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SCOTT FRANCE, AICP  
EXECUTIVE DIRECTOR

April 26, 2024

SUBJECT: Revisiting Canopy Coverage

TO: Mark Penecale, Planning Director

FROM: Mike Narcowich, AICP  
Community Planning Assistant Manager II

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*Mark,*

*As we discussed by email this week, and after conferring with Margaux, I am forwarding this memo for you to include in the planning commission packet for discussion at the next meeting:*

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**Canopy Coverage**

As a recap, when we discussed parking lot landscaping at the October 2023 planning commission meeting, the consensus of the planning commission was not to use canopy coverage requirements.

I suggest we might revisit this. As part of our work at MCPC on developing a new model SALDO, we recently updated our recommendations on "canopy coverage" requirements for parking lot landscaping after doing design testing. We've also clarified that the coverage would be required to be achieved based on the projected growth of tree species after 10 years, as specified by AmericanHort's American Standard for Nursery Stock (ASNS), 2014 or as later amended.

We feel that the canopy coverage requirement would allow the township to flexibly achieve its parking lot landscaping goals. These include not just more trees, but more canopy, along with its shading, cooling, stormwater management, and other benefits. It gives the developer flexibility in where to plant the trees planted for these requirements. We have a detailed draft of these requirements that we successfully recommended to another county municipality; with minimal changes, that can be a template for us if we choose to revisit this.

First, let's define canopy coverage and vehicular use area. Note that the area subject to buffers lies outside of the vehicular use area where canopy coverage would apply. The canopy coverage would, essentially, apply to planting islands and planting strips—both required by the Springfield draft.

**Definitions:**

**CANOPY COVERAGE**

The area directly under the horizontal area or spread of a tree's limbs and foliage.

**VEHICULAR USE AREA**

Any area of a lot not located within any enclosed or partially enclosed structure that is used by or intended for motor vehicles, including but not limited to the following:

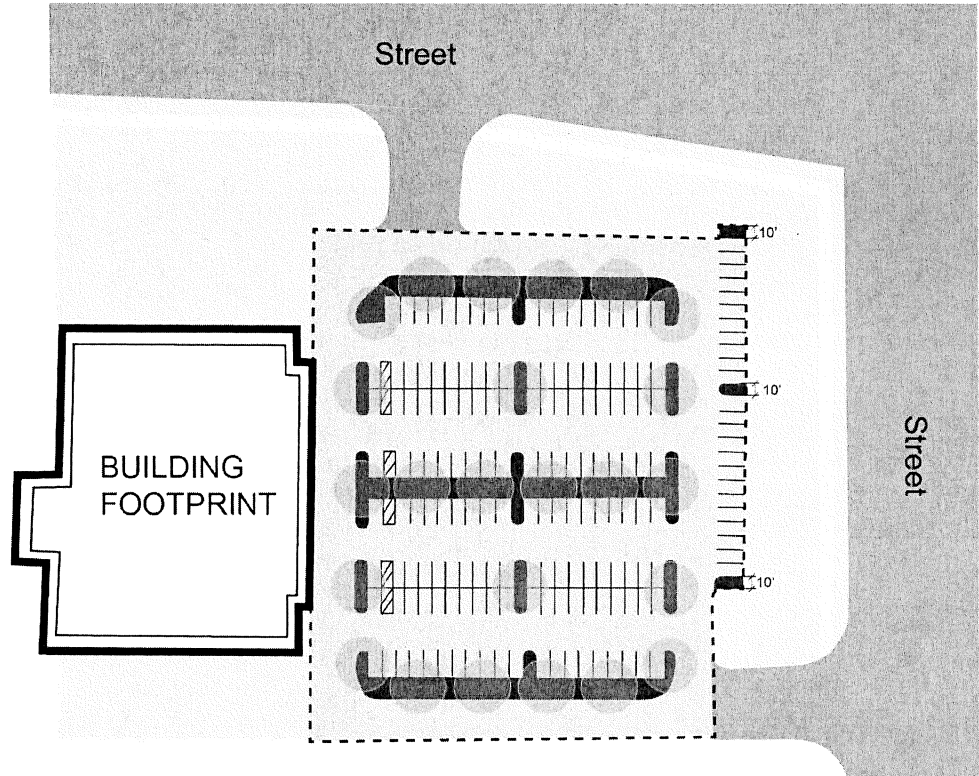
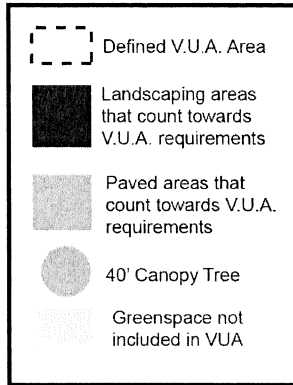
- Parking spaces (accessory or not) for the storage of automobiles, trucks or other motor vehicles
- Parking drive aisles
- Loading zones and service areas;
- Emergency or fire zones or lanes;
- Paved areas painted or striped in such a manner as to indicate that they are not intended for parking or standing but are otherwise at grade with other areas designed for or used by motor vehicles.
- Driveway and access drives—with the exception that the driveway or principal access drive conveying traffic to and from the public street(s) shall not be counted, except for those portions that are flanked by parking on both sides.
- Landscaped areas bounded by parking stalls on one side and within ten feet (10') of the side of the parking stall, landscaped areas bounded by parking on two or more sides and within twenty feet (20'), or landscaped areas bounded by parking stalls and/or aisles on three or more sides.

**Updated MCPC Recommendations for Canopy Coverage:**

**Figure X.X. Canopy Coverage Requirements (Table)**

<b>Vehicular Use Area (VUA) (Square Feet)</b>	<b>Canopy Coverage/ Vehicular Use Area</b>
0 to 4,999	0%
5,000 to 14,999	12 %
15,000 to 49,999	16 %
50,000 to 99,999	20 %
100,000 to 149,999	26 %
Greater than or equal to 150,000	30 %

Below is a rendering of a parking lot in the 100,000-149,999 square foot range illustrating the required 26% canopy coverage.



Note that, although the illustration above shows islands and strips at regular intervals, the draft Springfield regulations are more flexible regarding locations of islands and strips; it allows up to six rows of parking without a strip, and requires parking islands at the ends of rows—not after every 10 or 12 spaces (this reflects the township’s wish for more flexible landscaping requirements).

I look forward to discussing this further at the meeting.

## ARTICLE SEVEN

### IMPROVEMENT CONSTRUCTION REQUIREMENTS

#### **Section 700. Applicability.**

Before the Final Plan is signed and made ready for recording or prior to the issuance of any permits needed for construction or occupancy of any subdivision or land development, all applicants are required to complete or ensure the completion of all required public improvements in the manner set forth in this Article to the satisfaction of the Board of Commissioners.

#### **Section 701. Completion or Guarantee of Required Improvements.**

The applicant shall comply with the public improvement construction requirements in the following ways:

- A. Complete all of the improvements required by the Board of Commissioners for Final Plan Approval, in compliance with the requirements of this Ordinance; or
- B. Provide proper financial security in a manner acceptable to the Township to ensure the completion of all required improvements in compliance with the Pennsylvania Municipalities Planning Code.
  1. The work completed or guaranteed shall be in strict accordance with the approved plans and the requirements of this Ordinance.
  2. No lot in a subdivision may be sold, and no permit to erect, alter, or repair any building upon land in a subdivision or land development will be issued unless and until a subdivision and/or land development plan has been approved, and where required, recorded, and until the required improvements have either been completed or guaranteed for completion as required herein.
  3. The applicant shall also guarantee that no lot will be sold or building constructed in any floodplain area except in compliance with the floodplain management requirements of this Ordinance, the Zoning Ordinance, and the Township Building Code.
  4. The Board of Commissioners may defer at the time of Final Plan approval, subject to appropriate conditions, the provision of any or all required improvements, as in its judgment, are not requisite to the interests of public health, safety and welfare, or which are inappropriate due to the inadequacy or nonexistence of connecting facilities. Such deferral shall be memorialized by a note on the final plan guaranteeing completion of the deferred improvements by the applicant at some later date.

#### **Section 702. Financial Security.**

- A. In lieu of the completion of improvements required for Final Plan approval, financial security, in an amount required, shall be guaranteed to the Township in compliance with the applicable requirements of the Pennsylvania Municipalities Planning Code. Such financial security shall assure the complete installation of all the required improvements to be completed on or before the date fixed in the conditional plan approval, subdivision agreement, and/or development agreement for completion of such improvements.

- B. As certain sections of the required installations are completed, the Board of Commissioners may release all or portions of the financial security as approved by the Township Engineer when requested by the developer in accordance with the Pennsylvania Municipalities Planning Code.

**Section 703. Release of Financial Security.**

- A. Incomplete Improvements. If the required improvements are not completely installed within the period fixed or extended by the Board of Commissioners, the Board of Commissioners may take one or more of the following actions:
  - 1. Declare the financial security in default and require that all improvements be installed regardless of the extent of the building development at the time the agreement is declared in default;
  - 2. Suspend Final Plan approval until the development improvements are completed and record a document to that effect for the purpose of public notice;
  - 3. Obtain funds under the security and complete improvements;
  - 4. Assign the right to receive funds under the security to any third party, including a subsequent owner of the property wherein improvements were not completed in exchange for that subsequent owner's promise to complete improvements;
  - 5. Exercise any other available rights under the Pennsylvania Municipalities Planning Code.
- B. Post-Completion Security. The applicant shall be responsible for maintenance of all improvements for a period of eighteen (18) months after final acceptance and certification of project completion.
- C. Landscaping Security. The applicant shall be responsible for the full replacement of all dead or diseased trees or shrubs for eighteen (18) months after final acceptance and certification of project completion. Final inspection of landscaping shall be performed while trees are fully leafed out— typically May 1 through November 1.

**Section 704. Inspection of Work and Materials.**

- A. Notice. The Township Engineer shall be notified forty-eight (48) hours in advance of the commencement of any construction or installation operation, such as grading, sewer installation or paving, to schedule an inspection by the Township. Construction and installation operations shall also be subject to inspection by the Township during the progress of the work. The applicant, developer, or builder shall pay the reasonable and necessary expenses for inspections in accordance with the fee schedule established by resolution of the Board of Commissioners.
- B. Improvement Specifications. All required road improvements should be constructed in accordance with the applicable provisions of the PennDOT, Publication 408/2020 Construction Specifications, current edition, as amended, including the latest revisions and other applicable regulations. All other required improvements shall be constructed in accordance with approved specifications found in Articles IV: Design and Article V: Mobile Home Park Standards of this Ordinance. If the appropriate standards are not provided in this Ordinance, the following procedures shall be used.

1. Specifications. The specifications will be furnished to the applicant by the Township. If any of the specifications are unavailable at the Township office, the Township Engineer shall provide the applicable specifications.
  2. Sample of Materials. During or after construction of any required improvement, if the Township requires a sample of materials, said sample shall be furnished by the appropriate contractor, in a form specified by the Township Engineer in the same manner as is required of contractors under the terms of the highway specifications of the Township
- C. Delivery Slips. Copies of all delivery slips for materials used in the construction of any storm sewers, sanitary sewers, roads, curbs, sidewalks, or any other facility within a Township right-of-way or easement or in areas proposed for future dedication to the Township shall be supplied to the Township.

**Section 706. Conditions of Acceptance.**

- A. Conditions. The Township shall have no obligation to accept dedication of any street or other improvement unless:
1. The dedicated improvements, utility mains and laterals, and monuments, shown on the approved plan or plans have been constructed to meet all requirements, and are free of defects or deterioration and are properly functioning.
  2. It is established to the satisfaction of the Board of Commissioners that there is a need for the dedication of improvements.
- B. Acceptance. The Township shall have no responsibility with respect to any street or other improvement, notwithstanding the use of the same by the public, unless the street or other improvement is accepted by of an ordinance or resolution adopted by the Board of Commissioners.
- C. Offer of Dedication
1. The applicant shall submit a written offer of dedication to the Township for the streets or other dedicated improvements, and shall make a formal notation of such offer on the plan, including the following:
    - a. A Deed of Dedication covering the dedicated improvements.
    - b. A copy of a title insurance policy establishing the applicant's clear title to the property.
  2. The items required in 706 (C) 1, above, shall be submitted to the Township Engineer and Solicitor for their review and recommendations.
  3. The Board of Commissioners may accept dedication of the streets or other dedicated improvements by passing an ordinance (or resolution) to that effect.

**Section 707. Guarantee of Completed Improvements.**

When the required improvements are certified as complete by the Township Engineer, the Board of Commissioners may require posting of financial security by the applicant to secure the structural integrity and functioning of the required improvements in accordance with the design and specifications as depicted on the approved Final Plan and the applicable provisions of the PA MPC.

**Section 708. Private Maintenance of Improvements.**

Where the maintenance of improvements is to be the responsibility of individual lot owners, a homeowners' association or similar entity, or an organization capable of carrying out maintenance responsibilities, the Board of Commissioners shall require that maintenance responsibilities be set forth in perpetual covenants or deed restrictions binding on the landowners' successors in interest, and may further require that an initial maintenance fund be established in a reasonable manner.

**Section 709. Required Contracts.**

Before the Board of Commissioners shall cause its approval to be endorsed upon the Final Plans of any subdivision or land development ( , and as a requirement for the approval thereof, the owners shall enter into a written agreement with the Township in the manner and form set forth by the Township Solicitor which shall include but not be limited to the following:

- A. To construct or cause to be constructed or installed, at the owners' expense, all streets, curbs, sidewalks, fire hydrants, street lights, stormwater facilities, water and sewer facilities, street signs, monuments, capped sewers, parks, landscaping, line painting, and other improvements shown on the Final Plan, when required to do so by the Board of Commissioners, in accordance with the standards and specifications of the Township.
- B. To maintain at the owners' expense all streets, curbs, sidewalks, stormwater facilities, water and sewer facilities, street signs, parks, monuments, fire hydrants, street lights, capped sewers, line painting, landscaping, and other improvements, until the same are accepted or condemned by the Township for public use, and for a period of eighteen (18) months thereafter to repair and reconstruct the same of any part of one of them when such repair or reconstruction shall be specified by the Board of Commissioners as necessary by reason of faulty construction, workmanship, or materials, or the structural integrity or functionality of the improvements are not satisfactory as determined by the Township or Township engineer.
- C. To pay all costs, charges, or rates, of the utility furnishing electric service for the lighting of the streets on or abutting said subdivision, from the lights installed by the owner, until such time as the streets shown on the subdivision plans shall be accepted as public streets of the Township by ordinance (or resolution) , and to indemnify and hold harmless the Township from and against all suit, actions, claims, and demands for electric service to the streets shown on said plans, or any part thereof, to the time that said streets shall be accepted as public streets of the Township in the manner hereinabove set forth.
- D. Pay the inspection fees required by the Township.
- E. To obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision abuts or traverses land of persons other than the person holding legal title to the lands of the subdivision at his own cost, and obtain from the owner of the lands so abutted or traversed full releases from all damages which may occur from change in grade, construction, or otherwise, of the street, drainage facility or other improvements. Such releases shall insure to the benefit not only of the owner of the subdivision but to the Township as well.

- F. To promptly remove or cause to be removed snow from the streets as may be required for safe traverse of the streets prior to dedication.
- G. To promptly reimburse to the Township reasonable Solicitor's and Engineers' fees.
- H. To provide, in a timely manner, all construction and shop drawings and plans, including a full set of "as built" plans in paper and in appropriate electronic format as specified by the Township Engineer.
- I. Such other provision(s) as deemed necessary or desired by the Board of Commissioners.