

Chapter 22

Subdivision and Land Development

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

This Chapter shall be known and may be cited as the "Subdivision and Land Development Regulations of the Borough of Swissvale."

(*Ord. 92-7, 6/10/1992, §101*)

§22-102. Purpose.

The purpose of these subdivision and land development regulations is to provide for the orderly, logical and harmonious development of the Borough of Swissvale, and to protect, promote and create conditions favorable to the health, safety, morals and general welfare of the Borough's citizenry by:

A. Ensuring that all future subdivision or land development is consistent with the Borough's Statement of Community Development Objectives, adopted by Council (*Resolution 91-15, dated October 9, 1991*) and approved regional comprehensive plans.

B. Providing for the orderly development and redevelopment of land into residential and nonresidential uses thereby minimizing the inefficient use of land and potential conflicts among the uses of land and buildings.

C. Protecting and conserving the value of land and improvements throughout the Borough.

D. Preventing the pollution of air, streams and other water bodies; assuring the adequacy of drainage facilities; safeguarding the water table; and encouraging the wise use and management of natural resources in order to preserve character and value of the community.

E. Preserving the natural beauty and topography of the Borough and ensuring appropriate development with regard to these natural features.

F. Providing for the logical and orderly extension and addition of public facilities and utilities.

G. Providing for a beneficial relationship between the land uses and buildings and the circulation of traffic within the Borough in order to minimize traffic congestion and to plan for the proper location, grade and width of streets.

H. Establishing standards and specifications to guide developers in the design and layout of subdivisions and land developments and providing a uniform and equitable process for reviewing all plans.

I. Maintaining the quality of land records through the creation and filing of accurate and legible subdivision/land development plans with the County and Borough officials.

(*Ord. 92-7, 6/10/1992, §102*)

§22-103. Authority and Application Regulations.

1. *Authority.*

A. Borough Council, in accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, shall have the authority and jurisdiction to review and approve all subdivision and land development plans as required herein.

B. The Borough Planning Commission shall review and make recommendations on all subdivision and land development plans.

2. *Application of Regulations.* The provisions of this Chapter shall apply to the following activities:

A. A subdivision of land as defined by this Chapter [Part 5].

B. A land development as defined by this Chapter [Part 5], provided the following uses shall be excluded from the definition of land development:

(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 on a lot or lots subordinate to an existing principal building.

(3) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered, an amusement park. This exclusion shall not apply to the initial development of an amusement park or to the initial development of any land areas to an amusement park.

3. *Effect of Regulations.* Following adoption of this Chapter:

A. No subdivision or development of any lot, tract or parcel of land shall be effected; and no street, sanitary sewer, storm sewer, water facility, storm drainage facility or other facilities 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 Chapter.

B. No lot in subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision or development shall be issued; and no building shall be erected in a subdivision or land development unless and until a subdivision/land development plan has been approved and recorded and the improvements required in connection therewith either have been constructed or guaranteed according to the provisions of this Chapter.

(Ord. 92-7, 6/10/1992, §103)

§22-104. Administrative Agent.

The provisions of this Chapter shall be administered and enforced by the Borough's Zoning Officer.

(Ord. 92-7, 6/10/1992, §104)

§22-105. Interpretation and Modification of Regulations.

1. *Interpretation and Conflicts.*

A. In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety,

comfort, convenience, and general welfare.

B. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes a higher standard shall control.

C. This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Chapter shall govern. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, or the determinations of Council in approving subdivision or land development, and such private provisions are not inconsistent with this Chapter or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made there under.

2. *Modification of Requirements.*

A. Wherever particular circumstances require the consideration of additional factors or the application of more stringent standards than those set forth herein, Council shall have the power to consider such factors and apply such standards as it deems appropriate and necessary under the circumstances involved to protect the public health, safety and general welfare of the community.

B. Council may grant a modification to the requirements of this Chapter if the literal enforcement will be unreasonable or cause undue hardship because of peculiar conditions pertaining to the land in question, or when an alternative standard can be shown to provide equal or better results. However, such modification shall not be contrary to the public interest and the purpose and intent of this Chapter.

C. Requests for a modification shall be submitted in writing with the plan application. The request shall identify the provision(s) of the ordinance involved, state fully the grounds and facts of unreasonableness or hardship (if applicable), and the minimum modification or alternative being proposed.

D. Council may refer the request for modification to the Planning Commission for comment. A written record of all actions on all requests for modifications shall be maintained by the Zoning Officer.

(*Ord. 92-7, 6/10/1992, §105*)

§22-106. Fees.

Borough Council may establish by resolution, from time to time, a schedule of fees covering subdivision/land development reviews, inspections and legal costs incurred by the Borough in the administration and enforcement of this Chapter. Any disputes regarding the amount of fees shall be resolved in the manner prescribed by the Municipalities Planning Code §§503 and 510(g), 53 P.S. §§10503, 10510(g).

(*Ord. 92-7, 6/10/1992, §106*)

§22-107. Amendments to Subdivision and Land Development Ordinance.

This Chapter may be amended according to the procedures contained in the Municipalities Planning Code (§§505 and 506), 53 P.S. §§10505, 10506.

(*Ord. 92-7, 6/10/1992, §107*)

§22-108. Appeals.

All appeals from and challenges to these regulations shall be made in accordance with the procedures contained in the Municipalities Planning Code, 53 P.S. §10101 *et seq.*

(*Ord. 92-7, 6/10/1992, §108*)

§22-109. Preventive Remedies.

1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate a violation, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building or premises.

2. In accordance with the Municipalities Planning Code (§515.1), 53 P.S. §10515.1, the Borough may refuse to issue any permit or grant approval to further improve or develop any property which has been developed in violation of this Chapter.

(*Ord. 92-7, 6/10/1992, §109*)

§22-110. Enforcement Remedies.

1. Any person, who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a fine of not less than \$50 and not more than \$500 plus court costs, including reasonable attorney fees incurred by the Borough. 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 Borough may enforce the judgment pursuant to applicable rules of civil procedure.

3. Each day that a violation continues shall constitute a separate violation unless the district justice further determines that there was a good faith basis for the person violating the ordinance to have believed that there was no such violation. In such case there shall be deemed to have been only one such violation until the fifth day following the date of the district justice's determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.

4. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Borough.

5. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

6. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

(*Ord. 92-7, 6/10/1992, §110*)

§22-111. Repeal of Conflicting Ordinances.

All other ordinances or parts of ordinances which are contrary to or conflict with the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

(*Ord. 92-7, 6/10/1992, §111*)

Part 2**Plan Submission and Review Procedures****§22-201. General Procedure.**

1. *Applicant's Responsibility.* The procedures established in this Part shall apply to all subdivisions or land developments that require review and approval by the Borough. It shall be the applicant's responsibility to observe and follow the procedures prescribed herein.

2. *Official Filing Date.*

A. The official filing date of an application, whether preliminary or final, shall be the date of the regular meeting of the Planning Commission next following the date the application and plans are received by the Zoning Officer. Should that regular meeting occur more than 30 days following the submission of the application, the official filing date shall be the thirtieth day following the day the application was submitted. Upon receipt of the application, the Zoning Officer shall affix to it both the date of submittal and the official filing date.

B. An application, whether preliminary or final, shall be considered officially filed when the application submitted includes all the information required by this Part or any other pertinent ordinance.

3. *Fees.* No application, whether preliminary or final, shall be accepted or acted upon until payment of the required fees is made to the Borough.

4. *Coordination with Other Governmental Agencies.*

A. It shall be the applicant's responsibility to coordinate the submissions required by this Part with the applications for permits/approvals required from other governmental agencies. Upon request by the Borough, the applicant shall provide documentation of such submissions to other governmental agencies.

B. At its discretion, the Borough may solicit reviews and reports from adjacent municipalities potentially affected by a proposed development and other public or private entities which may have information to contribute to the plan review.

(Ord. 92-7, 6/10/1992, §201)

§22-202. Minor Subdivision Review Procedure.

1. If a proposed subdivision involves five or less lots, all of which are located on an existing public or Borough-approved private street and served by existing public sewer and water systems, the applicant may submit the subdivision application in the form of final plan as specified by §22-206, and the application will be processed according to the provisions for review and approval of a final plan. If the final plan is approved, it shall be recorded in accordance with the requirements of this Part.

2. Any additional subdivision from a tract from which a minor subdivision has already been made shall be deemed to be a major subdivision and shall follow the procedure for preliminary and final plan review as specified by this Part.

(Ord. 92-7, 6/10/1992, §202)

§22-203. Sketch Plan Review.

1. *Submission and Review.* Prior to submission of a preliminary plan, applicants are encouraged to discuss possible subdivisions/land developments with the Planning Commission. Submission of a sketch plan shall not constitute a formal filing of a subdivision or land development plan, and no official approval or disapproval shall be given by the Planning Commission.

2. *Plan Content.* Data furnished in a sketch plan is at the discretion of the applicant, and the plan need not be drawn to scale or precise dimensions shown. However, it is suggested that a sketch plan include the following:

A. Site boundaries, location of site within the Borough, existing zoning, and streets on and adjacent to the site.

B. Significant topographical and natural features such as streams, floodplains, etc.

C. Proposed uses, intensity of use and general lot and/or building arrangement.

D. Proposed general street layout and major access to and from the proposed development.

E. Proposals for providing sanitary sewer, water service, storm drainage and other necessary public improvements or facilities.

F. Proposals for preserving open space, natural features or historic sites and for providing recreational facilities or other community facilities which may be necessary to serve the development.

(Ord. 92-7, 6/10/1992, §203)

§22-204. Preliminary Plan.

1. *Submission of Plans.* The applicant shall submit five copies of the preliminary plan and all information relating thereto to the Zoning Officer who shall be responsible for forwarding copies to all designated persons or agencies for their review. Where it deems necessary, the Borough may request additional copies of the plan.

2. *County Planning Review.* Upon receipt of an application, the Borough shall forward a copy to the County Planning Agency for review. The Borough shall not approve any application until the County's review is received or until 30 days following the date the application was sent to the County. Any review fees required by the County shall be paid by the applicant.

3. *Review Procedures.*

A. The Borough Engineer shall review the application and submit a report to the Planning Commission. Reviews or reports received from other public/private agencies shall also be forwarded to the Commission.

B. The Planning Commission shall review the plan and, within 40 days after the filing of the preliminary plan, it shall recommend whether the preliminary plan shall be approved, approved with modifications or disapproved. The Commission shall notify the applicant and Borough Council in writing of its findings and recommendations.

C. Upon receipt of the Planning Commission's report, Council shall review

the proposed plan and shall act upon the application within 90 days of the official filing date. Before taking action, Council may hold a hearing thereon after public notice.

D. Council shall notify the applicant in writing of its decision to approve, approve with conditions, or disapprove the preliminary plan. Such notice shall be given to the applicant in person or mailed to the address shown on the application within 15 days of the decision.

E. The preliminary plan approval shall stipulate the date by which application for final plan approval must be submitted. Where the development is proposed to be completed in phases or stages, the preliminary approval shall include a timetable for the submission of the final plans for the various phases.

F. If the plan is approved with conditions or disapproved, Council shall specify in their notice the conditions which must be met and/or the defects found in the plan, including specific reference to provisions of any statute or ordinance which have not been fulfilled.

G. Failure of Council to render a decision and communicate it to the applicant within the times and manner specified here shall be deemed an approval of the application unless the applicant agrees in writing to an extension of time or change in manner of communication of the decision.

H. If the plan is approved with conditions, the applicant shall have 15 days, from the date of the notice, to accept or reject any or all conditions and to so notify Council in writing; failure to act within the prescribed time shall automatically rescind the approval.

4. *Effect of the Decision.*

A. Preliminary approval binds the applicant to the general scheme of the development shown, unless a revised preliminary plan is submitted. It entitles the applicant to consideration for final approval in accordance with the terms of the approved preliminary plan. Approval of the preliminary plan does not authorize the sale of lots nor recording of the preliminary plan.

B. When a preliminary plan is approved, no subsequent change in zoning, subdivision/land development or other applicable ordinances shall affect adversely the right of the applicant to complete any aspect of the approved development within 5 years from the date of such approval.

C. If an approved preliminary plan includes a schedule for phasing development which extends beyond a 5-year period, the protection against application of ordinance changes shall apply to each section of the land development for a period of 3 years from the date of final plan approval of each section, provided each section is in compliance with the preliminary approval. Failure of the applicant to adhere to the approved schedule for the submission of final plans for the various sections shall subject any such section to changes in zoning, subdivision/land development and other governing ordinances enacted by the Borough after the filing date of the preliminary plan.

D. If a preliminary plan application is denied, any subsequent application shall be subject to all intervening changes in applicable ordinances.

(Ord. 92-7, 6/10/1992, §204)

§22-205. Final Plan.1. *Submission.*

A. The applicant shall submit a final plan for the proposed subdivision or land development, or various phases thereof, in accordance with the time periods specified in the preliminary plan approval.

B. The final plan shall conform in all respects with the preliminary plan. If it does not, the plan submitted shall be considered a revised preliminary plan and reviewed accordingly.

C. The applicant shall submit a reproducible original of the plans, five copies of the final subdivision or land development plans and at least three copies of all other required information. All information shall be submitted to the Zoning Officer.

2. *Review and Approval Procedures.*

A. The Borough shall review and act upon the final plan application according to the same procedures described for preliminary plan approval. Where the final plan conforms to the approved preliminary plan, Council shall act upon the application within 60 days or within 90 days if the final plan does not conform to the approved preliminary plan.

B. The final plan approval shall be subject to:

(1) Execution of a developer's agreement between the applicant and Borough, as provided by subsection .3, below.

(2) Receipt of all approvals or permits required from Federal, State or County agencies, including any State or County highway occupancy permit.

(3) Installation of all required improvements or submission of financial guarantees in accordance with §22-402 of this Chapter.

3. *Developer's Agreement.* Following approval of the final plan, but prior to recording and issuance of any construction permit, the developer and applicant shall execute a developer's agreement prepared by the Borough Solicitor. The agreement shall specify the improvements that the developer shall complete as shown on the approved plans and any other matters which the developer shall perform and which are not shown on the plan, including provision of performance and maintenance guarantees required by this Chapter.

4. *Recording of Final Plan.*

A. Upon approval of the final plan, the applicant shall prepare one reproducible original of the final plan and shall submit it with two prints for final signature by Council. These plans, upon satisfaction of all conditions attached to the approval, shall be signed by Council.

B. A copy of the signed plan shall be recorded within 90 days after approval with the Recorder of Deeds, or the approval of the Borough shall be null and void. The final plan shall be recorded before proceeding with the sale or transfer of lots or construction of buildings. The developer's agreement shall be recorded to run with the deed to the subject property.

C. Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park or other

public areas to public use unless reserved by the applicant as hereinafter provided. The approval of the final plan shall not impose any duty upon Borough Council to accept dedication of or to maintain such improvements.

D. The applicant shall place a notation on the final plan if there is no offer of public dedication of streets and certain designated public areas, in which event the title to such areas shall remain with the owner, and the Borough shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the final plan.

5. *Modifications to the Approved Plan.* Requests for changes in approved plans shall be processed as new final applications. Council may impose new conditions of the development relative to the proposed modifications. In such case, the applicant may withdraw the requested plan amendment and proceed in accordance with the previously approved plan. Requests for plan changes shall be submitted according to the procedures for final plan review.

6. *Annual Updates to the Approved Plan.* If the approved plan includes provisions for development in phases, each year on the anniversary of the plan approval the applicant shall submit an update of the timetable for submission of the final plans for the various phases.

(Ord. 92-7, 6/10/1992, §205)

§22-206. Content of Required Plan Submissions.

1. *General.*

A. Plans shall be prepared at a scale of not less than 1 inch = 100 feet on 24 by 36 inch plan sheets. All sheets shall contain a title block containing the following: name of proposed development; name and address of applicant; scale; north arrow; legend; and date of preparation. Final plans shall include blocks for signatures and approvals as prescribed by the County subdivision regulations.

B. The required plans and reports shall be prepared and certified by a registered professional surveyor, engineer, architect or landscape architect, as appropriate. The subdivision/land development plan and survey shall be prepared in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law."

2. *Preliminary Plan.* The preliminary plan shall show or be accompanied by the following information:

A. A key map locating the property to be subdivided in relationship to adjoining property and to all streets and municipal boundaries within 1 mile of the development site.

B. Existing site conditions maps and reports showing:

(1) Tract boundaries with bearings and distances and a statement of total acreage of the property.

(2) Zoning classification(s) for all land within the development site and for all adjoining properties.

(3) Existing contour lines (shown as dotted lines) at not less than 2-foot intervals and the nearest benchmark from which they were derived.

(4) All water courses, water bodies, wetlands and floodplains (with base flood elevations) located on the site or within 200 feet of the site boundaries.

(5) All natural features such as tree masses, mine subsidence or other geological hazard areas, historic landmarks and scenic resources, located on the site or within 200 feet of the site boundaries.

(6) Location on the development site of any known or suspected surface or subsurface contamination or pollution by a hazardous substance.

(7) All existing buildings, structures, sanitary sewers, water lines, culverts, stormwater management facilities, fire hydrants, utility transmission lines, bridges or other physical features within the development site or within 200 feet of it.

(8) All existing streets on or adjacent to the site, including name, right of way and cartway width.

(9) All existing property lines, easements and rights of way along with their purpose.

C. A traffic impact study, where requested by the Borough, prepared by a professional with training and expertise in traffic analysis and street system design, which shall:

(1) Demonstrate the proposed development's short and long term impact on the street system within the area impacted by the development. It shall collect data on existing roadway characteristics (e.g., structural conditions) and traffic flow and volume. It shall include 5- and 20-year forecasts of the average daily vehicle trips generated by the proposed development and distribute and assign these trips to the most reasonable travel paths over the adjacent street system.

(2) Evaluate the existing street system in terms of projected levels of service, operating speeds, land use conflicts and safety. Where the study projects adjacent street deficiencies, whether in terms of traffic capacity or safety, the applicant shall submit the proposed solutions, estimated costs, financing methods and actions/approvals that would be required by the existing street owner. Corrective measures may include physical improvements, traffic management programs, efforts to reduce traffic, or changes in proposed land uses or intensity of development.

(3) Contain all pertinent (e.g., trip generation rates, traffic counts, etc.), computations and other information that will aid in an assessment of the report's findings. The Borough may request additional or supplementary information to clarify or further explain any of the study's findings or recommendations.

(4) Address specifically the impact of the proposed development on any existing traffic problems identified by the Borough within the defined study area.

D. Proposed plans for the subdivision/land development including the following:

(1) Proposed contour lines (shown as solid lines) at not less than 2-foot

intervals and the nearest benchmark from which they were derived.

(2) Plans showing location and size of proposed utilities including sanitary sewer, water distribution, gas, electric and telephone lines and fire hydrants.

(3) Location and width of all proposed streets, alleys, sidewalks or other pedestrian ways, rights of way and easements; proposed lot lines with approximate dimensions and areas of all lots; proposed minimum setback line for each street; proposed street names; typical section of all streets.

(4) Location and dimensions of proposed recreational facilities, public buildings, public areas, or other parcels of land proposed to be dedicated or reserved for public use together with a proposed plan for the ownership and continuing maintenance of such facilities.

(5) Plan for the proposed stormwater management system which shall consider all the stormwater runoff flowing over the site; be prepared by a registered engineer, surveyor or landscape architect with training and expertise in hydrology and hydraulics; and include the following:

(a) Mapping of the watershed area in which the proposed development is located.

(b) Delineation of 100-year floodplains on the site based on the Borough Floodplain Maps or a determination by the applicant (see Borough Zoning Ordinance [Chapter 27]).

(c) Delineation of all bodies of water (natural and artificial), watercourses (permanent and intermittent), swales, wetlands and other drainage courses on the site, or adjacent thereto, which will be affected by runoff from the development.

(d) Identification of soil types and boundaries within the development site (consult County, Soil Conservation Service, U.S. Geological Survey for information).

(e) Calculations for determining pre- and post-development discharge rates and for designing proposed stormwater controls, prepared in accordance with §22-307.4.

(f) All proposed stormwater control measures, including methods for collecting, conveying and storing stormwater runoff on-site which are to be used both during and after construction; plan should show type, location, sizing, etc. of all facilities.

(g) All existing and proposed easements and rights of ways for drainage and/or access to stormwater control facilities.

(h) Plans for assuring adequate maintenance of all stormwater controls, whether to be publicly or privately maintained.

(i) The stormwater management plan shall consider all the stormwater runoff flowing over the site.

(6) Copy of grading plan for the development site prepared in accordance with the Borough Grading Ordinance [Chapter 9]. When more than one site in the Borough is involved, such as excavating at one site and filling at

another, separate plans shall be submitted for each site.

(7) Plans, where applicable, for:

(a) Protecting proposed structures/uses from mine subsidence or other geological hazards located on the development site.

(b) Carrying out measures to remediate surface or subsurface contamination or pollution.

(8) Plans for completing landscaping in accordance with the requirements of §22-309 of this Chapter, the Borough Zoning Ordinance [Chapter 27] or other applicable ordinances or specifications.

(9) A timetable for development if the development is proposed to be constructed in stages or phases, indicating the approximate date when the final application for each stage will be filed, the times each can be expected to begin and be completed, and the phasing of the construction of public and site improvements.

(10) A draft of any proposed covenants or other restrictions to be imposed upon the use of land, buildings and structures within the development.

(11) A listing of all municipal, County, State or Federal approvals and/or permits which may be required by the proposed development based on the preliminary plan.

(12) A letter requesting any modifications of the requirements of this Chapter and citing the reasons therefor.

3. *Final Plan.* The application shall contain in final form all the maps and reports required for the preliminary plan submission in addition to the following:

A. Sufficient data, including bearing and length, to locate every street, lot, easement, right of way and boundary line upon the ground.

B. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.

C. All dimensions and angles or bearings of the lines of each lot and of each lot proposed to be dedicated to public use; lots shall be numbered and their area shown within lot boundaries; address numbers shall also be shown.

D. The proposed building setback line for each street and the proposed placement of each building except single-family dwellings.

E. Location and width of all rights of way, easements, and the purpose for which the rights of way and easements were established.

F. Final profiles, cross-sections, and design specifications for all streets, prepared in accordance with the requirements of this Chapter, including any proposed improvements to existing streets.

G. Final location and profiles of all sanitary sewer lines and manholes, storm sewers, inlets, water distribution lines, gas, electric, and other utility lines; copies of permits/approvals from appropriate local, County or State agency(s) for proposed sewerage and water supply systems.

H. Final plans and design standards for stormwater management controls

and facilities.

I. In the case of a land development, final location of all proposed parking and loading areas with surfacing material; dimensions and layout of proposed parking spaces; dimensions and direction of travel of lanes, aisles, driveways; and all entrance/exit points.

J. Copies of all offers of dedication, covenants, easements, deed restrictions, and maintenance agreements to be imposed upon the use of land, buildings and structures, pertaining to ownership, use, and maintenance of all open space areas and any other common facilities including proposed easements for utilities.

K. Copies of all required permits and approvals from other governmental agencies, including certification of water supply and any required State or County highway occupancy permits.

(Ord. 92-7, 6/10/1992, §206)

Part 3**Design Standards and Required Improvements****§22-301. Application.**

Any proposed subdivision or land development shall comply with the provisions of this Part as a condition of plan approval. All required improvements shall be designed, built and installed according to the requirements contained herein.

(Ord. 92-7, 6/10/1992, §301)

§22-302. General Land and Site Planning Requirements.

1. *Land Suitability.* Land shall be suited to the uses proposed. Land which is unsuitable for development because of hazards to life, safety, health or property shall not be subdivided or developed until it has been made safe for the intended uses.

A. Land subject to flooding shall only be developed in accordance with the Borough's floodplain management standards.

B. Wetlands shall be protected in accordance with Federal and State laws and regulations.

C. Where a site has been undermined, certification of a registered engineer shall be required that appropriate measures will be taken to protect existing and proposed structures and uses from subsidence and damage.

D. Land containing significant areas of slopes greater than 15% should not be disturbed by grading or construction to the maximum extent feasible.

E. Land subject to surface or subsurface pollution or contamination shall not be developed until remediation measures are completed in accordance with Federal and State requirements.

2. *Natural Features Preservation.* The natural terrain of the proposed development site should be retained wherever possible; areas with slopes greater than 15% should not be disturbed. Areas of mature trees, unique vegetation or habitat should be preserved and protected from negative impacts of development.

3. *Protection of Historic, Architectural and Archaeological Resources.*

A. To the maximum extent feasible, a subdivision/land development shall preserve any historical, architectural or archaeological resource which has been identified as significant in a historic resource survey conducted in accordance with procedures of the Pennsylvania Historical and Museum Commission or which has been listed or determined to be eligible for listing on the National or State Historic Register.

B. If the demolition of any such resource is proposed, the applicant shall submit with the preliminary plan application a report detailing the reasons for the proposed demolition and why the use cannot be preserved or no adaptive reuse is feasible. The applicant shall also notify the following organizations by certified mail of the proposed demolition and provide them a copy of the report: Bureau of Historic Preservation of the Pennsylvania Historical and Museum Commission; the Pittsburgh History and Landmarks Foundation and any other historical society,

preservation or civic organization that has filed a written request with the Borough to be notified of such matters.

C. Upon receipt of such report, the Planning Commission shall hold a public hearing on the proposed demolition. The Commission shall provide a recommendation to Council whether to approve or disapprove the demolition and if there is any feasible alternative which would preserve the historic resource.

D. If Council subsequently approves the preliminary subdivision/land development plan including the demolition of the historic resource(s), no demolition permit shall be issued for 180 days so that qualified persons or organizations may document the resource for historical purposes. If within 60 days following plan approval no person or organization has notified the Borough of an intent to carry out such documentation, then the applicant may request that the demolition permit be issued without further waiting.

4. *Riverfront Development.*

A. Development sites abutting the Monongahela River, or adjacent to the river across roads or railroad rights of way, shall be planned to protect and improve public scenic perspectives across the river and public physical access to and use of riverfront locations.

B. The subdivision/land development plan for such sites shall establish a 100-foot setback area along the river frontage. Within that area, structures, streets, pedestrian walkways, open spaces, buffer yards and other physical facilities shall, to the maximum extent feasible, incorporate public physical and visual access to the riverfront in their design and operation.

C. If the development plan proposes any public park, recreation or open space area as a part of the development site, the applicant shall submit a plan for ownership and continuing maintenance of the proposed public areas.

5. *Development Compatibility.* Proposed subdivisions or land developments shall relate harmoniously to surrounding developments and the community as a whole. The development should be consistent with any approved plans and policies of the municipality or other governmental agencies. Proposed land uses shall conform the Borough Zoning Ordinance [Chapter 27].

(Ord. 92-7, 6/10/1992, §302)

§22-303. Monuments and Markers.

Monuments shall be set at the intersection of lines forming angles in the boundaries of the subdivision/land development and at the intersection of street lines in accordance with requirements of the County subdivision regulations. Monument locations shall be shown on the final plan. Any monuments that are removed shall be replaced by a registered surveyor at the expense of the person removing it.

(Ord. 92-7, 6/10/1992, §303)

§22-304. Blocks and Lots.

1. *Blocks.*

A. The length, width, shape and design of blocks shall be determined with due regard to: the provision of adequate sites for buildings of the type proposed,

zoning requirements, topography of the land being developed, and provisions for safe and convenient vehicular and pedestrian circulation.

B. Unless the topography of the land being developed or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks shall prevail:

(1) Blocks shall not exceed 1,500 feet in length nor be less than 500 feet in length.

(2) Residential blocks shall generally be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land or the necessary layout of the development, there is insufficient depth between intersecting streets for such two-tier design.

(3) Crosswalks or interior pedestrian walks shall be required in blocks exceeding 1,000 feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for width of not less than 4 feet, shall be located in easements not less than 10 feet in width, and shall, insofar as possible, be located in the center of any such block.

(4) Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right of way and utilities shall be provided as necessary.

2. *Lots.*

A. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.

B. Lots shall, in general, front on an approved public or private street. To the extent practicable, residential lots shall not front on arterial or collector streets.

C. The Borough shall approve the assignment of street address numbers to each lot within a subdivision or land development.

D. Remnants of land, which are less than the minimum lot area for the zoning district, shall not be permitted within any development. Such remnants shall be incorporated in existing or proposed lots, or dedicated to common open space.

E. Double frontage lots are prohibited except where authorized by this Chapter.

(Ord. 92-7, 6/10/1992, §304)

§22-305. Traffic Circulation, Streets, Curbs and Sidewalks.

1. *Traffic Circulation.*

A. A traffic study may be required by the Borough for any proposed subdivision or land development. It shall be prepared in accordance with the

requirements of §22-206.2.C of this Chapter.

B. No subdivision or land development plan shall be approved unless it contains a plan for correcting or minimizing any traffic problems identified by the study. Such corrective measures shall be specified in the developer's agreement required by §22-205.3.

2. *General Standards.*

A. The street system for a proposed development shall be laid out and designed to coordinate with existing or proposed streets in adjoining subdivisions or land developments and with the overall Borough street system.

B. Streets shall be related to the topography so as to produce usable lots and acceptable grades.

C. The street system shall be arranged to provide adequate access to all lots, parcels and/or buildings within the development. Where adjoining properties are undeveloped, the street system in a proposed development shall be designed to permit the proper extension of streets into the undeveloped land.

D. All streets shall be improved to the limits of the subdivision/land development in accordance with Borough specifications. Reserve strips and land-locked areas are prohibited.

E. Residential (local) streets shall be laid out to discourage their use by through and nonresidential traffic. Streets serving predominately commercial and industrial areas shall be designed with consideration for anticipated truck traffic, location of railroad facilities and safety of pedestrian movements.

F. Where development is proposed on an existing or proposed arterial street or limited access highway, Council may require that provisions be made for marginal access streets. Council may also require near service areas, double frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.

G. Half or partial streets shall not be approved except where essential to allow development of a site in conformance with the requirements of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured. If a proposed development borders an existing half or partial street, the entire street shall be shown on the plan.

H. Dead end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts or when designed as cul-de-sacs.

I. Street names shall be coordinated with existing or planned street names. If a new street is a continuation of or is aligned with an existing or planned street, it shall bear the same name as the existing or planned street.

J. All streets shall have a uniform width throughout their respective lengths except where otherwise required by Council.

3. *Street Design.*

A. *Street classification.* All streets in a development shall be classified as either arterial, collector or local access (minor), as defined by this Part.

B. Design and construction standards: All streets and access drives, whether publicly or privately owned, shall be designed and constructed in accordance with Borough specifications or applicable requirements of the PennDOT Design Manual-Urban Design Criteria (Publication 72) and Publication 408 Specifications.

4. *Curbs.*

A. Curbs shall be provided on all streets and parking areas. This requirement for curbs may be modified at the discretion of Council upon recommendation by the Planning Commission or Borough Engineer.

B. All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs; depression shall be in line with sidewalks where provided and in accordance with PennDOT specifications.

C. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.

D. All curbs shall be constructed of Portland cement concrete with expansion joints every 20 feet and shall follow PennDOT standards where applicable.

5. *Sidewalks.*

A. Sidewalks and other pedestrian walkways shall be provided to connect the development site, as appropriate, with adjacent properties or activity centers, public streets, parking areas and to connect uses within a development site.

B. Walkways shall be at least 4 feet in width and shall be paved with an all-weather surface. The use of brick, terrazzo, paving blocks or similar creative treatment, or pervious pavement materials is encouraged. Natural walking trails (i.e., unpaved) may be approved by Council where such can be shown to be appropriate to the development. Asphalt-surfaced walks paralleling public streets shall not be permitted.

C. Ramps and other measures to assure accessibility by disabled persons shall be provided and installed in accordance with Borough standards and those of PennDOT.

(Ord. 92-7, 6/10/1992, §305)

§22-306. Utilities.

1. *Sanitary Sewage.* Every lot and/or building within a subdivision or land development shall be connected to a public sanitary sewer system which meets all Borough, County, and State requirements for collection and disposal. The Borough Engineer shall approve all proposed connections with the Borough's sanitary sewer system.

2. *Water Supply.*

A. The subdivision/land development shall be provided with a complete water main supply system which shall be connected to a public water supply. A statement of approval from the engineer of the water supply agency shall be submitted.

B. Fire hydrants shall be provided as an integral part of any public water supply system. The Borough Fire Chief shall be consulted regarding the appropri-

ate location of proposed fire hydrants.

3. *Other Utilities.*

A. Electric, gas, telephone, T.V. cable and such other utilities shall be installed underground within easements or dedicated rights of way according to the standards and practices of the companies providing such services.

B. Overhead distribution utility lines may be permitted as an exception in industrial districts, provided the placement and alignment of the poles is designed to lessen the visual impact of the lines.

(Ord. 92-7, 6/10/1992, §306)

§22-307. Stormwater Management.

1. *Purpose of Stormwater Management.* The standards and requirements contained herein are intended to achieve the following objectives:

A. Control accelerated and/or re-directed runoff and erosion and sedimentation problems at their source.

B. Utilize and maintain the existing natural drainage systems and preserve the flood-carrying capacity of streams.

C. Encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.

D. Provide for adequate maintenance of all permanent stormwater management structures.

2. *General Requirements.*

A. The quality of all stormwater runoff and any other nonpoint discharges from the development site shall comply with all Federal, State and County laws and regulations.

B. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.

C. Where a development is traversed by watercourses other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such water course. The width of the easement shall be adequate to provide for unimpeded flow of storm runoff based on the calculations made according to §22-307.4 and to provide a freeboard allowance of ½ foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill, structures or any alterations which may adversely affect the flow of stormwater within any portion of the easement. Also, periodic cutting of vegetation in all portions of the easement shall be required.

D. Where a development is traversed by a natural watercourse, there shall be provided a drainage easement or right of way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. The Borough will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.

E. The normal or flood flow of any watercourse or stream shall not be altered or impeded in any way without having obtained approval from the Borough of PaDEP, whichever is applicable. [Ord. 05-02]

F. Drainage facilities that are located on State, County or local roads shall be approved by the appropriate governmental agency, and a copy of such approval shall be submitted to the Borough.

G. All streets shall be designed so as to provide for the eventual discharge of surface water away from their rights of way.

3. *Performance Standards.*

A. *General.* The following shall be considered the overriding performance standard against which all proposed stormwater control measures shall be evaluated:

(1) Any landowner and any person engaged in the alteration or development of land which may affect stormwater 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:

(a) To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.

(b) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

B. *Watershed Standards.*

(1) If the proposed development is located in a watershed for which a stormwater management plan has been approved in accordance with the State Storm Water Management Act (167 of 1978), 32 P.S. §680.1 *et seq.*, then stormwater runoff shall be handled in accordance with the standards and criteria contained in the watershed plan.

(2) If the proposed development is located in a watershed for which there is no state-approved stormwater management plan, then stormwater management facilities for the site shall control the peak stormwater discharge for a range of design storms from the 2- to 100-year storm. The applicant's engineer in consultation with the Borough Engineer shall determine the design storms which shall be used, based on the capacity of existing obstructions and system components. Type II Rainfall Distribution shall be used for analyzing runoff in pre- and post-development conditions as well as for designing runoff control facilities (except collection and conveyance systems).

4. *Runoff Calculations.*

A. For the purpose of computing peak flow rates and runoff hydrographs from development sites and drainage areas larger than one acre, calculations shall be performed using the methodologies presented in SCS publication, Technical Release 55 (TR 55). For development sites less than 1 acre, the Rational Method shall be utilized.

B. For the purposes of designing storm sewers, open swales and other runoff collection and conveyance facilities, the Rational Method shall be applied. Rainfall intensities for design should be obtained from the PennDOT rainfall charts.

5. *Stormwater Detention Facilities.*

A. When detention facilities are utilized, the facility(s) shall be designed such that post-development peak runoff rates from the developed site are controlled to those rates which shall be shown to prevent downstream harm under selected design storms.

B. All detention facilities shall be designed and equipped to safely pass the post-development peak runoff rates from the developed site are controlled to those rates which shall be shown to prevent downstream harm under selected design storms.

C. Facilities which provide detention of runoff for more than one development site may be considered. Such facilities shall meet the criteria contained in this Section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoids adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities.

D. The use of lakes, ponds, ballfields or similar recreational areas to serve as detention facilities is encouraged wherever feasible, subject to approval of the municipality.

E. The following considerations shall be incorporated into the design of the detention facilities:

(1) Inflow and outflow structures shall be designed and installed to prevent erosion, and bottoms of impoundment-type structures should be protected from soil erosion.

(2) Control and removal of debris, both in the storage structure and in all inlet or outlet devices, shall be a design consideration.

(3) Inflow and outflow structures, pumping stations, and other structures shall be protected and designed to minimize safety hazards.

(4) The water depth of a storage pond shall be limited to that which is safe for children. Otherwise, appropriately landscaped fencing at least 4 feet in height shall be required.

(5) Side slopes of storage ponds shall not exceed a ratio of 3 to 1 horizontal to vertical dimension.

(6) Landscaping shall be provided for the facility which harmonizes with the surrounding area.

(7) Facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.

6. *Criteria For Collection / Conveyance Facilities.*

A. All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with Borough specifications and the following basic standards:

(1) All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.

(2) 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 system or

natural watercourse in accordance with the approved stormwater management plan for the development site.

(3) 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.

(4) All collection/conveyance facilities shall be designed to convey the 25-year storm peak flow rate from the contributing drainage area and carry it to the nearest suitable outlet such as a curbed street, storm sewer or natural watercourse.

(5) Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.

B. Wherever utilized, storm sewers shall comply with Borough specifications and the following guidelines:

(1) 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.

(2) 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.

(3) Designed:

(a) With cradle when traversing fill areas of indeterminate stability.

(b) With anchors when gradient exceeds 20%.

(c) With encasement or special backfill requirements when traversing under a paved area.

(4) Designed to adequately handle the anticipated stormwater flow and be economical to construct and maintain. The minimum pipe size shall be 15 inches in diameter.

(5) Drain pipe, trenching, bedding and backfilling requirements shall PennDOT Specifications, Form 408.

(6) 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 or Borough-approved polyethylene pipe with a minimum diameter of 15 inches.

(7) Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with Borough standards.

(8) Appropriate grates shall be designed for all catch basins, stormwater inlets and other entrance appurtenances.

(9) Manholes shall be designed so that the top shall be at finished grade and sloped to conform to slope of finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling."

(10) Where 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.

(11) Storm sewer outfalls shall be equipped with energy dissipation to prevent erosion and conform with applicable requirements of the PaDEP for stream encroachments (Chapter 105 of PaDEP Rules and Regulations). [Ord. 05-02]

(Ord. 92-7, 6/10/1992, §307; as amended by Ord. 05-02, 6/1/2005)

§22-308. Grading, Erosion and Sedimentation Controls.

1. *Grading.* All grading operations for a proposed subdivision or land development shall be conducted according to the provisions of the Borough Grading Ordinance [Chapter 9], and a grading permit shall be obtained where required by that Ordinance.

2. *Erosion and Sedimentation Controls.*

A. No earthmoving activity, including cuts and fills, excavation, removal of topsoil, trees, or vegetative cover of the land, shall commence until the plans for minimizing soil erosion and sedimentation, both during and after construction, have been approved.

B. The erosion/sedimentation plan shall be prepared in accordance with the State erosion/sedimentation regulations (25 Pa.Code, Chapter 102) and the standards and specifications of the County Conservation District.

C. Proposed erosion/sedimentation measures shall be submitted with the stormwater management plan as part of the plan applications.

(Ord. 92-7, 6/10/1992, §308)

§22-309. Landscaping.

1. *General.*

A. The landscaping for a proposed subdivision/land development shall be completed according to the approved plan. The landscaping shall complement and accentuate the best features of the building(s) and site; provide essential shade, effective cooling, sound and sight control; and be selected and organized to minimize maintenance.

B. The specific landscaping features of each development shall be determined as part of the plan review. The plant species selected shall be hardy for the climate and use of the site.

C. All plant material shall meet the specifications of the American Association of Nurserymen (AAN) for No. 1 grade.

D. All planting and landscaping shall be completed within 6 months of the initial occupancy of the development or each state of the development.

E. The property owner shall be responsible for the continuing maintenance of all landscaping, including the replacement of dead materials. Landscaped areas shall be kept clean of all debris, rubbish, weeds and tall grass.

2. *Street Trees.*

A. Trees shall be provided along the entire frontage of any property abutting

a public street except in those areas designated as driveways or other access roads.

B. The type and spacing of trees shall be in accordance with the approved landscaping plan for the site but at a minimum one tree per 30 feet of frontage should be provided. Trees shall not be placed within 10 feet of a sanitary sewer.

C. All trees shall have a minimum caliper of 3½ inches and be of similar size and shape.

(Ord. 92-7, 6/10/1992, §309)

§22-310. Other Site Improvements.

1. *Lighting.*

A. All common parking areas, steps, ramps, walkways of high volume pedestrian use, and directional signs shall be adequately lighted where evening use is customarily anticipated.

B. The Borough may require lighting in any area for reasons of traffic or public safety.

C. Lighting fixtures shall be shielded from all residential properties and from all rights of way so as to eliminate light glare.

D. Lighting of public streets shall conform to Borough specifications or those of PennDOT.

E. Lighting for common or public open space areas should utilize fixtures which:

(1) Are scaled to pedestrian use.

(2) Enhance the use and enjoyment of the space in which they are located.

(3) Are coordinated with the design and character of the open space.

(Ord. 92-7, 6/10/1992, §310)

Part 4**Completion of Improvements and Financial Securities****§22-401. Completion of Improvements.**

A subdivision or land development shall not receive final plan approval until all the improvements required by this Chapter have been constructed in accordance with the provisions of Part 3. In lieu of completing required improvements prior to final plan approval, the applicant may deposit with the Borough financial security sufficient to cover the costs of the improvements in the manner prescribed herein.

(Ord. 92-7, 6/10/1992, §401)

§22-402. Guarantee of Improvements.**1. Performance Guarantee.**

A. In order to assure the completion of the required improvements within the specified time limits, the applicant shall deposit with the Borough financial security in an amount sufficient to cover the costs of the improvements. The form and amount of the performance guarantee shall be approved by the municipal solicitor and comply with the requirements of the Municipalities Planning Code (§509), 53 P.S. §10509.

B. In cases where development is projected over a period of years, the Borough may authorize submission of final plats by phases of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

C. As the installation of required improvements proceeds, the party posting the financial security may request Council to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor(s) performing the work. Any such release shall proceed according to the provisions of §509 of the Municipalities Planning Code, 53 P.S. §10509 *et seq.*

2. *Release from Improvement Bond.* When the developer has completed all of the necessary and appropriate improvements, the developer shall notify the Borough and request a release from the improvement bond in accordance with the procedures contained in the Municipalities Planning Code, §510, 53 P.S. §10510.

3. *Default of Performance Guarantee.* If the required improvements are not installed and completed satisfactorily in accordance with the recorded plan and Developer's Agreement, the Borough may proceed, in accordance with the provisions of the Municipalities Planning Code, §511, 53 P.S. §10511, to complete the improvements and facilities and may use whatever proceeds from bonds, cash deposits, checks or securities as are required to meet the expense of completing such improvements. If the proceeds from the financial securities are insufficient to cover the cost of installing or making repairs or corrections to the improvements, the Borough may install such improvements and take appropriate legal or equitable action to recover the costs.

(Ord. 92-7, 6/10/1992, §402)

§22-403. Inspection of Improvements.

The Borough Engineer or a designated representative shall inspect the installation of all required improvements in accordance with the inspection schedule contained in the developer's agreement. The landowner or contractor shall be responsible for notifying the engineer at least 48 hours in advance of any construction operation so that provision can be made for proper inspection. Samples of materials and all reasonable information to ascertain whether the work is in conformity with the provisions of this Chapter shall be furnished to the Borough Engineer. All costs for inspections shall be borne by the developer.

(Ord. 92-7, 6/10/1992, §403)

§22-404. Acceptance of Improvements; Maintenance Bond.

1. *Acceptance of Improvements.*

A. Every improvement shown on a recorded plat shall, notwithstanding such recording, be deemed to be a private improvement, and the Borough shall have no responsibility with respect thereto until such time as the same shall have been offered for dedication to the Borough and accepted by it, by ordinance, or until it shall have been duly condemned by the Borough for public use

B. The developer shall notify the Borough in writing upon completion of all required improvements and request dedication thereof.

C. The request for dedication shall be in a form approved by the municipal solicitor and shall be accompanied by:

- (1) As-built plans showing all improvements.
- (2) A receipt for all charges and fees required to be paid to the Borough.
- (3) A maintenance bond complying with the requirements of this Section.

D. Prior to Council's decision on any dedication request, the Borough Engineer shall inspect the improvements to ensure that their construction complies with the final approved plan and Borough specifications and that such improvements are functioning properly.

2. *Maintenance Bond.* Prior to Council accepting dedication of any improvement, the developer shall provide the Borough with a maintenance bond to guarantee the maintenance and repair of such improvement should it be found defective in material and installation. The bond shall be in form and amount approved by the Borough Solicitor and in accordance with the requirements of the Municipalities Planning Code (§509(k)), 53 P.S. §10509(k).

(Ord. 92-7, 6/10/1992, §404)

Part 5

Definitions

§22-501. Rules of Interpretation.

1. For the purpose of this Chapter certain terms and words uses herein shall be interpreted or defined as follows:

A. Words uses in the present tense shall include the future. Words in the singular shall include the plural.

B. The word "person" includes a corporation, company, partnership and association, as well as an individual.

C. The word "lot" includes the words "plot" or "parcel." The term "shall" is always mandatory.

D. The words "used" or "occupied" as applies to any land or building shall be construed to include the words "intended, arranged or designed to be used or occupied."

E. The word "building" includes the word "structure" and shall be construed as if followed by the phrase "or part thereof."

2. The particular shall control the general.

3. Where terms or words are not defined in the following Section, they shall have their ordinarily accepted meanings or such as the context may imply. Wherever a term is not defined herein, but is defined the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, then said words shall be defined as set forth in the Code.

4. In the case of any difference of meaning or implication between the text of the definitions in this Section and any accompanying illustration, the text shall control.

(*Ord. 92-7, 6/10/1992, §501*)

§22-502. Definitions.

1. The definitions of all terms contained in Part 8 of the Swissvale Zoning Ordinance [Chapter 27] are incorporated herein and made a part hereof by reference.

2. For purposes of this Chapter, certain words shall have the following meaning unless the context clearly indicates otherwise:

Architect / landscape architect - a person licensed to practice as an architect or landscape architect in the Commonwealth of Pennsylvania.

Cartway or roadway - the portion of a street or alley improves, designed or ordinarily uses for vehicular travel, exclusive of the sidewalk, berm or shoulder.

Cul-de-sac - a minor street intersecting another street at one end and terminates at the other by a vehicular turnaround.

Cut - an excavation. The difference between a point on the original ground and designated point of lower elevation on the final grade. Also, the material removed in excavation.

Dedication - the deliberate appropriation of land by its owner for any general

and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

Design storm - the magnitude of precipitation from a storm event measured in probability of frequency of occurrence (e.g., a 50-year storm) and duration (e.g., 24-hour), and used in computing stormwater management control systems.

Detention pond - an area designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. A detention pond can be designed to drain completely after a storm event, or it can be designed to contain a permanent pool of water.

Development plan - the provisions for the development of a site, including a plat of subdivision, all covenants relating of use, location and bulk of building and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities.

Drainage - the interception and removal of excess surface or groundwater from land by artificial or natural means, including the control of runoff to minimize erosion and sedimentation during and after construction or development.

Erosion - the removal of surface materials by the action of natural elements.

Excavation - any act by which earth, sand, gravel, rock or any other similar material is dig into, cut quarries, uncovered, removed, displace, relocated or bulldozed. It shall include the conditions resulting therefrom.

Fill - any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface. It shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation of the final grade. The material used to make fill.

Grading - any excavation or fill or combination of these including the conditions resulting from any excavation or fill.

Impervious surface - a surface which resists the entrance or passing through of water or other liquids.

Improvements - those physical additions, installations and changes required to render land suitable for the use intended, including but not limited to grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, stormwater management facilities, sidewalks, cross-walks, driveways, culverts, and street shade trees.

Land development -

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

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

(b) The division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose

of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

Land disturbance - any activity involving grading, tilling, digging or filling or stripping of vegetation; or any other activity which causes land to be exposed to the danger of erosion.

Maintenance guarantee - any security, other than cash, which may be accepted by the Borough for the maintenance of any improvements required by this Part.

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 survey.

Municipality - the Borough of Swissvale, Pennsylvania.

Open space - land set aside and used for recreation, agriculture, resource protection or a buffer yard which is freely accessible to all residents of a development although restrictions may apply to agricultural areas. Open space does not include land occupied by non-recreational buildings, roads and required parking areas or yards of dwelling units required by this Chapter. Open space is normally left in a natural State, except if safety precludes this, and also with the exception of recreation areas which may be surfaced.

Peak rate of runoff (or discharge) - the maximum rate of flow of water at a given point and time resulting from a predetermined storm.

Performance guarantee - any security which may be in lieu of a requirement that certain improvements be made before Borough Council approves a final subdivision or land development plan, including performance bonds, escrow agreements and other similar collateral or surety agreements.

Plan, final - a complete and exact subdivision or land development plan prepared for official recording as required by statute, defining property rights and proposed streets and other improvements.

Plan preliminary - a tentative subdivision or land development plan prepared in lesser detail than a final plan, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

Plan, sketch - an informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and the general layout of a proposed subdivision or land development.

Plat - the map or plan of a subdivision or land development whether preliminary or final.

Public notice - notice published once each week for 2 successive weeks in a newspaper of general circulation in the municipality. Such notice shall State the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days or less than 14 days from the date of the hearing.

Rate of runoff - instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as "discharge." Usually stated in cubic feet per second (cfs) or gallons per minute (gpm).

Reserve strip - a narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Re-subdivision - any subdivision or transfer of land, laid out on a plan which has been approved by Borough Council which changes or proposes to change property lines and/or public rights of way not in strict accordance with an approved plan.

Right-of-way - land legally dedicated for public purposes including, but not limited to, a street, alley or sidewalk.

Runoff - the surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

Sediment - solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface.

Sedimentation - the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity.

Sediment basin - a barrier or dam built at a suitable location to retain rock, sand, gravel, silt or other material.

Sewage disposal system, public - a sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

Slope - the face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are expressed in a percentage based upon vertical distance in feet per 100 feet of horizontal distance.

Soil-cover complex method - a method of runoff computation developed by the U.S. Soil Conservation Service and found in its publication "Urban Hydrology for Small Watersheds," Technical Release No. 55, SCS, January 1975 (or most current edition).

Storm sewer - a sewer that carries intercepted surface runoff, street water, and other wash waters, or drainage, but excludes domestic sewage and industrial wastes.

Stormwater collection system - natural or engineered structures which collect and transport stormwater through or from a drainage area to the point of final outlet, including but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

Stream - a watercourse.

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 easement of access or any residential dwelling, shall be exempted.

Subdivider - (See "developer.")

Substantially complete - where, in the judgment of the municipal engineer, at least 90% of those improvements required as a condition for final approval, for which financial security was posted pursuant to this Chapter, have been completed in accordance with the approved plan so that the project will be able to be used, occupied or operated for its intended use.

Surveyor - a licensed surveyor registered by the Commonwealth of Pennsylvania.

Swale - a low-lying stretch of land characterized as a depression used to carry surface water runoff.

Topsoil - surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost soil layer called the A horizon.

Watercourse - any channel or conveyance of surface water having a defined bed and banks, whether natural or artificial, with perennial or intermittent flow.

Water facility - any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

(Ord. 92-7, 6/10/1992, §502)

