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ARTICLE I - GENERAL PROVISIONS

Section 1.1 ADOPTION

- 1.1.1 Enabling authority/adoption.** The Board of Commissioners of Allegheny County, in accordance with the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53 P.S. 10101 et seq. (MPC), enacts the following ordinance to regulate the subdivision and development of land in Allegheny County (county).
- 1.1.2 Planning agency authority.** The Allegheny County Department of Economic Development (Department) is designated as the county planning agency with authority to administer this ordinance and to review and approve applications for subdivision and land development .
- 1.1.3 Repeal of prior ordinance.** The Allegheny County Subdivision and Land Development Regulations adopted in 1983 (Agreement No. 18870) and amended in 1987 (Agreement No. 19241) are hereby repealed.
- 1.1.4 Title.** This ordinance shall be known and may be cited as the "Allegheny County Subdivision and Land Development Ordinance of 1998."
- 1.1.5 Separability.** Any section, subsection, or provision of this ordinance that is declared to be invalid by a court of competent jurisdiction shall not affect the validity of any other part of this ordinance or the ordinance as a whole.
- 1.1.6 Amendments.** This ordinance may be amended by the County Council in accordance with the procedures specified in the MPC.
- 1.1.7 Effective date.** This ordinance shall become effective 14 days after the date of enactment.

Section 1.2 PURPOSES

- 1.2.1 General purpose.** It is the purpose of this ordinance to protect and promote the public health, safety, and welfare through the establishment of standards and procedures for the review and approval of subdivisions and land development in Allegheny County.
- 1.2.2 Specific purposes.** The provisions of this ordinance are intended to achieve the following specific purposes.

- A. To encourage new development that is well-designed, of high quality, and suited to the natural conditions of its site.
- B. To encourage the coordinated growth of communities; compact, efficient, and economic patterns of development; and to avoid excessive public costs of scattered development.
- C. To prevent development which may be hazardous because of the physical character of land and to protect and preserve valued natural, historic, and cultural features of the environment.
- D. To ensure the provision of public improvements which are necessary and appropriate for the development, and which are coordinated with nearby areas.
- E. To provide flexibility in standards and requirements so that the design of development can be fitted to the character of its site and to the community in which it is located.
- F. To reflect and implement municipal, county, and regional plans and policies.
- G. To provide standards and procedures for the uniform preparation and recording of plans so that the land records of the county are accurate, complete and legible.

Section 1.3 JURISDICTION

1.3.1 Approval authority. These regulations shall govern the review and approval of subdivisions and land developments in municipalities which have not enacted a subdivision and land development ordinance and transmitted a certified copy of the municipal ordinance to the Department.

1.3.2 Municipal adoption by reference. These regulations shall also govern the review and approval of subdivisions and land developments in municipalities which choose to adopt this ordinance by reference and by ordinance designate the Department to administer the regulations on their behalf. Such designation shall not become effective without the concurrence of the Department.

1.3.3 Review authority. In municipalities which have enacted a subdivision and land development ordinance, all applications for preliminary or final approval of subdivisions and land developments shall be forwarded upon receipt by the municipality to the Department for review and report. The provisions of this section shall also apply to municipalities which choose to adopt this ordinance by reference

but do not designate the Department as their agent for review and approval.

1.3.4 Review period. A municipality with its own ordinance shall not approve an application for subdivision or land development until the expiration of 30 days from the date the application was forwarded to the Department unless the report of the Department has been received.

1.3.5 Exemption. The City of Pittsburgh is exempt from the provisions of the MPC and, therefore, from this ordinance.

Section 1.4 EFFECT OF ADOPTION

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

1.4.2 Recording required. All plans of subdivisions and land developments shall be recorded in the office of the recorder of deeds of Allegheny County within 90 days of the date of final approval, or as provided for in §513(a) of the MPC.

1.4.3 County approval or review notation required. The recorder of deeds shall not accept any plan for recording unless the plan officially notes the approval of the approving authority and review by the Department where the Department is responsible for review, but not approval, of plans.

1.4.4 Effect on applications pending or previously approved

A. Pending Applications. The provisions of this ordinance shall not affect any application for subdivision or land development which is pending approval prior to the effective date of this ordinance. Such applications shall comply with regulations in effect at the time they were filed.

B. Approved Applications. No provision of this ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this ordinance in accordance with the terms of such approval within five years from the date of first approval.

Section 1.5 INTERPRETATION AND RELATION TO OTHER PROVISIONS

- 1.5.1 Interpretation.** The provisions of this ordinance shall be held to be minimum requirements for subdivisions and land developments in municipalities where the Department is responsible for the approval of applications.
- 1.5.2 Conflict with other public provisions.** If any provision of this ordinance imposes restrictions which are different from those imposed by any other applicable ordinance, regulation, or provision of law, the provision that is more restrictive or which imposes higher standards shall control.
- 1.5.3 Conflict with private provisions.** If the requirements of this ordinance are different from those contained in deed restrictions, covenants, or other private agreements, the requirements that are more restrictive or which impose higher standards shall govern, provided that the private provisions are otherwise lawful.
- 1.5.4 Liability.** The review or approval of a subdivision or land development by the Department in accordance with the provisions of this ordinance shall not constitute a guarantee of any kind that the proposed development is safe and shall create no liability upon the county, its officials, or employees.

Section 1.6 MODIFICATIONS AND WAIVERS

- 1.6.1 Department may grant.** The Department may grant a modification or waiver of the requirements of one or more provisions of this ordinance for the following reasons, provided that such modification or waiver will not be contrary to the public interest and that the purposes of the ordinance are observed:
- A. Hardship. The literal enforcement of the provision will exact undue hardship because of peculiar conditions pertaining to the land in question; or
 - B. Alternative standard. An alternative standard can be demonstrated to provide equal or better results.
- 1.6.2 Requests in writing.** All requests for modifications or waivers shall be in writing and shall accompany and be a part of the application. The requests 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 the ordinance involved and the minimum modification necessary.
- 1.6.3 Records required.** The Department shall keep a written record of all actions on requests for modifications.

Section 1.7 MEDIATION OPTION

1.7.1 Mediation as an option. The Department may offer mediation as an aid in reaching decisions on applications for approval of subdivision or development of land and as an alternative to appeals from such decisions. Mediation shall supplement, not replace, those procedures once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting the county's police powers or as modifying any principle of substantive law.

1.7.2 Voluntary participation. Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. The Department shall assure that, in each case, the mediating parties, assisted by the mediator, as appropriate, develop terms and conditions for:

- A. Funding mediation.
- B. Selecting a mediator who, at a minimum, shall have a working knowledge of zoning and subdivision procedures and demonstrated skills in mediation.
- C. Completing mediation, including the time limits for such completion.
- D. Suspending time limits otherwise authorized in this ordinance, provided there is written consent by the mediating parties, and by an applicant or the Department if either is not a party to the mediation.
- E. Identifying all parties and affording them the opportunity to participate.
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Department pursuant to the procedures for approval contained in this ordinance.

1.7.3 Final agreement admissible as evidence. No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

Section 1.8 APPEALS. Any person aggrieved by a decision of the Department concerning an application for approval of a subdivision or land development may appeal the decision in accordance with the procedures specified in Article X-A of the MPC.

Section 1.9 VIOLATIONS, REMEDIES, AND ENFORCEMENT

1.9.1 Preventive remedies. The county may institute and maintain actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure, or premises.

- A. No exemption in metes and bounds descriptions. 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 the penalties or remedies provided.
- B. Further development not permitted. The county or a municipality in which a violation of this ordinance occurs may refuse to issue any permit or grant any approval necessary to further improve or development real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. The authority to deny such a permit or approval shall apply to any of the following applicants:
1. The owner of record at the time of such violation.
 2. 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 notice of the violation.
 3. 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.
 4. 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.
- C. Compliance with ordinance required for permit. As an additional condition for issuance of a permit or the granting of an approval for any such owner, current owner, vendee, or lessee for the development of any such real property, the county 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.

1.9.2 Enforcement remedies

- A. Initial jurisdiction. District justices shall have initial jurisdiction in

proceedings brought under this section.

- B. Judgment. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the county, pay a judgment of not more than 500 dollars, plus all court costs, including reasonable attorney fees incurred by the county as a result thereof.
1. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice.
 2. If the defendant neither pays nor timely appeals the judgment the county may enforce the judgment pursuant to the applicable rules of civil procedure.
 3. Each day that a violation continues shall constitute a separate violation unless the district justice determining that there has been a violation further determines that there was a good faith basis for the persons, partnership or corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and, thereafter, each day that a violation continues shall constitute a separate violation.
- C. Stay of judgment. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- D. Enforcement by county. Nothing in this section shall be construed or interpreted to grant to any person or entity other than the county the right to commence any action for enforcement pursuant to this section.

ARTICLE II - DEFINITIONS

Section 2.1 **GENERAL TERMS.** Unless otherwise expressly stated, the following terms shall have the meaning indicated below.

- 2.1.1 Words and phrases used in the singular include the plural, and words and phrases used in the plural include the singular.
- 2.1.2 Gender specific pronouns or references shall refer to all genders.
- 2.1.3 The word "person" indicates any person or any corporation, unincorporated association, partnership, estate, or other legal entity.
- 2.1.4 The word "lot" includes the word "plot" or "parcel".
- 2.1.5 The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or a part thereof."
- 2.1.6 The word "may" is permissive; the words "shall" and "will" are mandatory.
- 2.1.7 Periods of time stated as a number of days refer to consecutive calendar days, unless specified as "working days."
- 2.1.8 Words in the present tense include the future tense.

Section 2.2 **SPECIFIC TERMS.** Other terms or words used in this ordinance are defined as follows:

- 2.2.1 **Access Drive.** See "Street."
- 2.2.2 **Accessory Building.** See Building, Accessory.
- 2.2.3 **ADT.** Average daily traffic volume.
- 2.2.4 **Alley (Service Street).** See "Street."
- 2.2.5 **Applicant.** A developer and/or landowner, as hereinafter defined, including heirs, successors, and assigns, who has filed an application for subdivision and/or land development.
- 2.2.6 **Application.** Every application, whether preliminary or final, required to be filed for the approval of a subdivision plat or plan, or for the approval of a development plan.

- 2.2.7 **Architect.** An architect, registered by the Commonwealth of Pennsylvania. See "Registered professional."
- 2.2.8 **Arterial street.** See "Street."
- 2.2.9 **Bikeway.** Either of the following:
- A. Bicycle lane. A lane at the edge of a street cartway or shoulder reserved and marked for the exclusive use of bicycles.
- B. Bicycle path. A pathway, separated from the street cartway or shoulder, designed for the use of bicycles.
- 2.2.10 **Block.** A unit of land containing one or more lots, bounded by existing or proposed streets, waterways, railroads, public lands, or other barriers to contiguous development.
- 2.2.11 **Building.** Any enclosed or open structure having a roof supported by columns, piers, or walls.
- A. Building, accessory. A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building and located on the same lot as the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.
- B. Building, principal. A building in which the primary use of the lot on which the building is located is carried on.
- 2.2.12 **Building setback line.** A line within a lot, parallel to the street line, designated on a plan as the minimum required distance between a building and the street centerline or right-of-way line as specified by any applicable zoning ordinance.
- 2.2.13 **Bufferyard.** A portion of a site, together with any structures or plantings, intended to provide a visual barrier or other protection between adjacent parcels of land.
- 2.2.14 **Capacity.** When used in reference to a street, the maximum traffic volume for which such street can provide adequate service.
- 2.2.15 **Cartway.** The portion of a street, drive, or alley that is available for vehicular traffic.
- 2.2.16 **Clear sight triangle.** An area of unobstructed vision at a street intersection defined by lines of sight between specified points on the centerlines of the intersecting

streets.

- 2.2.17 **Collector street.** See "Street."
- 2.2.18 **Comprehensive plan.** A document consisting of maps, charts, and text, prepared in accordance with Article III of the MPC and adopted by a municipality or county as a guide for future development.
- 2.2.19 **Condominium.** A form of real property ownership which combines a system of separate ownership of individual units of occupancy with a system of undivided interests in land and common facilities.
- 2.2.20 **Critical root zone.** A circular area measured from the trunk of a tree, in which roots critical to the survival of the tree shall be protected. The critical root zone shall be equal to the tree's drip line plus one foot.
- 2.2.21 **Crown.** The part of the tree that consists of branches, stems, and leaves.
- 2.2.22 **Cul-de-sac.** See "Street."
- 2.2.23 **DBH.** The diameter of a tree trunk at breast height, measured at 4.5 feet above natural grade.
- 2.2.24 **Dedication.** The deliberate appropriation of land by its owner for general public use.
- 2.2.25 **Deed.** A written instrument whereby an estate in real property is conveyed.
- 2.2.26 **Deed Restriction.** A restriction upon property placed in a deed.
- 2.2.27 **Department.** The Allegheny County Department of Economic Development.
- 2.2.28 **Detention basin.** A man-made or natural facility designed to collect surface water in order to impede its flow and to release it gradually in conformance with an adopted watershed plan.
- 2.2.29 **Developer.** Any landowner, agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.
- 2.2.30 **Development plan.** The provisions for development of a planned residential development, a plat of subdivision or land development including all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this

ordinance shall mean the written and graphic materials referred to in this definition.

- 2.2.31 **Director.** The Director of the Allegheny County Department of Economic Development.
- 2.2.32 **Drainage easement.** The land required for the installation of storm sewers or other drainage facilities, or along the floodway of a natural stream or watercourse, or to safeguard the public against flood damage.
- 2.2.33 **Driveway.** A private drive providing access between a public or private street or access drive and the parking area for a single residential dwelling unit. A shared driveway is a private drive serving two residential dwelling units.
- 2.2.34 **Easement.** A right-of-way for limited use of property granted by a landowner, within which the owner shall not have the right to make use of the property in a manner that violates the right of the grantee.
- 2.2.35 **Engineer.** A professional engineer registered by the Commonwealth of Pennsylvania. See "Registered professional."
- 2.2.36 **Erosion.** The detachment and movement of soil or rock fragments, or the wearing away of the surface of the land by wind, water, ice, or gravity.
- 2.2.37 **Final plan.** The plan of a proposed subdivision or land development including all supplemental information required by this ordinance or by an applicable municipal ordinance to obtain final approval and in a form acceptable for recording in the office of the recorder of deeds.
- 2.2.38 **Financial security.** Any financial security which may be accepted in lieu of certain improvements being made prior to approval and recording of a final plan, pursuant to Section 509 of the Pennsylvania Municipalities Planning Code.
- 2.2.39 **Flood plain.** Land adjoining a river or stream that has been or may be expected to be inundated by the flood waters of the river or stream; or any area subject to the unusual and rapid accumulation of surface waters from any source. Flood plains include any areas delineated within the 100-year flood boundary or as a special flood hazard area on a map prepared by the Federal Emergency Management Agency (FEMA).
- 2.2.40 **Floodway.** The channel of a water course and portions of the adjoining flood plain which are reasonably required to carry and discharge the 100-year frequency flood. The boundary of the floodway shall be as delineated on maps and studies prepared by the Federal Emergency Management Agency (FEMA). In areas where no FEMA maps and studies have defined the floodway, the assumed floodway boundary shall

be 50 feet, as measured from the top of the bank of the stream.

- 2.2.41 **Flood-proofing.** Any combination of structural and/or nonstructural additions or changes to structures or contents which are designed to reduce or eliminate flood damage to those structures or contents.
- 2.2.42 **Floor area.** Total gross area of all floors enclosed within the exterior walls of any building, including accessory buildings and including any areas that may be enclosed by temporary exterior walls such as garage doors or removable solarium glass enclosures; or as defined in an applicable municipal zoning ordinance.
- 2.2.43 **Grade.** The inclination of the land's surface from the horizontal, as it exists or as rendered by cut and/or fill activities. Road grade refers to the rate of rise and fall of a road surface, measured along the centerline of the cartway.
- 2.2.44 **Grading plan.** A plan to be prepared and submitted with an application for development whenever any land disturbance is proposed.
- 2.2.45 **Hammerhead turnaround.** A paved area at the end of a dead-end street where the cartway branches in two directions, providing sufficient space for vehicles to execute three point turning maneuvers without entering the driveways of any lots abutting the street.
- 2.2.46 **Historic Feature.** Any building, site, structure, object, district or area that:
- A. Is listed in the National Register of Historic Places; or
 - B. Has received a Determination of Eligibility for the National Register from the National Park Service; or
 - C. Is listed on any officially adopted municipal, county, or state register or inventory of historic features.

This term shall include the site, structures, yards, vegetation, fences, road alignments, and signage associated with such features.

- 2.2.47 **Improvements.** Physical changes to land, including but not limited to grading, removal of vegetation, buildings, landscaping, pavement, curbs, gutters, storm sewers and drains, changes to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities.
- 2.2.48 **Land Development.** Any of the following:
- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels

of land for any purpose involving:

1. 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; or
2. 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;

B. A subdivision of land. (See "Subdivision")

C. Land Development shall not include:

1. the conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.

2.2.49 **Land development, minor.** Any of the following:

- A. An addition to an existing building, where such addition will occupy less than 5,000 square feet of land area.
- B. An expansion of an existing parking lot that will add 25 or fewer parking spaces.

2.2.50 **Land disturbance.** Any activity involving changes in the natural contours or the land, clearing of vegetation, tilling of the soil, or any other activity which may cause erosion.

2.2.51 **Land use.** Any activity, business, function, or purpose for which any piece of land

or structure is used or intended to be used.

- 2.2.52 **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 conditions), a lessee (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.
- 2.2.53 **Landscape Architect.** A landscape architect registered by the Commonwealth of Pennsylvania. See "Registered professional."
- 2.2.54 **Landslide-Prone Area.** Land that is susceptible to movement or sliding, as identified in the Soil Survey of Allegheny County, prepared by the Soil Conservation Service of the United States Department of Agriculture; or as identified on the Landslide Susceptibility Map of Allegheny County; or as identified in the Mining and Physiographic Study, Allegheny County, Pennsylvania, prepared by A.C. Ackenheil & Associates; or as established by geotechnical investigation.
- 2.2.55 **Landslide Susceptibility Map of Allegheny County.** A map delineating areas judged to be susceptible to landsliding or movement, prepared by the United States Geological Survey on 7.5 minute quadrangle maps of the county in 1974.
- 2.2.56 **Level-of-Service (LOS).** A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. Levels of service are designated A through F, with LOS A indicating the best service and LOS F indicating the worst.
- 2.2.57 **Local access street.** See "Street."
- 2.2.58 **Lot.** A designated parcel, tract, or area of land established by a plat or otherwise permitted by law and to be used, developed, or built upon as a unit.
- 2.2.59 **Lot Area.** The area contained within the property lines of the individual parcel of land, excluding space within a street right-of-way, or as specified in the municipal zoning ordinance.
- 2.2.60 **Lot depth.** The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.
- 2.2.61 **Lot frontage.** The width of a lot measured along the street line.
- 2.2.62 **Lot width.** The horizontal distance between side lot lines, measured at the required setback line.

- 2.2.63 **Lot, yard.** An area within a lot between the building setback lines and the lot lines.
- 2.2.64 **Marginal access street.** (See "Street")
- 2.2.65 **Mediation.** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their difference, culminating in a written agreement which the parties themselves created and consider acceptable.
- 2.2.66 **Minor land development.** See "Land development, minor."
- 2.2.67 **Minor Subdivision.** See "Subdivision, minor."
- 2.2.68 **Monument.** A concrete, stone, or other permanent object, placed to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property surveys.
- 2.2.69 **Municipal governing body.** The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or as may be designated in the law providing for the form of government.
- 2.2.70 **Municipality.** Any city, borough, township, or other similar general purpose unit of government excluding county government.
- 2.2.71 **Official map.** A map adopted pursuant to Article IV of the Pennsylvania Municipalities Planning Code.
- 2.2.72 **Ordinance.** The Allegheny County Subdivision and Land Development Ordinance of 1998.
- 2.2.73 **Parcel.** See "Lot."
- 2.2.74 **Peak traffic hour.** The hour during which the heaviest volume of traffic occurs.
- 2.2.75 **Plat.** The map or plan of a subdivision or land development, whether preliminary or final.
- 2.2.76 **Plat adjustment.** See "Subdivision, plat adjustment."
- 2.2.77 **Preliminary plan.** The plan of a proposed subdivision or land development, including all supplementary information required by this ordinance or applicable municipal ordinance to obtain preliminary approval.

- 2.2.78 **Public hearing.** A formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.
- 2.2.79 **Public meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."
- 2.2.80 **Public notice.** A notice published once each week for two successive weeks in a newspaper of general circulation in the county. The notice shall state the time and place of a hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
- 2.2.81 **Public water system.** A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes any collection, treatment, storage, and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under such control which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption.
- 2.2.82 **Record plan.** A final plan which contains the original endorsement of the municipality and the Department, which is intended to be recorded with the Allegheny County Recorder of Deeds.
- 2.2.83 **Registered professional.** An individual, licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.
- 2.2.84 **Right-of way.** Land reserved or dedicated for use as a street, pedestrian way, or other means of public or private transportation; or for an electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other special use. A right-of-way includes the entire area reserved or dedicated for the use.
- 2.2.85 **Runoff.** The surface water after a rain or snow that does not enter the soil but runs off the surface of the land.
- 2.2.86 **Sedimentation.** The process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.
- 2.2.87 **Setback line.** See "Building setback line."
- 2.2.88 **Sight distance.** The length of road visible to the driver of a vehicle at any given

point in the road when viewing is unobstructed by traffic.

- 2.2.89 **Sketch plan.** An informal plan, for use in a pre-application meeting, prepared in accordance with Section 4.1 of this ordinance.
- 2.2.90 **Soil Survey of Allegheny County.** A series of aerial photographs on which soils are classified according to a variety of characteristics and accompanying explanatory text, prepared by the United States Department of Agriculture, Soil Conservation Service, August 1981. (Note: The Soil Conservation Service is now the Natural Resources Conservation Service.)
- 2.2.91 **Soils engineer.** An engineer registered by the Commonwealth of Pennsylvania who has training and experience in soils engineering.
- 2.2.92 **Steep slope.** Any land area with a grade that exceeds four horizontal to one vertical (4:1), or 25 percent.
- 2.2.93 **Street.** A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular travel, encompassing the following types:
- A. Arterial. A public street intended to carry a large volume of local and through traffic to or from collector streets and expressways.
 - B. Collector. A street that collects and distributes traffic between local access and arterial streets. Such streets provide intra-regional connections between residential areas and shopping areas, employment centers, and other local traffic generators.
 - C. Local. A street that provides access to abutting property and connections to collector streets.
 - D. Alley. A service road that provides secondary means of through access to lots.
 - E. Cul-de-sac. A street with a single means of ingress and egress and a turnaround.
 - F. Marginal access street. A service street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic.
 - G. Access drive. A private drive providing access between a public or private street and a parking area within a land development, or any driveway

servicing two or more buildings or uses.

- 2.2.94 **Street, private.** A street not accepted for dedication by a municipality.
- 2.2.95 **Structure.** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- 2.2.96 **Subdivision.** The division or redivision 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, 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 easements of access or any residential dwelling shall be exempted.
- 2.2.97 **Subdivision, minor.** A subdivision of land into not more than four lots, not requiring any new street or access easement.
- 2.2.98 **Subdivision, plat adjustment.** Any of the following:
- A. Adjustment of lot lines between lots where no new lots are created.
 - B. Consolidation of lot lines.
 - C. Survey corrections.
 - D. Final survey of property lines for townhouses and other attached dwellings after construction when in conformance with previously recorded plan.
- 2.2.99 **Surveyor.** A surveyor registered by the Commonwealth of Pennsylvania. See "Registered professional."
- 2.2.100 **Trip.** A single or one-directional vehicle movement.
- 2.2.101 **Use.** See "Land use."
- 2.2.102 **Watercourse.** A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- 2.2.103 **Watershed.** All land and water within the confines of a drainage basin.
- 2.2.104 **Wellhead Protection Area.** A designated area of the land surface which, through recharge or other means, provides water to sustain the yield of a protected public water supply well.

- 2.2.105 **Wetland.** Any area defined as a wetland by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
- 2.2.106 **Woodlands.** An area of trees whose total combined canopy covers one acre or more, in which at least 70% of the canopy trees have a DBH of 2.5 inches or more. Woodlands may also include tree plantations for commercial or conservation purposes, and groves or stands of trees covering less than one acre. Categories of woodlands shall be as follows:
- A. Mature woodland. An area of trees whose total combined canopy covers one acre or more, in which at least 50% of the canopy trees have a DBH of 10 inches or more.
 - B. Groves and stands. A contiguous grouping of 8 or more individual trees having a DBH of at least twelve inches, and whose combined canopy covers at least 50% of the area encompassed by the grove, and which is not located within a woodland.
- 2.2.107 **Yard.** See "Lot, yard."

ARTICLE III PROCEDURES FOR REVIEW, APPROVAL, AND RECORDING OF PLANS

Section 3.1 GENERAL

3.1.1 **Purpose.** This article specifies procedures for review and approval of proposed subdivisions and land developments and for the recording of plans after their approval.

3.1.2 Organization of article

- A. Advisory review procedures. Section 3.2 includes procedures for review of plans located in municipalities which have enacted subdivision and land development regulations. In these municipalities, the Department provides advisory review.
- B. Review and approval procedures. Section 3.3 specifies procedures for review and approval of plans located in municipalities which have not enacted subdivision and land development regulations. In these municipalities the Department is responsible for the approval of plans.
- C. Abbreviated procedures for minor plans and plat adjustments. Abbreviated review or review and approval procedures are offered for plans which are defined in Article II as minor subdivisions, minor land developments, or plat adjustments. These procedures are specified in Section 3.4.
- D. Procedures for recording. Section 3.5 contains requirements for recording subdivision and land development plans in the office of the recorder of deeds.
- E. Digital submission of final plats. Section 3.6 includes requirements for the submission of final plats in digital format, which will become effective at a future date, when specifically authorized by the County Council.
- F. Summary of Procedures and Requirements. A chart that summarizes which basic procedures and requirements contained in this Ordinance apply to land use applications in municipalities that have enacted a subdivision and land development ordinance; and which apply to land development applications in municipalities that have not enacted a land development ordinance is provided in Appendix 7.

Section 3.2 ADVISORY REVIEW PROCEDURES

3.2.1 **Application.** The procedures specified in this section shall apply to the review of all subdivision and land developments located in municipalities which have enacted subdivision and land development regulations, including municipalities that adopt this ordinance by reference, but do not designate the Department as their agency for approval.

3.2.2 **Transmittal of applications for preliminary review.** A complete copy of an application for preliminary approval of a subdivision or land development plan shall be forwarded upon receipt by the municipality to the Department.

A. How to submit. Applications may be submitted on any business day.

1. Notice of transmittal. Applications must be accompanied by a cover letter or transmittal notice addressed to the Director of the Department, which notes the date of forwarding and the signature of the municipal official who transmits the application. If an application is mailed, the date of forwarding shall be the date of post mark.

2. Application form. Applications must include a copy of the Department's form entitled "Subdivision and Land Development Application " which has been completed by the applicant.

3. Review fee. Applications for review shall be accompanied by a review fee paid by the applicant, which shall be in accordance with a schedule of review fees established by resolution of the County Council. The review fee shall be in the form of a check or money order payable to the Treasurer of Allegheny County.

B. Complete materials required. The materials forwarded shall include all drawings, plans, reports, and other information submitted to the municipality and as required by the municipal subdivision and land development ordinance.

1. Incomplete applications. If the application materials are incomplete or the fee has not been paid, the Department shall notify the municipality and request that additional materials be forwarded. The date on which any additional materials are received shall then become the official date of forwarding of the application.

2. Review not possible. If complete materials are not submitted and the Department determines that an informed review is not possible, the Department shall notify the municipality and applicant in writing of the determination that a review cannot be provided because a complete application has not been forwarded.

3.2.3 **Review of preliminary applications.** Within 30 days of the date of forwarding of a complete application, the Department shall review the application for approval of the preliminary plan of subdivision or land development and shall transmit its comments in writing to the municipal official who transmitted the application.

- A. Copies of review. At the option of the Department, a copy of the review may be sent to the applicant and/or to any municipality or agency that may have interest in the project and in the Department's review.
- B. Defects specified. The review shall note whether or not the application meets all requirements of the municipal regulations and shall specify the specific provisions of the municipal ordinances which have not been met.
- C. Additional comments. The review may also comment on planning aspects of the proposed project which are not specifically addressed by the municipal regulations, including but not limited to the relationship of the proposed subdivision or land development to the municipal comprehensive plan, to existing and planned development and comprehensive plans in adjacent municipalities, and to the county comprehensive plan or components thereof.
- D. Alternative standards. The review may recommend alternative standards or design of development if the Department determines that the application of alternative requirements or design would result in more efficient or economic utilization of the site, less damage to the natural environment, improved safety or convenience, and that the recommended alternative standards or design are in accordance with modern and evolving principles of site planning and development.

3.2.4 **Transmittal of applications for final review.** The procedure for review of applications for final approval of subdivisions and land developments shall be one of the following:

- A. If revised. If changes are made in the plan after preliminary approval, the municipality shall forward a complete copy of the application upon receipt, with all supporting plans and materials, to the Department for review in accordance with the procedures specified in Section 3.2.2 above, except that a fee shall not be required.
 - 1. Final review period. The Department shall review an application for final approval following the procedures and time period specified for preliminary review in Section 3.2.3 above.
 - 2. Plan for recording. After final approval by the municipality, the

plans prepared for recording, including all required signatures, shall be returned to the Department for signature, in accordance with subsection 3.2.4.B.1 and 2 below.

- B. If not revised. If no changes are made in the plan after preliminary approval, the Department shall waive the requirement for substantive final review and will accept the final plans as prepared for recording, with all required signatures.
 - 1. Review for recorder's requirements. The Department shall review the final, signed plan for compliance with requirements of the recorder's office for the recording of plans.
 - 2. Notation of Department review. If the final plan is correct in every respect, the Director shall sign the certification that the plan has been reviewed by the Department.

3.2.5 **Department signature required for recording.** In accordance with Section 513(a) of the MPC, the recorder of deeds of Allegheny County shall not accept any plat for recording unless such plat officially notes review by the Department.

- A. No signature without review. The Director may refuse to sign the official notation of review for any plan which was not forwarded by the municipality for review in accordance with Section 3.2.2 above and, where required, in accordance with Section 3.2.4.A.
- B. No signature if materials incomplete or fee not paid. The Director may refuse to sign the official notation of review on a final plan if the preliminary or final plan submission to the Department was incomplete, or if the fee was not paid, and if the Department notified the municipality that it was not possible to provide a review, as specified in subsection 3.2.2.B above.

Section 3.3 **REVIEW AND APPROVAL OF SUBDIVISIONS AND LAND DEVELOPMENTS IN MUNICIPALITIES WHICH HAVE NOT ENACTED SUBDIVISION AND LAND DEVELOPMENT REGULATIONS**

3.3.1 **Application.** The procedures specified in this section shall apply to all subdivisions and land developments in municipalities which have not enacted subdivision and land development regulations or which have adopted these regulations by reference and have designated the Department as their agency for review and approval.

3.3.2 **Pre-application meeting.** The applicant may request a pre-application meeting with the Department to discuss the proposed subdivision or land development and to review the requirements of the ordinance in relation to the proposed project.

- A. Sketch plan. Prior to the meeting, the applicant is strongly encouraged to provide a sketch plan of the proposed project containing enough information to convey clearly the existing and proposed conditions of the site. The materials submitted for the pre-application meeting should be prepared in accordance with Section 4.1 of this ordinance, but shall not constitute an application for preliminary or final approval.
- B. Scheduling of meeting. The Department shall review the materials and schedule the pre-application meeting within 14 consecutive days from the date of submission of the sketch plan and supporting materials. If the Department feels that additional information is needed, the 14-day period may be extended by mutual agreement.
- C. Result of meeting. Based on the Department review and discussion with the applicant, there should be a mutual understanding of the scope of the proposed development, issues that may require resolution by the applicant, municipality or county, and of potential opportunities and/or impacts that may merit special attention.

3.3.3 Preliminary plan review and approval

- A. Submission of applications. Applications may be submitted to the Department on any business day and shall include all information and plan drawings specified in Article IV, Section 4.2.
 - 1. Number of copies. Four complete copies of the application and all supporting site and plan drawings and information shall be submitted to the Department.
 - 2. Application form. Applications must include a copy of the Department's form entitled "Subdivision and Land Development Application" which has been completed by the applicant.
 - 3. Fee required. A filing fee, in the form of a check or money order payable to the Allegheny County Treasurer, shall accompany the application. The amount of the fee shall be in accordance with a fee schedule adopted by resolution of the County Council.
 - 4. Official filing date. The official filing date of an application shall be the date that the Department certifies that the submittal is complete and that the applicable fee has been paid.
 - a. Within seven days of the date that the application is

received in the offices of the Department, the Department shall either certify the application as complete or notify the applicant in writing that the application is incomplete. The written notification shall specify the items of required information that are lacking.

- b. Failure of the Department to take either of these actions within seven days shall be deemed a certification that the application is complete as submitted, unless the applicant has agreed in writing to an extension of time.
- c. The official filing date shall be recorded in the files of the Department, and the applicant shall be notified of the official filing date.
- d. Certification of the application as complete and the establishment of the filing date shall not constitute a waiver of any deficiencies or irregularities.
- e. After the official filing of an application and while a decision is pending, no change in any zoning, subdivision or other governing ordinance or plan shall affect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.

B. Distribution of copies. The Department shall forward one complete copy of the application and submission materials to the municipality in which the project is located and one copy to the municipal engineer. The applicant shall distribute a copy of the preliminary plan and of all relevant supporting documentation to all agencies who will be required to approve some aspect of the plan prior to its final approval by the Department. These agencies may include, but are not limited to:

- 1. Pennsylvania Department of Transportation (PennDOT) if site abuts or is traversed by a state road
- 2. Pennsylvania Department of Environmental Protection (DEP) for sewage facilities, stream encroachments, wetlands, contaminated sites, and other environmental permits
- 3. Allegheny County Department of Engineering and Construction if site abuts or is traversed by a county road or may impact a county drainage facility

4. Allegheny County Health Department for sewage facilities, water supply, and air pollution approvals
 5. Allegheny County Conservation District for erosion and sedimentation plan letters of adequacy and permits
 6. Fire company or department
 7. Water supplier
 8. Sewage treatment supplier
 9. Natural gas, electric, telephone, and cable television suppliers
 10. Postmaster for approval of new street names
 11. Federal Aviation Administration and PennDot Bureau of Aviation if the proposed development requires filing of "Notice of Proposed Construction or Alteration"
- C. Distribution of Copies to Other Municipalities. The Department may also distribute copies of the preliminary plans to municipalities within 200 feet of site; and to municipalities within one mile of site, if the proposed development is expect to generate 100 or more trips during its peak hour.
- D. Review meeting. The Department shall formally review the application at a public meeting held not later than 30 days after the official filing date.
- E. Optional hearing. The Department may conduct a hearing pursuant to public notice in order to inform the public and obtain comment prior to taking action on a proposed subdivision or land development.
- F. Decision. A decision to approve the preliminary plan as submitted, to approve the plan subject to conditions, or to disapprove the plan shall be made and communicated to the applicant not later than 90 days following the date of the public meeting at which the plan was first reviewed unless the applicant agrees in writing to an extension of time.
1. Written decision. The decision of the Department shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision unless the applicant agrees in writing to a change in the manner of communication of the decision.

2. Acceptance of conditions. If the application is approved subject to conditions, they shall be accepted by the applicant in writing within 15 days after the written decision of the Department was mailed or delivered to the applicant or the approval shall be automatically rescinded.
 3. Defects specified. If the application is not approved as filed, the decision shall specify the defects found in the application and shall cite the provisions of the ordinance which have not been met.
- G. Deemed approval. Failure of the Department to render a decision and communicate it to the applicant in the manner and within the time period specified or as agreed to by the applicant shall be a deemed approval of the application as presented.
- H. Effect of approval of preliminary application. When a preliminary application has been approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application.

3.3.4 **Final plan review and approval.**

- A. Submission of applications. Applications shall be submitted in the same manner as specified for preliminary applications in Section 3.3.3 except that a filing fee shall not be required for final plan applications.
1. Intent regarding improvements. The application for final approval shall state whether the applicant intends to construct improvements prior to final approval and recording of the plat or whether the applicant intends to record the final plan and post financial security to guarantee the construction of required improvements.
 2. Materials required. The application for final approval shall include the plans, construction drawings and specifications, required permits and approvals, supporting documentation, and other materials as specified in Article IV, Section 4.3.
 3. Official filing date. The official filing date for an application for final approval shall be determined in the same manner as for preliminary plan approval specified in Section 3.3.3.A.4 above.
- B. Distribution of copies. The Department shall forward one complete copy of the application and submission materials to the municipality in which the project is located and one copy to the engineer for the municipality.

- C. Review meeting. The Department shall formally review the application at a public meeting held not later than 30 days after the official filing date.

- D. Decision. A decision to approve the final plan as submitted, to approve the plan subject to conditions, or to disapprove the plan shall be made and communicated to the applicant not later than 90 days following the date of the public meeting at which the final application was first reviewed unless the applicant agrees in writing to an extension of time.
 - 1. Approval of the final plan.. The Department shall grant final approval if all of the following requirements are met:
 - a. The application conforms with the approved preliminary plan and with any conditions attached to the preliminary approval.
 - b. The plan either complies with all standards and requirements of this ordinance or waivers or modifications have been requested, granted, and documented in accordance with Section 1.6.
 - c. The municipal engineer and governing body of the municipality in which the proposed project is located must have examined the plans and construction drawings and certified that the proposed subdivision or land development is in accordance with all applicable municipal ordinances and regulations including but not limited to zoning, flood plain management, storm water management, grading, and construction standards; or that any required variances or exceptions from municipal requirements have been approved and documented in accordance with applicable municipal procedures.
 - d. All necessary permits and approvals from other governmental agencies, service providers, and utility providers have been obtained.
 - e. All improvements have been constructed in accordance with applicable standards, inspected by the municipal engineer, and approved by the municipal governing body; or financial security to guarantee the construction of required improvements has been deposited with the municipality, both in accordance with Section 3.3.6 hereunder.

2. Conditional final approval. The Department may grant conditional approval of a final plan, provided that any conditions shall be satisfied prior to signing and recording of the plat or shall be incorporated into a development agreement between the applicant and the municipality. If a condition will affect the use of land or any other matter depicted upon the final plan, the Department may require that the condition be noted upon and recorded with the plan.
 3. Disapproval. The Department shall deny approval of an application for final approval of a subdivision or land development if the application does not meet all requirements of this ordinance and of applicable municipal regulations; if any permits or approvals required by any other unit of government are denied; if financial security is not posted, or if improvements are not completed in accordance with the approved specifications and development agreement.
- E. Form of decision. The decision to approve, approve with conditions, or deny final approval of a subdivision or land development shall be made and communicated to the applicant in the same manner as specified for preliminary applications in Section 3.3.3.F.
- F. Deemed approval. Failure of the Department to render a decision and communicate it to the applicant in the manner and within the time period specified or as agreed to by the applicant shall be a deemed approval of the application as submitted.
- G. Effect of final approval. When an application has been approved without conditions or with conditions accepted by the applicant, no change in this ordinance or in any applicable municipal ordinance shall affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five years from such approval.
1. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval.
 2. If there is any doubt about the terms of a preliminary approval, the terms shall be construed in accordance with the governing ordinances at the time when the application for preliminary approval was officially filed.

3.3.5 **Phased development.** If an applicant intends to develop land in phases, the preliminary plan submission shall encompass the entire land area proposed for

development and shall serve as a master plan.

- A. Schedule for phases. The preliminary plan shall include a schedule for the submission of final plans for each section.
 - 1. The schedule shall be updated annually on or before the anniversary of the preliminary plan approval until the final plan for the final section has been approved.
 - 2. Any modifications in the schedule as first presented may be approved at the discretion of the Department.

- B. Final plans for phases. Following approval of the preliminary plan for the entire land area, final plans may be submitted for each section.
 - 1. If the final plan for a section of a phased development differs from the approved preliminary plan in number of lots or buildings, intensity of development, preservation of environmental features, open space, traffic characteristics, transportation facilities, or other substantive component, then an entirely new preliminary plan may be required for that section and for any other sections or components of development that may be affected by the proposed changes.
 - 2. Each section of a phased residential development except the last section shall contain at least 25 percent of the total number of dwellings depicted on the preliminary plan or, in the discretion of the Department such other percentage needed to ensure an acceptable living environment for residents while development is ongoing.
 - 3. Provided the applicant has complied with all provisions of the approved preliminary plan, including adherence to the schedule for submission of final plans for various sections, the right of the applicant to complete construction in accordance with county and municipal regulations at the time of the first approval shall be extended beyond the five-year period, for sections beyond the initial section, for an additional term of three years from the date of final approval of each section.
 - 4. Failure of the applicant to comply with the schedule for submission of final plans for the various sections, shall subject any such section to all changes in land use ordinances or other applicable municipal ordinances enacted after the date of filing of the preliminary plan.

3.3.6 Completion of improvements or guarantee thereof prerequisite to final plat

approval. No plat shall be finally approved for recording until all required improvements have been constructed or until financial security has been deposited to guarantee the construction of improvements.

A. Construction of improvements prior to final approval and recording of the plan. If the applicant chooses to construct improvements prior to final approval and recording of the plat, the applicant may proceed to do so when all of the following requirements have been met:

1. All other components of the application for final approval have been approved by the Department;
2. All necessary permits and approvals from other agencies have been obtained;
3. Construction drawings for all improvements have been approved by the municipal engineer and municipal governing body;
4. A development agreement between the applicant and municipality, which is in accordance with applicable provisions of the MPC and acceptable to the municipal solicitor, has been executed, which specifies procedures and responsibilities for construction, inspection, and approval of all improvements.

B. Approval of final plat following completion of improvements

1. Following completion of all improvements in accordance with the specifications and plans, the applicant or municipality shall submit to the Department a statement signed by the municipal governing body that all improvements have been completed and approved by the municipality and that all other matters included in the development agreement have been concluded in a manner acceptable to the municipality.
2. Thereafter, the Department shall approve the final plat for recording, and the Director shall sign the notation of approval on the plat.

C. Deposit of financial security to guarantee construction of improvements. If improvements are required and the applicant proposes to construct them after final approval and recording of the plan, financial security shall be deposited with the municipality in an amount sufficient to cover the costs of all public improvements and common amenities including but not limited to roads, storm water management facilities, recreation facilities, open space improvements, and required buffer or screen plantings.

1. The amount and form of the financial security shall be as specified in Section 509 of the MPC.
2. When requested by the applicant, in order to facilitate financing, and provided that all other requirements for final approval have been met, the Department shall furnish the applicant with a letter indicating approval of the final plat contingent upon the applicant obtaining a satisfactory financial security. The letter of contingent approval shall expire within 90 days unless an extension is granted by the Department.
3. A copy of an executed development agreement, in a form approved by the municipal solicitor and consistent with the MPC, shall be submitted to the Department, which specifies all agreements between the applicant and the municipality for the conduct of development activities, construction of improvements, inspection by the municipal engineer, establishment and payment of inspection fees, release of financial security upon satisfactory completion of improvements, and any other matters of concern to the municipality.
4. If water mains or other utilities are to be installed under the jurisdiction of a public utility or municipal authority distinct from the municipality, financial security shall be posted to assure proper completion and maintenance thereof in accordance with the regulations of the public utility and shall not be included within the financial security otherwise required.

3.3.7 **Deposit of financial security to guarantee integrity and functioning of improvements.** If the municipality intends to accept dedication of any improvements after their completion, the developer shall post financial security, if requested by the municipality, to guarantee the structural integrity and proper functioning of the improvements for a period of 18 months from the date of acceptance by the municipality.

- A. Acceptable security. The financial security shall be of the same type as required by the MPC to guarantee the construction of improvements.
- B. Amount of security. The financial security shall not exceed 15 percent of the actual cost of installation.

Section 3.4 **ABBREVIATED PROCEDURES FOR MINOR PLANS AND PLAT ADJUSTMENTS**

3.4.1 **Application.** This section offers an option to combine preliminary and final applications for minor subdivisions and land developments and a simple sign-off process for plat adjustments. The option is available for review of minor plans and plat adjustments in municipalities which have their own regulations if those regulations authorize a one-step approval procedure, as well as for approval of plans in municipalities which do not have their own regulations.

3.4.2 **Minor subdivisions and land developments.** The Department will review applications for final approval of minor subdivisions and minor land developments without having first reviewed an application for preliminary approval. A complete application for final review of a minor subdivision or land development shall be submitted in accordance with the procedure specified in Section 3.2.4.A or 3.3.4.A, except that a fee shall be required.

A. For plans in municipalities that have their own ordinances, the Department will complete its review within 30 days of the date that a complete application is forwarded.

1. If there are no suggested revisions or other comments, the Department will notify the municipal official who transmitted the application either by phone or in writing.

2. If there are suggested revisions or conditions or a recommendation that the application be denied, the review shall be in writing in accordance with the procedure specified in Section 3.2.3.

B. For plans in municipalities that do not have their own ordinances, the Department will review and approve or disapprove an application in accordance with the procedures specified in Section 3.3.4.

C. Following completion of the review or review and approval, the Department will accept the final plan prepared for recording, with all required signatures.

1. The Department will review the signed transparency for compliance with requirements of the recorder's office.

2. If the transparency is correctly prepared, the Director will sign the notation that the plan has been reviewed or approved by the Department.

3.4.3 **Review of plat adjustments.** Subdivisions which are classified as plat adjustments in Article II may be submitted as transparencies prepared for recording, with all required signatures.

- A. Plat adjustment plans will be reviewed for compliance with requirements of the recorder's office.
- B. If the transparency is correctly prepared, the Director will sign the notation that the plan has been reviewed or approved by the Department.

Section 3.5 **REQUIREMENTS FOR RECORDING**

- 3.5.1 **Application.** The requirements of this section apply to all plans that are to be recorded in Allegheny County, including plans located in municipalities which have their own regulations, as well as in municipalities where the county approves plans.
- 3.5.2 **Drafting standards.** All final plans for recording shall be prepared in accordance with administrative regulations issued by the recorder of deeds to ensure that the recorded plans will be accurate, complete, and legible. These regulations may be changed from time to time, based upon the requirements of the systems or technology used to record the plans. The current requirements related to the drafting of plans are included in **Appendix 1**.
- 3.5.3 **Required certifications and notations.** Certifications, notations, and approvals required on final plans for recording are included in **Appendix 2**.

Section 3.6 **REQUIREMENT FOR DIGITAL SUBMISSION OF PLANS**

- 3.6.1 **Requirement.** In addition to the plan prepared for recording, the applicant shall submit a computer-readable file, produced in accordance with specifications set forth by the Allegheny County GIS Administrator, which, when imported into the county's geographic information system (GIS), shall provide a true and complete display of the subdivision or land development plan, in correct geographic location, on the county's GIS computers, configured in appropriate coverage layers.
- 3.6.2 **Content.** The computer readable file shall include all information contained on the finally approved plan and shall be submitted at the same time that the plan is submitted for recording.
- 3.6.3 **Surveyor's signature not required.** In order to relieve the surveyor of liability for alterations that may be made to the file after its submittal, the digital subdivision file shall not carry the surveyor's seal or signature.

Note: The provisions of this Section 3.6 are intended to become effective immediately after Allegheny County converts its lot and block maps and other property maps to digital form and

incorporates them into its geographic information system data base. Changes in property lines that occur after that conversion will be entered into the land records systems in digital format and will no longer be entered manually. Plan transparencies will continue to be submitted for recording and microfilming.

The provisions of Section 3.6 will be enacted as an amendment to the ordinance, pursuant to the procedures for public notice, hearing, and notice of enactment specified in the MPC.

ARTICLE IV - APPLICATION INFORMATION

Section 4.1 SKETCH PLAN APPLICATION GUIDELINES

- 4.1.1 **Sketch plan information.** Pre-application sketch plans should show or be accompanied by the following information:
- A. A brief narrative describing the proposed project.
 - B. A site plan, drawn to scale.
 - C. Names and addresses of the landowner, developer and applicant.
 - D. Name of the firm that prepared the plan.
 - E. Location map, at scale, that clearly identifies the location of the property.
 - F. North arrow, written and graphic scales.
 - G. Name of the municipality (or municipalities) where the project is located.
 - H. Significant natural and man-made features (e.g., floodplains, watercourses, tree masses, undermined areas, existing structures, etc.).
 - I. A site analysis, prepared in accordance with §5.1.2.
 - J. Proposed street, parking, building and lot layout.
 - K. Existing zoning of subject property and zoning of adjacent property.
 - L. Approximate location and type of any existing utilities and easements.
 - M. Statement explaining the proposed method of water supply and sewage disposal.
 - N. Any other relevant information.

Section 4.2 PRELIMINARY PLAN SUBMITTAL REQUIREMENTS

- 4.2.1 **Preliminary plan application contents.** All applications submitted for preliminary approval shall show or be accompanied by the following information:

A. Project description

1. A brief narrative describing the proposed project.
2. Title block containing the name of the proposed project, name of the municipality, the project number assigned by the firm that prepared the plans, the plan date, and dates of all plan revisions.
3. Name, address, and phone number of the owner of record, developer, and applicant.
4. Name, address, and phone number of the firm that prepared the plans; and name, signature, registration number, and seal of engineer, surveyor, landscape architect, and/or architect involved in the preparation of the plans.
5. North arrow and graphic scale.
6. Site location map, taken from a U.S.G.S. quadrangle map. The location map shall be at scale and of size sufficient to show clearly where the project is. Include quadrangle sheet name.
7. Entire tract boundary with bearings and distances as shown by deed, and the total acreage of the entire tract. If the proposed project is located in two or more municipalities, show municipal boundary lines on the plan.
8. Existing platting of land adjacent to the site, and the names of any adjacent land owners not in a previously recorded plan.
9. Schedule of zoning district requirements, including area and bulk regulations, density, coverage, and building and yard requirements. Show zoning of all adjacent land.
10. List any variances or other zoning approvals which are being requested or which have been granted by the municipality.
11. List, with supporting evidence for the request, any modifications or waivers of subdivision and land development regulations that are requested.

B. Existing conditions

1. Contours, shown at two foot vertical intervals; except where slopes

exceed 40%, at ten-foot intervals. Show existing contours with dashed lines and number clearly. State location and elevation of datum to which contour elevations refer. Datum used shall be a known, established benchmark. Contours plotted from U.S.G.S. quadrangle maps shall not be acceptable.

2. Steep slopes, with categories of slope delineated as follows:
 - a. 25 to 40 percent;
 - b. Greater than 40 percent.
3. Soils. Identify soil series as shown in the Soil Survey of Allegheny County. Plot soil limit lines on the base map.
4. Regulated waters of the Commonwealth and required set-back as defined in Title 25. Environmental Resources, Chapter 105, Dam Safety and Waterway Management. If any part of the site lies within a flood plain, as indicated on a certified FEMA map, plot the floodway and 100-year flood plain boundary on the base map and reference the community panel number, map name, date, and map panel numbers.
5. General vegetative cover. Provide a brief description of the general vegetative cover of the site (meadows, wetlands, wooded, etc.). Show approximate location of any woodlands or groves, as defined in Section 2.2.106. Show number, species, size and approximate location of all trees with a DBH of 24" and over, proposed to be disturbed.
6. Significant natural features, including plant and wildlife habitat areas for rare or endangered species, wetlands, or any other natural feature identified in the Allegheny County Natural Heritage Inventory.
7. Potentially hazardous features, including quarry sites, surface and subsurface mines, undermined areas, underground fires, solid waste disposal sites, contaminated areas, and landslide-prone areas. Show approximate location and cite source information.
8. Significant cultural features, including cemeteries, burial sites, archeological sites, historic buildings, structures, plaques, markers, or monuments. Show approximate location and cite source information.

9. Existing structures. Show approximate location and type. If an existing structure is proposed to be demolished, show clearly on the plans.
10. Existing streets, roads, alleys, driveways, or other means of access located on or within 100' of the site. Include name, jurisdiction of ownership, width and location of right-of-way and existing grades.
11. Existing utilities, including any related easements or rights-of-way. Show approximate location. Identify purpose and ownership.
12. Location, ownership, and type of any other easements or rights-of-way including railroads, trails, gas or oil wells and gas or oil transmission lines, etc.
13. Airport noise contours and airport hazard areas. Show approximate location and cite source information.
14. Public water supply wells; wellhead protection areas as per Sect. 2.2.104; riverain raw water intakes within 2,000 feet of the proposed development.

C. Proposed conditions: For all proposed subdivisions and land developments the following information shall be provided:

1. Tabulation of site data, including total acreage of land to be subdivided, number of lots, proposed density, number of dwelling units, and acreage of any proposed open space or other public/common areas. For non-residential developments show the total square footage of all proposed buildings, percent lot coverage, the number of parking spaces required, and the number provided.
2. All required yards and building setback lines. Show any required buffer yards.
3. Proposed streets. Show location, width of cartway and right-of-way. Provide centerline profiles for all proposed streets or any existing streets to be improved.
4. Proposed lot layout. Show lot widths and lot lines in scaled dimensions, and lot areas in square feet. Show proposed lot numbers.

5. For non-residential and multi-family developments, show proposed buildings, parking areas, access drives, driveways, and any other significant proposed feature.
6. Proposed utilities and related easements. Show points of connection to existing utilities.
7. Proposed pedestrian and bicycle circulation routes, including any easements or rights-of way.
8. Proposed public or semipublic areas, reserved areas, open space areas, and any related conditions or restrictions.
9. Proposed grading, with existing and proposed contours at a two (2) foot vertical interval. Existing contours shall be plotted with dashed lines, and proposed contours with solid lines. Proposed contours shall tie back into existing contours. Number contours clearly. The grading plan shall include the following information:
 - a. Approximate finished floor elevations of proposed buildings.
 - b. Approximate grades on all handicapped parking spaces and related access routes.
 - c. Approximate quantity of total excavation in cubic yards. Show approximate location of cut and fill areas and limit of disturbance. Indicate whether or not the earthwork is expected to balance on-site.
10. Storm water management report, which shall include the following information:
 - a. Name of the watershed in which the proposed development is located, and the (sub)basin release rate percentage.
 - b. Map taken from the U.S.G.S. quadrangle sheet, showing watershed draining to project site. Map shall be at scale. Show name of quadrangle sheet. Show area of watershed in acres. Highlight any potential DEP regulated encroachments.
 - c. Method and standards used in design of storm water management facilities (i.e., Rational, TR-55, other).

- d. Preliminary calculations, including pre- and post-development run-off and approximate basin storage volumes.
 - e. Approximate location of any proposed permanent stormwater management facilities, such as detention basins, storage tanks, sumps, outlet structures, inlets, manholes, piping, permanent swales, or etc.
- 11. Preliminary soil erosion and sedimentation pollution control plan.
 - 12. Landscape plan, including the names, sizes, quantities, and approximate location of all proposed plant materials.

D. Other Required Information:

- 1. Traffic impact study: Where the proposed development will generate 100 or more peak hour vehicle trips per day or any residential development which proposes 100 or more dwelling units.
- 2. Geotechnical report: Where the site proposed for development contains land-slide prone soils, a soils engineer shall conduct studies to determine the exact location of the landslide-prone areas. Such areas shall be clearly identified on the base map.
- 3. Subsidence risk assessment: Where evidence exists that sub-surface mining has occurred one hundred (100) feet or less below the surface of the site proposed for development, a Subsidence Risk Assessment, prepared by a qualified professional geotechnical engineer, shall be provided.
- 4. Soil contamination assessment: Where the proposed subdivision or land development site contains any hazardous substances, then a geotechnical report and a remedial investigation/feasibility study shall be provided.
- 5. Sewage facilities planning module: A copy of the completed "Application for Sewage Facilities Planning Module," as filed with the Pennsylvania Department of Environmental Protection or the Allegheny County Health Department; or a letter from the appropriate Department stating that a sewage facilities planning module is not required.
- 6. Existing restrictions: Where the land proposed to be developed or

subdivided contains any existing covenants, grants of easement, private deed restrictions, or other restrictions, a copy of the recorded document; or, in the absence of a recorded document, then a letter from the holder of the restriction stating any conditions on the use of the land.

7. Schedule of phased developments: If the applicant proposes to construct the development in phases, the applicant must submit a schedule of the projected dates that the final application for each phase will be filed.

Section 4.3 **FINAL PLAN APPLICATION REQUIREMENTS**

4.3.1 **Final plan application content:** All applications submitted for final approval shall include, in accurate and final form, all of the information required for preliminary plan submittals; however, supporting maps and information need not be resubmitted if there have been no changes to that information. Applications for final approval shall include the following:

- A. A copy of the approved preliminary plan.
- B. Final plat, in accurate and final form for recording. The final plat shall include the following:
 1. Title block, placed in the lower right hand corner and containing the following information:
 - a. The name and location of the subdivision or land development, the plan date, and the date of any revisions.
 - b. The name, and plan book volume and page numbers of the previously recorded plan, if any.
 - c. Name, address, and phone number of the owner of record and the developer.
 - d. Name, address, and phone number of the firm that prepared the plans, and the name, seal, and registration number of the surveyor who prepared the plan.
 - e. Sheet number, north arrow, and graphic scale.
 2. Tract boundaries, right-of-way lines of streets, easements, and other

right-of-way lines with accurate distances to hundredths of a foot and bearings to one-quarter of a minute. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Surveys shall be prepared in accordance with the standards contained in Appendix 3.

3. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance.
4. Location, type, and size of all monuments and lot line markers. State whether found, set, or to be set.
5. Approved street names and street right-of-way widths.
6. Lot numbers, lot dimensions, lot areas in square feet, and building setback lines.
7. Tabulation of area data, including lots, parcels, units, areas dedicated for rights-of-way, etc., and total plan area.
8. Lot and block or tax map parcel numbers.
9. Easements and rights-of way for all public and private improvements, including widths, purposes, and limitations, if any.
10. Accurate dimensions, acreage, and purpose of any property to be reserved as public or common open space.
11. Platting of adjacent property and the names of the adjacent property owners.
12. Site location map, prepared in accordance with §4.2.1.A.6 of this ordinance.
13. All required municipal certifications, which shall include the municipal engineer.
14. Certification of plat preparation and accuracy by a registered surveyor.
15. Certification of the dedication of streets and other property.
16. All other certifications, dedications, and acknowledgements, as required by Appendix 2 of this ordinance and the Allegheny County Office of the Recorder of Deeds.

17. Plats which require access to a road under the jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that, before driveway access is permitted, a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945, known as the "State Highway Law".
18. Notation on the plan of any modifications or waivers granted to the provisions of this ordinance.

C. Land development plans. In addition to the above final requirements, land development plans shall include the following information:

1. Final site plan including building locations, parking areas, roads and access drives, landscaping and bufferyards.
2. Final grading plan, as per §5.3 of this ordinance. The final grading plan shall include all final contours, grades, floor elevations, permanent conservation measures, limit of disturbance line, typical keyway and/or benching details, and earthwork quantities in cubic yards.
3. Final storm water management plan, as per §5.15, including all final calculations.
4. Final soil erosion and sedimentation pollution control plan, as submitted to the Allegheny County Conservation District (ACCD), and evidence that the ACCD has issued a finding of adequacy.

D. Construction plans for public and private improvements, prepared by a registered professional, drawn at a scale no smaller than 1 inch = 50 feet on sheets measuring 24" x 36". The construction plans shall show the following:

1. Conformity with the Design Standards specified in Article V of this ordinance.
2. Plan and centerline profile drawings of each street in the plan and extending at least 200 feet beyond the plan. Street profiles shall include complete vertical curve information.
3. At least three cross-sections at intervals no greater than 100 feet, extending at least 50 feet from the street centerline to each side, or extending 25 feet from the right-of-way line to each side, whichever

is greater.

4. The location of all existing and proposed sanitary sewers, storm sewers, manholes, catchbasins, and endwalls within the site, and all necessary extensions thereof beyond the site.
 5. By plan, all pipe sizes, distances, and directions of flow. Show sanitary sewer wye locations, including a station for each wye as measured from the downstream manhole.
 6. By profile, all pipe sizes, materials, distances, and grades; and top and invert elevations of all manholes, catchbasins, and endwalls. Show existing and proposed ground.
 7. All construction details for storm water detention facilities, including any intake control structures, discharge control structures, underground storage tanks, sumps, and storm water detention basins.
 8. The locations of all other existing and proposed utilities including gas, water, fire hydrants, electric, telephone, and cable TV.
 9. All easements and rights-of-way for public improvements.
- E. Permits and approvals. The applicant shall submit certified copies of all permits and approvals required by applicable federal and state laws and county codes and regulations, including without limitation the following:
1. Allegheny County Conservation District adequacies and permits.
 2. Federal Aviation Administration and PennDot Bureau of Aviation approvals where required.
 3. Pennsylvania Department of Environmental Protection sewage facilities permits, general permit, wetland encroachment permits, stream encroachment/obstruction permits, etc.
 4. County of Allegheny and Commonwealth of Pennsylvania permits for any proposed roads or driveways.
 5. Water supply certification as required by §5.13.2.C.

ARTICLE V STANDARDS FOR DESIGN AND REQUIRED IMPROVEMENTS

Section 5.1 PURPOSES AND GENERAL PROVISIONS

- 5.1.1 **Contents of article.** This article includes specific standards for the design of subdivisions and land developments and requirements for improvements. Minimum standards and requirements are specified for each element of design or improvement. General goals or statements of desired outcomes are listed in Section 5.2. The Department will consider alternatives to specific standards and requirements specified in Section 5.3 and following sections if the applicant demonstrates that an alternative will achieve the desired outcome to a higher degree or will produce more desirable results than application of the specified standard.

- 5.1.2 **Site analysis.** The design of a subdivision or land development shall be based upon an analysis of existing conditions of the site, which includes consideration of the site's natural and man-made features and of the opportunities and constraints for development that are associated with these features. The site analysis shall also consider the relationship of the site to surrounding developed and undeveloped areas and to applicable municipal, county, and regional plans. The required project narrative should summarize how the analysis of existing conditions has influenced the design of the subdivision or land development.

- 5.1.3 **Alternative development plan.** Before considering requests for waivers or modifications of standards or requirements contained in this article that will reduce the attainment of the goals listed in Section 5.2, the Department may require the applicant to prepare alternative development plans which more nearly meet the requirements of this ordinance. Such alternatives may be required to include the clustering of development on portions of the site which are not constrained by the environmental protection provisions of this ordinance and may include a reduction in the otherwise allowable density or intensity of development on the total site. The original plan shall be approved only if the applicant demonstrates to the satisfaction of the Department that an alternative plan is not practical or feasible.

- 5.1.4 **Regulations of other jurisdictions.** It shall be the responsibility of the applicant for approval of a subdivision or land development to obtain all required permits and approvals from other jurisdictions or agencies. No application shall be finally approved by the Department or recorded until all required permits and approvals have been obtained, unless the plan for recording includes a notation that specified permits will be required prior to issuance of construction permits.

Section 5.2 GENERAL GOALS FOR DESIGN AND DEVELOPMENT

Subdivisions and land developments shall be designed to achieve the general goals or outcomes that are listed in this section.

5.2.1 **Minimize damage to the environment.** All subdivisions and land developments shall be designed to minimize environmental damage to the maximum extent possible, by carefully fitting the subdivision or development to the existing conditions and natural features of the site.

- A. Minimize grading. Roads, building sites, and lots should be laid out in a manner that will minimize disturbance of the land. Roads should generally follow existing contours, where doing so will minimize cuts and fills. Naturally level areas should in general be utilized for building sites. Clustering of development on less steep areas of the site is strongly encouraged, as an alternative to mass grading.
- B. Protect steep slopes. Wooded hillsides are important environmental and aesthetic resources of Allegheny County. Development should be located to avoid disturbance of steeply sloped areas and to preserve the visual character of wooded hillsides.
- C. Protect watercourses and wetlands. Watercourses are the county's natural drainage ways for the conveyance of surface waters, including runoff and flood waters. Streams, land bordering streams, and wetlands provide habitat for aquatic and terrestrial plants and animals and may function as wildlife corridors. The County's larger streams and rivers are primary elements of the visual character of the county and are also important resources for recreation and commerce. Development should be designed to preserve and protect the county's watercourses and wetlands so that they can continue to serve all of these functions.
- D. Preserve woodlands and mature trees. New developments should be designed to preserve and protect existing woodlands, as excessive cutting of trees and clearance of woodlands in conjunction with subdivision and land development causes soil erosion, increased runoff, loss of habitat, and diminution of one of the County's most significant visual resources: the wooded hillsides that are so prominent throughout the area. Except for regulated commercial timbering operations, the cutting of mature trees and clearance of woodland shall commence only after final approval of a plan for subdivision or land development, and then only to the extent required for the construction of roads, utilities, and buildings.
- E. Protect other identified natural resources. Special care should be taken in the design and construction of subdivisions and land developments to protect

habitats in which rare or endangered plants or animals are found and other ecologically important sites.

- F. Protect historic, architectural, and archeological resources. Sites containing structures of historic or architectural significance should be designed to preserve, enhance or reuse such structures, in accordance with any applicable state regulations.
- G. Protect the quality of the county's air and water. All land development shall comply fully with federal, state and county laws and regulations concerning air and water pollution.

5.2.2 **Avoid hazardous development.** Where hazardous or potentially hazardous features are present on proposed development sites, the design of subdivisions and land developments shall consider such features. Appropriate precautions shall be taken to ensure that development will be safe and that the public health and welfare will be protected. Development shall not be approved unless safety is ensured.

- A. Landslide-prone areas. In areas where soils or underlying geology may be unstable, geotechnical investigation shall be required to ensure the safety of any proposed disturbance.
- B. Undermined areas. In areas where mining has occurred in the past, subsidence risk assessments may be required to establish that proposed development will be safe.
- C. Flood-prone areas. New construction in the undeveloped 100-year floodplain should be avoided. New construction in other undeveloped areas subject to frequent flooding should also be avoided. In areas where the floodplain has been developed in the past and new construction is unavoidable, such development shall be in accordance with all applicable state and federal regulations.
- D. Contaminated sites. In order to protect the public health, no subdivision or development of land in areas which may have been contaminated by former industrial or other uses shall be approved unless the site has been made safe for development. Development of contaminated sites shall be limited to uses which will not pose health risks for site occupants.
- E. Areas exposed to aircraft noise or hazards. Subdivisions and land developments in areas of the county where airport-related noise is high or where aircraft landings and takeoffs can be endangered by vertical obstructions or other hazards shall ensure that development does not reduce the ability of the airport to function safely and efficiently. Conversely, the

safety of development and health and welfare of occupants should not be compromised because of proximity to airports.

- 5.2.3 **The general layout of subdivisions and land development should respect the natural resources of the site, the character of the surrounding area, and be suitable for the intended uses.** The design of blocks and lots shall comply with the zoning requirements of the municipality and should provide suitable sites for buildings. The design of subdivisions and land development should consider the topography and other natural features of the site, requirements for safe and convenient pedestrian and vehicular circulation, and the character of surrounding development. Subdivisions and land developments should be compatible with municipal, county, and regional comprehensive plans and components thereof.
- 5.2.4 **Land development shall include landscaping which is designed to improve community appearance, to contribute to the environmental quality and livability of new development areas, and to mitigate the negative impacts of development upon other areas of the community.** Uses and structures should be sited to minimize adverse impacts from or upon adjoining uses. Landscaping and bufferyards should be designed to reduce unavoidable impacts and to augment the natural features of the site.
- 5.2.5 **Provide a full range of improvements in subdivisions and land developments as required to ensure the public health, safety, and welfare and the creation of desirable communities for living, working, and recreation.**
- A. Water. A safe and sufficient supply of potable water shall be provided for new subdivisions and land developments, in accordance with applicable regulations of the commonwealth and county. New development should not degrade the quality of potable water supplies.
 - B. Sanitary sewage facilities shall be provided for new subdivisions and land developments, in accordance with applicable regulations of the commonwealth and county.
 - C. Storm water management. Every subdivision and land development shall manage storm water flows in accordance with the Pennsylvania Storm Water Management Act. All development located in watersheds for which watershed storm water management plans have been adopted shall comply with all requirements of the watershed plan.
 - D. Other essential public utilities. New subdivisions and land developments shall be served by other essential public utilities, including electricity, natural gas, and telephone. New subdivisions and land developments may also be served by alternative energy sources, such as solar or wind, in accordance

with any applicable state, federal, and local regulations.

- E. Public and community services. All new development should have access to a full range of community services and facilities, such as public safety and emergency services, and recreation facilities, schools and libraries.
- F. Transportation facilities. New subdivisions and land developments should include a range of transportation facilities, for access to all lots, buildings, and open space areas intended for use by people. Transportation facilities developed within new subdivisions and land developments should be designed as parts of the larger system of transportation facilities which serve the community. Transportation facilities may include streets, public transportation, sidewalks, bikeways, and multi-purpose trails for non-motorized transportation.

Section 5.3 GRADING

5.3.1 **Purpose.** The purpose of these standards is to ensure public health, safety, and welfare and to protect property by preventing rock and soil slippage, loss and degradation of natural drainageways, increased soil erosion and sedimentation, and other soil and water management related problems.

5.3.2 **Application.** If the municipality in which a proposed subdivision or land development is located has enacted a grading ordinance, the municipal standards shall apply. If a more stringent, related standard is contained in another section of this ordinance (e.g., Section 5.4, 5.5, or 5.10) than in the municipal grading ordinance, the stricter standard shall govern. If the municipality has no applicable regulations, the following general standards shall apply.

5.3.3 General standards for grading

- A. No grading, stripping of topsoil, excavation, or any other land disturbance activity which changes the existing contours of the land; and no clearing, grubbing, or any other activity which results in the removal of existing vegetation (other than the removal of dead or diseased plant material) shall be permitted except in conjunction with a finally approved land development, subdivision, or phased master plan.
- B. Grading shall be limited to the minimum area necessary to provide for buildings, roads, parking areas, utilities, and other facilities shown on the approved land development plan.
- C. Grading in areas susceptible to landslides, subsidence, or flooding, on steep

slopes, or in wetlands shall comply with the additional provisions of Sections 5.4, 5.5, and 5.10 hereunder.

- D. A soil erosion and sedimentation pollution control plan shall be prepared in accordance with the provisions of Title 25, Environmental Resources, Chapter 102, Erosion Control; and, where required, a finding of adequacy shall be issued by the Allegheny County Conservation District (ACCD) prior to the commencement of any grading or other regulated earth-disturbance activity. Where submission of the plan to the ACCD is not required by state or federal regulations (generally for sites less than 5 acres), the Department may require that the plan be submitted to the ACCD for review.
- E. Where required by the National Pollution Discharge Elimination System (NPDES) and/or state regulations, a permit shall be obtained prior to commencement of grading:
 - 1. For development sites between 5 and 25 acres in size, which are not located in a special protection watershed and which are not ineligible for other reasons specified in DEP regulations, DEP General Permit PAG-2 may be used. Issuance of this permit has been delegated to the ACCD.
 - 2. For development sites exceeding 25 acres of disturbance, that are not divided into parcels pursuant to Title 25, PA Code, SS 102.31(a)(4), individual NPDES permits shall be obtained. Individual NPDES permits are also required for smaller sites that are located in special protection watersheds or are otherwise ineligible for the general permit, including sites within the Turtle Creek Watershed exceeding 12 acres of disturbance. Processing of individual NPDES permits has been delegated to the ACCD. Permits are issued by the DEP Southwest Regional Office.
- F. The applicant shall be responsible for protecting adjacent and downstream properties from any damage which occurs as a result of earth disturbance on the development site. Such protection shall include cleaning up and restoring to their original condition any adjacent and downstream properties adversely affected by silt, debris, flooding, or other damage resulting from the earth disturbance activity.
- G. The top and bottom edges of cut or fill slopes shall be kept back from property or right-of-way lines three feet plus one-fifth the height of the cut or fill, which total distance need not exceed ten feet.
- H. Topsoil stripped from the site in preparation for earth-moving activities shall

be stock piled and replaced on the site over all regraded, non-developed areas, at a minimum depth of six inches.

- I. Fill areas shall be prepared by removing organic material such as vegetation and rubbish, and any other material determined by the engineer to prevent proper compaction and stability.
- J. Proposed grading shall be accomplished so that post-development storm water runoff flows cause no harm to abutting properties.
- K. Maximum steepness of graded slopes shall be no greater than two horizontal to one vertical (2:1) except under the following conditions:
 - 1. Where the height of a proposed slope will not exceed twelve feet, then a maximum slope steepness of 1:1 may be allowed where soil conditions permit and doing so will help to preserve existing vegetation or other significant natural features. The cut or fill shall be located so that a line having a slope of two horizontal to one vertical and passing through any portion of the slope face will be entirely inside the property lines of the proposed development.
 - 2. Where a retaining wall, designed and sealed by a registered professional engineer, is constructed to support the face of the slope.
- L. Excavation adjacent to any building foundation walls, footings, or structures shall not extend beyond the angle of repose or natural slope of the soil under the nearest point of same unless the footings, foundations, or structures have been sufficiently underpinned or otherwise protected against settlement.
- M. Graded slopes whose height equals or exceeds 40 feet shall be benched in order to prevent erosion, encourage revegetation of the slopes, and to reduce the visual impacts of extensive areas of graded slopes.
 - 1. Graded slopes 40 to 60 feet in height shall be benched at the approximate mid-point of the vertical rise. Slopes whose height exceeds 60 feet shall be benched at a distance approximately one-third the height of the slope, and again at two-thirds the height of the slope; or as recommended by a geotechnical or soils engineer.
 - 2. Benches shall have a minimum width of eight feet and shall be sloped to drain towards the toe of the graded slope, at a gradient of five percent. Benches shall be planted with trees and shrubs. The use of hardy, self-propagating indigenous species is recommended. Quantities, sizes, and condition of the plant material shall be

appropriate to the species and the growing conditions. Bare-root trees, whips, and seedling may be permitted with the concurrence of the Department.

Section 5.4 PROTECTION OF STEEP SLOPES

5.4.1 **Limitations on disturbance.** The following standards shall apply to all grading and disturbance of land with slopes of 25 percent or greater. If any of the delineated steep slope areas include soils or geologic features which indicate possible instability, the additional standards contained in §5.10.1 shall apply.

- A. Slopes between 25 and 40 percent. No more than 30 percent of slope areas with existing grades between 25 and 40 percent shall be stripped of vegetation or disturbed through grading. Grading and clearing for roads on these slopes shall be limited to that necessary to accommodate the cartway and shoulders or berms. Wherever possible, roads should follow the contours of the land.
- B. Slopes exceeding 40 percent. No development or disturbance shall be allowed on slopes exceeding 40 percent. Limited disturbance for utilities may be allowed where no reasonable alternative location exists.

Section 5.5 PROTECTION OF WATERCOURSES AND WETLANDS

5.5.1 **Purpose.** The regulations contained in this section are intended to promote the public health, safety, and welfare by ensuring that watercourses and wetlands will be preserved in their natural condition so that they may continue to convey and store water, provide habitat for flora and fauna, and serve as recreational and aesthetic resources.

5.5.2 **Setback or open space easement required.** No grading, cutting, filling, removal of vegetation, or other disturbance of land shall be permitted within the required setback.

- A. The minimum setback for watercourses shall be 50', measured from the top of the channel bank. In addition, land development involving the construction of new buildings shall not be permitted within 100' of the top of the bank of the Allegheny, Monongahela, Ohio, or Youghiogheny Rivers.
- B. The setback for wetlands shall be as follows:
 - 1. Determination of setback area:

- a. Wetlands one acre and over: 50' setback depth, times the perimeter of the wetland (measured in lineal feet) equals the minimum setback area.
- 2. Distribution of the required setback area shall be either:
 - a. At the uniform setback depth from the delineated edge of the wetland; or
 - b. At a variable setback depth, based on a wetland management plan prepared by a certified professional wetlands biologist. in no case, however, shall the setback be less than 10' from the delineated edge of a wetland less than acre in extent; or 20' from the delineated edge of a wetland one acre or more in extent.
- C. Minor earth disturbance and construction within the area of the required setback or easement, required for development in other areas of the site, may be allowed in accordance with all regulations of the Department of Environmental Protection and municipal flood plain regulations, where applicable.
- D. Construction may also be allowed within the required setback area of rivers to enable the development of uses that require proximity or access to the river, in accordance with applicable federal, DEP, and municipal regulations.
- E. In larger subdivisions and land developments, the required setback area should be integrated into a system of public or common open space. In smaller subdivisions and land developments the preservation of these open space areas shall be ensured through recorded easements, deed restrictions, or other means acceptable to the Department and to the municipality.
- F. Where the required setback or easement would render a site unusable under the municipality's zoning regulations because of the limited size or dimensions of a parcel of land prior to its subdivision, the Department may reduce the depth of the setback to not less than 50 feet along a river and to not less than 20 feet along other watercourses. Any reduction in depth of setback which may be allowed by the Department does not supersede any requirement for a greater setback imposed by federal, state, or municipal regulations.

5.5.3 **Alteration of drainage.** When a proposed subdivision or land development encompasses or adjoins a watercourse or wetland, the design of the proposed

development shall not alter site drainage in ways that will reduce the ability of the watercourse or wetland to support the vegetation and animal life that characterized the area before development. Existing wetlands may be used to control storm water runoff flows from a development site, provided a certified wetlands biologist participates in the design of the proposed stormwater detention facility, or certifies that the proposed facility will not adversely affect the wetland, as defined herein.

Section 5.6 **PROTECTION OF TREES AND WOODLANDS**

5.6.1 **Woodland preservation.** Not more than 50 percent of the total area of mature woodlands and not more than 75 percent of the total area of woodlands on a development site shall be removed in conjunction with a subdivision or land development. The remaining woodlands shall be protected as open space. No area of any existing woodland shall be removed prior to the granting of final approval of the proposed subdivision or land development.

- A. Priority in woodland preservation shall be given to woodlands in 100-year flood plains, wetlands, stream valley corridors, steep slopes and landslide-prone areas.
- B. The Department may consider modification of this standard if evidence is presented from a professional arborist, forester, landscape architect, or other expert whose qualifications are acceptable to the Department, that a lesser area of woodlands should be preserved because of disease, undesirability of species, or other reason affecting the quality and health of the woodland.
- C. The Department may allow a greater percentage of woodland area to be cleared if new replacement woodlands are provided elsewhere on the site or an approved off-site mitigation area. The minimum area of the replacement woodland shall be at least 125 percent of the woodland area cleared in excess of the areas allowed in §5.6.1 above. The replacement woodland shall be prepared, planted, and maintained in accordance with a plan prepared by a forester or other qualified professional and approved by the Department.

5.6.2 **Preservation of large or unique trees**

- A. All healthy trees with trunks equal to or exceeding 24 inches DBH, or any tree which may be noteworthy because of its species, age, uniqueness, rarity, or status as a landmark due to historical or other cultural associations, and which is located within the area of disturbance shall be preserved unless removal is deemed necessary. Criteria for evaluating the necessity for removal shall include the following:

1. The health of the tree, whether it is dead or diseased beyond remedy, or whether it is likely to endanger the public or an adjoining property;
 2. Other constraints of the site, where the applicant demonstrates to the satisfaction of the Department that no reasonable alternative exists and that removal of a tree is necessary for construction of building foundations, roads, utilities, or other essential improvements.
- B. Trees to be preserved shall be protected during construction. The critical root zone shall be protected by securely staked fencing with a minimum height of 36 inches. No storage or placement of any soil or construction materials, including construction wastes, shall occur within the fenced area. Cables, ropes, signs, and fencing shall not be placed on protected trees.
- C. Abrupt changes of grade shall be avoided within forty feet of the critical root zone of any trees to be preserved.
- D. Large or unique trees which cannot be preserved shall be replaced by trees of the same species, in the following manner:
1. For every tree with a caliper of 24 inches DBH or larger, at least 5 trees with a minimum caliper of 3 to 3.5 inches DBH or at least 7 trees with a minimum caliper of 2 to 2.5 inches DBH shall be required.
 2. The placement and spacing of the replacement trees shall be appropriate to conditions of the replacement site and is subject to the approval of the Department, but shall at a minimum be such as to ensure the health and longevity of the replacement trees.
- E. Where large or unique trees will be preserved within the area of disturbance, such trees may be used to satisfy the landscaping requirements of §5.12.4.H, §5.12.5.A.5, and §5.12.6.D.

5.6.3 **Preservation of Bicentennial Trees.** No subdivision or land development shall be approved which includes the destruction of a tree listed in the Allegheny County Register of Bicentennial Trees.

Section 5.7 **PROTECTION OF SIGNIFICANT NATURAL AREAS**

5.7.1 **Allegheny County Natural Heritage Inventory.** Every subdivision and land development site plan shall consider and, to the maximum extent feasible, ensure the preservation of Natural Heritage Areas and resources identified in the Allegheny

County Natural Heritage Inventory, February 1994, prepared for Allegheny County by the Western Pennsylvania Conservancy.

- 5.7.2 **Protected resources.** Where a proposed subdivision or land development includes an identified natural feature, such as a rare or endangered species, which is regulated by municipal, state, or federal law, the applicant shall provide evidence of compliance with any applicable regulation.

Section 5.8 **PRESERVATION OF HISTORIC, ARCHITECTURAL, AND ARCHEOLOGICAL RESOURCES**

- 5.8.1 **Identification of resources.** Structures and site features which have known historic or architectural significance and locations of known or probable archeological sites shall be identified on the existing conditions map and described in the preliminary application materials.

- 5.8.2 **Notification to PHMC.** Where the presence of such features is known or suspected, or where required by DEP or another permitting agency, the applicant shall notify the Pennsylvania and Historical Museum Commission of the proposed subdivision or land development and request a determination concerning the presence of significant resources from the PHMC.

A. A copy of the notification to the PHMC shall be submitted with the application for preliminary approval.

B. The Department shall condition preliminary approval upon the applicant's receipt from the PHMC of a determination that:

1. No significant resources are present on the site or that the proposed subdivision or land development will not adversely impact resources that may be present; or
2. Significant resources are present or likely to be present on the site; together with an approved plan or program for the mitigation of any adverse impacts of the proposed subdivision or land development upon the historic or archeological resource, if required by the PHMC.

C. A copy of the required determination by the PHMC shall be submitted with an application for final approval, and no subdivision or land development requiring such a determination shall be finally approved without it.

- 5.8.3 **Municipal historic districts.** If a proposed subdivision or land development is located within a historic district established by the municipality, the applicant shall

provide evidence that the municipal body empowered to approve development activities within the historic district has reviewed and approved the proposed subdivision or land development. A copy of the municipal approval shall be required prior to final approval of an application.

Section 5.9 **PROTECTION OF AIR AND WATER QUALITY**

5.9.1 **Air quality.** An application for preliminary approval of a nonresidential land development shall include a written certification from the Allegheny County Health Department that the Health Department has been notified of the proposed development and that the applicant has been apprised in writing of the county air pollution control requirements. If a preliminary plan is not required, the certification shall be submitted with the application for final approval.

5.9.2 **Water quality.** All subdivisions and land developments shall comply with all laws and regulations of the federal government, commonwealth of Pennsylvania, and county of Allegheny concerning water quality.

A. All earth disturbance activity shall be carried out in accordance with a soil erosion and sedimentation pollution control plan prepared in accordance with regulations of the Department of Environmental Protection, which has been submitted to and determined to be adequate by the Allegheny County Conservation District.

B. Every subdivision and land development shall be supplied with sanitary sewage facilities in accordance with all requirements of the Department of Environmental Protection and the Allegheny County Health Departments (see Section 5.14).

C. Any site proposed for development that is wholly or partly within a designated wellhead protection area shall comply with the wellhead protection ordinance of the municipality in which the land is located. Proposed subdivisions and land developments in areas where municipal wellhead protection regulations are not in effect shall comply with the provisions for wellhead protection in Appendix 5. Appendix 5 is hereby incorporated as a part of this ordinance. Subdivision and land development plans in areas subject to the provisions of Appendix 5 shall be reviewed by the Allegheny County Health Department and approved by the Department.

Section 5.10 **AVOIDANCE OF HAZARDOUS DEVELOPMENT**

5.10.1 **Landslide-prone areas.** No grading, removal of vegetation, construction, or other

disturbance shall be permitted on soils that are classified as slide-prone or unstable in the Soil Survey of Allegheny County, on any land that is delineated as unstable on the Landslide Susceptibility Map of Allegheny County, or on any other areas of a proposed development site that exhibit signs of instability, except in accordance with the provisions of this subsection.

- A. Unstable areas of a site may be set aside as common or private open space.
- B. Limited disturbance of unstable areas may be allowed if the applicant demonstrates to the satisfaction of the Department that the proposed disturbance will not cause sliding or movement or any unsafe condition either on the development site or on any property adjacent to it.
- C. Evidence of the safety of any proposed disturbance shall require site investigation and certification in writing by a registered soils engineer, engineering geologist, or professional engineer with experience in soils engineering that the proposed activity will not create or exacerbate unsafe conditions.

5.10.2 **Undermined areas.** No land development involving construction of buildings and no subdivision of land intended to create lots for building construction shall be approved on a site which has been undermined at shallow depths or in an area where there is evidence of past subsidence unless the applicant demonstrates that the proposed subdivision or land development will be safe and will not create hazards for adjacent properties. Evidence of safety shall be one of the following:

- A. If the site or any area of the site has been undermined and has 100 feet or less of overburden, evidence of the safety of the proposed subdivision or land development shall require site investigation and certification in writing by a professional engineer, experienced in subsidence risk assessment, that the proposed development will be safe.
- B. If the site has been undermined and has more than 100 feet of overburden, a subsidence risk assessment by a professional engineer and written certification that the proposed subdivision or land development will be safe may be required if the Department, municipality, or applicant has knowledge of any past occurrences of subsidence in the general vicinity of the site.

5.10.3 **Flood-prone areas.** To the maximum extent feasible, new development should not be undertaken in areas subject to period flooding, including identified floodplain areas and flood hazard areas, as determined by the Federal Emergency Management Agency (FEMA); or in other areas where FEMA maps and studies have not been provided, but which may be flood-prone as indicated in local records and histories, field studies, or on-site investigations.

- A. Portions of proposed development sites that are susceptible to flooding should be preserved as open space and for uses that will not be harmed or cause hazards if exposed to inundation by flood waters.
- B. Construction in the floodway portion of a flood-prone area shall comply with DEP regulations.
- C. Where development is necessary in an area delineated as within the 100-year flood plain on a FEMA map, all construction shall comply with municipal flood plain regulations and with the minimum requirements of the PA Department of Community and Economic Development.

5.10.4 **Contaminated sites.** The Department shall not approve the subdivision or development of land which is known to contain substances which are classified as hazardous unless the site has been made safe for the proposed development.

- A. A contaminated site shall be considered safe for subdivision or development when a remediation plan has been completed and approved by DEP, subject to the provisions of subsection B hereunder.
- B. If a remediation plan includes limitations on uses or other site restrictions that would not apply to other property in the same zoning district, the Department may require that the proposed subdivision or land development, including any restrictions on uses or other limitations imposed by the remediation plan, be approved by the municipal governing body.
- C. The subdivision of contaminated land, not including any development or earth disturbance, may be approved prior to remediation if a notation approved by the Department is placed on the recorded plan, which indicates that the site or specified lots within the site contain or may contain hazardous substances.

5.10.5 **Areas exposed to aircraft noise or airport-related hazards**

- A. Noise-impacted areas. Subdivisions and land developments located in areas which are impacted or projected to be impacted by high levels of aircraft-related noise, as delineated in the most recent airport noise contour maps, shall comply with one of the following two options:
 - 1. Land shall be subdivided or developed only for uses that are compatible with existing and projected noise levels; or
 - 2. Structures shall be sound-proofed in accordance with standards

promulgated by the Allegheny County Department of Aviation.

3. In addition, a notation shall be placed on a plan of subdivision in a noise-impacted area that lots may be exposed to high levels of airport-related noise.

B. Airport Hazard Areas. Subdivisions and land developments located in areas where development may create hazards to aircraft because of height, illumination, or other features that may interfere with aircraft takeoffs and landings shall be designed and constructed so as not to create hazards to aircraft.

1. Land development shall comply with applicable municipal airport zoning regulations and with federal and state regulations requiring submission of notice of proposed construction or alteration.
2. If notice of proposed construction or alteration is required, the applicant shall provide copies of permits or approvals of the proposed land development from the PennDOT Bureau of Aviation and the Federal Aviation Administration or a copy of a notification from those agencies that a permit is not required.
3. Subdivisions and land developments shall comply with any conditions of the PennDOT and FAA permits and municipal zoning regulations, including notation of restrictions on the plan for recording where applicable.

Section 5.11 **GENERAL LAYOUT OF SUBDIVISIONS AND LAND DEVELOPMENTS**

5.11.1 **Blocks**

- A. Blocks in a residential subdivision shall have a minimum length of 300 feet and a maximum length of 1200 feet.
- B. Blocks along arterial streets shall not be less than 800 feet in length.
- C. Blocks in a residential subdivision shall generally be of sufficient depth to accommodate two tiers of lots, except double or reverse frontage lots are permitted to border an arterial or collector road or where a barrier such as a watercourse or railroad is present.
- D. For blocks 800 feet or more in length, interior pedestrian walks may be required to provide for safe and convenient pedestrian access. Such walks

shall be located close to the center of the block, and protected by an easement or other form of legal agreement.

- E. Blocks in nonresidential areas may vary from the requirements of this section, according to the nature of the use. The depth and width of such blocks shall be adequate to provide for safe and convenient traffic circulation, off-street parking and loading areas, setbacks, and landscaping, as required by this ordinance and any applicable municipal zoning regulations.

5.11.2 Lots

A. General standards.

1. Lots shall be laid out so as to provide buildable areas, accessible driveways, and usable yards and open space areas with the minimum possible disturbance to the site.
2. Lots and building sites shall be laid out with consideration given to the provision of adequate solar access and air circulation. New development shall be accomplished such that excessive winds are neither created nor exacerbated.
3. Lots and building sites shall be laid out and buildings sited with consideration given to views and privacy.

B. Specific standards

1. Lots shall meet the minimum dimensional and area requirements specified by the municipal zoning ordinance.
2. Lots shall be laid out and graded to provide positive drainage away from buildings and water wells.
3. In general, lots shall abut on public streets. The Department may waive this requirement and permit private streets in commercial or industrial subdivisions or developments or in planned residential developments, with the approval of the municipal governing body.
4. Lots which require access to an arterial or collector street shall be avoided. Where lots adjoin arterial or collector streets, access to such lots shall be from service or minor access roads.
5. Lots that have frontage along two or more streets shall provide along

each street the minimum front setback required by the municipal zoning regulations.

6. Side lot lines shall be at right angles or radial to street right-of-way lines.
7. Remnant land areas which are not buildable under the municipal zoning regulations shall not be permitted. Such remnants shall be incorporated into existing or proposed lots, or dedicated to public use if acceptable to the municipality.

5.11.3 **Other design considerations**

- A. Views. The design of a land development shall consider views of the development site, as well as views from the site and through the site.
 1. Views of the development site. The placement of buildings, screening elements, and landscaping shall be planned so that rooftop mechanical equipment, service and loading areas are not visible from adjacent public areas, streets, or residential areas. Parking areas should also be designed, landscaped and screened or buffered, so that potentially negative impacts on adjacent public or residential areas are avoided or reduced to the maximum extent possible.
 2. Views from the development site. If a development site has scenic qualities, either internally or because scenic features are visible from the site, development shall be planned to preserve those scenic site features and views.
 3. Views through the development site. If a development site is located between a public road or other viewing place, such as a park, and a scenic view such as a river or wooded hillside, the design of the development shall preserve visual access through some portion of the site so that people can continue to see the scenic area.
- B. Land development adjacent to rivers. The design of a land development which has river frontage or is across a road or railroad from a river shall, where possible, provide physical and visual access to the riverfront or to the top of the riverbank for residents, occupants, and users of the proposed development.
 1. Streets shall be located and designed so that public access to the riverfront is not impeded or blocked.

2. Pedestrian walkways shall be located and designed to enhance public access to the riverfront.
3. Where allowed by zoning, land uses in developments along a river shall be arranged so that uses which are public or open to the public are nearest the river.

Section 5.12 **LANDSCAPING**

- 5.12.1 **Purpose.** The standards contained in this section are intended to promote public health, safety, and welfare by filtering noise, softening or diverting light and glare, modifying climatic conditions such as wind and heat, and reducing storm water run-off and air pollution. The standards contained in this section are also intended to increase the value to the community from new developments by recognizing the role that landscaping plays in overall community appearance and livability.
- 5.12.2 **General Requirements.** In general, all areas of a site proposed for development shall be landscaped with trees, shrubs, groundcovers, grasses, and other herbaceous plants, except for those areas which are occupied by buildings and other structures and facilities, or are paved.
- 5.12.3 **Landscaping Defined.** Landscaping shall be understood to include the provision of street trees, bufferyards, replacement woodlands, and other new planted areas. Landscaping shall also be understood as the provision of undisturbed ground, where such is fully integrated into the design and layout of the subdivision or land development and preserves existing natural features of the site.
- 5.12.4 **Street Trees.** All new residential and nonresidential developments shall provide street trees, in accordance with the following standards:
- A. Street trees shall be provided along the entire length of the street right-of-way on both sides of the street if the street lies within the development.
 - B. Street trees in residential subdivisions shall be located within five feet of the right-of-way and in nonresidential developments between the right-of-way and the building line.
 - C. Street trees shall be located so as not to interfere with the maintenance of utilities, required sight distances, and visibility of street and traffic signs.
 - D. The species chosen shall be appropriate to the location. Factors such as microclimate, soils, habit of growth, salt, air pollution, and disease tolerance, proximity of sidewalks and overhead utility lines, and social conditions

(likelihood of soil compaction, vandalism, damage by dogs, deer, etc.) shall be considered.

- E. Street trees shall have the following minimum calipers at the time of planting:
 - 1. Large trees, defined as those trees whose height will ultimately exceed 40 feet, shall have a minimum caliper of 2.5 to 3.0 inches DBH.
 - 2. Medium trees, defined as those trees with an ultimate height of 25 to 40 feet, shall have a minimum caliper of 2.0 to 2.5 inches DBH.
 - 3. Small trees, being those trees whose ultimate height will not exceed 25 feet, shall have a minimum caliper of 1.5 to 2.0 inches DBH.
- F. Street trees shall be spaced with regard to the ultimate spread of the fully developed canopy. Spacing requirements are as follows:
 - 1. Large and medium trees shall be spaced at a maximum distance not to exceed the average spread of the fully developed canopy plus five feet.
 - 2. Small trees shall be spaced a maximum distance of 25 feet on-center.
- G. Tree grates and/or permanent fencing may be required to protect new street trees in areas of dense development or high-use.
- H. Mature trees, woodlands, or other significant vegetation which remains undisturbed adjacent to the street right-of-way may be used in place of or in conjunction with the requirements of this section.

5.12.5 **Landscaping of parking lots.** All new parking areas that have ten or more parking spaces, or any existing parking area that will be expanded by five or more parking spaces, shall be landscaped in accordance with the following provisions:

- A. Perimeter landscaping. Where the parking area is adjacent to any public street, walk, right-of-way, or neighboring properties, the perimeter of the parking lot shall be landscaped. Such landscaping shall be in addition to any required bufferyard plantings, but may be in conjunction with any required adjacent street trees. Landscaping shall be provided in accordance with the following criteria:
 - 1. The landscaped area shall be at least ten feet wide.

2. The landscaped area shall be planted with large, medium tree, or small trees, spaced as per §5.12.4.F, and sufficient shrubs or grasses sufficient to form a hedge or a screen. The height of hedges and screens at the time of planting shall not be less than 2.5 feet.
3. The caliper of all new trees shall be as in §5.12.4.E. above.
4. Masonry walls, fencing, berms, or a combination thereof may also be used. Walls, fences, and berms adjacent to neighboring properties shall have a minimum height of 3.5 feet. Berms shall have maximum slopes of 33 percent, and shall be completely covered with shrubs, grasses, or other plant material. Walls or solid fencing shall be planted with at least one shrub or vine per ten lineal feet of wall. Non-solid fencing shall be planted with at least three shrubs or vines per 12 lineal feet.
5. Mature trees, woodlands, or other high-quality existing vegetation which remains undisturbed between the parking area and the right-of-way or adjoining properties may be used to satisfy the requirements of this section. New shrubs or trees may be added as needed to help provide an effective screen.
6. Screening requirements adjacent to public streets, walks, or right-of-ways may be modified in circumstances where public safety is a concern.

B. Landscaping in interior areas. Landscaping in the interior of parking areas shall be designed to provide visual and climatic relief from large expanses of paving, to channelize vehicular traffic, and to define areas for safe pedestrian circulation.

1. At least five percent of the total area of any parking lot containing thirty spaces or less shall be landscaped, and at least seven percent of any parking lot containing more than 30 parking spaces shall be landscaped.
2. At least one large tree and three shrubs, or one medium tree, one small tree, and three shrubs shall be planted per ten parking spaces.
3. The caliper of all new trees shall be as in §5.12.4.E. above.
4. Trees required in this section shall be planted in protected areas such as along walkways, or within curbed islands located between rows of

parking spaces, at the ends of bays, or between parking stalls.

5. Curbed landscaped islands shall have a minimum width of nine feet, or a minimum radius of 4.5 feet, exclusive of the curbing.

5.12.6 **Bufferyards**

- A. Purpose. In addition to the yards which municipal zoning ordinances require on all or most lots, additional landscaped open space, or bufferyards, may be needed to provide greater separation where disparate or incompatible land uses are located on adjacent sites. However, careful site planning can minimize the need for constructed bufferyards. Uses should be arranged to avoid locating incompatible uses in close proximity. Natural topographic and vegetative features of a development site should be used to separate uses which may impact negatively on each other.

This subsection includes requirements for bufferyards that apply where land uses with differing visual, functional, and operational characteristics are located in close proximity. These situations are most likely to arise within multi-use land developments; on development sites that are located at the edges of zoning districts; and on development sites bordering major highways, railroads, and public transit lines.

- B. Application. If the zoning ordinance of the municipality in which a proposed subdivision or land development is located contains standards for bufferyards, the municipal standards shall apply. If the municipality has no applicable regulations, the standards contained in this subsection shall apply.
- C. Calculation of bufferyard requirement. The type of bufferyard and the extent of planting or other screening that must be provided within it shall be a function of the difference or incompatibility between adjacent land uses.
 1. Land Use Compatibility classes. The magnitude of incompatibility shall be determined in accordance with Table V-1, which categorizes land uses into six compatibility classes. Uses within each class are assumed to be similar in visual, functional, and operational characteristics and require no separation beyond yards required by zoning, and landscaping required by other subsections of this section. Requirements for bufferyards, planting, and screening increase as the numerical difference between compatibility classes increases.

Table V-1
LAND USE COMPATIBILITY CLASSES

<u>Compatibility Class</u>	<u>Land Uses</u>
1	Single family residential, passive recreation
2	Multi-family residential, townhouses, mobile home parks, primary schools, cultural facilities, public recreation
3	Business, professional, and government offices; small-scale neighborhood and commercial
4	Hotel, motel, conference center; commercial recreation; general commercial; office park, secondary schools, government public safety facilities
5	Wholesale, warehousing, construction-related, light industrial, community shopping center, major free-standing retail, government public works
6	Heavy industrial, regional shopping centers, stadiums, expressways and major arterial highways, railroads, transit corridors, transportation terminals

2. Bufferyard types. Table V-2 defines five types of bufferyards, ranging from 10 feet to 70 feet in width, which shall be required to separate land uses in different compatibility classes. The planting and screening component of each bufferyard type is described qualitatively in terms of the result to be achieved, rather than quantitatively.

**Table V-2
BUFFERYARD TYPES**

Bufferyard Type	Description of bufferyard objective	Width (feet)
A	Minor separation, partial visual screening; trees, hedge, 3 - 4 foot fence appropriate	10
B	Moderate separation required; total visual screening; varied landscape materials; hedge, fence as above	20
C	Substantial separation; total visual screening; varied materials; solid fence or berm appropriate	40
D	Major spatial separation, total visual screening plus mitigation of noise, lights, traffic through heavy landscaping, solid fence or berm appropriate	55
E	Maximum spatial separation; total visual screening plus mitigation of traffic, noise, lights, emissions	70

3. Required bufferyard. Table V-3 specifies the bufferyard type which must be provided to separate land uses in different compatibility classes.

**Table V-3
REQUIRED BUFFERYARD TYPE**

Proposed Use Class	Existing Class of Adjacent Use or Zoning District					
	1	2	3	4	5	6
1	*	A	B	C	D	E
2	A	*	A	B	C	D
3	B	A	*	A	B	C
4	C	B	A	*	A	B
5	D	C	B	A	*	A
6	E	D	C	B	A	*

* Bufferyard not required in same use class

4. Options for flexibility.

- a. The Department may permit the provision of a narrower bufferyard in combination with denser planting and/or screening devices if the applicant demonstrates that a narrower bufferyard will provide acceptable mitigation of the effects of heavy traffic, noise, glare, fumes, and other potential impacts and that the proposed plant materials will be able to thrive if spaced more closely.

D. Required plantings. Bufferyards shall be planted with a mix of trees, shrubs, grasses, and perennials. The use of hardy indigenous species is encouraged. Minimum caliper of trees shall be as specified in §5.12.4.E. Quantities and spacing of plant material shall be determined by the density of screening needed. Existing natural features, woodlands, or other high-quality existing vegetation preserved within the bufferyard may be used to satisfy planting requirements.

E. General standards for bufferyards

1. Bufferyards shall be provided by the applicant along the perimeter of the site or lot and shall extend to the property or right-of-way line.

Different bufferyards may be required along various portions of the site perimeter if more than one category of land use adjoins the site.

2. Bufferyards shall be maintained by the owner of the property. Bufferyards shall be kept free of trash, debris, and graffiti at all times. Plant materials shall be inspected yearly, and all dead, diseased, and damaged plant materials shall be replaced.
3. No structure or vehicular use areas, buildings, accessory uses, utilities, light standards, etc., shall be permitted in a bufferyard. Access drives are permitted only in bufferyards which separate a proposed development from a street.
4. Bufferyards may be used for passive recreation uses such as pedestrian and bicycle trails, provided that the required separation and screening is maintained.

Section 5.13 **WATER SUPPLY**

5.13.1 **Water supply required.** An adequate supply of potable water shall be provided for every building to be used for human occupancy or habitation in a subdivision or land development.

5.13.2 **Public water systems**

- A. Where an existing public water system is accessible to or can be extended to the proposed development site, the applicant shall provide a complete on-site system with connections to such public water system in conformance with the standards and requirements of DEP and the water supplier whose facilities will serve the development.
- B. Where an existing public water system is not accessible to the proposed development, water may be supplied by a new public water system, subject to the approval of DEP and the Allegheny County Health Department.
- C. In the case of A or B, the applicant shall present evidence to the Department that the subdivision or development is to be supplied with water by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area, whichever is appropriate, shall be acceptable evidence.

- D. Hydrants. Subdivisions and land developments to be served by public water systems shall be provided with fire hydrants which meet all specifications of the municipality and fire company which will serve the development.

5.13.3 **Individual water systems**

- A. Where public water supply systems, as defined in the Allegheny County Health Department Rules & Regulations, Article XV, "Plumbing and Building Drainage", Chapter 17, are inaccessible and cannot be extended to the proposed development site, the applicant may provide potable water through individual water supplies, designed and constructed in conformance with the standards and requirements of the Health Department.
- B. The use of private water systems shall not be permitted in any subdivision or land development with more than ten lots, unless the applicant provides hydrogeologic data, acceptable to the Health Department, assuring that adequate quantity and quality of water are available.
- C. Private water systems and individual water supplies may be permitted to be located off-site, provided that a permanent easement is recorded on the final plan, a legal agreement that sets forth clearly all of the rights and responsibilities of all affected parties is executed, and all other applicable provisions of this Section are met.

Section 5.14 **SANITARY SEWAGE FACILITIES**

5.14.1 **Sanitary sewage facilities required.** All subdivisions and land developments, unless excepted in §5.14.2 below, shall be provided with sanitary sewage facilities which are in accordance with the municipal sewage facilities plan and which have been approved by the Allegheny County Health Department, the Pennsylvania Department of Environmental Protection, and the municipality, authority, or other public agency responsible for the collection, conveyance, and treatment of sanitary sewage in the municipality in which the development is located.

- A. No plat shall be finally approved or recorded until the plans and specifications for sanitary sewage facilities have been approved and permits issued, as required, by the Health Department and/or the DEP.
 - 1. Conditional final approval may be granted, however, provided that the completed Sewage Facilities Planning Module, as required for the proposed development, has been approved by the municipality in which the proposed development is located, and transmitted by the

municipality to the Allegheny County Health Department and/or Pennsylvania Department of Environmental Protection, together with a resolution adopting the revision to its sewage facilities plan, if required.

- B. All sanitary sewers and related facilities shall be constructed in accordance with requirements of DEP, the construction standards of the municipality, and the Allegheny County Health Department, Rules and Regulations, Article XV, Plumbing and Building Drainage.
- C. Private sanitary sewer systems may be permitted to be located off-site, provided that a permanent easement is recorded on the final plan, a legal agreement that sets forth clearly all of the rights and responsibilities of all affected parties is executed, and all other applicable provisions of this Section are met.

5.14.2 **Exceptions**

- 1. Minor plat adjustments. Sewage facilities shall not be required for subdivisions that are classified as plat adjustments in this ordinance, that is, where no new lots are created.
- 2. Plans with no new development. Subdivisions and land developments in which no development of buildings or improvement of land for purposes requiring sewage facilities is proposed need not provide sanitary sewage facilities, provided a properly executed Form B - Request for Non-Building Waiver (PA DEP Bureau of Water Quality Management form ER-BWQ-349:6/92) has been submitted to and approved by DEP. Where a waiver is approved by DEP, the final plan for recording shall include the notation specified in Appendix 2.7.A.

Section 5.15 **STORM WATER MANAGEMENT**

5.15.1 **Management of runoff required.** Every subdivision or land development which will affect storm water runoff characteristics shall include provision for the management of runoff to comply with the following:

- A. Development in areas where municipal storm water management regulations have been enacted. Proposed subdivisions and land developments located in municipalities or areas of municipalities where municipal storm water management regulations have been enacted shall comply with the municipal regulations. Storm water management plans for proposed development in those areas and municipalities shall be approved in accordance with the

municipal regulations and reviewed by the county, where county review is required by the municipal ordinance.

- B. Development in areas where municipal storm water management regulations are not in effect. Proposed subdivisions and land developments located in areas where municipal regulations are not in effect shall comply with the provisions for storm water management contained in Appendix 4. Appendix 4 is hereby incorporated as a part of this ordinance. Storm water management plans for proposed development in areas subject to the provisions of Appendix 4 shall be reviewed by the municipality and approved by the Department.

5.15.2 **Implementation and enforcement of storm water management plans**

- A. Where governed by municipal regulations. Implementation of storm water management plans including construction of facilities and provision for inspection, operation, and maintenance of facilities for developments in areas subject to municipal regulations shall comply with the municipal regulations.
- B. Where governed by provisions of Appendix 4. Implementation of storm water management plans, following approval by the Department, shall be in accordance with the provisions of Article III, Section 3.3, Subsections 3.3.4, 3.3.5, 3.3.6, and 3.3.7. Enforcement procedures and remedies for violation of the provisions for storm water management shall be in accordance with Article I.

5.15.3 **Non-structural management techniques preferred.** All storm water management plans shall utilize non-structural techniques, where feasible, to reduce the volume and rate of flow of storm water runoff and to minimize the need for detention facilities.

- A. These techniques may include:
 - 1. Limitation of land disturbance areas and restriction of development on steep slopes;
 - 2. Maintenance of site vegetation and minimization of impervious surfaces;
 - 3. Measures to increase infiltration of runoff on the site;
 - 4. Flow attenuation measures such as open vegetation swales and natural depressions.

- B. Where storm water management plans are subject to approval by the Department, the Department may require the revision of the development plan and storm water management plan to increase the utilization of non-structural storm water management techniques.

Section 5.16 **OTHER UTILITIES AND EASEMENTS**

5.16.1 **General requirement.** Subdivisions and land developments shall be served by gas, electric, cable television, and telephone service distribution systems, where these systems are accessible to the development.

5.16.2 **Easements.** Easements for public and private utilities shall comply with the requirements of the utility providers and with the following standards.

- A. Easements shall be adjacent to property lines where possible.
- B. Minimum widths for utility easements shall be 20 feet for public utilities and 10 feet for private utilities. Utility companies shall use common easements wherever possible.

5.16.3 **Underground wiring**

- A. Electric, telephone, television, and other communication service lines shall be provided by wiring placed underground within easements or dedicated rights-of-way, installed in accordance with the prevailing standards and practices of the utility or other companies providing such services unless the applicant demonstrates to the Public Utilities Commission that physical conditions render such underground installation infeasible.
- B. If a lot abuts an easements or right-of-way with existing overhead electrical, telephone, television, or other service lines, the lot may utilize the overhead lines, but service connections shall be installed underground. Where a subdivision or land development requires a road widening or service extension which necessitates the replacement or relocation of overhead lines, replacement or relocation may be underground, in accordance with the requirements of the Public Utilities Commission.
- C. Where overhead lines are permitted, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines as follows:
 - 1. Alignments and pole locations should be routed to avoid locations along horizons.

2. Poles should be located so that the need to clear swaths through treed areas is avoided or mitigated.
 3. Trees should be planted in open areas and at key locations to minimize the view of the poles and lines.
 4. Alignments should generally follow rear lot lines.
- D. Utility apparatus placed above ground, other than utility poles, shall be screened with plant materials.

Section 5.17 **PARKS, OPEN SPACE, AND RECREATION FACILITIES**

5.17.1 General provisions

- A. Purpose. The purpose of this section is to encourage or require the provision of land and facilities for open space and recreational uses in new land developments. Open space and recreational facilities are important to the public health and welfare, and the quality of life in communities is enhanced when areas are available for active and passive recreational use. Areas and facilities for recreational use are desirable in both residential and nonresidential developments and may include a wide range of areas and facilities such as tot lots, playgrounds, game courts and playing fields, parks, landscaped plazas, picnic areas, hiking and biking trails, and greenways.
- B. Intent. The intent of this section is to encourage or require the public dedication or private reservation of land for recreational use, the construction of facilities, payment of fees in lieu of dedication, or combination thereof only in accordance with Section 503(11) of the Pennsylvania Municipalities Planning Code.
- C. Mandatory provision of land for recreation. If a municipality has formally adopted a recreation plan, land suitable for recreation and open space shall be provided in accordance with the requirements of subsections 5.17.2, 5.17.3, and 5.17.4 hereunder.
- D. Voluntary provision of land and facilities. If a municipality has not formally adopted a plan for recreation, compliance with the provisions of this section shall be voluntary, but land developments should include open space areas and facilities to meet the recreational needs of residents, employees, and other users of proposed developments. Often recreational use may be made of areas where development is restricted for environmental reasons. There may be opportunities to link open space within a development to open space

in adjoining areas and to create, over time, continuous systems of open space that will add great value to a development and to the community.

5.17.2 Parks, open space, and recreation facilities for residential development

- A. Purpose. Parks and recreation facilities provide open space for conservation of environmentally sensitive features and for active and passive recreational needs. The purpose of this subsection is to provide for the park and recreation needs of new residential development. These requirements are intended primarily for recreation rather than environmental protection purposes; however, it is not the intent to prohibit parks or recreation facilities in environmentally sensitive areas if compatible with the primary recreation goals of this subsection.

- B. Amount of land required. Residential land developments which will contain 10 or more dwelling units shall provide open space for recreation purposes at a rate ranging from 6.25 acres - 10.50 acres per 1,000 estimated population, which is equal to approximately 270 - 350 square feet per person. This standard is based upon recommendations of the National Recreation and Park Association for local recreation space within neighborhoods and communities and may be adapted to reflect specific recommendations of a municipal park and recreation plan, existing facilities near the development site, and the character and suitability of land within the site for park and recreation purposes.

- C. Characteristics. Land proposed to be dedicated or reserved for park and recreation purposes shall meet the following standards.
 - 1. Minimum size. Recreation and open space sites shall be of sufficient size for the recreation uses that are identified in the municipal park and recreation plan. Where there is no municipal plan or if the municipal plan does not specify, the minimum size of a recreation site shall be 10,000 square feet or such other size as is acceptable to the municipality.

 - 2. Slope. At least half of any land area proposed for park and recreation purposes shall have a slope of less than 25 percent and shall be appropriate for active recreation uses. Steep slopes, exceeding 25 percent, may be accepted if they are suitable for passive recreation. Any steep slopes proposed for park and recreation purposes shall be undisturbed, not graded, slopes.

 - 3. Flood-prone areas. At least half of any land proposed for park and recreation purposes shall be above the 100-year flood elevation and

shall be appropriate for active recreation uses. Land below the 100-year flood elevation may be accepted if it is suitable for recreation uses.

4. Accessibility and usability. Land proposed for dedication shall be usable and accessible to the development for which it is required and to the general public for active or passive recreation activities.

D. Ownership. Open space required to be dedicated under this subsection shall be either:

1. dedicated in fee simple to the municipality, subject to acceptance by the municipality; or
2. deeded in fee simple or by means of a conservation easement or similar conveyance to a nonprofit conservation organization, permanently restricting the open space for recreational use by the public and allowing the public to use and improve the land for open space or recreational purposes.

E. Reservation of land, construction of recreational facilities or fee in lieu of dedication. In lieu of dedicating land, a developer may voluntarily agree to construct recreational facilities, reserve private land as common open space, pay a fee in lieu of land dedication, or combination thereof, in accordance with the standards of this subsection.

1. Reservation of private open space

- a. Dimensions and character. The amount, dimensions, and character of the reserved open space shall meet the standards for dedicated open space, as set forth in subsection 5.17.2.B and C above.
- b. Accessibility. Private open space shall consist of land or water within the site, designed and intended for the use or enjoyment of residents of the development.
- c. Ownership. Private land reserved as open space shall be permanently restricted to recreational use and shall be deeded to a property owners' association or to a nonprofit conservation organization, with authority to own and maintain the land. Provisions for use, ownership, and maintenance shall be acceptable to the municipality.

2. Construction of recreational facilities

- a. Character of facilities. A developer may construct any facilities identified in the municipal recreation plan or acceptable to the municipality
- b. Accessibility. Recreation facilities shall be accessible to residents of the development and other members of the general public.
- c. Ownership. Recreational facilities constructed under this subsection shall be publicly owned and maintained.

3. Fees in Lieu of Land Dedication

- a. Amount. The amount of the fee in lieu of required open space shall be equal to the pre-development fair market value of the land area required to be dedicated and shall be calculated as follows:

Fee = (number of acres required to be dedicated) x (average pre-development fair market value, per acre of land in development site).

- b. Timing of Payment. All fees in lieu of required open space shall be paid prior to final approval of the subdivision plat or land development plan unless financial security is provided in accordance with §3.3.6.C.
- c. Earmarking. Fees authorized by this subsection shall, upon receipt by the municipality be deposited in an interest-bearing account, clearly identifying the land or recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account.
- d. Use of Funds. Funds from such accounts shall be expended only for the acquisition of land or the construction of recreational facilities identified in the municipal recreation plan which are accessible to the residents and users of the proposed subdivision or land development.
- e. Refunds. If the municipality fails to utilize the fee paid for the park and recreation purposes within three years of the date such fee was paid, the municipality shall refund any fees paid

with interest to any person who paid any fee under this subsection who requests a refund.

5.17.3 **Open space amenities for nonresidential development**

- A. Purpose. Major nonresidential land uses, such as office buildings and shopping centers, require open spaces to ensure the health, safety and welfare of large numbers of employees and patrons. Outdoor plazas and landscaped open spaces provide safe, pleasant environments for taking breaks, reduce the need to drive to other locations for this purpose, provide a buffer from noise, glare and other adverse effects of high density development, and increase the attractiveness of new development. The purpose of these standards is to ameliorate the congestion and other adverse impacts on employees, visitors and patrons of major nonresidential developments.
- B. Applicability. These standards shall apply to any nonresidential land development which will include at least 25,000 square feet of gross leasable floor area devoted to retail, office, commercial, institutional, public, or industrial use.
- C. Open Space Requirements. In all land development which is subject to the requirements of this subsection land shall be set aside which is equal to at least 5 percent of the gross leasable floor area of the development as open space. Such open space shall not include driveways, parking or loading areas, refuse or storage areas.
- D. Design Criteria. Open space areas shall satisfy all of the following criteria:
 - 1. Open areas shall be open to public use for walking, seating and eating.
 - 2. Open areas shall be landscaped or covered with decorative surface treatment. Natural ground cover, such as grass, shrubs, flower beds or mulch are encouraged; however, impervious ground cover may be used provided that:
 - a. Deciduous canopy trees having a diameter at breast height of at least 2.5 inches are planted;
 - b. At least one such tree is planted for every 500 square feet of open area; and
 - c. Tree roots are protected by tree grates or, if tree grates are not possible or practicable, by above-grade planters.

3. Fountains, art or sculpture, seating, protected walkways, linkages to transit or trail systems, bus shelters, street lights, or other streetscape improvements may be installed in lieu of required landscaping with the approval of the Department.
 4. All utilities shall be installed underground
 5. Open spaces and improvements to open spaces shall be depicted on the site plan or landscaping plan which shall be submitted with the application for land development approval.
- E. Maintenance Agreement. A maintenance agreement for any improvements required under this section shall be submitted by the applicant and approved by the municipality.

5.17.4 **Dedication or reservation of greenways and trails**

- A. Purpose. The establishment of greenways provides an important means for the conservation of environmentally sensitive land and natural resources and for the preservation of vegetation and wildlife habitat. The establishment of greenways which are available for public use also provides a variety of recreational and educational benefits. Trails for walking, hiking, and biking are important facilities for recreation as well as for non-motorized transportation. The establishment of greenways and trails improves the quality of life and will help to make municipalities and the county economically competitive with other areas. Both greenways and trails must occupy continuous, linear land corridors and cannot be effectively contained within individual parcels of land. The purpose of this subsection is, therefore, to provide that land which is delineated as a greenway or trail in an adopted plan or on an official map be dedicated or reserved for such use when land is subdivided or developed.
- B. Dedication or reservation of proposed trails and greenways. The Department may accept the dedication or reservation of greenways which traverse a proposed subdivision or land development. Any land dedicated or reserved under this subsection shall be credited against the requirements of this ordinance for the provision of open space, recreational facilities, and open space amenities in residential and nonresidential developments, provided:
1. That the land offered for dedication or reservation is designated as a trail or greenway on an adopted plan or official map of the municipality or county.

2. That land offered for public dedication is approved by the municipality or by the Board of County Commissioners if the offer is to the county.
3. That land for greenways and trails not publicly dedicated is deeded to a conservation organization or land trust or privately reserved for such use provided there is an agreement which is acceptable to the municipality or to the county, if the reserved land is part of a county trail or greenway, which ensures the maintenance of land and facilities and which provides for public use at reasonable times.
4. That the minimum right-of-way width of an easement containing a trail which crosses private land is twenty (20) feet for a multi-purpose trail and ten (10) feet for a single purpose trail.

Section 5.18 **OTHER COMMUNITY FACILITIES AND SERVICES**

- 5.18.1 **Purpose.** The purpose of this section is to ensure that developers, municipalities, and service providers are aware of the potential impacts that proposed development will have upon community services and facilities and to encourage cooperative planning and action to improve or augment facilities and services that are not adequate to meet increased demands created by new development.
- 5.18.2 **Requirement to inform.** An applicant for approval of a major subdivision shall inform the providers of public services and facilities of the proposed development, including sufficient information about the development to enable the service provider to determine whether sufficient capacity, facilities, and/or equipment are available to serve the new development.
- A. Service providers who must be informed may vary, based on the nature of the proposed development and the community in which it is located, but will normally include police, fire and emergency services; and school districts. (Requirements concerning public transportation service and approval of street names by the postmaster are included in Section 5.19).
 - B. Documentation that the required information was transmitted to appropriate service providers shall be included with an application for preliminary approval. Responses from service providers indicating their ability to provide service to the proposed development may be required prior to final approval.
- 5.18.3 **Options when services or facilities are not adequate.** If a public service provider indicates an inability to provide service to a proposed new development, the

applicant, service provider, and municipality should agree upon a course of action or program to remedy the inadequacy and to ensure service to the new development.

Section 5.19 **TRANSPORTATION FACILITIES**

5.19.1 **Purpose.** The purpose of this section is to ensure that in new subdivisions and land developments streets, paths, and sidewalks provide safe and convenient access and accommodate the safe and efficient movement of pedestrian, bicycle, and automobile traffic.

5.19.2 **General Provisions**

- A. Every subdivision shall have access to a public street.
- B. All streets shall be named. No new street name shall be permitted which duplicates or which may be confused with an existing street name.
- C. All proposed connections to existing streets shall be approved by the jurisdiction owning the existing streets.
- D. Where traffic or drainage problems are created by the proposed development, it shall be the responsibility of the applicant to improve both sides of the existing affected road or street, or to provide sufficient funds escrowed for use by the municipality for the execution of such public improvements.
- E. Where appropriate, land shall be reserved for the development of future streets or to connect with adjacent undeveloped land. Reserve strips shall not be permitted. No subdivision or land development shall be approved that will landlock any adjacent parcel.
- F. Where streets continue into abutting municipalities the applicant shall coordinate the design of the street with both municipalities in order to ensure uniform cartway widths, pavement cross-sections, and other public improvements.

5.19.3 **General design and arrangement**

- A. The arrangement of streets shall conform to the municipal comprehensive plan, official maps, and to municipal, county, and state transportation plans.
- B. Streets shall provide convenient connections to existing streets and shall not adversely affect circulation patterns or the flow of traffic.

- C. Streets shall be designed to preserve the natural features and topography of the development site to the maximum extent feasible.
- D. Local access streets shall be arranged to minimize through traffic, discourage excessive speeds, and provide privacy in residential areas.
- E. Only residential, outdoor recreation, or public service uses may directly access a residential street.
- F. Streets in a proposed development shall connect with existing or reserved streets along the boundary of an adjacent tract unless topography or other existing feature prevents a connection.
- G. Where a proposed development abuts or encompasses an existing or proposed collector or arterial street, marginal access streets, reverse frontage lots with bufferyards, or deep lots with rear service alleys may be required in order to protect properties and provide separation of through and local traffic.

5.19.4 **Functional classification of streets**

- A. The design of a street system shall include the classification of streets based on their functions and projected traffic as shown in Table V-4.
 - 1. Each street shall be designed for its entire length to meet the standards for its classification.
 - 2. The classification of each street shall be based upon the projection of traffic volumes ten years after its completion. Traffic volumes shall be calculated in accordance with trip generation rates published in the most recent edition of the Institute of Traffic Engineers (ITE) Trip Generation Manual or alternate source acceptable to the Department, and shall consider all traffic likely to use each street.

5.19.5 **Minimum level of service**

- A. All proposed streets and intersections in a subdivision or land development shall be designed to function at Level of Service A or B.
- B. The existing level of service on any adjacent street and intersection that will be affected by a proposed subdivision or land development shall not fall below level C if it is currently A, B, or C, and shall not be further reduced if it is at level D, E, or F.

**Table V-4
FUNCTIONAL CLASSIFICATION OF STREETS**

Classification	Description	Average Daily Traffic
Arterial	A public street intended to carry a large volume of local and through traffic, to or from collector streets and expressways. Controlled access.	3000+
Collector	Channels traffic from local to arterial or other collector streets; includes main streets within a development.	
Residential:	No direct access to residential lots.	1000 - 3000
Nonresidential:	Number of access drives limited; may require marginal access drives.	800+
Minor Collector	Provides direct access to lots and conveys traffic from local to collector streets.	
Residential:	Not more than 500 ADT from direct frontage lots permitted.	500 - 1000
Nonresidential:		0 - 800
Local	Serves primarily to provide direct access to abutting property. Should be designed to discourage through traffic.	
Residential:	Provides direct access to residential lots and to other residential streets.	0 - 500

5.19.6 Traffic impact study

- A. When required. A traffic impact study shall be required for a subdivision or land development which will generate 100 or more peak hour trips when fully developed. A traffic impact study may also be required by the Department to assess the impacts of smaller projects if traffic congestion or safety problems already exist.
- B. Methodology. The study shall be conducted in accordance with the recommended practice Traffic Access and Impact Studies for Site Development, published by the Institute of Transportation Engineers, 1988, or in accordance with an equivalent methodology endorsed by transportation engineers.

1. The scope of the study, study area, and methodology shall be approved by the Department before the study is initiated. (A pre-application conference should be scheduled for this purpose.)
2. The study shall be performed by, or under the supervision of, a professional engineer with training in traffic and transportation engineering studies, and experience in the preparation of traffic studies.

C. Required findings

1. The traffic impact study must demonstrate that the levels of service specified in Section 5.19.5 will be met by the proposed development and that the circulation plan for the development will function safely and efficiently.
2. The study shall describe any measures which have been incorporated into the development plan in order to achieve the required conditions. Such measures may include, but are not limited to:
 - a. A reduction in the density or intensity of the proposed development;
 - b. Measures to reduce traffic impacts, such as clustering of buildings for easy access by transit or ridesharing vehicles, or the inclusion of transit-related improvements;
 - c. The phasing of construction to coincide with the completion of transportation improvements which have been programmed by the municipality, county, or state;
 - d. The construction of onsite transportation improvements;
 - e. The construction of off-site transportation improvements or payment of impact fees, when authorized by a municipal impact fee ordinance;
 - f. The extension of transit, bicycle, or pedestrian services to the site or the sponsorship of a ridesharing program or transit subsidies for employees;
 - g. Any combination of the above or additional measures.
3. Any traffic impact mitigation measures which are not physical site

improvements shall be incorporated into the development agreement executed between the municipality and the applicant and shall be recorded with the land development plan.

5.19.7 **Special purpose streets**

- A. Private streets. Private streets may be permitted by the Department, with the concurrence of the municipality.
 - 1. Private streets shall comply with the design and construction standards for public streets of the same functional class.
 - 2. An agreement for maintenance of private streets shall be recorded with the final plan and shall include, in case of failure to maintain in accordance with the agreement, an offer of dedication to the municipality together with provisions for funds sufficient to restore the private street to the standards required for public streets prior to acceptance of dedication.

- B. Cul-de-sac streets shall comply with the following standards:
 - 1. A cul-de-sac street serving residential development shall not provide the sole access for more than 30 dwellings, or a maximum of 250 vehicle- trips per day.
 - 2. A residential cul-de-sac street shall end in a turnaround which has a paved cartway not less than 20 feet in width, surrounding a landscaped island with a minimum radius of 24 feet, except in the following circumstances:
 - a. A cul-de-sac head with a radius of forty feet and a cartway width of fourteen feet surrounding a landscaped island shall be acceptable for one way circulation.
 - b. Hammerhead turnarounds may be used, if the cul-de-sac street does not provide access for more than 8 dwelling units. The long dimension of the turnaround head shall be not less than 50 feet.
 - c. A temporary turnaround shall be provided at the end of dead-end streets which are intended to be extended as through streets in the future. If the length of a dead-end street exceeds the depth of one lot, the temporary turnaround shall be constructed with an all-weather surface, a minimum cartway

radius of 25 feet, and its use shall be guaranteed to the public.

3. The terminus of a non-residential cul-de-sac street shall be designed so that the largest vehicles expected to use the street can complete the turn without backing. If a cul-de-sac head is proposed, a landscaped island shall be provided.
4. For any cul-de-sac street which is at least 800' in length, a traffic calming device, such as a stop sign, intermediate turnaround or traffic circle shall be provided at the approximate mid-point of the street. For cul-de-sac streets that exceed 800' in length, a traffic calming device shall be provided every 350' or so. The design and placement of the proposed traffic calming device shall be acceptable to the Department and the municipal engineer.
5. A "no outlet" sign shall be erected at the entrance to every cul-de-sac or dead-end street, which shall comply with the standards and specifications of the jurisdiction owning the intersecting street.

C. Half or partial streets shall not be permitted.

D. Alleys may be permitted, with the concurrence of the municipality and shall comply with the following standards.

1. Alleys may not be used as the only means of access to a lot.
2. Alleys in residential developments shall have a minimum right-of-way of 16 feet and a minimum cartway of 12 feet.
3. Alleys in non-residential developments shall have a minimum right-of-way of 20 feet and a minimum cartway of 16 feet. Where necessary, a radius shall be provided at the alley intersection, sufficient to accommodate any large vehicles that may be expected to use the alley.
4. Dead-end alleys shall not be permitted without a turnaround, and are subject to the approval of the Department.

5.19.8 **Driveways and Access Drives**

- A. Driveways and access drives shall enter public streets at safe locations. No driveway or access drive shall enter a public street closer to an existing intersection than 50', and a reasonable safe sight distance shall be provided.

- E. Centerline grade on the head of a cul-de-sac or hammerhead shall not exceed 5%.
- F. Where the grade of the street is six feet or more above the grade of the abutting land, guardrail shall be provided.

5.19.11 Street Alignment

A. Minimum safe stopping sight distances on all vertical and horizontal curves shall as follows:

1.	20 MPH	110'
2.	25 MPH	150'
3.	35 MPH	250'

B. Minimum centerline radii for horizontal curves shall be as follows:

1.	Arterial roads	700'
2.	Collector streets	350'
3.	Minor collector streets	200'
4.	Local	100'

C. For other than local streets, a minimum tangent of 100 feet between reverse curves shall be provided. For local streets a lesser tangent may be acceptable, provided safe stopping sight distances are maintained as per §5.19.11.A. Broken-back curves shall be avoided; however, when they must be used, a minimum tangent of 150 feet shall be provided.

D. Vertical curves shall be provided for all changes in grade exceeding 1%. For each 1% of algebraic difference between tangent grades over 3%, at least 15' of vertical curve length shall be provided. Minimum vertical curve lengths shall be as follows:

1.	Arterial roads	150'
2.	Collector streets	100'
3.	Local streets, residential	50'

5.19.12 Intersections

- A. The angle of intersecting streets shall be as close to ninety degrees as possible. No streets shall intersect at an angle less than 60 degrees.
- B. Distance between intersections shall be as follows:
 - 1. Arterial roads 800'
 - 2. Collector streets 300'
 - 3. Local streets 150'
- C. Intersections between more than two streets shall be avoided.
- D. Where the grade of any street at the approach to an intersection exceeds 5%, a leveling area shall be provided for the secondary intersecting street. The transition grade shall not exceed 3% for a minimum distance of 50 feet measured from the edge of the pavement of the intersecting street.
- E. An area of unobstructed vision shall be provided at every intersection. The minimum clear sight triangle shall be measured: a) along the centerlines of the intersecting streets, where L = the distance along the centerline of the primary through-street, measured from its intersection with the centerline of the secondary intersecting street, to an approaching vehicle on the primary street; b) on the secondary intersecting street, from a point at least 20' back from the edge of the pavement of the primary through-street, which is 3.5 feet above the surface of the pavement. Minimum values for "L" are as follows
 - 1. Arterial roads L = 500'
 - 2. Collector streets L = 300'
 - 3. Minor Collector Streets L = 200'
 - 4. Local Streets L = 200'
- F. No plantings or structures exceeding 30 inches in height shall be permitted in the clear sight triangle. A public right-of-entry shall be reserved for the purpose of removing any object that obstructs the clear sight triangle.
- G. Deceleration, turning, or merging lanes may be required by the municipality along existing and proposed collector or arterial roads.
- H. Clearly marked crosswalks and handicapped-accessible curb ramps shall be

provided at intersections where there are sidewalks or pedestrian walkways. The Department may require crosswalks in other locations to ensure pedestrian safety and convenience.

I. Curb radii shall be as follows:

- | | | |
|----|-------------------------|---------|
| 1. | Arterial roads | 50' |
| 2. | Collector streets | 25'-30' |
| 3. | Minor collector streets | 25'-30' |
| 4. | Local streets | 15'-25' |

Where two roads of different right-of-way widths intersect, the radii of curvature for the higher classification road shall apply.

5.19.13 **Rights-of-Way and Cartways**

- A. The right-of-way shall be measured from lot line to lot line and shall be wide enough to contain the cartway, curbs, or shoulders, and when required, parking lanes, sidewalks, street trees, and bike lanes.
- B. The right-of-way width of a new street that is a continuation of an existing street shall in no case be at a lesser width than that of the existing right-of-way.
- C. The right-of-way width shall consider future development in accordance with the comprehensive plan as well as the plan for the proposed development.
- D. Right-of-way widths shall be within the following minimum and maximum ranges:
- | | | |
|----|-------------------|-----------|
| 1. | Arterial roads | 70' - 70' |
| 2. | Collector streets | 36'-50' |
| 3. | Minor collectors | 24'-40' |
| 4. | Local Streets | 22'-30' |
- E. For local and residential minor collector streets, moving lanes shall be nine or ten feet wide. For collector streets, moving lanes may be not less than ten feet and not more than twelve feet wide. Where on-street parking is needed, parking lanes shall be eight feet wide.

F. Street paving widths shall be within the following minimum and maximum ranges:

1. Arterial roads 36-48'
2. Collector streets 24'-36'
3. Minor collectors 20'-28'
4. Local Streets 18'-28'

G. Additional right-of-way and/or cartway widths may be required for the following reasons:

1. To promote public safety and convenience.
2. To provide parking areas in urban districts and in areas of high density residential development.
3. To provide slopes rights whenever the topography is such that additional right-of-way is need to provide adequate earth slopes.
4. To provide for bicycle or pedestrian facilities.

5.19.14 **Curbs**

A. Curbing shall be required for the following purposes:

1. For storm water management.
2. To stabilize pavement edges.
3. To delineate parking areas.
4. Where on-street parking will occur.
5. At street intersections.
6. Where grades exceed 6%.
7. At tight radii.

B. The type of curb required shall be appropriate to the street classification and

use.

- C. Where curbing is not required, an edge treatment, such as a thickened edge, shall be provided as needed for safety and to maintain the stability of the pavement.

5.19.15 **Shoulders and embankments**

- A. Shoulders and drainage swales shall be used instead of curbs when:
 - 1. Shoulders are required by state or other law;
 - 2. Soil or topographic conditions make the use of shoulders and drainage swales preferable;
 - 3. In order to preserve the rural character of an existing community or a proposed development;
 - 4. Shoulders are needed for bicycle facilities.
- B. Shoulders shall be a minimum of four feet in width on both sides of the street, and shall be located within the right-of-way. Greater shoulder widths shall be provided as recommended by a registered professional engineer and shall be acceptable to the municipal engineer.
- C. Shoulder material and construction shall be as recommended by a registered professional engineer and shall be acceptable to the municipal engineer.
- D. The width of swales shall be determined by site-specific conditions.

5.19.16 **Bikeways**

- A. All new streets shall be planned and constructed to accommodate bicycle travel safely.
- B. For residential developments which will generate 1,000 or more vehicle trips per day, and for all major non-residential developments, bicycle traffic shall be accommodated in one of two ways:
 - 1. A bikeway master plan, which identifies bike routes that safely connect major traffic origins and destinations, shall be prepared. The plan may propose a combination of existing and proposed bike lanes, bike paths, shared pedestrian sidewalks and pathways, and shared vehicular roadways. The plan shall demonstrate how any paths,

sidewalks or roadways that are proposed to be shared should be able to accommodate the shared use safely.

2. Bike lanes, which shall be provided as follows:
 - a. For non-residential developments, bike lanes shall be provided along any new collector or arterial road constructed as part of the development.
 - b. For residential developments, bike lanes shall be provided along any new minor collector, collector or arterial road constructed as part of the development
- C. Where a proposed development is within a reasonable distance of an existing bikeway or a proposed bikeway included in a municipal or county bikeway plan or official map, the development plan shall provide for connections to the existing or proposed bikeway.

5.19.17 **Public Transportation**

- A. Where a proposed development is adjacent to or within a reasonable distance of collector or arterial roads where transit service is currently provided or may be provided in the future, the applicant shall consult with the transit authority regarding street design requirements for buses and passenger waiting areas and shelters.
- B. Where a development site is adjacent to or includes a rail transit facility or other exclusive transit right-of-way, the applicant shall consult with the transit authority to determine whether any special design features concerning the rail transit facilities will be required.

5.19.18 **Sidewalks and pathways**

- A. Where a proposed development is adjacent to or within a reasonable distance of an existing or future rails-to-trails (or other public trail system) system, access from the proposed development to the rails-to-trails system shall be considered in the design and layout of the plan.
- B. Pedestrian pathways and improved sidewalks shall be included in developments in which any of the following conditions are met:
 1. Where sidewalks exist in the same block on the same side of the street;

2. Within residential developments where the net density exceeds three dwelling units per acre, and new streets are proposed;
 3. Within planned business, commercial, or industrial developments;
 4. Along roads that are served by public transit or may be served by public transit within three years of the expected date of completion of the proposed development;
 5. Where blocks exceed 800 feet in length, as per §5.11.1.D.
 6. Within or along the perimeter of any other pedestrian generator, including
 - a. Schools, libraries, community centers, and places of worship;
 - b. Parks and other recreation centers;
 - c. Shopping or commercial centers of 25,000 square feet of floor area or more.
- C. Public sidewalks shall in general be parallel to the street and within the right-of-way. However, alternative locations will be considered, provided that safe and convenient pedestrian circulation is maintained.
- D. Pathways in general shall serve to connect major use areas such as buildings, parking lots, recreational facilities, and other accessory uses.
- E. Sidewalks and pathways shall have a minimum width of four feet or, if abutting a street curb, shall have a minimum width of five feet. Wider widths may be required near major pedestrian generators.
- F. Sidewalks within street or public rights-of-way shall be concrete, the design and construction of which shall be subject to approval by the municipal engineer. Pathways may be constructed of other materials, including pervious materials, provided that the proposed materials and construction are appropriate to the surrounding land use, expected volume of pedestrian traffic, and are approved by the municipal engineer.
- G. Curb ramps shall be provided at all intersections as per §5.19.12.H.
- H. Public sidewalks shall be constructed in accordance with federal specifications for handicapped accessibility.

5.19.19 **Street lights**

- A. Street lighting shall be provided for all non-residential developments, multi-family residential developments, and single family residential developments requiring either the construction of new streets or the extension of existing streets.
- B. Street lights shall be provided at all intersections of streets and at the access drives of all non-residential developments.
- C. Lights shall be provided in parking areas, along sidewalks, and between buildings as needed for public safety and convenience.
- D. The placement, height, and shielding of lighting standards shall provide adequate lighting without hazard to drivers or nuisance to nearby residents. No spillover of light onto adjoining properties from required light standards shall be permitted.
- E. The quantity, location, style, type, and shielding of light standards shall be appropriate to the use, the development, and the municipality, and shall be approved by the Department, subject to the recommendation of the municipal engineer.

5.19.20 **Street signs**

- A. Street name signs shall be provided at all new street intersections.
- B. Street name signs shall be installed under street lights and shall be free of all visual obstructions.
- C. The design of street name signs shall be consistent, uniform, and appropriate to the municipality and to the development, and shall be acceptable to the municipal engineer.
- D. Traffic control signs shall be provided by the applicant as needed. The design and placement of traffic control signs shall be as specified in the Manual on Uniform Traffic Control Devices for Streets and Highways, and shall meet all state and local requirements.

Section 5.20 **PARKING FACILITIES**

- 5.20.1 **Application.** All land developments shall include parking facilities for the planned uses.

- A. If the municipal zoning ordinance includes parking standards, the standards of the municipal ordinance shall apply, except:
 - 1. If the municipal ordinance does not include provisions for handicapped parking facilities and/or bicycle parking, the standards for those facilities contained in this ordinance shall apply.
 - 2. If the municipal ordinance does not contain standards for the landscaping of parking lots, the requirements of §5.12.5 of this ordinance shall apply.
- B. If the municipal zoning ordinance does not include parking standards, the standards of this ordinance shall apply.

5.20.2 **Parking requirements**

- A. Residential land developments.
 - 1. In areas where streets are designed and commonly used for on-street parking, at least one off-street parking space shall be provided for every new dwelling unit.
 - 2. In areas where streets are designed without parking lanes, at least two off-street parking spaces shall be provided for every dwelling unit.
 - 3. In apartment developments restricted to occupancy by the elderly, the parking requirement may be reduced to one parking space for every four dwelling units, plus one space for every employee on the largest shift.
- B. Non-residential land developments. Parking for non-residential uses shall be provided in accordance with Table V-5.

**Table V-5
Off-Street Parking Requirements for Non-residential Uses**

NON-RESIDENTIAL LAND USES	REQUIRED OFF-STREET PARKING SPACES PER INDICATED AREA
Assembly operations	1 per 800 sq. ft. GFA
Bar	1 per 2 seats
Bowling alley	4 per alley
Car wash	10 per washing lane
Church/Synagogue	1 per 3 seats
Fiduciary institutions	1 per 300 sq. ft. GFA
Finishing operations	1 per 800 sq. ft. GFA
Hotel/Motel	1 per guest room plus 10 per 1,000 sq. ft. GFA
Industrial	1 per 800 sq. ft. GFA
Library	1 per 300 sq. ft. GFA
Manufacturing	1 per 800 sq. ft. GFA
Medical center	1 per 250 sq. ft. GFA
Nightclub	1 per 3 seats
Offices	
Under 49,999 sq. ft. GFA	4.5 per 1,000 sq. ft. GFA
50,000-99,999 sq. ft. GFA	4 per 1,000 sq. ft. GFA
100,000+sq. ft. GFA	3.5 per 1,000 sq. ft. GFA
Receiving	1 per 5,000 sq. ft. GFA
Research	1 per 1,000 sq. ft. GFA
Restaurant	1 per 3 seats
Quick-food establishments	1 per 30 sq. ft. GFA
Retail store	1 per 200 sq. ft. GFA
Schools -Elementary	2 per classroom; but not less than 1 per teacher & staff
Intermediate	1.5 per classroom; but not less than 1 per teacher & staff
Secondary	2.5 per classroom, but not less than 1 per teacher & staff
Service station	4 per bay & work area
Shipping	1 per 5,000 sq. ft. GFA
Shopping center	
Under 400,000 sq. ft. GLA	4 per 1,000 sq. ft. GLA
400,000-599,99 sq. ft. GLA	4.5 per 1,000 sq. ft. GLA
600,000+sq. ft. GLA	5 per 1,000 sq. ft. GLA
Storage areas	1 per 5,000 sq. ft. GLA
Theater	1 per 3 seats
In shopping center	1 per 4 seats
Warehouse	1 per 5,000 sq. ft. GFA

GFA = Gross Floor area

GLA = Gross leasable area

SOURCE: Listokin, David and Walker, Carole, The Subdivision and Site Plan Handbook, Rutgers, the State University of New Jersey, Center for Urban Policy Research, 1989

C. Handicapped parking. Handicapped accessible parking shall be provided for

all non-residential developments and multi-family developments with more than five units. Handicapped accessible parking spaces shall be the closest spaces to the nearest accessible entrance and shall conform with federal standards for accessibility. The minimum number of required spaces shall be as follows:

<u>Total Required Parking Spaces</u>	<u>Handicapped Spaces</u>
5 - 100	1 per 25
100 - 1000	1 per 50
Over 1000	1 per 100

D. Bicycle parking facilities. Bicycle parking facilities shall be provided for nonresidential land developments in accordance with the following standards.

1. Bicycle parking spaces shall be provided at a rate of 1 space for the first 10 automobile parking spaces, plus 1 space for every additional 50 automobile parking spaces thereafter.
2. Each bicycle space shall be equipped with a structure to which a bicycle frame and one wheel can be attached using a chain, cable, or U-lock. There shall be adequate separation between structures to allow bicycles to be attached or removed without moving other bicycles. The structure shall be suitable for use by bicycles not equipped with kickstands.
3. Bicycle parking spaces shall be convenient to the structure or outdoor area for which they are provided. They shall be visible from at least one entrance to the structure and shall be provided with lighting.
4. Bicycle parking structures shall be placed to provide at least two feet of free space between a bicycle and the edge of the curb or sidewalk or three feet between a bicycle and the outside edge of a roadway shoulder.

5.20.3 **Dimensional standards**

- A. Stall size. Perpendicular or angled parking spaces for automobiles shall be no less than 9 feet in width and 18 feet in length. Parallel spaces shall be no less than 8 feet in width and 23 feet in length. Handicapped spaces shall be no less than 12 feet in width.
- B. Aisle width. The width of aisles providing access to parking stalls shall be in accordance with the chart below. Only one-way traffic shall be permitted in

aisles serving parking spaces placed at an angle other than 90 degrees.

Parking Angle (degrees)	Aisle width (feet)
30	12
45	13
60	18
90	22

5.20.4 **General design standards**

- A. Parking areas shall be designed to provide safe ingress and egress from the streets that provide access to the land development. No parking spaces shall enter directly onto streets. All parking areas shall be connected with streets by access drives.
- B. Parking areas shall be designed to provide for the safe and convenient movement of people between parking areas and their destinations on the development site.
 - 1. In large developments, pedestrian walkways shall be provided in accordance with §5.19.18 and integrated with the landscaping required by §5.12.5.
 - 2. Parking areas, pedestrian walkways, and building entrances shall be lighted in accordance with the standards of §5.19.19.
- C. Parking areas shall be designed to minimize large expanses of pavement, and provision of parking spaces in excess of demand shall be avoided.
 - 1. In non-residential areas, shared parking may be provided for uses which have different periods of peak demand, provided the applicant documents the differing patterns of use and provides for the average peak demand of the combined uses. The documentation must include provisions acceptable to the Department and to the municipality for the continuing use and maintenance of any shared facilities.
 - 2. For non-residential land developments in areas of municipalities where public parking facilities are available, the applicant may fulfill all or a portion of the requirement for off-street parking facilities generated by the proposed development by contributing funds to the municipality or parking authority in lieu of constructing parking spaces on-site. Such funds shall be used for the improvement or expansion of public parking facilities and shall be approved by the Department only if approved by the municipal governing body.

- D. In developments of detached and attached single family homes, off-street parking shall be located on the same lots with the dwellings that they serve.
- E. Parking lots shall be designed with a minimum grade of one percent and a maximum grade of five percent. They shall be graded for proper drainage of storm water.
- F. Landscaping. All parking areas shall be landscaped in accordance with the provisions of §5.12.5.

Section 5.21 **MONUMENTATION**

5.21.1 **Requirement.** Permanent monuments and markers shall be placed in all subdivisions in order to provide survey and property line control.

- A. The location and installation of monuments and markers shall be planned to ensure that they will be permanent, accessible, and recoverable.
- B. All monumentation shall conform to recommended practices of the surveying profession, as contained in the most recent edition of the Manual of Practice for Professional Land Surveyors in the Commonwealth of Pennsylvania, or equivalent standard of professional practice acceptable to the Department.

5.21.2 **Placement**

- A. Intervisible monuments shall be placed sufficiently far apart to ensure accuracy control within survey procedures. They shall be placed with priority consideration for permanence and accessibility. This will require consideration of the ultimate use of the land where the monuments are to be placed, exposure to future roadway maintenance, and lot landscape development. To that end, monuments should be located in the following order of priority:
 - 1. On a five foot or appropriate survey line only where sidewalks are to be installed.
 - 2. If no sidewalks are to be placed, then the centerline of the roadway should be monumented.
 - 3. Other locations along or on the right-of-way line, giving due consideration to the lot owner's use of the land and the likelihood of future changes in elevation or landscape, which would affect the

monument's location or its intervisibility.

- B. Monuments shall be placed in a sufficient number of locations to define the boundary of a subdivision and the location of all streets. Sufficient monuments shall be placed to locate intersections, cul de sacs, and curves in horizontal street alignments. Monuments shall be intervisible.
- C. Markers shall be placed at the corners of all lots or at such other locations as may be required to locate all lot lines.
- D. The location of all monuments and markers shall be shown on the plan for recording, with the distance between them and curve data shown.
 - 1. A notation indicating whether the monuments and markers were found or set and a description of their type, size, material, condition, and position shall be included.
 - 2. Monuments shall be identified on the Pennsylvania Plane Coordinate System - NAD 83 or 27, where it is feasible to do so. This requirement may be waived for small projects where the control locations are so distant that the cost of complying would be burdensome in relation to the total survey cost.
- E. All monuments and markers shall be placed by a registered surveyor prior to approval of the final plan, or financial security sufficient to cover their cost and placement shall be provided in accordance with the provisions of Section 3.3.6.

5.21.3 **Materials**

- A. Monuments shall be of durable materials of sufficient length and cross-sectional area to be reliably permanent and shall clearly indicate the survey point. Concrete or stone monuments with a minimum width of four inches and a minimum length of 30 inches shall be acceptable. Other materials may be acceptable, with the approval of the municipal engineer.
- B. Markers shall be iron pins or pipes, 30 inches in length, or other material acceptable to the municipal engineer.
- C. Monuments and markers shall be detectable with conventional ferrous metal or magnetic locators.

APPENDIX 1
DRAFTING STANDARDS FOR PLANS FOR RECORDING

The following are the administrative regulations of the recorder of deeds for the preparation of plans for recording.

1. All plats or plans shall be drawn on mylar. Sepias, vellums, and reverse-print mylars will not be accepted. For recording purposes, the best quality mylars are wash-off or fixed line mylars.
2. Standard size sheets of drafting material should be used. The actual reproducible area of drawing on a sheet shall not be smaller than 17 inches by 22 inches and shall not be larger than 22 inches by 34 inches.
3. All plats or plans shall be drawn or plotted with black drafting or plotter ink.
4. All dedications, acknowledgements, certifications, approvals, etc. shall be made with black drafting or plotter ink, or a varityping process which will enable adequate reproduction.
5. All signatures and dates shall be made with permanent black ink using a felt tipped pen or drafting pen.
6. All plans shall be drawn to a scale no smaller than 100 feet to the inch.
7. All condominium floor plans shall be drawn to a scale no smaller than one-eighth inch to the foot.
8. All plats and plans shall be of sufficient size, within the parameters set forth in regulation 2 above, to clearly show all dimensions, notations and other printed matter with sufficient legibility and clarity to permit adequate reproduction.

**APPENDIX 2
REQUIRED CERTIFICATIONS**

The certifications shown below must be placed on the plan for recording.

1. OWNER'S ADOPTION AND DEDICATION. Slightly different forms are required for individual owners, partnerships, and corporations. If an individual with power of attorney signs on behalf of an owner, the volume and page number in which the power of attorney is recorded must be shown. Signatures must be witnessed.

A. To be used for individual owner or owners. All owners must sign, or the certification may be repeated for multiple owners.

(I/we), owner(s) or beneficial owner(s)* of the land shown on the (name of plan), hereby adopt this plan as (my/our) (plan of lots or land development) and irrevocably dedicate all streets and other property identified for dedication on the plan to the (name of municipality). This adoption and dedication shall be binding upon (my/our) heirs, executors, and assigns.

**IN WITNESS OF WHICH, to this (I, we) set (my, our) hand and seal this _____
day of _____, 20__.**

ATTEST:

Notary Public

-

Signature of owner(s)

- B. To be used for partnerships. A general partner must sign.

The (name of partnership), (owner or beneficial owner)* of the land shown on the (name of plan) hereby adopts this plan as its (plan of lots or land development) and irrevocably dedicates all streets and other property identified for dedication on the plan to the (name of municipality). This adoption and dedication shall be binding upon the partnership and upon its heirs, executors, and assigns.

IN WITNESS OF WHICH, to this (I, we) set (my, our) hand and seal this _____ day of _____, 20__.

ATTEST:

Notary Public

Signature of general partner

- C. To be used for corporations. A corporate officer must sign, and another officer must witness. The corporate seal must be affixed.

By a resolution approved on the ____ day of _____, 20____, the Board of Directors of the (name of corporation), incorporated in the state of (name of state), (owner or beneficial owner)* of the land shown on the (name of plan) adopted this plan as its (plan of lots or land development) and irrevocably dedicated all streets and other property identified for dedication on the plan to the (name of municipality). This adoption and dedication shall be binding upon the corporation and upon its successors and assigns.

(Seal)

Name of corporation

Signature and title of officer witnessing

Signature and title of authorized officer

Date

* Landowner is defined in the Municipalities Planning Code as "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 is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land." Developer is defined as "any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development." An applicant is a "landowner or developer...who has filed an application for

development, including his heirs, successors, and assigns." Thus, the adoption and dedication clause may be executed by any person or entity who falls within the MPC definition of landowner or developer.

2. ACKNOWLEDGMENT OF NOTARY PUBLIC

The owner's adoption and dedication must be acknowledged by a notary public. The black notary stamp must be affixed. The following certifications indicate the slightly different language that may be used to acknowledge individual, partnership, and corporate adoptions and dedications.

A. Acknowledgment of individual owner's adoption and dedication.

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Allegheny, personally appeared the above named (name of owner(s)), and acknowledged the foregoing adoption and dedication to be (his, her, their) act.

Witness my hand and notarial seal this _____ day of _____, 20____.

My commission expires the _____ day of _____, 20____.

(Seal)

Notary Public

B. Acknowledgment of partnership adoption and dedication.

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Allegheny, personally appeared the above named (name of general partner), a partner in the firm of (name of firm), and acknowledged the foregoing adoption and dedication to be the act of the partnership.

Witness my hand and notarial seal this _____ day of _____, 20____.

My commission expires the _____ day of _____, 20____.

(Seal)

Notary Public

C. Acknowledgment of corporate adoption and dedication.

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Allegheny, personally appeared (name and title of officer) of the (name of corporation), who stated that (he/she) is authorized to execute the above adoption and dedication on behalf of the corporation and was present at the meeting at which the action of the corporation was taken to adopt the plan and dedicate public property contained therein to the (name of municipality).

Witness my hand and notarial seal this _____ day of _____, 20____.

My commission expires the _____ day of _____, 20____.

(Seal)

Notary Public

3. **CERTIFICATION OF TITLE AND CONCURRENCE OF MORTGAGEE WHERE APPLICABLE**

The deed book volume and page numbers in which the title to all of the property contained in the plan is recorded must be noted on the plan for recording and certified by the signature of the owner. If there is no mortgage or encumbrance against the property, a statement to that effect is included. If there is a mortgage, the mortgagee must consent to the recording of the plan. Signatures must be witnessed.

A. Certification of title and no mortgage.

(I/we) hereby certify that the title to the property contained in the (name of subdivision or land development) is in the name of _____ and is recorded in Deed Book Volume _____, Page _____. (I/we) further certify that there is no mortgage, lien, or other encumbrance against this property.

Witness

Owner

B. Certification of title with mortgage and consent of mortgagee.

(I/we) hereby certify that the title to the property contained in the (name of subdivision or land development) is in the name of _____ and is recorded in Deed Book Volume _____, page _____.

Witness

Owner

(Name of mortgagee), mortgagee of the property contained in the (name of subdivision or land development) consents to the recording of said plan and to the dedications and all other matters appearing on the plan.

Witness

Name, title, and mortgagee

4. SURVEYOR'S CERTIFICATION

Every plan for recording must be prepared by or under the supervision of a registered surveyor, who must certify the accuracy of the survey and affix his seal.

I certify that, to the best of my information, knowledge and belief the survey and plan shown hereon are correct and accurate to the standards required.

Date

Name

(Seal)

Registration number

Where further certification by a registered professional (see §2.2.83) is required, in addition to the surveyor's certification, the certification shall state the portion of the plan for which the signatory is responsible.

5. MUNICIPAL ENGINEER'S CERTIFICATION

The engineer for the municipality in which the plan is located must certify that the plan meets the engineering and design requirements of all applicable municipal ordinances. This is required whether the plan is located in a municipality which has a subdivision and land development ordinance or a municipality in which the county has approval authority. In the latter case, the "applicable" ordinances will not include the subdivision and land development regulations, but may include

zoning, storm water management, flood plain, grading, etc.

I certify that this plan meets all engineering and design requirements of the applicable ordinances of the (name of municipality), except as departures have been authorized by the appropriate officials of the municipality.

Date	Name
(Seal)	
	Registration Number

6. MUNICIPAL DECLARATIONS

A. No acceptance of dedication. A declaration must be placed on any plan that shows dedication of streets or other property to the municipality that the dedication imposes no responsibility upon the municipality for acceptance of the dedication, or for the improvement or maintenance of any dedicated facility until the dedication is accepted by ordinance.

The (name of governing body) of the (name of municipality) gives notice that, in approving this plan for recording, the (name of municipality) assumes no obligation to accept the dedication of any streets, land or public facilities and has no obligation to improve or maintain such streets, land or facilities.

Secretary or Manager	Head of governing body

B. No building permits without approved sewage facilities. Although sewage facilities should be approved by the time of recording, this declaration clarifies that buildings may not be constructed without approval of sewage facilities. The municipal secretary or manager may sign this declaration.

The (name of municipality) agrees not to issue building permits until the "Planning Module for Land Development" has been approved in accordance with the regulations of the Pennsylvania Department of Environmental Protection.

Date	Authorized municipal official

7. OTHER REQUIRED STATEMENTS

A. For plans where sewage facilities are not required. If a non-building waiver of sewage

Secretary

Chairperson/President

(Seal)

Approved by the Allegheny County Department of Economic Development on this _____ day of _____, 20____.

(Seal)

Director

9. PROOF OF RECORDING

The plan must include a signature space for the recorder of deeds as follows:

Recorded in the office of the Recorder of Deeds of the County of Allegheny, Commonwealth of Pennsylvania, in Plan Book Volume _____, page(s) _____.

Given under my hand and seal this _____ day of _____, 20____.

(Seal)

Recorder of Deeds

NOTE: SIMPLIFIED APPROVAL FOR ATTACHED DWELLING LOT LINES

The old Allegheny County Subdivision Regulations contained a provision at Section 504.3 which stated:

Townhouse and Garden Apartment Lot Lines - in cases where a plan is submitted for approval without all lot lines finalized the owner/developer shall be required to certify that he/she will record a survey of final construction for each lot with the Office of the Recorder of Deeds of Allegheny County prior to any conveyance of any part thereof. Said survey of final construction shall be signed by the owner/developer, certified as accurate by a registered surveyor and submitted to the Allegheny County Subdivision Administrator for his/her certification of compliance with original plan prior to recording.

There was a certification that accompanied the final survey that stated that the survey was accurate, told where the title to the property was recorded, and included the witnessed and notarized signature of the owner; and a surveyor's certification, a notation of the county planning agency's approval, and the recorder's notation.

The municipality did not review or approve these surveys of final construction.

While this procedure may have been acceptable under the Second Class County Code, it exceeds the authority given to the county by the MPC. It was developed to address the common practice of conveying townhouse units by deed without a surveyed description of the land that was being transferred. This created problems for the county's property records.

If the original subdivision or land development plan shows the large lots on which townhouse or similar structures are to be constructed, then the division of one of those larger lots into smaller divisions is really just a re-subdivision or further subdivision, which must be handled like any other subdivision plan. This would include, in municipalities which have ordinances, submission to and approval by the municipality, and review prior to recording by the county.

Therefore, the certifications contained in the former ordinance that were designed for the recording of townhouse or attached dwelling lot lines have been deleted.

To cover this situation, this category of subdivision has been added to the definition of "plat adjustment" (see §2.2.98.D), which will make it eligible for recording after approval of the signed transparency by the Department. A municipal sign-off, however, is required in municipalities with ordinances in effect. The county's expedited processing for minor subdivisions and plat adjustments in this ordinance are offered to municipalities that have their own ordinances if they choose to utilize them and if they are consistent with their own ordinance requirements.

APPENDIX 3 STANDARDS FOR SURVEYS

Surveys shall be performed generally in accordance with standards set forth in the most recent standards published by the Pennsylvania Society of Land Surveyors. Closure requirements, in terms of angular closure and/or lineal ratios of $1/x$, shall relate to the closure of the original random traverse performed to create the outer boundary of the subdivision or site in question. If the survey was performed by survey measurements taken on the actual property lines with no random traversing created, then closure accuracies shall relate to the raw, unadjusted closure of the surveys thus performed. All subsequent survey data created from this field survey shall indicate closures of not less than $1/100,000$ or better.

All care and diligence will be extended to assure that any survey correctly reflects the property or right-of-way lines as originally established, and honors to the largest degree possible, all rights of adjoining and the parent tract. All surveys shall be performed in the field, and no office developed subdivisions will be accepted. Copies of field data and calculations may be requested at the option of the Department. All bearing notations should show degrees, minutes and seconds with the appropriate quadrant, such as northeast, southwest, etc. Linear dimensions shall be shown to not less than one hundredth of a foot on all measurements. Full centerline and right-of-way geometry shall be shown. Curve data in the form of arc, delta, radius, cord and tangent should be provided on all streets. In the case of redundant arc segments within a fully defined arc length on a right-of-way only, such arc segments may be limited to arc, delta and radius.

APPENDIX 4
STORM WATER MANAGEMENT PROVISIONS
FOR SUBDIVISIONS AND LAND DEVELOPMENTS
WHERE MUNICIPAL REGULATIONS ARE NOT IN EFFECT

Section 101 - General Provisions

A. Purpose

These regulations are adopted and implemented to achieve the following general purposes and objectives:

1. To manage and control storm water runoff resulting from land alteration and disturbance activities.
2. To utilize and preserve the desirable existing natural drainage systems and to preserve the flood-carrying capacity of streams.
3. To encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.
4. To provide for adequate maintenance of all permanent storm water management structures in the municipality.

B. Applicability

These provisions shall apply to all subdivisions and land developments which will affect storm water runoff characteristics and which are not subject to municipal storm water management regulations.

C. Liability Disclaimer

1. Neither the granting of any approval under these storm water management provisions, nor compliance with these provisions, or with any condition imposed by a county or municipal official hereunder, shall relieve any person from any responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose any liability upon the county or municipality for damages to persons or property.
2. The granting of a permit which includes any storm water management facilities shall not constitute a representation, guarantee or warranty of any kind by the county or municipality, or by any official or employee thereof, of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

Section 102 - Storm Water Management Performance Standards

A. General Standards

1. The following provisions shall be considered the overriding performance standards against which all proposed storm water control measures shall be evaluated.
 - a. Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:
 - (1) To assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or
 - (2) To manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.
2. The storm water management plan for the development site must consider all the storm water runoff flowing over the site.
3. No discharge of toxic materials shall be permitted into any storm water management system.

B. Specific Standards

1. Storm Frequencies. Storm water management facilities on all development sites shall control the peak storm water discharge for the 2-, 10-, 25- and 100-year storm frequencies. The SCS 24-hour, Type II Rainfall Distribution shall be used for analyzing storm water runoff for both pre- and post-development conditions. The 24-hour total rainfall for these storm frequencies are:

<u>Storm Frequency</u>	<u>Rainfall Depth (inches)</u>
2-year	2.50
10-year	3.61
25-year	4.31
100-year	5.71

(For additional information or data on other storm return periods, consult the "Rainfall Duration Frequency Tables for Pennsylvania," produced by PennDER, Office of Resource Management, Bureau of Dams and Waterways Management, Division of Stormwater Management, Harrisburg, February 1983.)

2. Calculation Methods

- a. Development Sites: For the purpose of computing peak flow rates and runoff hydrographs from development sites, calculations shall be performed using one of the following: SCS publications, Technical Release (TR) 55 or 20, HEC I, or Penn State Runoff Model.
- b. Storm Water Collection/Conveyance Facilities: For the purposes of designing storm sewers, open swales and other storm water runoff collection and conveyance facilities, any of the above calculation methods or the Rational Method may be used. Rainfall intensities for design should be obtained from the Pennsylvania Department of Transportation rainfall charts.
- c. Predevelopment Conditions: Predevelopment conditions shall be assumed to be those which exist on any site at the time of filing an application for approval of a subdivision or land development. Hydrologic conditions for all areas with pervious cover (i.e., fields, woods, lawn areas, pastures, cropland, etc.) shall be assumed to be in "good" condition, and the lowest recommended SCS runoff curve number (CN) shall be applied for all pervious land uses within the respective range for each land use and hydrologic soil group.
- d. Routing of hydrographs through detention/retention facilities for the purpose of design those facilities shall be accomplished using the Modified-Puls Method or recognized reservoir routing method subject to the approval of the Allegheny County Planning Department (Department).

3. Release Rate Percentage

- a. Definition. The release rate percentage defines the percentage of the pre-development peak rate of runoff that can be discharged from an outfall on the site after development. It applies uniformly to all land development or alterations. The release rate for all development sites in watersheds where watershed storm water management plans have not been adopted shall be 100 percent.
- b. Procedure for Use
 - (1) Compute the pre- and post-development runoff hydrographs for each storm water outfall on the development site using an acceptable calculation method for the 2-, 10-, 25- and 100-year storms. Apply no on-site detention for storm water management but include any techniques to minimize impervious surfaces and/or increase the time of concentration for storm water runoff flowing from the development site. If the post-development peak runoff rate and the runoff volume are less than or equal to the predevelopment peak runoff rate and volume, then additional storm water control shall not be required at that outfall. If the post-development peak runoff rate and volume are greater than the predevelopment peak runoff rate and volume, then storm water detention will be required and the capacity of the detention facility must be calculated in the manner prescribed below.

- (3) Multiply the release rate percentage by the predevelopment rate of runoff from the development site to determine the maximum allowable release rate from any detention facility for the four prescribed storm events.
- (4) Design the outlet control facilities and size the volume of the detention facility using the calculated post development hydrograph and accepted hydrograph routing procedures in consideration of the maximum allowable release rate.

Section 103 - Design Criteria for Storm Water Management Controls

A. General Criteria

1. Applicants may select runoff control techniques, or a combination of techniques, which are most suitable to control storm water runoff from the development site. All controls shall be subject to approval of the Department and municipal engineer. The Department or municipal engineer may request specific information on design and/or operating features of the proposed storm water controls in order to determine their suitability and adequacy in terms of the standards of these provisions.
2. The applicant should consider the effect of the proposed storm water management techniques on any special soil conditions or geological hazards which may exist on the development site. In the event such conditions are identified on the site, the Department or municipal engineer may require in-depth studies by a competent geotechnical engineer. Not all storm water control methods may be advisable or allowable at a particular development site.
3. The storm water management practices to be used in developing a storm water management plan for a particular site shall be selected according to the following order of preference:
 - a. infiltration of runoff on-site
 - b. flow attenuation by use of open vegetated swales and natural depressions
 - c. stormwater detention/retention structures
4. Infiltration practices shall be used to the extent practicable to reduce volume increases and promote groundwater recharge. A combination of successive practices may be used to achieve the applicable minimum control requirements. Justification shall be provided by the applicant for rejecting each of the preferred practices based on actual site conditions.

B. Criteria for Infiltration Systems

1. Infiltration systems shall be sized and designed based upon local soil and ground water conditions.
2. Infiltration systems greater than 3 feet deep shall be located at least 10 feet from basement walls.
3. Infiltration systems shall not be used to handle runoff from commercial or industrial working or parking areas. This prohibition does not extend to roof areas which are demonstrated to be suitably protected from the effects of the commercial/industrial activities.
4. Infiltration systems may not receive runoff until the entire drainage area to the system has received final stabilization.
5. The stormwater infiltration facility design shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall.

C. Criteria for Storm Water Detention Facilities

1. If detention facilities are utilized for the development site, the facility(ies) shall be designed such that post-development peak runoff rates from the developed site are controlled to the pre-development peak rate of runoff for the 2-, 10-, 25, and 100-year storm frequencies.
2. All detention facilities shall be equipped with outlet structures to provide discharge control for the four (4) designated storm frequencies. Provisions shall also be made to safely pass, at minimum, the post-development 100 year storm runoff without breaching or otherwise damaging (i.e., impairing the continued function of) the facilities.
3. Where detention facilities will be utilized, multiple use facilities, such as wetlands, lakes, ballfields or similar recreational/open space uses are encouraged wherever feasible, subject to the approval of the municipality and Pennsylvania Department of Environmental Resources' Chapter 105 Regulations.
4. Other considerations which should be incorporated into the design of the detention facilities include:
 - a. Inflow and outflow structures shall be designed and installed to prevent erosion, and bottoms of impoundment type structures should be protected from soil erosion.
 - b. Control and removal of debris both in the storage structure and in all inlet or outlet devices shall be a design consideration.
 - c. Inflow and outflow structures, pumping stations, and other structures shall be designed and protected to minimize safety hazards.

- d. The water depth at the perimeter of a storage pond should be limited to that which is safe for children. This is especially necessary if bank slopes are steep or if ponds are full and recirculating in dry periods. Restriction of access (fence, walls, etc.) may be necessary depending on the location of the facility.
- e. Side slope of storage ponds shall not exceed a ratio of two-and-one-half to one (2.5:1) horizontal to vertical dimension.
- f. Landscaping shall be provided for the facility which harmonizes with the surrounding area.
- g. Facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.

D. Criteria for collection/conveyance facilities

(Note: Specific design and construction details required or recommended herein may be modified after consultation with the municipal engineer in order to reflect the municipality's standard practices, local conditions, and preferences.)

1. All storm water runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the following basic standards:
 - a. All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.
 - b. Lots located on the high side of streets shall extend roof and french drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and french drains to a stormwater collection/conveyance/control system or natural watercourse in accordance with the approved storm water management plan for the development site.
 - c. Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility of failing or causing the embankment to fail.
 - d. All collection/conveyance facilities shall be designed to convey the 25-year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a storm water control facility, curbed street, storm sewer, or natural watercourse.
 - e. Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.
2. Wherever storm sewers are proposed to be utilized, they shall comply with the following criteria:

- a. Where practical, designed to traverse under seeded and planted areas. If constructed within 10 feet of road paving, walks or other surfaced areas, drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the superimposed surface or development.
- b. Preferably installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of 3 feet cover and/or adequate protection during the fill construction.
- c. Designed: (1) with cradle when traversing fill areas of indeterminate stability, (2) with anchors when gradient exceeds 20 percent, and (3) with encasement or special backfill requirements when traversing under a paved area.
- d. Designed to adequately handle the anticipated storm water flow and be economical to construct and maintain. The minimum pipe size shall be 15 inches in diameter.
- e. Drain pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the municipality and/or applicable PENNDOT Specifications, Form 408.
- f. All corrugated metal pipe shall be polymer coated, and with asbestos bonding and paved inverts where prone to erode. Pipe within a municipal right-of-way shall be reinforced concrete pipe with a minimum diameter of 15 inches.
- g. Storm inlets and structures shall be designed to be adequate, safe, self-cleaning, and unobtrusive and consistent with municipal standards.
- h. Appropriate grates shall be designed for all catch basins, storm water inlets, and other entrance appurtenances.
- i. Manholes shall be designed so that the top shall be at finished grade and sloped to conform to the slope of the finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling."
- j. Where a proposed sewer connects with an existing storm sewer system, the applicant shall demonstrate that sufficient capacity exists in the downstream system to handle the additional flow.
- k. Storm sewer outfalls shall be equipped with energy dissipation devices to prevent erosion and conform with applicable requirements of the Pennsylvania DER for stream encroachments (Chapter 105 of Pennsylvania DER Rules and Regulations).

Section 104 - Erosion and Sedimentation Controls

- A. An erosion/sedimentation pollution control plan shall be provided in accordance with the Pennsylvania Erosion/Sedimentation Regulations (25 PA Code, Chapter 102), the standards and guidelines of the Allegheny County Conservation District, and the Allegheny County Subdivision and Land Development Ordinance.
- B. Proposed erosion/sedimentation control measures shall be submitted with the storm water management plan as part of the preliminary and final applications.

Section 105 - Maintenance of Storm Water Management Controls

A. Maintenance Responsibilities

- 1. The storm water management plan for the development site shall contain an operation and maintenance plan prepared by the developer and approved by the municipality after recommendation by the municipal engineer. The operation and maintenance plan shall outline required routine maintenance actions and schedules necessary to insure proper operation of the facility(ies).
- 2. The storm water management plan for the development site shall establish responsibilities for the continuing operation and maintenance of all proposed stormwater control facilities, consistent with the following principles:
 - a. If a development consists of structures or lots which are to be separately owned and in which streets, sewers, and other public improvements are to be dedicated to the municipality, storm water control facilities should also be dedicated to and maintained by the municipality.
 - b. If a development site is to be maintained in single ownership, or if sewers and other public improvements are to be privately owned and maintained, then the ownership and maintenance of storm water control facilities should be the responsibility of the owner or private management entity.
 - 3. The municipal governing body, upon recommendation of the municipal engineer, shall make the final determination on ownership of facilities and continuing maintenance responsibilities prior to final approval of the storm water management plan.

B. Maintenance Agreement for Privately Owned Storm Water Facilities

- 1. Prior to final approval of the site's storm water management plan, the property owner shall sign and record a maintenance agreement covering all storm water control facilities which are to be privately owned. The agreement shall stipulate that:
 - a. The owner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities in a safe and attractive manner.

- b. The owner shall convey to the municipality easements and/or rights-of-way to assure access for periodic inspections by the municipality and maintenance if required.
 - c. The owner shall keep on file with the municipality the name, address and telephone number of the person or company responsible for maintenance activities; in the event of a change, new information will be submitted to the municipality within 10 days of the change.
 - d. If the owner fails to maintain the storm water control facilities following due notice by the municipality to correct the problem(s), the municipality may perform the necessary maintenance work or corrective work; and the owner shall reimburse the municipality for all costs.
2. Other items may be included in the agreement when determined necessary to guarantee the satisfactory maintenance of all facilities. The maintenance agreement shall be subject to the review and approval of the municipal solicitor and governing body.

C. Municipal Storm Water Maintenance Fund

(Note: This provision is an example of one way that a municipality could establish a special fund to finance its maintenance and inspection activities for storm water retention/detention facilities. It is an optional provision. If a municipality is interested in establishing such a fund, it is recommended that it consult with its solicitor for legal requirements and procedures.)

1. Persons installing storm water storage facilities shall be required to pay a specified amount to the Municipal Storm Water Maintenance Fund to help defray costs of periodic inspections and maintenance expenses. The amount of the deposit shall be determined as follows:
 - a. If the storage facility is to be privately owned and maintained, the deposit shall cover the cost of periodic inspections performed by the municipality for a period of 10 years, as estimated by the municipal engineer. After that period of time, inspections will be performed at the expense of the municipality.
 - b. If the storage facility is to be owned and maintained by the municipality, the deposit shall cover the estimated costs for maintenance and inspections for 10 years. The municipal engineer will establish the estimated costs utilizing information submitted by the applicant.
 - c. The amount of the deposit to the fund shall be converted to present worth of the annual series values. The municipal engineer shall determine the present worth equivalents which shall be subject to the approval of the

- governing body.¹
2. If a storage facility is proposed that also serves as a recreation facility (e.g., ballfield, lake), the municipality may reduce or waive the amount of the maintenance fund deposit based upon the value of the land for public recreation purposes.
 3. If at some future time a storage facility (whether publicly or privately owned) is eliminated due to the installation of storm sewers or other storage facility, the unused portion of the maintenance fund deposit will be applied to the cost of abandoning the facility and connecting to the storm sewer system or other facility. Any amount of the deposit remaining after the costs of abandonment are paid will be returned to the depositor.

Section 106 - Storm Water Plan Requirements

- A. General Requirements. No final subdivision/land development plan shall be approved, no permit authorizing construction issued, or any earthmoving or land disturbance activity initiated until the final storm water management plan for the development site is approved in accordance with these provisions.
- B. Exemptions for Small Developments
 1. At the time of application, the Department shall determine if the subdivision/land development qualifies as a "small development" and, therefore, is eligible for a simplified storm water plan submission. For the purpose of these provisions, a small development is any subdivision or land development which results in (or will result in when fully constructed) the creation of 5,000 or less square feet of impervious area and one acre or less of any land cover change.
 2. Applications for small developments shall include a plan which describes the type and location of proposed on-site storm water management techniques or the proposed connection to an existing storm sewer system. The plan should show accurately site boundaries, 2-foot interval contours, locations of watershed boundaries on the site (if applicable), and any watercourses, flood plains, or existing drainage facilities or structures located on the site. Contingent upon the approval of the Department and municipal engineer, alternative runoff computational techniques such as the Rational Method may be used where applicable. The Department reserves the right to require that the plan be prepared by a registered professional engineer, surveyor, or landscape architect.

¹ The required deposit would be equal to an amount that with the interest would generate sufficient income annually to pay the maintenance and inspection costs over 10 years. If the estimated maintenance/inspecion cost is \$500 per year, instead of requiring a deposit of \$5,000 (\$500 x 10 years), the deposit would be reduced to \$3,690 with the present worth approach, assuming a 6 percent annual interest rate and that the funds would be reduced to zero at the end of the 10 years.

3. The Department and the municipal engineer shall review and approve the proposed provisions for storm water management in accordance with the standards and requirements of this section.

C. Stormwater Plan Contents

1. General Format: The storm water plan shall be drawn to a scale of not less than 1 inch = 200 feet. All sheets shall contain a title block with; Name and address of applicant and engineer, scale, north arrow, legend and date of preparation.
2. Existing and Proposed Features: The plan shall show the following:
 - a. Location - Provide a key map showing the location of the development site. On all site drawings, show the boundaries of watershed(s) located on the development site and identify watershed names(s).
 - b. Flood plain boundaries - Identify 100-year flood plains, if any, on the development site based on the municipal Flood Insurance Study maps.
 - c. Natural features - Show all bodies of water (natural or artificial), watercourses (permanent and intermittent), swales, wetlands, and other natural drainage courses on the development site, or which will be affected by runoff from the development.
 - d. Soils - Provide an overlay showing soil types and boundaries within the development site (consult county, SCS, and U.S. Geological Survey for information).
 - e. Contours - Show existing and final contours at intervals of 2 feet; in areas with slopes greater than 15 percent, 5-foot contour intervals may be used.
 - f. Land cover - Show existing and final land cover classifications as necessary to support and illustrate the runoff calculations performed.
 - g. Drainage area delineations - Show the boundaries of the drainage areas employed in the runoff calculations performed.
 - h. Storm water management controls - Show any existing storm water management or drainage controls and/or structures, such as sanitary and storm sewers, swales, culverts, etc. which are located on the development site, or which are located off-site but will be affected by runoff from the development.
3. Professional certification: The storm water management plan (including all calculations) must be prepared and sealed by a registered professional, with training and expertise in hydrology and hydraulics. Documentation of qualifications may be required by the Department.
4. Runoff calculations: Calculations for determining pre- and post-development

discharge rates and for designing proposed storm water control facilities must be submitted with the storm water management plan. All calculations shall be prepared using the methods and data prescribed by Section 102 of these provisions.

5. Storm water controls: All proposed storm water runoff control measures must be shown on the plan including methods for collecting, conveying and storing storm water runoff on-site, which are to be used both during and after construction. Erosion and sedimentation controls shall be shown in accordance with applicable requirements. The plan shall provide information on the exact type, location, sizing, design, and construction of all proposed facilities and relationship to the existing watershed drainage system.
 - a. If the development is to be constructed in stages, the applicant must demonstrate that storm water facilities will be installed to manage storm water runoff safely during each stage of development.
 - b. A schedule for the installation of all temporary and permanent stormwater control measures and devices shall be submitted.
 - c. If appropriate, a justification should be submitted as to why any preferred stormwater management techniques, as listed in Section 103, are not proposed for use.
6. Easements, rights-of-way, deed restrictions: All existing and proposed easements and rights-of-way for drainage and/or access to storm water control facilities shall be shown and the proposed owner identified. Show any areas subject to special deed restrictions relative to or affecting storm water management on the development site.
7. Other permits/approvals: A list of any approvals/permits related to storm water management that will be required from other governmental agencies (including DER Chapter 105 and 106 permits) and anticipated dates of submission/receipt should be included with the storm water plan submission. Copies of permit applications may be requested by the Department where they may be helpful for the plan review.
8. Maintenance program: The application shall contain a proposed maintenance plan for all storm water control facilities in accordance with the following:
 - a. Identify the proposed ownership entity (e.g., municipality, property owner, private corporation, homeowner's association, or other entity).
 - b. Include a maintenance program for all facilities, outlining the type of maintenance activities, probable frequencies, personnel and equipment requirements, and estimated annual maintenance costs.
 - c. Identify method of financing continuing operation and maintenance if the facility is to be owned by other than the municipality or governmental agency.
 - d. Submit any legal agreements required to implement the maintenance

program and copies of the maintenance agreement as required by these provisions.

9. Financial guarantees: Financial guarantees shall be provided in accordance with the provisions of the Allegheny County Subdivision and Land Development Ordinance and Section 509 of the Pennsylvania Municipalities Planning Code.

Section 107 - Plan Review Procedures

A. Pre-Application Phase

1. Before submitting the storm water plan, applicants are urged to consult with the municipality, Allegheny County Planning Department, and Allegheny County Conservation District on requirements for safely managing runoff from the development site in a manner consistent with municipal, county, and state regulations. These agencies may also be helpful in providing necessary data for the storm water management plan.
2. Applicants are encouraged to submit a sketch plan with a narrative description of the proposed storm water management controls for general guidance and discussion with the Department.
3. The pre-application phase is not mandatory; any review comments provided by the Department are advisory only and do not constitute any legally binding action on the part of the county.

B. Storm Water Plan Reviews

1. Submission of plans: Storm water plan applications shall be submitted to the Department with the preliminary and final subdivision/land development applications.
2. Notification of affected municipalities: The Department shall notify municipalities upstream and downstream of the development site, which may be affected by the storm water runoff and proposed controls for the site. Copies of the plans shall be made available by the applicant to any municipality upon request. Comments received from any affected municipality will be considered by the Department in its review.
3. Municipal review. A copy of the storm water management plan, along with all runoff calculations, shall be forwarded by the applicant to the municipality in which the proposed development is located for review by the municipality and its engineer.
 - a. The municipal engineer shall review the storm water management plan based on the requirements of any applicable municipal ordinances, the requirements of these provisions, and good engineering practice.

- b. A report of the findings shall be returned to the Department within 30 days.
- 4. Department Review and Determination. The Department shall review the plan and shall approve it if it complies with the provisions of this Appendix 4, is acceptable to the municipality in which the development is located, and will not create any harmful impacts downstream from the development site.

APPENDIX 5 WELLHEAD PROTECTION PROVISIONS¹

ARTICLE I GENERAL PROVISIONS

SECTION 101. STATEMENT OF FINDINGS

The County of Allegheny finds that:

- A. The ground water underlying the county is a major source of its existing and future water supply, including drinking water.
- B. The ground water aquifers are integrally connected with, are recharged by, and flow into the surface waters, lakes and streams which constitute a major source of drinking water for the region.
- C. Accidental spills and discharges of toxic and hazardous materials may threaten the quality of such ground water supplies and related water resources in the county posing potential public health and safety hazards.
- D. Unless preventive measures are adopted to control the discharge and storage of toxic and hazardous materials within the municipality, spills and discharges of such materials will predictably occur and with greater frequency and degree of hazard by reason of increasing construction, commercial and industrial development, population and vehicular traffic in the county.

SECTION 102. PURPOSE

The purpose of these provisions is to protect the public health, safety, and welfare through the preservation of the county's major ground water resources to ensure a future supply of safe and healthful drinking water for the county, local residents and employees, and the general public. The designation of Wellhead Protection Areas I and II and careful regulation of land use, physical facilities and other activities within these areas can reduce the potential for ground water contamination.

SECTION 103. APPLICABILITY

¹The wellhead protections provisions in this appendix are taken from the Wellhead Protection Model Ordinance, developed by the Allegheny County Health Department, Division of Drinking Water and Waste Management, 1995.

These provisions shall only apply to those areas of the municipality which are located within Wellhead Protection Areas I and II surrounding a protected public water supply well as delineated on an official map. A map of the Wellhead Protection Areas may be obtained from the Allegheny County Health Department (ACHD).

These provisions regulate the following land uses, physical facilities and activities which have the potential to contaminate ground water:

- A. Light Industry
- B. Sewage Disposal
- C. Manufacturing
- D. Injection Wells
- E. Storage Tanks - Underground and Aboveground
- F. Disposal Facilities - Solid Waste, Dumpsites
- G. Subdivisions
- H. Land Developments

SECTION 104. CONFLICTS WITH OTHER ORDINANCES

If any provisions in the municipality's ordinances are inconsistent with any of the provisions of this Appendix 5, the stricter standard shall apply.

SECTION 105. COMPATIBILITY WITH OTHER ORDINANCE REQUIREMENTS

Approvals issued pursuant to these provisions do not relieve the applicant of the responsibility to secure the required permits or approvals for activities regulated by other applicable code, rule, act or ordinance.

ARTICLE II DEFINITIONS

ACHD - The Allegheny County Health Department.

AGRICULTURAL OPERATIONS - Those operations which include tilling, cultivation and animal husbandry and which qualify as earthmoving pursuant to DEP Chapter 102 Rules and Regulations.

CONE OF DEPRESSION - The area surrounding a pumping well within which the water table elevation has been lowered due to ground water withdrawal.

CONSERVATION DISTRICT - The Allegheny County Conservation District.

CONSERVATION PLAN - An Erosion and Sedimentation Control Plan prepared for agricultural properties as required by Chapter 102 of the DEP Rules & Regulations and as reviewed and approved by the Conservation District.

DEP - The Pennsylvania Department of Environmental Protection.

DETENTION POND - A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate through a defined outlet structure.

ENVIRONMENTAL HAZARD SURVEY FORM - A document authorized by the Pennsylvania Worker and Community Right-to-Know Act which, if required by the Department of Labor and Industry for a facility, describes the hazardous substances emitted, discharged, or disposed of from the workplace.

EPA - The Federal Environmental Protection Agency.

HAZARDOUS MATERIAL - A product or waste, or combination of substances that because of the quantity, concentration, physical, chemical or infectious characteristics, if not properly treated, stored, transported, used or disposed of, or otherwise managed, would create a potential threat to public health through direct or indirect introduction into ground water resources and the subsurface environment which includes the soil and all subsequent materials located below. Such hazardous material includes, but is not limited to, materials which may be included on one or more of the following lists:

- Occupational Safety and Health Act, 29 CFR, Part 1910, Subpart Z - Extremely Hazardous Substance List.
- American Conference of Governmental Industrial Hygienists, Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment (latest edition).

- National Toxicology Program, Annual Report on Carcinogens (latest edition).
- International Agency for Research on Cancer Monographs (latest edition).
- Commonwealth of Pennsylvania, Department of Labor and Industry, Hazardous Substance List (latest edition).
- “Hazardous Substances” defined pursuant to Section 311 of the Federal Clean Water Act.
- “Toxic Materials” defined pursuant to Section 307 of the Federal Clean Water Act.
- “Hazardous Wastes” defined pursuant to Chapter 75 of DEP Rules and Regulations.
- “Hazardous Wastes” defined pursuant to Section 101 of the Federal Resource Conservation and Recovery Act.

HAZARDOUS SUBSTANCE SURVEY FORM - A document required by the Pennsylvania Worker and Community Right-to-Know Act which provides a listing of all hazardous substances found in the workplace.

LARGE VOLUME SUBSURFACE SEWAGE DISPOSAL SYSTEM - A sewage disposal facility which is designed to discharge directly to the soil profile, whether natural or enhanced, and which has a design capacity in excess of 10,000 gallons per day.

LIGHT INDUSTRY - Industrial, commercial, public or retail establishments which engage in manufacturing, fabrication or service activities and which appear on the following list.

- Bulk Agricultural Products Dealers and Distributors
- Mining and Quarrying
- Highway Deicing Material Storage
- Textile and Apparel Products
- Lumber and Wood Preserving
- Printing and Publishing
- Chemical Products
- Leather Products
- Mineral Products: Glass and Cement
- Metal Products
- Machine Shops
- Electronics and Electronic Equipment
- Transportation Maintenance
- Scrap Trade and Metal Container Recyclers
- Chemical and Petroleum Storage and Sales

- Automotive Repair, Services and Related Parking
- Personal Services: Laundry, Pest Control and Photo finishing
- Repair Services: Furniture, Welding and Septage Services
- Amusement and Recreation
- Educational, Medical and Engineering Laboratories

MANUFACTURING - Industrial establishments which produce primary products from raw materials.

NUTRIENT MANAGEMENT PLAN - A document applicable to agricultural properties which describes the storage, handling and application of fertilizers, including manure, related to agricultural production.

PERSON - An individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth, political subdivision, municipality, district authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

PESTICIDE MANAGEMENT PLAN - A document applicable to agricultural properties which describes the storage, handling and application of products to control pests and undesirable vegetation related to agricultural production.

POLLUTION INCIDENT PREVENTION (PIP) PLAN - An environmental emergency response document authorized by Chapter 101 of the DEP Rules and Regulations which is applicable to facilities which handle materials with the potential for accidental pollution of the waters of the Commonwealth. Specific requirements for a PIP plan are contained in "Guidelines for the Development and Implementation of Environmental Emergency Response Plans," PADEP, September 1990.

PREPAREDNESS, PREVENTION AND CONTINGENCY (PPC) PLAN - An environmental emergency response document required by the Federal Resource Conservation and Recovery Act to facilities which generate, store, treat or dispose of hazardous wastes. Hazardous wastes are those defined within the DEP regulations or other wastes which meet specific characteristic tests.

PROFESSIONAL - A person who, by education, experience, certification or licensure, has a demonstrated expertise in a particular field.

PROTECTED PUBLIC WATER SUPPLY WELL - Any well used or intended to be used as a ground water supply source as part of a public water supply system for which Wellhead Protection Areas have been established.

RETENTION POND - A basin designed to retard stormwater runoff, by temporarily storing the runoff, which does not have a defined outlet structure and which empties through a combination of evaporation, transpiration and infiltration.

SARA TITLE III OFF-SITE PLAN - A document required by the Federal Superfund Amendments and Reauthorization Act (SARA) which applies to employers who have extremely hazardous substances in the workplace. The document identifies the transportation route of extremely hazardous substances, a description of the workplace and a risk analysis of the operation to the surrounding community.

SARA TITLE III TIER I AND TIER II REPORTS - Documents required by the Federal Superfund Amendments and Reauthorization Act (SARA) which apply to employers who have extremely hazardous substances in the workplace. The Tier I document lists the amounts and locations within the workplace of extremely hazardous substances by type of hazard (e.g. fire, explosion, acute health hazard). The Tier II document provides a listing of each specific extremely hazardous substance in the workplace and each specific hazardous substance exceeding 10,000 pounds on site at any one time.

SEWAGE - Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or which constitutes pollution under the Act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law," as amended.

SEWAGE DISPOSAL SYSTEM - A combination of piping, tanks, or other facilities for the collection, conveyance, treatment and disposal of sewage.

SEWAGE ENFORCEMENT OFFICER (SEO) - The official hired by the municipality who issues and reviews sewage system disposal permits and conducts such inspections and investigations as are necessary to implement the provisions of the Pennsylvania Sewage Facilities Act.

SEWAGE SLUDGE - The coarse screenings, grit, and dewatered or air-dried products of sewage treatment, septic and holding tank pumpings and any other residues from sewage collection and treatment systems which require disposal.

SINKHOLE - A closed, generally circular, depression in the land surface of variable depths and width, characterized by a distinct breaking of the ground surface, and formed by solution of carbonate bedrock and downward movement of soil into bedrock voids or by collapse of underlying caves.

SPILL PREVENTION CONTROL AND COUNTERMEASURE (SPCC) PLAN - An environmental quality emergency response document required by the Federal Clean Water Act for facilities which handle hazardous substances as defined in the Clean Water Act. The plan requirements are virtually the same as for a PIP plan.

SPILL PREVENTION RESPONSE (SPR) PLAN - An environmental emergency response document required by the Pennsylvania Storage tank and Spill Prevention Act (STSPA) for facilities with an aboveground storage tank exceeding a volume of 21,000 gallons. The plan

requirements are specified in Sections 902 and 903 of the STSPA. A downstream notification requirement applies to regulated tanks adjacent to surface waters.

STORAGE OF HAZARDOUS MATERIAL -The containment of hazardous material on a temporary basis in such a manner as not to constitute disposal of such waste. It shall be presumed that the containment of hazardous material in excess of one year constitutes disposal. This presumption can be overcome by clear and convincing evidence to the contrary.

STORAGE TANK - ABOVEGROUND - A tank which contains substances as regulated under the Storage Tank and Spill Prevention Act (STSPA) which meets the following criteria: a stationary tank with 250 gallons or more of capacity with greater than 90% of its capacity aboveground. Specific exceptions to this definition are included within the STSPA.

STORAGE TANK - UNDERGROUND - A tank which contains substances as regulated under the Storage Tank and Spill Prevention Act (STSPA) which meets the following criteria: a tank with 110 gallons or more of capacity with 10% or greater of its capacity beneath the ground surface. Specific exceptions to this definition are included within the STSPA.

UNDERGROUND INJECTION WELL - A bored, drilled, driven or dug well for the emplacement of fluids into the ground (except drilling muds and similar materials used in well construction).

WASTE - Garbage, refuse and other discarded materials including, but not limited to, solid and liquid materials resulting from municipal, industrial, commercial, institutional, agricultural, and residential activities.

WASTE - Garbage, refuse, and other discarded materials including, but not limited to, solid and liquid materials resulting from municipal, industrial, commercial, institutional, agricultural and residential activities.

WELLHEAD PROTECTION AREA I - WELLHEAD ZONE (WHZ) - That area of the land surface within a 400 feet radius of the protected public water supply wells.

WELLHEAD PROTECTION AREA II - ZONE OF CONTRIBUTION (ZOC) - That area of the land surface which, through recharge or other means, provides water to sustain the yield of a protected public water supply well.

ARTICLE III WELLHEAD PROTECTION REQUIREMENTS

SECTION 301. GENERAL REQUIREMENTS

No land use, physical facilities or activity specified in Section 105 shall occur within Wellhead Protection Areas I or II except in strict conformance with these provisions.

SECTION 302. WELLHEAD PROTECTION AREAS

- A. Mapping of Wellhead Protection Areas. To implement the provisions of this Wellhead Protection Ordinance, wellhead protection areas surrounding protected public water supply wells are hereby established. The boundaries of Wellhead Protection Areas I and II are shown on an official map which is available for inspection at the ACHD.

Should any person challenge the boundary of Wellhead Protection Areas I or II, it shall be the responsibility of that person to retain a recognized professional with competence in the field to determine more accurately the precise boundary of the disputed area. The final boundary to be used will be determined by the ACHD with assistance from the municipal engineer and/or a professional hydrogeologist, as appropriate.

- B. Prohibitions within Wellhead Protection Areas I and II:
1. Except as provided in ARTICLE IV, the following land uses, physical facilities and activities are prohibited:
 - (a) Facilities which generate, store, treat or dispose of hazardous material and which are required to maintain a Pollution Incident Prevention (PIP); Spill Prevention Control and Countermeasure (SPCC); Preparedness, Prevention and Contingency (PPC); Spill Prevention Response (SPR); or SARA Title III Off-Site Plan;
 - (b) Bulk agricultural products dealers and distributors
 - (c) Large volume subsurface sewage disposal systems
 - (d) Large volume spray irrigation sewage disposal systems
 - (e) Underground injection wells

- (f) Aboveground storage tanks
- (g) Underground storage tanks
- (h) Waste disposal facilities
- (i) Land application of sewage sludge
- (j) Stormwater retention facilities
- (k) Unlined stormwater detention facilities
- (l) Operations and/or facilities which are involved with the manufacture, storage or processing of materials and which fall within the following categories:
 - Bulk Agricultural Products Dealers and Distributors
 - Mining and Quarrying
 - Highway Deicing Material Storage
 - Textile and Apparel Products
 - Lumber and Wood Preserving
 - Printing and Publishing
 - Chemical Products
 - Leather Products
 - Mineral Products: Glass and Cement
 - Metal Products
 - Machine Shops
 - Electronics and Electronic Equipment
 - Transportation Maintenance
 - Scrap Trade and Metal Container Recyclers
 - Chemical and Petroleum Storage and Sales
 - Automotive Repair, Services and Related Parking
 - Personal Services: Laundry, Pest Control and Photo finishing
 - Repair Services: Furniture, Welding and Septage Services
 - Amusement and Recreation
 - Educational, Medical and Engineering Laboratories

**ARTICLE IV
GENERAL REGULATIONS**

SECTION 401. CONTINUATION OF EXISTING LAND USES, PHYSICAL FACILITIES AND ACTIVITIES

Any land use, physical facility or activity prohibited within ARTICLE III lawfully in existence within Wellhead Protection Areas I or II prior to the effective date of these provisions may continue to exist on the parcel upon which it is located subject to meeting existing applicable federal, state and local regulations including the requirements included within ARTICLE VI.

SECTION 402. EXISTING SEWAGE DISPOSAL PROBLEMS

Notwithstanding the provisions of ARTICLE III, large volume subsurface sewage disposal systems may be used if necessary to solve sewage disposal problems associated with existing development.

SECTION 403. PUBLIC WATER SUPPLY PROJECTS

Notwithstanding the provisions of ARTICLE III, public water supply projects which require the use of chemicals for disinfection or treatment will be allowed in all wellhead protection areas subject to their approval, construction and operation in accordance with DEP regulations.

**ARTICLE V
SUBDIVISION AND LAND DEVELOPMENT**

SECTION 501. GENERAL REQUIREMENTS

No subdivision or land development shall occur within Wellhead Protection Areas I or II except in strict conformance with these provisions.

SECTION 502. WELLHEAD PROTECTION AREAS MAPPING

To implement the provisions of this Wellhead Protection Ordinance, wellhead protection areas surrounding protected public water supply wells are hereby established. The boundaries of Wellhead Protection Areas I and II are shown on an official map which is available at the ACHD.

Should any person challenge the boundary of Wellhead Protection Areas I or II, it shall be the responsibility of that person to retain a recognized professional with competence in the field to determine more accurately the precise boundary of the disputed area. The final boundary to be used will be determined by the ACHD with assistance from the municipal engineer and/or a professional hydrogeologist, as appropriate.

SECTION 503. WELLHEAD PROTECTION AREA RESTRICTIONS

- A. Subdivisions and land developments within Wellhead Protection Areas I or II for which stormwater management controls are required pursuant to the subdivision and land development ordinance shall be designed consistent with the following:
 - 1. Stormwater retention basins shall be prohibited;

2. Stormwater detention basins shall be designed with an impermeable liner to prohibit the infiltration of impounded water to the subsurface.
- B. Subdivisions and land developments within Wellhead Protection Areas I or II as designated on the official map shall have the following Preliminary Plan requirements in addition to those requirements of the subdivision and land development ordinance:
1. A recognized professional with competence in the field shall review aerial photographs, soils, geologic and other available related data as the data relates to the subject property. The professional shall also conduct a site inspection of the property.
 2. Based on the work required in Section 503.C.1., the professional shall prepare a map of the site showing all karst features or feature indicators. The mapping shall indicate, but shall not be limited to, the following:
 - (a) Closed depressions
 - (b) Open sinkholes
 - (c) Seasonal high water table indicators
 - (d) Outcrops of bedrock
 - (e) Surface drainage into ground
 - (f) “Ghost lakes” after rainfall
 - (g) Lineaments and faults
 - (h) Limonite excavations and quarries
 - (i) Geologic contacts
 3. Based upon the work performed in Sections 503.C.1. and 503.C.2., the professional shall determine what further testing should be done by the applicant to ensure compliance with the performance standards set forth in Section 503.D. Testing methodology shall be reasonable under the circumstances, including (1) the scale of the proposed development, and (2) the hazards revealed by examination of available data and site inspection.
 4. The applicant shall cause the additional testing established in Section 503.C.3. to be done. A study report shall be submitted and referred to the municipal engineer. This study shall include a map of the area, all test results, and a recommendation on the mitigating measures to be taken to meet the standards of Section 503.D.
 5. The municipal engineer shall report to the planning commission, with a copy to the land owner, his or her opinion as to the adequacy of the study and as to the capability of the site to support the proposed development in a manner in which the risks attendant to the

development in carbonate areas are either eliminated or minimized. Recommendations for site development including storm water management, the layout of utility lines, grading and building location may be included. Additional studies or testing as deemed necessary by the municipal engineer in order to produce an adequate study given the scale of the proposed development and the hazards revealed may be required of the applicant.

- D. Subdivision and land developments within Wellhead Protection Areas I and II as delineated on the official map shall have the following design requirements:
 - 1. All buildings, structures, impervious surfaces and utilities shall be so situated, designed and constructed as to minimize the risk of new sinkhole formation and of the accelerated introduction of contaminants and pollution into the wellhead protection area through existing or future sinkholes.
 - 2. Stormwater shall not be redirected into a sinkhole.

**ARTICLE VI
SPECIAL WELLHEAD PROTECTION PROVISIONS**

SECTION 601. GENERAL REQUIREMENTS

No land use, physical facility or activity specified in Section 105 shall occur within Wellhead Protection Areas I or II except in strict conformance with the requirements of this ARTICLE.

SECTION 602. WELLHEAD PROTECTION AREA REQUIREMENTS

The following land uses, physical facilities and activities, located within Wellhead Protection Areas I or II which are specifically allowed in ARTICLE III or ARTICLE IV of these provisions, shall meet the following conditions:

<u>Land Use, Physical Facility or Activity</u>	<u>Conditions</u>
1. Facilities which generate, store, treat or dispose of hazardous material which are required to maintain a Pollution Incident Prevention (PIP); Spill Prevention Control and Countermeasure (SPCC); Preparedness, Prevention and	(a) A current PIP, SPCC, PPC, SPR or SARA Title III Off-Site Plan must be filed with the municipality. (b) A current Hazardous Substance Survey Form, Environmental Hazard Survey Form and Contingency (PPC); Spill Prevention Response (SPR); or SARA Title III Off-Site Plan.SARA Title III Tier I and Tier II Report must be filed with the municipality.
2. Bulk Agricultural products dealers and distributors	(a) At a minimum, a current plan meeting the requirements of a PIP Plan must be filed with the municipality. (b) A current Hazardous Substance Survey Form, Environmental Hazard Survey Form and SARA Title III Tier I and Tier II Report must be filed with the municipality.
3. Large Volume Subsurface Sewage Disposal Systems and Large Volume Spray Irrigation Sewage Disposal Systems	(a) A current permit from the Department of Environmental Protection must be filed with the municipality. (b) DEP required water quality monitoring reports must be filed with the municipality.
4. Underground Injection Wells (Classes I, II, III and V)	(a) A current registration from the Environmental Protection Agency must be filed with the municipality.
5. Aboveground Storage Tanks and Underground Storage Tanks	(a) A current registration from the Department of Environmental Protection must be filed with the municipality.
6. Waste Disposal Facilities <u>Land Use, Physical Facility or Activity</u>	(a) A current permit from the Department of <u>Condition</u> (cont'd)

- Environmental Protection must be filed with the municipality.
- (b) A current PPC plan, if required for the facility by DEP regulations, must be filed with the municipality.
- (c) DEP required water quality monitoring reports must be filed with the municipality.
7. Agricultural Operations (d) DEP required water pollution abatement plans must be filed with the municipality.
-

- (a) The Conservation Plan prepared according to Chapter 102 of DEP regulations must include a Pesticide Management Plan and a Nutrient Management Plan.
- (b) Within areas of carbonate bedrock as delineated in Appendix A, the Conservation Plan prepared according to Chapter 102 of DEP regulations must include the identification of sinkholes and a mitigation plan.
-

8. Sewage Disposal Facilities (a) Sewage Disposal facilities must be operated and maintained to prevent discharge of untreated or partially treated sewage to the surface or ground waters.
- (b) On-lot sewage disposal systems must be inspected by the Sewage Enforcement Officer (SEO) and any necessary repairs or maintenance must be performed prior to the expansion or conversion of the land use served.
- (c) On-lot sewage disposal systems must be inspected by the Sewage Enforcement Officer and any necessary repairs or maintenance must be performed prior to transfer of property ownership.

ARTICLE VII INSPECTIONS

SECTION 701. MUNICIPAL INSPECTIONS

The municipal engineer or his designate shall be authorized to inspect the following facilities located within Wellhead Protection Areas I or II for purposes of determining compliance with these provisions and any federal or state permit or regulation requirements upon direction by the governing body:

- A. Facilities with PIP, SPCC, PPC, SPR, or SARA Title III Off-Site Plans
- B. Bulk agricultural products dealers and distributors
- C. Large volume subsurface sewage disposal systems
- D. Large volume spray irrigation sewage disposal systems
- E. Underground and aboveground storage tanks
- F. Underground injection wells
- G. Waste disposal facilities
- H. Sewage sludge land application sites
- I. Other industrial and commercial facilities

This schedule of inspections shall be determined by the municipality for each type of facility. Inspectors shall be responsible for reporting any violations to the municipality. The municipality shall inform ACHD, DEP, or EPA, as appropriate, of any possible violations or their regulations for the purpose of follow-up actions by those agencies.

SECTION 702. INSPECTIONS BY THE COUNTY CONSERVATION DISTRICT

The county conservation district shall be authorized to inspect the following activities located within Wellhead Protection Areas I or II on an as needed basis:

- A. Earthmoving activities covered by an Erosion and Sedimentation Plan under Chapter 102 of DEP regulations.

SECTION 703. RIGHT-OF-ENTRY

Upon presentation of the proper credentials, duly authorized representatives of the municipality may enter at reasonable times upon any property within a Wellhead Protection Area to investigate or ascertain whether the requirements of this Ordinance are being met.

**ARTICLE VIII
WELLHEAD PROTECTION AREA MAP**

SECTION 801. OFFICIAL MAP

The official map depicting Wellhead Protection Areas I and II, which is available at the ACHD, is declared to be a part of these provisions.

**APPENDIX 6
STATUS OF MUNICIPAL LAND USE REGULATIONS**

Municipalities that have not adopted a subdivision and land development ordinance: the following information was correct as of the date of preparation of this Ordinance. However, as the status of land use regulations in a municipality can change at any time, the municipality in which a subdivision or land development is proposed should be contacted for current information.

Municipality	Class	Subdivision & Land Dev. Ord.	Zoning Ordinance	Comprehensive Plan
Aleppo	Township	yes	yes	no
Aspinwall	Borough	yes	yes	yes
Avalon	Borough	no	yes	yes
Baldwin	Borough	yes	yes	yes
Baldwin	Township	no	yes	no
Bell Acres	Borough	yes	yes	yes
Bellevue	Borough	no	yes	yes
Ben Avon	Borough	no	yes	yes
Ben Avon Heights	Borough	no	yes	no
Bethel Park	Borough	yes	yes	yes
Blawnox	Borough	yes	yes	yes
Brackenridge	Borough	no	yes	no
Braddock	Borough	no	yes	yes
Braddock Hills	Borough	yes	yes	no
Bradford Woods	Borough	yes	yes	yes
Brentwood	Borough	yes	yes	yes
Bridgeville	Borough	yes	yes	yes
Carnegie	Borough	yes	yes	yes
Castle Shannon	Borough	yes	yes	yes

Municipality	Class	Subdivision & Land Dev. Ord.	Zoning Ordinance	Comprehensive Plan
Chalfant	Borough	no	yes	no
Cheswick	Borough	yes	yes	no
Churchill	Borough	yes	yes	yes
Clairton	City of	yes	yes	yes
Collier	Township	yes	yes	yes
Coropolis	Borough	no	yes	yes
Crafton	Borough	yes	yes	yes
Crescent	Township	yes	yes	yes
Dormont	Borough	yes	yes	yes
Dravosburg	Borough	no	yes	yes
Duquesne	City of	yes	yes	yes
East Deer	Township	yes	yes	yes
East McKeesport	Borough	no	yes	no
East Pittsburgh	Borough	yes	yes	yes
Edgewood	Borough	yes	yes	yes
Edgeworth	Borough	yes	yes	yes
Elizabeth	Borough	no	yes	no
Elizabeth	Township	yes	yes	yes
Emsworth	Borough	no	yes	yes
Etna	Borough	no	yes	yes
Fawn	Township	yes	yes	yes
Findlay	Township	yes	yes	yes
Forest Hills	Borough	yes	yes	yes
Forward	Township	yes	yes	yes
Fox Chapel	Borough	yes	yes	yes

Municipality	Class	Subdivision & Land Dev. Ord.	Zoning Ordinance	Comprehensive Plan
Franklin Park	Borough	yes	yes	yes
Frazer	Township	yes	yes	yes
Glassport	Borough	yes	yes	yes
Glenfield	Borough	no	yes	no
Greentree	Borough	yes	yes	yes
Hampton	Township	yes	yes	yes
Harmar	Township	yes	yes	yes
Harrison	Township	yes	yes	yes
Haysville	Borough	no	no	yes
Heidelberg	Borough	no	yes	no
Homestead	Borough	yes	yes	yes
Indiana	Township	yes	yes	yes
Ingram	Borough	yes	yes	yes
Jefferson	Borough	yes	yes	yes
Kennedy	Township	yes	yes	no
Kilbuck	Township	yes	yes	yes
Leet	Township	yes	yes	yes
Leetsdale	Borough	yes	yes	yes
Liberty	Borough	yes	yes	no
Lincoln	Borough	yes	yes	yes
Marshall	Township	yes	yes	yes
McCandless	Township	yes	yes	yes
McDonald	Borough		yes	
McKees Rocks	Borough	no	yes	yes
McKeesport	City of	yes	yes	yes
Millvale	Borough	no	yes	yes

Municipality	Class	Subdivision & Land Dev. Ord.	Zoning Ordinance	Comprehensive Plan
Monroeville	Borough	yes	yes	yes
Moon	Township	yes	yes	yes
Mount Lebanon	Township	yes	yes	yes
Mount Oliver	Borough	yes	yes	yes
Munhall	Borough	yes	yes	yes
Neville	Township	no	yes	yes
North Braddock	Borough	no	yes	yes
North Fayette	Township	yes	yes	yes
North Versailles	Township	yes	yes	no
Oakdale	Borough	no	yes	no
Oakmont	Borough	yes	yes	no
O'Hara	Township	yes	yes	yes
Ohio	Township	yes	yes	yes
Osborne	Borough	yes	yes	yes
Penn Hills	Township	yes	yes	yes
Pennsbury Village	Borough	no	no	no
Pine	Township	yes	yes	yes
Pitcairn	Borough	no	yes	yes
Pleasant Hills	Borough	yes	yes	no
Plum	Borough	yes	yes	yes
Port Vue	Borough	yes	yes	no
Rankin	Borough	yes	yes	yes
Reserve	Township	yes	yes	yes
Richland	Township	yes	yes	no
Robinson	Township	yes	yes	yes

Municipality	Class	Subdivision & Land Dev. Ord.	Zoning Ordinance	Comprehensive Plan
Ross	Township	yes	yes	yes
Rosslyn Farms	Borough	yes	yes	yes
Scott	Township	yes	yes	yes
Sewickley	Borough	yes	yes	yes
Sewickley Heights	Borough	yes	yes	yes
Sewickley Hills	Borough	yes	yes	yes
Shaler	Township	yes	yes	yes
Sharpsburg	Borough	yes	yes	no
South Fayette	Township	yes	yes	yes
South Park	Township	yes	yes	yes
South Versailles	Township	yes	yes	yes
Springdale	Borough	yes	yes	yes
Springdale	Township	yes	yes	yes
Stowe	Township	no	yes	no
Swissvale	Borough	yes	yes	yes
Tarentum	Borough	no	yes	yes
Thornburg	Borough	yes	yes	yes
Trafford	Borough	yes	yes	
Turtle Creek	Borough	yes	yes	no
Upper St. Clair	Township	yes	yes	yes
Verona	Borough	yes	yes	yes
Versailles	Borough	no	yes	no
Wall	Borough	no	yes	no
West Deer	Township	yes	yes	yes
West Elizabeth	Borough	no	no	no

Municipality	Class	Subdivision & Land Dev. Ord.	Zoning Ordinance	Comprehensive Plan
West Homestead	Borough	yes	yes	yes
West Mifflin	Borough	yes	yes	yes
West View	Borough	yes	yes	yes
Whitaker	Borough	no	no	no
White Oak	Borough	yes	yes	yes
Whitehall	Borough	yes	yes	yes
Wilkins	Township	yes	yes	yes
Wilksburg	Borough	yes	yes	yes
Wilmerding	Borough	yes	yes	yes

**APPENDIX 7
SUMMARY OF PROCEDURES AND REQUIREMENTS**

This chart provides compares in summary form some of the Articles and major Sections of this Ordinance which apply to subdivision and land development applications in municipalities that have enacted a subdivision and land development ordinance, with those that apply to subdivision and land development applications in municipalities that have not enacted a land development ordinance. However, this chart is provided as a convenience only and is not conclusive. The applicant is urged to read the Ordinance carefully, and to consult with the Department, for a thorough understanding of relevant procedures and applicable provisions.

Allegheny County Subdivision and Land Development Ordinance of 1998	WITH: Municipality with a subdivision and land development ordinance	WITHOUT: Municipality without a subdivision and land development ordinance
ARTICLE I	¶1.1 and ¶1.3 are applicable or contain relevant information	Applicable
ARTICLE II	Not applicable	Applicable
ARTICLE III	¶3.1, ¶3.2, ¶3.4, ¶3.5 and ¶3.6 are applicable or contain relevant information	¶3.1, ¶3.3, ¶3.4, ¶3.5 and ¶3.6 are applicable
ARTICLE IV	Not applicable	Applicable
ARTICLE V	Not Applicable	Applicable
ART. V, ¶5.3 GRADING	Not Applicable	Applicable if the municipality has not enacted a grading ordinance.
ART. V, ¶5.12.6 BUFFERYARDS	Not Applicable	Applicable if there are no standards for bufferyards in the municipal zoning ordinance.
ART. V, ¶5.15 STORMWATER MANAGEMENT	Not Applicable	Applicable if the municipality has not adopted stormwater management regulations.

Allegheny County Subdivision and Land Development Ordinance of 1998	WITH: Municipality with a subdivision and land development ordinance	WITHOUT: Municipality without a subdivision and land development ordinance
ART. V, §5.17 PARKS, OPEN SPACE AND RECREATION FACILITIES	Not Applicable	If the municipality has not formally adopted a recreation plan, the requirements of this section are voluntary.
ART. V, §5.20 PARKING FACILITIES	Not Applicable	If there are standards for parking in the municipal zoning ordinance, those standards will govern. However, certain exceptions may apply (see §5.20.1.A).

APPENDIX 8

CALCULATION OF MAXIMUM ACREAGE AVAILABLE FOR DEVELOPMENT

- A. Calculate the acreage total of each existing protected natural resource.
- B. Multiply the acreage total of each resource by the percentage of total acreage available for development.
- C. On that portion of the site where two (2) or more resources overlap, that existing protected resource which has the lowest percentage of total acreage available for development shall be calculated.
- D. The balance of the site area is the acreage of the land with no existing protected resources.
- E. The total acreage available for development is the sum of the acreage in that column.

Existing Protected Resources and Balance of Site Area	Acreage Total	Percentage of Total Acreage Available for Development	Acreage Available for Development
Wetlands and Setback Area	_____	0%	_____
Watercourses and Setback Area	_____	0%	_____
Landslide Prone Areas*	_____	0%	_____
Flood Prone Areas*	_____	0%	_____
Slopes in Excess of 40%	_____	0%	_____
Slopes Between 25% and 40%	_____	70%	_____
Mature Woodlands	_____	50%	_____
Other Woodlands	_____	75%	_____
Other Resources Protected by Municipal, State or Federal Law	_____	_____ **	_____
<hr/>			
Balance of Site Area	_____	100%	_____
Total Acreage Available for Development			_____

* As provided for in Article 5 of this Ordinance.

** As provided for in Applicable Law

EFFECTIVE DATE

This Ordinance shall become effective on the _____ day of _____, 199 .

ORDINANCE #

ORDAINED AND ENACTED THIS _____ DAY OF _____, 199 .

BOARD OF COMMISSIONERS
County of Allegheny

Chairman

Member

Member

ATTEST:

County Manager