

THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

OF

BRYN ATHYN BOROUGH

ORDINANCE NO. 407

The Borough Council of Bryn Athyn, Montgomery County, Pennsylvania, under and by virtue of the authority granted by the Act of July 31, 1968, P.L. 247, do hereby enact and ordain:

An Ordinance amending Ordinance No. 321, regulating the subdivision and development of land, and the construction, opening and dedication of streets, alleys, sewers, drains or other facilities in connection therewith, in the Borough of Bryn Athyn and prescribing penalties for violations thereof.

Amended May 3, 1993, Ordinance #538, Replaces Ordinance #356A, Article IX

Amended May 3, 1993, Ordinance #540, Flag Lots, Article II, Article V

Amended December 2, 1996, Ordinance #568, Article II. Definitions

Amended July 1, 2002, Ordinance #589, Section 503.A, Driveway Permit

Amended April 4, 2005, Ordinance #608 Section 515, Stormwater MS4 Regulations

Amended May 7, 2007, Ordinance #624, Section 700, Fees and Costs

Amended June 4, 2007, Ordinance #627, Section 508, 515, Stormwater Standards

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ARTICLE I

Title; Purpose; Interpretation; Subdivision and Land Development Control; Validity; Repealer

SECTION 100: **Title.** This Ordinance shall be known and may be cited as the Borough of Bryn Athyn Subdivision and Land Development Ordinance.

SECTION 101: **Purpose.** This Ordinance is adopted for the following purposes:

- A. To assist orderly, efficient, integrated and harmonious development of the Borough as set forth in the Comprehensive Plan of 1966 and the Amendments thereto;
- B. To assure sites suitable for building purposes and human habitation;
- C. To coordinate proposed streets with existing streets or other proposed streets, parks or other features of the Borough Official Map Summary;
- D. To strengthen the focal points which are of importance to overall development of the community;
- E. To provide adequate open spaces for traffic, recreation, light and air and for proper distribution of population;
- F. To ensure conformance of subdivision and land development plans with the public improvements of the Borough and coordination of inter-municipal, county and Commonwealth improvement plans and programs;
- G. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards;
- H. To regulate subdivisions and land developments within the jurisdiction of the Borough and concurrently to promote the highest quality environment obtainable; and
- I. To ensure that the layout and arrangement of the subdivision or land development plan is in conformance with the approved articles or chapters of the Comprehensive Plan and to any regulations or maps adopted in furtherance thereof.

SECTION 102: **Interpretation.** The provisions of this ordinance shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance, or

regulations, the provisions of this ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this ordinance, the provision of such statute, ordinance, or regulation shall prevail.

SECTION 103: Subdivision and Land Development Control.

- A. **Subdivision of a lot for construction, opening, or dedication of a street.** No subdivision of any lot, tract, or parcel of land shall be affected, and no street, alley, sanitary sewer, storm drain, water main, gas, oil and electric transmission line, or other facilities in connection therewith, shall be laid out, constructed, opened or dedicated for public use, or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with the subdivision and land development regulations adopted hereunder.

- B. **Sale of lots, issuance of zoning permits, or erection of buildings.** No lot in a subdivision or land development may be sold, no permit to erect, alter, or repair any building upon land in a subdivision or land development may be granted 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 by means of a proper completion guarantee in the form of a bond, or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the Borough Engineer, that the improvements will subsequently be installed. Where owing to special conditions, a literal enforcement of this requirement would result in unnecessary hardship, such reasonable exceptions thereto may be made upon approval of Borough Council as will not be contrary to the public interest, and the sale of a lot, issuance of a permit, or erection of a building may be permitted subject to conditions necessary to assure adequate street and other improvements.

- C. **Condominium ownership plans.** No section of this ordinance shall be construed to prohibit condominium ownership as permitted by the "Pennsylvania Unit Property Act," P.L. 117.

SECTION 104: Validity. Should any section of this Ordinance or the Subdivision and Land Development Regulations adopted hereunder be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance or the regulations as a whole or any other part thereof.

SECTION 105: Repealer. All ordinances and parts of ordinances inconsistent herewith, are hereby repealed, upon the legally effective date of this ordinance; otherwise to remain in full force and effect.

ARTICLE II

Definitions

SECTION 200: Unless otherwise expressly stated, the following terms shall for the purpose of these regulations, have the meanings indicated.

SECTION 201: Words used in the singular include the plural, and words in the plural include the singular. The word “person” indicates a corporation, an incorporated association and a partnership as well as an individual. The word “buildings” indicates “structure” and shall be construed as if followed by the words “or part thereof.” The word “street” indicates “road” and “land”, and “watercourse” includes “drain”, “ditch” and “stream”. The word “may” is permissive; the word “shall” and “will” are mandatory subject to the provisions of Section 200 of these regulations.

- A. **Alley.** A strip of land over which there is a right-of-way, municipally, or privately owned, on which no dwellings or stores front, serving as the secondary means of access to two or more properties.
- B. **Applicant.** A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
- C. **Application for Development.** Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plot or plan or for the approval of a development plan.
- D. **Basement.** Any area of the building having its floor subgrade (below ground level) on all sides.
- E. **Block.** An area usually bounded by streets or streets and natural or manmade features.
- F. **Builder.** A person who is not necessarily the owner of the land or agent of the same, who by contract or other agreement is charged with the responsibility of construction of buildings or other structures, or of making and construction improvements on any parcel of land.
- G. **Building Setback Line.** A line within a lot, so designated on a subdivision 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.
- H. **Cartway.** The portion of a street or alley intended for vehicular use.

- I. **Comprehensive Plan.** The official public document of current adoption consisting of maps, charts, and textual matter, that constitutes a policy guide to decisions about the physical and social development of the Borough.
- J. **Condominium.** An estate in real property consisting of an undivided interest in a portion of a parcel together with a separate interest in a space within a structure, This form of ownership may be applied in residential, professional office, limited industrial, and commercial land uses.
- K. **Crosswalk.** A right-of-way for pedestrian travel across a block connecting two of the bounding streets.
- L. **Cul-de-sac.** A street with access at one end and terminated at the other by a paved vehicular turnaround.
- M. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings, or other structures, the placement of manufactured homes, streets and other paving, utilities, filling, grading, excavation mining, dredging or drilling operations, the storage of equipment or materials, or the subdivision of land.
- N. **Development Plan.** The provisions for a land development: including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures., intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase “provisions of the developmental plan” when used in this act shall mean the written and graphic materials referred to in this definition.
- O. **Developer.** Any landowner, agent of such landowner or tenant with the permission of such landowner, who takes or causes to be made a subdivision or land development.
- P. **Driveway.** A private street providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.
- Q. **Easement.** A right-of-way or other rights granted for the use of private land for certain public or quasi-public purposes.
- R. **Endorsement.** Review stamp of the Montgomery County Planning Commission.
- S. **Engineer.** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for a municipality, planning agency, or joint planning commission.

- T. **Floodplain.** Those areas subject to one hundred year recurrence interval flooding as defined in the Flood Plain Information report for the Pennypack Creek prepared by the U.S. Army Corps of Engineers in 1973.
- U. **Grade.** A slope of a street, or other public way, specified in percent (%) and shown on plans as specified herein.
- V. **Historic Structure.** Any structure that is:
- (a) Listed in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
 - (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved state program as determined by the Secretary of the Interior; or,
 - (2) Directly by the Secretary of the Interior in states without approved programs.
- W. **Improvement.** Grading, paving, curbing, street lights and signs, fire hydrants, wells, water mains, sanitary sewers, storm drains, sidewalks, parking areas, crosswalks, and street shade trees.
- X. **Land Development.**
- a. A division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.
 - b. The improvement of one or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two or more buildings, or
 - 2. The division of allocation of land between or among two or more existing or prospective occupants by means of, or for the

purpose of streets, common areas, leaseholds, building groups or other features.

- Y. **Landowner**. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this ordinance.
- Z. **Lot**. A tract or parcel of land intended for separate use, building development or transfer of ownership.
- AA. **Lot Area**. The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within any right-of-way, but including the area of any easement.
- BB. **Lot, Flag**. Also known as rear or interior lot. A lot which conforms in all respects to the dimensional requirements of the zoning district in which it is located, except that the only road frontage and access is limited to an access strip. This definition does not include the commonly use wedge-shaped lots located on a cul-de-sac turnaround.
- CC. **Lowest Floor**. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.
- DD. **New Construction**. Structures for which the "start of construction" commenced on or after March 1, 1982, and includes any subsequent improvements to such structures.
- EE. **Official Map Summary**. The map of current adoption showing the location of the lines of existing and proposed public streets including the ultimate width of the corridor for such streets, watercourses and public grounds for the whole of the municipality of Bryn Athyn Borough provided that proposed streets, watercourses or public grounds shall not, in and of itself, constitute a taking or acceptance of any land by the Borough of Bryn Athyn.
- FF. **Plan**.
 - a. **Plan, Improvement Construction**. A plan prepared by a registered Engineer or Surveyor showing the construction details of streets, drains, sewers, bridges, culverts, and other improvements as required by these regulations showing the horizontal details, profile and typical cross section to be constructed or installed.

- b. **Plan, Land Development.** A tentative, preliminary or final plan including written and graphic material showing the provision for development of a subject tract when plans of subdivision would not be applicable.
 - c. **Plan, Preliminary.** A plan prepared for discussion with the Planning Commission and Borough Council by a registered Engineer or Surveyor showing the proposed street and lot layout, the deed restrictions, easements, etc. of the entire land owned being subdivided.
 - d. **Plan, Record.** A plan prepared for recording by a registered Engineer or Surveyor, showing the ultimate width of streets, the lot lines, easements, and any other relevant information pertaining to the subdivision.
 - e. **Plan, Tentative.** A rough draft showing proposed streets and lots related to topography, to be used as the basis for informal discussion between the representatives of the Planning Commission and subdivider, developer, or builder.
 - f. **Plan, Final.** A plan including information submitted as a preliminary plan for which no changes have been required by the Borough, and consisting of an improvement construction plan and record plan.
- GG. **Plat.** The map or plan of a subdivision or land development, whether preliminary or final.
- HH. **Public Notice.** Notice given not more than thirty days and not less than fourteen days in advance of any public hearing required by this act. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
- II. **Recreational Vehicle.** A vehicle which is:
- (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck;
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- JJ. **Reserve Strip.** A parcel of land separating a street from adjacent properties.
- KK. **Right-of way Line.** Ultimate right-of-way line as defined below.

- LL. **Sight Distance.** The distance of unobstructed view along the center line of a street from the driver's sight height of five feet to the farthest visible point four inches above the street surface.
- MM. **Soil Survey.** A report entitled, Soil Survey of Montgomery County, Pennsylvania, published April, 1967 by the Soil Conservation Service, United States Department of Agriculture, and which is available in the Borough or through the Extension Service, Agricultural Agent, The Pennsylvania State University in Norristown.
- NN. **Street.** A right-of-way and all improvements thereon serving primarily as a means of vehicular and pedestrian travel, furnishing access to abutting properties, and which may also be used for utilities, shade trees, and stormwater control.
- a. **Residential.** A public or private street used primarily as the principal means of access to adjacent residential properties.
 - b. **Secondary.** A public street connecting local residential streets to each other, or community facilities and to the major streets serving only neighborhood traffic.

Secondary feeder roads serve to connect residential streets to collector roads, and community facilities with light traffic volumes. Secondary collector roads serve to connect feeder roads and residential streets to other feeder roads, community facilities, and major highways with medium traffic volumes.
 - c. **Major.** A public street connecting district centers or communities, serving large volumes of fast moving through traffic, preferably located outside or bounding the residential neighborhood.
 - d. **Half-Street.** A street of less than required right-of-way and cartway width.
 - e. **Marginal Access Street.** A street parallel and adjacent to a major street providing access to abutting properties by a cartway separated from the major streets by a reserve strip. When used for residential purposes, a marginal access street may be private street, in compliance with the regulations herein.
- OO. **Street Line.** The dividing line between a lot and a street, identical to the ultimate right-of-way line or equivalent right-of-way line.

- PP. **Street Rights-of-Way.** Rights-of-way for street purposes are defined as follows:
- a. **Legal Right-of-Way.** The street right-of-way legally in the public domain at the time a plan is submitted.
 - b. **Ultimate Right-of-Way.** The street right-of-way projected as necessary for adequate handling of anticipated maximum traffic volumes.
 - c. **Equivalent Right-of-Way.** A street right-of-way required where private streets are permitted. It shall serve the same purposes as an ultimate right-of-way.
- QQ. **Structure.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- RR. **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, to lease, transfer of ownership or building or lot development: Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or residential dwellings shall be exempted.
- SS. **Substantial Damage.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- TT. **Substantial Improvement.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
 - (2) Any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as an “historic structure”.

- UU. **Substantially Completed.** Where, in the judgment of the Borough Engineer, at least 90 percent of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use (based on the cost of the required improvements for which financial security was posted, pursuant to Article III or this ordinance).

- VV. **Ultimate Right-of-Way.** The expected future right-of-way width computed from the centerline of an established right-of-way, as shown on the Ultimate Right-of-Way Map of the Borough adopted by the governing body as part of the Official Map Summary of Bryn Athyn Borough.

- WW. **Ultimate Right-of-Way Line.** The line parallel to the centerline of any public street which defines the boundary of the ultimate right-of-way as defined above.

ARTICLE III

IMPROVEMENT CONSTRUCTION AND FINANCIAL SECURITY

SECTION 300. Required Improvements.

The applicant shall construct all improvements, including road improvements, including grading, paving, curbs, gutters, sidewalks, street lights, fire hydrants, water mains, street signs, shade trees, storm drainage facilities, sanitary sewers, landscaping, traffic control devices, open space and restricted areas and erosion and sediment control measures in conformance with the final plan as approved.

Before any plat shall be finally approved for recording, or any building permit shall be issued, the developer shall complete all required improvements or provide a performance guarantee in accordance with Section 301.

SECTION 301. Financial Security.

In lieu of the completion of any improvements required as a condition for final plan approval, financial security in an amount sufficient to cover the costs of any improvements or common amenities shall be provided to the Borough.

- A. **Type of Security.** Without limitations as to the type of financial security which the Borough may approve, which approval shall not be unreasonably withheld, irrevocable letters of credit from a Federal Commonwealth chartered lending institution and/or restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section. The developer shall be required to execute such escrow agreement prepared by the Borough Solicitor.
Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the developer, builder or subdivider posting the financial security, provided said bonding company or lending institution is authorized to conduct business within the Commonwealth.
- B. **Amount.** The amount of the financial security shall be equal to one-hundred ten percent (110%) of the cost of the required improvements for which financial security is to be posted.
- C. **Release in Full.** The portion of the financial security unencumbered by the post-completion security of Section 301, E, shall be released only upon completion of installation of the required improvements in accordance with the approved Improvement 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 financial security posted by the subdivider, owner, developer, or builder.

If the Council fails to comply with the time limitations of Section 510 of Act 247, all improvements will be deemed to have been approved, and the developer shall be released from all liability pursuant to the financial security.

- D. **Incomplete Improvements.** If the required improvements are not completely installed within the period fixed or extended to the Council, the Council shall declare the financial security in default to collect the amount payable thereunder. Upon receipt of such amount, the Borough shall install such improvements as were covered by the security and are commensurate with the extent of building development which has taken place in the subdivision or land development which has taken place in the subdivision or land development, not exceeding in cost, however, the amount collected upon the security. Strict compliance with procedures established by Section 511 of Act 247, The Municipalities Planning Code, shall be followed.
- E. **Post-Completion Security.** The developer shall be responsible for maintenance of all subdivision or land development improvements until such improvements are offered for dedication and accepted by the Borough, and ten percent (10%) of the performance guarantee shall be held back until a maintenance guarantee as provided for in Section 701.3 has been posted.

SECTION 303. Inspection of Work and Materials.

- A. Notice. The Borough Engineer shall be notified forty-eight (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 officials during the progress of the work. The subdivider, developer, or builder shall pay for all inspections.
- B. Improvement Specifications. All required road improvements shall be constructed in accordance with the applicable provisions of the Pennsylvania Department of Transportation, Form 408, dated 1976, including the latest revisions and other application regulations. All other required improvements shall be constructed in accordance with approved specifications.
 - 1. Specifications. The specifications will be furnished to the applicant by the Borough. If any of the specifications are unavailable from the Borough, the Borough Engineer shall provide the applicable specifications.
 - 2. Sample of Materials. During or after construction of required improvements, should the Borough require a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Borough Engineer.

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

SECTION 304. 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 Solicitor shall render final judgment in any instances where a dispute arises as to the direct causal relationship for the improvement(s). The subdivider or developer shall be required to cover cost which may be incurred by the Borough or other governmental jurisdiction in order to make these improvements feasible. The legal and financial arrangements to cover costs of the off-site improvements shall be the same as those proscribed in Section 301.

ARTICLE IV

Administrative Procedure

SECTION 400. General. The procedures set forth in this Article shall be followed by all applicants.

SECTION 401. Required Plans for Approval of a Plat or Subdivision and Land Development.

- A. A tentative plan may be submitted for all subdivisions and land developments proposed within the Borough.
- B. A preliminary plan is required for all subdivisions and land developments proposed within the Borough.
- C. A final plan is required for all subdivisions and land developments proposed within the Borough. 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 final plan. A final plan shall consist of two parts:
 - a. Improvement Construction Plan;
 - b. Record Plan
- D. A land development plan shall be required whenever the application for approval of a plat shall be construed to be a land development in accordance with the definition of same as provided in this ordinance. A land development plan may be required in conjunction with a subdivision plan or in lieu of a subdivision plan when review of a plan on a lot-by-lot basis would not be applicable.

SECTION 402. Plat Processing Procedure.

- A. Unless determined otherwise, all plans for approval of a plat shall be submitted in the following order: Tentative Plan, Preliminary Plan and Final Plan. A plan, and all required copies of each plan, shall be filed one at a time and no subsequent plans for approval of a plat shall be filed until such time that a decision has been reached concerning the preceding plan. When the decision reached concerning an application for approval of a plat, whether tentative, preliminary or final, has rendered the application for approval finally denied then the applicant when and if he should reapply requesting approval of a plat, shall do so in accordance with the procedure outlined above.
- B. Applications for approval of a subdivision and land development plan shall be received by the Borough Secretary in 8 copies for evaluation by Borough

Council. Formal application shall be received on the first Monday of each month, the date of monthly meetings of Borough Council.

C. Council shall act on the plan and communicate it to the applicant not later than ninety (90) days after the date of the next regular meeting of the Borough Planning Commission following the date the application is submitted to the Borough Secretary. If, however, the next regular meeting of the Borough Planning Commission occurs more than thirty (30) days following the submittal of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the date the application was submitted.

D. Schedule of Steps.

a. Application received by Secretary. The date shall be noted and the filing fee received. A cursory examination of the application and plan will be conducted.

b. The Secretary shall distribute copies to:

1. The Montgomery County Planning Commission – 2 copies.
2. Bryn Athyn Borough Planning Commission.
3. Bryn Athyn Borough Engineer, and when applicable to:
4. Bryn Athyn Borough Sewer Authority.
5. Zoning Officer.

c. Application for approval of a subdivision or land development plan placed on agenda for meeting of Borough Council.

d. Recommendations of the Montgomery County Planning Commission, Borough Planning Commission and others submitted to the Borough Council.

e. Borough's action:

1. If Council approves the Plan, the Borough Secretary will so certify thereon, and two copies will be given to the applicant.
2. If Council disapproves the plan, the Borough Secretary shall notify the applicant in writing, within fifteen (15) days following the decision, and shall describe the requirements which have not been met and shall cite the provisions of state law or Borough Ordinance relied upon for such decision. A copy of such notification shall be sent to the Borough Planning Commission.

3. An approval of a plan shall be effective for a period of five (5) years, unless extended by the Council. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from date of preliminary approval. No subsequent change or amendment in zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.
4. In addition, where the landowner has substantially completed the required improvements as depicted on the final plan within the five (5) year limit, or any extension thereof as may be granted by the Council, no change of municipal ordinance or plan enacted after the date of the filing of preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, road or utility location.
5. If the development is proposed in phases in which the installation of improvements shall extend beyond the five (5) year period, then the following shall be done:
 - a. The landowner shall file a schedule along with the preliminary plan. Said schedule shall depict the proposed development sections and include deadlines within which application for final plan approval of each section is intended to be filed. The schedule shall be updated annually by the applicant on or before the anniversary date of preliminary plan approval. The schedule update must be done until final plat approval for the final section is granted. Said schedule and its modifications are subject to approval of the Council.
 - b. In the case of residential subdivisions or land developments which are to be developed in sections, each section, except the final section, must contain at least twenty-five (25) percent of the total number of dwelling units in the entire

development. However, the Council may approve a lesser percentage.

- c. If the landowner does not adhere to the schedule of submission of final plans for the various sections, then any changes in zoning, subdivision, or other governing ordinances enacted after the date of initial preliminary plan submission shall affect his property.
- d. If the landowner does not default with regard to the schedule of submission of final plan for the various sections, has not violated any conditions of preliminary approval and has substantially completed the initial section of the development within the five (5) year period, then an additional term or terms of three (3) years shall be extended to the applicant to complete each of the other sections. The extended term or terms shall begin from the date of final plan approval for each section. During this three (3) year period no change in municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plan shall modify or revoke any aspect of the approved final plan pertaining to zoning classification or density, lot, building, road or utility location.

ARTICLE V

Design Standards

SECTION 500. General. The following principals of subdivision and land development, general requirements, and minimum standards or design, shall be observed by the applicant in all instances.

- A. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses so that remnants and land locked areas shall not be created.
- B. When only a portion of a tract is being reviewed relative to subdivision and land development, but where future subdivision or development is imminent, the applicant shall demonstrate, subject to approval of his plan, 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.
- C. Whenever possible, applicants shall preserve trees, groves, waterways, scenic points, historic spots and other community assets and landmarks.
- D. 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.
- E. Low-lying land subject to periodic flooding as defined in the Zoning Ordinance shall not be subdivided or developed for any use that may involve danger to health, safety, morals, and general welfare of the residents of Bryn Athyn Borough.
- F. Where no public water supply is available for the proposed subdivision or land development, Council shall require the subdivider, developer or builder, to obtain from the Borough Health Officer, certificates of approval as to the quality and adequacy of the water supply proposed to be utilized by the subdivider, developer or builder, and approval of the type and construction methods to be employed in the installation of the individual water supply system.
- G. Where the subdivision or land development is inaccessible to sanitary sewers, Council shall require the subdivider, developer, or builder to obtain from the Borough Health Officer, certificates of approval of the sewage disposal facilities to be provided by the subdivider, developer or builder.

- H. Applicants shall observe the ultimate rights-of-way for contiguous existing streets as prescribed by the Official Map Summary for the Borough. Additional portions of the corridors for such streets shall be offered to the State, County, or Borough agency having jurisdiction at the time the subdivision or land development is consummated. Applicable building setback lines, as defined by the Bryn Athyn Borough Zoning Ordinance of current adoption shall be delineated as measured from the ultimate right-of-way line.
- I. Proposed subdivision and land development shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- J. Improvement construction requirements will be completed under specifications of the Pennsylvania Department of Transportation, the Pennsylvania Department of Health, the Montgomery County Soil and Water Conservation District, or other appropriate agencies or the specifications included herein, whichever specifications shall result in the more favorable interpretation of this Ordinance.
- K. Construction of Facilities. The subdivider, 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 progress of the work and the subdivider shall pay for inspection.

SECTION 501. Recommendation of Planning Commission.

- A. The standards of design in this Article should be used to judge the adequacy of subdivision and land development proposals. Wherever, in the opinion of the Planning Commission, the literal application of these standards in certain cases would serve to create an undue hardship or be plainly unreasonable to the applicant, the Borough Planning Commission may recommend to Council such reasonable exceptions as will not be contrary to the public interest. Borough Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of these regulations.
 - 1. In reviewing subdivision and land development plans, the Borough Council may refer such plans back to the Planning Commission for recommendations concerning the adequacy of existing and proposed community facilities to serve the additional dwellings or facilities proposed by the subdivision or land development.

2. Developers are requested to give careful consideration to the desirability of providing adequate rights-of-way and 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, playgrounds 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 and proposed storm and sanitary sewer systems of Bryn Athyn Borough.
3. Areas provided or reserved for such community facilities should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed. Borough Council reserves the right to accept or refuse offers of dedication for public uses.

SECTION 502. Streets. This section shall govern all new streets and portions of existing streets which are affected by proposals for subdivision and/or land development, and/or changes in land use which affect street functions.

A. Street System.

1. Conformance with Adopted Plans. The proposed street pattern shall be properly regulated to existing streets, to the Borough Official Map Summary and to such County and State road and highway plans as have been duly adopted by said agencies.
2. Arrangement. Streets shall be arranged in a manner to meet with the approval of Borough Council considered in relation to both existing and planned streets, and located so as to allow proper development of surrounding properties. Secondary and through highways shall be connected with such existing streets and highways so as to form continuations thereof. Residential streets shall be laid out to discourage their use as secondary streets or through highways.
3. Conformity with Topography. Streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable grade, alignment and drainage.
4. Grading. The street shall be graded to the full width of the right-of-way and provision made for slopes beyond the right-of-way in conformance with municipal specifications.
5. Provisions of Streets for Future Development. Access shall be given to all lots and portions of the tract in the subdivision and to adjacent unsubdivided territory. Streets giving such access shall be improved

to the limits of the subdivision. Remnants, reserve strips and land locked areas shall not be created.

6. **New Streets.** New streets shall be laid out to continue existing streets at equal or greater right-of-way and Cartway width, where such continuations are reasonable and practical.
7. **Dead-End Streets.** Dead-end streets are prohibited, unless designed as cul-de-sacs or designed for access exclusively to neighboring tracts.
8. **Street Names.** Continuation of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets. All street names are subject to the approval of Borough Council.
9. **Construction.** Materials and construction methods must conform to Standards in Pennsylvania Department of Transportation Specifications Form 408 and current revisions, and to “Guidelines for Design of Local Roads and Streets”, PENNDOT Publication #190.
10. **Storm drainage facilities** shall be provided and maintained by the applicant in accordance with Section 508, herein, or according to other standards required by the Borough Engineer.

B. Classification and widths of roads shall conform to the Comprehensive Plan of the Borough. Curbing may be installed as required.

| <u>Type of Street</u> | <u>Right-of-Way Width</u> | <u>Paving Width</u> | <u>Curbing</u> |
|-------------------------------------|---------------------------|---------------------|--------------------|
| Collector | 80 feet | 40 feet | As may be required |
| Secondary-Feeder | 60 feet | 36 feet | As may be required |
| Residential (Through or Cul-de-sac) | | | |
| Public | 50 feet | 28 feet | As may be required |
| Private | 50 feet | 18 feet | As may be required |

C. Street Intersections.

1. **Minimum Angle of Intersection.** Right angle intersections shall be used whenever practicable, especially when local streets empty into major or secondary streets; there shall be no intersection angle, measured at the center line, of less than sixty (60) degrees minimum.
2. **Primary Thoroughfare.** Wherever practicable, intersections with through highways shall be kept to a minimum and shall be located at least six hundred (600) feet apart.

3. Sight Distance. Proper sight lines shall be maintained at all intersections of streets. These shall be measures along the center line a minimum clear sight triangle of seventy-five (75) feet from the point of intersection. No building, trees, hedge, shrubbery or other obstruction whatsoever will be permitted in this area. Any obstruction to sight shall be removed at the time the street is graded or at the time a building or structure is erected, whichever shall first occur.

D. Public/Private Streets.

1. Streets intended for public use shall be dedicated to the Borough or appropriate authority, subject to final acceptance based on compliance with Section 701 of these regulations.
2. Private streets shall be governed by the standards and requirements of both Section 502 and Section 516 of this Ordinance.

SECTION 503. Driveways and Parking Areas.

A. Driveways.

1. **Permit Requirements**

A Borough Driveway and Shoulder Permit must be issued by the Borough before any driveway may be constructed, repaired or modified within a Borough right-of-way. Application for a Borough Driveway and Shoulder Permit shall be made on a form prescribed by the Borough and available from the Borough Manager. A Pennsylvania Department of Transportation Highway Occupancy Permit must be obtained from the said Department before any driveway may be constructed, repaired or modified within a Commonwealth right-of-way.

2. **Location.**

Driveways shall be located so as to provide adequate sight distance at intersections with streets. The sight distance provided shall comply with the standards of the American Association of State Highway and Transportation Officials, or the standards of the Pennsylvania Department of Transportation, whichever are more stringent. Driveways shall be located not less than forty (40) feet from a street intersection and shall provide access to the street of lesser classification when access to streets of different classification is available.

3. **Design Requirements.**

- a. Driveways shall be designed and constructed in compliance with Borough Engineering Standards when intersecting a Borough roadway.
- b. Driveways shall be designed and constructed in compliance with Pennsylvania Department of Transportation standards when intersecting with Commonwealth roadways. If Borough Standards are more restrictive than Pennsylvania Department of Transportation standards, Borough standards shall apply.
- c. Driveway design shall not cause or contribute to:
 1. Hazards to the free movement of street traffic.
 2. Traffic congestion on the street.
 3. Interference with the design, maintenance, and drainage of the street.
- d. A stopping area measuring twenty (20) feet behind the right-of-way line shall be provided not to exceed four (4%) percent grade. The twenty (20) foot section shall be paved.

SECTION 504. Lots. Lots shall conform to applicable zoning classifications.

A. Subdivisions or Land Developments with Existing Structures on Land.

No subdivisions of land will be approved with the property line extending through any portion of any existing structure.

1. If Structure(s) is to remain.

- a. In residential zoning districts of the Borough, the lot size and the lot dimensions of the newly created lot containing the structure(s) should be in scale with the height and bulk of the existing structure even if this requires a lot area and/or dimensions exceeding the minimum zoning requirement for that district. Structures proposed on the vacant portions of lands being subdivided should conform to the extent possible with the height, bulk, building material and architectural character of the existing structures in the immediate vicinity and the subdivision or land development plan shall show building plans at suitable detail.
- b. In other zoning districts of the Borough (especially commercial and industrial districts) the land development plan must provide for adequate services and parking facilities, etc., in keeping with the minimum requirements of the zoning ordinance for each lot and cumulatively for all lots in the plan. No land development plan will be approved in such instances if the servicing and/or parking facilities, etc., attendant to the existing structures are deemed

inadequate or would be considered to become inadequate with the development of the now vacant lands. Any new structures contemplated on the newly subdivided parcels should be in conformity with the existing structures in the immediate vicinity to the extent possible in regard to height, bulk, building material and architectural character and the subdivision or land development plan shall show building plans in suitable detail.

- c. Alterations and replacements will be permitted within the existing structure, but exterior extensions of the building must conform to the requirements of the Bryn Athyn Borough Zoning Ordinance, as amended.
 - d. **Conversions.** 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 of Bryn Athyn Borough.
1. **If existing structure(s) is to be removed.** Subdivision or land development plan approval will be issued “conditional” to the expeditious removal of existing structures in complete conformity to all other pertinent borough procedural requirements. The land development plan shall furthermore show in detail the proposed development of each parcel of ground and the proposed development shall not provide less service and parking facilities, etc., than now exist. In commercial and industrial areas, plots of land that have been cleared, as well as the existing vacant portions of such lands should be developed in conformity with the long-range needs of the area to the extent possible and all developmental requirements embodied in this ordinance and the Zoning Ordinance shall be adhered to. If roadway realignments and other similar requirements are deemed necessary in the immediate vicinity of the plot being subdivided, they shall be corrected as part of the subdivision or land development plan design to the utmost of the developer’s ability.
 3. **If existing structure(s) is to be partly replaced or is to be added to.** Demolition plans and/or construction plans must be detailed as part of the subdivision or land development plan review and subsequent plan approval will be conditional upon compliance with said proposed details. Additions to existing structures shall be in harmony with existing structures in the immediate vicinity, especially in respect to height, bulk, building material and architectural characteristics. In the case of partial demolition of existing structures, the remaining structure must be in keeping with the existing buildings in the immediate vicinity in relation to type, bulk, building material and architectural characteristics. Renovation work to the remaining

portion of a structure following partial demolition must be completed promptly and expeditiously.

B. Lot Siting, Planting and Beautification for Subdivisions and Land Developments.

In order to promote the highest environmental quality possible, the success to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features.

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 despoliation of the character of the area in open space.
2. **Tree Preservation.** All trees six (6) inches or more in caliper at breast height should not be removed unless within the proposed right-of-way line of a street or impracticable for development. Relocation of noteworthy plant material should be encouraged where retention is impracticable.
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 ten (10) percent and shall be stabilized by sodding on slopes ten (10) percent or more and planted in ground cover on slopes twenty (20) percent provided that rip-rap shall be utilized for banks exceeding twenty-five (25) percent.
4. **Landscaping.** For all Multi-Family, Commercial and Industrial Districts, the developer should incorporate sufficient planning into his design so as to gain approval of the Borough Planning Commission. It should be of a type recommended by the Planning Commission including open space, planting strips, screen-formal gardens, shade trees, natural barriers or other types of acceptable growth.
5. **Buffer Planting Requirements.** The land surrounding any permitted use shall be landscaped except for paved areas, such as walkways, accessways, play areas, and necessary parking and service areas, and each apartment house, group apartment development, or non-residential use shall make such other suitable screening provision as is

necessary to safeguard the character of an adjacent area. A buffer area shall be used for no purpose other than planting, screening, lawns, or trees except for necessary accessways. Such buffer area shall include a suitable and uninterrupted coniferous planting screen of sufficient height and density to give maximum protection and immediate screening to the abutting district. Such screening shall be permanently maintained, and replaced where necessary to present an attractive appearance.

6. **Preserved Landscaping.** When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e.: landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

C. Flag Lotting

Flag lots, as defined herein, may be permitted by the Borough Council, in accordance with the following standards and criteria:

1. **Parts of a Flag Lot.** Flag lots shall be comprised of two parts, the access strip and the body of the lot, in compliance with the following standards:
 - (a) The access strip shall be a minimum of 25 feet wide for its entire length, including that portion which abuts a public street right-of-way for access.
 - (b) When necessary or desirable for grading, drainage, or preservation of natural features, such as trees, the access strip shall be widened beyond the minimum width as necessary, when required by the Borough Council upon recommendation of the Borough Engineer.
 - (c) When the body of the flag lot is capable of being further subdivided into an additional lot, its access strip shall be a minimum of fifty (50) feet wide, and shall be located for future use as a road right-of-way, unless further subdivision is prohibited by deed restriction or other legal instrument approved by the Borough Solicitor.
 - (d) The access strip shall be a fee-simple part of the flag lot, and shall not be a separate parcel or easement.
 - (e) The body of a flag lot shall comply with all the minimum dimensional requirements of the zoning district in which it is

located. The area of the access strip shall not be counted toward the minimum lot requirement.

2. **Review Factors.** In reviewing applications for flag lots, the following factors will be considered by the Bryn Athyn Planning Commission and the Borough Engineer:

- (a) The amount of road frontage and configuration of the property being subdivided.
- (b) The sizes and number of lots proposed, including both the total number of lots and the number of flag lots.
- (c) The type and character of road which the tract abuts.
- (d) The topography of the parcel being subdivided, with an emphasis on trees and slopes.
- (e) The physical characteristics of the surrounding area, and whether or not the subdivision site is distinguishable from it.
 - (1) Its physical characteristics, and whether or not the subdivision site is distinguishable from it.
 - (2) Its planned future character; that is whether it is in or abutting a growth area, or in an area planned for agricultural or other rural uses.
- (f) The development status of the surrounding sites.
- (g) The visual character preferred for the tract; that is, whether it is preferable to see a number of houses abutting the road, or to “hide” some in rear areas to reduce the perceivable density of development.
- (h) Whether flag lots would set an undesirable precedent for nearby sites.
- (i) The economic impact of requiring road construction as compared to using flag lots.
- (j) The visual and physical impacts of road construction as compared to the use of access strips.

3. **Design Standards for Flag Lots.**

- (a) The length of the access strip shall be kept to a minimum.

- (1) As a a guide, the preferred length is approximately equal to the depth of one lot which complies with the minimum lot width and area requirements of the district in which it is located.
 - (2) No access strip should exceed three times the lot depth described in a. (1), above, unless the primary purposes of the additional length are to preserve farmland or other land for preservation of agriculture or rural character, by locating new development remote from road frontage.
 - (b) Turns greater than 60 degrees should be avoided in access strips.
 - (1) It may be necessary to widen the access strip at such sharp turns to accommodate grading, drainage, or tree preservation.
 - (2) For access strips that may become roads, the Borough Council may require turns to be designed to accommodate horizontal curves required for roads.
 - (c) Driveways serving access strips shall comply with the Borough's Engineering Standards for drainage and cartway, from the edge of road pavement to a distance of 50 feet beyond the ultimate right-of-way line in the road.
 - (d) When more than two access strips would abut one another, the Borough Council may require, instead, the use of a Public Street, in accordance with the standards of this Ordinance.
 - (e) For multiple access strips, one common driveway may be permitted, with appropriate cross-easements, to serve the multiple access strips. Such a common driveway shall be constructed in compliance with the Borough's Engineering Standards.
4. **Provisions for Future Roads.** The Borough Council may permit the use of flag lots where one or more access strips are intended to serve as a right-of-way for a road which will serve future lotting. The following regulations shall apply:

- (a) Legal guarantees shall be provided to assure future use of any access strip proposed for future use as a road, subject to approval of the Borough Engineer.
- (b) The road shall be constructed or financially guaranteed at the applicant's expense, in compliance with Borough Standards.
- (c) Access strips legally and financially guaranteed for future use as roads may comprise the legal and physical access to otherwise landlocked residual parcels only if the access is irrevocably guaranteed.
- (d) An overall tentative sketch plan shall be submitted as part of the proposed subdivision to show how the flog lotting and reservation of access strips for future roads forms a logical and appropriate first phase in subdivision of the entire tract, and/or how it will allow interconnection with adjacent tracts.
- (e) When the road is constructed, any access strips which are no longer needed shall revert to the owners of the abutting lots, in accordance with the terms agreed to as part of the Preliminary Plan approval which created the access strips.

SECTION 505. Recreation Areas and Community Assets. Wherever practicable, provision shall be made for suitable open space for parks, playgrounds, and recreational areas. 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 vistas, historic grounds and structures and other community assets.

SECTION 506. Reserve Strips, Right-of Way and/or Easements, Deeds.

- A. **Reserve strips** controlling access to streets, alleys, subdivisions or adjacent areas are prohibited.
- B. **Right-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; the location and width in each case to be as determined by the Council.
 - 1. Building setback lines shall be measured from the nearest side of the right-of-way or easement to the proposed building.
 - 2. Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area shall be kept as lawn.

3. The owner of any lot, upon written request by the Borough, and at the owner's sole expense, shall remove anything placed, planted, set or put, (with or without knowledge of this regulation) within the area of any easement.

C. **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.

1. 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 developer.

D. **Easements.**

1. **Utility.** Easements with a minimum width of twelve (12) feet shall be provided for common utilities and drainage when provided in unwanted dedicated land. Nothing shall be permitted to be placed, planted, set or put within the area of an easement, but shall be maintained as lawn.
2. **Drainage.** Drainage easements shall be required along natural water courses to a minimum width of twenty-five (25) feet from the center line and may be used for storm and sanitary sewers, and as open space. Where conditions warrant, such as in flood plains, additional width shall be required in such cases where run-off treatment requires a wider easement. Run-off studies must prove such requirements beyond the delineated flood plain.
3. **Dedication.** Where storm water or surface water will be gathered within the subdivision or land development and discharged or drained in volume over lands within or beyond the boundaries of the subdivision or land development, the subdivider, developer, or builder shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge of drainage and for carrying off of such water and for the maintenance, repair, and reconstruction, of the same, including the right of passage over by 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 demand.

SECTION 507. Survey Monuments.

- A. Monuments** shall be of stone or concrete and located on the right-of-way lines at corners, angle points, beginning and end of curves, and as otherwise required. Monuments shall be indicated on all plans. They shall be placed after a new street has been completed. The center line of all new streets shall be marked with spikes and referenced to permanent monuments or structures. A certified copy of this reference information shall be given to the Borough Engineer. Permanent reference monuments of cast concrete or durable stone twenty (20) inches by four (4) inches, by four (4) inches, with forty-five (45) degree beveled edges shall be set by the subdivider, developer, or builder, at all corners and angle points of the boundaries of the original tract to be subdivided and at all street intersections and intermediate points as may be required.
- B. Staking Requirements.** All lots shall be staked by the registered engineer or surveyor for the developer when final grading has been completed. This stake out shall be visible and completed before an owner or occupant moves into the property. All lot corner markers shall be permanently located and shall be at least five-eighths (5/8) inch metal pin with a minimum length of twenty-four (24) inches, located in the ground to existing grade.

SECTION 508. Storm Drains and Drainage Facilities. All storm drains as drainage facilities such as gutters, catch basins, bridges and culverts shall be installed and land graded in accordance with current engineering practices. (See References)

A. Design Submission.

1. All plans showing the proposed storm sewer construction must be accompanied by a complete design submitted by an registered engineer or surveyor.

B. Design Standards

All stormwater management facilities in the Borough shall be designed and maintained in accordance with County, State, and Federal regulations. This shall include the use of Best Management Practices (“BMPs”) wherever practical. All development and redevelopment activities with earth disturbance of one (1) acre or more with runoff to the stormwater management facilities within the Borough, or five (5) acres or more regardless of the direction of the planned runoff, shall be conducted in accordance with the design standards of this ordinance, as well as the standards of Montgomery County, State and Federal regulations. No formal approval of land development plans or issuance of building permits shall occur without Borough approval of post-construction stormwater controls, where applicable. Post-construction structural and non-structural BMPs must be designed, constructed and maintained to meet (1) the requirements of any applicable approved watershed plan adopted by the County and approved by DEP under Act 167, and (2) the DEP statewide water quality requirements (e.g., 25 Pa.

Code Chapter 93).

Construction site operators must implement appropriate erosion and sediment control best management practices, and must control waste at the construction site that may cause adverse impacts to water quality. Wastes can include discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste. The site operation must arrange for appropriate inspection by Borough and Montgomery County Conservation District representatives, and must abide by any enforcement actions.

C. Prohibition on Illicit Discharges

In addition to the applicability standards included in section 103 of this Ordinance, the regulations in this subsection shall apply to all properties within the Borough. For the purposes of this section, the following definitions shall apply:

“Stormwater Conveyance System” - A stormwater system facility designed to transmit stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

“Stormwater” - The total amount of precipitation reaching the ground surface.

Stormwater Management Facility” - Any structure, natural or man-made, that, due to its condition, design, or construction conveys, stores or otherwise affects storm water runoff. Typical stormwater management facilities include, but are not limited to, detention and retention basins, open channels, storm sewers, pipes and infiltration structures. No persons shall discharge any non-stormwater materials or fluids into any stormwater conveyance system or any stormwater management facility within the Borough.

SECTION 509. Bridges and Culverts. Bridges and culverts shall be designed to meet the current Pennsylvania Department of Transportation standards to support expected loads and to carry expected flows. They shall be constructed to at least three (3) feet width on each side of the cartway.

Approval of the Department of Environmental Resources of the Commonwealth is required when the area drained upstream of the point under consideration exceeds an area of one-half square mile.

SECTION 510. Sanitary Disposal System. Sanitary disposal systems shall conform to standards of the Borough Health Officer, and conforming to the Department of Environmental Resources, Act 537, Pennsylvania Sewage Facilities Act, and the Borough Board of Health.

SECTION 511. 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.

A. Underground Utilities. All gas and water mains shall be installed underground. All electric, telephone, and communication services, both main and service lines, shall be provided by underground cables, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services, except where it is demonstrated to the satisfaction of the Borough Council that underground installations herein required are not feasible because of prevailing construction standards or 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.

1. In order to promote and facilitate the under grounding of utility distribution lines, a letter of endorsement shall be required from the suppliers of utility service (not limited to electrical, telephone, or cable television) of the developer's choice wherein the applicant acknowledges that underground utilities are feasible and shall be consummated as part of the improvement plan. A statement relative to the intent of the developer to provide underground utility service shall be placed on the final plan requisite to final approval of such plan.
2. The provisions 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 easement or rights-of-way designated for such purposes.
3. Light standards are to be placed as required by ordinance. Power sources for such standards shall be placed underground as required.
4. Along arterial roads and major highways all new electrical service should be placed underground.

SECTION 512. Street Trees. Suitable trees shall be provided by the subdivider along all streets according to practices for selection and placement approved by the Borough Natural Resources Committee.

SECTION 513. Flood Plain Areas. No construction is permitted in flood plain zones as provided in the Zoning Ordinance as revised in 1991.

SECTION 514. Water Supply. The developer shall provide public water service by an approved system.

SECTION 515. Erosion and Sediment Control.

Erosion and sediment control plans shall be developed in accordance with the requirements of Chapter 102 (erosion and sedimentation) (which includes Chapter 93 requirements for water quality standards/anti-degradation) of the DEP regulations. The erosion control design shall include the use of Best Management Practices (“BMPs”) wherever practical. Projects which involve more than one (1) acre of land disturbance must receive approval from the Montgomery County Conservation District for erosion control design, and for any applicable NPDES Permit. No final land development plan or building permit shall be approved prior to the issuance of the applicable permits and approvals. Any person or entity found to be in violation of these requirements shall pay a fine not to exceed \$50.00 for each day a site is in violation.

SECTION 516. Additional Standards and Requirements for Private Streets. A private street may be permitted to provide local access to land which abuts its right-of-way, when approved by the Borough Council. Borough Council shall consider the recommendations of the Borough Planning Commission and Engineer in evaluating a proposal for or along a private street. Private streets shall comply with the following:

- A. The minimum right-of-way or equivalent right-of-way shall be fifty (50) feet; the right-of-way lines shall be the basis for measuring setbacks, lot areas, etc.
- B. Minimum paved cartway width shall be eighteen (18) feet.
- C. Construction standards shall be the same as for public streets unless waived by Borough Council. No street construction shall be permitted, however unless it is approved by the Borough Engineer.
- D. An irrevocable right-of-access shall be guaranteed to all properties whose access depends on the private street, by means of legal agreement and/or covenants, subject to approval by the Borough Council as advised by the Borough Solicitor.
- E. The legal access agreements and/or covenants shall be:
 - 1. Clearly noted on the subdivision and/or land development plan for all proposals using private streets for access.
 - 2. Included in the deeds for all properties having these access rights.
 - 3. Recorded in the Office of the Recorder of Deeds Montgomery County by recording these plans and deeds.

4. Clear and specific with regard to property owner's rights to further subdivision, especially in regard to the need to receive approval from the Homeowners Association and/or a waiver from the requirements of this ordinance.
- F.** The private street may be owned by one or more of the property owners who have the right-of-access, or may be jointly owned by an association of these property owners.
- G.** Maintenance shall be guaranteed by the formation and administration of an association or other legally binding organization of all landowners with access rights.
1. Documents governing such association shall be subject to approval of the Borough Council as advised by the Borough Solicitor, shall be filed with the Borough, and shall be recorded with the deed for each property with access rights.
 2. All property owners in such an association shall have a share in the rights and bear a share of the costs and other burdens of maintenance, as specified in the access agreements and/or covenants. This share shall also apply to the assessed costs for upgrading to public street standards, in accordance with Section 516, H, herein.
 3. If one or more property owners in the association believe the street is not being properly maintained, and cannot succeed in having the association authorize proper remedies, then that/those property owner(s) may request Borough Council to authorize an inspection of the street by the Borough Engineer. The inspection costs shall be paid by those property owners requesting the inspection. If the Borough Engineer determines the street is not being properly maintained, the Borough may take corrective action in accordance with Section 516, H, herein.
- H.** The Borough Council reserves the right to order the private street to be upgraded to meet all of the standards and requirements for public street, if, at any time, they deem the road to be a health or safety hazard for reasons of improper or inadequate maintenance.
1. The costs of upgrading the street, including engineering, legal, and related costs, shall be assessed against the association. Within each association, the share of the assessment to be paid by each property owner shall be as specified in the association's legal access agreements and/or covenants.

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

I. Additional Provisions

1. Any vehicular access way which services three (3) or more lots, but is not offered for dedication as a public street, shall be considered a private street, subject to these requirements.
2. Not more than ten (10) lots or dwelling units may be served by a private street which has only one access to a public street (a private dead-end or cul-de-sac street).
3. A private street with more than one access to a public street or streets may have not more than ten (10) lots or dwelling units per public street access.
4. Emergency access may be required to a private street which has only one public street access.
5. For private cul-de-sac streets, a suitable turnaround shall be provided, subject to approval of the Borough Engineer. A forty-foot (40') radius paved cartway is encouraged, but other configurations may be used if approved by the Borough Engineer as being capable of permitting the turnaround of large vehicles such as fire, trash, and moving trucks.

J. Further subdivision or land development of any lot depending on a private street for vehicular access is prohibited if it would violate the maximum number of permitted lots, maximum length of cul-de-sac, or any other applicable provisions of this ordinance. However, if an applicant requests such further subdivision, the following shall apply:

1. In order to permit such further subdivision, one of the following shall apply:
 - a. The street must be upgraded to meet all the standards and requirements for public street construction, and must be offered for dedication to the Borough, or
 - b. Further subdivision may be permitted and the street may remain private, if the Borough Council approves a waiver of the potentially violated standard (s).

2. The applicant shall apply in writing to the Borough Council for approval to upgrade the street or to be granted appropriate waivers.
 - a. Application to Borough Council shall include written approval from the homeowners association for the applicant to seek Borough approval for upgrading or waivers.
 - b. Upgrading of the street or waivers shall not be approved by the Borough Council unless approval is first received from the homeowners association.
 2. Borough Council shall evaluate waiver applications in respect to the guidelines provided in Section 516.M.
 3. The costs of upgrading a private street to public standards, including dedication, and/or costs involved in granting waivers shall be borne by the association of individual property owners in accordance with the association's legal access agreements and/or covenants.
- K.** An individual private driveway may be legally reclassified and physically upgraded and improved to become a private street upon approval of Borough Council.
1. A right-of-way shall be established to contain the private street in compliance with the requirements herein.
 2. The private driveway shall be physically improved to comply with private street construction and paving width requirements, as well as other applicable dimensional standards.
 3. Maintenance shall be guaranteed as established for private streets in this ordinance.
 4. Upgrading of existing individual driveways to private street status is encouraged where it would take the place of several individually owned and maintained access strips.
- L.** Parking shall not be permitted within the minimum eighteen-foot (18') wide cartway of a private street, but may be permitted outside the cartway in a manner which does not interfere with the free movement of emergency vehicles along the private street.
1. The legal access agreements and/or covenants shall guaranty free and unobstructed access throughout the minimum 18-foot wide cartway. If violations occur, attempts should be made to resolve the problems within the structure of the association. Under situations of repeated

and/or flagrant violations, individual property owners may request police enforcement of free and unobstructed access.

2. If there is a continuing access problem caused by improper parking, the Borough Council shall notify the homeowners association, in writing, that the problem must be corrected by some means satisfactory to the Borough Engineer and/or Solicitor, depending on whether the solution is a physical or legal remedy.
3. If, after written notification, the homeowners association fails to correct the parking problem, Borough Council may order the upgrading of the private street to public standards as specified herein. The homeowners association shall have thirty (30) days from the date of written notification to propose a solution to the parking problem.

M. In considering applications for waivers of private street standards to following guidelines shall be considered by the Borough Council, Planning Commission, and Engineer:

1. Number of lots and/or dwelling units in excess of the permitted maximum.
2. Whether or not more lots or dwelling units could be proposed along the private street, in conformance with the applicable zoning, in addition to those proposed in conjunction with the waiver application. For example, one additional lot may be acceptable in itself, but may not be acceptable if a potential would exist for five more lots.
 - a. Borough Council may require the applicant to submit a sketch plan and/or other information showing the approximate maximum number of lots and/or dwelling units which could be created under the applicable zoning requirements, on all lands served by the private street.
 - b. When conditions are considered favorable for limited additional subdivision under private street access, Borough Council may request deed restrictions against further subdivision as conditions of subdivision approval.
3. Ability of the private street to be served by an emergency access as a condition of granting a waiver.
4. Characteristics of the properties, neighborhood, and private street (s) involved:
 - a. Configurations of the properties.

- b. Lot sizes and development characteristics, with particular regard for avoiding congested appearance and functioning.
 - c. Topography, including vegetation and other environmental characteristics.
 - d. Character of the land and development surrounding the properties in question, including their development status and potentials.
5. Whether or not requiring a public street would have an appreciable benefit to the properties and/or the Borough in terms of access and traffic circulation.
 6. The economic impact of permitting the waiver compared to requiring a public street.

ARTICLE VI

Information to be shown on Subdivision and Land Development Plans

SECTION 600. Tentative Plan. The plan does not have to be drawn to scale and is subject to the subdivider's discretion. Useful information for this sketch includes:

1. Tract boundary and location by deed plotting.
2. North point.
3. Existing and proposed street and lot layout.
4. Significant topographical and physical features.

SECTION 601. Preliminary Plan. The plan shall show or be accompanied by the following information:

1. Drafting Standards. The scale shall not be more than one hundred (100) feet to the inch, and shall be accurate to within one part in 100.
2. Location and Identification.
 - a. A title consists of the name and address of the subdivider, developer or builder and the registered Engineer or Surveyor, or qualified site planner.
 - b. The name of the municipality and subdivision.
 - c. The date, scale and north point.
 - d. The entire tract boundary with bearings and distances.
 - e. A key map relating the subdivision to at least (3) existing intersections of Borough roads.
3. Existing Features.
 - a. Within 400 feet of any part of the land being subdivided. Location, names, width, radii and surface conditions of existing streets and alleys, and those shown on the Borough Official Map Summary of streets and alleys, the location of water courses, flood plains, sanitary sewers, storm drains, utilities above or below the ground and other similar features.
 - b. Within the land to be subdivided. Location, names, widths and other dimensions, including center line 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 planned streets and alleys, and the location and size of existing sanitary sewers and storm drains, water courses, and drainage flows, flood plains, location and size of utilities above or below the ground and recreational areas.
 - c. Contours at vertical interval of five (5) feet or in the case of relatively level tracts, at such lesser intervals as may be necessary for study as determined by the Planning Commission or Borough Engineer. In no case shall the contour interval exceed one hundred (100) feet horizontally. Datum to which contour elevations refer. Where reasonable practicable, data shall refer to known, established elevations of to U.S.C.G.S. datum. Steep slopes, over fifteen (15) percent, as delineated in the Soil Survey shall be plotted.

- d. Location and character of existing buildings, the location, species and size of trees standing alone (over six (6) inches in caliper measured at breast height), outer limits of tree masses; the location of quarries, marshland, and land subject to inundation, and other topographical features which may affect the location of proposed streets or buildings.
- e. Measured distances from the center line of streets to buildings, large trees standing alone.
- f. Depth of the water table shall be noted on the plan or in a separate report along with the location of the test borings. When percolation tests are required, the location of the test holes shall be indicated.
- g. Zoning requirements, if any, or requirements of any Borough ordinance or resolution on and adjacent to the land to be subdivided.

4. Proposed Street and Lot Layout.

- a. The layout of streets, alleys, and cross walks including names and widths of cartway and ultimate right-of-way.
- b. The layout and dimensions of lots and net area.
- c. A reference to any land to be dedicated for public use.
- d. Tentative grades to an existing street or to a point four hundred (400) feet beyond the boundaries of the subdivision.
- e. Location and size of sanitary sewers and storm drains.
- f. All building setback lines, with distances from the ultimate right-of-way line.
- g. Indication of any lots in which a use of other than residential is intended.
- h. Where there are existing buildings located on the land being subdivided; the number of lots; the type of buildings; character of buildings; lineal feet of new streets; lineal feet of streets to be widened and average lot size.
- i. A statement on the plan shall show: The number of acres being subdivided; the number of lots; the type of buildings; character of buildings; lineal feet of new streets; lineal feet of streets to be widened and average lot size.

5. Proposed Improvements.

- a. Tentative cross section and center line profiles for each proposed or widened street shown on preliminary plan, including profile for proposed sanitary sewers and storm drains, showing manholes, inlets, and catch basins.
- b. Preliminary design of any bridges, culverts or other structures and appurtenances which may be required.

6. Certificates. When approved the preliminary plan must show:

- a. The signature of the subdivider, developer or builder certifying his adoption of the plan.
- b. The signature of the Borough Secretary certifying that the Borough Council approved the plan on the date shown.

SECTION 602. Final Plan.

1. Construction Improvement Plan.

- a. 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, 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 and shall include:

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

- a. Information shown on the preliminary plan pertaining to the street to be constructed.
- b. Beginning and end of the proposed immediate construction.
- c. Stations corresponding to those shown on the profile.
- d. Elevation of the curb at tangent points of horizontal curves at street or alley intersections and at the projected intersections of the curb lines.
- e. Location and size of sanitary sewers and lateral connections with distances between manholes, of

water, gas, electric and other utility pipes or conduits, and of storm drains, inlets, and manholes.

- f. Location, type and size of curbs, and widths of paving.
 - g. Location and species of street shade trees and location and type of fire hydrants and street lights.
- 2) Profile. The profile shall be a vertical section of the street with details of vertical alignment as follows:
- a. Profiles and elevations of the ground along the center lines of proposed streets.
 - b. Profile of sanitary sewer with a profile over the sewer of the present and finished ground surface showing manhole locations with stations beginning at the lowest manhole.
 - c. Profile of storm drain showing manhole locations.
- 3) Details. Details shall show a typical cross section across the street or alley with details of grading and construction as follows:
- a. Ultimate right-of-way width and the location and width of paving within the ultimate right-of-way.
 - b. Type, depth and crown of paving.
 - c. Type and size of curb.
 - d. When sidewalks are required, grading of sidewalk area should be carried to the full width of the ultimate right-of-way and slopes of cut or fill extended beyond the ultimate right-of-way.
 - e. Location, width, type and depth of sidewalks, when required.
 - f. Typical location, size and depths of sewers and utilities.

2. Record Plan.

a. Information to be shown. The plan, which may constitute a portion only 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 2,500.
- 3) Names of abutting owners; names, locations, widths, and other dimensions of streets, including center line courses, distances, and curve data, descriptive date of ultimate right-of-way lines not parallel with or concentric with a center line, 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.
- 4) All lots are to be deeded to the side of public ultimate rights-of-way so that a single deed may be drawn to the appropriate authority for the dedication of streets by the subdivider, developer or builder.
- 5) Evidence that the plans are in conformity with zoning, building, sanitation and other applicable Borough ordinances and regulations. In any instance where such plans do not conform, evidence shall be presented that an exception has been officially authorized.
- 6) Location, material, and size of monuments with reference to them.
- 7) Building setback lines with distances from the ultimate right-of-way lines.
- 8) Restrictions in the deed affecting the subdivision of the property.
- 9) All flood plains as defined in the Floodplain Conservation District of the Bryn Athyn Borough Zoning Ordinance.

b. 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, at

the monuments shown thereon exist as located, and that all dimensional and geodetic details are correct.

- 2) The signature of the subdivider, developer or builder certifying his adoption of the plan.
- 3) The signature of the Borough Secretary certifying that the Borough Councilmen approved the plan on the date shown.

SECTION 603. Land Development Plans.

1. A tentative, preliminary, and final plan of a plat of land development shall be required and shall be presented in conformance with the drafting standards, Existing Features of the land to be set forth, and information to be shown as enumerated in Sections 600, 601, and 602 of this article as they are applicable to land development plans.
2. In addition, a land development plan shall include the following:
 - a. All covenants relating to use.
 - b. Lot size.
 - c. Zoning classification and applicable standards with which compliance is necessary for granting final approval.
 - d. Type of dwelling.
 - e. Lot coverage.
 - f. Use of the development.
 - g. Location and placement of accessory structures and facilities.
 - h. Streets, pedestrian ways, and parking facilities.
 - i. Common open space.
 - j. Public facilities.
 - k. A sit utilization scheme.
 - l. Specifications for required improvements and changes to be effected upon the existing terrain or existing structures thereon.

ARTICLE VII

Fees, Conditions of Acceptance and Penalties

SECTION 700. Fees and Costs.

- (a) The applicant shall be required to pay the following fees and costs to the Borough in connection with the following applications.
1. Sketch Plan Application Fee.
The application fee for a subdivision and/or land development sketch plans shall be \$200.00.
 2. Minor Subdivision or Lot Line Change Application Fee.
The application fee for a minor subdivision or lot line change shall be \$100.00.

3. Major Subdivision or Land Development Application Fee.
The application fee for a major subdivision and/or land development shall be \$300.00.
- (b) The applicant shall be invoiced for and shall be required to pay the Borough's expenses for reviews and reports by its paid professional consultants. These expenses shall be charged at the hourly rates charged to the Borough by its paid professional consultants. The Borough shall furnish to the applicant a copy of its paid professionals' invoices, showing the work performed, identifying the person performing the services, and time and date spent for each task.
- (c) The applicant may also be required to pay, upon invoice from the Borough, for the following:
1. Material and Facilities Tests.
 2. Inspection.
 3. Dedication.

SECTION 701. Conditions of Acceptance.

1. Conditions. The Borough shall have no obligation to take over and make public any street or other improvement unless:
 - a. The requirement improvements, utility mains and laterals, and monuments, shown on an approved plan or plans have been constructed to all requirements.
 - b. It is established to the satisfaction of Borough Council that there is a need for the improvements to be taken over and made public.
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 ordinance or resolution of Borough Council.
3. Guarantee. The applicant shall guarantee for a period of eighteen (18) months from the date of the ordinance accepting dedication, to maintain the stability of all materials and work and to promptly make good and replace all poor or inferior materials and work and to remedy all defects in materials or workmanship, all shrinkage, settlement or other faults of any kind whatsoever arising therefrom, at his own expense, and to the satisfaction of the Borough Engineer, when notified in writing to do so by the Borough Engineer, and, in order to secure the guarantee as herein required, the Borough shall be assured by means of a proper guarantee in the form of maintenance bond, with surety satisfactory to the Borough or the deposit of funds or securities in escrow in

an amount equal to fifteen (15) percent of the completion guarantee posted by the owner with the Borough.

The Borough shall be assured by means of a proper guarantee in the form of a compliance bond, with Surety equal to 120% of estimated value. A maintenance bond in the amount of 20% will be held in escrow for two years following acceptance and dedication.

SECTION 702. Penalties. Any person, partnership, or corporation who or which being the owner or agent of the owner of any lot, tract or parcel of land 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 thereon, 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 otherwise, or erect any building there on, unless and until a final plat has been prepared in full compliance with the provisions of this act and of the regulations adopted hereunder and has been recorded as provided herein, shall be guilty of a misdemeanor, and upon conviction of such corporation, or the agent of any of them, responsible for such violation pay a fine not exceeding one thousand dollars (\$1,000) per lot or parcel or per dwelling within each lot or parcel. All fines collected for such violations shall be paid over to the municipality whose ordinance has been violated. The description by metes and bounds in the instrument of transfer or other document in the process of selling or transferring shall not exempt the seller or transfer from such penalties or from the remedies herein provided.

ARTICLE VIII

Amendments

SECTION 800. Amendment Procedure. The Borough Council of Bryn Athyn 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 thirty (30) days notice thereof to be given as follows:

1. By publishing a notice thereof twice in one newspaper of general circulation in the Borough.
2. The notice shall state 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.

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 Planning Commission, at least (30) days prior to the public hearing, for recommendation and report, which shall not be binding.

ARTICLE IX

Minor Subdivision and Lot Line Ordinance *(Ordinance #538, Replaces Ordinance #356A, Article IX)*

SECTION 901. In the case of Minor Plan submissions in the Borough of Bryn Athyn, as hereinafter defined, it is the intention of this article to provide a simplified procedure by which said Minor plans may be submitted to the Bryn Athyn Borough Council, and approved. Minor plans may be submitted and processed only for lot line adjustments and minor subdivisions, as characterized herein, in accordance with the standards and requirements in this section.

SECTION 902. Minor Plan submission and review procedure.

1. In the event that any owner of land desires to make a Minor Plan submission, as hereinbefore defined, of a lot, he shall submit to the Borough Council of Bryn Athyn a proposed Minor Plan prepared by a qualified firm or individual,

and if his proposed subdivision plan meets the requirements of this article, he shall not be required to submit the plans, data and information required by the other articles of Ordinance #321.

2. In the event that such owner shall have presented and received approval of a Minor Plan on the same lot within the preceding five (5) years from the date of application, the provisions of this article on Minor Plans shall not be applicable. It is the intention of this subsection to prevent the evasion of the requirements of Ordinance #321 by presenting a series of Minor Plans and to require no more than one Minor Plan on the same lot within a five (5) year period.
3. All Minor Plans shall be considered to be preliminary plans for the purposes of submission for review and approval, and shall comply with the requirements of the preliminary plan submission and review procedure.
4. When a Minor Plan qualifies for approval or for approval subject to conditions, the Minor Plan may be granted concurrent preliminary and final plan approvals, provided that the plan includes the final plan certifications required by the Subdivision Ordinance.
5. A Minor Plan is not required to include an improvement construction plan or a record plan.
6. At the time of submission, the applicant shall make a payment of a fee in the sum of \$25.00 with each proposed Minor Plan application.
7. Minor Plans shall be referred to the Montgomery County Planning Commission and the Borough Planning Commission which shall recommend either approval or disapproval of said plans within forty-five (45) days after said plans have been received by the Commissions and said plans shall then be referred to the Borough Council which shall consider, but which shall not be bound by, the recommendations of said Planning Commissions. Borough Council shall render its decision no later than ninety (90) days following the date of the next regularly scheduled Council meeting after the plans are received by the Borough. However, if the next regularly scheduled meeting of the Borough Council occurs more than 30 days following the date the plans are received by the Borough, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date the application was filed.
8. Borough's action.
 - a) If Council approves the Plan, the Borough Secretary will so certify thereon, and two (2) copies will be given to the applicant.

- b) If Council disapproves the Plan, Council will notify the applicant, in writing, of the defects in the application and will describe the requirements which have not been met and shall cite the provisions of state law or Borough ordinance relied upon.

SECTION 904. Characteristics.

1. Lot line adjustment.

- a) A proposal between two (2) abutting, existing, legally approved and recorded lots.
- b) A common lot line is proposed to be adjusted in terms of its location or configuration, and/or a portion of one (1) lot is being divided off to be conveyed to the owner of the abutting lot.
- c) The land area of each lot may be different after adjustment, but the combined lot area of the two (2) lots will be unchanged.
- d) No alteration will occur to the perimeter boundary line of the combined lots.
- e) Neither lot will violate the applicable dimensional requirements of the Zoning Ordinance as a result of the lot line adjustment.
- f) Possible reasons for lot line adjustments include but are not necessarily limited to:
 - 1) Correcting errors regarding locations of existing improvements (e.g., if the driveway for Lot No. 1 is located on Lot No. 2)
 - 2) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow).
 - 3) Preferences of the landowners involved.
- g) Any land areas being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the Zoning Ordinance, provided that it shall be deed restricted to the extent that it may not be transferred independently, but must be transferred together with the lot to which it is being functionally added.

2. Minor subdivision.

- a) A subdivision proposal which would divide one (1) existing lot (tract or parcel) into two (2) lots, both of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.
- b) The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable borough requirements for lot frontage and/or access to a public street for both proposed lots.
- c) The existing lot has not been a part of an approved subdivision proposal during the five (5) years previous to the current application.
- d) The subdivision will not require new road construction, road improvements or significant extension of utility lines.
- e) The proposal will not involve significant storm water and/or erosion control issues, as determined by the Borough Engineer.
- f) Disqualification. The Borough Council may require standard preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Borough Planning Commission or Engineer.

SECTION 905. Plans for lot line adjustments and minor subdivisions shall comply with the following submission requirements:

- 1. Drafting standards:
 - a) The plan shall be drawn to a standard engineering scale not exceeding one hundred (100) feet to the inch.
 - b) Sheet size shall be twenty-four by thirty-six (24 x 36) inches unless otherwise preapproved; only one (1) sheet shall be permitted.
 - c) Property lines shall be drawn and labeled in conformance with accepted surveying and civil engineering practices, including dimensions shown in feet and decimals and bearings shown in degrees, minutes and seconds.
- 2. Basic information to be shown on the plan:
 - a) The name and address of the applicant(s).
 - b) The name and address of all property owners involved in the proposal.
 - c) The name and address and professional seal of the individual or firm that prepared the plan.

- d) The date of preparation of the plan and a descriptive list of revisions to the plan and the revision dates
 - e) The North point and scale.
 - f) A location plan showing the relationship of the subject tract to the surrounding road network and major physical features.
 - g) The entire boundary lines of all lots involved in the proposal, with bearings and distances and lot areas.
 - h) A list of the basic dimensional requirements of the applicable zoning district.
 - i) A legend sufficient to indicate clearly between existing and proposed conditions.
 - j) Notes sufficient to describe what is being proposed and which land areas are to be transferred as a result of the proposal.
3. Existing and proposed features to be shown on the plan:
- a) For lot line adjustments:
 - 1) The lot line proposed to be adjusted, as it currently exists, shown as a dashed line, labeled "Lot Line to be Removed
 - 2) The lot line as it is proposed to be after adjustment, drawn using the standard lot line delineation at a heavier line weight than the other lot lines, and labeled "Proposed New Lot Line."
 - 3) Any existing physical features of the site which are involved in the decision to adjust the line.
 - 4) Any existing and/or proposed features which will be directly affected by the lot line adjustment.
 - 5) Any land area to be conveyed, drawn in a manner which makes it readily identifiable. These areas shall be labeled "This area to be conveyed to (name)."
 - 6) The area of any parcels being conveyed.
 - 7) The areas of the previously existing lots and their areas following conveyance.

b) For minor subdivisions:

1) Existing features:

- a) Streets bordering or crossing the tract, showing names, right-of-way and cartway widths and surface conditions.
- b) Approximate locations of sanitary and/or storm sewer lines and water supply lines.
- c) Location of all watercourses and limits of any flood-prone areas (data from soil survey and/or FEMA studies.)
- d) If steep slopes, floodplains, or other significant topographic features are on or immediately adjacent to the tract(s), Borough Council may require that the plan show contours obtained from U.S.G.S. maps.
- e) Location and description of existing buildings and other structures, labeled “To Remain” or “To be Removed” as applicable, and location and description of existing buildings and other structures less than fifty (50) feet beyond the tract boundaries.
- f) Outer limits of tree masses.
- g) Locations of any natural or man-made features which may affect the developability of the land, such as quarries, marshlands, etc., within the property and up to fifty (50) feet beyond the tract boundaries.
- h) Locations and descriptions of major utilities, such as pipelines and electric transmission lines, both above and below ground, with a note describing additional setback or development restrictions required in their regard.
- i) Areas subject to deed restrictions or easements.

2) Proposed features:

- a) Layout and dimensions of both lots, including net lot areas.
- b) All building setback lines.
- c) Locations of on-site water supply and sewage disposal, if applicable.

