover or treatment of any kind shall not be permitted to be placed upon the area designated for an unenclosed sidewalk cafe at any time. However, in the event of a major grade change, the floor level may be elevated, subject to the Americans with Disabilities Act (ADA) restrictions.

C. Merchandise Displays Adjacent to Internal Streets or within Public Rights-of-Way Requirements:

1. Merchandise displays are temporary sales displays set up outside of shop entrances to bring activity to the street. They allow retailers to display small racks of books, sidewalk sale items, or other items intended to draw customers. They are not intended to be outdoor storage areas or permanent displays.
2. Where permitted, merchandise displays may occupy sidewalk area at a ratio of 1/2 of a square foot per 1 linear foot of primary building façade, provided that minimum clearance widths are maintained.
3. All merchandise displays must be completely moveable and must be removed from the sidewalk at all times the associated establishment is closed.

D. Furniture:

1. Streetscape furniture such as benches and trash receptacles must be integral elements of the streetscape and should be coordinated throughout the Village Center. An approved list of street furniture will be submitted by the applicant subject to approval by the Borough. The property owner must maintain streetscape furniture unless otherwise agreed to by the Borough.
2. At least one trash receptacle shall be provided per 400 linear feet of roadway.
3. At least one bench shall be provided per 200 linear feet of roadway.
4. At least one bench shall be provided within 50 feet of eating establishment or civic entrances unless directly associated with a sidewalk cafe.
5. Exterior vending machines are prohibited within the Village Center district unless they are screened by enclosures approved by the Borough Council.
6. Bike racks shall be appropriately located near major activity areas and shall be placed so as to be convenient, without creating an obstruction to pedestrian travel or creating visual clutter.

420.3 Site Design Standards. Site design standards direct the organization of space within the individual and mixed use developments to attain a coordinated image and provide integration with neighboring sites and the community at large.

A. Site and Building Relationship:

1. The successful siting and orientation of the buildings is intended to produce a Village Center, Mixed-Use development that avoids the design of a traditional strip-style commercial shopping center. The site plan and building arrangement shall avoid aligning the buildings in a linear fashion surrounded by large parking areas.
2. To that goal, the siting and orientation of the buildings shall be clustered whenever possible to avoid the linear building arrangement and to create interesting pedestrian and public spaces that promote outdoor dining, public assembly, and other functional site areas.

B. Site Access and Circulation Requirements:

1. Site access and circulation is a critical feature of the site design process. Pedestrian and bicyclist routes as well as motorist needs must be given careful consideration to avoid conflicts and coordinate internal systems with neighboring properties and public roadways.

2. The pedestrian system shall take precedence over the vehicular whenever conflicts or crossings arise. This means that clear, comfortable pedestrian crossings shall be provided and vehicular traffic shall be made to slow for pedestrians through signage, raised crossings, rumble strips or other means.
3. Sidewalks no less than 6 feet in width shall be provided along the full length of all buildings not fronting a public street or internal street along any facade featuring a customer entrance and along any façade abutting customer or public parking areas. Permanent planters or landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than 25 percent of their length shall also be provided along the curb or in the sidewalk area, not necessarily next to the building.
4. Continuous pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. It is encouraged that these walkways feature either adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials, or arcades, awnings, or window displays.
5. Additional walkways no less than 6 feet in width, shall be provided to connect focal points of pedestrian activity such as transit stops, street crossings, and building and store entry points and it is encouraged that they feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials, or arcades, awnings, or window displays for no less than 25 percent of their length.
6. A pleasant, convenient, paved pedestrian walk that coordinates with adjacent properties shall be provided for any high concentration of uses.
7. All pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or concrete to enhance pedestrian safety and comfort and the attractiveness of the walkways. Pedestrian walkways must comply with the requirements of the Americans with Disabilities Act (ADA).
8. Special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, or other architectural elements should be used to define pedestrian walkways.

C. Service Areas Requirements:

1. Service areas for loading, trash collection, and outdoor storage are to be screened from neighboring properties and public streets to mitigate visual and noise impacts to the maximum extent possible.
2. Loading areas, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are minimized and out of view from adjacent properties as well as internal and public streets to the maximum extent possible.
3. Electrical transformers installed as part of a new project, shall be surrounded by planting beds of at least 5 feet wide and softened with landscaping or otherwise screened on all sides by fencing, walls or landscaping, etc. No areas for outdoor storage, trash collection or compaction, loading, or other such uses shall be located within 15 feet of any private or public street right-of-way, sidewalk, or internal pedestrian walkway.

D. Outdoor Storage Requirements:

1. Outdoor storage is not encouraged in the Village Center. Based on its site design, screening and conformance with the following standards, Borough Council may approve outdoor storage. Outdoor storage shall be hidden from public view as much as possible.
2. Outdoor areas for the storage, sale or rental of merchandise, motor vehicles, machinery, or equipment are not permitted in the Village Center.
3. Parking areas for the long-term parking of boats, recreational vehicles, trucks, or other vehicles are not permitted in the Village Center.

E. Merchandise Displays Requirements:

1. Merchandise displays are temporary sales displays set up outside of shop entrances to bring activity to the street. They allow retailers to display small racks of books, sidewalk sale items, or other items to draw customers. They are not intended to be outdoor storage areas or permanent displays.
2. Merchandise displays are permitted to occupy on-site walkway space or activity space area at a ratio of 0.5 square feet per 1 linear foot of the primary building façade, provided that a minimum clearance width of 5 feet is maintained.
3. All merchandise displays must be completely moveable and must be removed from public view at all times the associated establishment is closed.

420.5 Architecture Standards. Architecture standards are intended to ensure the Village Center style of building size and massing, and the overall consistency of an architectural theme while allowing for a diversity of building uses, styles and scales.

A. Massing Requirements:

1. Building massing standards relate to how the size and bulk of a building is broken up and distributed to relate in an attractive and considerate manner to accompanying uses and developments. Good massing techniques can improve solar exposure in pedestrian spaces, adapt a large building to pedestrian scale, and create visually interesting architectural features and public places.
2. Buildings shall be designed to avoid undesirable environmental impacts on adjacent open spaces and other properties. Environmental factors to consider include sun, wind, noise, shadow and reflection
3. Buildings and structures shall be designed as not to have adverse impact on the distribution of natural and artificial light and the quality of views on adjacent properties.
4. Buildings shall be designed to achieve a fine-grained texture for new development by dividing large facades into the appearance of several buildings or sections to avoid the appearance of a large building mass.
5. Buildings and extensions of buildings shall be designed to form, overlook, and interact with outdoor spaces. Use of building shapes and elements such as courtyards, balconies, arcades, terraces, and decks shall be used to integrate the building with the surrounding landscape, streetscape, and public spaces.
6. Towers, spires, chimneys, and other similar uninhabited features may extend to a maximum of 10 feet above the roofline on all buildings.

B. Facade Requirements:

1. All Village Center buildings shall be designed and detailed consistently on all sides that are visible from public view including the rear and side elevations.
2. All buildings shall feature a distinct base, middle, and top. Each base, middle, and top division shall be proportionate to the scale of the building.
3. Base features are intended to visually ground the building and relate it to pedestrians along the sidewalk. Each building must incorporate at least three of the following elements into the base design:
 - a. A change in material;
 - b. A change in color;
 - c. A cornice line;
 - d. Windows that are different from, but compatible with the main body of the building;
 - e. A stepped facade;
 - f. Facade articulations that are different from, but compatible with, the main body of the building or;
 - g. Other approved detail.
4. The middle area of the facade design shall feature a consistency in materials, windows, rhythm, and colors whether the middle area is one-story or many stories.
5. Top area features shall be designed to relate proportionally to the rest of the building design and visually tie the building to the skyline. The top shall include at least three of the following elements:
 - a. A change in material;
 - b. A change in color;
 - c. Cornice lines;
 - d. Eaves;
 - e. Detailed rooflines; or
 - f. Other approved detail.
6. While not as highly detailed as ground level floors, upper floors on a facade shall have fenestrations, detailing, and material changes creating a rhythmic face design that coordinates with the ground floor level.
7. In the Village Center, non-residential facades greater than 100 feet in length, measured horizontally, shall be articulated. No uninterrupted length of any facade shall exceed 50 horizontal feet.

C. Roof Requirements:

1. Roof lines shall be varied through two or more of the following methods. The maximum roof length without a variation shall be 60 feet.
 - a. Dormers: A projection from a sloping roof that contains a window.
 - b. Roof line with architectural focal point: A prominent rooftop feature such as a peak, tower, gable, dome, barrel vault, or roof line trellis structure.

- c. Roof line variation: The roof line articulated through a variation or step in roof height or detail.
 - d. Projecting cornice: Roof line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
 - e. Articulated parapet: Roof line parapets shall incorporate angled, curved, or stepped detail elements.
 - f. Pitched roof or full mansard: A roof with angled edges, with or without a defined ridgeline and extended eaves.
 - g. Terraced roof: A roof line incorporating setbacks for balconies, roof gardens, or patios.
2. Variations in roof lines should be used to add interest to and reduce the scale of large buildings.
 3. Roof features should complement the character of neighboring structures within the Village Center district.
 4. Flat-roofed buildings shall feature three-dimensional cornice treatment on all walls visible from internal and public streets or walkways unless they are stepped and terraced back to form usable roof terrace area(s).

D. Service and Mechanical Systems:

1. All rooftop mechanical equipment shall be screened from view from internal streets, public streets and walkways. Noise, odor, and heat generating equipment should be located well away from pedestrian areas and set well above such areas where possible.
2. All roofs shall drain to rain leaders connected to underground approved stormwater management systems.

E. Canopy and Awning Requirements:

1. Canopies and awnings are not required elements of building facades but are encouraged and may be incorporated to meet facade or frontage standards.
2. An awning is a roof-like covering or shelter usually constructed of canvas or other fabric and extending out from the façade of a building. A canopy is a structural and permanent roof-like covering or shelter, usually constructed of metal, wood, or glass. A canopy may extend out cantilevered from a building facade with the support of steel rods or may be freestanding.
3. Where canopies do occur, they must be designed to be integral features of the building design by blending with the building roofline.
4. Awnings shall be constructed of Sunbrella™ or similar canvas type fabric on internal metal frames or other approved material.
5. Awnings may not exceed 200 square feet unless covering the linear length of a walkway and may project no more than 10 feet from the face of the attached building.
6. The color of an awning and/or canopy should be compatible with and complementary to the color and material of the building to which it is attached.
7. Internally illuminated canopies are prohibited.
8. Canopies and awnings containing logos, text or other sign elements must follow standards for signage.

F. Material and Color Requirements:

1. Exterior building materials and colors comprise a significant part of the visual impact of a building and the district as a whole. Therefore, they should be aesthetically pleasing, complimentary as a color palette and compatible with materials and colors used throughout the Village Center district.
2. Walls shall have a primary and one or more accent materials. The accent materials may be a complementary color to the primary material.
3. Primary materials shall be textured materials such as brick, stone, and wood and shall be used in a repeating pattern as integral parts of the exterior building fabric. Other exterior materials, if any, shall be used as integral parts of the overall building fabric, in repeating modules, proportioned both horizontally and vertically to relate to human scale.
4. Primary materials may be one of the following:
 - a. Brick (standard or oversized)
 - b. Natural Stone
 - c. Precast Concrete masonry units
 - d. Stucco (including EIFS)
 - e. Wood
 - f. Cement Board Siding
 - g. Other approved material
5. Accent materials may be one of the following:
 - a. Stucco (including EIFS)
 - b. Precast Concrete
 - c. Glass Block
 - d. Prefinished metal panels
 - e. Wood
 - f. Brick
 - g. Natural Stone
 - h. Concrete masonry units
 - i. Glazed tile
 - j. Other approved material
6. The following materials are prohibited:
 - a. Cement block with a plain finish
 - b. Prefabricated tilt-up metal
 - c. Corrugated metal
7. Building materials shall not be used in a manner to satisfy minimum materials requirements yet be applied in a non-traditional manner or in a manner inconsistent with sound judgment and proven structural applications. For example, artificial stone or brick applied in a manner so as to be structurally impossible had authentic materials been utilized. Such brick, masonry, stone, or other decorative facing shall extend to, at least, the first structural break along the sides of the structure.

420.5 Signage Standards. Signage standards provide approaches to sign design that ensure visibility and character without dominating the built environment.

- A. A signage program shall be established for the Village Center to avoid the chaos and clutter resulting from competing mixed uses and tenants. The program will be evaluated relative to the attractiveness of the signage, cohesive (and uniform, when appropriate) appearance (color, material, and scale), reduction of clutter, and the need for signage. Sign size, height, location, and material should strongly relate to building design and scale (including the streetscape and landscape features) to create a coordinated, legible environment. Standardized or corporate signage that does not relate to building architecture or the overall Village Center program is discouraged.
- B. All signage submittals for the Village Center will be reviewed and approved by the Borough Council and the Planning Commission.
- C. All signs should be architecturally integrated with their surroundings in terms of size, shape, color texture, and lighting so that they are complementary to the overall design of the buildings.
- D. Signs should reflect the character of the building and its use.
- E. Signs should respect the immediate context of the building's location and the overall character of the Village Center.
- F. Signs should enhance the primary design elements or unique architectural features of buildings.
- G. Signs should be designed with the purpose of promoting retail and street activity while enhancing the pedestrian experience.
- H. The size and location of signs and its letters should be located in logical "signable areas" which relate to the pattern of the façade.
- I. The number of signs per building façade shall be limited to the fewest necessary to clearly identify businesses located within.
- J. Design elements such as window patterns (vertical and horizontal rectangles, arches, squares, etc.) shall be considered to determine the sign shape that will suit the building.
- K. All signs are to be maintained properly such that they are always in clean, working condition and the copy is not obscured or damaged.
- L. All signs proposed for existing buildings and proposed buildings shall provide a compatible appearance with the existing signage of other users. Signs shall unify the user with its nearest neighboring users.
- M. Commercial signage below office uses and/or residential units shall be located so as not to create glare that impacts the upper story uses.
- N. For freestanding signs, a combination of shrubs and/or flowering or evergreen trees should be provided at the base and as a backdrop to visually soften and anchor the sign to other related site improvements.

420.6 Lighting Standards. Lighting standards are intended to provide a comprehensive plan for the safe, efficient, and aesthetic treatment of the lighting throughout the Village Center insuring appropriate light levels, restricting glare, and incorporating an appropriate design theme throughout the site.

A. The Village Center streetscape lighting shall incorporate a signature light or lights throughout the building center. The Applicant shall choose these light fixtures with input from the borough. The chosen fixtures shall be selected according to the following guidelines:

1. They shall be ornamental and attractive as a streetscape design element.
2. They shall relate to the pedestrian scale of the sidewalk.
3. They shall be designed to direct light where needed and protect neighboring areas from glare.

B. Lighting Requirements.

1. Lighting fixtures for individual residential, commercial, and office uses shall be chosen to coordinate and compliment the chosen design of public street light fixtures. In choosing site fixtures, the structural ability of poles to hold hanging baskets and banners shall be considered.
2. Lighting levels throughout the Village Center shall be designed to coordinate with light patterns from public street lights and shall not create glare to neighboring properties or from the roadway.
3. All pedestrian walkways within 30 feet of buildings must maintain an illumination level of not less than 0.5 horizontal foot candles and a maximum/minimum uniformity of not less than 15:1 from sunset to sunrise.
4. All other pedestrian walkways must maintain a minimum illumination level of not less than 0.2 horizontal foot candles and a maximum/minimum uniformity of not less than 20:1 from sunset to sunrise. Motion sensors may be provided to reduce light these light levels to no less than 2 percent of these light levels when people are not present.
5. Evaluation of parking lot lighting designs shall be based upon the following:
 - a. Light intensity levels shall adhere to recognized standards of the illuminating Engineering Society of North America (IESNA) or other recognized standards.
 - b. A maximum illumination level of not more than 0.1 horizontal foot candles generated from the proposed development shall be permitted to project beyond the property lines to an adjacent property.
 - c. Lighting shall be fitted with house shields where necessary to insure that the illumination does not project beyond property lines.

[Ord. 684, 9/8/09]

ARTICLE V IMPROVEMENT CONSTRUCTION REQUIREMENTS

Section 500. Applicability.

The improvement construction requirements set forth in this Article apply to all applicants submitting a final plan for subdivision of land or land development in the Borough of Souderton. No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land may be issued, and no building may be erected, until the improvements required by the Borough Council in connection therewith have either been constructed or guaranteed herein this Article.

Section 501. Required Improvements.

- 501.1 The applicant shall agree in writing to construct streets and other improvements required by this ordinance from the lot or lots to be sold or built upon to an existing improved street, subject to the provisions of Section 103.2, herein. The work shall be performed in strict accordance with approved plans and borough standards and specifications, or the applicable provisions of PennDOT Specifications 408, latest edition, or any subsequent number or section thereof. No plan shall be finally approved until the developer has completed all of the necessary and appropriate improvements as required as a condition for final approval of a plan or until such time as the applicant has provided a proper completed guarantee in the form of a bond, bank guaranteed escrow account, cash or letter of credit, at the discretion of the borough, in escrow sufficient to cover the cost of the required improvements and engineering as estimated by the Borough Engineer including up to a 15 percent contingency factor and provisions for yearly review for inflation. The applicant shall also guarantee that no lot will be sold or building constructed in any flood-prone area prior to completion of all flood-proofing measures planned for such lot and necessary access facilities.
- 501.2 Any bond, bank guaranteed escrow account, cash or letter of credit shall assure the complete installation of the required improvements within a period, not longer than 3 years, and the proceeds of such security shall be made payable directly to the borough for installation of the required improvements in case of the default of the contractor. The Borough Council, with the consent of all parties to the bond or other security may extend such period upon written application of the subdivider prior to the expiration of such period or upon its own motion at any time prior to the declaration of a default in the security guarantee.

Section 502. Release from Liability.

- 502.1 The bond, bank guaranteed escrow account, cash or letter of credit shall be released only upon complete installation of the required improvements in accordance with the approved construction plan. Strict compliance with procedures established by Section 510 of Act 247, "The Pennsylvania Municipalities Planning Code," shall be followed with respect to the release of the security provided. If the Borough Council fails to comply with the time limitations of Section 510 all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the security provided.
- 502.2 If the required improvements are not completely installed within the fixed period of 3 years or any extension granted by the Borough Council, the Borough Council shall be authorized to declare the applicant in default and to authorize the Borough Manager to collect the amount provided as security. Upon receipt of such security, the borough shall install such improvements as were covered by the security and as are commensurate with the extent of building development which has taken place in the subdivision or land development, not exceeding the cost, however, the amount of security provided.

Section 503. Public Utilities and Laterals.

All sewers (capped and operative), water, gas, electric, telephone and other pipes and conduits, and all service connections or laterals shall be laid to the full width of the ultimate right-of-way, where the need therefore can be reasonably anticipated, before streets are paved. The arrangements for said service connections or laterals shall be the responsibility of the subdivider, developer or builder.

Section 504. Inspection of Work and Materials.

- 504.1 Notice. The Building Inspector and/or Borough Engineer shall be notified 48 hours in advance of the commencement of any construction or installation operation, in order that provision may be made for inspection by the borough.

Construction and installation operations shall also be subject to inspection by the Borough Engineer or other borough officials during the progress of the work. The subdivider, developer or building shall pay for all inspections.

- 504.2 Samples of Materials. Samples of the materials shall be furnished by the borough in the same manner as is required of contractors under the highway and sanitary drainage specifications.

- 504.3 Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curb, sidewalks or any other facility within a borough right-of-way or easement shall be supplied to the borough.

Section 505. Off-Site Improvements.

Certain improvements beyond the geographical boundaries of a site to be subdivided and/or developed, including but not limited to road improvements, may be required to be constructed where it can clearly be demonstrated that such improvements have been made necessary solely through the additional burden imposed by the subdivision and/or development of the site. The Borough Solicitor shall render final judgment in any instances where a dispute arises as to the direct casual relationship for the improvement(s). The subdivider or developer may be required to cover costs which must be incurred by the borough or other governmental jurisdiction in order to make these improvements feasible (for example, but not limited to, right-of-way acquisition). The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those herein prescribed for Section 501, Required Improvements.

ARTICLE VI
CONDOMINIUMS AND CONDOMINIUM CONVERSIONS

Section 600. Applicability.

The procedures set forth in this Article shall be followed by all applicants proposing to develop land or buildings to be maintained under the condominium form of ownership, or to convert existing land or buildings from its present ownership to the condominium form of ownership in Souderton Borough.

Section 601. Purpose.

In addition to all other requirements set forth in this ordinance and not in conflict with the requirements of this Article, a Declaration, a Declaration Plan and a Code of Regulations for any proposed condominium, shall be approved by the Borough Council in accordance with the requirements set forth in this Article and the Unit Property Act (July 3, 1963, P.O. 196), prior to submission of said documents for proper recording to the Recorder of Deeds of Montgomery County. Furthermore, this Article shall provide for the revocation of an approved condominium and subsequent recording of same by appropriate means.

Section 602. The Declaration.

602.1 Submission. In addition to all plans required pursuant to Article III of these regulations, six copies of the Declaration shall be submitted to the Borough Manager or Building and Zoning Officer, accompanied by an application for approval. The Borough Manager or Building and Zoning Officer shall transmit one copy of each to the following for review and recommendations at least 45 days prior to the date on which the Borough Council is to take action: Borough Engineer, Borough Planning Commission and the Montgomery County Planning Commission. The Borough Planning Commission shall transmit the Declaration to the Borough Council with its recommendations for action by Borough Council.

602.2 Contents of the Declaration. The Declaration shall contain the following:

- A. A reference to the Unit Property Act and an expression of the intention to submit the property to the provisions of the Unit Property Act;
- B. A description of the land(s) and building(s) in question;
- C. The name by which the property will be known;
- D. A statement that the property is to consist of units and common elements as shown in a Declaration Plan;
- E. A description of the common elements and the proportionate undivided interest, expressed as a percentage, assigned to each unit therein, which percentages shall aggregate 100 percent;
- F. A statement that the proportionate undivided interest in the common elements may be altered by the recording of an amendment duly executed by all unit owners affected thereby, subject to borough review and approval, as set forth herein;
- G. A statement setting forth the purposes or uses for which the common areas and each unit are intended and restrictions, if any, as to their use;
- H. The names of the initial members of the Council Homeowners' Association or other entity created to maintain common areas; and

- I. Any further details in connection with the property which the party or parties executing the Declaration may deem appropriate, and any details and information the Borough Council or Borough Planning Commission may require to properly review the development, to promote the public health, safety and welfare and to protect the rights of the residents of the proposed condominium.

602.3 Declaration Approval.

- A. After the Declaration has been reviewed and any appropriate comments filed by the Borough Planning Commission, the Borough Engineer and the Montgomery County Planning Commission, the Declaration will be presented to the Borough Council for final approval. The Borough Council shall act on the Declaration with 90 days of the date of submission.
- B. If the Declaration is approved by the Borough Council and any applicable filing fee has been paid by the applicant, the following procedure should be followed:
 1. Applicant or his authorized representative presents three copies of the Declaration approved by the Borough Council to the Building and Zoning Officer at the borough office. If the applicant wishes to have copies of the certified Declaration for his records he should submit such copies in addition to the three required.
 2. The Building and Zoning Officer will have the copies of the Declaration certified by the appropriate borough officials and the borough seal will be embossed on the Declarations.
 3. The Building and Zoning Officer will then notify the applicant that the certified copies of the Declaration may be picked up. The applicant should then have the Declarations notarized.
 4. The applicant shall then take the Declarations to the Courthouse in Norristown. The Declarations should first be submitted to the Montgomery County Planning Commission. They will sign and place their stamp on the Declarations and will retain one copy for their files.
 5. The applicant shall then have the remaining copies of the Declaration signed by the Montgomery County Recorder of Deeds. The Declarations should be marked to include the plan book and page number where the Declaration is recorded. The Recorder of Deeds will retain one copy of the Declaration for his files.
 6. Finally, the remaining copies of the Declaration must be returned to the Building and Zoning Officer at the Souderton Borough Hall.

Section 603. Declaration Plan.

- 603.1 Submissions. In addition to all plans required pursuant to Article III of this ordinance, one copy of the Declaration Plan on linen or mylar drafting film, 24 inches by 36 inches, as specified by the Recorder of Deeds of Montgomery County shall be submitted to the Borough Manager together with six paper prints accompanied by an application for approval. The Borough Manager or Building and Zoning Officer shall transmit one copy to each of the following for review and recommendation at least 45 days prior to the date on which the Borough Council is to take action: Borough Engineer, Borough Planning Commission, and the Montgomery County Planning Commission. The Borough Planning Commission shall transmit the Declaration Plan to the Borough Council with its recommendations for action by the Borough Council.
- 603.2 Contents of Declaration Plan. The Declaration Plan shall show the property, the location of the building(s) thereon, the building(s) and layout of floors of the building(s) including the units and

the common elements and the name by which the property will be known, the unit designation for each units therein, and shall bear a certified statement of a registered architect or licensed professional engineer certifying that the Declaration Plan fully and accurately sets forth the forgoing.

603.3 Declaration Plan Approval.

- A. After the plan has been reviewed and comments filed by the Borough Planning Commission, the Borough Engineer, Montgomery County Planning Commission and the Development Committee of the Borough Council, the plan will be presented to Borough Council for final approval. The Borough Council shall act on the plan within 90 days of the date stamped on the plan.
- B. If the plan is approved by the Borough Council and the Declaration Plan filing fees have been paid by the applicant, the following procedure should be followed:
 1. Applicant or his authorized representative presents two linen and two paper copies of the Declaration Plan approved by the Borough Council to the Building and Zoning Officer at the borough office. If the applicant wishes to have copies of the signed Declaration Plan for his records, he should submit such copies in addition to the four required.
 2. The Building and Zoning Officer will have the plans signed by the appropriate borough officials and the borough seal will be embossed on the plans.
 3. The Building and Zoning Officer will then notify the applicant that the plans may be picked up. The applicant should then complete the information required from him on the plans and have the plans notarized.
 4. The applicant shall then take the plans to the Courthouse in Norristown. The plans should first be submitted to the Montgomery County Planning Commission. They will sign and place their stamp on the plans and will retain one paper copy for their files.
 5. The applicant shall then have the remaining plans signed by the Montgomery County Recorder of Deeds. The plans should be marked to include the plan book and page number where the plan is recorded. The Recorder of Deeds will retain one linen copy of the plan for his files.
 6. Finally, one linen and one paper copy of the signed plan must be returned to the Building and Zoning Officer at Souderton Borough Hall.

Section 604. Code of Regulations.

604.1 Submission. In addition to all plans required pursuant to Article III of this ordinance, six copies of the Code of Regulations shall be submitted to the Borough Manager or Building and Zoning Officer accompanied by an application for approval. The Borough Manager or Building and Zoning Officer shall transmit on copy to each of the following for review and recommendation at least 45 days prior to the date on which the Borough Council is to take action: Borough Engineer, Borough Planning Commission, and the Montgomery County Planning Commission. The Borough Planning Commission shall transmit the Code of Regulations to the Borough Council with its recommendation for action by the Borough Council. All subsequent amendments to the approved Code of Regulations shall be submitted to the Borough Manager or Building and Zoning Officer for approval in accordance with the requirements of this subsection.

604.2 Contents of Code of Regulations. The Code of Regulations shall provide for at least the following, and may include other lawful provisions:

- A. Identification of the property by reference to the place of record of the Declaration and the Declaration Plan;
- B. The method of calling meetings of unit owners and meetings of the Borough Council;
- C. The number of unit owners and the number of members of the Borough Council which shall constitute a quorum for the transaction of business;
- D. The number and qualifications of members of the Borough Council, the duration of the term of such members and the method of filling vacancies;
- E. The annual election by the Borough Council of a president, secretary and treasurer and any other officers which the Code of Regulations may specify;
- F. The duties of each officer, the compensation and removal of officers and the method of filling vacancies;
- G. The method of trash, refuse and garbage removal from the units and the common elements, snow removal from the common elements, police protection and security of the common elements, provision of other municipal-type services to the units and common elements, maintenance, repair and replacement of common elements; payment of the cost of the foregoing; Borough Council will be required to supplement any of the foregoing services customarily provided by the borough as required by the Borough Council;
- H. The manner of collecting common expenses from unit owners which shall include a provision to the effect that all municipal fines, penalties and assessments against individual units or common elements may be imposed and liened directly against the various unit owners or common elements, without reference to any duties or functions of the Borough Council;
- I. The method of adopting and of amending the Code of Regulations; rules governing the details of the use and operation of the property and the use of the common elements; and a requirement that all amendments to the Code of Regulations be approved by Borough Council prior to becoming effective.
- J. Any other provisions which the Borough Council may require to properly promote the health, safety and welfare of the public; and
- K. A requirement that the Borough Manager receive immediate notification of any change of the personnel comprising the Borough Council, in the officers of the Council, and in the mailing address of the Council.

604.3 Code of Regulations Approval.

- A. After the code has been reviewed and comments filed by the Borough Planning Commission, the Borough Engineer and the Montgomery County Planning Commission, the code will be presented to the Borough Council for final approval. The Borough Council shall act on the code within 90 days of the date of submission of the code by the applicant.
- B. If the code is approved by the Borough Council and appropriate filing fees, if any, have been paid by the applicant, the following procedures should be followed:

1. Applicant or his authorized representative presents three copies of the code approved by the Borough Council to the Building and Zoning Officer at the borough office. If the applicant wishes to have copies of the approved code for his records he should submit such copies in addition to the three required.
2. The Building and Zoning Officer will have the copies of the code certified by the appropriate borough officials and the borough seal will be embossed on the code.
3. The Building and Zoning Officer will then notify the applicant that the certified copies of the code may be picked up. The applicant should then have the codes notarized.
4. The applicant shall then take the codes to the Courthouse in Norristown. The codes should first be submitted to the Montgomery County Planning Commission. They will sign and place their stamp on the code and will retain one copy for their files.
5. The applicant shall then have the remaining copies of the code signed by the Montgomery County Recorder of Deeds. The codes should be marked to include the plan book and page number where the plan is recorded. The Recorder of Deeds will retain one copy of the code for his files.
6. Finally, one copy of the signed code must be retained to the Building and Zoning Officer at the Souderton Borough Hall.

604.4 Amended Code of Regulations Approval. The approval for amendments to the Code of Regulations shall be obtained and recorded according to the procedures set forth in Section 604.3 above.

Section 605. Conversions of Real Property or Structure to Condominiums.

- 605.1 Whenever an interest in real property or a structure is converted by the owner or owners into a condominium, the tenant or tenants occupying said property or structure (if any) under a then current lease agreement shall be given by the owner or owners an automatic extension, if necessary, of the right to occupy said property or structure as lessee or tenant for a period of one year without an increase in rent from the date following notice of the proposed conversion of said property or structure to the borough by submission of a Declaration; provided however, that if 51 percent or more of the tenants or lessees occupying said property or structure approve, in writing, the conversion or change of said property or structure into a condominium property or structure, no automatic one year extension of existing lease agreements shall be required; provided however, that if a tenant's then current lease will not, by its terms or operation of law expire until more than one year after submission of a Declaration to the borough, he shall not be required to vacate his unit until the expiration of his lease.
- 605.2 The tenant or tenants in occupancy (if any) at the time the Declaration is filed shall have the exclusive right to purchase their units for 90 days following the filing, during which time a tenant's unit shall not be shown to a third party unless he has in writing waived his right to purchase.
- 605.3 Should any property or structure be converted into condominium units in violation of this ordinance, in addition to other remedies provided by law, appropriate action(s) or proceeding(s), whether by legal or equitable process or otherwise, may be instituted or taken against the owner or owners to prevent such unlawful violation.
- 605.4 The provisions, restrictions and benefits of this section may not be waived by agreement or otherwise.

605.5 No Declaration shall be approved by the Borough Council unless the owner or owners of the property or structure converting the same agree to comply with the provisions set forth in this section.

Section 606. Declaration of Revocation.

A condominium development or conversion may be converted into a rental or fee simple property by submission of a Declaration of Revocation, signed by 100 percent of the unit owners and the holds of all mortgages, judgments or other liens affecting the units and provided that such Declaration of Revocation is reviewed and duly recorded as provided for in Sections 602 and 603. The conversion of a condominium development shall not preclude the later resubmission of said property for a condominium by the procedures set forth herein.

ARTICLE VII
FEES, CONDITIONS OF ACCEPTANCE AND PENALTIES

Section 700. Applicability.

This Article sets forth the fees and costs for the subdivision and development of land, condominium development and condominium conversions, the borough engineering and inspection services and related site tests and material, and the opening and dedication of roads, streets, drainage facilities and other public improvements in Souderton Borough. Conditions of borough acceptance of any street or site improvement and penalties for the violation of this ordinance are also herein provided in this Article.

Section 701. Fees and Costs.

The subdivider, owner, builder or development shall be required to furnish security as set forth above and pay a filing or application fee as set forth in a resolution adopted from time to time by Souderton Borough Council for residential, commercial or industrial plans. A copy of the fee schedule will be made available at the time of application.

- 701.1 Upon completion of the subdivision, land development or condominium review the applicant shall be liable for all charges in preparation and enforcement of any required subdivision, land development or condominium agreement, including fees for:
- A. Professional Services. The services of the Borough Engineer and/or Solicitor provided in these rules and regulations. In addition, all costs for other engineering, legal and professional certification as deemed necessary.
 - B. Materials and Facilities Tests. The actual cost of all drainage, water and/or material tests.
 - C. Dedication. Legal fees, advertising and other costs involved in the dedication of streets and public improvements to the borough.

(See also Improvement Construction Requirements – Article V)

- 701.2 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 the Preliminary Plan will be charged.

Section 702. Conditions of Acceptance.

- 702.1 Conditions. The borough shall have no obligation to take over and make public any street or other improvement unless:
- A. The required improvements, utility mains and laterals, and monument, shown on tan approved plan or plans have been constructed to all requirements.
 - B. It is established to the satisfaction of the Borough Council that there is a need for the improvements to be taken over and made public.
- 702.2 Acceptance. The borough shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by an ordinance adopted by the Borough Council.
- 702.3 Guarantee. The applicant shall guarantee for a period of 2 years from the date of the ordinance accepting dedication, to maintain the stability of all materials and work and to promptly replace

all poor or inferior materials and work. He shall also guarantee for the same two-year period the correction of all defects in materials or workmanship, all shrinkage, settlement or other faults of any kind arising therefrom, at his own expense. When notified in writing to do so by the Borough Engineer, and, in order to secure the guarantee as herein required, he shall to the satisfaction of the Borough Engineer assure the borough by means of providing a proper guarantee in the form of a bond, bank guaranteed escrow account, letter of credit or cash, with surety satisfactory to the borough in an amount equal to 15 percent of the completion guarantee posted by the owner with the borough.

Section 703. Penalties.

Any person, partnership or corporation being the owner or agent of the owner of any lot, tract, parcel, building(s), or land who shall lay out, construct, open or dedicate any street, sanitary sewer, storm sewer, water main or other improvements for public use, travel or other purposes or for the common use of occupants of buildings abutting therein, or who sells, transfers or agrees or enters into an agreement to sell any land in a subdivision or land development whether by reference to or by other use of a plat of such subdivision or land development or condominium conversion, or erect any building thereon, without having prepared a final plat in full compliance with the provisions of this ordinance, or who has made such transactions in the absence of required improvements being made or appropriate escrow having been provided and/or said plan has not been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction thereof, such person, or the members of such partnership, or the officers of such corporation or the agent of any of them, responsible for such violation shall pay a fine not exceed \$1,000 per lot, parcel, building, or dwelling. All fines collected for such violations shall be paid over to Souderton Borough. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein.

**ARTICLE VIII
AMENDMENTS; VALIDITY; REPEALER**

Section 800. Amendment Procedure.

The Borough Council of Souderton may, from time to time, amend, supplement, change, modify or repeal this ordinance by proceeding in the following manner. The Borough Council by resolution adopted at a regular or special meeting, shall fix the time and place of a public hearing on the proposed amendment and cause public notice thereof to be given as follows:

- 800.1 By publishing a notice thereof once each week for two successive weeks in a newspaper of general circulation in the borough. The first notice shall not be more than 30 days or less than 14 days from the date of the hearing.
- 800.2 The notice shall state the time and place of the hearing, the general nature of the proposed amendment and that full opportunity to be heard will be given to any citizen and all parties in interest attending such hearing.
- 800.3 Whenever a proposed amendment affects a particular property, then there shall be posted upon said property or premises at such place or places as the Borough Council may direct, notice of said proposed amendment.

Section 801. 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.

Section 802. Validity.

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

Section 803. Repealer.

All ordinances and parts of ordinances inconsistent herewith are hereby repealed upon the legally effective date of this ordinance; otherwise remain in full force and effect.

Approved by the Borough Council of Souderton Borough and enacted into an ordinance this 5th day of June, 1978.

BY: /s/ Abram R. Clemmer
President, Borough Council

ATTEST:

/s/ Elaine G. Frederick
Secretary

APPENDICES

SOUDERTON BOROUGH SUBDIVISION AND LAND DEVELOPMENT CHECKLIST

This form must be completed by the applicant's registered engineer or land surveyor and submitted are part of the subdivision or land development applications of tentative sketch plan, minor subdivisions, preliminary major plan, final major plan (improvement construction plan and record plan), land development and condominiums. Please check the appropriate lines below and submit the completed checklist along with the required plan.

	Not
Shown	Applicable

I. TENTATIVE SKETCH PLAN

A. Does the Sketch Plan Show:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Name of the subdivision or land development |
| _____ | _____ | 2. Name and address of the owner |
| _____ | _____ | 3. Name and address of the engineer, survey or architect |
| _____ | _____ | 4. Tract boundary and location by deed plotting |
| _____ | _____ | 5. North point and approximate scale |
| _____ | _____ | 6. The gross and net area of the entire tract |
| _____ | _____ | 7. A location plan showing the subject tract to the surrounding network |
| _____ | _____ | 8. Existing and proposed streets and lots for building layout |
| _____ | _____ | 9. Significant topographic and physical features |
| _____ | _____ | 10. Proposals for control of drainage runoff and community facilities |

II. MINOR SUBDIVISIONS

A. Drafting Standards:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Scale 1"= 40' or _____ |
| _____ | _____ | 2. Dimensions: feet and inches |
| _____ | _____ | 3. Bearings: minutes and seconds |
| _____ | _____ | 4. Courses and distances of boundary line survey |
| _____ | _____ | 5. Sheet size: 15" x 18", 18" x 30", 24" x 36" or 36" x 42" |
| _____ | _____ | 6. Numbered streets if more than one |

B. Location and Identification – each plan shall provide:

- | | | |
|-------|-------|---|
| _____ | _____ | 1. Name of subdivision |
| _____ | _____ | 2. Name and address of subdivider, developer or builder and the registered engineer or land survey who developed the plan |
| _____ | _____ | 3. Name of municipality |
| _____ | _____ | 4. Date of preparation of the plan |
| _____ | _____ | 5. Scale in equation form and graphic form |
| _____ | _____ | 6. North point |
| _____ | _____ | 7. Drawing revision date |
| _____ | _____ | 8. Entire tract boundary with bearings and distance |
| _____ | _____ | 9. Gross and net area of entire tract |
| _____ | _____ | 10. Note setting forth zoning and any other requirements |
| _____ | _____ | 11. Key map relating the subdivision to at least three existing intersections |
| _____ | _____ | 12. Legend sufficient to differentiate between existing and proposed conditions |

8. Location of all floodplains as defined in the zoning ordinance

C. Certificates – does the Final Major Plan include:

- 1. Upon approval, the signature of:
 - a. Registered Engineer or Surveyor attesting to accuracy of monument locations and all dimensional and geodetic details
 - b. Subdivider, developer or builder certifying his adoption of the plan and any changes thereto
 - c. Borough Secretary certifying that the Borough Council approved the plan, and any changes thereto, on the date shown
 - d. Chairman certifying that the local Planning Commission approved the plan on the date shown

VI. LAND DEVELOPMENT PLAN

A. In addition to the above requirements, land development plans shall be required to show the following information:

- 1. All covenants related to use
- 2. Man-made features for the use of two or more prospective occupants
- 3. Lot size, floor area or gross leasable area, as applicable
- 4. Zoning classification and applicable standards with which compliance is necessary for granting final approval.
- 5. Density and/or intensity of use, including bedroom mix, if applicable
- 6. Total building coverage and area of tract devoted to each use or group of uses
- 7. Location and placement of accessory structures and facilities
- 8. All roads, pedestrian ways and parking facilities (including the number of parking spaces)
- 9. The areas of common open space and/or recreational facilities
- 10. General location of all proposed uses and activities
- 11. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon

VII. CONDOMINIUMS – Does the Declaration include:

- A. Reference to the Unit Property Act
- B. Land and building description
- C. Name by which property will be known
- D. Description of units and common elements
- E. Description of common elements and proportionate undivided interest assigned to each unit
- F. Description of procedure for amendment proportionate undivided interest in the common elements
- G. State of purpose or use for common areas and each unit
- H. Names of initial members of Homeowners Association
- I. Space for certification of Declaration when approved

VIII. CONDOMINIUMS – Does the Declaration Plan include:

- A. Complete property area survey boundaries
- B. The location of building(s) on property
- C. The layout of the floors of the building with units and common elements noted
- D. Name by which property will be known

- E. Size of each unit in building
- F. Certification statement of registered architect or professional engineer

IX. CONDOMINIUMS – Does Code of Regulations include:

- A. Identification of the property by reference to the place of record of the Declaration and Declaration Plan
- B. The method of calling meetings of unit owners and meetings of Council
- C. The number of unit owners and the number of members of Council which shall constitute a quorum for the transaction of business
- D. The number of members of Council; the duration of the term of such members and the method of filling vacancies
- E. The annual election by the Council of a president, secretary and treasurer and any other officers which the Code of Regulations may specify
- F. The duties of each officer, the compensation and removal of officers and the method of filling vacancies
- G. Trash, refuse and garbage removal from the units and the common elements, snow removal from the common elements, police protection and security of the common elements, provision of other municipal type service to the units and common elements, maintenance repair and replacement of the common elements; payment will be required to supplement any of the foregoing services customarily provided by the borough as required by the Borough Council
- H. the manner of collecting common expenses from unit owners which shall include a provision to the effect that all local government fines, penalties, and assessments against individual units or common elements may be imposed and liened directly against the various unit owners or common elements, without reference to any duties or functions of the Council
- I. The method of adopting and of amendment the Code of Regulations, rules governing the details of the use and the operation of the property and the use of the common elements, and a requirement that all amendments to the Code of Regulations be approved by the Borough Council prior to becoming effective
- J. Any other provisions which the Planning Commission and Borough Council may require to properly promote the health, safety and welfare of the public
- K. A requirement that the Borough manager receive immediate notification of any change of the personnel comprising the Council, in the office of the Council, and in the mailing address of the Council

**STORMWATER MANAGEMENT ORDINANCE
ORDINANCE No 652**

**ARTICLE I
GENERAL PROVISIONS**

Section 101. Short Title.

This ordinance shall be known and may be cited as the “Borough of Souderton Stormwater Management Ordinance.”

Section 102. Statement of Findings.

The governing body of the municipality finds that:

- A. Stormwater runoff from lands modified by human activities threatens public health and safety by causing decreased infiltration of rainwater and increased runoff flows and velocities, which overtax the carrying capacity of existing streams and storm sewers, and greatly increases the cost to the public to manage stormwater.
- B. Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of stream-beds and stream-banks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
- C. A program of stormwater management, including reasonable regulation of land development and redevelopment causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of the Municipality and all the people of the Commonwealth, their resources, and the environment.
- D. Stormwater can be an important water resource by providing groundwater recharge for water supplies and base flow of streams, which also protects and maintains surface water quality.
- E. Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
- F. Federal and state regulations require certain municipalities to implement a program of stormwater controls. These municipalities are required to obtain a permit for stormwater discharges from their separate storm sewer systems under the National Pollutant Discharge Elimination System (NPDES).
- G. Non-stormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the Commonwealth by the Municipality.

Section 103. Purpose.

The purpose of this ordinance is to promote health, safety, and welfare within the Municipality and its watershed by minimizing the harms and maximizing the benefits described in Section 102 of this ordinance, through provisions designed to:

- A. Manage stormwater runoff impacts at their source by regulating activities that cause the problems.

- B. Provide review procedures and performance standards for stormwater planning and management.
- C. Utilize and preserve the existing natural drainage systems as much as possible.
- D. Manage stormwater impacts close to the runoff source, which requires a minimum of structures and relies on natural processes.
- E. Focus on infiltration of stormwater, to maintain groundwater recharge, to prevent degradation of surface and groundwater quality and to otherwise protect water resources.
- F. Maintain existing flows and quality of streams and watercourses.
- G. Meet legal water quality requirements under state law, including regulation at 25 PA Code Chapter 93.4a to protect and maintain “existing uses” and maintain the level of water quality to support those uses in all streams, and to protect and maintain water quality in “special protection” streams.
- H. Prevent scour and erosion of stream banks and streambeds.
- I. Provide for proper operations and maintenance of all permanent stormwater management BMPs that are implemented in the municipality.
- J. Provide a mechanism to identify controls necessary to meet the NPDES permit requirements.
- K. Implement illegal discharge detection and elimination program to address non-stormwater discharges into the municipality’s separate storm sewer system.

Section 104. Statutory Authority.

The Municipality is empowered to regulate land use activities that affect stormwater impacts by the authority of the Pennsylvania Borough Code, 53 P. S. 45101 et seq. and the Pennsylvania Storm Water Management Act, 32 P. S. 680.1 et seq.

Section 105. Applicability.

- A. This ordinance applies to any Regulated Earth Disturbance activities within the Municipality, and all stormwater runoff entering into the Municipality’s separate storm sewer system from lands within the boundaries of the Municipality.
- B. Earth Disturbance activities and associated stormwater management controls are also regulated under existing state law and implementing regulations. This ordinance shall operate in coordination with those parallel requirements; the requirements of this ordinance shall be no less restrictive in meeting the purposes of this ordinance than state law.

Section 106. Repealer.

Any other ordinance provision(s) or regulation of the Municipality inconsistent with any of the provisions of this ordinance is hereby repealed to the extent of the inconsistency only.

Section 107. Severability.

In the event that any section or provision of this ordinance is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of any of the remaining provisions of this ordinance.

Section 108. Compatibility with Other Requirements.

- A. Approvals issued and actions taken under this ordinance do not relieve the Applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or ordinance. To the extent that this ordinance imposes more rigorous or stringent requirements for stormwater management, the specific requirements contained in this ordinance shall be followed.

- B. Nothing in this ordinance shall be construed to affect any of the Municipality's requirements regarding stormwater matters which do not conflict with the provisions of this ordinance, such as local stormwater management design criteria (e.g. inlet spacing, inlet type, collection system design and details, outlet structure design, etc.). Conflicting provisions in other municipal ordinances or regulations shall be construed to retain the requirements of this ordinance addressing State Water Quality Requirements.

ARTICLE II DEFINITIONS

Section 200. General Usage.

For the purposes of this ordinance, certain terms and words used herein shall be interpreted as follows:

- A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
- B. The word "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
- C. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

Section 201. Definition of Terms.

Accelerated Erosion - The removal of the surface of the land through the combined action of human activities and the natural processes, at a rate greater than would occur because of the natural process alone.

Applicant - A landowner, developer or other person who has filed an application for approval to engage in any Regulated Earth Disturbance activity at a project site in the Municipality.

BMP (Best Management Practice) - Activities, facilities, designs, measures or procedures used to manage stormwater impacts from Regulated Earth Disturbance activities, to meet State Water Quality Requirements, to promote groundwater recharge and to otherwise meet the purposes of this ordinance. BMPs include but are not limited to infiltration, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, forested buffers, sand filters and detention basins.

Conservation District - The Montgomery County Conservation District.

DEP - The Pennsylvania Department of Environmental Protection.

Developer - A person that seeks to undertake any Regulated Earth Disturbance activities at a project site in the Municipality.

Development - See "Earth Disturbance Activity." The term includes redevelopment.

Development Site - The specific tract of land where any Earth Disturbance activities in the Municipality are planned, conducted or maintained.

Earth Disturbance Activity - A construction or other human activity which disturbs the surface of the land, including, but not limited to, clearing and grubbing, grading, excavations, embankments, road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

Erosion - The process by which the surface of the land, including channels, is worn away by water, wind, or chemical action.

Erosion and Sediment Control Plan - A plan for a project site which identifies BMPs to minimize accelerated erosion and sedimentation.

Groundwater Recharge - Replenishment of existing natural underground water supplies.

Impervious Surface - A surface that prevents the infiltration of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

Municipality - Borough of Souderton, Montgomery County, Pennsylvania.

NPDES - National Pollutant Discharge Elimination System, the federal government's system for issuance of permits under the Clean Water Act, which is delegated to DEP in Pennsylvania.

Outfall - "Point source" as described in 40 CFR § 122.2 at the point where the Municipality's storm sewer system discharges to surface waters of the Commonwealth.

Person - An individual, partnership, public or private association or corporation, or a governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

Point Source - any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, or conduit from which stormwater is or may be discharged, as defined in State regulations at 25 Pa. Code § 92.1.

Project Site - The specific area of land where any Regulated Earth Disturbance activities in the Municipality are planned, conducted or maintained.

Redevelopment - Earth Disturbance activities on land which has previously been disturbed or developed.

Regulated Earth Disturbance Activity - Earth disturbance activity one acre or more with a point source discharge to surface waters or the Municipality's storm sewer system, or five acres or more regardless of the planned runoff. This includes earth disturbance on any portion of, part, or during any stage of, a larger common plan of development. This only includes road maintenance activities involving 25 acres or more or earth disturbance.

Road Maintenance - Earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

Separate Storm Sewer System - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) primarily used for collecting and conveying stormwater runoff.

State Water Quality Requirements - As defined under state regulations, protection of designated and existing uses (See 25 Pa. Code Chapters 93 and 96), including:

- A. Each stream segment in Pennsylvania has a "designated use," such as "cold water fishery" or "potable water supply," which are listed in Chapter 93. These uses must be protected and maintained, under state regulations.
- B. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in Chapter 93. Regulated Earth Disturbance activities must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After Regulated Earth Disturbance activities are complete, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

Stormwater - The surface runoff generated by precipitation reaching the ground surface.

Surface Waters of the Commonwealth - Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.

Watercourse - A channel or conveyance of surface water, such as a stream or creek, having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Watershed - Region or area drained by a river, watercourse or other body of water, whether natural or artificial.

ARTICLE III
STORMWATER MANAGEMENT FOR WATER QUALITY

Section 301. General Requirements for Stormwater Management.

- A. All Regulated Earth Disturbance activities within the Municipality shall be designed, implemented, operated and maintained to meet the purposes of this ordinance, through these two elements:
 - 1. Erosion and Sediment control during the earth disturbance activities (e.g., during construction), and
 - 2. Water quality protection measures after completion of earth disturbance activities (e.g. after construction), including operations and maintenance.
- B. No Regulated Earth Disturbance activities within the Municipality shall commence until the requirements of this ordinance are met.
- C. Erosion and sediment control during Regulated Earth Disturbance activities shall be addressed as required by Section 303.
- D. Post-construction water quality protection shall be addressed as required by Section 304. Operations and maintenance of permanent stormwater BMPs shall be addressed as required by Article IV.
- E. All Best Management Practices (BMPs) used to meet the requirements of this ordinance shall conform to the State Water Quality Requirements, and any more stringent requirements as determined by the Municipality.
- F. Techniques described in Appendix A (Low Impact Development) of this ordinance are encouraged, because they reduce the costs of complying with the requirements of this Ordinance and the State Water Quality Requirements.

Section 302. Permit Requirements by Other Government Entities.

The following permit requirements may apply to certain Regulated Earth Disturbance activities, and must be met prior to commencement of Regulated Earth Disturbance activities, as applicable:

- A. All Regulated Earth Disturbance activities subject to permit requirements by DEP under regulations at 25 Pa. Code Chapter 102.
- B. Work within natural drainage ways subject to permit by DEP under 25 Pa. Code Chapter 105.
- C. Any stormwater management facility that would be located in or adjacent to surface waters of the Commonwealth, including wetlands, subject to permit by DEP under 25 Pa. Code Chapter 105.
- D. Any stormwater management facility that would be located on a State highway right-of-way, or require access from a state highway, shall be subject to approval by the Pennsylvania Department of Transportation (PENNDOT).
- E. Culverts, bridges, storm sewers or any other facilities which must pass or convey flows from the tributary area and any facility which may constitute a dam subject to permit by DEP under 25 Pa. Code Chapter 105.

Section 303. Erosion and Sediment Control during Regulated Earth Disturbance Activities.

- A. No Regulated Earth Disturbance activities within the Municipality shall commence until approval by the Municipality of an Erosion and Sediment Control Plan for construction activities.
- B. DEP has regulations that require an Erosion and Sediment Control Plan for any earth disturbance activity of 5,000 square feet or more, under 25 Pa. Code § 102.4(b).
- C. In addition, under 25 Pa. Code Chapter 92, a DEP “NPDES Construction Activities” permit is required for Regulated Earth Disturbance activities.
- D. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office or County Conservation District must be provided to the Municipality. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements subsection 303.A.
- E. A copy of the Erosion and Sediment Control plan and any required permit, as required by DEP regulations, shall be available at the project site at all times.

Section 304. Water Quality Requirements after Regulated Earth Disturbance Activities are Complete.

- A. No Regulated Earth Disturbance activities within the Municipality shall commence until approval by the Municipality of a plan which demonstrates compliance with State Water Quality Requirements after construction is complete.
- B. The BMPs must be designed, implemented and maintained to meet State Water Quality Requirements, and any other more stringent requirements as determined by the Municipality.
- C. To control post-construction stormwater impacts from Regulated Earth Disturbance activities, State Water Quality Requirements can be met by BMPs, including site design, which provide for replication of pre-construction stormwater infiltration and runoff conditions, so that post-construction stormwater discharges do not degrade the physical, chemical or biological characteristics of the receiving waters. As described in the DEP Comprehensive Stormwater Management Policy (#392-0300-002, September 28, 2002), this may be achieved by the following:
 - 1. Infiltration: replication of pre-construction stormwater infiltration conditions,
 - 2. Treatment: use of water quality treatment BMPs to ensure filtering out of the chemical and physical pollutants from the stormwater runoff, and
 - 3. Streambank and Streambed Protection: management of volume and rate of post-construction stormwater discharges to prevent physical degradation of receiving waters (e.g., from scouring).
- D. DEP has regulations that require municipalities to ensure design, implementation and maintenance of Best Management Practices (“BMPs”) that control runoff from new development and redevelopment after regulated Earth Disturbance activities are complete. These requirements include the need to implement post-construction stormwater BMPs with assurance of long-term operations and maintenance of those BMPs.
- E. Evidence of any necessary permit(s) for Regulated Earth Disturbance activities from the appropriate DEP regional office must be provided to the Municipality. The issuance of an NPDES Construction Permit (or permit coverage under the statewide General Permit (PAG-2)) satisfies the requirements of subsection 304.A.
- F. BMP operations and maintenance requirements are described in Article IV of this ordinance.

ARTICLE IV
STORMWATER BMP OPERATIONS AND MAINTENANCE PLAN REQUIREMENTS

Section 401. General Requirements.

- A. No Regulated Earth Disturbance activities within the Municipality shall commence until approval by the Municipality of BMP Operations and Maintenance plan which describes how the permanent (e.g., post-construction) stormwater BMPs will be properly operated and maintained.
- B. The following items shall be included in the BMP Operations and Maintenance Plan:
 - 1. Map(s) of the project area, in a form that meets the requirements for recording at the offices of the Recorder of Deeds of Montgomery County, and shall be submitted on 24-inch x 36-inch or 30-inch x 42-inch sheets. The contents of the maps(s) shall include, but not be limited to:
 - (a) Clear identification of the location and nature of permanent stormwater BMPs,
 - (b) The location of the project site relative to highways, municipal boundaries or other identifiable landmarks,
 - (c) Existing and final contours at intervals of 2 feet, or others as appropriate,
 - (d) Existing streams, lakes, ponds, or other bodies of water within the project site area,
 - (e) Other physical features including flood hazard boundaries, sinkholes, streams, existing drainage courses, and areas of natural vegetation to be preserved,
 - (f) The locations of all existing and proposed utilities, sanitary sewers, and water lines within 50 feet of property lines of the project site,
 - (g) Proposed final changes to the land surface and vegetative cover, including the type and amount of impervious area that would be added,
 - (h) Proposed final structures, roads, paved areas, and buildings, and
 - (i) A 15-foot wide access easement around all stormwater BMPs that would provide ingress to and egress from a public right-of-way.
 - 2. A description of how each permanent stormwater BMP will be operated and maintained, and the identity of the person(s) responsible for operations and maintenance,
 - 3. The name of the project site, the name and address of the owner of the property, and the name of the individual or firm preparing the Plan, and
 - 4. A statement, signed by the landowner, acknowledging that the stormwater BMPs are fixtures that can be altered or removed only after approval by the Municipality.

Section 402. Responsibilities for Operations and Maintenance of BMPs.

- A. The BMP Operations and Maintenance Plan for the project site shall establish responsibilities for the continuing operation and maintenance of all permanent stormwater BMPs, as follows:
 - 1. If a Plan includes structures or lots which are to be separately owned and in which streets, sewers and other public improvements are to be dedicated to the Municipality, stormwater BMPs may also be dedicated to and maintained by the Municipality;

2. If a Plan includes operations and maintenance by a single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the operation and maintenance of stormwater BMPs shall be the responsibility of the owner or private management entity.

- B. The Municipality shall make the final determination on the continuing operations and maintenance responsibilities. The Municipality reserves the right to accept or reject the operations and maintenance responsibility for any or all of the stormwater BMPs.

Section 403. Municipality Review of BMP Operations and Maintenance Plan.

- A. The Municipality shall review the BMP Operations and Maintenance Plan for consistency with the purposes and requirements of this ordinance, and any permits issued by DEP.
- B. The Municipality shall notify the Applicant in writing whether the BMP Operations and Maintenance Plan is approved.
- C. The Municipality may require an "As-Built Survey" of all stormwater BMPs, and an explanation of any discrepancies with the Operations and Maintenance Plan.

Section 404. Adherence to Approved BMP Operations and Maintenance Plan.

It shall be unlawful to alter or remove any permanent stormwater BMP required by an approved BMP Operations and Maintenance Plan, or to allow the property to remain in a condition which does not conform to an approved BMP Operations and Maintenance Plan, unless an exception is granted in writing by the Municipality.

Section 405. Operations and Maintenance Agreement for Privately Owned Stormwater BMPs.

- A. The property owner shall sign an operations and maintenance agreement with the Municipality covering all stormwater BMPs that are to be privately owned. The agreement shall be substantially the same as the agreement in Appendix B of this ordinance.
- B. Other items may be included in the agreement where determined necessary to guarantee the satisfactory operation and maintenance of all permanent stormwater BMPs. The agreement shall be subject to the review and approval of the Municipality.

Section 406. Stormwater Management Easements.

- A. Stormwater management easements are required for all areas used for off-site stormwater control, unless a waiver is granted by the Municipal Engineer.
- B. Stormwater management easements shall be provided by the property owner if necessary for: (1) access for inspections and maintenance, or (2) preservation of stormwater runoff conveyance, infiltration, and detention areas and other BMPs, by persons other than the property owner. The purpose of the easement shall be specified in any agreement under Section 405.

Section 407. Recording of Approved BMP Operations and Maintenance Plan and Related Agreements.

- A. The owner of any land upon which permanent BMPs will be placed, constructed or implemented, as described in the BMP Operations and Maintenance Plan, shall record the following documents in the Office of the Recorder of Deeds for Montgomery County, within 15 days of approval of the BMP Operations Plan by the Municipality:
 1. The Operations and Maintenance Plan, or a summary thereof,
 2. Operations and Maintenance Agreements under Section 405, and

3. Easements under Section 406.

B. The Municipality may suspend or revoke any approvals granted for the project site upon discovery of the failure of the owner to comply with this Section.

Section 408. Municipal Stormwater BMP Operation and Maintenance Fund.

A. If stormwater BMPs are accepted by the municipality for dedication, the Municipality may require persons installing stormwater BMPs to pay a specified amount to the Municipal Stormwater BMP Operation and Maintenance Fund, to help defray costs of operations and maintenance activities. The amount may be determined as follows:

1. If the BMP is to be owned and maintained by the Municipality, the amount shall cover the estimated costs for operations and maintenance for 10 years, as determined by the Municipality.

2. The amount shall then be converted to present worth of the annual series values.

B. If a BMP is proposed that also serves as a recreation facility (e.g. ball field, lake), the Municipality may adjust the amount due accordingly.

ARTICLE V
INSPECTIONS AND RIGHT OF ENTRY

Section 501. Inspections.

- A. DEP or its designees (e.g., County Conservation Districts) normally ensure compliance with any permits issued, including those for stormwater management. In addition to DEP compliance programs, the Municipality or its designee may inspect all phases of the construction, operations, maintenance and any other implementation of stormwater BMPs.
- B. During any stage of the Regulated Earth Disturbance activities, if the Municipality or its designee determines that any BMPs are not being implemented in accordance with this Ordinance, the Municipality may suspend or revoke any existing permits or other approvals until the deficiencies are corrected.

Section 502. Right of Entry.

- A. Upon presentation of proper credentials, duly authorized representatives of the Municipality may enter at reasonable times upon any property within the Municipality to inspect the implementation, condition, or operation and maintenance of the stormwater BMPs in regard to any aspect governed by this ordinance.
- B. BMP owners and operators shall allow persons working on behalf of the Municipality ready access to all parts of the premises for the purposes of determining compliance with this ordinance.
- C. Persons working on behalf of the Municipality shall have the right to temporarily locate on any BMP in the Municipality such devices as are necessary to conduct monitoring and/or sampling of the discharges from such BMP.
- D. Unreasonable delays in allowing the Municipality access to a BMP is a violation of this Article.

ARTICLE VI FEES AND EXPENSES

Section 601. General.

The Municipality may charge a reasonable fee for review of BMP Operations and Maintenance Plans to defray review costs incurred by the Municipality. The Applicant shall pay all such fees.

Section 602. Expenses Covered by Fees.

The fees required by this ordinance may cover:

- A. Administrative/clerical costs.
- B. The review of the BMP Operations and Maintenance Plan by the Municipal Engineer.
- C. The site inspections including, but not limited to, pre-construction meetings, inspections during construction of stormwater BMPs, and final inspection upon completion of the stormwater BMPs.
- D. Any additional work required to monitor and enforce any provisions of this ordinance, correct violations, and assure proper completion of stipulated remedial actions.

ARTICLE VII PROHIBITIONS

Section 701. Prohibited Discharges

- A. No person in the Municipality shall allow, or cause to allow, stormwater discharges into the Municipality's separate storm sewer system which are not composed entirely of stormwater, except (1) as provided in subsection B below, and (2) discharges allowed under a state or federal permit.
- B. Discharges which may be allowed, based on a finding by the Municipality that the discharge(s) do not significantly contribute to pollution to surface waters of the Commonwealth, are:
- Discharges from firefighting activities
 - Uncontaminated water from foundation or from footing drains
 - Potable water sources including de-chlorinated water line and fire hydrant flushings
 - Flows from riparian habitats and wetlands
 - Lawn watering
 - Irrigation drainage
 - Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
 - Routine external building wash down (which does not use detergents or other compounds)
 - Air conditioning condensate
 - Water from individual residential car washing
 - Dechlorinated swimming pool discharges
 - Springs
 - Uncontaminated groundwater
 - Water from crawl space pumps
- C. In the event that the Municipality determines that any of the discharges identified in Subsection B significantly contribute to pollution of waters of the Commonwealth, or is so notified by DEP, the Municipality will notify the responsible person to cease the discharge.
- D. Upon notice provided by the Municipality under subsection C, the discharger will have a reasonable time, as determined by the Municipality, to cease the discharge consistent with the degree of pollution caused by the discharge.
- E. Nothing in this Section shall affect a discharger's responsibilities under state law.

Section 702. Prohibited Connections.

- A. The following connections are prohibited, except as provided in Section 701.B above:
1. Any drain or conveyance, whether on the surface or subsurface, which allows any non-stormwater discharge including sewage, process wastewater, and wash water, to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks; and
 2. Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the Municipality.

Section 703. Roof Drains.

- A. Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches, except as provided in Section 703.B.
- B. When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted by the Municipality.
- C. Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

Section 704. Alteration of BMPs.

- A. No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless it is part of an approved maintenance program, without the written approval of the Municipality.
- B. No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the Municipality.

**ARTICLE VIII
ENFORCEMENT AND PENALTIES**

Section 801. Public Nuisance.

- A. The violation of any provision of this ordinance is hereby deemed a Public Nuisance.
- B. Each day that a violation continues shall constitute a separate violation.

Section 802. Enforcement Generally.

- A. Whenever the Municipality finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Municipality may order compliance by written notice to the responsible person. Such notice may require without limitation:
 - 1. The performance of monitoring, analyses, and reporting;
 - 2. The elimination of prohibited connections or discharges;
 - 3. Cessation of any violating discharges, practices, or operations;
 - 4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
 - 5. Payment of a fine to cover administrative and remediation costs;
 - 6. The implementation of stormwater BMPs; and
 - 7. Operation and maintenance of stormwater BMPs.
- B. Such notification shall set forth the nature of the violation(s) and establish a time limit for correction of these violations(s). Said notice may further advise that, if applicable, should the violator fail to take the required action within the established deadline, the work will be done by the Municipality or designee and the expense thereof shall be charged to the violator.
- C. Failure to comply within the time specified shall also subject such person to the penalty provisions of this ordinance. All such penalties shall be deemed cumulative and shall not prevent the Municipality from pursuing any and all other remedies available in law or equity.

Section 803. Suspension and Revocation of Permits and Approvals.

- A. Any building, land development or other permit or approval issued by the Municipality may be suspended or revoked by the Municipality for:
 - 1. Non-compliance with or failure to implement any provision of the permit;
 - 2. A violation of any provision of this ordinance; or
 - 3. The creation of any condition or the commission of any act during construction or development which constitutes or creates a hazard or nuisance, pollution or which endangers the life or property of others.
- B. A suspended permit or approval shall be reinstated by the Municipality when:
 - 1. The Municipal Engineer or designee has inspected and approved the corrections to the stormwater BMPs, or the elimination of the hazard or nuisance, and/or;
 - 2. The Municipality is satisfied that the violation of the ordinance, law, or rule and regulation has been corrected.

- C. A permit or approval which has been revoked by the Municipality cannot be reinstated. The applicant may apply for a new permit under the procedures outlined in this ordinance.

Section 804. Penalties.

- A. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be subject to a fine of not more than \$1,000 for each violation, recoverable with costs, or imprisonment of not more than 30 days, or both. Each day that the violation continues shall be a separate offense.
- B. In addition, the Municipality, through its solicitor, may institute injunctive, mandamus or any other appropriate action or proceeding at law or in equity for the enforcement of this ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

Section 805. Appeals.

Any person aggrieved by an action of the Municipality or its designee, relevant to the provisions of this ordinance, may appeal to the relevant judicial or administrative body according to law, within the time period allowed.

ENACTED and ORDAINED at a regular meeting of the Borough Council of the Borough of Souderton on the 7th day of February, 2005. This ordinance shall be effective immediately.

BOROUGH OF SOUDERTON

By: /s/ John U. Young
John U. Young, President

(BOROUGH SEAL)

Attest: /s/ P. Michael Coll
P. Michael Coll, Secretary

APPROVED this 7th day of February, 2005

/s/ Charles H. Allebach, Jr.
Charles H. Allebach, Jr., Mayor

LOW IMPACT DEVELOPMENT PRACTICES

ALTERNATIVE APPROACH FOR MANAGING STORMWATER RUNOFF

Natural hydrologic conditions may be altered radically by poorly planned development practices, such as introducing unneeded impervious surfaces, destroying existing drainage swales, constructing unnecessary storm sewers, and changing local topography. A traditional drainage approach of development has been to remove runoff from a site as quickly as possible and capture it in a detention basin. This approach leads ultimately to the degradation of water quality as well as expenditure of additional resources for detaining and managing concentrated runoff at some downstream location.

The recommended alternative approach is to promote practices that will minimize post-development runoff rates and volumes, which will minimize needs for artificial conveyance and storage facilities. To simulate pre-development hydrologic conditions, forced infiltration is often necessary to offset the loss of infiltration by creation of impervious surfaces. The ability of the ground to infiltrate depends upon the soil types and its conditions.

Preserving natural hydrologic conditions requires careful alternative site design considerations. Site design practices include preserving natural drainage features, minimizing impervious surface area, reducing the hydraulic connectivity of impervious surfaces, and protecting natural depression storage. A well-designed site will contain a mix of all those features. The following describes various techniques to achieve the alternative approach:

- **Preserving Natural Drainage Features.** Protecting natural drainage features, particularly vegetated drainage swales and channels, is desirable because of their ability to infiltrate and attenuate flows and to filter pollutants. However, this objective is often not accomplished in land development. In fact, commonly held drainage philosophy encourages just the opposite pattern -- streets and adjacent storm sewers typically are located in the natural headwater valleys and swales, thereby replacing natural drainage functions with a completely impervious system. As a result, runoff and pollutants generated from impervious surfaces flow directly into storm sewers with no opportunity for attenuation, infiltration, or filtration. Developments designed to fit site topography also minimizes the amount of grading on site.
- **Protecting Natural Depression Storage Areas.** Depressional storage areas have no surface outlet, or drain very slowly following a storm event. They can be commonly seen as ponded areas in farm fields during the wet season or after large runoff events. Traditional development practices eliminate these depressions by filling or draining, thereby obliterating their ability to reduce surface runoff volumes and trap pollutants. The volume and release-rate characteristics of depressions should be protected in the design of the development site. The depressions can be protected by simply avoiding the depression or by incorporating its storage as additional capacity in required detention facilities.
- **Avoiding introduction of impervious areas.** Careful site planning should consider reducing impervious coverage to the maximum extent possible. Building footprints, sidewalks, driveways and other features producing impervious surfaces should be evaluated to minimize impacts on runoff.
- **Reducing the Hydraulic Connectivity of Impervious Surfaces.** Impervious surfaces are significantly less of a problem if they are not directly connected to an impervious conveyance system (such as storm sewer). Two basic ways to reduce hydraulic connectivity are routing of roof runoff over lawns and reducing the use of storm sewers. Site grading should promote increasing travel time of stormwater runoff, and should help reduce concentration of runoff to a single point in the development.

- **Routing Roof Runoff Over Lawns.** Roof runoff can be easily routed over lawns in most site designs. The practice discourages direct connections of downspouts to storm sewers or parking lots. The practice also discourages sloping driveways and parking lots to the street. By routing roof drains and crowning the driveway to run off to the lawn, the lawn is essentially used as a filter strip.
- **Reducing the Use of Storm Sewers.** By reducing use of storm sewers for draining streets, parking lots, and back yards, the potential for accelerating runoff from the development can be greatly reduced. The practice requires greater use of swales and may not be practical for some development sites, especially if there are concerns for areas that do not drain in a “reasonable” time. The practice requires educating local citizens and public works officials, who expect runoff to disappear shortly after a rainfall event.
- **Reducing Street Widths.** Street widths can be reduced by either eliminating on-street parking or by reducing roadway widths. Municipal planners and traffic designers should encourage narrower neighborhood streets which ultimately could lower maintenance.
- **Limiting Sidewalks to One Side of the Street.** A sidewalk on one side of the street may suffice in low-traffic neighborhoods. The lost sidewalk could be replaced with bicycle/recreational trails that follow back-of-lot lines. Where appropriate, backyard trails should be constructed using pervious materials.
- **Using Permeable Paving Materials.** These materials include permeable interlocking concrete paving blocks or porous bituminous concrete. Such materials should be considered as alternatives to conventional pavement surfaces, especially for low use surfaces such as driveways, overflow parking lots, and emergency access roads.
- **Reducing Building Setbacks.** Reducing building setbacks reduces driveway and entry walks and is most readily accomplished along low-traffic streets where traffic noise is not a problem.
- **Constructing Cluster Developments.** Cluster developments can also reduce the amount of impervious area for a given number of lots. The biggest savings is in street length, which also will reduce costs of the development. Cluster development clusters the construction activity onto less-sensitive areas without substantially affecting the gross density of development.

In summary, a careful consideration of the existing topography and implementation of a combination of the above mentioned techniques may avoid construction of costly stormwater control measures. Other benefits include reduced potential of downstream flooding, water quality degradation of receiving streams/water bodies and enhancement of aesthetics and reduction of development costs. Beneficial results include more stable baseflows in receiving streams, improved groundwater recharge, reduced flood flows, reduced pollutant loads, and reduced costs for conveyance and storage.

**STORMWATER BEST MANAGEMENT PRACTICES
OPERATIONS AND MAINTENANCE AGREEMENT**

THIS AGREEMENT, made and entered into this _____ day of _____, 200__, by and between _____, (hereinafter the “Landowner”), and the Borough of Souderton, Montgomery County, Pennsylvania, (hereinafter “Municipality”);

WITNESSETH:

WHEREAS, the Landowner is the owner of certain real property as recorded by deed in the land records of Montgomery County, Pennsylvania, Deed Book _____ at Page _____, (hereinafter “Property”).

WHEREAS, the Landowner is proceeding to build and develop the Property; and

WHEREAS, the stormwater management BMP Operations and Maintenance Plan approved by the Municipality (hereinafter referred to as the “Plan”) for the property identified herein, which is attached hereto as Appendix A and made part hereof, as approved by the Municipality, provides for management of stormwater within the confines of the Property through the use of Best Management Practices (BMP’s); and

WHEREAS, the Municipality, and the Landowner, his successors and assigns, agree that the health, safety, and welfare of the residents of the Municipality and the protection and maintenance of water quality require that on-site stormwater Best Management Practices be constructed and maintained on the Property; and

WHEREAS, for the purposes of this agreement, the following definitions shall apply:

BMP – “Best Management Practice;” activities, facilities, designs, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of the Municipal Stormwater Management Ordinance, including but not limited to infiltration trenches, seepage pits, filter strips, bioretention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

Infiltration Trench – A BMP surface structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer.

Seepage Pit – An underground BMP structure designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or groundwater aquifer.

Rain Garden – A BMP overlain with appropriate mulch and suitable vegetation designed, constructed, and maintained for the purpose of providing infiltration or recharge of stormwater into the soil and/or underground aquifer, and

WHEREAS, the Municipality requires, through the implementation of the Plan, that stormwater management BMP’s as required by said Plan and the Municipal Stormwater Management Ordinance be constructed and adequately operated and maintained by the Landowner, his successors and assigns; and

NOW, THEREFORE, in consideration of the foregoing promises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The BMPs shall be constructed by the Landowner in accordance with the plans and specifications identified in the Plan.
2. The Landowner shall operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality and in accordance with the specific maintenance requirements noted on the Plan.
3. The Landowner hereby grants permission to the Municipality, its authorized agents and employees, to enter upon the property, at reasonable times and upon presentation of proper identification, to inspect the BMP(s) whenever it deems necessary. Whenever possible, the Municipality shall notify the Landowner prior to entering the property.
4. In the event the Landowner fails to operate and maintain the BMP(s) as shown on the Plan in good working order acceptable to the Municipality, the Municipality or its representatives may enter upon the Property and take whatever action is deemed necessary to maintain said BMP(s). This provision shall not be construed to allow the Municipality to erect any permanent structure on the land of the Landowner. It is expressly understood and agreed that the Municipality is under no obligation to maintain or repair said facilities, and in no event shall this Agreement be construed to impose any such obligation on the Municipality.
5. In the event the Municipality, pursuant to this Agreement, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner shall reimburse the Municipality for all expenses (direct and indirect) incurred within 10 days of receipt of invoice from the Municipality.
6. The intent and purpose of this Agreement is to ensure the proper maintenance of the onsite BMP(s) by the Landowner; provided, however, that this Agreement shall not be deemed to create or effect any additional liability of any party for damage alleged to result from or be caused by stormwater runoff.
7. The Landowner, its executors, administrators, assigns, and other successors in interests, shall release the Municipality's employees and designated representatives from all damages, accidents, casualties, occurrences or claims which might arise or be asserted against said employees and representatives from the construction, presence, existence, or maintenance of the BMP(s) by the Landowner or Municipality. In the event that a claim is asserted against the Municipality, its designated representatives or employees, the Municipality shall promptly notify the Landowner and the Landowner shall defend, at his own expense, any suit based on the claim. If any judgment or claims against the Municipality's employees or designated representatives shall be allowed, the Landowner shall pay all costs and expenses regarding said judgment or claim.
8. The Municipality shall inspect the BMP(s) at a minimum of once every 3 years to ensure their continued functioning.

This Agreement shall be recorded at the Office of the Recorder of Deeds of Montgomery County, Pennsylvania, and shall constitute a covenant running with the Property and/or equitable servitude, and shall be binding on the Landowner, his administrators, executors, assigns, heirs and any other successors in interests, in perpetuity.

ATTEST:

WITNESS the following signatures and seals:

(SEAL)

For the Municipality:

(SEAL)

For the Landowner:

ATTEST:

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF MONTGOMERY

I, _____, a Notary Public in and for the County and State aforesaid, whose commission expires on the _____ day of _____, 20__, do hereby certify that _____, representing the Municipality and _____, representing the Landowner, whose names are signed to the foregoing Agreement bearing date of the _____ day of _____, 20__, has acknowledged the same before me in my said County and State.

GIVEN UNDER MY HAND THIS _____ day of _____, 200_.

NOTARY PUBLIC

(SEAL)