

I, Patrick M. McKenna, Esquire of Gawthrop Greenwood, PC, Solicitor for New Hanover Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the New Hanover Township Board of Supervisors as recommended by the Township Planning Commission.

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Patrick M. McKenna, Esquire  
Gawthrop Greenwood, PC

**NEW HANOVER TOWNSHIP**

**ORDINANCE NO. 24-03**

**AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CODE CHAPTER 22, THE NEW HANOVER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1980, AS AMENDED, AND SUPERSEDING ANY ORDINANCE OR PARTS OF ORDINANCES THAT ARE INCONSISTENT HEREWITH.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of New Hanover Township, Montgomery County, Commonwealth of Pennsylvania, that Chapter 22, Subdivision and Land Development, of the Township of New Hanover Code of Ordinances, as amended, shall be amended as follows:

**SECTION 1.** Chapter 22, Subdivision and Land Development, §22-310, Minor Plan Filing Requirements and Review Procedure, is hereby amended to read as follows:

**§22-310. Minor Plan Filing Requirements and Review Procedure.**

1. Purpose.

- A. The purpose of a minor plan is to provide an expeditious means of subdivision approval for the division of a single lot, tract or parcel of land, including the annexation of land between existing lots and the adjustment or relocation of one existing boundary line between two adjacent lots, or the shifting of boundary lines to increase the area of an existing lot; provided, however, that the lot line change results in the same number or fewer lots as existed prior to the lot line change.
- B. Minor plans may be filed and processed only for lot line adjustments, simple conveyances, minor subdivisions, mortgage subdivisions, or minor land developments as characterized herein, in accordance with the standards and requirements in this section.
- C. Revised minor plans are plans that follow an initial final plan submission and are in response to Township consultant review letters. For revised final plan submissions, this

section shall be followed except for the submission of a recorded deed, professional services agreement, and fees, as these items were provided with the initial preliminary plan submission. In addition to these requirements, revised final plan submissions shall include a detailed response letter addressing all comments in review letters issued by the Township's consultants.

## 2. Standards for Qualification as a Minor Plan Submission.

### A. Lot Line Adjustment.

- (1) A proposal between two abutting, existing, legally approved and recorded lots.
- (2) A common lot line is proposed to be adjusted in terms of its location or configuration or eliminated.
- (3) The land area of each lot may be different after adjustment, but the total lot area of the two lots will be unchanged.
- (4) No alteration will occur to the perimeter boundary lines of the two lots.
- (5) Neither lot shall violate the applicable dimensional requirements of the Zoning Ordinance as a result of the lot line adjustment.
- (6) Possible reasons for lot line adjustments include, but are not necessarily limited to:
  - (a) Correcting errors regarding locations of existing improvements (e.g., if the driveway for Lot No. 1 is located on Lot No. 2);
  - (b) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow);
  - (c) Preferences of the landowners involved.

### B. Simple Conveyance.

- (1) A proposal between two abutting, existing, legally approved and recorded lots.
- (2) A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.
- (3) The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.
- (4) The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the Zoning Ordinance, so that after conveyance, it will remain in compliance with those requirements.

- (5) The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the Zoning Ordinance, provided that it shall be deed-restricted to the extent that it may not be transferred independently but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

#### C. Minor Subdivision.

- (1) A subdivision proposal which would divide one existing lot into not greater than three lots, each of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.
- (2) The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Township requirements for lot frontage and access to a public street for both proposed lots.
- (3) The existing lot has not been a part of an approved subdivision proposal during the five years previous to the current application.
- (4) The subdivision will not require new road construction, road improvements, or the extension of existing public utility lines.
- (5) The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Township Engineer.
- (6) Disqualification. The Board of Supervisors may require standard preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

#### D. Mortgage Subdivision.

- (1) A subdivision established for the sole purpose of granting separate and distinct mortgages on each parcel within a commonly managed and maintained land development. The individual parcels created as a result of the mortgage subdivision may not individually meet the required yard setbacks, ground cover, limitations, or other bulk and area requirements of the zoning district in which the property is situate, provided that the applicant documents to the satisfaction of the Township the following:
  - (a) The responsibility for the construction, control, and maintenance of development shall be carried on by an entity irrespective of parcels to be established through the mortgage subdivision.
  - (b) Irrevocable cross easements shall be established in favor of all parcels created through the mortgage subdivision within the land development with respect to

the use, control, and maintenance for the facilities and areas to be used in common so that each parcel becomes an integral part of the land development.

- (c) Declaration that the interest of any mortgagee and that of any transferee of the mortgage property upon any default of the mortgage shall be subject to the obligations and responsibilities as to the facilities and areas to be used in common and the requirements of the cross easements so that such a mortgagee or transferee, in the event of such default or transfer of title to the property, shall be bound thereby.

- (2) In the event of a subdivision for mortgage purposes, the entire area included within the plan shall continue to be treated by the Township as a single parcel for the purposes of maintaining compliance with the Township Zoning Ordinance.

#### E. Minor Land Developments.

- (1) A land development proposal where it is found that the intended development or modification of a site, or use and occupancy of an existing structure, will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of this chapter.
- (2) Parking lot expansions.
- (3) Additions to existing nonresidential buildings, provided that the addition is less than 5,000 gross square feet and involves no more than a 25% change in the size of the existing building.
- (4) The conversion of a residential dwelling that results in the creation of no more than four new dwelling units.
- (5) The addition of tenants to an existing nonresidential building when minimal structural improvements are required.

### 3. Filing Procedure.

- A. The applicant shall submit the following items at least 30 days prior to a regularly scheduled meeting of the Planning Commission:

- (1) A completed application.
- (2) Four 2' x 3' plan sets. Sheet sizes shall be 24" x 36", and all lettering shall be so drawn to be legible if the plan should be reduced to half size or a size necessary for recording in the Montgomery County Recorder of Deeds' office, whichever letter is larger. The plans shall be drawn at a scale of 1" = 50' (preferred) or 1" = 100', or other scale suitable for the specific project.



- (3) Two sets of applicable impact statements.
- (4) An electronic plan set (200 dpi).
- (5) Eleven 11" x 17" plan sets.
- (6) A copy of a recorded deed.
- (7) A completed professional services agreement.
- (8) A completed stormwater management detail sheet.
- (9) A completed county application.
- (10) Fees and escrow, in accordance with the current fee schedule adopted by resolution by the Board of Supervisors.
- (11) A written statement granting the Board of Supervisors, its authorized agents and representatives, the Planning Commission, and the representatives of the county and Township departments and agencies having responsibility for review and/or approval under this chapter the right to enter the parcel of land for the purpose of inspection and enforcement of the requirements, terms and conditions imposed herein.
- (12) A thumb drive that contains all required items electronically.

- B. The Township shall review the submission for completeness; incomplete submissions will be rejected. If the submission is complete, the Township shall accept, process and distribute copies of the submission.
- C. The Township, in its discretion, may reduce or eliminate the number of printed copies of the Plans provided by the Applicant in the submission (or subsequent re-submissions of revised plans). Prior to submission of Plans and Plan revisions, Applicant and their consultants are encouraged to contact the Township Manager to confirm the number of hard copies to accompany the submission.

#### 4. Review Procedure.

- A. The minor plan shall be placed on the agenda of the next regularly scheduled meeting of the Township Planning Commission following the plan filing date, provided that plans are filed and accepted at least 30 days prior to the meeting date.
- B. The Township shall distribute copies of the plan to the following for review and recommendations:<sup>[1]</sup>
- C. All minor plans shall be considered to be preliminary plans for the purposes of submission for review and approval and shall comply with the following filing and review procedures:

- (1) All sheets shall be the same size and shall be numbered relative to the total number of sheets (i.e., 1 of 5, etc.) Intermediate plan sheets (e.g., Sheet 26A) will not be permitted.
- (2) Where two or more sheets are needed to show the entire tract, a reduced-scale key plan shall be provided to show how the sheets fit together. Match lines shall be shown.
- (3) Property lines shall be drawn and labeled in conformance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Surveyor, and Geologists Registration Act," and accepted surveying and civil engineering practices, including dimensions shown in feet and decimal fractions thereof, and bearings shown in degrees, minutes, and seconds.
- (4) Tract boundary lines shall be the heaviest property lines.
- (5) Proposed lot lines shall be the next heaviest.
- (6) Possible future lots, if shown, shall be the lightest line weight and may be shown as dashed lines.
- (7) Property lines to be eliminated where two or more lots are proposed to be joined in common deed should be properly noted and depicted on the boundary to be removed.
- (8) Basic Information. All preliminary plans shall show the following basic information:
  - A. Name of the subdivision or land development, including the assigned Township Plan number.
  - B. Name, address, email, and phone number of the applicant.
  - C. Name, address, email, and phone number of the firm which prepared the plan and professional seal of the individual certifying its accuracy and compliance with applicable standards.
  - D. Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.
  - E. North point and scale displayed in graphic and written form.
  - F. Location plan showing the relationship of the subject tract to the surrounding road network, adjacent properties, and major physical features.
  - G. The entire tract boundary with bearings and distances and total tract acreage.
  - H. A list of the basic dimensional and density requirements of the applicable zoning district, compared to the applicant's proposal.
  - I. Zoning classification(s) of all lands abutting the proposal.
  - J. Names of all current owners of immediately adjacent lands.

- K. A statement showing:
    - (1) Number of acres under proposal (net and gross acreage should be indicated in accordance with the Zoning Ordinance).
    - (2) Number of lots and/or dwelling units and total building area. If existing buildings are to be reused, the building area should be expressed as existing building area and additional building area.
  - L. Description of variances or special exceptions, conditions of their approval, and the dates they were granted, if any.
  - M. Description of any deed restrictions, including conservation and environmental, or other covenants affecting development of the tract. This information should contain the name of the easement holder or parties in the covenant agreement and a reference to their deed and page book recording location.
  - N. The requirements of any other local ordinance which may affect the proposal.
  - O. The legend shall be sufficient to indicate clearly between existing and proposed conditions.
  - P. Name and address of the owner of record if different from the applicant.
  - Q. Tax parcel number(s) of all parcels being subdivided or developed.
  - R. Deed book and page numbers for all parcels being subdivided or developed.
  - S. A note shall be shown on the plan which states "Preliminary Plan - Not to Be Recorded."
  - T. Dimensions shall be displayed in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds.
  - U. The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed and shall include a description of all symbols used.
  - V. The date of the applicable Township Code of Ordinances used for the preparation of the plan.
- (9) Existing Features Plan. Within the tract proposed for subdivision and/or land development, and within 100 feet of the tract boundaries, the following information shall be shown on the preliminary plan:
- A. Streets bordering or crossing the tract, including:

- (1) Locations.
  - (2) Names.
  - (3) Rights-of-way.
    - (a) Legal.
    - (b) Ultimate.
  - (4) Cartway widths.
  - (5) Surface conditions.
  - (6) Location of curbs and sidewalks.
- B. Water resources, including:
- (1) Lakes and ponds.
  - (2) Wetlands, Wetland Margins, swamps, or marshes.
  - (3) Watercourses and springs.
  - (4) Existing well locations - in use, capped, and abandoned.
  - (5) Flood-prone or floodplain areas, including data from FEMA studies, supporting hydrologic and hydraulic data for 100-year flood limits, or Montgomery County Soil Survey when applicable, as determined appropriate by the Township Engineer for the watercourse(s) affecting the site.
  - (6) Riparian Corridors
- C. Sanitary sewers, including:
- (1) Septic systems and drainfields.
- D. Storm sewers, including:
- (1) Pipe locations.
  - (2) Pipe sizes and materials.
  - (3) Direction of flow.
  - (4) Gradient of flow.
  - (5) Inlets, catch basins, and manholes.
  - (6) Invert elevations.
- E. Other existing stormwater and/or erosion control facilities, including:
- (1) Basins.
  - (2) Swales.
  - (3) Diffusion devices.
  - (4) Velocity controls.
  - (5) Related technical data for those facilities.
- F. Other natural features, including:
- (1) Mature Trees - Location, size, species, and condition of trees six inches in diameter (dbh) or greater, when standing alone or in small groups within fifteen (15) feet of the proposed Limit of Disturbance. The location of Mature Trees that are not within fifteen (15) feet of the proposed limit of disturbance may be shown with a tree symbol only.

- (2) Outer limits of woodlands and a general description of their types, sizes, and conditions.
      - (3) Locations and limits of geologic features which may affect the locations of proposed streets or buildings, including:
        - (a) Rock outcroppings.
        - (b) Quarries.
        - (c) Sinkholes.
        - (d) Ravines.
    - G. Soil types, including:
      - (1) Mapped limits.
      - (2) Names.
      - (3) Significant limitations, such as, high water table or shallow bedrock.
      - (4) Hydric Soils
      - (5) Floodplain Soils
    - H. Contour information, including:
      - (1) Contours at a vertical interval of two feet, accurately drawn from photogrammetric or on-site survey data.
      - (2) Areas with slopes of 15% or greater should be adequately depicted, as determined from the contours shown on the plan.
    - I. Other man-made features, including:
      - (1) Location, size, character, and configuration of existing buildings or structures, driveways, parking lots or any type of paved surface, labeled "To Remain" or "To Be Removed," as applicable.
      - (2) Location and description of existing buildings and other structures less than 100 feet beyond the tract boundaries.
      - (3) Location, type, and ownership of utilities, both above and below ground, with notes to describe:
        - (a) Easement or right-of-way dimensions.
        - (b) Additional setback or development restrictions imposed by the utility company or other regulations.
        - (c) Specific type of product transported with pipelines.
  - (10) Proposed Features and Lotting Plan. Within the tract proposed for minor subdivision, the following information shall be shown on the preliminary plan for minor subdivision:
    - A. Minor Subdivision layout:
      - (1) Driveways, for any lot created by the minor subdivision, the following shall be provided:
        - (a) Driveway Location
        - (b) Driveway Width
        - (c) Driveway Profile, providing verification that minimum and

maximum driveway slopes and stopping areas have been provided.

- (d) Driveway Drainage
  - 1) Driveway Culvert and End Sections, designed to convey the design discharge from 50-year storm event without overtopping the driveway.
  - 2) Driveway Swale, designed to convey the design discharge from 50-year storm event without creating more than four (4) inches of runoff across the driveway.
  - 3) Roadside Swale, designed to safely direct runoff to and from Driveway Culvert, graded at a maximum grade of 6:1 from edge of road and a maximum grade of 3:1 to Right-of-Way.
  - 4) Driveway Profile, designed to direct runoff from driveway surface to Roadside Swale, not onto existing cartway.
  - (e) Sight Distance, with all required site clearing (vegetation and earthen embankments) provided in accordance with PennDOT's Minimum Safe Sight Distance Requirements.
  - (f) Driveway Construction Specification, meeting the Township's Driveway Standards.
  - (g) Driveway Easements or Rights-of-Way, as necessary
- (2) Layout and dimensions of all lots, including the net and gross lot area as defined within the Zoning Ordinance, the maximum impervious surface area for each lot, and the required building envelope free of resource restrictions as required by the Township Zoning Ordinance. Area free of resources for the wastewater disposal system, if applicable, shall be shown.
- (3) All building setback lines (including existing buildings to be used).
- (4) Proposed sidewalk or other walkway locations.
- (5) Proposed dwelling unit, including:
  - (a) Locations.
  - (b) Configurations.
  - (c) Sizes (ground-level floor area, total floor area, number of stories, and height).
  - (d) Total building coverage (square feet and percentage of site).
  - (e) Locations, configuration, and types of accessory structures.
  - (f) Ground-floor elevations.
- (6) Potential Dwelling Unit. For any lot where a dwelling unit is not proposed to be constructed at this time, the plan provide evidence that a suitable dwelling unit and associated improvements can be constructed on the new lot without violating the terms of the Zoning Ordinance, by providing the following information:
  - (a) Minimum Dwelling Unit, a Potential Dwelling Unit with a minimum building footprint of at least 3,000 square feet shall be shown.
  - (b) Additional Lot Features, a minimum of 2,000 square feet shall be provided for patios, walkways, sheds, etc. typically

- provided to the rear of the Potential Dwelling Unit.
    - (c) Total potential coverage (square feet and percentage of site).
  - (7) Stormwater Management Facilities:
    - (a) Stormwater Management Facilities for Proposed Dwelling Units, meeting the requirements of Chapter 22 and Chapter 23 of the Township Code, shall be shown.
    - (b) Stormwater Management Facilities for Potential Dwelling Units – an area shall be provided for potential stormwater management facilities at a ratio of two (2) square feet of stormwater management area for every one (1) square foot of impervious surface area. The Stormwater Management Area shall be placed downslope of the Potential Dwelling Unit and the Additional Lot Features Area.
  - (8) Impervious coverage area calculations.
  - (9) Proposed landscaping plan, including:
    - (a) Existing vegetation to be removed.
    - (b) Existing vegetation to be preserved.
    - (c) A plan of proposed plantings showing the locations of street trees, stormwater facilities landscaping, and any required buffer areas.
    - (d) Proposed planting schedule, including the number, location, and species and sizes of plantings.
    - (e) Existing and proposed contours, including related landscape features such as mounding and water features.
    - (f) Other planting areas, such as managed meadow or other naturalized settings.
    - (g) Tree Protection Areas, Tree Protection Zones, and Tree Protection Fencing.
- B. Grading and Drainage Plan. The following information shall be shown on the preliminary plan when new Dwelling Units are proposed:
  - (1) Proposed contours for the entire site.
  - (2) Approximate limits of site disturbance, including a clear delineation of existing vegetation, including trees, hedge rows, wooded areas, scrub growth, meadow, and actively farmed land:
    - (a) To be removed.
    - (b) To be preserved, including method of preservation.
  - (3) Stormwater management and erosion control and sedimentation facilities, including:
    - (a) Basins.
    - (b) Swales.
    - (c) Diffusion devices.
    - (d) Velocity controls.
    - (e) Pipe locations.
    - (f) Pipe sizes and materials.



- (g) Direction of flow.
  - (h) Gradient of flow.
  - (i) Inlets, catch basins, and manholes, including rim and invert elevations.
  - (j) Invert elevations.
  - (k) Design calculations for these facilities shall be submitted in report form with a note on the plan referencing the report.
- C. Well locations, including the 100-foot radius clear zone separating wells from sewage disposal locations.
- D. Supporting Information:
- (1) A development schedule including the approximate date when the construction is expected to begin and to be completed (if within 5-years), or a statement indicating that construction of Potential Dwelling Units is not expected to occur within 5-years
  - (2) A copy of all restrictions or covenants, if any, under which lots are to be sold.
  - (3) A copy of the last recorded subdivision or land development plan pertaining to the site.
  - (4) A traffic impact or water resources impact statement, if applicable.
  - (5) Certification of inspection and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accord with current industry, DEP, or County Health Department standards.
  - (6) On-lot wastewater disposal facilities, designed to comply with the provisions of Chapters 71 and 73, Administration of Sewage Facilities Program, Pennsylvania Sewage Facilities Act, (Act of January 24, 1966), P.L. 1535, No. 537 as amended (35 P.S. & 750). The proposed facilities shall be deemed satisfactory by the County Health Department and a permit for on-lot disposal be issued. A County Health Department "Letter of Suitability" for on-site disposal must be received by the Planning Commission with the preliminary plan for each and every lot. (7) Copies of letters and permit applications to all reviewing agencies.
  - (8) Stormwater calculations and reports.
  - (9) Wetlands delineation study, if applicable.
  - (10) Waiver Request Letter. If no waivers are required, the Waiver Request Letter must still be provided, specifically noting that no waivers are required for this application.
- E. Additional Plans. Other plans as required to comply with this chapter or other provisions in the Township's Zoning Ordinance.
- D. When a minor plan qualifies for approval, or for approval subject to conditions, in accordance with § 22-310, Subsection 1, herein, the minor plan may be granted concurrent preliminary and final plan approvals, provided that the plan includes the final plan

certifications required by § 22-307, Subsection 4, herein, and complies with § 22-308, Subsection 3, herein.

- E. A Minor Plan is not required to include an improvements construction plan or a record plan as required by § 22-307, Subsections 2 and 3, herein.
- F. A minor plan which will require access to a state highway shall provide the "highway access" statement on the plan, as required by § 22-307, Subsection 2.

**SECTION 2. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Codification.** Pursuant to the Second Class Township Code, 53 P.S. §66601(d), the instant Ordinance shall hereby be codified to incorporate the above-referenced amendments.

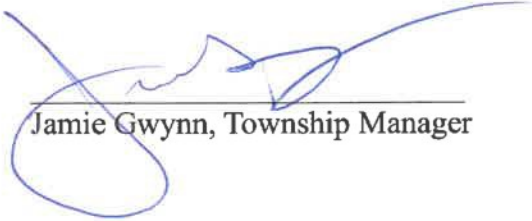
**SECTION 5. Effective Date.** This Ordinance shall take effect five (5) days after its adoption.

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**ENACTED AND ORDAINED** this 2nd day of May, 2024, by the Board of Supervisors of New Hanover Township.


**BOARD OF SUPERVISORS  
NEW HANOVER TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

Attest:



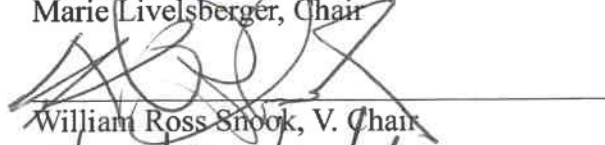
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Jamie Gwynn, Township Manager




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Marie Livelsberger, Chair




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William Ross Snook, V. Chair



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Kurt Zebrowski, Member



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Boone Flint, Member



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Keith Youse, Treasurer

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the Board of Supervisors of New Hanover Township will hold a public hearing on Thursday, May 2, 2024 commencing at 6:30 p.m., prevailing time, at the Municipal Building, 2943 N. Charlotte Street, Gilbertsville, Pennsylvania to consider and possibly enact an ordinance amending the Code of New Hanover Township, a caption and summary of which follows. The complete text of the ordinance can be examined at the Town and Country Newspaper, located at 2508 Kutztown Road, Pennsburg, Pennsylvania, or at the New Hanover Municipal Building during regular business hours, or on the Township's website at <https://www.newhanover-pa.org/>

**AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CODE CHAPTER 22, THE NEW HANOVER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1980, AS AMENDED, AND SUPERSEDING ANY ORDINANCE OR PARTS OF ORDINANCES THAT ARE INCONSISTENT HEREWITH.**

**SECTION 1.** Amends Chapter Chapter 22, Subdivision and Land Development, §22-310, Minor Plan Filing Requirements and Review Procedure, which sets forth the filing requirements and review procedure for minor plans pertaining to lot line adjustments, simple conveyances, minor subdivisions, mortgage subdivisions, or minor land developments.

**SECTION 2.** Provides for the severability of unconstitutional or invalid provisions of the ordinance.

**SECTION 3.** Repeals ordinances or parts of ordinances in conflict with any provision of this ordinance.

**SECTION 4.** Provides for the codification of the ordinance.

**SECTION 5.** Provides that the amendment shall be effective 5 days following adoption, as by law provided.

If you are a person with a disability wishing to participate in the aforementioned hearing and require auxiliary aid, service or other accommodation to observe or participate in the proceedings, please contact the Township at 610-323-1008 to discuss how your needs may best be accommodated.

**NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
Marie Livelsberger, Chair**

**GAWTHROP GREENWOOD, PC**

B-1      P M M      05/02/2024

Patrick M. McKenna, Solicitor

**PROOF OF PUBLICATION OF NOTICE**  
Under Act No. 587, Approved May 6, 1929

STATE OF PENNSYLVANIA  
(COUNTY OF MONTGOMERY)

SS:

Larry J. Roeder, of LJR Publishing, LLC, of the County and State aforesaid, being duly sworn, deposes and says that THE TOWN AND COUNTRY, a newspaper of general circulation published at 2508 Kutztown Road, Pennsburg, County and State aforesaid, was re-established April 5, 2007, since which time the Town and Country has been regularly issued in said County, and that The Town and Country newspaper is the successor publication to the Hearthstone Town and Country, established May 8, 1997, The Hearthstone Press newspaper, established May 3, 1995 and the Town and Country newspaper, established April 1, 1899, and that the printed notice of publication attached hereto is exactly the same as printed and published in the regular editions and issues of said TOWN AND COUNTRY on the following dates, viz.

18<sup>th</sup>

25<sup>th</sup>

April

-----and the ----- day of ----- A.D. 2024

Affiant further deposes that he/she is duly authorized by Larry J. Roeder, Publisher of TOWN AND COUNTRY, a newspaper of general circulation, to verify the foregoing statement under oath, and affiant is not interested in the subject matter of the aforesaid notice of advertisement, and that all allegations in the foregoing statements as to time, place and character of publication are true.

Larry J. Roeder

Sworn and subscribed before me this 25<sup>th</sup>

day of April 2024

Karen L. Roeder  
Notary Public

Commonwealth of Pennsylvania - Notary Seal  
KAREN L. ROEDER, Notary Public  
Bucks County  
My Commission Expires March 21, 2025  
Commission Number 1139784

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NOTICE IS HEREBY GIVEN that the Board of Supervisors of New Hanover Township will hold a public hearing on Thursday, May 2, 2024 commencing at 6:30 p.m., prevailing time, at the Municipal Building, 2943 N. Charlotte Street, Gilbertsville, Pennsylvania to consider and possibly enact an ordinance amending the Code of New Hanover Township, a caption and summary of which follows. The complete text of the ordinance can be examined at the Town and Country Newspaper, located at 2508 Kutztown Road, Pennsburg, Pennsylvania, or at the New Hanover Municipal Building during regular business hours, or on the Township's website at <https://www.newhanover-pa.org/>

AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CODE CHAPTER 22, THE NEW HANOVER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1980, AS AMENDED, AND SUPERSEDING ANY ORDINANCE OR PARTS OF ORDINANCES THAT ARE INCONSISTENT HEREWITH.

SECTION 1. Amends Chapter Chapter 22, Subdivision and Land Development, §22-310, Minor Plan Filing Requirements and Review Procedure, which sets forth the filing requirements and review procedure for minor plans pertaining to lot line adjustments, simple conveyances, minor subdivisions, mortgage subdivisions, or minor land developments.

SECTION 2. Provides for the severability of unconstitutional or invalid provisions of the ordinance.

SECTION 3. Repeals ordinances or parts of ordinances in conflict with any provision of this ordinance.

SECTION 4. Provides for the codification of the ordinance.

SECTION 5. Provides that the amendment shall be effective 5 days following adoption, as by law provided.

If you are a person with a disability wishing to participate in the afore-

mentioned hearing and require auxiliary aid, service or other accommodation to observe or participate in the proceedings, please contact the Township at 610-323-1008 to discuss how your needs may best be accommodated.

NEW HANOVER TOWNSHIP  
BOARD OF SUPERVISORS  
Marie Livelsberger, Chair

GAWTHROP GREENWOOD, PC  
Patrick M. McKenna, Solicitor



I, Patrick M. McKenna, Esquire of Gawthrop Greenwood, PC, Solicitor for New Hanover Township, hereby certify and attest that the below Ordinance is a true and correct copy of the proposed ordinance to be considered for adoption by the New Hanover Township Board of Supervisors as recommended by the Township Planning Commission.

\_\_\_\_\_  
Patrick M. McKenna, Esquire  
Gawthrop Greenwood, PC

**NEW HANOVER TOWNSHIP**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWNSHIP OF NEW HANOVER, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CODE CHAPTER 22, THE NEW HANOVER TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF 1980, AS AMENDED, AND SUPERSEDING ANY ORDINANCE OR PARTS OF ORDINANCES THAT ARE INCONSISTENT HEREWITH.**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of New Hanover Township, Montgomery County, Commonwealth of Pennsylvania, that Chapter 22, Subdivision and Land Development, of the Township of New Hanover Code of Ordinances, as amended, shall be amended as follows:

**SECTION 1.** Chapter 22, Subdivision and Land Development, §22-310, Minor Plan Filing Requirements and Review Procedure, is hereby amended to read as follows:

**§22-310. Minor Plan Filing Requirements and Review Procedure.**

1. Purpose.

- A. The purpose of a minor plan is to provide an expeditious means of subdivision approval for the division of a single lot, tract or parcel of land, including the annexation of land between existing lots and the adjustment or relocation of one existing boundary line between two adjacent lots, or the shifting of boundary lines to increase the area of an existing lot; provided, however, that the lot line change results in the same number or fewer lots as existed prior to the lot line change.
- B. Minor plans may be filed and processed only for lot line adjustments, simple conveyances, minor subdivisions, mortgage subdivisions, or minor land developments as characterized herein, in accordance with the standards and requirements in this section.
- C. Revised minor plans are plans that follow an initial final plan submission and are in response to Township consultant review letters. For revised final plan submissions, this

B-3 pmm 05/02/2024

section shall be followed except for the submission of a recorded deed, professional services agreement, and fees, as these items were provided with the initial preliminary plan submission. In addition to these requirements, revised final plan submissions shall include a detailed response letter addressing all comments in review letters issued by the Township's consultants.

## 2. Standards for Qualification as a Minor Plan Submission.

### A. Lot Line Adjustment.

- (1) A proposal between two abutting, existing, legally approved and recorded lots.
- (2) A common lot line is proposed to be adjusted in terms of its location or configuration or eliminated.
- (3) The land area of each lot may be different after adjustment, but the total lot area of the two lots will be unchanged.
- (4) No alteration will occur to the perimeter boundary lines of the two lots.
- (5) Neither lot shall violate the applicable dimensional requirements of the Zoning Ordinance as a result of the lot line adjustment.
- (6) Possible reasons for lot line adjustments include, but are not necessarily limited to:
  - (a) Correcting errors regarding locations of existing improvements (e.g., if the driveway for Lot No. 1 is located on Lot No. 2);
  - (b) Relating the line to definitive physical characteristics (e.g., to adjust the line to run along an existing hedgerow);
  - (c) Preferences of the landowners involved.

### B. Simple Conveyance.

- (1) A proposal between two abutting, existing, legally approved and recorded lots.
- (2) A portion of one lot is being divided off to be conveyed to the owner of the abutting lot.
- (3) The land area of each lot will be different after conveyance, but the total lot area of the two lots will be unchanged.
- (4) The lot from which the land is being conveyed must be suitable in terms of the applicable dimensional requirements of the Zoning Ordinance, so that after conveyance, it will remain in compliance with those requirements.

- (5) The land area being conveyed need not satisfy any of the dimensional requirements applicable to lotting in the district in which it is located, nor the street frontage requirements of the Zoning Ordinance, provided that it shall be deed-restricted to the extent that it may not be transferred independently but must be transferred together with the lot to which it is being functionally added by the process of simple conveyance.

#### C. Minor Subdivision.

- (1) A subdivision proposal which would divide one existing lot into not greater than three lots, each of which will comply with the applicable dimensional requirements of the zoning district in which the existing lot is located.
- (2) The existing lot has sufficient frontage on an existing, improved public street to satisfy the applicable Township requirements for lot frontage and access to a public street for both proposed lots.
- (3) The existing lot has not been a part of an approved subdivision proposal during the five years previous to the current application.
- (4) The subdivision will not require new road construction, road improvements, or the extension of existing public utility lines.
- (5) The proposal will not involve significant stormwater and/or erosion control issues, as determined by the Township Engineer.
- (6) Disqualification. The Board of Supervisors may require standard preliminary plan submission in place of a minor plan when conditions warrant it, at the advice of the Planning Commission or Engineer.

#### D. Mortgage Subdivision.

- (1) A subdivision established for the sole purpose of granting separate and distinct mortgages on each parcel within a commonly managed and maintained land development. The individual parcels created as a result of the mortgage subdivision may not individually meet the required yard setbacks, ground cover, limitations, or other bulk and area requirements of the zoning district in which the property is situate, provided that the applicant documents to the satisfaction of the Township the following:
  - (a) The responsibility for the construction, control, and maintenance of development shall be carried on by an entity irrespective of parcels to be established through the mortgage subdivision.
  - (b) Irrevocable cross easements shall be established in favor of all parcels created through the mortgage subdivision within the land development with respect to

the use, control, and maintenance for the facilities and areas to be used in common so that each parcel becomes an integral part of the land development.

- (c) Declaration that the interest of any mortgagee and that of any transferee of the mortgage property upon any default of the mortgage shall be subject to the obligations and responsibilities as to the facilities and areas to be used in common and the requirements of the cross easements so that such a mortgagee or transferee, in the event of such default or transfer of title to the property, shall be bound thereby.
- (2) In the event of a subdivision for mortgage purposes, the entire area included within the plan shall continue to be treated by the Township as a single parcel for the purposes of maintaining compliance with the Township Zoning Ordinance.

#### E. Minor Land Developments.

- (1) A land development proposal where it is found that the intended development or modification of a site, or use and occupancy of an existing structure, will create a minimal impact upon traffic, drainage, visual image, landscaping, buffering, lighting or other elements described within the purposes of this chapter.
- (2) Parking lot expansions.
- (3) Additions to existing nonresidential buildings, provided that the addition is less than 5,000 gross square feet and involves no more than a 25% change in the size of the existing building.
- (4) The conversion of a residential dwelling that results in the creation of no more than four new dwelling units.
- (5) The addition of tenants to an existing nonresidential building when minimal structural improvements are required.

### 3. Filing Procedure.

A. The applicant shall submit the following items at least 30 days prior to a regularly scheduled meeting of the Planning Commission:

- (1) A completed application.
- (2) Four 2' x 3' plan sets. Sheet sizes shall be 24" x 36", and all lettering shall be so drawn to be legible if the plan should be reduced to half size or a size necessary for recording in the Montgomery County Recorder of Deeds' office, whichever letter is larger. The plans shall be drawn at a scale of 1" = 50' (preferred) or 1" = 100', or other scale suitable for the specific project.

- (3) Two sets of applicable impact statements.
- (4) An electronic plan set (200 dpi).
- (5) Eleven 11" x 17" plan sets.
- (6) A copy of a recorded deed.
- (7) A completed professional services agreement.
- (8) A completed stormwater management detail sheet.
- (9) A completed county application.
- (10) Fees and escrow, in accordance with the current fee schedule adopted by resolution by the Board of Supervisors.
- (11) A written statement granting the Board of Supervisors, its authorized agents and representatives, the Planning Commission, and the representatives of the county and Township departments and agencies having responsibility for review and/or approval under this chapter the right to enter the parcel of land for the purpose of inspection and enforcement of the requirements, terms and conditions imposed herein.
- (12) A thumb drive that contains all required items electronically.

- B. The Township shall review the submission for completeness; incomplete submissions will be rejected. If the submission is complete, the Township shall accept, process and distribute copies of the submission.
- C. The Township, in its discretion, may reduce or eliminate the number of printed copies of the Plans provided by the Applicant in the submission (or subsequent re-submissions of revised plans). Prior to submission of Plans and Plan revisions, Applicant and their consultants are encouraged to contact the Township Manager to confirm the number of hard copies to accompany the submission.

#### 4. Review Procedure.

- A. The minor plan shall be placed on the agenda of the next regularly scheduled meeting of the Township Planning Commission following the plan filing date, provided that plans are filed and accepted at least 30 days prior to the meeting date.
- B. The Township shall distribute copies of the plan to the following for review and recommendations:<sup>[1]</sup>
- C. All minor plans shall be considered to be preliminary plans for the purposes of submission for review and approval and shall comply with the following filing and review procedures:

- (1) All sheets shall be the same size and shall be numbered relative to the total number of sheets (i.e., 1 of 5, etc.) Intermediate plan sheets (e.g., Sheet 26A) will not be permitted.
- (2) Where two or more sheets are needed to show the entire tract, a reduced-scale key plan shall be provided to show how the sheets fit together. Match lines shall be shown.
- (3) Property lines shall be drawn and labeled in conformance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Engineer, Surveyor, and Geologists Registration Act," and accepted surveying and civil engineering practices, including dimensions shown in feet and decimal fractions thereof, and bearings shown in degrees, minutes, and seconds.
- (4) Tract boundary lines shall be the heaviest property lines.
- (5) Proposed lot lines shall be the next heaviest.
- (6) Possible future lots, if shown, shall be the lightest line weight and may be shown as dashed lines.
- (7) Property lines to be eliminated where two or more lots are proposed to be joined in common deed should be properly noted and depicted on the boundary to be removed.
- (8) Basic Information. All preliminary plans shall show the following basic information:
  - A. Name of the subdivision or land development, including the assigned Township Plan number.
  - B. Name, address, email, and phone number of the applicant.
  - C. Name, address, email, and phone number of the firm which prepared the plan and professional seal of the individual certifying its accuracy and compliance with applicable standards.
  - D. Date of preparation of the plan and a descriptive list of revisions to the plan, and the revision dates.
  - E. North point and scale displayed in graphic and written form.
  - F. Location plan showing the relationship of the subject tract to the surrounding road network, adjacent properties, and major physical features.
  - G. The entire tract boundary with bearings and distances and total tract acreage.
  - H. A list of the basic dimensional and density requirements of the applicable zoning district, compared to the applicant's proposal.
  - I. Zoning classification(s) of all lands abutting the proposal.
  - J. Names of all current owners of immediately adjacent lands.

- K. A statement showing:
    - (1) Number of acres under proposal (net and gross acreage should be indicated in accordance with the Zoning Ordinance).
    - (2) Number of lots and/or dwelling units and total building area. If existing buildings are to be reused, the building area should be expressed as existing building area and additional building area.
  - L. Description of variances or special exceptions, conditions of their approval, and the dates they were granted, if any.
  - M. Description of any deed restrictions, including conservation and environmental, or other covenants affecting development of the tract. This information should contain the name of the easement holder or parties in the covenant agreement and a reference to their deed and page book recording location.
  - N. The requirements of any other local ordinance which may affect the proposal.
  - O. The legend shall be sufficient to indicate clearly between existing and proposed conditions.
  - P. Name and address of the owner of record if different from the applicant.
  - Q. Tax parcel number(s) of all parcels being subdivided or developed.
  - R. Deed book and page numbers for all parcels being subdivided or developed.
  - S. A note shall be shown on the plan which states "Preliminary Plan - Not to Be Recorded."
  - T. Dimensions shall be displayed in feet and decimal parts thereof, and bearings in degrees, minutes, and seconds.
  - U. The plan shall bear an adequate legend to indicate clearly which features are existing and which are proposed and shall include a description of all symbols used.
  - V. The date of the applicable Township Code of Ordinances used for the preparation of the plan.
- (9) Existing Features Plan. Within the tract proposed for subdivision and/or land development, and within 100 feet of the tract boundaries, the following information shall be shown on the preliminary plan:
- A. Streets bordering or crossing the tract, including:



- (1) Locations.
  - (2) Names.
  - (3) Rights-of-way.
    - (a) Legal.
    - (b) Ultimate.
  - (4) Cartway widths.
  - (5) Surface conditions.
  - (6) Location of curbs and sidewalks.
- B. Water resources, including:
- (1) Lakes and ponds.
  - (2) Wetlands, Wetland Margins, swamps, or marshes.
  - (3) Watercourses and springs.
  - (4) Existing well locations - in use, capped, and abandoned.
  - (5) Flood-prone or floodplain areas, including data from FEMA studies, supporting hydrologic and hydraulic data for 100-year flood limits, or Montgomery County Soil Survey when applicable, as determined appropriate by the Township Engineer for the watercourse(s) affecting the site.
  - (6) Riparian Corridors
- C. Sanitary sewers, including:
- (1) Septic systems and drainfields.
- D. Storm sewers, including:
- (1) Pipe locations.
  - (2) Pipe sizes and materials.
  - (3) Direction of flow.
  - (4) Gradient of flow.
  - (5) Inlets, catch basins, and manholes.
  - (6) Invert elevations.
- E. Other existing stormwater and/or erosion control facilities, including:
- (1) Basins.
  - (2) Swales.
  - (3) Diffusion devices.
  - (4) Velocity controls.
  - (5) Related technical data for those facilities.
- F. Other natural features, including:
- (1) Mature Trees - Location, size, species, and condition of trees six inches in diameter (dbh) or greater, when standing alone or in small groups within fifteen (15) feet of the proposed Limit of Disturbance. The location of Mature Trees that are not within fifteen (15) feet of the proposed limit of disturbance may be shown with a tree symbol only.

- (2) Outer limits of woodlands and a general description of their types, sizes, and conditions.
  - (3) Locations and limits of geologic features which may affect the locations of proposed streets or buildings, including:
    - (a) Rock outcroppings.
    - (b) Quarries.
    - (c) Sinkholes.
    - (d) Ravines.
- G. Soil types, including:
- (1) Mapped limits.
  - (2) Names.
  - (3) Significant limitations, such as, high water table or shallow bedrock.
  - (4) Hydric Soils
  - (5) Floodplain Soils
- H. Contour information, including:
- (1) Contours at a vertical interval of two feet, accurately drawn from photogrammetric or on-site survey data.
  - (2) Areas with slopes of 15% or greater should be adequately depicted, as determined from the contours shown on the plan.
- I. Other man-made features, including:
- (1) Location, size, character, and configuration of existing buildings or structures, driveways, parking lots or any type of paved surface, labeled "To Remain" or "To Be Removed," as applicable.
  - (2) Location and description of existing buildings and other structures less than 100 feet beyond the tract boundaries.
  - (3) Location, type, and ownership of utilities, both above and below ground, with notes to describe:
    - (a) Easement or right-of-way dimensions.
    - (b) Additional setback or development restrictions imposed by the utility company or other regulations.
    - (c) Specific type of product transported with pipelines.
- (10) Proposed Features and Lotting Plan. Within the tract proposed for minor subdivision, the following information shall be shown on the preliminary plan for minor subdivision:
- A. Minor Subdivision layout:
- (1) Driveways, for any lot created by the minor subdivision, the following shall be provided:
    - (a) Driveway Location
    - (b) Driveway Width
    - (c) Driveway Profile, providing verification that minimum and

maximum driveway slopes and stopping areas have been provided.

- (d) Driveway Drainage
  - 1) Driveway Culvert and End Sections, designed to convey the design discharge from 50-year storm event without overtopping the driveway.
  - 2) Driveway Swale, designed to convey the design discharge from 50-year storm event without creating more than four (4) inches of runoff across the driveway.
  - 3) Roadside Swale, designed to safely direct runoff to and from Driveway Culvert, graded at a maximum grade of 6:1 from edge of road and a maximum grade of 3:1 to Right-of-Way.
  - 4) Driveway Profile, designed to direct runoff from driveway surface to Roadside Swale, not onto existing cartway.
- (e) Sight Distance, with all required site clearing (vegetation and earthen embankments) provided in accordance with PennDOT's Minimum Safe Sight Distance Requirements.
- (f) Driveway Construction Specification, meeting the Township's Driveway Standards.

- (g) Driveway Easements or Rights-of-Way, as necessary
- (2) Layout and dimensions of all lots, including the net and gross lot area as defined within the Zoning Ordinance, the maximum impervious surface area for each lot, and the required building envelope free of resource restrictions as required by the Township Zoning Ordinance. Area free of resources for the wastewater disposal system, if applicable, shall be shown.
- (3) All building setback lines (including existing buildings to be used).
- (4) Proposed sidewalk or other walkway locations.
- (5) Proposed dwelling unit, including:
  - (a) Locations.
  - (b) Configurations.
  - (c) Sizes (ground-level floor area, total floor area, number of stories, and height).
  - (d) Total building coverage (square feet and percentage of site).
  - (e) Locations, configuration, and types of accessory structures.
  - (f) Ground-floor elevations.
- (6) Potential Dwelling Unit. For any lot where a dwelling unit is not proposed to be constructed at this time, the plan provide evidence that a suitable dwelling unit and associated improvements can be constructed on the new lot without violating the terms of the Zoning Ordinance, by providing the following information:
  - (a) Minimum Dwelling Unit, a Potential Dwelling Unit with a minimum building footprint of at least 3,000 square feet shall be shown.
  - (b) Additional Lot Features, a minimum of 2,000 square feet shall be provided for patios, walkways, sheds, etc. typically



- (g) Direction of flow.
  - (h) Gradient of flow.
  - (i) Inlets, catch basins, and manholes, including rim and invert elevations.
  - (j) Invert elevations.
  - (k) Design calculations for these facilities shall be submitted in report form with a note on the plan referencing the report.
- C. Well locations, including the 100-foot radius clear zone separating wells from sewage disposal locations.
- D. Supporting Information:
- (1) A development schedule including the approximate date when the construction is expected to begin and to be completed (if within 5-years), or a statement indicating that construction of Potential Dwelling Units is not expected to occur within 5-years
  - (2) A copy of all restrictions or covenants, if any, under which lots are to be sold.
  - (3) A copy of the last recorded subdivision or land development plan pertaining to the site.
  - (4) A traffic impact or water resources impact statement, if applicable.
  - (5) Certification of inspection and satisfactory functioning of any on-lot sewage disposal system which will remain in use, in accord with current industry, DEP, or County Health Department standards.
  - (6) On-lot wastewater disposal facilities, designed to comply with the provisions of Chapters 71 and 73, Administration of Sewage Facilities Program, Pennsylvania Sewage Facilities Act, (Act of January 24, 1966), P.L. 1535, No. 537 as amended (35 P.S. & 750). The proposed facilities shall be deemed satisfactory by the County Health Department and a permit for on-lot disposal be issued. A County Health Department "Letter of Suitability" for on-site disposal must be received by the Planning Commission with the preliminary plan for each and every lot. (7) Copies of letters and permit applications to all reviewing agencies.
  - (8) Stormwater calculations and reports.
  - (9) Wetlands delineation study, if applicable.
  - (10) Waiver Request Letter. If no waivers are required, the Waiver Request Letter must still be provided, specifically noting that no waivers are required for this application.
- E. Additional Plans. Other plans as required to comply with this chapter or other provisions in the Township's Zoning Ordinance.
- D. When a minor plan qualifies for approval, or for approval subject to conditions, in accordance with § 22-310, Subsection 1, herein, the minor plan may be granted concurrent preliminary and final plan approvals, provided that the plan includes the final plan

certifications required by § 22-307, Subsection 4, herein, and complies with § 22-308, Subsection 3, herein.

- E. A Minor Plan is not required to include an improvements construction plan or a record plan as required by § 22-307, Subsections 2 and 3, herein.
- F. A minor plan which will require access to a state highway shall provide the "highway access" statement on the plan, as required by § 22-307, Subsection 2.

**SECTION 2. Severability.** If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 3. Repealer.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

**SECTION 4. Codification.** Pursuant to the Second Class Township Code, 53 P.S. §66601(d), the instant Ordinance shall hereby be codified to incorporate the above-referenced amendments.

**SECTION 5. Effective Date.** This Ordinance shall take effect five (5) days after its adoption.

[Remainder of this page left blank intentionally]

**ENACTED AND ORDAINED** this 2nd day of May, 2024, by the Board of Supervisors of New Hanover Township.

**BOARD OF SUPERVISORS  
NEW HANOVER TOWNSHIP  
MONTGOMERY COUNTY, PENNSYLVANIA**

Attest:

\_\_\_\_\_  
Marie Livelsberger, Chair

\_\_\_\_\_  
Jamie Gwynn, Township Manager

\_\_\_\_\_  
William Ross Snook, V. Chair

\_\_\_\_\_  
Kurt Zebrowski, Member

\_\_\_\_\_  
Boone Flint, Member

\_\_\_\_\_  
Keith Youse, Treasurer



**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

JAMILA H. WINDER, CHAIR  
NEIL K. MAKHIJA, VICE CHAIR  
THOMAS DIBELLO, COMMISSIONER



**MONTGOMERY COUNTY  
PLANNING COMMISSION**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3722 • FAX: 610-278-3941  
[WWW.MONTGOMERYCOUNTYPA.GOV](http://WWW.MONTGOMERYCOUNTYPA.GOV)

SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

April 17, 2024

Mr. Jamie Gwynn, Township Manager  
New Hanover Township  
2943 North Charlotte Street  
Gilbertsville, Pennsylvania 19525

Re: MCPC # 24-0065-001  
Minor Subdivisions Ordinance Amendment  
New Hanover Township

Dear Mr. Gwynn:

We have reviewed the above-referenced ordinance as you requested on March 18<sup>th</sup>, 2024 in accordance with Section 502 of Act 247, "The Pennsylvania Municipalities Planning Code." We forward this letter as a report of our review.

## BACKGROUND

During the review process for several subdivision applications, it was noted by the township's planning commission, staff, and the county that the minor plans and minor subdivisions were going through an extensive process for what were very basic planning processes. This was due to the review procedure requiring minor plans to go through the 22-305 and 22-306 Preliminary Plan Requirements and Review which features several aspects that are intended for larger developments. After working with the community and staff, the commission decided to update the minor plan filing and create its own review process to exist within the Minor Plans section of the code. In the process, the county compared these amendments to the Minor Plan Filing Requirements and Review Procedure with the existing code within § 22-305, Preliminary Plan Requirements, and § 22-306, Preliminary Plan Filing and Review Procedure.

## COMPLIANCE WITH COMPREHENSIVE PLANS

The zoning amendment is consistent with *MONTCO 2040: A Shared Vision*, the comprehensive plan for Montgomery County. As much of the township is in the Rural Resource Area, so long as the township's existing spatial zoning regulations remain, this change in the code will remain consistent.

The plan is consistent with *New Hanover Township Comprehensive Plan 2040*. The plan calls for accommodation for residents to age in place. The background to this amendment is to improve the accessibility of property owners to perform minor subdivisions. This can either provide opportunity for family to move on to the subdivided parcel or for the owner to sell off the parcel for development.

**RECOMMENDATION**

The Montgomery County Planning Commission (MCPC) generally supports the applicant’s proposal, however, in the course of our review we have identified the following issues that New Hanover Township may wish to consider prior to subdivision and land development ordinance amendment adoption. Our comments are as follows:

**REVIEW COMMENTS**

**SALDO**

A. Existing Features Plan – The county recommends adding the portion of the Sanitary Sewers section regarding pipe locations and other related details from the preliminary plan requirements (22-305). This information would still be necessary in the area of New Hanover served by public water. In requiring these items, New Hanover could qualify their identification to whether or not property(ies) is serviced with these utilities.

**CONCLUSION**

We wish to reiterate that MCPC generally supports the applicant’s proposal, but we believe that our suggested comments will help achieve New Hanover Township’s planning objectives. Please note that the review comments and recommendations contained in this report are advisory to the municipality and final disposition for the approval of any proposal will be made by the municipality. Should the governing body adopt this proposed zoning ordinance amendment, Section 502 of the Municipalities Planning Code requires that we be sent an official copy within 30 days.

Sincerely,



Timothy P. Staub, Senior Community Planner  
[Timothy.Staub@montgomerycountypa.gov](mailto:Timothy.Staub@montgomerycountypa.gov) – 610-278-3751

- c: Dan Gray, Township Engineer
- Patrick McKenna, Township Solicitor
- Sandy Koza, Township Traffic Engineer
- Jessica Buck, District Manager, MCCD
- Russell Oister, Planning Commission Chair
- Susan Smith, Planning Commission Vice Chair
- Michael Crotty, Planning & Zoning Solicitor
- Maggie Dobbs, AICP, Assistant Township Manager/Zoning Officer