

EAST GREENVILLE BOROUGH

MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2024-05

AN ORDINANCE OF THE BOROUGH OF EAST GREENVILLE, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE BOROUGH'S CODE OF ORDINANCES BY MAKING OMNIBUS AMENDMENTS TO THE PROVISIONS OF CHAPTER 85 SUBDIVISION AND LAND DEVELOPMENT; REPEALING ALL PRIOR INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Borough Council of the Borough of East Greenville is duly empowered by the Borough Code, 8 Pa.C.S. § 101, *et seq.*, to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of East Greenville;

WHEREAS, the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Borough of East Greenville to enact a subdivision and land development ordinance for the Borough;

WHEREAS, the Borough of East Greenville has adopted the Borough of East Greenville Subdivision and Land Development Ordinance at Chapter 85 of the Borough's Code of Ordinances;

WHEREAS, the Planning Commission and Borough Planner for the Borough of East Greenville have recommended certain amendments to the Borough of East Greenville Subdivision and Land Development Ordinance and have recommended that Borough Council adopt same; and

WHEREAS, the Borough Council of the Borough of East Greenville desires, and believes it to be in the best interest of the Borough, to amend the Borough of East Greenville Subdivision and Land Development Ordinance as set forth herein.

NOW, THEREFORE, be it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of East Greenville as follows:

SECTION 1.

Chapter 85 *Subdivision and Land Development* of the Code of Ordinances of the Borough of East Greenville, Article II *Definitions*, section 85-8 *Definitions* is hereby amended by repealing the definition of "FAMILY" and replacing it with the following definition:

FAMILY

Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, when said individuals are related by blood, marriage or adoption, including any number of foster children under the care of the same; or no more than five unrelated individuals living together as a single, nonprofit housekeeping unit and doing their cooking on the premises, except when an application for a special exception to enable a greater number of unrelated individuals to occupy a dwelling unit is reviewed and approved by the Zoning Hearing Board, as provided for in this chapter. Notwithstanding anything herein contained, family shall also be deemed to include any number of mentally or physically handicapped persons occupying a dwelling unit as a single housekeeping unit, if such occupants are handicapped persons as defined in Title VII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, in which instance such unrelated individuals shall have the right to occupy a dwelling unit in the same manner and to the same extent as any family unit as herein defined.

SECTION 2.

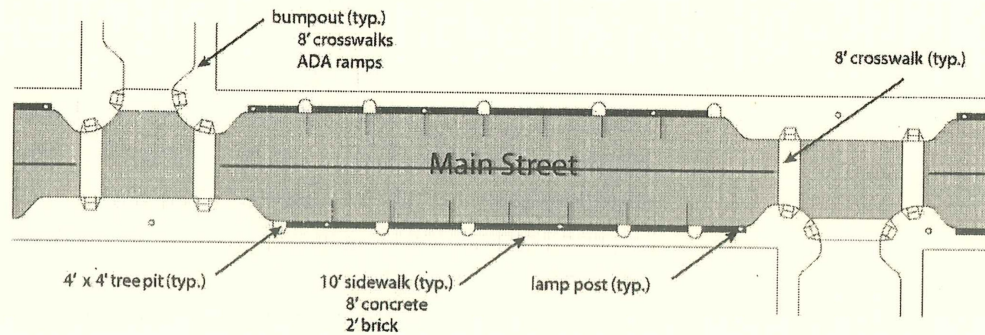
Chapter 85 *Subdivision and Land Development* of the Code of Ordinances of the Borough of East Greenville, Article IV *Design Standards*, section 85-57 *Sidewalks* is hereby amended by repealing subsection J *Main Street Sidewalk Design* in its entirety and replacing it with the following provisions:

J. Main Street Sidewalk Design.

- (1) All subdivisions and land developments occurring on Main Street (Gravel Pike, State Route 029) must include the installation of Streetscaping in compliance with East Greenville's Main Street Streetscaping standards. Furthermore, Streetscaping must be generally consistent with the *Main Street Design Guidelines*, as adopted and amended from time to time by Borough Council.
- (2) Tree pits must be a minimum of four feet by four feet.
- (3) Crosswalks must be a minimum of eight feet in width.
- (4) Street trees should be placed as frequently as permitted by site conditions, and shall average not less than one every 40 feet.
- (5) Sidewalks shall be 10 feet in width. Of that ten feet, eight (8) feet shall be concrete and the two (2) feet adjacent to the curb shall be in brick, matching the pattern of other bricking along Main Street.

- (6) Lamp posts shall be placed so as to meet PennDOT standards for sidewalk and street lighting. Lamp posts shall match the design of existing lamp posts on Main Street.

Figure 85-57.1
Main Street Design Standards



SECTION 3.

Chapter 85 *Subdivision and Land Development* of the Code of Ordinances of the Borough of East Greenville, Article IV *Design Standards*, section 85-66 *General Landscape Design Criteria* is hereby amended by adding a new subsection, subsection G *Minimum Soil Volumes*, with the following provisions:

G. Minimum Soil Volumes.

- (1) **Planting Soil Depth and Composition.** The minimum depth of the planting soil in any planting area shall be 30 inches. Planting soils shall be a loam soil capable of supporting a healthy vegetative cover, which is amended with composted organic material, such as mushroom compost or leaf mulch, resulting in an organic amended soil

containing 20% to 30% organic material (compost), and 70% to 80% topsoil screened of rocks, sod, and debris.

- (2) Planting Areas Under 1,000 Square Feet in Area. A registered landscape architect shall provide details on the landscaping plan that shows a longitudinal section and depth of planting areas 1,000 square feet and under in area demonstrating compliance with minimum available soil volume standards herein. The following minimum soil volume per shrub/tree shall apply when such tree/shrub is proposed within any planting area that is 1,000 square feet and under in area:
 - (a) Shade or canopy trees shall be provided with a minimum of 1,200 cubic feet of available soil volume each.
 - (b) No less than 50% of ornamental trees and evergreen trees shall be provided with a minimum of 900 cubic feet of available soil volume each. All other ornamental trees, evergreen trees, and large deciduous shrubs shall be provided with a minimum of 600 cubic feet of available soil volume each. All other categories of approved plants shall be subject to planting soil depth and composition requirements pursuant to subsection G(1), above.
- (3) Alternative Methods for Street Trees and Parking Lot Interior Landscaping Areas. The alternative methods are for street

tree planting areas, where required soil volumes are unattainable without implementing these methods. If the minimum soil volumes cannot be achieved, as determined by the Borough Engineer, the following alternative options may be utilized:

- (a) Structural Soil. Structural soil, composed of 80% AASHTO No. 57 stone and 20% loam soils, may be used to supplement planting soil volume provided that the following conditions are met:
 - (i) Structural soils shall be used under impervious paving where the tree planting area is surrounded by paving for the purpose of expanding the soil volume to meet minimum soil volumes specified in subsection G(1), above.
 - (ii) Structural soils shall be entirely below pavement areas and shall not be exposed at the surface.
 - (iii) Structural soils are located adjacent to planting soils.
- (b) Suspended Pavement System. A suspended pavement system may be utilized that supports the weight of the pavement and improves street tree health. The support structure creates void spaces under an impervious surface that allows increased soil volume and space for tree roots to grow. The

void space shall be filled with a combination of structural soils and native excavated soil, provided that it is quality material.

- (c) Alternative designs that achieve greater soil volume may be permitted with the approval of the Borough Engineer.

SECTION 4.

Chapter 85 *Subdivision and Land Development* of the Code of Ordinances of the Borough of East Greenville, Article IV *Design Standards*, section 85-67 *Street Trees* is hereby amended by repealing subsection E *Street trees planting specifications* and replacing it in its entirety with the following provisions:

- E. Street trees planting specifications.
 - (1) Street trees shall be accommodated in either tree pits of at least 21 square feet or in planting strips with a minimum width of five (5) feet. On Main Street, tree pits may be 16 square feet.
 - (2) Planting soil depth and available soil volume shall meet the requirements of § 85-66.G.
 - (3) Tree pits shall have porous recreational paving to allow water infiltration. The specific type of paving shall be approved by the Borough prior to installation.

Figure 85-67.3 shall remain unchanged by this amendment.

SECTION 5.

Chapter 85 *Subdivision and Land Development* of the Code of Ordinances of the Borough of East Greenville, Article IV *Design Standards*, section 85-71 *Parking Greening and Landscaping Standards*, section B *Interior Landscaping Area Standards* is hereby amended by repealing subsection 5 in its entirety, and replacing it with the following provisions:

- (5) Planting soil depth and available soil volume shall meet the requirements of § 85-66.G.

SECTION 6.

Chapter 85 *Subdivision and Land Development* of the Code of Ordinances of the Borough of East Greenville, Article IV *Design Standards*, section 85-79 *Streetscape Standards* is hereby amended by repealing subsection A in its entirety, and replacing it with the following provisions:

- A. The following streetscape and green area standards are required for all new non-residential and multifamily developments and additions/alterations. Table 85-79.1 indicates the categories and minimum requirements for streetscape and green area standards. Table 85-79.2 presents the streetscape and green area items within each category. Category A contains planting and greening elements. Category B includes street furniture and other streetscape elements.
 - (1) Any of these elements installed along Main Street must not conflict with aspects of the existing streetscape design. All proposals shall be reviewed by the Borough staff to ensure that they are compatible with the Main Street

streetscape design and are generally consistent with the *Main Street Design Guidelines*, as adopted and amended from time to time by Borough Council, whether the Main Street streetscaping has already been installed at that location or not. See §85-57.J for details on Main Street Streetscape Design.

Table 85-79.1 and Table 85-79.2 shall remain unchanged by this amendment.

SECTION 7.

Chapter 85 *Subdivision and Land Development* of the Code of Ordinances of the Borough of East Greenville, Appendix A *List of Approved Plants* is hereby amended by deleting the following plants from the category **Street Trees: Shade or Canopy Trees Suitable Near Paving and Parking Lot Greening (Planting Islands and Planting Strips)**:

Ilex opaca	American Holly
Quercus palustris	Pin Oak

SECTION 8. SEVERABILITY CLAUSE

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, Borough Council hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION 9. REPEALER

Any and all other Ordinances or parts of Ordinances in violation or in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall become effective at the earliest time permitted by Pennsylvania law.

ORDAINED and **ENACTED** an ordinance of the Borough of East Greenville this 6th day of May, 2024.

BOROUGH OF EAST GREENVILLE:

Douglas Criddle
DOUGLAS CRIDDLE, COUNCIL PRESIDENT

ATTEST:

Sharon Kachmar
SHARON KACHMAR,
BOROUGH SECRETARY

Approved this 13th day of
May, 2024

Stephen Wescott
STEPHEN WESCOTT, MAYOR