Allegheny County

Explanation of Proposed Revisions

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Allegheny County
Subdivision and Land Development
Ordinance Update

Prepared by:
Michael Baker, Jr., Inc.
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Explanation of Proposed Changes to Allegheny County SALDO
Introduction
A Subdivision and Land Development Ordinance (SALDO) governs how new property is created through subdivision and the construction of public or private improvements. Subdivision and land development regulations have four major purposes:

1. Provide adequate sites for development and public use;
2. Maintain reasonable and acceptable design standards;
3. Coordinate public improvements with private development interests; and to
4. Implement the adopted Comprehensive Plan.

Allegheny County recently adopted Allegheny Places – a groundbreaking Comprehensive Plan for the County. To aid in the implementation of Allegheny Places, the County requires a SALDO that encourages and allows the type of vision called for in Allegheny Places. The existing SALDO was adopted in 1998 and requires revisions for several reasons. First, to implement Allegheny Places, second to comply with recent changes to the Pennsylvania Municipal Planning Code (MPC), and lastly to correct deficiencies or inconsistencies discovered through administering the ordinance over the past 12 years.

To assist with the update process, Allegheny County hired Michael Baker, Jr., working as a team with Roberta Sarraf and Garland McAdoo, to lead the planning effort to review and update the SALDO. The first part of the update process is a thorough review of the 1998 SALDO in light of current planning practices, the 19th version of the MPC, and Allegheny Places. This review process is detailed in this report.

The research and analysis process involved the review of the following documents and planning practices.

General Consistency

Developed Communities - Site Design Standards
- Subdivision and Land Development Ordinance; Pottstown, Pennsylvania, Chapter 22.
- Subdivision and Land Development Ordinance; Neville Township, Pennsylvania, Section 911.

Outdoor Lighting Standards
- Pennsylvania Outdoor Lighting Council (POLC).

Hazardous Development - Steep Slope Protection
- “Opportunities for Hillside Protection”; Allegheny Land Trust et alia; 3/16/05.
- Mining and Physiography Study Allegheny County, Pennsylvania; Ackenheil Associates; 11/4/68.
- Best Management Practices for Municipal Operations and Ordinances to Reduce Stormwater Impacts; A Collaborative Project of: Municipality of Murrysville, Center for Environmental
Research and Education Duquesne University, and Michael Baker Corporation, Funded by PADEP, Growing Greener, June 2006.

**Water Quality - Stormwater Management**
- Fox Chapel Borough, Pennsylvania, Subdivision and Land Development Ordinance, Chapter 22, §404 Stormwater Management.
- Three Rivers Park Landscape Management Guidelines; Andropogon Associates and CEC; December, 2006.

**Street Design**
- Smart Transportation Guidebook; New Jersey Department of Transportation and Pennsylvania Department of Transportation; March 2008.
- Pennsylvania Standards for Residential Site Development; Hamer Center and PHRC; April, 2007.

The next phase of the process involved interviewing various stakeholders that both use and administer the SALDO. Baker interviewed many stakeholders, including:

- Department of Real Estate (DRE);
- Pennsylvania Society of Land Surveyors (PSLS);
- Pennsylvania Department of Environmental Protection (PADEP);
- Allegheny County Health Department (ACHD);
- County Attorney;
- Allegheny County Conservation District (ACCD);
- Coraopolis Borough;
- Heidelberg Borough; and
- Hampton Technical Associates.

The following sections describe the changes made and note generally why the changes were applied.
EDITORIAL CHANGES

1. The section numbers were changed to reflect the organization by articles. For instance, provisions in Article 1 are numbered 780-101, and provisions in Article 2 are numbered 780-201, etc.
2. All references to Board of Commissioners throughout the text have been changed to County Council.
3. Capitalization of Section titles has been changed to lower case to make consistent throughout the document.
4. All references to the Recorder of Deeds of Allegheny County have been changed to the Allegheny County Department of Real Estate.
5. Section 780-1 D was revised to update the date of the SALDO to 2012. The same revision was made in the defined term “ordinance”.
6. A new Appendix 2 was inserted, so Appendices were renumbered to Appendix 9.

ARTICLE I General Provisions

§780-101 General Provisions

- Subparagraph C was revised to correct the references to the prior versions of the SALDO.

§780-102 Purpose

- Based on the review of Allegheny Places and its stated goals and objectives, the purposes of the SALDO were expanded to specifically address the current objectives of the County and implement the Comprehensive Plan.

§780-103 Jurisdiction

- Revisions in Subparagraph A bring the SALDO into compliance with the MPC.
- Revisions in Subparagraph B clarify the role of the County Planning Department in administering the ordinance for municipalities.
- The last sentence of Subparagraph C was deleted because it was incorrect.

§780-104 Effect of adoption

- Subsection B was revised to ensure compliance with PA Act 247.

§780-105 Interpretation and relation to other provisions

- Corrects the misspelling of “provisions”.
- The term ‘public provisions’ in Subparagraph B was replaced with ‘laws/regulations’ to clarify the intent of the section and term.

§780-106 Modifications and waivers

- The intent of the section was clarified by adding ‘waivers’ to the title.
- Subsection A was revised to more clearly state the requirements that applicants must meet in order for a modification or waiver to be granted.
- Revised Subsection D to require notations on the final plat of any modifications granted during the review process. This requirement will improve the enforceability of the ordinance and reduce inefficiencies or confusions during construction and inspection period.
§78-107  **Mediation**

- Subparagraph B was revised to clarify the role of the Planning Department in mediation. The Planning Department cannot guarantee that the mediating parties come to an agreement; however, the Department will assist the process and each party.

§78-109  **Violations, remedies, and enforcement**

- The revisions in Subparagraph A expand the reach to allow an individual municipality to institute remedies or actions, as allowed by the MPC.
- Changes in Subparagraph A.2 to correct the grammar.
- Subparagraph A.3 was revised to note that municipalities may require compliance in addition to the County, as allowed by the MPC.
- Changes in Subparagraph B.2.b are grammar corrections.
- The revisions in Subparagraph B.3 update the ordinance with the latest requirements of the MPC.

**ARTICLE II  Definitions**

§78-202  **Specific terms**

Deleted the following existing definitions:

- ADT – revisions in the SALDO render this term unnecessary.
- LAND DISTURBANCE – this definition was duplicated in EARTH DISTURBANCE, therefore it was unnecessary.

Revised the following existing definitions:

- DEPARTMENT – references MPC for consistency.
- DETENTION BASIN – revised to ensure language throughout the SALDO consistently refers to stormwater management rather than watersheds.
- DIRECTOR – revised to be consistent with the definitions in the MPC.
- FLOODWAY – updates the definition to refer to the current practice of delineating floodways through the Flood Insurance Rate Maps issued by the Federal Emergency Management Agency.
- MUNICIPAL GOVERNING BODY – includes incorporated towns as governing bodies defined, as recommended by MPC.
- OFFICIAL MAP – Added language to further specify the role of the official map and how it is used in context with the SALDO.
- SOILS ENGINEER – uses consistent definition of engineer as recommended by PA Board. All engineers treated the same in definitions.

The review of literature identified many new terms that should be defined in the SALDO. The following terms were proposed to be added:

- ALLEGHENY COUNTY COMPREHENSIVE PLAN – Refers to Allegheny Places.
- ALLEGHENY COUNTY HEALTH DEPARTMENT (ACHD).
• ALLEGHENY COUNTY DEPARTMENT OF PUBLIC WORKS (ACDPW).
• BEST MANAGEMENT PRACTICES – Allows for consistency across the SALDO and Allegheny Places.
• BIODIVERSITY OR BIOLOGICAL DIVERSITY – Definition is consistent with Allegheny Places.
• BULB-OUT – new term added to the transportation standards.
• COMMON OPEN SPACE – MPC definition.
• COMPLETE STREETS – new planning concept promoted in Allegheny Places and used in the transportation standards.
• COMPREHENSIVE PLAN, COUNTY – refers to Allegheny Places.
• CONGESTION – Allegheny Places definition.
• CONSERVATION EASEMENT – Allegheny Places definition.
• CONSISTENCY – MPC definition.
• CONSISTENCY, GENERAL – MPC definition.
• COUNTY EXECUTIVE – referred in the ordinance, so a definition was required.
• COUNTY COUNCIL – References County home rule charter.
• COUNTY – Again references home rule authority.
• COUNTY PLANNING AGENCY – establishes the Department of Economic Development as the administrator of the ordinance.
• CULTURAL FACILITIES – Based on findings of research and analysis.
• DECISION – MPC definition.
• DENSITY – clarifies a term used throughout the ordinance.
• DEVELOPMENT OF REGIONAL SIGNIFICANCE AND IMPACT – MPC definition.
• DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES (DCNR) – referenced throughout SALDO, therefore should be defined.
• EARTH DISTURBANCE – Allegheny Places.
• ECOSYSTEM – Allegheny Places.
• EROSION AND SEDIMENTATION CONTROL PLAN – Allegheny Places and ACCD interview.
• FILL – Allegheny Places.
• FLOODWAY – revised to meet the most current definition.
• FOOTCANDLE – POLC recommendations.
• FREEBOARD – necessary for stormwater management provisions.
• FULL CUTOFF LUMINAIRE – part of new outdoor lighting standards to minimize light pollution as guided by POLC.
• FULLY SHIELDED LUMINAIRE – POLC guidelines.
• GEOGRAPHIC INFORMATION SYSTEM (GIS) – Allegheny Places and makes sure SALDO is current with latest practices.
• GLARE – POLC guidelines.
• GREENWAY – Allegheny Places.
• GREENPRINT – defined in Allegheny Places and referred to throughout the ordinance.
• GROUNDWATER – Allegheny Places.
• HIGHWAY OCCUPANCY PERMIT – discussed in the transportation standards.
• HYDRIC SOIL – Allegheny Places.
ILLUMINANCE – POLC.
INDIGENOUS PLANT SPECIES – new requirement that landscaping must be indigenous, commonly accepted definition.
INVASIVE PLANT SPECIES – landscaping standards prohibit installation of invasive species, commonly accepted definition.
LIGHT TRESPASS – POLC.
LUMEN – POLC.
MITIGATION – Allegheny Places.
MUNICIPAL ENGINEER – MPC.
MUNICIPALITIES PLANNING CODE (MPC) – Allegheny Places and important reference as part of governing authority.
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT – Allegheny Places.
NATURAL RESOURCES – Allegheny Places.
NET DENSITY – term used throughout ordinance, so defined to ensure clarity of provisions.
NONSTRUCTURAL STORMWATER MANAGEMENT PRACTICES – PA DEP guidelines.
OPEN SPACE – Allegheny Places.
PENNSYLVANIA STORM WATER MANAGEMENT ACT – establishes the basis for the stormwater provisions in the ordinance.
PLANNING AGENCY – reference required by MPC.
PROFESSIONAL CONSULTANTS – MPC.
RESERVED AREAS – defined within the ordinance and clarifies intent.
RIPARIAN – Allegheny Places.
ROUNDABOUT – traffic control device promoted in Allegheny Places and referenced in the transportation standards.
SHIELDED LUMINAIRE – POLC.
STORMWATER – commonly accepted definition added since term is used throughout the ordinance.
STREAM CORRIDOR – Allegheny Places.
STRUCTURAL STORMWATER MANAGEMENT PRACTICES – Stormwater consistency.
SUBSTANTIALLY COMPLETED – MPC.
WATER SURVEY – MPC.

ARTICLE III  Procedures for Review, Approval and Recording of Plans

§ 780-301 Purpose; Organization; Fees and Disputes

• The general requirement for the digital submission of final plats has been removed from Subsection B.
• Added a new Subparagraph 780-301.C to include the latest requirements of the MPC regarding fees and disputes.
§780-302  Advisory review procedures
- Subparagraph A was revised to delete the reference to municipalities that do not designate the Department as their approval agency. This is incorrect.
- Revise Subsection B(1)(c) to include reference to the dispute resolution process established in MPC:

§780-303  Review and approval of subdivisions and land developments in municipalities which have not enacted subdivision and land development regulations
- Based on feedback received during the stakeholder interview process, Subsection B was revised to note that subject municipalities will be invited to meetings.
- Subparagraph B.3 includes a new provision to provide a written record of the pre-application meeting to applicants and subject municipalities.
- In Subsection B (Pre-application Meeting), added a new Subparagraph (4) to clarify the preapplication process.
  - The official filing date described in Subparagraph 1.d was modified to ensure it complies with the standards in the MPC.
- §780-303.C (Preliminary Plan Review) expanded the reference to include the design standards of Article V. In Subparagraph 2, added provision to allow for interagency reviews of applications. This provision would help to reduce the number of conflicting comments from agencies and streamline the overall development process.
  - Added Subparagraph (4) to include provisions required by the MPC for the review of applications by consultants, if required. Subparagraph (5) allows for review hearings to take place in the subject municipality. This provision is included to encourage public participation.
  - Subparagraph (7) updates the decision process to ensure compliance with the MPC.
  - The preliminary approval time limit was limited to 5 years in (9). This will ensure applicants meet all current regulations when the application proceeds to final approval.
- Subparagraph D (Final plan review and approval) included many of the same revisions. Revised to reference applicable fees, as allowed by the MPC.
  - Added Subparagraph (3) to include provisions required by the MPC for the review of applications by consultants, if required.
  - Subparagraph (5) updates the decision process to ensure compliance with MPC.
  - Subsection D(8)(c) was added to ensure that all applications meet the requirements of the MPC, including the five-year time period.
- Subparagraph E(2)(e) added to ensure that all improvements must be installed prior to the erection of buildings as stated in the MPC. In Subparagraph F, subsection (3) was revised and a new subsection (e) was added for consistency with MPC.
- A new Subsection H was added to include a specific process to address changes made during the construction process that are substantively different than the approved plan.
§780-304 Abbreviated procedures for minor plans and plat adjustments

- The grammar in Subsection A was corrected.
- The references in Subsection B were corrected. In Subparagraph C, the references to ‘transparencies’ were replaced with ‘final plan’ to keep the language consistent with the current practice of submitting paper final plans, rather than mylars.

§780-306 Digital submission requirements

- Deletes the existing provisions for digital submissions and replaces them with standards for major land developments and subdivisions. The digital standards meet the current practices for Computer Aided Design (CAD) and GIS.

ARTICLE IV Application information

§780-401 Sketch plan application guidelines

- The proposed revisions in this section clarify the Sketch Plan application process and suggest additional information that would allow for a more thorough review. Identifying more of the sensitive and important features on the site prior to full design will allow a smoother design and review process with fewer costly revisions.

§780-402 Preliminary plan submittal requirements

- The revision to Subparagraph A (Project description) requires a site analysis to accompany preliminary plan submittals.
- In Subparagraph B (Existing Conditions), revisions require applicants to show important site features that impact the design and development of a site. Allegheny Places encourages the protection and preservation of many of the added site features. The definition of steep slopes was also expanded and modified to make it consistent throughout the SALDO.
- Subparagraph C (Proposed conditions) was revised in Subparagraph (1) to more clearly note how the site acreage should be displayed. In keeping with current planning practice and to discourage light pollution, this section has been revised to require the submission of a photometric plan to allow the Department to review potential impacts. In Subparagraph (9), a misspelling was corrected. To reduce the number of revisions associated with plat preparation, a preliminary plat is now required as part of the preliminary plan application.
- In Subparagraph D (Construction Plans), a reference was added to direct users to more information regarding required traffic impact studies. Subparagraphs (8) and (9) were added to require the submission of lighting plans and notification of service providers of proposed developments.

§780-403 Final plan application requirements

- Revised Subparagraph B (final plat) to clarify how site data should be displayed and to correct the grammar of (11).
- Subparagraph C (Land development plans) includes new requirements to submit dimensioned site layout plan and a final photometric plan. This will allow for a more thorough review of the project. In addition, the revision to subparagraph (1) directs users of the SALDO to the site development standards of Article V.
• The revisions to Subparagraph D (construction plans) reduce the number of cross sections required to be submitted; which will reduce the paper required with submittals.
• Revised Subparagraph E (Permits and approvals) to require applicants to submit letters of intent from utility providers.
  - Based on feedback from the Health Department, added a provision requiring applicants to submit proof that ACHD has reviewed the stormwater plan.

ARTICLE V  Design Standards

§780-502  General goals for design and development
• Allegheny Places sets forth very specific goals for the pattern of development in Allegheny County. To link the SALDO to Allegheny Places, a new Subsection A was added enumerating the desired development pattern.
• Subparagraph F refers applicants to the PADEP stormwater regulations.

§780-503  Grading
• Subparagraph C(5) was revised to meet the current practices and requirements for NPDES permits. Outdated references were deleted.
• A new requirement was added to Subparagraph C(11)c (General standards for grading) requiring geotechnical analyses from registered professional engineers.
• Subparagraph C(13) was revised to eliminate the requirement for benching and replace it with enhanced re-forested and slope stabilization requirements.

§780-504  Protection of steep slopes
• Heading was revised to more accurately describe the section. The revisions in this section make the protections more consistent with current practices, as determined during the Research and Analysis phase, specifically the Opportunities for Hillside Protection Physical Report.

§780-505  Protection of watercourses and wetlands
• Revised Subparagraph B to correct grammatical error.

§780-507  Protection of significant natural areas
• Revised Subparagraph A to ensure that applicants refer to the most recent edition of the Natural Heritage Inventory.

§780-510  Avoidance of hazardous development
• To strengthen the hazardous development standards as recommended by the Research and Analysis phase, revised Subparagraph A (Landslide-prone areas) to require geotechnical engineering expertise and the revegetation of disturbed soil with indigenous plants.

§780-511  General layout of subdivisions and land developments
• The revisions in Subparagraph A promote connectivity as encouraged in Allegheny Places and current planning practice.
• Subparagraph C includes a new subsection emphasizing the efficient and connected layout of the developments.

§780-512 Landscaping
• The revisions in Subparagraph B (General requirements), encourage the use of indigenous species and prohibit the use of invasive species.
• Subparagraph D (Street trees) was revised to clarify the tree mitigation requirements. Other additions were made to reduce conflicts between street trees and utility corridors, as well as sidewalks. To promote water infiltration to the roots of the trees, pervious pavement is required.
• Revised Subsection E to encourage low impact development practices and stormwater infiltration in parking lots. Also allows the requirement to curb parking lots to be waived if the applicant uses low impact development practices.
• A new §780-512.G was added to require plantings around the foundations of multifamily and non-residential buildings.

§780-513 Water supply
• Updated the ACHD rules and regulation reference in Subsection C(1).

§780-514 Sanitary sewage facilities
• In Subsection A(2) updated the reference to the ACHD rules and regulations.

§780-515 Stormwater management
• This section includes revisions to encourage the use of nonstructural stormwater management techniques as recommended by sustainable development research.
• Subsection C was revised to refer to the PA DEP Stormwater Manual and include techniques that are recommended by the Manual.
• Subsection D was added to note the preferred structural stormwater techniques, based on sustainable development research.
• Subsections E, F, G, and H were added to update the SALDO with the latest changes in the MPC and state regulations regarding stormwater management.

§780-516 Other utilities and easements
• In Subsection A, added provisions to encourage the use of renewable energy systems as promoted in Allegheny Places.

§780-517 Parks, open space and recreation facilities
• Added language to Subparagraph A.1 to link the SALDO provisions for recreational facilities with Allegheny Places.
  □ The provisions added to Subparagraph A.3 specify that mandatory provision of recreation lands must comply with a municipal recreation plan or the lands designated in Allegheny Places.
  □ Subparagraph A.4 was modified to encourage the voluntary dedication of lands meeting the criteria established in Allegheny Places.
### §780-519 Transportation facilities

- Subsection A was revised to broaden the definition of transportation facilities covered under the SALDO, including bicycle facilities, including driveways and trails.
- Revised Subsection C (General design and arrangement) to reinforce the need for interconnected, pedestrian friendly developments, as recommended by Allegheny Places.
- Subsection F (Traffic impact studies) was revised to include the latest references to ITE and PennDOT's manuals.
- Subsection H (Driveways) was revised to differentiate between residential and multi-family/nonresidential lots, as well as direct applicants to PA DOT guidance.
- The street alignment standards in Subsection K were revised to include the correct references to PennDOT standards.
- Subsection L (Intersections) was revised to include pedestrian and bicycle safety design considerations. Added a new subparagraph (1) and renumbered the subsequent sections up to (10). In subparagraph (9), new provisions were added to improve the crosswalk striping requirements and to make the standards more consistent with PennDOT.
- The right-of-way widths prescribed in Subsection M should be applied carefully to the context of the future street, as described in Active Allegheny.
- Subsection N (Curbs) was revised to allow for depressed curbs which will aid in low impact stormwater management.
- Revised Subsection P (Bikeways) to reduce the number of trips threshold as bicycle safety and circulation should be considered in residential development.
- Subsection R (Sidewalk and pathways) was revised to strengthen pedestrian amenity requirements by increasing the minimum width of sidewalks.
- Revise Subsection R (4) to provide for enhanced pedestrian circulation and safety within nonresidential developments:
- Renamed Subsection S from “Street lights” to “Street lights and site lighting”. Revised Subparagraphs (1), (2), and (3) and replaced Subparagraph (4) to require street lights in certain residential developments and at locations necessary for safety and security.
- Added a new Subsection U to encourage the use of traffic calming techniques. These new provisions help to implement the standards of Allegheny Places and current planning practice.

### §780-520 Parking facilities

- Revised Subsection B(2) to encourage the reduction of impervious surfaces by reducing the number of parking spaces allowed without individual justification by changing the minimum number of spaces to the maximum number of spaces.
- Revised Subsection D(2)(a) to make the language consistent with terms used throughout the SALDO.
- Added language to D(3)(c) to encourage the use of stormwater best management practices in parking areas. This change helps to implement the sustainability goals of Allegheny Places.
- Corrected the Section number reference in D(6).
- Added a new Subsection (E) to provide a method to exceed or reduce the parking minimums established in Table V-6.
Outdoor lighting

- Added a new section on outdoor lighting to reflect current practice and to reduce light pollution. The standards were based on the recommendations of POLC.

APPENDIX 1 Drafting Standards for Plans for Recording

The original Appendix 1 was stricken in its entirety and replaced with standards that reflect current drafting and recording practices. This Appendix was developed in close consultation with the DRE and members of the PSLS.

APPENDIX 2 ACDRE Rules and Regulations Affecting the Preparation of Subdivision Record Plans

This Appendix was added based upon feedback from DRE and PSLS members. Appendix 2 seeks to minimize rejected plans and costly revisions by noting common mistakes. DRE also maintains similar information on their website.

APPENDIX 3 Required Certifications

This Appendix was renumbered 3 based upon the insertion of the DRE Appendix 2. Minor edits were made to update the language with the current titles of departments.

APPENDIX 4 Standards for Surveys

This Appendix was renumbered from 3 to 4. A paragraph was added noting that all surveys should be field surveys unless the property is greater than 100 acres. This revision was based upon the large expense of preparing field surveys for large properties.

APPENDIX 5 Stormwater Management Provisions for Subdivisions and Land Developments Where Municipal Regulations Are Not in Effect

Appendix was renumbered from 4 to 5. Several revisions were made to encourage sustainable/low impact stormwater practices and to update the requirements based upon the latest regulations and best practices.

§ A5-1. General provisions.

Several purposes and objectives were added to emphasize the relationship between stormwater and environmental resource management.


The general standards were revised to clarify the control guidelines used in preparing the stormwater plan and to reference the PADEP Stormwater BMP Manual.

§ A5-2. B. Specific standards.

The storm frequencies were revised to direct applicants to the latest rainfall information which can be used to find the specific and more accurate information for each proposed site. For general information, the rainfall depths are provided for the Pittsburgh International Airport. Minor updates were made to the technical references in Subsection 2 (Calculation methods).
§A5-3. Design criteria for stormwater management controls
In Subsection C (Criteria for stormwater detention facilities), the maximum side slope requirements were modified to reduce the slope allowed.

§A5-4. Stormwater plan requirements
In Subsection C (Stormwater plan requirements), the reference to SCS was corrected.

APPENDIX 6  Wellhead Protection Provisions
Feedback from the ACHD indicated that this Appendix is still current and necessary. However, one minor change was made to reference state regulations.

APPENDIX 7  Status of Municipal Land Use Regulations
This section was updated with the latest status of municipal land use regulations.

APPENDIX 8  Summary of Procedures and Requirements
This appendix was updated to include the correct section numbers to assist applicants.

APPENDIX 9  Calculation of Maximum Acreage Available for Development
To further assist applicants, this section was revised to provide a clear process to calculate land available for development. The update included a step-by-step process and chart.