

Chapter 22

Subdivision and Land Development

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Part 1**General Provisions****§22-101. Short Title.**

This Chapter shall be known and may be cited as the “Borough of Forest Hills Subdivision and Land Development Regulations” or “Subdivision Regulations.”

(*Ord. 963, 10/18/2006, §101*)

§22-102. Grant of Power.

This Chapter is adopted in accordance with the authority granted to municipalities to regulate subdivisions and land developments by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.

(*Ord. 963, 10/18/2006, §102*)

§22-103. Purposes.

The purpose of these subdivision regulations is to regulate certain subdivision, consolidation and land development activities in the Borough by providing for a uniform method for the submission of preliminary and final plats to ensure the proper layout or arrangement of land, the proper design of streets to accommodate projected traffic and facilitate fire protection and the provisions of adequate easements or rights-of-way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities.

(*Ord. 963, 10/18/2006, §103*)

§22-104. General Intent and Community Development Objectives.

These subdivision regulations are made in accordance with the community development objectives set forth in the Borough Zoning Ordinance [Chapter 27] and the 2003 Borough Comprehensive Plan and are intended to achieve the following goals:

A. To promote, protect and facilitate one or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of adequate light and air, police and fire protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.

B. To prevent one of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

(*Ord. 963, 10/18/2006, §104*)

Part 2**Interpretations and Definitions****§22-201. General Rules of Interpretation.**

The word “person” includes a corporation, association, partnership or individual. The words “shall” and “will” are mandatory; the word “may” is permissive. The word “building” includes structure and any part thereof. Words used in the present tense include the future tense.

(Ord. 963, 10/18/2006, §201)

§22-202. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated unless the context clearly indicates otherwise:

Applicant - a landowner or developer who has filed an application for a subdivision or land development, including his or her heirs, successors and assigns.

Application for development - any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for the approval of a subdivision or land development plan.

As-built plan - a plan showing the actual plan location of easements, curbs, paving, catch basins, manholes, storm and sanitary sewers, wye-branches, waterlines, drainage channels, guardrails and retaining walls and the surface and flow line elevations of storm and sanitary sewers at every catch basin and manhole. The “plan” must be based on actual field measurements made during and after construction.

Borough - Borough of Forest Hills, Allegheny County, Pennsylvania.

Borough Council - the Council of the Borough of Forest Hills, Allegheny County, Pennsylvania.

Borough Engineer - a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by Borough Council to serve as the engineer for the Borough, or his designee.

Building - any covered structure that is permanently affixed to the land. Any structure used or intended for supporting or sheltering any use or occupancy.

Building line - a line which designates the minimum distance that a building must be erected from a street right-of-way line. Such distance shall be measured at right angles from the front right-of-way which abuts the property upon which said building is located and be parallel to said right-of-way line.

Cartway - that portion of the street right-of-way which is surfaced for vehicular use.

Clear sight triangle - an area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

Common open space - a parcel or parcels or land or an area of water, or a combination of land and water within a development site and designed and intended for the use and enjoyment of residents of a development, not including street, off-street parking areas and areas set aside for public facilities.

Commonwealth - the Commonwealth of Pennsylvania.

Comprehensive Plan - the community master plan created for the purposes of guiding community development in the Borough and known as the Comprehensive Plan of the Borough of Forest Hills.

Consolidation - the combination of two or more lots, tracts or parcels of land for the purpose of sale or lease of a building or lot. A consolidation shall be generally referred to as a subdivision under the provisions of this Chapter.

Construction standard details - those standards prepared by the Borough Engineer and adopted by resolution of Borough Council, copies of which are on file in the office of the Borough Secretary.

County - Allegheny County, Pennsylvania.

County planning agency - Allegheny County Department of Economic Development or its successor.

Cul-de-sac - a short street having one end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

Developer - any landowner or agent of such landowner or tenant with the permission of such landowner, who proposes, makes, or causes to be made, a subdivision or land development.

Driveway, private - a vehicular access route serving only one parcel or lot which provides access to a public street, but which does not provide access to any other lot or parcel under separate ownership. All private driveways shall consist of a hard surface and shall have a maximum grade of no more than 15 percent slope.

Easement - a right-of-way for utility, access or similar purposes located outside the street right-of-way. An easement shall not be considered to be separate and distinct from the lot or parcel burdened by the easement for purposes of this Chapter.

Environmental Advisory Council - the Environmental Advisory Council of the Borough, as established by Part 3, Chapter 1 of the Code of Ordinances of the Borough of Forest Hills.

Engineer - a professional engineer licensed as such in the Commonwealth.

Erosion - the natural process by which soil and rock material moves on the earth's surface through the forces of wind and water.

Fee - the required charge established by this Chapter to defray the cost of processing an application, reviewing an application or inspecting improvements during installation which shall be payable to the Borough in accordance with the requirements of this Chapter.

Final application - the written and graphic materials specified by this Chapter to be submitted to the Borough in order to obtain final approval of a proposed subdivision or land development plan.

Final plat - the map or plan of a proposed subdivision or land development

containing all the information required by this Chapter and the Allegheny County Subdivision and Land Development Ordinance [Chapter 22] for final plat approval and in a form acceptable for recording in the office of the Allegheny County Recorder of Deeds.

Grade - the slope of a road, street, or other public way specified in percentage terms.

Grading - excavation or fill or any combination thereof including conditions resulting from such activities.

Gross floor area - the sum of the gross horizontal area of several floor of a principal building or buildings located on the same lot. All dimensions shall be measured between exterior faces of walls.

Improvement - the construction of a new principal building or an addition to an existing building or change of use resulting in an increase in the area of the lot covered by the building and/or paving for a nonresidential use.

Land development - any of the following activities:

(1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

(a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

(b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

(3) Development in accordance with §503(1.1) of the Municipalities Planning Code, 53 P.S. §10503(1.1).

Land development, minor - a single-family, or two-family residential development that creates not more than 3 lots or a nonresidential development with 5,000 square feet or less of new gross floor area.

Land development plan - a plan which encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities. The land development plan shall include all of the written and graphic information required by this Chapter.

Landowner - the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee, if he or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

Landscaping - acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers and shade trees.

Lot - a tract of land in a plan of subdivision or land development or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership. All lots shall front on a public street.

Maintenance security - financial security required to be posted as a condition to the Borough's acceptance of dedication of public improvements following completion, by and in accordance with the requirements of this Chapter and the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

Mobile home - a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without permanent foundation.

Mobile home lot - a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

Mobile home park - a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

Municipalities Planning Code (MPC) - the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*, as amended.

Occupant - a resident or tenant on a temporary or permanent basis.

Planning Commission - the Borough Planning Commission.

Performance security - financial security required to be posted as a condition to final plat approval, by and in accordance with the requirements of this Chapter and the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, in order to assure completion of improvements required by this Chapter.

Planned residential development - an area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Borough Zoning Ordinance [Chapter 27].

Plat - a map or plan, either preliminary or final, indicating the subdivision, consolidation or redivision of land or a land development.

Preliminary application - the written and graphic materials specified by this Chapter to be submitted to the Borough in order to obtain preliminary approval of a proposed subdivision or land development.

Preliminary plat - the map or plan of a proposed subdivision or land development which contains all of the information required by this Chapter for approval of a preliminary application.

Private improvements - all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be owned, maintained

or operated by a private entity such as an individual, corporation or homeowners association for which plans and specifications must comply with the provisions of this Chapter and Borough Construction Standard Details.

Public grounds - includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- (3) Publicly owned or operated scenic historic sites.

Public improvements - all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to and accepted by or maintained by the Borough for which plans and specifications must comply with the provisions of this Chapter and Borough Construction Standard Details.

Public hearing - a formal meeting held pursuant to public notice by the Borough Councilor Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

Public meeting - a forum held pursuant to notice under the Pennsylvania Sunshine Act, 65 Pa.C.S.A. §701 *et seq.*, as amended.

Public notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall not be less than 7 days from the date of the hearing.

Right-of-way - a strip of land occupied or intended to be occupied primarily as a right-of-way for vehicular travel meeting the "Improvement Standards" of Part 3 of this Chapter, the "Construction Standards" of Part 4 of this Chapter and the Borough's Construction Standard Details.

Sight distance - the maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

Site - the lot, tract or parcel of land upon which a project or development will occur.

Street - any street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct or any other way, whether public or private, used or intended to be used by vehicular or pedestrian traffic.

Street, arterial - a public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region. Streets classified as arterial in the Borough are Greensburg Pike and Ardmore Boulevard.

Street, collector - a public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. Streets classified as collector in the Borough are Filmore Road and Braddock Road.

Street, local - a street designed to provide access to abutting lots and to

discourage through traffic.

Street, private - a street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have access to a public street and which require access to a public street through the private street. (See also “driveway, private.”)

Street, public - a street, including the entire public right-of-way, which has been dedicated to and accepted by the Borough or which has been devoted to public use by legal mapping, use or other means.

Street, service - a short street or alley, whether public, or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

Structure - any assembled, erected or constructed object having a stationary location on or in land or water, whether or not it is affixed to the land. This includes, but is not limited to, gazebos, storage sheds or containers, free-standing posts, pillars and similar uses.

Subdivision - the division, redivision or consolidation of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, or transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

Subdivision, minor - any subdivision of less than three lots and not constituting a land development.

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

Surveyor - a professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

Temporary structure - a building or structure intended to be used for a period of 6 months or less including, but not limited to, construction or land sales trailers, tents, bleachers, air-supported structures, seasonal displays and similar structures.

Watercourse - a channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow, including, but not limited to, drainage channel, creek, drain, river or stream.

Zoning Ordinance - the Borough Zoning Ordinance [Chapter 27], as amended, codified as Chapter 27 of the Code of Ordinances of the Borough of Forest Hills.

(Ord. 963, 10/18/2006, §202)

Part 3**Application Procedures****§22-301. Approval Required.**

No person shall undertake any activity constituting a subdivision, consolidation or land development without first submitting and obtaining approval from the Borough of a subdivision, consolidation or land development plat in accordance with the terms of this Chapter and all applicable provisions of the Code of Ordinances of the Borough of Forest Hills or other ordinances and regulations.

(*Ord. 963, 10/18/2006, §301*)

§22-302. Preapplication Conference.

1. A voluntary sketch plan conference with the Zoning Officer is recommended prior to the pre application conference. The sketch plan conference requires no formal application or fee.

2. Prior to filing an application for preliminary approval, a prospective applicant may appear before the Planning Commission for a preapplication conference to discuss the applicable regulations governing subdivision and/or land development of the property and the feasibility and timing of the application. The preapplication conference is voluntary and no formal application or fee is required.

(*Ord. 963, 10/18/2006, §302*)

§22-303. Preliminary Plan Application Procedures.

1. An application for preliminary approval of a subdivision and/or land development shall be filed with the Zoning Officer, on forms as prescribed by the Borough, at least 30 days prior to the regular meeting of the Planning Commission. The developer shall submit 12 full-scale copies and nine half-scale copies of the preliminary plan to the Zoning Officer. The preliminary application shall not be considered complete and properly filed unless or until all items required by §22-305 of this Chapter, including the application fee, have been received by the filing date.

2. The Zoning Officer shall review the application to determine whether all materials required by §22-305 of this Chapter and any other relevant Borough ordinances have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.

3. Within 5 days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the following entities for review: full-scale plan copies to the Borough Zoning Officer, the Borough Engineer, each member of the Planning Commission and the Allegheny County planning agency or its designee; half-scale plan copies to each member of the Borough Council, the Mayor and the Borough Solicitor Where deemed appropriate under Part 6 of this Chapter, the Zoning Officer shall also submit a copy of the application and related materials to the Environmental Advisory Council for

review and comment.

4. *Planning Commission Action.*

A. Within 20 calendar days of the Zoning Officer's transmission of a complete preliminary application, the Borough Engineer shall submit a written report to the Zoning Officer and the Planning Commission which states whether the application complies with the requirements of this Chapter and any other relevant Borough ordinances and regulations. The report shall be included in the minutes of the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the Borough Engineer's report has been received or 20 calendar days have passed from the date of referral to the Borough Engineer.

B. Within 60 calendar days of the date of filing of an administratively complete application, the Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the preliminary application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter that the applicant has not met.

5. *Borough Council Action.*

A. The Borough Council shall act upon the preliminary application no later than 90 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application, provided that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said 90-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Borough Engineer shall be made a part of the record at the said Borough Council meeting.

B. The Borough Council shall not act on a preliminary application unless the Borough has received written review of the application by the Allegheny County planning agency or their designee or unless 30 calendar days from the date of referral have passed.

C. A letter indicating approval, approval with conditions or disapproval shall be in writing and shall be communicated to the applicant personally or mailed to him or her at his or her last known address within 15 calendar days following the Borough Council decision. If the preliminary application is not approved in terms as filed, the Borough Council shall specify the defects found in the preliminary application and cite the requirements of this Chapter or other Borough ordinances that the applicant has not met, in accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

D. The applicant shall accept or reject the conditions attached to the preliminary approval by giving written notice to the Zoning Officer within 30 calendar days of the date of the public meeting of the Borough Council at which preliminary approval is granted. If the applicant fails to give written notice to the Zoning Officer regarding acceptance or rejection of the conditions attached to

preliminary approval within the required 30 calendar days, then the conditions shall be deemed accepted by the applicant.

6. *Expiration of Preliminary Plan Approval.*

A. Preliminary plan approval shall expire within 5 years after being granted by the Borough Council, unless the applicant requests and the Borough Council grants a written extension prior to the expiration of preliminary approval plan approval. The applicant shall submit a request for extension, in writing, to the Zoning Officer at least 30 calendar days prior to any prevailing expiration date. Extensions may be granted for one or more 6 month periods, upon a finding by the Borough Council that such extension is warranted.

B. In the case of a phased development calling for the installation of public improvements beyond the 5-year period, a schedule shall be filed by the applicant with the preliminary application delineating all proposed phases or sections, as well as deadlines for submission of applications for final approval of each phase or section. Such schedule shall be updated annually by the applicant on or before the anniversary date of preliminary approval, until final approval of the last phase or section has been granted. Any modification in the schedule for filing final applications shall be subject to approval by the Borough Council in its sole discretion.

(Ord. 963, 10/18/2006, §303)

§22-304. Final Plan Application Procedures.

1. After a preliminary application has been approved by the Borough Council, the developer may proceed to file an application for final approval of a subdivision and/or land development with the Zoning Officer, on forms as prescribed by the Borough, at least 30 days prior to the regular meeting of the Planning Commission. The developer shall submit 12 full-scale copies and nine half-scale copies of the final plan to the Zoning Officer. The final application shall not be considered complete and properly filed unless or until all items required by §22-306 of this Chapter, including the application fee, have been received by the filing date.

2. The Zoning Officer shall review the application to determine whether all materials required by §22-306 of this Chapter and any other relevant Borough ordinance have been submitted by the applicant. If all such materials have not been submitted, then the Zoning Officer shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.

3. Within 5 days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the application and any materials submitted therewith to the following entities for review: full-scale plan copies to the Borough Zoning Officer, the Borough Engineer, each member of the Planning Commission and the Allegheny County planning agency or its designee; half-scale plan copies to each member of the Borough Council, the Mayor and the Borough Solicitor. Where deemed appropriate under §22-314 of this Chapter, the Zoning Officer shall also submit a copy of the application and related materials to the Environmental Advisory Council for review and comment.

4. *Planning Commission Action.*

A. Within 20 calendar days of the Zoning Officer's transmission of a complete final application, the Borough Engineer shall submit a written report to the Zoning Officer and Planning Commission which states whether the application complies with the requirements of this Chapter and any other relevant Borough ordinances and regulations. The report shall be included in the minutes of the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the Borough Engineer's report has been received or 20 calendar days have passed from the date of referral to the Borough Engineer.

B. Within 60 calendar days of the date of filing of an administratively complete application, the Planning Commission shall make a written recommendation to the Borough Council for approval, approval with conditions or disapproval of the final application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter that the applicant has not met.

5. *Borough Council Action.*

A. The Borough Council shall act upon the final application no later than 90 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application; provided, that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said 90-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Borough Engineer shall be made a part of the record at the said Borough Council meeting.

B. The Borough Council shall not act on a final application unless the Borough has received written review of the application by the Allegheny County planning agency or their designee or unless 30 calendar days from the date of referral have passed.

C. A letter indicating approval, approval with conditions or disapproval shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address within 15 calendar days following the Borough Council decision. If the final application is not approved in terms as filed, the Borough Council shall specify the defects found in the final application and cite the requirements of this Chapter or other Borough ordinances that the applicant has not met, in accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

D. The applicant shall accept or reject the conditions attached to the final approval by giving written notice to the Zoning Officer within 30 calendar days of the date of the public meeting of the Borough Council at which preliminary approval is granted. If the applicant fails to give written notice to the Zoning Officer regarding acceptance or rejection of the conditions attached to final approval within the required 30 calendar days, then the conditions shall be deemed accepted by the applicant.

6. *Phased Approval.*

A. In the case where development of a subdivision and/or land development

is projected over a period of years, the Borough authorizes submission of final applications by sections or phases of development, subject to such requirements or guarantees for private or public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.

B. All sections or phases must conform to the preliminary application as previously approved by the Borough. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the preliminary application will require complete resubmission of the preliminary application in accordance with §22-305 of this Chapter.

(Ord. 963, 10/18/2006, §304)

§22-305. Preliminary Plan Application Content.

1. *General.* The preliminary application shall include the original application, a location map, site map, preliminary plat, engineering report, erosion and sedimentation control plan, and the text or graphical material as referenced below. The application shall be submitted to the Zoning Officer, with not fewer than six full scale copies and 15 half scale copies of all required maps, and 15 copies of all other application material. An application for preliminary approval shall not be considered administratively complete until all items required by this Chapter, including the application fee and/or deposit, have been received by the Zoning Officer.

2. *Location Map.* The location map shall clearly indicate the area within 1,000 feet of the development site showing North direction, the area and zoning of the tract proposed for development in relation to the area and zoning of adjacent properties, property lines, the location and relative distance to public streets, and adjacent municipalities as appropriate.

3. *Site Map.* The site map shall cover the entire tract and all lands within 500 feet of its boundaries, except for minor land developments for residential use, in which the site map shall cover the entire tract and all immediate adjacent properties. The site map shall clearly and accurately show the following data:

- A. The topography, with vertical contour intervals of 5 feet or less.
- B. The natural features and existing culture, such as woods, streams, embankments, retaining walls, structures and existing land uses.
- C. The names of owners of properties adjacent to the tract.
- D. Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, and curbs and sidewalks.
- E. Existing and proposed easements, including widths and purposes.
- F. Utilities, including size, capacity and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains and power lines.
- G. Surface drainage conditions and patterns and subsurface drainage conditions and patterns including, but not limited to, delineation of streams and areas subject to periodic overflow of flood or stormwaters. A statement of the expected, anticipated or possible effects of surface and subsurface drainage upon

contiguous, adjacent or nearby property owners affected by the surface and subsurface drainage conditions, should approval of the subdivision occur, must also be furnished to the Borough by the developer.

H. Subsurface conditions, including data on past or possible future mining activity. If mineral rights are severed from the land ownership, such data must be clearly indicated.

I. Tract boundary lines by calculated distances and bearings.

J. Title, graphic scale, north point and date.

4. *Preliminary Plat.* A preliminary plat shall be drawn at a scale of not smaller than 100 feet to 1 inch on a sheet measuring 24 inches by 36 inches and shall show the following:

A. The name of the proposed subdivision/development.

B. The names and addresses of the landowner, the developer and persons who prepared the plan.

C. A site location map.

D. The zoning classification of the tract and a tabulation of data for the required zoning district and the proposed development.

E. A legend, a key plan, legends, notes, graphic scale, north point and date.

F. The names and owners of the properties adjacent to the tract.

G. Block and lot parcel numbers.

H. The proposed street pattern, including the names, widths and rights-of-way of streets, the widths and purpose of easements and the approximate grades of streets where they exceed 8 percent.

I. The layout of lots, including their dimensions, numbers and building lines.

J. Profiles, cross-sections and specifications for proposed street improvements.

K. Profiles and other explanatory data concerning the installation of water distribution systems, storm sewer and sanitary sewers.

L. The parcels of land to be dedicated or reserved for schools, parks, playgrounds or other public or community uses.

M. The location of all off-street parking spaces and the total number of spaces to be provided, in accordance with the requirements of the Zoning Ordinance [Chapter 27].

N. The location and design for all landscaping and screening proposed showing the height and type of screening.

O. The location of the 100-year floodplain as indicated on a certified FEMA map, with the community panel number, map name, date and map panel numbers, if applicable.

P. Certification of the registered professional land surveyor as to the accuracy of the survey and plan.

5. *Engineering Report.* An engineering report shall include the following data wherever pertinent:

A. A report on the feasibility of connection to an existing sewerage system, including the distances to the nearest public sewer, the service load of the subdivision and the capacity of the treatment plant.

B. If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and a treatment works, including the design, population, type and location of the treatment and the receiving stream.

C. If connection to a public or private sewerage system is not feasible, a report on the feasibility of on-lot sewage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, watercourses, ground water table elevations and the results of soil absorption tests for each individual lot conducted in accordance with the recommended practices of the County Health Department.

D. A geotechnical report prepared by a registered engineer with experience in geotechnical engineering shall be submitted if required by the Borough Grading Ordinance [Chapter 9, Part 1].

6. *Erosion and Sedimentation Control Plan.* The erosion and sedimentation control plan shall specifically indicate all erosion and sedimentation control measures to be utilized on the site. The plan shall be on a sheet size measuring 24 inches by 36 inches and meet the following requirements:

A. The plan shall be prepared by persons trained and experienced in erosion and sedimentation control methods and techniques.

B. The plan shall be designed to prevent accelerated erosion and sedimentation and shall consider all factors which contribute to erosion and sedimentation including, but not limited to, the following:

(1) The topographic features of the project area.

(2) The types, depth, slope and areal extent of the soils.

(3) The proposed alteration to the area.

(4) The amount of runoff from the project area and the upstream watershed area.

(5) The staging of earth moving activities.

(6) Temporary control measures and facilities for use during earth moving.

(7) Permanent control measures and facilities for long-term protection.

(8) A maintenance program for the control facilities, including disposal of materials removed from the control facilities or project area.

C. The plan shall conform with all additional requirements specified by the Borough Council, the Pennsylvania Department of Environmental Protection, the Allegheny County Conservation District and the County Health Department.

D. The erosion and sedimentation control plan shall be prepared in accordance with the Pennsylvania Erosion and Sedimentation Regulations, 25 Pa.Code, Chapter 102, and the specification of the Allegheny County Conservation District. All plans shall be reviewed and approved or permitted by the Allegheny County Conservation District.

7. *Traffic Impact Study.*

A. Any land development or subdivision which will generate, on average, 75 or more peak hour trips on any adjacent street shall be required to have a traffic impact study completed as part of the approval process. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Borough.

B. The Borough may require a traffic impact study for developments or changes in uses generating less than 75 trips in addition to the adjacent roadways peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use. The Borough may waive the study requirement for an individual development or change in use, where said development or change in use was incorporated as part of a previously approved traffic impact study.

C. The scope of the study, study area and methodology shall be approved by the Zoning Officer or his or her designee before the study is initiated. A pre-application conference shall be scheduled for this purpose. The traffic impact study shall include the following if appropriate as determined by the Borough:

- (1) A brief description of the proposed project in terms of land use and magnitude.
- (2) An inventory and analysis of existing roadway and traffic conditions in the site environs including:
 - (a) Roadway network and traffic control.
 - (b) Existing traffic volumes in terms of peak hours and average daily traffic (ADT).
 - (c) Planned roadway improvements by others.
 - (d) Intersection levels of service.
 - (e) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.
- (3) Proposed site-generated traffic volumes in terms of:
 - (a) Peak hours and ADT (by development phase if required).
 - (b) Arrival/departure distribution including method of determination.
 - (c) Site traffic volumes on study roadways.
- (4) An analysis of future traffic conditions including:
 - (a) Future opening year combined traffic volumes (site traffic plus future background roadway traffic). Opening year is the projected year of opening for the proposed development or change in use.
 - (b) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to 10 years beyond the expected opening year of the development or change in use.
 - (c) Background traffic growth rates for study roadways will be provided by the Borough. These growth rates shall be consistent with the analysis performed for the Borough's Comprehensive Plan and any

subsequent updates/revisions to the Comprehensive Plan.

(d) Intersection levels of service.

(e) A structural pavement analysis of roadways which are projected to experience significant increases in ADT volumes off-site.

(f) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.

(g) When access is onto a state road, the analysis of future conditions shall be consistent with Pennsylvania Department of Transportation requirements.

(5) A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, Special Report 209, published by Transportation Research Board. These standards may be waived by the Borough if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.

(a) Traffic capacity LOS shall be based upon future design year analysis.

(b) New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the Borough.

(c) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each traffic movement, unless otherwise specified by the Borough.

(d) Existing intersections impacted by development traffic shall maintain a minimum LOS D for each traffic movement, or, if future base (without development traffic) LOS is E then mitigation shall be made to maintain LOS E with development traffic. If future base LOS is F, then degradation in delays shall be mitigated.

(6) A description and analysis of the proposed access plan and site plan including:

(a) Access plan including analysis of required sight distances using Pennsylvania Department of Transportation criteria and description of access roadway, location, geometric conditions and traffic control.

(b) On-site circulation plan showing parking locations and dimension, loading access circulation roadway and traffic control.

(7) Traffic circulation mitigating action plan shall include:

(a) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.

(b) Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.

D. *Traffic Control Devices and Other Traffic Improvements.* Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign, additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition to approval of the final plat, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the Borough, reimburse the Borough for the cost of the improvements.

8. *Text or Graphical Materials.* The following text or graphical materials shall be provided.

A. *Covenants, Grants and Easements.* The substance of covenants, grants, easements or other restrictions proposed, in a form and manner acceptable to the Borough Solicitor.

B. *Environmental Impact Statement.* An environmental impact statement and analysis consistent with Part 6 of this Chapter.

9. A stormwater management plan, meeting the requirements of §22-608.

(Ord. 963, 10/18/2006, §305)

§22-306. Final Plan Application Content.

1. *General.* The final application shall include the original application, a copy of the approved preliminary plat, the final plat, construction plans, and the text or graphical material as referenced below. The application shall be submitted to the Zoning Officer, with not fewer than six full scale copies and 15 half scale copies of all required maps, and 15 copies of all other application material. An application for preliminary approval shall not be considered administratively complete until all items required by this Chapter, including the application fee and/or deposit, have been received by the Zoning Officer.

2. *Final Plat.* The final plat shall be drawn at a scale of not smaller than 100 feet to 1 inch and shall show:

A. The name of the proposed subdivision.

B. The names and addresses of the landowner and developer, the source of title of the land as shown by the books of the Recorder of Deeds of the County.

C. The graphic scale, the north point, and the date.

D. The survey data certified by a registered land surveyor showing the calculated distances and bearings of the subdivision/land development boundaries, lots, utility easements, streets, alleys, building lines and parks reserved for community purposes.

E. The location and distances to the nearest established street corners of official monuments and the streets intersecting the boundaries of the subdivision.

F. The location, type of material and size of monuments.

G. Complete curve data for all streets.

H. Lot numbers and street names.

I. Any modifications, restrictions or zoning variances received during the

approval of the plan.

J. Protective covenants, if any, in the form of recording.

K. Location of any street monuments and property corners to be set.

L. Center line bearings and distances of all proposed easements used to tie the easements down to the boundary lines of the development property.

3. *Construction Plans.* The construction plans for public and private improvements shall be prepared by a registered engineer or registered land surveyor drawn to a scale not smaller than 100 feet to 1 inch on sheets measuring 24 by 36 inches and shall show the following:

A. All information required for the preliminary plan approval.

B. Conformity with the design standards specified in Part 6 of this Chapter and the Borough Construction Standard Details. The construction details shall be shown on the plan.

C. Plans in profile of each street in the plan and at least 200 feet beyond the limits of the plan.

D. At least three cross-sections at intervals not to exceed 100 feet and extending 50 feet on each side of the street centerline or 25 feet outside the street right-of-way, whichever is greater.

E. All sewer and drainage easements over private property.

F. The location of all necessary storm and sanitary sewers, manholes and catch basins.

H. The top and invert elevation of each inlet and manhole, together with the grade of each sewer line.

I. The grade line, distance and pipe size of each line in the storm drainage system and the sanitary sewer system within the plan and any storm drainage system immediately adjacent thereto.

J. All pipe sizes, shown by plan and profile.

K. A landscaping plan shall be submitted.

L. The buffer yard setbacks, if required.

M. First-floor elevation for all proposed and existing structures.

N. For nonresidential and multi-family residential developments, the plan shall depict proposed buildings, parking areas, access driveways and other significant proposed features.

O. All proposed open spaces, proposed public areas and any related restrictions or conditions.

P. Location of all proposed water, gas and utility lines and their connection to the existing system(s).

4. *Text and Graphical Material.* The following text or graphical materials shall be provided.

A. *Final Covenants, Grants and Easements.* The substance of the final covenants, grants, easements or other restrictions proposed, in a form and manner acceptable to the Borough Solicitor.

B. *Performance and Maintenance Security.* Performance and maintenance security to guarantee proper installation of public and private improvements as required by §§22-308 and 22-406 of this Chapter.

C. *Indentures, Acknowledgments and Endorsements.* The indentures, acknowledgments and endorsements in the form provided in Appendix 2 of the Allegheny County Subdivision and Land Development Ordinance as determined applicable by the Borough Engineer.

(Ord. 963, 10/18/2006, §306)

§22-307. Approval Resolution.

When requested by the developer, in order to facilitate financing, the Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer providing satisfactory completion security. The final plat shall not be signed nor recorded until the completion security and development agreement are executed and all other conditions of final approval are met.

(Ord. 963, 10/18/2006, §307)

§22-308. Performance Security.

1. Prior to the granting of final approval, the developer shall either complete all improvements required by this Chapter or deliver to the Borough performance security in the amount of 110 percent of the cost to complete all improvements required by this Chapter, estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Borough may adjust the amount of the performance security by comparing the actual costs of the improvements which have been completed and the estimated cost for completion of the remaining improvements as of the expiration of the ninetieth day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the performance security equals 110 percent. Any additional security shall be posted by the developer in accordance with this Section.

2. The amount of the required performance security shall be based upon an estimate of the cost of completion of the required improvements, submitted by the developer and prepared by a professional engineer licensed as such in the Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the developer and the Borough are unable to agree upon the estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the developer.

3. If the developer requires more than 1 year from the date of posting of the performance security to complete the required improvements, the amount of the performance security may be increased by an additional 10 percent for each 1-year

period beyond the first anniversary date from posting of the performance security or to an amount not to exceed 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1-year period by using the above procedure.

4. *Form of Security.*

A. The following requirements shall apply to any surety bond posted as performance security in accordance with this Chapter:

(1) The bond shall be obtained from a surety incorporated in the United States and authorized to do business in Commonwealth of Pennsylvania.

(2) The surety shall have a current AM Best's rating of no less than "A" and an underwriting capacity as stated in Best's equal to or greater than the amount of the bond written by that surety, or in the alternative be listed on the current United States Department of the Treasury's Annual List of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in the Federal Register and have an underwriting capacity in said list equal to or greater than the amount of the bond written by that surety.

B. The following requirements shall apply to any letter of credit posted as performance security in accordance with this Chapter:

(1) The letter of credit shall be issued by a Federal or Commonwealth chartered lending institution having an office located within 30 miles of the boundaries of the Borough at which a draft on site can be presented during regular business hours.

(2) The letter of credit shall have an expiration date of no earlier than 90 days after the required completion date of any improvements. The Borough, at its discretion, may accept a letter of credit having an earlier expiration date, provided the letter of credit states that it will automatically be renewed for a period of at least 1-year from any present or future expiration date unless the Borough receives notice in writing from the issuer at least 60 days prior to the expiration date that the issuer elects to not further extend the letter of credit, and that if such notice is given the Borough may draw on the letter of credit up to the amount of its unused balance on or before the relevant expiration date.

(3) Multiple draws on the letter of credit shall be permitted.

(4) Draws shall be permitted at sight at the issuer's office in a location as set forth in subparagraph (1) above, and by overnight mail.

C. All financial security tendered by an applicant pursuant to this Chapter shall be subject to review and approval by the Borough Solicitor with respect to the form, source and sufficiency of the same.

(*Ord. 963, 10/18/2006, §308*)

§22-309. Development Agreement.

1. Before granting final approval, Borough Council shall require that the developer execute a development agreement with the Borough, in a form acceptable to the Borough Solicitor, containing provisions that are reasonably required to guarantee the proper installation of on-site and offsite improvements related to the subdivision

and/or land development, any performance or maintenance security to be provided in connection therewith, and provisions necessary to indemnify the Borough in connection therewith.

2. Said agreement shall be executed, the required performance security shall be posted and all required fees shall be paid before the Borough Secretary shall affix his or her signature and the Borough Seal to the final plat for recording purposes.

(*Ord. 963, 10/18/2006, §309*)

§22-310. Approval by Other Agencies.

Approval of final plats by Borough Council shall not be binding if County, State or Federal agencies find just cause to disapprove the development. It shall be the developer's responsibility to obtain all necessary approvals from County, State and Federal agencies.

(*Ord. 963, 10/18/2006, §310*)

§22-311. Recording of Plat.

Upon approval of a Final Plat by the Borough Council, the developer shall, within 90 days of such final approval, record such plat in the office of the Allegheny County Recorder of Deeds.

(*Ord. 963, 10/18/2006, §311*)

§22-312. Filing of Copies.

Upon recording the approved final plat in the office of the Allegheny County Recorder of Deeds, the developer shall deliver to the Borough one reproducible mylar and four paper prints of the plat as recorded.

(*Ord. 963, 10/18/2006, §312*)

§22-313. Minor Subdivisions and Consolidations.

The developer of a minor subdivision or minor land development may proceed simultaneously for preliminary plat and final plat approval, following the procedures set forth in §22-306 of this Chapter for final plan approval. The Borough, through its Zoning Officer, may waive, where appropriate, any of the requirements of §22-306 of this Chapter with the exception of §22-306.1 and .2.

(*Ord. 963, 10/18/2006, §312*)

§22-314. Simultaneous Preliminary and Final Approval.

Provided all of the submittal requirements of this Part are met, a developer may request simultaneous preliminary plat and final plat approval of any subdivision and/or land development.

(*Ord. 963, 10/18/2006, §313*)

§22-315. Environmental Advisory Council.

1. Environmental impact statements shall be submitted to the Zoning Officer at the time of submission of the underlying development or use application. This submission shall include seven copies of the environmental impact statement, in

addition to any other copies required by this Chapter, the Zoning Ordinance [Chapter 27] or any other Borough ordinance or regulation. The environmental impact statement shall include an index to the principal portions thereof setting forth the page number or pages referable to such portions and a listing of all included exhibits. The environmental impact statement must also include a copy of any separate documents referred to therein. Within 5 days of receipt of an administratively complete application, the Zoning Officer shall submit one copy of the environmental impact statement to each member of the Environmental Advisory Council.

2. *Review of Environmental Impact Statements.* All environmental impact statements required by this Code of Ordinances and other Borough ordinances or regulations (i.e., conditional use applications, planned residential development applications, and subdivision and land development applications) shall be reviewed by the Environmental Advisory Council according to the following procedures:

A. The Environmental Advisory Council shall review an environmental impact statement and forward its recommendation to the Planning Commission and Borough Council within 30 of the date of the Borough's receipt of an administratively complete application.

B. The Environmental Advisory Council shall review an environmental impact statement and receive comments from interested parties at a public meeting.

C. The Environmental Advisory Council's recommendation shall include a statement regarding the environmental impact statement's compliance with the requirements of this Part and any other relevant aspects of the proposed development and its impact on the environment.

D. The Environmental Advisory Council is encouraged, but not required, to review any amended environmental impact statement submitted after the Environmental Advisory Council's initial review.

(Ord. 963, 10/18/2006, §314)

Part 4**Improvements and Acceptance of Improvements****§22-401. Progress Inspections.**

1. The developer shall notify the Borough Engineer at least 72 hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer shall notify the Borough Engineer at least 72 hours prior to the time that the following required progress inspections are desired:

- A. Inspection of subgrade of streets prior to laying of base.
- B. Inspection of base as it is being constructed and prior to final paving of streets.
- C. Inspection of paving of streets while they are being constructed.
- D. Inspection on installation of sanitary sewers, storm sewers and drainage facilities as they are being constructed.
- E. Inspection of all utility street crossings within the public right-of-way.
- F. All grading being performed according to Chapter 9, "Grading and Excavating."

2. The Borough Engineer shall prepare a written report of all inspections in duplicate on forms provided by the Borough. One copy shall be retained by the Borough and one copy shall be retained by the Borough Engineer.

(*Ord. 963, 10/18/2006, §401*)

§22-402. Notice of Completion.

1. Any deviation between the location(s) of constructed site improvements with the location(s) of existing recorded easements and right-of-ways must be reported to the Borough Engineer. No construction affected by the deviation shall proceed until the Borough Engineer provides a written authorization to proceed. All deviations of constructed public improvements from approved plans, easements and right-of-ways will be documented in the as-built plan and, if necessary, shall be re-recorded with Allegheny County. All documentation of the deviation(s) shall be provided to the Borough prior to the final inspection. The Borough shall verify the deviations before the release of any completion security.

2. When the developer has completed the required private or public improvements in a plan, the developer shall notify the Borough, in writing, by certified or registered mail. Within 10 days of the receipt of such notification, the Borough Engineer shall inspect the private or public improvements in the plan to determine compliance with the design standards specified in Part 6 of this Chapter and the Borough Construction Standard Details. Within 30 days the Borough Engineer shall notify the developer of the inspection results.

3. The developer shall submit the required sanitary sewer vacuum, air and mandrel tests, soils compaction test reports for all excavation and fill installed within all street rights-of-ways and compaction and depth reports for all paving installed within the street right-of-ways with the submission of the notification in writing for

final acceptance.

(Ord. 963, 101/18/2006, §402)

§22-403. Filing of Plans.

Upon completion of the public and private improvements in a plan, “as-built” plans of the improvements shall be filed with the Borough by the developer within 10 days of the mailing of the notice of completion. The following shall be required for “as-built” plans:

- A. The boundary of the proposed development with the lot lines, bearings and distances.
- B. The surveyed location of the installed storm and sanitary sewer lines, catch basins, manholes and inlets with the top and invert elevations for each pipe entering and existing each structure.
- C. The location of all sanitary and storm sewer wye locations as measured from the downstream manhole, inlet or catch basin. The distance shall be in the form of stationing.
- D. The size and type of pipe installed for all storm and sanitary sewers.
- E. The actual center line bearings and distances of all storm and sanitary sewer systems as constructed.
- F. The location, bearing and distances of the centerline of all streets to be accepted by the Borough. The pavement type and width shall be shown as well.
- G. The location of all street monuments installed.

(Ord. 963, 10/18/2006, §403)

§22-404. Final Inspection and Approval.

1. *Borough Engineer’s Report.* When a developer has completed all of the necessary and appropriate public and private improvements, the developer shall notify the Borough Council, in writing, by certified or registered mail of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer. The applicant shall include videotapes of all separate sanitary sewers, if applicable. The Borough Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough Council, and shall promptly mail a copy of the same to the developer by certified mail or facsimile. The report shall be made and mailed within 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Borough Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said approval shall contain a statement of reasons for such nonapproval or rejection.

2. *Notification of Developer by Borough Council.* Borough Council shall notify the developer within 15 days of receipt of the Borough Engineer’s report, in writing, by certified or registered mail, of the action of the Borough Council with relation thereto. The developer shall reimburse the Borough for the reasonable and necessary expenses incurred for inspection of public and private improvements as set forth in a schedule

adopted by resolution by the Borough Council. Any dispute with respect to the amount of said charges shall be resolved in accordance with the provisions of the MPC, 53 P.S. §10101 *et seq.*

3. *Failure of Borough to Comply.* If the Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained in this Part, all private or public improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the completion security posted with the Borough.

4. *Completion of Rejected Public Improvements.* If any portion of the public or private improvements shall not be approved or shall be rejected by Borough Council, the developer shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval, as outlined in this Part, shall be followed.

5. *Developer's Rights.* Nothing in this Part, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Borough Council or the Borough Engineer.

6. *Release of Financial Security.*

A. Upon approval of all of the public and private improvements in the plan, the developer shall be released from any liability pursuant to the performance security posted to guarantee the proper installation of those improvements.

B. From time to time, during the installation of the public and private improvements, the developer may request partial release of the performance security in an amount necessary for payment of contractors performing the work. Any such request shall be in writing and shall be addressed to the Borough Council. The Borough Council shall have 45 days from the receipt of such request to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the installation of public improvements has been completed in accordance with the requirements of this Chapter and the approved final plat.

C. Upon such certification by the Borough Engineer, the Borough Council shall authorize release of an amount as estimated by the Borough Engineer that fairly represents the value of the improvements completed. The Borough Council may require retention of 10 percent of the estimated cost of such improvements until such time as all improvements have been installed and the completion security is released in its entirety.

D. All improvements shall be completed within the period stated in the approved final plat, which period shall not exceed 2 years. Upon written application signed by all parties to the performance security device and in a form approved by the Borough Solicitor, the Borough Council may, at its discretion, extend said period by no more than 2 additional years.

(Ord. 963, 10/18/2006, §404)

§22-405. Acceptance of Public Improvements.

1. Upon completion of the inspection and approval of proposed public improvements, the developer shall submit a request to Borough Council, in writing, to accept the dedication of the public improvements. The Borough may accept said public improvements in the manner specified in the Borough Code, 53 P.S. §45101 *et seq.*, and

the MPC, 53 P.S. §10101 *et seq.*, subject to the posting of the maintenance security required by §22-406 of this Chapter.

2. No property or public improvement shown on a final plat shall be considered to have been finally accepted by the Borough until the dedication thereof has been officially accepted in the manner specified in the Borough Code, 53 P.S. §45101 *et seq.*, and the MPC, 53 P.S. §10101 *et seq.*

(*Ord. 963, 10/18/2006, §405*)

§22-406. Maintenance Security.

1. As a prerequisite to release of the performance security for completion of public and private improvements pursuant to this Chapter, or as a condition to final plat approval, the developer shall provide maintenance security guaranteeing the structural integrity, proper functioning and maintenance of the improvements in accordance with the design standards of Part 6 of this Chapter, the Borough Construction Standard Details and the specifications as depicted on the approved final plat.

2. The term of the maintenance security shall be for a period of 18 months from the date of the acceptance of the public improvements by Borough Council. The amount of the public improvements shall be 15 percent of the actual cost of installation of the public improvements.

3. The form of the maintenance security shall be in accordance with the requirements of Chapter 9, "Grading and Excavating," of the Code of Ordinances of the Borough of Forest Hills.

(*Ord. 963, 10/18/2006, §406*)

§22-407. Remedies to Effect Completion of Public and Private Improvements.

In the event that the public and private improvements required to be installed by the provisions of this Chapter are not installed in accordance with the requirements of this Chapter or the approved final plat, Borough Council shall have the power to enforce the performance security by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the performance security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such performance security, Borough Council may, at its option, install part of such improvements in all or part of the subdivision, consolidation or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the performance security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements guaranteed by such performance security and not for any other municipal purpose.

(*Ord. 963, 10/18/2006, §407*)

§22-408. Private Improvements.

Approval of private improvements or common amenities, as defined by this Chapter, for which performance security has been required and final release of that performance security shall only indicate compliance with the specifications shown on

the approved plan. Such approval and release of the performance security shall not imply approval by the Borough of the method of construction or the structural integrity of the private improvements or common amenities, nor shall there be any liability associated with or responsibility for maintenance of those private improvements or common amenities by the Borough. Maintenance security shall not be required to be posted for private improvements or common amenities upon release of the performance security.

(Ord. 963, 10/18/2006, §408)

Part 5**Required Improvements****§22-501. Survey Monuments, Bench Marks and Lot Pins.**

1. Permanent survey monuments, per the Borough Construction Standard Details, shall be set at all boundary corners, angle points of boundary, street intersections and such intermediate points as may be required. Bench marks shall be placed on the monuments at all street intersections based on the NAVD 88 Datum. All lot corners shall be staked and plainly marked with oak or metal pins, where feasible.

2. The installation and certification shall be made by a registered professional engineer or a registered surveyor prior to the final approval of the subdivision, consolidation or land development. In lieu of such prior installation, the applicant shall furnish a cash deposit in the form of a certified check to guarantee the proper installation of the required monuments, bench marks and lot pins. The refundable deposit shall be in the amount as established from time to time by resolution of Borough Council per required survey monument.

(Ord. 963, 10/18/2006, §501)

§22-502. Water, Sewer and Stormwater Management.

Each lot shall be served by water and sanitary sewers provided by the developer. The storm sewers, drainage facilities and sanitary sewers shall be constructed in accordance with the design standards of Part 6 and the Borough Construction Standard Details. Stormwater management facilities shall be constructed with the standards in Part 6 and the Borough Construction Standard Details. All water lines shall be designed and installed in accordance with the standards set forth by the Wilkesburg-Penn Joint Water Authority.

(Ord. 963, 10/18/2006, §502)

§22-503. Other Utilities.

The developer shall be responsible for contracting with private utility companies and for providing any easements required by those utility companies to guarantee that each lot shall be served by telephone, gas and/or electricity. Final occupancy permits shall not be issued until all essential public utilities are installed.

(Ord. 963, 10/18/2006, §503)

§22-504. Streets.

Each lot shall front on a public street. All public streets shall be improved to Borough Construction Standard Details and the Design Standards of Part 6 of this Chapter.

(Ord. 963, 10/18/2006, §504)

§22-505. Sidewalks.

1. Sidewalks shall be required to be installed by the developer under the following

circumstances:

- A. Where sidewalks exist in the same block on the same side of the street.
- B. Along the full frontage of lots located on arterial or collector streets, as defined by this Chapter.
- C. Within a land development plan proposed to be developed for multi-family residences.
- D. Within a land development plan proposed to be developed for commercial or industrial use.

2. Sidewalks shall be installed in accordance with the design standards of Part 6 of this Chapter and the Borough Construction Standard Details.

(*Ord. 963, 10/18/2006, §505*)

§22-506. Street Lights.

Installation shall be in accordance with local power company standards. The cost of the lights, poles and installation shall be assumed by the developer. For the safety and convenience of the public, the developer shall install street lights of a type approved by the Borough and on poles prescribed by the Borough on all public and private streets. Installation shall be in accordance with the Borough Construction Standard Details. The cost of the lights, poles and installation shall be assumed by the developer.

(*Ord. 963, 10/18/2006, §506*)

§22-507. Street Signs.

Street signs shall be submitted to the Borough for review and approval. The developer shall install street name signs, approved by the Borough, at all street intersections. The cost of the street signs and posts shall be assumed by the developer.

(*Ord. 963, 10/18/2006, §507*)

§22-508. Handicapped Facilities.

At the time of construction or reconstruction of curbs and/or sidewalks at any intersection in the Borough, the developer shall provide lowered curbs to facilitate accessibility for the handicapped in accordance with the specifications contained in the Borough Construction Standard Details.

(*Ord. 963, 10/18/2006, §508*)

Part 6**Design Standards****§22-601. Applicability.**

Subdivisions, consolidations and land developments shall conform to the standards set forth in this Part. The standards specified in this Part are minimum design requirements.

(Ord. 963, 10/18/2006, §601)

§22-602. Review by Borough Engineer.

In reviewing any application, the Planning Commission and Borough Council shall refer the application for development to the Borough Engineer for a recommendation concerning technical compliance with these design standards and the Construction Standard Details referred to in this Part.

(Ord. 963, 10/18/2006, §602)

§22-603. Site Development.

1. *Slope of Land.* No land shall be graded, cut or filled so as to create a slope exceeding a vertical rise of 1 foot for each 2 feet of horizontal distance between adjoining lots, except where adequate provision is made to prevent slides and erosion as approved by the Borough Engineer. Slopes greater than 2 to 1 shall require a soils report prepared by a registered soils engineer and submitted for review by the Borough Engineer.

2. *Stripping of Topsoil.* No person shall strip, excavate or otherwise remove topsoil, dirt or slag for sale, or for use other than on the lot from which it is taken, except in connection with the construction or alteration of a building on that lot and the excavation or grading incidental to that construction.

3. *Major Excavation, Grading and Filling.* Any major (more than 250 cubic yards or greater than 4 feet in depth) cuts, excavation, grading, and filling which materially changes the drainage characteristics of the site and the site's relationship with surrounding properties shall not be permitted unless first approved by the Borough Engineer, in accordance with an application under the provisions of Chapter 9 of the Borough Code of Ordinances, "Grading and Excavating." As a condition for such approval, a plot plan of the entire tract of land on which such excavation, grading and filling are to be conducted shall be submitted by the developer to the Borough Engineer for approval. Such plot plan shall show, in addition to any other information required by the Borough Engineer to demonstrate compliance with the provisions of this Section, the following information:

A. The existing contours of the site.

B. Proposed contours of the site after completion of the excavation, cuts, grading and filling. The plot plan shall be at a scale of 50 feet to 1 inch or larger and have a contour interval of not more than 5 feet where the slope will be greater than 10 percent and not more than 2 foot intervals where the slope will be less than 10 percent. The Borough Engineer shall not approve any plan in which any such

excavation, grading and filling will result in a slope exceeding a vertical rise of 1 foot for each 2 feet of horizontal distance between adjoining lots or tracts of land, except where adequate provision is made to prevent slides and erosion, as approved by the Borough Engineer.

4. *Planting and Cutting of Trees; Removal of Debris.* Major shade trees should be adequately protected from injury and preserved to the extent practical. All lot areas which slope towards streets or adjacent lots may be required to be seeded with grass or planted with ground cover so as to prevent washing and erosion. During construction, the developer shall remove and dispose of all uprooted trees, stumps, brush, rubbish, unused building materials and debris promptly in the interest of public safety.

5. *Flood-Prone Areas.* Land which is naturally poorly drained or subject to periodic flooding shall not be used for residential development or for any uses which may involve danger to health, safety and general welfare of the community. Land identified as flood-prone on maps issued by the Federal Insurance Administration shall be subject to the regulations of the National Flood Insurance Program and the Flood Protection Ordinance [Chapter 8]. Proof of ownership of the property to be graded shall be submitted with the plot plan.

(Ord. 963, 10/18/2006, §603)

§22-604. Streets.

1. *Layout.* Streets shall be planned to conform with the layout of existing and planned streets and so located as to allow proper development of surrounding properties. Local streets shall be laid out so as to discourage through traffic. Collector streets should be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets.

2. *Topography.* Proposed streets shall be planned to conform to the contour of the land, to provide buildable lots, to have a suitable alignment and grade and to allow proper drainage.

3. *Grading.* The shoulders shall be graded to the full width of the right-of-way and provisions shall be made for protection of slopes beyond the right-of-way.

4. *Street Grades.* Grades shall be provided on streets in accordance with the following design standards:

A. The maximum grade for an arterial street shall be 5 percent.

B. The maximum grade for a collector street shall be 8 percent.

C. The maximum grade for a local street shall be 12 percent for no more than 1,200 feet in length.

5. *Vertical Curve Alignment.*

A. Vertical curves for collector and local streets shall be used in grade changes exceeding 1 percent. The minimum vertical curve shall be 150 feet in length for arterial streets, 100 feet in length for collector streets and 50 feet in length for local streets. Vertical curves shall be increased 20 feet for each 1 percent of grade change exceeding 3 percent.

B. Vertical sag or crest curves at intersection of local streets may be as short as 100 feet in length, provided that the construction plans show grading that provides minimum unobstructed distance in all streets as viewed from the

intersection.

6. *Intersection Standards.*

A. Where the grade of any street at the approach to an intersection exceeds 5 percent, a leveling area shall be provided with a transitional grade not to exceed 2 percent for a distance of 50 feet from the nearest right-of-way line of the intersection.

B. The street pavement edge shall be rounded at the intersections by an arc with a minimum radius of 25 feet on collector and local streets. Right-of-way lines shall be rounded by an arc which is concentric with the curb line.

7. *Street Alignment.*

A. The minimum centerline radius for horizontal curves on an arterial street shall be 350 feet; on a collector street shall be 250 feet; and on a local street shall be 125 feet. On a cul-de-sac, the minimum length on a horizontal curve may be reduced, on the review of site conditions, plan and traffic flow by the Borough Engineer.

B. Between reverse curves, a tangent of not less than 150 feet in length for a collector street and 100 feet in length for a local street.

8. *Right-of-Way and Paving Widths.* Minimum widths of rights-of-way shall be 50 feet for residential streets and 60 feet for collector streets. Minimum widths of paving shall be provided in accordance with the design standards specified in the Borough Construction Standard Details. All streets shall be paved in accordance with Borough Construction Standard Details.

9. *Additional Right-of-Way and Paving Widths.* Additional widths and paved cartway widths may be required by the Borough where necessary for public safety and convenience, for parking in commercial and residential areas and where additional width is necessary on existing roads which do not comply with current standards.

10. *Cul-de-Sacs.* A cul-de-sac will not be approved when a through street is practical and shall not be more than 800 feet in length, unless a modification or exception to this requirement is granted under Part 8 of this Chapter. A cul-de-sac shall have a minimum right-of-way radius of 50 feet and an outer minimum paving radius of 80 feet as specified in the design standards of this Chapter.

11. *Half Streets.* Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of this Chapter, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.

12. *Alleys.* Alleys are not permitted in residential districts, but may be included in commercial and industrial areas where needed for loading and unloading or access purposes.

13. *Dead End Streets.* Dead end streets are prohibited, except as a street to permit future extensions into adjoining tracts or when designed as cul-de-sacs.

14. *Temporary Turnarounds.* A temporary turnaround may be required where a road is constructed to an adjoining property line. The right-of-way width required for a temporary turnaround shall be a minimum of 45 feet and the outer paving radius of the temporary turnaround shall be 40 feet. The temporary turnaround shall be made

of an all-weather surface.

15. *Visibility.* No fence, hedges, shrubbery, walls, planting (other than trees and grass) or similar obstructions shall be located within the right-of-way and no such obstruction shall obscure visibility at any intersection. A clear sight triangle shall be maintained free of any obstructions at intersections so that there shall be a minimum clear sight triangle in accordance with the Borough Construction Standard Details.

16. *Street Names.* All new street names shall be approved by the Borough. Names of new streets shall be sufficiently different in sound and spelling from existing names of streets in the Borough so as not to cause confusion. A street which is planned as a continuation of an existing street shall bear the same name. Street signs shall be provided in accordance with §22-507 of this Chapter.

17. *Sidewalks.* The width of sidewalks shall conform to the standards specified in Borough Construction Standard Details. Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exists, shall be located adjacent to the curb or, where no curb exists, within 3 feet of the edge of paving. Sidewalks shall be constructed in accordance with the Borough Construction Standard Details.

18. *Street Construction.* All streets and alleys shall be constructed in accordance with the Borough Construction Standard Detail. The materials and methods of installation of the materials used to construct all streets and alleys in the Borough shall be in accordance with current edition of the Pennsylvania Department of Transportation's Publication 408.

19. *Curbs.* All curbs shall be constructed in accordance with the Borough Construction Standard Detail. The new curb shall be installed in conformity with the line and grade of the proposed cartway.

(Ord. 963, 10/18/2006, §604)

§22-605. Service Streets.

Service streets, as defined by this Chapter, may be provided in residential, commercial and industrial developments where needed for loading, unloading or secondary access. Where authorized, the minimum right-of-way width for service streets shall be 50 feet and the paved cartway shall be a minimum of 26 feet.

(Ord. 963, 10/18/2006, §605)

§22-606. Easements.

Sewer and other utility easements shall be required to have a minimum width of 20 feet. Where a subdivision, consolidation or land development is, or will be, traversed by a watercourse, there shall be provided a stormwater easement or drainage right-of-way of a width sufficient for the purpose, but no less than 20 feet.

(Ord. 963, 10/18/2006, §606)

§22-607. Lots.

The following standards shall apply to all lots proposed to be subdivided or developed in accordance with this Chapter:

A. *Area.* Minimum lot areas shall conform to the requirements of the Borough Zoning Ordinance [Chapter 27]. Remnants of land shall not be permitted and shall

be included in the area of proposed or existing lots, if not intended for dedication as a parcel for permanent open space or park land.

B. *Frontage.* All lots created by a subdivision shall front along the right-of-way of a public street, unless approved as a planned residential development or modified under the provisions of Part 8 of this Chapter. The width of the frontage shall conform to the requirements of the Borough Zoning Ordinance [Chapter 27].

C. *Double Frontage.* Double frontage lots, other than corner lots, shall be avoided; however, where a double frontage lot is the only practical alternative, vehicular access shall be limited to only one street and that street shall be the street with the lower volume of traffic, if physically feasible. The final plan shall contain a notation restricting vehicular access to one frontage.

D. *Side Lines.* Whenever practicable, the side lines of a lot shall be at right angles or radial to the right-of-way lines of streets.

E. *Building Lines.* Building lines of lots shall conform to the minimum requirements of the Borough Zoning Ordinance [Chapter 27] and shall be shown on the final plat.

F. *Grading.* Lots shall be graded to provide drainage away from buildings and, where practical, water shall be drained to the street rather than to adjoining property. The developer shall be required to provide drains or other drainage facilities, as approved by the Borough Engineer, to drain off surface water within the development. All lots must have storm sewer for all constructed drains to tie into.

G. *Driveways.* All driveways shall be a paved surface in accordance with §27-704 of the Borough Zoning Ordinance [Chapter 27].

H. *Accessibility.* Every lot shall be accessible to emergency and public safety vehicles.

I. *House Numbers.* House numbers shall be assigned by the Borough Secretary or the local Post Office, and must be posted at each house so as to be easily visible and readable from the street.

(Ord. 963, 10/18/2006, §607)

§22-608. Stormwater Management.

Stormwater management facilities shall conform to the requirements of the Borough Stormwater Ordinance, Ord. 840, as amended, codified at Chapter 23 of the Forest Hills Code of Ordinances, "Stormwater Management."

(Ord. 963, 10/18/2006, §608)

§22-609. Storm Sewer and Drainage Facilities.

1. *Size and Grade.* Storm drains shall be adequate for the anticipated run-off when the area is fully developed. The minimum diameter of storm sewers shall be 15 inches and the minimum grade shall be 1 percent, unless approved by the Borough Engineer.

2. *Manholes.* For pipe sizes of 24 inches or less, manholes shall be spaced at a maximum of 400 feet and for larger pipe sizes, the maximum distances between manholes shall be 600 feet. In addition, manholes shall be installed at all points of

abrupt changes in alignment and grade. Inlets may be substituted for manholes where practical. Manholes shall be constructed and installed in accordance with the Borough's Construction Standard Detail.

3. *Inlets.* Inlets of the type shown in the Borough Construction Standard Details shall be installed. Inlets at street intersections shall be placed on the tangent and not on the curved portions. Inlets shall be spaced at a maximum of 300 feet.

4. *Castings.* Manholes and inlet castings shall be as indicated in the Borough Construction Standard Details.

5. *Stormwater Roof Drains.* Stormwater roof drains and pipes shall not discharge water over a sidewalk but shall extend under the sidewalk to the gutter. Where accessible, the roof drain shall be connected with the storm sewer. When required by the Borough Engineer, roof drains shall be connected in rock sumps of sufficient size and design to properly retain and disperse the roof water.

6. *Unnatural Drainage.* Whenever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners shall be obtained in writing. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties.

7. *Watercourses.* Open watercourses will not be permitted within the rights-of-way of streets. The stopping, filling up, confining or other interference with, or changing the course of, drains, ditches, streams and water courses in the Borough will not be permitted unless approval in writing is obtained from the Borough Council. A permit must be obtained from the applicable agency of the Commonwealth of Pennsylvania for construction or changes in a water course.

8. *Bridges and Culverts.* All bridges and culverts shall be designed to support expected loads and to carry expected flows and shall be constructed to the full width of the right-of-way. They shall be designed to meet current standards of the Pennsylvania Department of Transportation.

9. All proposed sites should adhere to Stormwater Phase II requirements.
(*Ord. 963, 10/18/2006, §609*)

§22-610. Sanitary Sewers.

1. *Installation.* Installation of sanitary sewers shall be in accordance with the Borough Construction Standard Details. All installations, including house connections, shall be made prior to the paving of the street and shall be thoroughly tamped and compacted to avoid settlement.

2. *Minimum Size and Grade.* The minimum diameter of sanitary sewers shall be 8 inches and the minimum grade shall be 1 percent.

3. *Laterals.* Lateral connections, where required, shall be installed to the right-of-way line of the street prior to road paving. Each building shall have a separate connection to Borough sewer lines, except that garages accessory to dwellings may be connected to the dwelling line. All laterals shall be pursuant to Allegheny County Plumbing Code requirements.

4. *Manholes.* Manholes shall be constructed in accordance with the Borough's Construction Standard Detail. Manholes shall be spaced at a maximum of 300 feet.

5. In areas where fill exceeds 12 feet over a proposed sanitary sewer, ductile iron

pipe, or another pipe material approved by the Borough Engineer shall be used. In areas where the cover over the pipe is less than 12 feet, SDR 35 pipe shall be used.

(Ord. 963, 10/18/2006, §610)

§22-611. Water System.

1. *Water Mains.* All water mains shall have a minimum diameter of 6 inches. All water mains shall be extended and connected to existing water mains to provide a circulatory system where required by the Borough Engineer and approved by Borough Council.

2. *Installation.* All installations shall be made in accordance with the local water company requirements. All water mains and house connections shall be made prior to the paving of the street and shall be thoroughly tamped. Letters of occupancy shall not be issued until water lines are installed.

3. *Hydrants, Gate Valves and Meters.* Fire hydrants, gate valves and meters shall be of the type and design required by the local water company. Fire hydrants shall be located at accessible points and located to give adequate fire protection as directed by the Borough Fire Marshal or Fire Chief. Gate valves shall be located as directed by the local water company.

(Ord. 963, 10/18/2006, §611)

§22-612. Testing.

All construction materials used in sewers, streets, sidewalks and other required improvements shall be submitted for review and approval by the Borough Engineer.

(Ord. 963, 10/18/2006, §612)

Part 7**Mobile Home Parks****§22-701. Applicability.**

1. Mobile home park developments shall comply with all applicable requirements of the Borough Code of Ordinances, Allegheny County and the Commonwealth of Pennsylvania. Which there is a conflict between the requirements of this Part and other Parts of this Chapter, the more restrictive requirement shall apply.

2. Any private improvements shall be constructed in accordance with this Chapter and the Borough Construction Standard Details.

(*Ord. 963, 10/18/2006, §701*)

§22-702. General Requirements.

1. A mobile home park shall have a minimum lot area of 15 acres.

2. A mobile home park shall have a minimum buffer area, in its natural state, of 50 feet established around the entire perimeter of the property.

3. Mobile home parks shall provide a 6-foot screen planting of trees, evergreens, hedges or shrubs along the side and rear property lines.

4. No part of any mobile home park shall be used for nonresidential purposes, except uses required for the management and maintenance of the park.

5. No central toilet or washroom facilities shall be constructed in any mobile home park.

6. The ground surface in a mobile home park shall be graded in accordance with the Borough Grading Ordinance [Chapter 9].

7. The drainage of all surface water shall be in compliance with Part 6 of this Chapter, which establishes requirements for stormwater management.

(*Ord. 963, 10/18/2006, §702*)

§22-703. Preliminary Plan.

1. The developer of a mobile home park shall meet with the Borough Zoning Officer prior to formal application to discuss the plans and shall prepare a sketch plan that is sufficient to give provide a general understanding of the proposed development.

2. The developer shall prepare and submit a preliminary plan under the requirements of Part 3 of this Chapter.

(*Ord. 963, 10/18/2006, §703*)

§22-704. Final Plan.

1. Once the developer received approval for the preliminary plan by Borough Council, the developer may apply for final plan approval.

2. The Planning Commission shall review the final plan for conformance with the approved preliminary plan and all requirements of this Chapter and the Borough Zoning Ordinance [Chapter 27]. If the developer has satisfied conditions listed in the

preliminary plan approval and the requirements of this Chapter and the Borough Zoning Ordinance [Chapter 27], then the Board shall provide a recommendation to Borough Council.

3. The Borough Council shall review and provide a decision on the plan in accordance with the requirements of this Chapter.

4. If approved by the Borough Council, the developer shall record the plan in accordance with the requirements of this Chapter.

(Ord. 963, 10/18/2006, §704)

§22-705. Design Requirements.

1. *Individual Lots.* Location of individual lots shall be guided by the following:

A. Each mobile home lot shall be improved to the specifications in the Uniform Construction Code.

B. Each lot shall be directly accessible from a public street or private street that meets requirements under the Borough Construction Code [Chapter 5, Part 1].

C. Each mobile home lot shall have a minimum lot width of 50 feet.

D. Each mobile home lot shall have a minimum of 5,000 square feet in area.

E. There shall be a minimum distance of 30 feet between an individual mobile home or other structure and any lot line.

F. The setback from any street shall be 35 feet.

2. *Mobile Home Stands.*

A. Mobile home stands shall be either concrete pads or piers. The piers shall be set at least 36 inches deep.

B. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the removal of the mobile home is practical.

C. The size of each mobile home stand shall be sufficient to accommodate the dimensions of the mobile home and any appurtenant structures or appendages.

D. A 1 percent to 5 percent gradient longitudinal crown or cross gradient for surface drainage shall be provided.

E. Anchors, tie downs, such as cast-in-place concrete “dead men,” eyelets embedded in concrete, screw augers or arrowhead anchors shall be placed at least at each corner of the mobile home stand, and each device shall be able to sustain a minimum load of 4,800 pounds.

3. *Parking Spaces.*

A. Automobile parking spaces shall be a minimum size of 10 by 20 feet, and shall not interfere with normal traffic movement.

B. At least two parking spaces shall be provided for each mobile home and/or mobile home lot.

4. *Recreation.*

A. For each proposed mobile home park, at least 5 percent of the land within

the development shall be reserved or dedicated for recreational purposes with appropriate location, dimensions and topographic characteristics that, in the judgment of Borough Council, lend themselves to recreational uses.

(Ord. 963, 10/18/2006, §705)

Part 8**Modification****§22-801. Procedure for Modification.**

Any request for a modification or exception to one or more provisions of this Chapter shall be considered by the Borough Council at a public meeting, provided that such modification or waiver will not be contrary to the public interest and that the purposes of this Chapter are observed:

A. *Hardship*. The literal enforcement of the provision will exact undue hardship because of peculiar conditions pertaining to the land in question.

B. *Alternative Standard*. An alternative standard can be demonstrated to provide equal or better results. All requests for modifications or waiver shall be submitted on an application form provided by the Borough and be part of the subdivision and/or land development application. The request shall state in full the grounds and facts of hardship or evidence of equal or better result on which the request is based, the provision or provisions of this Chapter involved, and the minimum modification necessary. The Borough shall keep a written record of all actions on requests for modification.

(Ord. 963, 10/18/2006, §801)

Part 9**Administration and Enforcement****§22-901. Inspection and Filing Fees.**

The Borough Council shall establish, by resolution, a collection procedure and schedule of fees to be paid by the developer at the time of the filing of preliminary and final subdivision, consolidation and land development applications, for development agreements, recording fees and inspection of improvements and any other necessary and reasonable fees required to administer this Chapter.

(Ord. 963, 10/18/2006, §901)

§22-902. Enforcement.

1. *Enforcement Remedies.* Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. Each day that a violation continues shall constitute a separate offense. The procedure for imposition of liability in a civil enforcement proceeding shall be as set forth in the MPC, 53 P.S. §10101 *et seq.* A civil enforcement proceeding may be initiated by the Zoning Officer without prior consent of the Borough Council.

2. *Preventive Remedies.* In addition to other remedies, the Borough may institute and maintain appropriate actions at law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

3. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or consolidated or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

- A. The owner of record at the time of such violation.
- B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the

development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 963, 10/18/2006, §902)

§22-903. Conflicts.

Whenever any provision of this Chapter is at variance with another lawfully adopted rule, regulation, ordinance, restriction or covenant, which imposes the most restrictive requirement shall govern.

(Ord. 963, 10/18/2006, §903)