

## **SECTION A100. Title**

Short Title. This Article shall be known and may be cited as the "Pottstown Subdivision and Land Development Ordinance."

## **SECTION A101. Purpose**

It is the intent, purpose, and scope of this Article to protect and promote safety, health and morals; to accomplish coordinated development in accordance with the Pottstown Zoning Ordinance and Comprehensive Plan; to provide for the general welfare by guiding and protecting amenity, convenience, future governmental, economic, practical, and social and cultural facilities, development and growth, as well as the improvement of governmental processes and functions; to guide uses of land and structures, type and location of streets, public grounds and other facilities; to promote the conservation of energy through the use of planning practices and to promote the effective utilization of renewable energy sources; and to permit the Borough to minimize such problems as may presently exist or that may be foreseen.

## **Section A102. Effect**

No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Article.

## **Section A103. Constitutional Construction**

The provisions of this Article shall be severable, and if any of its provisions shall be held to be unconstitutional, the validity of any of the remaining provisions of this Chapter shall not be affected. It is declared hereby that this Article would have been enacted had such unconstitutional provision not been included therein.

## **Section A104. Interpretation**

The provisions of this Article shall be held to be minimum requirements for the promotion of the above purposes. Where the provisions of this Article impose greater restrictions than those of any other ordinance or regulation, the provisions of this Article shall be controlling.

## **SECTION A200. Applications for Plat Approval**

1. All applications for approval of a plat, whether preliminary or final, shall be acted upon by Borough Council, and it shall render its decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Planning Commission next following the date the application is filed; provided, that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the 30th day following the day the application has been filed.
2. The decision of Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
3. Where the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements that have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
4. Failure of Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

## **SECTION A201. Ordinance changes after plats are filed**

1. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment of the Pottstown Zoning Ordinance [Chapter 27], this Chapter, or any other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is denied properly and finally, any subsequent application shall be subject to the intervening change in governing regulations.
2. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in zoning [Chapter 27], subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
3. Where final approval is preceded by preliminary approval, the aforesaid five year period shall be counted from the date of the preliminary approval. In case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.

## **SECTION A201. Ordinance changes after plats are filed (cont.)**

4. Where the landowner has completed substantially the required improvements as depicted upon the final plat within the aforesaid five year limit, or any extension thereof as may be granted by Borough Council, no change of Borough ordinances or plans enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street, or utility location.

## **SECTION A202. Improvements beyond a five-year period**

1. In the case of a preliminary plat calling for the installation of improvements beyond the five year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of Borough Council at its discretion.
2. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of 25% percent of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by Borough Council in its discretion. Provided, the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, the aforesaid protections afforded by completing substantially the improvements depicted upon the final plat within five years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been completed substantially within said five-year period the aforesaid protections shall apply for an additional term or terms of three years from the date of final plat approval for each section.
3. Failure of the landowner to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any section to any and all changes in zoning [Chapter 27], subdivision, and other governing ordinances enacted by the Borough subsequent to the date of the initial preliminary plan submission.

## **SECTION A203. Public hearings, reviews of plats**

1. Before acting on any subdivision plat, Borough Council may hold a public hearing thereon after public notice. Further, before acting on such plat, Borough Council shall submit it, upon receipt, for review and report, to the Montgomery County Planning Commission, the Borough Planning Commission, and Borough officials charged with the enforcement of the Borough health, engineering, building, and zoning regulations. Borough Council shall not approve such plats until the Montgomery County Planning Commission report is received or until the expiration of 30 days from the date the application was forwarded to said Commission.
2. Applications for approval of a plat shall be submitted to the Borough Manager who shall coordinate its review by Borough agencies and officials and report the findings of the various agencies and officials to Borough Council. As it deems necessary, in each case,

## **SECTION A203. Public hearings, reviews of plats (continued)**

the Planning Commission may seek the advice and recommendations of the Montgomery County Planning Commission concerning a plat submitted to it for review and report.

## **SECTION A204. Public records to be kept on plats**

The Borough Manager shall keep a public record of reports and determinations submitted to Borough Council on all plats filed for review.

## **SECTION A205. Plats involving state agencies, other local ordinances**

1. No plat that will require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be approved finally unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. A highway occupancy permit shall be obtained according to the rules and regulations of the Pennsylvania Department of Transportation.
2. No plat shall be approved unless all necessary permits are obtained from pertinent state agencies such as the Pennsylvania Department of Environmental Protection and the Montgomery County Conservation District.
3. No plat shall be approved unless it conforms with the Pottstown Stormwater Management Ordinance and the Pottstown Grading Ordinance.

## **SECTION A206. Notice to Owners of Property Within 300 Feet of the Subject Tract.**

Within 15 days of the date that the Borough Planning Commission acknowledges receipt of a newly filed subdivision or land development plan, the Borough shall provide written notice of the pending subdivision and/or land development plan by first class mail, postage prepaid, to the owner of every property within 300 feet of the lot being subdivided or developed and, at the discretion of the Code Enforcement Supervisor, to the occupant of every property within 300 feet of the subject lot; provided, however, that failure to give such notice to any owner or occupant within 300 feet of the subject lot shall not invalidate any action taken by the Planning Commission or the Borough Council. The cost of notification shall be the responsibility of the applicant.

## **SECTION A207. Recording Plats and Deeds.**

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

**SECTION A208. Effect of Plat Approval on Official Map.**

After a plat has been approved and recorded as provided herein, all streets and public grounds on such plat shall be, and become, a part of the official map of the Borough without public hearing.

## **SECTION A300. Filing fees**

The filing fees shall be paid to the Borough at the time of filing of subdivision and land development applications.

1. County Review. Applications for subdivision and land development require review by the Montgomery County Planning Commission and are subject to a fee, to be paid by the applicant at the time of filing, sufficient to cover the costs of the review and report of said Commission. Fee shall be according to a schedule established by the Montgomery County Commissioners according to law.
2. Borough Review. Fees based on the prevailing hourly rate, including salary, wages, and fringe benefits, shall be paid to the Borough for each hour the Borough Engineer or professional consultants engaged by the Borough is or are engaged in reviewing and reporting on a subdivision or land development plan. Initial fees to be paid at the time of application shall be in amounts as established, from time to time, by resolution of the Borough Council. Additional fees shall be paid as established, from time to time, by resolution of Borough Council.

## **SECTION A301. Resolution of Disputes Involving Fees.**

1. In the event the applicant disputes the amount of any such review fees, the applicant shall, within 10 days of the billing date, notify the Borough that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.
2. If within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses that are reasonable and necessary, the applicant and the Borough, jointly and by mutual agreement, shall appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof that is reasonable and necessary.
3. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
4. In the event the Borough and applicant cannot agree upon the professional engineer to be appointed, within 20 days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of Montgomery County (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five years.
5. The fee of the professional engineer appointed to determine the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise, the Borough and the applicant each shall pay one-half of the fee of the appointed professional engineer.

# Plan Requirements

## **SECTION A400. Preliminary Plans.**

The plan shall be submitted as directed herein and shall show or be supplemented by the following information:

## **SECTION A401 Location and identification of tracts.**

1. A title consisting of the name, address, and telephone number of the subdivider, developer or builder, and of the registered engineer or surveyor or other person who prepared the plan.
2. The name, address, and telephone number of the owner of record.
3. The name of the subdivision and the Borough.
4. A graphic scale, written scale, and north point.
5. The month, day, and year the original drawing was completed and the month, day, and year the original drawing was revised (for each revision).
6. The street address and/or the ward, block and lot number from County tax maps.
7. The entire tract boundary with bearings and distances.
8. The names of all abutting subdivisions, developments, or landowners, with deed book, volume, and page numbers where recorded.
9. Zoning district boundary lines, where applicable.
10. A key map relating the site to the existing street network, waterways, railroads, or other known landmarks. The key map shall be titled and shall show a graphic and written scale and north point. In the case of a subdivision or land development located less than 1,500 feet from the boundaries of the Borough, the name and approximate distance of all other municipalities and counties within 1,500 feet perimeter shall be indicated.
11. If the preliminary plan requires more than one sheet, a key diagram showing relative location of the several sections shall be drawn on each sheet and labeled appropriately with match lines.

## **SECTION A402 Identification of features (off site)**

1. Within 100 feet of any part of the land being subdivided or developed: the location, names, width, radii, curbs, sidewalks, and surface conditions of existing streets and alleys; the location and dimensions of existing rights-of-way and easements; the location of watercourses, floodplains, floodways, sanitary sewers, storm drains and catchments, utilities above and below ground; the location and width of existing curb cuts and/or driveways; the location of any zoning district boundary, municipal or county boundary, or recreational area; and other similar features.
2. Within 100 feet of any part of the land being subdivided or developed: contour lines and elevation data; the location of existing structures and their use; parking areas; and, significant landscape features.
3. Additional off-site information may be required at the discretion of the Borough where necessary to ensure proper development of the parcel and its compatibility with the surrounding development.

# Plan Requirements

## **SECTION A403 Identification of features (on site)**

1. A statement of total acreage of the property, to the nearest tenth of an acre.
2. Zoning data, including: a comparative table of requirements and provisions; and, all of the following that are applicable:
3. Existing and proposed zoning district lines; use, setback, area, and bulk requirements; and, off-street parking requirements.
4. Any changes in the existing zoning proposed to be requested by the applicant.
5. Contours at no more than two-foot intervals for slopes averaging five percent or greater, or at one-foot intervals for slopes less than five percent. For slopes of less than one percent the Borough may require spot elevations.
6. Sewer lines, water lines, fire hydrants, utility transmission lines (above and below ground), culverts, bridges, railroads, watercourses, and other significant man-made or natural features.
7. Buildings or other structures, and the approximate location of all existing tree masses and/or individual trees over six (6) inches in diameter, within the proposed subdivision or development.
8. Streets, including streets recorded but not constructed, on or abutting the tract, including names, right-of-way widths, cartway or pavement widths, radii, curb lines, sidewalks, and approximate grades.
9. Wetlands, floodplains, floodways, and types of soils.
10. The location of percolation test holes and any test borings and a report of such tests.
11. Locations of any environmental monitoring wells or soil borings.
12. Existence and location of identified “recognized environmental conditions” per the standards of the American Society of Testing and Materials E 1527-00. If a Phase One Environmental Site Assessment has not been performed, such an assessment will be included with the application. (This requirement may be waived in the case of an application for a single-family dwelling.)
13. If recognized environmental conditions are identified on the property, the Borough may require that a Phase Two Environmental Site Assessment in accordance with Standard Practice E 1903-97 of the American Society of Testing and Materials be performed.

## **SECTION A404 Proposed Layout.**

The proposed layout shall include:

1. The total tract boundary lines of the area being subdivided or developed with accurate distances to hundredths of a foot and bearings to nearest 15 seconds. These boundaries shall be determined by accurate survey in the field, which shall be balanced and shall close with an error of closure not to exceed one foot per 10,000 feet; provided, however, the boundary(s) adjoining additional un-platted land of the sub-divider, for example, between separately submitted final plan sections, are not required to be based upon field survey, and may be calculated. These closure computations shall accompany the final plan. The location and elevation of all boundary lines or perimeter monuments shall be indicated, along with a statement of the total area of the property being subdivided or developed.

# Plan Requirements

## SECTION A404 Proposed Layout (continued)

2. The layout of streets, alleys, crosswalks, sidewalks, and public trails, including the names and widths of cartways and ultimate rights-of-way. The following data for the cartway centerlines and right-of-way lines of all recorded, except those that are to be vacated, and/or proposed streets, and for the right-of-way lines of all existing streets within the property:
  - The length, in feet and hundredths of a foot, of all straight lines; and the length of arc and radius in feet and hundredths of a foot, and the delta angle in degrees, minutes and seconds. Where the line extended from the end of a curve is not tangent to the curve the chord, bearing and distance shall be indicated.
  - The width of the cartway, right-of-way and, if required, ultimate right-of-way, in feet and tenths of a foot.
3. The layout of buildings, parking lots, driveways, and access points to existing streets. Where applicable, compliance with American Disabilities Act requirements shall be shown. Plans, including sizes and materials, for private drives; parking areas and the layout of parking spaces and aisles; loading areas; and trails and plazas. A statement of the intended use of all nonresidential lots, or in the case of land developments, building units, with reference to restrictions of any type that exist or will exist as covenants in the deed for the lots or units contained in the subdivision and, if covenants are recorded, including the book and page number from the County deed records.
4. The layout and dimensions of lots and net area thereof (that is, the area not including streets.) Individual lots shall be given a number or letter for the purpose of identification. All straight lot lines shall be dimensioned completely in feet, and all curved lot lines shall be dimensioned by designating length of arc and radius, in feet, and central angle, in degrees, minutes and seconds. All internal angles within the lots shall be designated to the closest second. Chord bearings and distances shall be indicated for curved lot lines.
5. The proposed building-reserve-setback lines for each lot along each street, and in the case of land developments, the proposed placement of each building, in accordance with requirements set forth in the Pottstown Zoning Ordinance [Chapter 27].
6. All final easements or rights-of-way where provided for or owned by public services or private agreement and any limitations on such easements or rights-of-way. Rights-of-way shall be shown and identified accurately on the plan, and easements either shall be shown or described specifically on the plan. Easements should be located in cooperation with the appropriate public facilities.
7. Plans of proposed utility layouts (above or below ground), sanitary and storm sewers, and water, gas, and electrical utility systems, including location, size, materials, and invert elevation of all sanitary and storm sewers and location of all manholes, inlets, and culverts.
8. The lines of sight triangles at street intersections.
9. A statement of the total number of lots, parcels, and dwelling units.
10. Existing tree masses or individual trees over six inches in diameter that are to be cleared and existing structures that are to be demolished.
11. Proposed contours and elevations that indicate filling, excavating, or re-grading, and relating to existing grade. See the Borough of Pottstown Grading Ordinance for additional criteria.

## SECTION A404 Proposed Layout (continued).

12. Identification and details of all public and community improvements including: streets, curbs, gutters, and sidewalks, and, the proposed means of water supply and sanitary sewage disposal.
13. Typical street cross-section drawing(s) corresponding to the location points for proposed streets shown on the plan.
14. Final profile diagrams for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
  - Existing natural grade profile along both topographical curb lines of each streets.
  - Proposed finished grade of the centerline, or proposed finished grade at the top of both curbs, or proposed finished grade at both cartway edges.
  - Vertical curve information including the joint of vertical intersection station; and, elevation, curve length, middle ordinate, stopping sight distance for crest of vertical curve or headlight sight distance for sag of vertical curve.
  - Existing and proposed sanitary sewer mains and manholes.
  - Existing and proposed storm sewer mains, inlets, manholes, and culverts.
  - Other existing and proposed underground utilities.
15. Location of street and outdoor lighting, including size, type, and materials of standards, fixtures, and luminae.
16. Plans for solid waste storage areas, including size and materials.
17. Location, type, and size of any signs.
18. Final landscape plan showing the location, number, size, and species of all trees, shrubbery, ground cover, and ornamental plantings that will be planted on the site and along public streets. All plants shall be identified by both their common and scientific names.
19. Location, material, and size of all monuments with reference to them.
20. Parks, playgrounds, and other areas dedicated or reserved for public use, and conservation easements, with any conditions governing any such uses.
21. Storm water run-off calculations for the entire site and the location, layout, and elevations for any detention facilities or collection and conveyance facilities. See the Borough of Pottstown Stormwater Management Ordinance for additional criteria.
22. Plan for controlling soil erosion and sedimentation.
23. Designs of any bridges, culverts.

# Plan Requirements

## **SECTION A405 Layout drafting standards.**

1. The plan scale shall be no smaller than one inch equals 100 feet. The plan shall be prepared with a standard engineer's scale suitable to the size of the parcel and the required plan details.
2. Dimensions shall be in feet and decimals to hundredths of a foot, and bearings shall be expressed in degrees, minutes, and seconds.
3. The original drawing and all submitted prints thereof shall be made on a sheet size, as listed herein, that is appropriate for the scale chosen. If more than one sheet is necessary, each sheet shall be the same size and numbered to show its relation to the total number of sheets in the plan.
  - 8.5 inches by 11 inches.
  - 11 inches by 17 inches.
  - 24 inches by 36 inches.
  - 30 inches by 42 inches.
  - 36 inches by 48 inches.
4. The scale of the key maps shall be no smaller than one inch equals 800 feet.
5. Street profiles shall show existing and proposed ground elevations along the centerline of cartway at one of the following sets of scales or combination thereof:
  - One inch equals 10 feet horizontal and one inch equals one foot vertical.
  - One inch equals 20 feet horizontal and one inch equals two feet vertical.
  - One inch equals 30 feet horizontal and one inch equals three feet vertical.
  - One inch equals 40 feet horizontal and one inch equals four feet vertical.
  - One inch equals 50 feet horizontal and one inch equals five feet vertical.

## **SECTION A406 Submission requirements, exemptions**

1. The application form shall be submitted accompanied by prints of all plans and diagrams. And other supporting documentation in the number required by the Borough Zoning Officer. Appropriate fees shall be submitted with the plan.
2. If the applicant believes any of the requirements for the submission are premature or onerous, he may seek an exemption from one or more requirements or may seek to have the submission of certain information delayed until submission of a revised plan. Such exemptions or delays sought shall be specified in the application. The Borough may grant or refuse to grant such exemptions or delays at its discretion.

## **SECTION A407. Final plans**

The plan shall be submitted as directed herein and shall show or be supplemented by the following information:

1. All the information required for a preliminary plan, using the same standards.
2. All the conditions, modifications, or additions required by the Borough in the preliminary review.

# Plan Requirements

## SECTION A408. Certificates and assurances

1. Describe the existence of “Recognized Environmental Conditions” per the American Society for Testing and Materials (ASTM) Standard E 1527-00.
2. The seal of the engineer or surveyor shall certify to the accuracy of the survey, the drawn plan, and the placement of all monuments.
3. All permits or certifications as to the conformity of the land development with applicable codes, ordinances, or regulations, not submitted with the preliminary plan. Likewise, any information that should have been submitted with the preliminary plan but that, with permission of the Borough, was delayed until final submission, shall accompany the final plan.
4. In cases in which certain elements of the plan are not in conformity with applicable codes, ordinances, or regulations, evidence of lawful relief thereunder shall be submitted.
5. A properly-attested stamp showing review by the Montgomery County Planning Commission, the Borough Planning Commission, Borough Council, the Borough Manager, and any Commonwealth or Federal agency having jurisdiction over any development proposed on the plan.
6. A certification by the person preparing the plan that any required improvements that may have been installed before final plan approval have been installed in accordance with Borough procedures, specifications and standards.
7. All offers of dedication and covenants governing the reservation and maintenance of undedicated open space, which shall bear the certificate of approval of the Borough Solicitor as to their legal sufficiency.
8. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition to sale, together with a statement of any restrictions imposed previously that may affect the title to the land being subdivided or developed.
9. Whenever a developer proposes to construct a street that is not offered for dedication, the final plan submittal shall include an agreement between the Borough and the record owners on behalf of their heirs and assigns establishing the conditions under which the street or streets and associated improvements intended for public use or convenience later may be offered for dedication. Said agreement shall be subject to the Borough Solicitor's approval and shall be recorded with the plan and shall stipulate, among other things:
10. The street shall be constructed to Borough street standards and in a good state of repair, as certified by the Borough Engineer, or the owners of the lots along the street agree to a method of upgrading to Borough street standards and to include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to upgrade and/or restore the street to a good state of repair.
11. An offer to dedicate the street shall be made only for the street as a whole.
12. The method of assessing repair costs, if any.
13. The agreement to offer the street for dedication by the owners of sixty (60) percent of the lots shall be binding on owners of the remaining lots.
14. The developer shall furnish a letter from any private utility involved evidencing approval of proposed utility layout.

# Plan Requirements

## SECTION A408. Certificates and assurances

15. Certifications on the plan or permits submitted with plan attesting to the conformity of the plan to Commonwealth or Federal requirements. Examples of such certifications are water quality permits, dams and encroachment permits, driveway permits, and wetland permits.
16. County Recorder of Deeds acknowledgment of receipt and recording of the plan when it is presented.
17. Evidence of sewage connection permit.
18. Final plan for minimizing erosion and sedimentation.
19. All the following certifications must appear on the final plat:

FOR USE BY MCPC ONLY

MCPC NO. \_\_\_\_\_

PROCESSED AND REVIEWED. A report has been prepared by the Montgomery County Planning Commission in accordance with the Pennsylvania Municipalities Planning Code.

Certified this date \_\_\_\_\_

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For the Director

Montgomery County Planning Commission

# Plan Requirements

## SECTION A408. Certificates and assurances (continued)

COMMONWEALTH OF PENNSYLVANIA  
COUNTY OF MONTGOMERY

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the Subscriber, a Notary Public for the Commonwealth of Pennsylvania, residing in \_\_\_\_\_, personally appeared to me, the undersigned, who acknowledged (himself/herself) to be the (president or secretary) of \_\_\_\_\_ (name of corporation), a corporation, and that such (president or secretary), being authorized to do so, (he/she) executed the foregoing plan by signing that the said corporation is the registered owner of the designated land, that all necessary approval of the plan has been obtained and is endorsed thereon, and that the said corporation desires that the foregoing plan be recorded according to law.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My commission expires

(CORPORATE SEAL)

(I/We) do hereby certify that (I/We) (am/are) the registered owner(s) of the land herein subdivided and that (my/our) consent to the approval of this plan has been granted and that (I/We) desire the same to be recorded.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

BOROUGH OF POTTSTOWN PLANNING COMMISSION

This plan was approved as to the layout and location by the Planning Commission of the Borough of Pottstown, Montgomery County, Pennsylvania, at a \_\_\_\_\_ Meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chairman

APPROVED BY THE COUNCIL OF THE BOROUGH OF POTTSTOWN

\_\_\_\_\_  
Council President

\_\_\_\_\_  
Borough Secretary

\_\_\_\_\_  
Date

(Borough Seal)

I hereby declare that the plan shown and described hereon, as well as all other drawings which are a part of this plan set, are true and correct to the accuracy required by the Borough of Pottstown Subdivision and Land Development Ordinance and were prepared by me under my direction. The existing perimeter monuments shown hereon have been located as part of the survey and all other proposed perimeter monuments shall be set.

\_\_\_\_\_  
Professional Land Surveyor

\_\_\_\_\_  
Date

## **SECTION A500. Design standards**

In considering the adequacy of land development plans, the Borough and its agents shall apply the standards contained in this Part. Borough Council reserves the right to depart from the literal interpretation of said standards in those cases in which such departure is consistent with the general purpose and intent of this Chapter.

## **SECTION A501. Purpose.**

The purpose of good subdivision and site design is to create a functional and attractive development, to minimize adverse impacts, and to ensure a project will be an asset to the community. To promote this purpose, the subdivision and/or site design shall conform to the following standards, which are designed to result in a well planned development without adding unnecessarily to it.

## **SECTION A502. General Standards.**

The following general standards shall be applied to all subdivision and land development designs.

1. Land subject to hazards to life, health, or property, such as may arise from fire, flood, disease, or other cause, shall not be subdivided or developed unless the hazards have been eliminated or unless the plans show adequate safeguards against them.
2. Proposed subdivisions and land developments shall be coordinated with existing development in surrounding neighborhoods so as to permit the community as a whole to develop harmoniously.
3. With respect to proposed land development located, in whole or in part, within a floodplain district as described in the Zoning Ordinance (Chapter 27) of the Borough of Pottstown, adequate drainage control, as required by the Borough or by the National Flood Insurance Program regulations issued by the United States Department of Housing and Urban Development shall be provided to reduce exposure to flood hazards.
4. Whenever possible, developments shall preserve individual trees, groves of trees, waterways, scenic points, historic structures and other community assets and landmarks.
5. Subdivision and land developments shall be designed so as to avoid the necessity for excessive earthmoving unless specifically warranted by terrain or location.
6. Improvements shall be constructed to meet the requirements of this Ordinance, all other applicable Borough Ordinances, including the Borough Stormwater and Grading ordinances, and all other appropriate regulatory agency requirements, such as Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, and the Montgomery County Conservation District.
7. The developer shall, where specified by the Borough, construct and install, at no expense to the Borough, the streets, alleys, curbs, sidewalks, water mains, sanitary sewer, storm drainage facilities, street lights, fire hydrants, street signs, shade trees, monuments and other facilities and utilities specified in this Ordinance. 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 developer shall pay for such inspection.

## **SECTION A 503. Site protection.**

1. To the maximum extent practicable, development shall be located to preserve the natural features of the site, to avoid areas of environmental sensitivity, and to minimize negative impacts and alteration of natural features.
2. Areas of development shall be confined to the minimum necessary for the construction and enhancement of a site. Stripping of natural vegetation, conversion of woods to lawn or to impervious surface shall be discouraged.
3. The following specific areas shall be preserved as undeveloped open space under any conditions:
  - A. Habitats of endangered wildlife, as identified on Federal or Commonwealth lists.
4. The following specific areas shall be preserved as undeveloped open space to the extent consistent with the reasonable utilization of land and in accordance with applicable State or local regulations.
  - A. Unique and/or fragile areas, including wetlands as defined in Section 404 of the Federal Water Pollution Control Act Amendments of 1972, as may be amended and delineated on wetlands maps prepared by the U.S. Fish and Wildlife Service and/or field verified by on-site inspection.
  - B. Significant trees or stands of trees, defined as the largest known individual trees of each species in the Commonwealth, large trees approaching the diameter of said known largest tree, species or clumps of trees that are rare to the area or of particular horticultural or landscape value, or rare or endangered species of plants of any kind.
  - C. Historically significant structures and sites, as listed on Federal or Commonwealth lists of historic places.
  - D. Lands in the floodplain, as defined by Commonwealth or Borough regulations.
  - E. Steep slopes in excess of 20 percent as measured at 2 foot intervals for a cumulative grade change of 6 feet.
5. The development shall be laid out to avoid affecting adversely ground water and aquifer recharge, and wherever feasible, to enhance them; to reduce cut and fill; to prevent flooding; to provide adequate access to lots and sites; and, to mitigate adverse effects of shadow, noise, odor, traffic, drainage, and utilities on neighboring properties.
6. The development shall be designed so as to minimize the loss of privacy by neighboring properties.

## **SECTION A504. Open Space and Recreational Facilities.**

1. Residential subdivisions for 20 or more dwelling units, or non-residential land developments of five or more acres, shall provide land for open space and recreation facilities.
2. Land. The amount of land to be reserved for open space and recreation facilities shall be a proportion of the site in accordance with the following development densities and uses:
  - A. Use and Gross Density
    1. Residential development of one or fewer dwelling units per acre. 5%
    2. Residential development of more than one and fewer than 4 dwelling units per acre. 7%
    3. Residential development of 4 or more but fewer than 8 dwelling units per acre. 12%
    4. Residential development of 8 or more dwelling units per acre. 20%
    5. Industrial development 4%
    6. Commercial development 2%

## **SECTION A505. Fee in lieu of Open Space**

1. An applicant may elect to contribute a fee in lieu of land. Such fee shall help the Borough defray the eventual cost of providing open space and public recreational facilities to serve the residents and workers in the Borough.
2. The amount of any fee in lieu of land for open space shall be equal to the average fair-market value of the land required otherwise by subsection A504.2 above, or the proportional equivalent thereof. The formula to be used in computing the fee shall be fair market value of one acre multiplied by the percent (in acres) of land to be dedicated.
3. Determination of the market value of the land shall be the responsibility of the applicant and shall result in a reasonable value acceptable to Borough Council using an MAI appraiser.
4. All money collected in lieu of land reservation shall be kept in a Borough park and open space capital reserve fund, which shall be used solely for the acquisition of open space land or capital improvements for open space and park and recreation purposes within the Borough at locations consistent with the open space plans of the Borough in accordance with Section 503 (11) of the Pennsylvania Municipalities Planning Code.

## **SECTION A506. Open Space Design Standards**

In designating and designing areas for open space and recreation within the subdivision and land development plan, the following criteria and standards shall apply.

1. Open space and recreation sites shall be:
  - A. Consistent with the Borough Comprehensive Plan and the Park, Recreation, and Open Space Plan.
  - B. Suitable for active recreational uses to the extent deemed necessary by the Borough Council without interfering with adjacent dwelling units, parking, driveways, and roads.
  - C. Composed of areas and dimensions usable for active recreation purpose, except when part of a trail system or pathway network.
  - D. Interconnected with common open space areas on abutting parcels, wherever possible, including provisions for pedestrian pathways for general public use to create linked pathway systems.
  - E. Free of all structures, except those related to outdoor recreational use, and undivided by any public or private street.
  - F. Landscaped suitably either by retaining existing natural cover and wooded area and/or by enhancing open space areas through plantings, that are consistent with the purposes of this section and that minimize maintenance costs.
  - G. Made subject to such agreement with the Borough and such deed restrictions recorded duly in the office of the County Recorder of Deeds as may be required by Borough Council for the purpose of preserving the common open space for such use.
  - H. Designed to exclude land set aside for storm water impoundment. However, if the land is contoured appropriately and landscaped to provide recreational value and function as an integral part of the overall open space and recreation system, and meets the needs of the development or neighborhood, it may be counted as open space. In no case shall utilitarian areas of an impoundment be considered open space or recreational area.
2. Borough Council may require the installation of recreational facilities, taking into consideration:
  - A. The character of the open space land.
  - B. The estimated age and the recreational needs of persons likely to reside in the development.
  - C. Proximity, nature and capacity of existing public recreation facilities.

## **SECTION A507. Open Space Deed Restrictions**

1. Any land dedicated for open space purpose shall contain appropriate covenants and deed restrictions approved by the Borough Solicitor ensuring:
  - A. The open space area will not be subdivided further in the future.
  - B. The use of the open space will continue in perpetuity for the purpose specified.
  - C. Appropriate provisions will be made for the maintenance of the open space.
  - D. Common undeveloped open space shall not be turned into commercial enterprise admitting the general public at a fee.

## **SECTION A508. Open Space Ownership and Maintenance**

1. The type of ownership of land dedicated for open space purposes shall be selected by the applicant, subject to the approval of Borough council. Type of ownership may include, but is not limited to, the following:
  - A. The Borough, subject to acceptance by Borough Council.
  - B. Other public jurisdictions or agencies, subject to their acceptance.
  - C. Quasi-public organization, subject to their acceptance.
  - D. Homeowner, condominium, or cooperative associations or organizations.
  - E. Shared, undivided interest by all property owners in the subdivision.
2. If the open space is owned and maintained by a homeowner or condominium association, the developer shall file a declaration of covenants and restrictions that will govern the association, to be submitted with the application for preliminary approval. The provisions shall include, but are not limited to, the following:
  - A. The homeowners association must be established before the homes are sold.
  - B. Membership must be mandatory for each homebuyer and any successive buyer.
  - C. The open space restrictions must be permanent, not just for a period of years.
  - D. The association must be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities.
  - E. Homeowners must pay their prorated share of the cost, and the assessment levied by the association can become a lien on the property if allowed in the master deed establishing the homeowners association.
  - F. The association must be able to adjust the assessment to meet changed needs.
3. Maintenance of Open Space Areas. The person or entity as having the right of ownership or control over the open space shall be responsible for its continuing upkeep and proper maintenance.

## SECTION A509. Landscaping Standards.

### Landscape standards

1. Landscaping shall be provided as part of site plan and subdivision design. It shall be conceived in a total pattern throughout the site, integrating the various elements of site design, preserving and enhancing the particular identity of the site, and creating a pleasing site character.
2. Landscaping may include plant materials such as trees, shrubs, groundcovers, perennials, and annuals and other materials, such as rocks, water sculpture, art walls, fences, paving materials, and street furniture.
3. A landscape plan shall be submitted with each site plan application.

### Site Protection and General Planting Requirements.

1. **Topsoil Preservation.** Topsoil moved during the course of construction shall be saved and redistributed on all regraded surfaces so as to provide at least four inches of even cover to all disturbed areas of the development and shall be stabilized by seeding or planting.
2. **Tree Preservation.** All trees six inches or more in caliper at breast height shall not be removed unless within the proposed right-of-way line of a street or impracticable for development purposes. Relocation of noteworthy plant materials will be encouraged where retention is impracticable.
3. **Intrinsic Features Preservation.** Insofar as is possible, natural rock outcroppings and other natural topographic features shall be preserved.
4. **Debris Removal.** All stumps, and other tree parts, litter, brush, weeds, excess or scrap building materials, or other debris shall be removed from the site and shall be disposed of in accordance with law. No tree stumps, or portions of tree trunks or limbs, shall be buried anywhere in the development. All dead or dying trees, standing or fallen, shall be removed from the site. If trees and limbs are reduced to chips, they may be used as mulch in landscaped areas, subject to approval by the Borough.
5. **Existing Plantings Protection.** Maximum effort shall be made to save fine specimens. No material or temporary soil deposits shall be placed within four feet of shrubs or 10 feet of trees designated on the landscape plan to be retained. Temporary protective barriers or tree wells shall be installed around each plant and/or group of plants that are to remain on the site.
6. **Slope Plantings.** Landscaping of all cuts and fills and/or terraces shall be sufficient to prevent soil erosion, and all roadway slopes greater than one foot vertically to three feet horizontally shall be planted with ground cover appropriate for the purpose and for soil conditions, water availability, and environment.
7. **Density and Variety.** Landscaping shall be of an adequate planting density, which shall include a variety of plant species to provide interest throughout the year with color and texture of foliage, bark, flowers, and fruit that are displayed at various seasons.
8. **Natural Protection.** There shall be proper selection and diversification of plant species to minimize the possibility of damage due to insects and disease. This may often be achieved by using species native to the area as much as possible, or at least by using hybrid equivalents of native species, for example, hybrid evergreen azaleas or rhododendrons instead of native deciduous varieties.

## SECTION A510. Blocks and Lots.

1. Blocks generally shall be not more than 600 feet long. Any block face exceeding 500 feet must be bisected by a pedestrian walkway.
2. Block Depth. Blocks shall be deep enough for two tiers of lots and, generally, shall not be less than 200 feet deep, except where reverse frontage lots bordering a major or secondary traffic street are used or required.
3. Lot Lines. Lot lines shall be at or near right angles to street lines or radial thereto wherever practical and, where feasible, they shall follow Borough boundaries rather than cross them.
4. Exceptions. Blocks in commercial and industrial districts may depart from the elements of design contained in this Section if the nature of the use requires other treatment.
5. Lot Size. Minimum lot size shall be governed by the Pottstown Zoning Ordinance, Chapter 27.
6. Double and Reverse Frontage Lots. Double-frontage and reverse-frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography, and orientation. A planting screen easement of at least 10 feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.
7. Addresses. A street address for each lot shall be assigned by the Borough Code Enforcement Department.

## SECTION A511. Streets. General standards

General. The proposed street pattern shall be related properly to existing streets, to the Borough plan of streets, and to such County and Commonwealth road and highway plans as have been adopted duly. New streets shall be laid out to continue existing streets at equal width, as regards both cartway and right-of-way, where such continuations are reasonable and practicable. However, there may be cases where the Borough may find the existing pattern inappropriate and seek changes.

1. Topography. The street pattern shall be related to topography so as to produce usable lots and reasonable street grades.
2. Highway Frontage. If the subdivision abuts a present or proposed avenue or state road, the Borough may require the use of reverse-frontage lots or the use of a marginal-service street along the edge of the highway but separated from it by a raised strip at least eight feet wide.
3. Access. 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 land-locked areas.

## SECTION A512. Street classification

Streets shall be classified according to their function as follows:

1. Service Streets (Alleys). Minor vehicular ways that provide a secondary means of access to the back or side of properties otherwise abutting a street.
2. Neighborhood Streets. Streets that provide direct access to residential structures, intended primarily to serve only the properties along them, and laid out to discourage through traffic. Also, streets that, in addition to serving abutting properties, intercept minor streets, connect with schools, parks, and other community facilities, and are intended primarily to serve neighborhood traffic.
3. Avenues. Streets that provide the principal means of internal traffic circulation in the Borough and the principal connections to the regional arterial highway network.
4. State roads. Any road under the jurisdiction of the Pennsylvania Department of Transportation shall be designed according to its standards.

## SECTION A513. Street Dimensions and Configuration.

Street Widths. Minimum widths for proposed streets and extensions or continuations are as follows:

Street type	Assumed traffic and parking requirements	Right of way	Paved cartway	Grading
Service (Alley)	2 traffic lanes (9') 0 parking lanes	18'	18'	Full width
Neighborhood	2 traffic lanes (10') 1-2 parking lanes (8')	50'	28-36'	Full width
Avenue	2 traffic lanes (10-12') 2 parking lanes (8')	50-80'	36-40'	Full width
State roads	Designed to standards of Pennsylvania Department of Transportation.			

## SECTION A514. Street Improvements

1. Underground Installation. Underground utilities within the street line shall be put in place, connected, and approved before the streets are constructed, and streets shall be constructed before any person is permitted to occupy any building to be served by said streets.
2. Storm Drainage. Provision of storm sewers, inlets, catch basins, and manholes shall meet the requirements and the approval of the Borough Engineer as regards both design and location. All catch basins shall be connected to a manhole.

## SECTION A515. Special Streets

1. Half Streets. Construction of service and neighborhood streets of less than standard widths are prohibited, except to complete existing half-streets.
2. Dead-end Streets. Dead-end streets are prohibited, unless designed as cul-de-sac or designed for access exclusively to neighboring tracts.
3. Cul-de Sac Streets. Cul-de-sac streets designed permanently as such and that are public streets, shall not exceed 300 feet in length and shall furnish access to not more than 10 dwelling units. They shall provide, at the closed end, a paved turn-around having a right-of-way with at least a 60 foot radius and having a minimum radius of 50 feet to the outside curb line. When required for future extension the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient width along the boundary line to permit extension of the street at full width.
4. Service Streets. Service streets serving commercial and industrial establishments are required unless other provisions for service are approved by the Borough. No part of any dwelling, garage, or other structure shall be located within 11 feet of the center line of a secondary service street. Intersections and sharp changes in alignment shall be avoided. Where necessary, corners shall be rounded or cut back to permit safe use by large vehicles. If it is impossible for a secondary service street to go through a block, it shall be provided with a turnaround at its closed end, suitable for large trucks. Depending on the circumstances, a parking lot may serve as a turnaround.

## SECTION A516. Street Intersections

Street intersections shall be designed according to the following standards:

1. No more than two streets shall be allowed to cross at the same point. Street intersections shall be at right angles wherever possible, and intersections of less than 60 degrees measured at the center lines of the streets will not be permitted.
2. Intersecting streets entering the same side of a street shall enter at intervals so as to allow distance for the safe merging of traffic in accordance with the capacity and design speed of streets. Intersecting streets that enter from opposite sides should be directly opposite each other; or, if necessary, separated by sufficient distance for the safe merging of traffic.
3. Streets approaching intersections shall be as near perpendicular to one another as is practical. At an intersection the grade of the dominant street shall be continuous, the grade of the subordinate streets shall have an approach that is as near level as is practical. Intersection streets of equal classification shall have approaches that are as near level as is practical.
4. Maximum curb radii at intersections shall be according to the following schedule of minimum lengths: 15 for service and minor streets and 20 feet for other streets. Where streets of different categories intersect, requirements for the more important street shall hold. The street right-of-way line shall be parallel to the curb line.
5. Clear-Sight Distance. Clear-sight distance along the centerlines of neighborhood streets shall be maintained at not less than 75 feet; along avenues at not less than 100 feet; and, along state roads, not less than 150 feet.
6. Flood Construction. The finished elevation of proposed streets shall be established with due consideration given to the need for access to developed properties during times of flooding. Flood elevations shall be noted on street profiles and plans to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without increasing flood heights on other properties.

## **SECTION A517. Street Alignment**

1. **Directional Changes.** Changes in street direction including horizontal curves, radii, super elevation of curves, and tangents between reverse curves shall be by classification of streets and in accordance with the current edition of a Policy on Geometric Design of Highways and Streets, American Association of State Highway Transportation Officials.
2. **Grades.** There shall be a minimum centerline grade of three-quarters percent and a maximum centerline grade of 10 percent on all streets. For distances up to one 1,500 feet, grades exceeding 10 percent may be permitted on recommendation of the Borough Engineer.
3. **Vertical Curves.** Vertical curves are required for changes in grade greater than one percent. The rate of change of grade on vertical crest and sag curves and sight distances shall be in accordance with the current edition of a Policy on Geometric Design of Highways and Streets, American Association of State Highway Transportation Officials.
4. **Surface Drainage.** The slope of the crown on proposed streets shall be one-quarter inch per foot except for super elevated settings which shall be as directed by the Borough Engineer. Adequate drainage shall be provided at low points along streets and where required to intercept runoff.

## **SECTION A518. Street Curbs and Gutters**

Curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge.

Curbing shall be designed to provide ramps for bicycles and/or wheelchairs in accordance with law.

Raised curbs shall be constructed for the full length of all streets. Service streets shall be provided with a lip curb. Curb requirements may vary according to street hierarchy and intensity of development. Curbing may be required also:

1. For storm water management.
2. To stabilize pavement edge.
3. To delineate parking areas.
4. Ten feet on each side of drainage inlets.
5. At intersections.
6. At corners.
7. At tight radii.
8. For private drives and streets.
9. To protect walks and other pedestrian traffic areas.

## **SECTION A519. Alternative to Curbs**

Where curbing is not required, some sort of edge definition and stabilization shall be furnished for safety reasons and to prevent pavement unraveling.

Where curbing is required, this requirement may be waived and shoulders and/or drainage swales used when it can be shown:

1. Soil or topography make the use of shoulders and/or drainage swales preferable.
2. It is in the best interests of the community to preserve its character by using shoulders and/or drainage swales instead of curbs.

## **SECTION A520. Sidewalks**

1. Sidewalks and/or graded areas shall be required depending on road classification and intensity of development.
2. Sidewalks shall be placed in the right-of-way and parallel to the street, unless an exception has been permitted to preserve topographical or natural features or to provide visual interest, or unless the applicant shows an alternative pedestrian system that provides safe and convenient circulation. In commercial and in high-density residential areas, sidewalks may abut the curb. There shall be a grass strip of a minimum of four feet and a maximum of six feet between the curb and sidewalk .
3. Width. Sidewalks shall have a clear width of at least four feet, six inches; wider clearance widths from five to 20 feet may be necessary and required near pedestrian generators and employment centers.
4. Construction. All sidewalks shall be constructed of concrete. They shall be six inches deep for driveways and four inches deep at all other locations. Concrete sidewalks shall have a base of 2A stone, at least four inches in depth. The grade and paving shall be continuous across driveway.

## **SECTION A521. Miscellaneous**

1. Side Slopes. Street cuts and fills shall be provided with side slopes not steeper than one vertical to two horizontal. They shall be planted suitably to prevent erosion.
2. Street Names. Continuation of existing streets shall be known by the same name. Names for new streets shall not duplicate or resemble closely names of existing streets. The subdivider shall provide street-name signs at intersections and such signs shall be of the type approved by the Borough.
3. Material and Construction Standards. Materials and construction standards for streets, curbs, and gutters; storm and sanitary sewers; and, sidewalks, shall conform to Borough standards. Construction and installation of all facilities shall conform to Borough specifications and be subject to inspection by appropriate Borough officials.

## **SECTION A522. Driveways**

The requirements for driveways shall be the standards of PennDOT regarding access to and occupancy of highways by driveways and local roads. (Pennsylvania Code Title 67, Chapter 441 as amended.) Driveway access to state highways shall be subject to the permit process of that department. All driveways shall be subject to the standards, requirements and processing of this section.

### **1. Location**

- A. Driveways shall be located so as to provide reasonable sight distance at intersections with streets.
- B. Driveways shall be located, designed and constructed in a manner which will not cause interference to the traveling public, a hazard to the free movement of normal highway traffic, or areas of traffic congestion.
- C. Distance from street intersection. Driveways shall be located as far from street intersections as is reasonably possible but not less than the following:
  - Individual residential lots: 50 feet
  - Multifamily resident and nonresidential lots: 100 feet.
- D. Distance from property line. Driveways shall be located a minimum of five feet from side or rear property lines.
- E. Properties with access to paved or improved alleys shall have driveways which access the alley.
- F. Properties with frontage on two streets of the same classification shall have driveways which access the street with lesser traffic volumes.

### **2. Number of driveways**

- A. All residential properties shall be limited to one curb cut, which shall be permitted only if it is impossible to access the lot from an alley.
- B. The following standards shall apply to non-residential properties:
  - 1. Properties with frontages of 100 feet or less shall be limited to one curb cut.
  - 2. For properties outside the Downtown, Tradition Town Neighborhood, and Neighborhood Residents Districts, not more than two curb cuts may be permitted for any single property, tract, or lot, for each street frontage. More than two curb cuts per frontage may be permitted only when anticipated traffic volumes warrant more than two and when supported by a traffic study prepared by a qualified traffic engineer.

## SECTION A523. Parking areas.

Automobile parking facilities shall be provided off street in accordance with the requirements of the Pottstown Zoning Ordinance.

1. At no time shall angle or perpendicular parking along the curbs of local, public or private access roads or streets be permitted unless specifically designated. All parking lots and bays allowing any parking other than parallel shall be physically separated from the cartway by a minimum of seven feet and confined to barrier curbing.
2. In general, internal parking lot curbing shall not be required unless deemed necessary by the Borough Engineer for proper drainage or for traffic and/or pedestrian safety.
3. Parking may be permitted within side and/or rear yards when the side and/or rear yards abut a district zoned industrial and/or commercial. However, no parking shall be permitted within five feet of a side or rear property line unless formal arrangements, satisfactory to the Borough, have been made for establishment of common parking facilities.
4. In commercial and industrial districts, provisions for common parking facilities are hereby encouraged in recognition of their increased flexibility and efficiency. When common parking facilities are approved, side and/or rear parking setback requirements may be waived in order to establish unified and continuous parking areas; in such cases, access drives and sidewalks shall be so aligned as to maximize parking efficiency and minimize traffic congestion. Entrances and exits must have clear site lines and good visibility so that, both going in and coming out, drivers can see and cars can be seen.
5. Each parking stall shall include a rectangle with a width of nine feet and a length of 18 feet.
6. All dead-end parking lots shall be designed to provide sufficient back-up area for the end stalls.
7. No less than a five-foot radius of curvature shall be permitted for all curblines in all parking areas.
8. Parking stalls shall contain a rectangle 9 feet by 18 feet. Parking lot dimensions shall be those listed in the following table:

Angle of parking	Aisle width in feet	
	One-way	Two-way
90	25	25
60	18	20
45	15	18

9. Pavement markings, curbing and landscaped parking islands shall be placed within parking areas to force vehicles to use designated routes.
10. The installation of stormwater storage/infiltration facilities such as infiltration galleries or beds beneath parking areas is strongly encouraged. These facilities avoid the generally negative visual impacts of surface detention or retention facilities, and enhance groundwater recharge, with the attendant positive effects on stream flows and quality.

## **SECTION A524. Reserve strips, Easements, Deeds, Monuments**

### **1. Reserve strips**

Reserve strips controlling access to streets, alleys, subdivisions or adjacent areas are prohibited.

### **2. Easements**

- A. Nothing shall be placed, planted, set or put within the area of an easement. The area shall be kept as lawn or pavement, except in the case of vegetated swales.
- B. The owner of any lot, upon written request of the Borough and at the owner's sole expense, shall remove anything placed, planted or set or put with or without knowledge of this regulation, within the area of any easement.
- C. To the fullest extent possible, easements shall be adjacent to the rear or side lot lines.

### **3. Deeds**

- A. No right of way or easement for any purpose whatsoever shall be recited or described in any deed unless the same has been shown on the approved plan.
- B. Any error found in a deed shall be immediately corrected and rerecorded in the office of the Record of Deeds for Montgomery County in Norristown, Pennsylvania, at the sole expense of the developed.
- C. Drainage easements shall be required along natural watercourses to a minimum width of 10 feet from the center line and may be used for storm and sanitary sewers and open space where conditions warrant, such as in floodplains; additional width shall be required in such cases when runoff treatment requires a wider easement. Runoff studies must prove such requirements beyond the delineated floodplain.
- E. 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 or developer or builder shall reserve or obtain easements over all lands affected. The easements shall be adequate for such discharge or drainage and for carrying off such water and for the maintenance, repair and reconstruction of same, including the right of passage over by vehicles, machinery and other equipment for such purposes, and 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.

### **4. Survey monuments**

- A. Staking requirements. All lots shall be staked by the registered engineer or surveyor for the subdivider when final grading has been completed. This stakeout shall be visible and shall be completed before an owner or occupant moves into the property. All lot corner markers shall be permanently located and shall be metal pins at least five-eighths inch in diameter and at least 24 inches in length, located in the ground to the existing grade. Corner markers shall be set to a horizontal control of not less than one part in 10,000.
- B. Permanent reference monuments constructed of concrete or stone shall be set at points determined by the Borough Engineer or a designated person, shall not be less than four inches square on top and 24 inches in depth and shall be set in the ground at the existing grade.

## **SECTION A525. Sewers and Sewage Disposal**

1. The size, grade, location of manholes and other details of sanitary sewers shall meet Borough Authority specifications.
2. Laterals. Lateral connections to each lot shown on the final plan shall be installed to the right of way line of the street prior to paving. Each building shall have separate connection to the sanitary sewer system.
3. Manholes. Manholes for sanitary sewers shall not be more than 300 feet apart on straight runs and there shall be a manhole at every point of change in course or grade and at intersections of sewer lines.
4. This section shall be applicable to all subdivisions as land developments, whether utilizing public or private streets, and in the case of a subdivision or land development using private streets, the subdivider and the applicant shall execute a recordable covenant with the Borough and/or Borough Authority that, for the purposes of sewer connections, assessments and rentables, his rights and liabilities and those of his grantees, heirs, successors and assigns shall be the same as if his property abutted a public street.

## **SECTION A526. Water Supply.**

Water lines shall be installed and connected to the Borough water supply system.

1. The size, location and other details of water lines shall meet Borough Authority specifications.
2. Services. Water services to each lot shall be shown on the final plans and shall be installed to the right-of-way line of the street prior to paving. Each building shall have a separate connection to the water supply system.
3. Meters. Water meters shall be sized and located in accordance with Borough Authority standards.
4. Fire Hydrants. Fire hydrants shall be located so the distance from any building frontage to a fire hydrant shall be no more than 500 feet measured along the curb. On recommendation of the Fire Marshal, closer spacing of fire hydrants may be required. In commercial and industrial areas, the Borough shall prescribe the location of hydrants.
5. Fire Alarm Boxes. Fire alarm boxes shall be located and installed in accordance with National Fire Protection Association Code standards unless such are deemed unnecessary by the Borough because of the availability of other alarm systems or in absence of a fire hazard.
6. This section shall be applicable to all subdivisions and land developments, whether utilizing public or private streets. In the case of a subdivision or land development utilizing private streets, the developer shall execute a recordable covenant with the Borough and/or the Borough Authority that, for the purposes of water connections, assessments and rentals, his rights and liabilities and those of his grantees, heirs, successors and assigns, shall be the same as if his property abutted a public street.

## **SECTION A527. Public Utilities**

### Underground Wiring.

1. All subdivisions and land developments, except heavy industrial development and residential development of fewer than five dwelling units, shall have all electric, telephone, television, and other communication lines, both main and service connections, provided by underground wiring within easements or dedicated public rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services.
2. Lots that abut existing easements or public rights-of-way where overhead electric, telephone, or television distribution supply lines and service connections have been installed previously may be supplied with the same service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a road widening, or an extension of service or other such condition occur as a result of the subdivision and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.
3. Where overhead lines are permitted as the exception, the placement and alignment of the poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be routed carefully to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and, alignments shall follow rear lot lines and existing alignments.
4. Year-round screening of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required. In addition to screening, the placement of utility boxes, meters, and similar utilitarian apparatus shall be placed to the rear of buildings, rear yard, or alley, and not visible from the street unless there is clearly no alternative.
5. Utilities in Flood Districts. All new or replacement water, sanitary sewer, or other utility systems, whether public or private, shall be elevated or floodproofed to a point one foot above the base flood elevation.

## **SECTION A600. Modifications.**

1. Borough Council may grant a modification of the requirements of one or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided such modification will not be contrary to the public interest and provided the purpose and intent of this Chapter are observed.
2. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved, and the minimum modification necessary.
3. Borough Council may refer the request for modification to the Planning Commission, to neighboring governing bodies, to Borough departments, bureaus or agencies, or to any other competent body for review and report.
4. The Pottstown Planning Commission shall keep a written record of all action on all requests for modifications.

## **SECTION A700. Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.**

1. No plat shall be approved finally unless the streets, walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers, and other improvements as are required by this Chapter, or are depicted on the plat, have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees required by subsection (2), immediately below, the developer shall deposit with the Borough financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, storm water detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings that may be required.
2. When requested by the developer, in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed or recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within 90 days unless a written extension is granted by Borough Council; such extension shall not be withheld unreasonably and shall be placed in writing at the request of the developer.
3. Without limitation as to other types of financial security that the Borough may approve, which approval shall not be withheld unreasonably, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.
4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered, lending institution chosen by the party posting the financial security; provided, said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
5. Such bond, or other security, shall provide for, and secure to the public, the completion of any improvements that may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
6. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements that have been completed and the estimated cost for the completion for a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection.

## **SECTION A700. Completion of Improvements (continued).**

7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the applicant or developer.
8. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10% for each one year period beyond the first anniversary date from posting of financial security or an amount not exceeding 110% percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one year period by using the above bidding procedure.
9. In the case where development is projected over a period of years, Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally-approved section of the development.
10. As the work of installing the required improvements proceeds, the party posting the financial security may request Borough Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to Borough Council, and Borough Council shall have 45 days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer representing fairly the value of the improvements completed or, if Borough Council fails to act within the 45 day period, Borough Council shall be deemed to have approved the release of money as requested. Borough Council may, prior to final release at the time of completion and certification by the Borough Engineer, require retention of 10% percent of the estimated cost of aforesaid improvements.
11. Where Borough Council accepts dedication of all or some of the required improvements following completion, it may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as required otherwise in this Section as regards installation of improvements, and the amount of the financial security shall not exceed 15% of the actual cost of installation of said improvements.

## **SECTION A700. Completion of Improvements (continued).**

12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the Borough, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Borough shall not condition the issuance of building, grading, or other permits relating to the erection or placement of improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from existing public roads to such building or buildings to an impervious condition meeting standards as required by existing Borough regulations, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby repealed expressly to the extent of such inconsistency.
14. Offers of dedication of any streets, highways, parks, and other improvements may be made or withheld by formal notation on the plan; however, all such improvements shall be deemed in private ownership, whether or not noted on the plan as dedicated for public use, until such time as said improvements may have been specifically accepted or condemned by Borough Council according to law.

## **SECTION A701. Release From Improvement Bond.**

1. When the developer has completed all of the necessary and appropriate improvements, the developer shall notify Borough Council in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with Borough Council, and shall mail promptly a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such non approval or rejection.
2. Borough Council shall notify the developer, within 15 days of receipt of the Borough Engineer's report, in writing by certified or registered mail, of the action of Borough Council with relation thereto.
3. If Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.

## **SECTION A701. Release From Improvement Bond (cont).**

4. If any portion of the said improvements shall not be approved or shall be rejected by Borough Council, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. However, nothing herein shall be construed in limitation of the developer's right to contest or question, by legal proceedings or otherwise, any determination of Borough Council or the Borough Engineer.
6. Where herein reference is made to the Borough Engineer, he or she may be as a consultant thereto.
7. The applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such expense shall be based on the prevailing hourly rates, including salary, wages, and fringe benefits, but, in no case, shall such rates exceed those charged when fees are not reimbursed or imposed otherwise on applicants.

## **SECTION A702. Resolution of Disputes Involving Fees.**

Disputes regarding fees shall be settled by following the procedures set forth in the Appendix, Article A3 of this Ordinance.

## **SECTION A703. Remedies to Effect Completion of Improvements.**

In the event any improvements that may be required have not been installed as provided in this Chapter or in accord with the approved final plat, Borough Council is granted hereby the power to enforce any corporate bond, or other security, by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, Borough Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the money necessary to complete the remainder of the improvements. All the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security and not for any other Borough purposes.

## **SECTION A800. Standards, and Applicability Thereof, Regulating Mobilehomes**

The provisions of this Chapter shall apply to mobilehome parks except where those provisions are in conflict with the provisions of this Section and only to the extent of such conflict. Where such conflict arises, the provisions below shall apply

### **SECTION A801 Standards Regulating Mobilehomes.**

1. Density is limited to seven mobilehomes per acre.
2. No mobilehome shall be located within 15 feet of any other, within five feet of any driveway or parking space, within forty 40 feet of the right-of-way of any street, or within 50 feet of any park boundary that is not the right-of-way line of a street.
3. Each mobilehome site shall be provided with a stand consisting of a solid, six inch, poured Portland cement concrete apron not less than eight feet wide and 45 feet long and a paved outdoor patio of at least 180 square feet located at the main entrance to the mobile home.
4. All utility wires, pipes, and tanks shall be underground, except that oil or natural gas tanks used as part of a central distribution system may be above ground if screened fully from view by a wood or masonry wall or fence.
5. Each mobilehome park shall have an underground master television antenna system, and exterior antennae shall not be permitted on individual mobilehomes.
6. Each mobilehome park shall contain one or more recreation areas totaling at least 300 square feet per mobile home. At least one such area in each mobilehome park shall be of such size and shape that a 100 foot square may be laid out within it and shall be substantially flat, without trees, shrubs, or other obstructions, and maintained as lawn. No mobilehome shall be more than 500 feet distant from a recreation area. Streets, driveways, parking areas, and buildings are not to be included in calculating the size of recreation areas.
7. A greenbelt at least 30 feet in width shall be located along all boundaries of each mobilehome park, except where it is crossed by driveways.
8. Each mobilehome shall be located on a lot having an area of at least 3,200 square feet; provided, however, that no motor vehicle shall be parked on any lot having an area of less than 4,000 square feet.
9. Each mobilehome park shall be graded and drained so that rainwater will not stand in pools or puddles.
10. Each street and parking area in any mobilehome park shall be bounded by a sidewalk at least four feet six inches wide
11. If the parking of motor vehicles other than passenger automobiles and motorcycles is allowed, it shall be restricted to areas surrounded, except at points of entry and exit, with a wood or masonry wall or fence at least eight feet high.
12. Each mobilehome park shall provide refuse containers, compatible with mechanical lifting devices on Borough-approved collection trucks, should such a system be or have been adopted, having a capacity of one cubic yard for each four mobilehomes, so located that no mobile home is farther than 160 feet from such a container.
13. All refuse containers shall be located on Portland cement concrete stands, abutting and level with a driveway which shall be surrounded, except on the driveway side, by a wood or masonry fence or wall at least six feet high.

## SECTION A801 Standards Regulating Mobilehomes (cont).

14. Minimum street widths in mobilehome parks shall be as follows:

No parking on street	1-way	14 feet
	2-way	20 feet
Parallel parking on one side	1-way	20 feet
	2-way	30 feet
Parallel parking on both sides	1-way	26 feet
	2-way	36 feet

15. Each mobilehome park shall provide to each mobilehome an enclosed storage shed or partitioned space in such a shed, either of which shall have at least 360 cubic feet and shall be located within 150 feet of said mobilehome. No outside storage shall be permitted by any mobilehome park or committed by any occupant, including the storage of anything underneath any mobilehome.
16. No mobilehome shall be occupied unless it is supported on masonry blocks or jacks, connected to utilities, and provided with skirting, from the bottom of the walls to the ground, made of aluminum or other durable material.
17. Restrictions directed toward the occupant or other restrictions not created by physical design shall be imposed by legal instrument, including deed or lease restriction, submitted by the applicant with the application for land development and approved by the Borough Solicitor.

## SECTION A900. Preventive Remedies

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction; to recover damages; and, to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer, or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies provided herein.
2. The Borough may refuse to issue any permit or grant any approval necessary to improve or develop further any real property that has been developed or that has resulted from a subdivision of real property in violation of any ordinances adopted pursuant to the Pennsylvania Municipalities Planning Code. This authority to deny such a permit or approval shall apply to any of the following applicants.
  - A. The owner of record at the time of such violation.
  - B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
  - C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
  - D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee, or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

## SECTION A901. Jurisdiction.

District justices shall have initial jurisdiction in proceedings brought under Section 903.

## SECTION A902. Enforcement Remedies.

1. Any person, partnership or corporation who or that has violated the provisions of this Chapter, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough shall pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied, or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor appeals timely the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day a violation continues shall constitute a separate violation, unless the district justice determines there was a good-faith basis for the person, partnership, or corporation violating said ordinance to have believed there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the determination of a violation by the district justice and thereafter each day a violation continues shall constitute a separate violation.
2. The Court of Common Pleas of Montgomery County, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action.

## **SECTION A1000. Enactment of Subdivision and Land Ordinance Amendment.**

1. Amendments to this Chapter shall become effective only upon vote of Borough Council after a public hearing thereon pursuant to public notice. A brief summary setting forth the principal provisions of the proposed ordinance and a reference to the place within the Borough where copies of the proposed ordinance may be secured or examined shall be incorporated in the public notice. Unless the proposed amendment shall have been prepared by the Planning Commission, Borough Council shall submit the amendment to the Planning Commission at least 45 days prior to the hearing on such amendment to provide the Planning Commission an opportunity to submit a report thereon. At least 45 days prior to the public hearing on the amendment, the Borough shall submit the proposed amendment to the Montgomery Planning Commission for review and report.
2. Within 30 days after adoption, Borough Council shall forward a certified copy of any amendment to this Chapter to the Montgomery County Planning Commission.

## **SECTION 1001. Publication, Advertisement, and Availability of Ordinance.**

1. Proposed amendments to this Chapter shall not be enacted unless notice thereof is given in the manner set forth in this Part, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof. Borough Council shall publish the proposed amendment once in one newspaper of general circulation in the Borough not more than 60 days or less than seven days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary, prepared by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:
  - A. A copy thereof shall be supplied to a newspaper of general circulation in the Borough at the time the public notice is published.
  - B. An attested copy of the proposed amendment shall be filed in the Montgomery County Law Library or other County office established by the Montgomery County Commissioners, who may impose a fee no greater than that necessary to cover the actual costs of storing said amendments.
2. In the event substantial amendments are made in the proposed amendment, before voting upon enactment, Borough Council shall, at least 10 days prior to enactment, readvertise, in one newspaper of general circulation in the Borough, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
3. This Chapter may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.