

**TOWNSHIP OF NORTH FAYETTE  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

**ORDINANCE NO. 226**

**ADOPTED:        DECEMBER 11, 1990**

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# TABLE OF CONTENTS

## TOWNSHIP OF NORTH FAYETTE

### SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

<b><u>ARTICLE I</u></b>	<b><u>GENERAL PROVISIONS</u></b>	<b><u>PAGES</u></b>
101	Short Title	1
102	Grant of Power	1
103	Purposes	1
104	General Intent and Objectives	2
105	Interpretation and Definitions	2 – 8
<b><u>ARTICLE II</u></b>	<b><u>APPLICABILITY OF REGULATIONS</u></b>	
201	Approval Required	9
202	Compliance Required	9
203	Exclusion of Certain Land Developments	10
<b><u>ARTICLE III</u></b>	<b><u>APPLICATION REQUIREMENTS</u></b>	
301	Pre-Application Conference	11
302	Preliminary Application Submission	11
303	Preliminary Application Content	11 – 15
304	Preliminary Application Approval	15 – 17
305	Final Application Submission	17
306	Final Application Content	18 – 19
307	Final Application Approval	20 – 22
308	Mediation Option	23
309	Resolution Indicating Approval	23
310	Posting of Completion Bond	24
311	Development Agreement	24
312	Recording of Final Plat	24
313	Filing of Copies	24
<b><u>ARTICLE IV</u></b>	<b><u>INSPECTION &amp; ACCEPTANCE OF IMPROVEMENTS</u></b>	
401	Progress Inspections	25
402	Notice of Completion	25
403	Filing of As-Built Plans	25
404	Final Inspection and Approval	26
405	Acceptance of Public Improvements	27
406	Posting of Maintenance Bond	27
407	Remedies to Effect Completion of Improvements	27

**TABLE OF CONTENTS ( Cont'd.)**

**NORTH FAYETTE TOWNSHIP**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

<b><u>ARTICLE V</u></b>	<b><u>REQUIRED IMPROVEMENTS</u></b>	<b><u>PAGES</u></b>
501	Monuments and Markers	28
502	Utilities	28
503	Streets	29
504	Sidewalks	29
505	Street Lights	29
506	Yard Lamps	30
507	Street Signs	30
508	Pedestrian Walkways	30
<b><u>ARTICLE VI</u></b>	<b><u>DESIGN STANDARDS</u></b>	
601	Applicability	31
602	Review by Township Engineer	31
603	Site Development	31
604	Streets	31 – 33
605	Service Streets	33
606	Easements	33
607	Lots	33 – 34
608	Storm Water Management	34
609	Storm Sewers and Drainage Facilities	34 – 35
610	Sanitary Sewers	35
611	Testing	35
<b><u>ARTICLE VII</u></b>	<b><u>MODIFICATIONS AND EXCEPTIONS</u></b>	
701	Minor Subdivisions	36
702	Waivers for Other Small Subdivisions	36
703	Waivers for Single Lot Land Developments	36 – 37
704	Cases of Physical Hardship	37
705	Equal or Better Specifications	37
706	Procedure for Authorization	38
<b><u>ARTICLE VIII</u></b>	<b><u>ADMINISTRATION AND ENFORCEMENT</u></b>	
801	Application Filing, Review and Inspection Fees	39 – 40
802	Procedure for Amendments	40 – 41
803	Appeals	41
804	Preventive Remedies	42
805	Enforcement Remedies	42 – 43
806	Conflicts of Laws	43
807	Separability	43
808	Effective Date	46
<b>APPENDIX I</b>	<b>STREET DESIGN STANDARDS</b>	47 – 48

**TOWNSHIP OF NORTH FAYETTE**

**ORDINANCE NO. 226**

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF NORTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING AND REPLACING ORDINANCE NO. 35, TO: 1) PROVIDE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS; 2) ESTABLISH GENERAL REQUIREMENTS FOR SUBDIVISIONS; 3) ESTABLISH PRE-APPLICATION PROCEDURES; 4) ESTABLISH REGULATIONS FOR PRELIMINARY PLATS AND FINAL PLATS; 5) ESTABLISH PRINCIPLES AND STANDARDS OF CONSTRUCTION FOR IMPROVEMENTS; 6) ESTABLISH STREET DESIGN STANDARDS AND TOWNSHIP STANDARDS OF CONSTRUCTION; 7) PROVIDE FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS; 8) PROVIDE FOR MODIFICATIONS AND EXCEPTIONS; 9) PROVIDE FOR ADMINISTRATION AND ENFORCEMENT; 10) PROVIDE FOR AMENDMENTS; 11) PROVIDE PENALTIES FOR VIOLATIONS.

NOW THEREFORE, BE IT OBTAINED AND ENACTED by the Board of Supervisors of the Township of North Fayette, and it is hereby ordained and enacted by and with the authority of the same as follows:

**ARTICLE I**

**GENERAL PROVISIONS**

**101           SHORT TITLE**

This Ordinance shall be known and may be cited as the “Township of North Fayette Subdivision and Land Development Ordinance” or just the “Subdivision Regulations.”

**102           GRANT OF POWER**

This Ordinance is adopted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code Act 247 of 1968, as amended (53 P.S. § 10101, et. seq.).

**103           PURPOSES**

The purposes of these Subdivision Regulations are to regulate all land subdivision, consolidation and development activities in the Township by providing for a uniform method for the submission of preliminary and final plats to ensure the proper layout or arrangement of land; the proper design of streets to accommodate projected traffic and facilitate fire protection; and the provision of adequate easements or rights of way, gutters, storm and sanitary drainage facilities, walkways, Stormwater management and other required public facilities.

## 104 GENERAL INTENT AND COMMUNITY DEVELOPMENT OBJECTIVES

These Subdivision Regulations are made in accordance with the community development objectives set forth in the Township Zoning Ordinance and the Township Comprehensive Plan and are intended to achieve the following goals:

- a) To promote, protect and facilitate one (1) or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of recreation, open space and harmonious design; the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and
- b) To prevent one (1) or more of the following: over-crowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

## 105 INTERPRETATION AND DEFINITIONS

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

**105.2 Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated:

**ACCESSORY BUILDING** – A building which is on the same lot with, but detached from, the principal building and which is subordinate to the principal building, including, but not limited to private garages, storage sheds and the like.

**ACCESSORY USE** – A use customarily incidental and subordinate to the principal use and located on the same lot with the principal use.

**APPLICANT** – A landowner or developer who has filed an application for a subdivision or development, including his or her heirs, successors and assigns.

**APPLICATION FOR DEVELOPMENT** – Any application, whether preliminary or final, required to be filed and approved prior to the start of construction or development, including, but not limited to, an application for the approval of a subdivision or land development.

**ARTERIAL STREET** – See STREET, ARTERIAL.

**BOARD OF SUPERVISORS** – The Board of Supervisors of the Township of North Fayette, Allegheny County, Pennsylvania.

**BUILDING LINE** - See FRONT BUILDING LINE.

**CARTWAY** – That portion of the street right of way which is surfaced for vehicular use, excluding shoulders and curbs where curbs are provided.

**CLEAR SIGHT TRIANGLE**- An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersection of street lines.

**COLLECTOR STREET** – See STREET, COLLECTOR.

**COMPLETION BOND** – Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from an approved surety company which guarantees the satisfactory completion of improvements required by the Ordinance.

**CONDOMINIUM** – A multifamily dwelling where each dwelling unit in the structure is individually owned and the owner of each dwelling unit has an undivided interest in the common areas and facilities of the structures and surrounding grounds.

**CONSOLIDATION** – The combination of two (2) or more lots, tracts or parcels of land for the purpose of sale or lease of a building or lot.

**CONSTRUCTION STANDARDS** – A document entitled Township of North Fayette Construction Standards prepared by the Township Engineer, adopted and amended from time to time by Resolution of the Board of Supervisors upon recommendation of the Township Engineer, copies of which are on file in the office of the Township Secretary.

**COUNTY** – Allegheny County, Pennsylvania

**COUNTY PLANNING COMMISSION** – Allegheny County Planning Commission

**CUL DE SAC** – A street having one (1) end open to traffic and being permanently terminated by a vehicle turn-a-round, including a court or dead end street.

**DEVELOPER** – Any landowner, agent of such landowner or tenant with the permission of such landowner, who proposes, makes, or causes to be made, a subdivision of land or a land development.

**DOUBLE FRONTAGE LOT** – A lot having two (2) or more of its non-adjointing property lines abutting a street or streets, usually having front and rear streets frontage.

**DRIVEWAY, PRIVATE** – A vehicular access route serving only one parcel or lot which provides access to a public street, but which does not provide access to any other lot or parcel under separate ownership.

**DWELLING** – Any structure designed or used as permanent living quarters for one (1) or more families and which conforms to the requirements of the BOCA Building Code for dwellings.

**DWELLING, SINGLE FAMILY** – A residential building containing one (1) dwelling unit which is the only principal building on the lot.

**DWELLING, TWO FAMILY** – A residential building containing two (2) independent dwelling units, each having a separate entrance, and which is the only principal building on the lot.

**DWELLING, MULTI-FAMILY** - A residential building or portion thereof containing three (3) or more dwelling units.

**DWELLING UNIT** – One (1) or more rooms that are used as living quarters for one (1) family and having permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

**EASEMENT** – A grant of one or more of the property rights by the property owner to and for the use by the public, a corporation or another person or entity within which no permanent structure may be erected, the use of which shall not be inconsistent with the rights of the grantee.

**ENGINEER** – A professional engineer licensed as such in the Commonwealth. The use of the word “engineer” shall not exclude the practice of topographic surveying as provided for in State law.

**FAMILY** – One (1) or more persons related by blood, marriage, adoption or foster placement, including not more than two (2) boarders, roomers or lodgers and any domestic servants; or a group of not more than four (4) unrelated persons living together in a dwelling unit and maintaining a common household.

**FEE** – The required charge established from time to time by Resolution of the Board of Supervisors collected to defray the costs of processing an application, reviewing and application or inspecting the installation of public improvements which shall be payable to the Township.

**FINAL APPLICATION** – The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain final approval of a proposed subdivision or land development plan.

**FINAL PLAT** – The map or plan of a proposed subdivision or land development containing all the information required by this Ordinance and the Allegheny County Subdivision Regulations for final plat approval and in a form acceptable for recording in the Office of the Allegheny County Recorder of Deeds.

**FRONT BUILDING LINE** – A line parallel to the front lot line at a distance therefrom which is equal to the depth of the front yard required by the Township Zoning Ordinance for the zoning district in which the lots is located.

**INSPECTOR** – The Township Engineer or his or any other authorized representative assigned by the Board of Supervisors to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to install the improvements required by the Ordinance.

**LAND DEVELOPMENT** – Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - a. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - b. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A Subdivision of land.
3. Developments authorized to be excluded from the regulation of land development by Section 203 of this Ordinance.

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

**LAND DEVELOPMENT, SINGLE LOT** – A land development, as defined herein, which involves a single non-residential building or structure on a lot or lots which are part of a plan of subdivision which has been duly recorded in the Office of the Allegheny County Recorder of Deeds.

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

**LOT** – A tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

**LOT AREA** – That area measured on a horizontal plan bounded by the front, side and rear lot lines, excluding any portion of the lot within a street right of way.

**MAINTENANCE BOND** – Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit or corporate bond from an approved surety company which guarantees the repair or maintenance of the improvements required by this Ordinance for a specified period after their completion and acceptance by the Township.

**MEDIATION** – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINOR SUBDIVISION** – A subdivision containing no more than five (5) lots, proposed for single family dwellings, all of which have frontage on an improved public street, and not involving any new street or road or the extension or creation of any Municipal facilities or public improvements and which does not adversely affect the future development of the remainder of the parcel or any adjoining property.

**ORDINANCE** – All references to “Ordinance” or “this Ordinance” refer to the Township of North Fayette Subdivision and Land Development Ordinance.

**PARCEL** – A tract of land which is recorded in a plan of subdivision or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth which is intended to be used as a unit for development or transfer of ownership.

**PLANNING COMMISSION** – Township of North Fayette Planning Commission.

**PLAT** – A map or plan, either preliminary or final, indicating the subdivision, consolidation or re-division of land or a land development.

**PRELIMINARY APPLICATION** - The written and graphic materials specified by this Ordinance to be submitted to the Township in order to obtain preliminary approval of a proposed subdivision or land development.

**PRELIMINARY PLAT** – The map or plan of a proposed subdivision or land development which contains all of the information required by this Ordinance for approval of a preliminary plat.

**PRINCIPAL BUILDING** – The building or buildings on a lot in which the principal use or uses are conducted.

**PRINCIPAL USE** – The primary or predominant use of any lot or structure.

**PRIVATE IMPROVEMENTS** – All roads, streets, walkways, gutters, Stormwater management facilities, curbs, sewers and other facilities to be owned, maintained or operated by a private entity such as an individual, corporation or Homeowners Association.

**PROFESSIONAL CONSULTANTS** – Persons who provide expert or professional advise, including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects or planners.

**PUBLIC HEARING** – A formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**PUBLIC IMPROVEMENTS** – All roads, streets, walkways, gutters, Stormwater management facilities, curbs, sewers and other facilities to be dedicated to or maintained by the Township for which plans and specifications must comply with the Construction Standards of the Township.

**PUBLIC MEETING** – A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the “Sunshine Act.”

**PUBLIC NOTICE** – Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall be not more than thirty (30) days and the second notice shall not be less than seven (7) days from the date of the public hearing.

**RIGHT OF WAY** – An area of land reserved or dedicated for public purposes to provide access across private property.

**SINGLE LOT LAND DEVELOPMENT** – See LAND DEVELOPMENT, SINGLE LOT

**STREET** – A way designed for circulation of vehicular traffic, including the entire right of way and cartway, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard, road, avenue, lane, place or the like.

**STREET, ARTERIAL** – A public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region.

**STREET, COLLECTOR** – A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

**STREET, LOCAL** – A public street designed to provide access to abutting lots and to discourage through traffic.

**STREET, PRIVATE** – A street, including the entire private right of way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have access to a public street and which requires access to a public street through the private street. (See also DRIVEWAY, PRIVATE.)

**STREET, PUBLIC** – A street, including the entire public right of way, which has been dedicated to and accepted by the Township or which had been devoted to public use by legal mapping, use or other means.

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

**STRUCTURE** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION** – The division or re-division of a lot, tract or parcel of land by any means into two (2) 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 ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBDIVISION, MINOR** – See MINOR SUBDIVISION.

**SURVEYOR** – A registered professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

**TOWNSHIP** – Township of North Fayette, Allegheny County, Pennsylvania.

**TOWNSHIP ENGINEER** – A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to serve as the engineer for the Township.

**WATERCOURSE** – A stream, intermittent stream, river, creek, channel or ditch which carries water, whether natural or man-made.

**ZONING OFFICER** – The designated official or an authorized representative appointed by the Board of Supervisors whose duty it shall be to administer this Ordinance and the Township Zoning Ordinance.

**ZONING ORDINANCE** – The Township of North Fayette Zoning Ordinance #290, adopted June 25, 1996, as amended.

## ARTICLE II

### APPLICABILITY OF REGULATIONS

#### 201 APPROVED REQUIRED

A subdivision plat, consolidation plat or land development plan approved in accordance with these Subdivision Regulations shall be required for:

- (a) Any land development, as defined by the Ordinance, other than those excluded by Section 203 of this Ordinance.
- (b) Any subdivision, as defined by this Ordinance.
- (c) The consolidation, as defined by this Ordinance, of two (2) or more lots, tracts or parcels of land for the purpose of one (1) development; and
- (d) Any development in which the developer proposes or intends to construct streets or any other public improvement to be dedicated to the Township for public use.

#### 202 COMPLIANCE REQUIRED

No lot in a subdivision or land development may be leased, transferred or sold and no permit to erect, alter, repair or occupy any building or use any land in any subdivision or land development may be issued unless and until such subdivision or land development shall have been approved and properly recorded and until such improvements as required by this Ordinance shall have been constructed or guaranteed, as provided for by this Ordinance.

A developer may, however, enter into a lease or sales agreement with a prospective buyer/lessee prior to final plan approval, provided that the following conditions have been met:

- (a) Preliminary Plan approval has been granted by the Township; and
- (b) The sale of the proposed lots(s) or building(s) is conditioned upon the receipt of final plan approval from the Township and upon completion of all improvements required by this Ordinance or the posting of a completion bond, in a form acceptable to the Township, guaranteeing the completion thereof.

The description by metes and bounds in an instrument of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this Ordinance.

**EXCLUSION OF CERTAIN LAND DEVELOPMENTS**

The following types of land developments are hereby excluded from the provisions of this Ordinance governing land developments, as defined herein:

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

## **ARTICLE III**

### **APPROVAL PROCEDURE**

#### **301 PRE-APPLICATION CONFERENCE**

Prior to filing an application for preliminary approval, the developer may appear before the Planning Commission for a pre-application conference to discuss the applicable regulations governing subdivision and/or development of the property and the feasibility and timing of the application. The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

#### **302 PRELIMINARY APPLICATION SUBMISSION**

The applicant shall file nine (9) copies of an application for Preliminary Approval to the Township including the form provided by the Township at least ten (10) working days prior to the regular meeting of the Planning Commission. The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 303 of this Ordinance, including the Application Fee, have been received.

Upon receipt, the application shall be stamped with the date of receipt by the Township. Upon receipt, copies of the application shall be distributed to each member of the Planning Commission and to the Township Engineer for review. The Township Zoning Officer shall submit one (1) copy to the application to the Allegheny County Planning Department for review and comment within five (5) days of receipt. Copies also may be referred to any other appropriate review agency at the request of the Planning Commission.

#### **303 PRELIMINARY APPLICATION CONTENT**

**303.1 All Applications.** All applications for Preliminary Approval of a subdivision and/or land development shall include the following:

- (a) Nine (9) copies of the completed application form supplied by the Township;
- (b) Application filing fee, as required by Section 801 of this Ordinance;
- (c) Nine (9) copies of a Preliminary Plat, all drawings on sheets not exceeding thirty-four inches by forty-four inches (34" x 44"), containing the following information:
  - (1) A boundary survey by a registered professional land surveyor and topographical survey of the total proposed subdivision by a registered professional engineer or registered professional land surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat must include the total tract.
  - (2) The proposed name of the subdivision or land development.
  - (3) The name, address, certification and seal of the registered engineer or registered surveyor who did the survey shown on the plat.

- (4) The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.
- (5) A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom, title, scale and North point.
- (6) The graphic scale, North point and date.
- (7) The legend and notes.
- (8) The existing platting of land adjacent to the site and all existing sewers, water mains, culverts, petroleum or gas lines and fire hydrants on or within 100' of the site shall be shown.
- (9) Existing watercourses, wetlands, tree masses and other significant natural features.
- (10) Areas subject to periodic flooding, as identified on the current Official map for the Township issued by the Federal Insurance Administration.
- (11) Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
- (12) Existing streets and rights of way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
- (13) Existing and proposed easements, locations, widths and purposes.
- (14) Location, width and approximate grade of all proposed streets, parking areas and loading areas.
- (15) The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet.
- (16) Front building lines.
- (17) Parcels of land proposes to be reserved for schools, parks, playgrounds or other public, semi-public or community purposes, if any. Parcels shall be lettered A, B, C, etc. and the area of each parcel in acres shall be shown.
- (18) Tabulation of site data, either on the plan or on an 8 ½" x 11" sheet of paper attached to the plan, including total acreage of land to be subdivided, the number or residential lots, typical lot size, the acreage in the subdivision or land development and the acreage in any proposed recreation or other public areas.
- (19) Proposed public improvements. The size of each should be shown and the location of, or distance to, each existing utility indicated.

**303.2 Additional Requirements for Land Developments.** For all applications which propose a land development, as defined herein, the following information also shall be required to be submitted as part of the Preliminary Application:

- (a) Where evidence exists of undermining, strip mining, land-slide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer regarding soil and subsurface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.
- (b) A copy of a report from the U.S. Soil Conservation Service concerning soil conditions and water resources.
- (c) A Soil Erosion and Sedimentation Control Plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law and Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources governing Erosion Control.
- (d) Traffic Report and Structural Analysis: For all applications which propose fifty (50) or more dwelling units, or 30,000 or more square feet of gross floor area of a building or buildings, or any development which according to the Institute of Transportation Engineers (ITE) standards will generate in excess of 450 trips per day, a traffic report prepared by a qualified traffic engineer shall be submitted. A structural analysis of any Township roadways that will be impacted by the proposed development must also be performed. A Professional Engineer registered in the State of Pennsylvania must perform the analysis and a Laboratory that has been certified by the State of Pennsylvania must perform all tests.

(1) The traffic report should contain the following data and information:

- a. General site description. A detailed description of the roadway network within one-half (1/2) mile of the site, a description of the proposed land uses, the anticipated stages of construction and the anticipated completion date of the proposed development shall be provided. The description, which may be in the form of a map, shall include the following items:
  - 1. All major intersections.
  - 2. All proposed ingress and egress locations.
  - 3. All existing roadway widths and right-of-way.
  - 4. All existing traffic signals and traffic control devices.
  - 5. Any proposed changes to the roadway network.
- b. Description of existing capacities and levels of service of all streets and intersections within one thousand (1000) feet of the site.
- c. A determination detailing the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers (ITE).
- d. The projected capacities and levels of service and impact of the proposed development on existing roadways and intersections within one thousand (1000) feet of the site.

- (2) The applicant wishing to utilize existing Township roads for any activity in which there exists the possibility of creating excessive traffic volumes and/or heavy loads, which in the opinion of the Township's Engineer, may exceed the roads present Load-bearing capacity will be subject to the following minimum procedures.

To determine the load bearing capacity of existing roads the Township may impose any or all of the following requirements on to the applicant. All costs of said requirements would be the responsibility of the applicant.

- a. Highway Capacity Analysis. The applicant will be required to perform a capacity study that determines the amount of traffic, its frequency and timing, axle weights, and types of vehicles. A Professional Engineer registered in the State of Pennsylvania must perform the Capacity Analysis. The report must be stamped and signed by the engineer.
- b. Material Strength Tests (laboratory analysis).
  1. California Bearing Ratio for measurement of sub-grade strength.
  2. Measure the depth and determine the type of sub-base aggregates. Establish and assign the Structural Co-efficient Rating Number.
  3. Measure the depth and determine the type of bituminous base course. Establish and assign the Structural Co-efficient Rating Number.
  4. Measure the depth and determine the type of bituminous wearing course. Establish and assign the Structural Co-efficient Rating Number.
  5. Perform the "Gradation and/or Extraction" tests on bituminous materials when required.
  6. Calculate the "Construction Number" based on the results of the above referenced tests.
  7. Compare the "Construction Number" with the findings presented in the Highway Capacity Study to determine if sufficient strength exists to support the proposed traffic volumes and axle loads.

A Laboratory that has been certified by the State of Pennsylvania must perform all tests. The report verifying the Construction Number must be stamped and signed by the engineer.

- (3) North Fayette Township may require a Traffic Study and/or Structural Analysis for developments where the development does not exceed fifty (50) or more dwelling units, or 30,000 or more square feet of gross floor area of a building or buildings, or any development which according to the Institute of Transportation Engineers (ITE) standards will generate in excess of 450 trips per day, in cases where known deficient level of services based on Pennsylvania Department of Transportation and Township standards exist or engineering deficiencies exist in the area of the proposed development that would place a constraint on traffic volumes.
- (e) For all applications which propose one hundred (100) or more dwelling units or 100,000 or more square feet of gross floor area of a building or buildings, a report prepared by a registered engineer shall be submitted evaluating the impact of the development on existing off site public facilities and utilities, including but not limited to, storm sewers, water supply systems, parks and schools.

- (f) A landscaping plan showing compliance with all applicable buffer area and landscaping requirements of the Township Zoning Ordinance.
- (g) Nine (9) copies of a land development plan, as defined by this Ordinance, which includes the following information:
  - (1) The zoning classification of the area to be subdivided and/or developed.
  - (2) The proposed use, location, area, height and bulk of all existing and proposed structures and dimensions of all yards.
  - (3) The layout of parking area and a computation of the number of parking spaces to be provided.
  - (4) Patterns of pedestrian and vehicular circulation on the site, ingress, egress and circulation into and out of site.
  - (5) Location, size and specifications for private improvements such as curbs, sidewalks, driveways, parking areas, landscaping strips or planters, wheel-stops and the like.
  - (6) Location and specifications for lighting of parking areas and walkways.
  - (7) The location and types of proposed landscaping materials.
  - (8) Dates of preparation and dates of all revisions to the plan.
  - (9) Name of the registered architect, landscape architect or professional engineer who prepared the plan.

### **304 PRELIMINARY APPLICATION APPROVAL**

**304.1 Planning Commission Recommendation.** At the first regular meeting of the Planning Commission after the date of filing of a Preliminary Application, the Planning Commission shall either accept the application as properly filed or return the application to the applicant for resubmission if the application is incomplete or improperly filed. The acceptance of the application or return of the application by the Planning Commission shall be in writing. If the application is returned as incomplete, the written notice shall cite the specific requirements of the Ordinance which have not been met.

The date of the Planning Commission meeting at which the Preliminary Application is accepted as complete and properly filed shall be the official filing date of application and shall represent the beginning of the sixty (60) day period for Planning Commission review and action on the application.

The Township Engineer shall present a written report at the Planning Commission meeting which states whether an application complies with the requirements of the Ordinance and that report shall be included in the minutes at the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the report of the Township Engineer has been received.

Within sixty (60) days of the official date of filing of the Preliminary Application, the Planning Commission shall make a written recommendation to the Board of Supervisors for approval, approval with conditions or disapproval of the Preliminary Application. The Planning Commission shall not make its recommendation until the review has been received from the Allegheny County Planning Department or until thirty (30) days has passed since the date that the application was submitted to the County for review. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.

**304.2 Board of Supervisors Action.** Within ninety (90) days of the official date of filing of the Preliminary Application, the Board of Supervisors shall either approve, approve with conditions or disapprove the Preliminary Application at a public meeting. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Township Engineer shall be made a part of the record at the meeting.

A letter indicating approval, approval with the conditions or disapproval shall be sent to the applicant by regular mail within fifteen (15) days of the date of the decision. If the Preliminary Application is not approved, the Board of Supervisors shall specify the defects found in the Preliminary Application and cite the requirements of this Ordinance which have not been met.

**304.3 Conditional Approval.** If the Board of Supervisors determines that certain conditions are warranted to be attached to Preliminary Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 304.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Preliminary Approval by giving written notice to the Township Secretary within thirty (30) days of the date of the meeting of the Board of Supervisors at which Preliminary Approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to Preliminary Approval within the required thirty (30) days, Preliminary Approval shall automatically be rescinded without written notice to the applicant.

**304.4 Deemed Approval.** Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

**304.5 Expiration of Preliminary Approval.** Preliminary Approval shall expire five (5) years from the date of the grant of Preliminary Approval by the Board of Supervisors, unless a written extension is submitted by the applicant and approved by the Board of Supervisors. Any request for extension shall be submitted to the Board of Supervisors at least thirty (30) days prior to the prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by the Board of Supervisors that such extension is warranted.

In the case of a phased development, calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed by the applicant with the Preliminary Application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary or preliminary approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by the Board of Supervisors in its sole discretion.

### **305 FINAL APPLICATION SUBMISSION**

**305.1 General Procedure.** After a Preliminary Application has been approved by the Board of Supervisors, the developer may proceed by filing either of the following types of applications:

- (a) A final application without final plat approval, where upon required improvements are installed prior to a request for final plat approval; or
- (b) A final application, including final plat approval, together with the Completion Bond to guarantee proper installation of required improvements in the plan.

In either case, the applicant shall submit nine (9) copies of the Final Application to the Township, including the form provided by the Township, at least ten (10) working days prior to the regular meeting of the Planning Commission. A copy of the approved Preliminary Plan shall accompany the final application.

Upon receipt, the application shall be stamped with the date of receipt by the Township. Upon receipt, copies of the application shall be distributed to the Township Engineer, members of the Planning Commission and the Chairman of the Board of Supervisors.

**305.2 Final Application Including Final Plat Approval.** A Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 306 of this Ordinance, including the Application Fee, have been received.

**305.3 Final Application Without Final Plat Approval.** In the case of a Final Application which does not include final plat approval, the Completion Bond required by Section 306(e) shall not be required; however, all other materials required to complete a Final Application, including the Final Plat required by Section 306(g), shall be submitted. The application filing fee shall be submitted at the time of filing the final application without plat approval and additional application filing fees shall not be charged at the time of the request for final plat approval, if the request for final plat approval is submitted within twelve (12) months of the date of submission of the final application without plat approval. However, application review fees shall be charged both at the time of filing of the Final Application and at the time of submission of the Final Plat in accordance with the requirements of Section 801 of this Ordinance.

All applications for Final Approval of a subdivision and/or land development shall include the following:

- (a) Nine (9) copies of the completed application form supplied by the Township;
- (b) Application filing fee, as required by Section 801 of this Ordinance;
- (c) One (1) copy of the approved Preliminary Plat;
- (d) Construction Plans for public improvements prepared by a registered professional engineer drawn on sheets measuring twenty-four by thirty-six inches (24" x 36") showing the following:
  - (1) Conformity with the Design Standards specified in Article VI of this Ordinance and the Township Construction Standards;
  - (2) Street plan and profile of each street in the plan, including the terminus of all streets in the plan and any area beyond the limits of the plan where grading is proposed to construct the street. Street plan and profile drawings shall include all drainage easements over property, location of catch basins, inlets, manholes, headwalls and endwalls of the storm water system. Top and invert elevations shall be shown along with the pipe size. Profile of storm pipes shall show any crossing sanitary sewer lines and may be placed on a separate drawing. Lot lines and lot numbers shall be included in the street plan view.
  - (3) At least three (3) cross sections at intervals not to exceed one hundred (100) feet and extending fifty (50) feet on each side of the street centerline or twenty-five (25) feet outside of the street right of way, whichever is greater;
  - (4) Sanitary sewer plan and profile drawing which shall include lot lines and lot numbers on the plan view. The location of the sanitary sewers, manholes and location of each "Y" proposed for installation shall be shown. The grade line, distance and pipe size of each line shall be indicated on the plan and profile. The top and invert elevation of each manhole plus pipe invert grades at fifty foot (50') intervals shall be provided.
  - (5) All construction drawings shall be prepared according to accepted engineering and construction standards and in accordance with the standard sanitary and storm sewer details available from the Township.
- (e) Completion Bond to guarantee proper installation of public improvements as required by Section 310 of this Ordinance, except in the case of Final Applications without Final Plat Approval, as provided for in Section 305.3 of this Ordinance.

- (f) Final covenants and restrictions applicable to the plan, if any; and
- (g) Nine (9) copies of the Final Plat in accurate and final form for recording which clearly delineates the following:
  - (1) The name of the subdivision or land development.
  - (2) The name and address of the developer, and, if the developer is not the landowner, the name and address of the landowner.
  - (3) The name, address, certification and seal of the registered land surveyor who prepared the plat.
  - (4) The North point, graphic scale and date.
  - (5) Accurate boundary lines, with dimensions and bearings.
  - (6) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat.
  - (7) Lot numbers and dimensions.
  - (8) Final building lines.
  - (9) Easements for public improvements and any limitations on such easements.
  - (10) Dimensions and bearings of any property to be reserved for public, semipublic or community use.
  - (11) Street names.
  - (12) Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines which join these curves that are non-radial or non-tangential should be so noted.
  - (13) Street lines with accurate dimensions in feet and hundredths of feet.
  - (14) If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
  - (15) Location, type and size of all monuments and lot markers in accordance with the standards and requirements of Section 501 of this Ordinance and the County Planning Commission and in indication of whether they were found or set.
  - (16) Certification clauses required by the Allegheny County Subdivision and Land Development Regulations.

**307.1 Final Applications Including Final Plat Approval.** At the first regular meeting of the Planning Commission after the date of filing of a Final Application, the Planning Commission shall either accept the application as properly filed or return the application to the applicant for re-submission if the application is incomplete or improperly filed. The acceptance of the application or return of the application by the Planning Commission shall be in writing. If the application is returned as incomplete, the written notice shall cite the specific requirements of this Ordinance which have not been met.

The date of the Planning Commission meeting at which the Final Application is accepted as complete and properly filed shall be the official filing date for the application and shall represent the beginning of the thirty (30) day period for Planning Commission review and action on the application.

The Township Engineer shall present a written report at the Planning Commission meeting which states whether the application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the report of the Township Engineer has been received.

Within sixty (60) days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to the Board of Supervisors for approval or disapproval of the Final Application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Ordinance which have not been met.

Within ninety (90) days of the official date of filing of the application, the Board of Supervisors shall either approve, approve with conditions or disapprove the Final Application at a public meeting. The Planning Commission's recommendation and the Planning Commission minutes containing the report of the Township Engineer shall be made a part of the record at that meeting.

A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail within fifteen (15) days of the date of the decision. If the Final Application is not approved, the Board of Supervisors shall specify the defects in the Final Application and cite the requirements of this Ordinance which have not been met.

**307.2 Conditional Approval.** If the Board of Supervisors determines that certain conditions are warranted to be attached to Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 307.1 of this Ordinance. The applicant shall accept or reject the conditions attached to Final Approval either by giving written notice to the Township Secretary or by executing the Development Agreement required by Section 310 of this Ordinance within thirty (30) days of the date of the meeting of the Board of Supervisors at which Final Approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to Final Approval or execute the

Development Agreement within the required thirty (30) days, Final Approval shall automatically be rescinded without written notice to the applicant.

**307.3 Final Applications Without Final Plat Approval.** Final Applications Without Final Plat Approval shall be approved or disapproved in accordance with the procedures specified in Section 307.1 for Final Applications including Final Plat Approval. If the developer's Final Application Without Final Plat Approval has been approved and the developer has obtained all necessary permits and approvals from the Township and County, State or Federal agencies, if any are required, the developer may proceed to construct improvements as indicated in the Final Application seventy-two (72) hours after the developer has notified the Township Engineer by certified mail. The Township Engineer shall then authorize the Progress Inspections required by Section 401 of this Ordinance. The installation of all improvements shall be subject to the Progress inspections required by Section 401.

**307.4 Final Plat Approval After Completion of Improvements.** Upon completion of the improvements contained in the Final Application, the developer shall notify the Township, in writing, of the completion and shall submit five (5) copies of Final Plat, as required by Section 306(g) of this Ordinance, with the notice of completion. Within ten (10) days of the receipt of the notice of completion and submission of the Final Plat, the Board of Supervisors shall authorize the Township Engineer to inspect the improvements and review the Final Plat to determine whether the Final Plat is in conformance with the previously approved Final Application and all applicable requirements of this Ordinance and whether the proper officers of the Township can affix their signatures to the Final Plat for recording purposes.

Within thirty (30) days of receiving such authorization, the Township Engineer shall report to the Board of Supervisors, in writing, whether the completed improvements comply with the requirements of this Ordinance and the Township Construction Standards and whether the Final Plat complies with all applicable requirements of this Ordinance. The Township Engineer's report shall indicate approval or rejection of the improvements, either in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.

Within forty-five (45) days of receipt of the notice of completion of improvements, the Board of Supervisors shall notify the developer, in writing, by certified or registered mail, of the approval or rejection of the improvements. Acceptance of the improvements shall be in accordance with the requirements of Section 405 of this Ordinance and shall be further subject to the posting of the Maintenance Bond required by Section 406 of this Ordinance.

Within forty-five (45) days of the submission of the Final Plat, the Board of Supervisors shall either approve or disapprove the Final Plat for recording purposes at a public meeting. The Township Engineer's written report shall be made a part of the record at the meeting. A letter indicating approval or disapproval shall be sent to the developer by regular mail within fifteen (15) days of the date of the decision. If the Final Plat is not approved, the Board of Supervisors shall specify the defects found in the Final Plat and shall cite the requirements of this Ordinance, which have not been met.

**307.5 Deemed Approval.** Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner prescribed by this Ordinance shall be deemed an approval of the application in the terms as presented, unless the applicant had agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

**307.6 Phased Approval.** In the case where development of a subdivision or land development is projected over a period of years, the Township authorizes submission of Final Applications by section or phases of development, subject to such requirements or guarantees for public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.

All sections or phases shall conform to the Preliminary Application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the Preliminary Application shall require complete resubmission of the Preliminary Application in accordance with Sections 302, 303 and 304 of this Ordinance.

## **SECTION 308 THE MEDIATION OPTION**

The Township Supervisors may offer the mediation option as an aid in completing the proceedings authorized by this Article. Mediation shall supplement, not replace, those procedures in this Article once they have been formally initiated. Nothing in this Section shall be interpreted as expanding or limiting Township police powers or as modifying any principles of substantive law.

Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. In offering the mediation option, the Board of Supervisors shall assure that in each case, the mediating parties, assisted by the mediator as appropriate, develop terms and conditions for:

- (a) Funding mediation.
- (b) Selecting a mediator who, at a minimum, shall have a working knowledge of Municipal Zoning and Subdivision procedures and demonstrated skills in mediation.
- (c) Completing mediation, including time limits for such completion.
- (d) Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247, as amended), provided there is written consent by the mediating parties, and by an applicant or the Board of Supervisors, if either is not a party to the mediation.
- (e) Identifying all parties and affording them the opportunity to participate.

- (f) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- (g) Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Board of Supervisors pursuant to the procedures for approval set fourth in this Article.

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

### **SECTION 309            RESOLUTION INDICATING APPROVAL**

When requested by the developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a Resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The Final Plat shall not be signed nor recorded until the Completion Bond and Development Agreement is executed. The Resolution shall expire and be deemed to be revoked if the Completion Bond and Development Agreement is not executed within ninety (90) days, unless a written extension is granted by the Board of Supervisors. Such extension shall not be unreasonable withheld and shall be placed in writing at the request of the developer.

### **SECTION 310            POSTING OF COMPLETION BOND**

In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a Completion Bond, as defined by this Ordinance, in favor of the Township, in an amount equal to one hundred and ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the Completion Bond by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90<sup>th</sup> day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the Completion Bond equals said 110%. Any additional security shall be posted by the developer in accordance with this Subsection.

The amount of the Completion Bond required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant of developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another engineer and chosen mutually by the Township and the applicant or developer. The estimate certified by the third engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the applicant or developer.

If the party posting the Completion Bond requires more than one (1) year from the date of posting of the Completion Bond to complete the required improvements, the amount of the Completion Bond may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of the Completion Bond or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the preceding one-year period by using the above procedure.

### **311 DEVELOPMENT AGREEMENT**

As a condition of granting Final Approval of a subdivision or land development that requires the installation of public improvements or to which conditions are attached to the grant of Final Approval, the Board of Supervisors shall require that the developer execute a Development Agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably to guarantee the proper installation of on-site and off-site improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.

Said agreement shall be executed, the required Completion Bond shall be posted and all required fees shall be paid before the Township Secretary shall affix his or her signature and the Township Seal to the Final Plat for recording purposes.

### **312 RECORDING OF FINAL PLAT**

Upon approval of a Final Plat by the Township, the developer shall, within ninety (90) days of such Final Approval, record such plat in the Office of the Allegheny County Recorder of Deeds.

In the event that the plan has not been recorded within the required ninety (90) days, the Township Secretary is authorized to reinstate the Township's approval for recording, provided there are no changes in the subdivision or land development plan previously granted approval and all the requirements of this Ordinance regarding posting of a Completion Bond and execution of a Development Agreement have been met and, further, provided the plan is submitted for reinstatement of approval within ninety (90) days following the expiration of the original ninety (90) days from the date of Final Approval. Any request for Final Approval which is submitted after one hundred eighty (180) days from the date of the original granting of Final Approval shall be required to resubmit an application for Final Approval in conformance with the requirements of Sections 306 through 312 of this Ordinance.

### **313 FILING OF COPIES**

Upon recording of the Final Plat in the Office of the County Recorder of Deeds, the developer shall deliver to the Township a mylar and one (1) paper print of the plat as recorded, containing all required signatures and dates of approval.

## **ARTICLE IV**

### **INSPECTION AND ACCEPTANCE OF IMPROVEMENTS**

#### **401            PROGRESS INSPECTIONS**

The developer shall notify the Inspector at least seventy-two (72) hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer shall notify the Inspector at least seventy-two (72) hours prior to the time that the following required progress inspections are desired:

- (a)    Inspection of sub-grade of streets prior to laying of base;
- (b)    Inspection of base prior to final paving of streets; and
- (c)    Inspection on installation of water lines, sanitary sewer lines, storm sewers and drainage facilities before they are covered.

At the Township Engineer's discretion, an Inspector may be required to be present at the site on a continual basis while work is in progress. The cost of providing a full-time or part-time inspector shall be charged to the developer in accordance with Section 801.3 of this Ordinance.

The Inspector shall maintain a daily log of all inspections. The log shall be kept in a survey field book and shall be turned over to the Township Engineer upon completion of the project.

#### **402            NOTICE OF COMPLETION**

When the developer has completed the required public improvements in a plan, the developer shall notify the Township, in writing, by certified or registered mail. Within ten (10) days of the receipt of such notification, the Board of Supervisors shall authorize the Township Engineer to conduct a final inspection of the public improvements in the plan to determine compliance with the Design Standards specified in Article VI of this Ordinance and the Township Construction Standards.

#### **403            FILING OF AS-BUILT PLANS**

Upon completion of the public improvements in a plan, "as-built" plans and profiles of the public improvements, as constructed, shall be filed with the Township by the developer within ten (10) days of the mailing of the Notice of Completion. A sepia and print of each "as-built" drawing shall be submitted. "As-built" plans and profiles shall be marked "as-built" and shall contain the final grade of all sanitary and storm sewers and appurtenances. Horizontal angles between sanitary sewer manholes shall be shown.

**404.1 Township Engineer's Report.** Upon authorization by the Board of Supervisors, the Township Engineer shall perform a final inspection of the public improvements in the plan. Within thirty (30) days of receiving the authorization by the Board of Supervisors, the Township Engineer shall file a report, in writing, with the Board of Supervisors indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The Township Engineer shall promptly mail a copy of said report to the developer by certified or registered mail.

**404.2 Notification of Developer by the Board of Supervisors.** The Board of Supervisors shall notify the developer, in writing, by certified mail, within fifteen (15) days of receipt of the Township Engineer's report, of the action of the Board of Supervisors with relation to approval or rejection of the public improvements.

**404.3 Failure of Township Comply.** If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained in the Article, all public improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the Completion Bond posted with the Township.

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

**404.5 Developer's Rights.** Nothing in this Article, however, shall be constructed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

**404.6 Release of Completion Bond.** Upon approval of all of the public improvements in the plan, the developer shall be released from any liability pursuant to the Completion Bond posted to guarantee the proper installation of those improvements.

From time to time, during the installation of the public improvements, the developer may request partial release of the Completion Bond in an amount necessary for payment of contractors performing the work. Any such request shall be in writing and shall be addressed to the Board of Supervisors. The Board of Supervisors shall have forty-five (45) days from the receipt of such request to allow the Township Engineer to certify, in writing, that such portion of the installation of public improvements has been completed in accordance with the requirements of this Ordinance and the approved Final Plat.

Upon such certification by the Township Engineer, the Board of Supervisors shall authorize release of an amount as estimated by the Township Engineer, which fairly represents the value of the improvements completed. The Board of Supervisors shall require retention of ten percent (10%) of the estimated cost of such improvements until such time as all improvements have been installed and the Completion Bond is released in its entirety.

**405                    ACCEPTANCE OF PUBLIC IMPROVEMENTS**

Upon completion of the final inspection and approval of the public improvements, the developer shall submit a request to the Board of Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall be submitted at least ten (10) days prior to the regular meeting of the Board of Supervisors. At the regular meeting, the Board of Supervisors shall enact and Ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the Maintenance Bond required by Section 406 of this Ordinance.

No property or public improvements shown on a Final Plat shall be considered to have been finally accepted by the Township until the dedication thereof has been officially accepted by adoption of an Ordinance of the Township, duly enacted and advertised in accordance with law.

**406                    POSTING OF MAINTENANCE BOND**

When the Board of Supervisors accepts the dedication of all or some of the required public improvements in a plan, following their completion, the Board of Supervisors shall require the posting of a Maintenance Bond, as defined by this Ordinance, to insure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with the Design Standards of Article VI, the Township Constructions Standards and the specifications of the Final Plat.

The term of Maintenance Bond shall be for a period of eighteen (18) months from the date of the acceptance of the public improvements by the Board of Supervisors. The amount of the Maintenance Bond shall be fifteen percent (15%) of the actual cost of installation of the public improvements.

**407                    REMEDIES TO EFFECT COMPLETION OF PUBLIC IMPROVEMENTS**

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

## ARTICLE V

### REQUIRED IMPROVEMENTS

#### **501 SURVEY MONUMENTS, BENCH MARKS AND LOT PINS**

Permanent concrete or durable stone monuments thirty (30) inches by six (6) inches shall be set at all boundary corners, angle points of boundary and such intermediate points as may be required. Bench marks shall be placed on all monuments in the streets based on the U.S. Coast and Geodetic Sandy Hook Datum. All lot corners shall be staked and plainly marked with oak or metal pins, where feasible.

The installation and certification shall be made by a registered surveyor prior to the approval of the subdivision. In lieu of such prior installation, the applicant shall furnish a cash deposit in the form of a certified check to guarantee the proper installation of the required monuments and bench marks. The refundable deposit shall be in the amount of two hundred dollars (\$200) per required survey monument.

The location and tie-in dimensions of all monuments shall be shown on the plan for recording. No public improvements shall be accepted by the Township until all monuments have been set and certified to by a Registered Surveyor.

#### **502 UTILITIES**

Each lot shall be served by public water and public sanitary sewers or an private system approved by the Pennsylvania Department of Environmental Resources (DER) and the developer shall be responsible for obtaining all necessary approvals and entering into a Developer's Agreement with the Western Allegheny County Municipal Authority or its assigns to provide such facilities in accordance with its rules and regulations.

Storm sewers and drainage facilities shall be provided by the developer in each plan shall be constructed in accordance with the Design Standards of Article VI and the Township Construction Standards. If required by Section 608 of this Ordinance, Stormwater Management facilities shall be constructed in accordance with the Township's requirements.

The developer shall be responsible for contracting with private utility companies and for providing any easements required by those utility companies to guarantee that each lot shall be served by telephone, gas and/or electricity and cable TV.

All telephone, gas, electric and cable TV lines shall be installed underground in any subdivision which consist of five (5) or more lots, in any multifamily development which contains five (5) or more dwelling units and in any non-residential land development in excess of ten (10) acres. The design standards for such lines shall be in accordance with the specifications of the applicable regulatory agency. All installations shall be made prior to paving of the street.

**503            STREETS**

Each lot shall have frontage on a public street as defined by this Ordinance, which is constructed in accordance with the Design Standards of Article VI and the Township Construction Standards, unless an exception or modification to this requirement is granted in accordance with the provisions of Article VII of this Ordinance.

**504            SIDEWALKS**

Sidewalks shall be required to be installed under the following circumstances:

- (a)    Where sidewalks exist in the same block on the same side of the street;
- (b)    Along the full frontage of lots located on the arterial or collector streets as defined by this Ordinance;
- (c)    Along local streets within all residential subdivisions;
- (d)    Within a land development plan proposed to be developed for multifamily residences; and
- (e)    Within a land development plan proposed to be developed for commercial or industrial use where, in the opinion of the Planning Commission, sidewalks will be necessary for safe pedestrian circulation within the site.

Sidewalks shall be installed in accordance with the Design Standards of Article VI of this Ordinance, the Township Construction Standards and North Fayette Township Ordinance No. 193 and Ordinance No. 311.

**505            STREET LIGHTS**

For the safety and convenience of the public, the developer shall install lighting of the following types approved by the Township and on poles prescribed by the Township on all public and private streets. On arterial and collector streets, Allegheny Power cobra head high pressure sodium vapor fixtures shall be installed. In addition, Allegheny Power colonial post top high pressure sodium luminaries or other approved fixtures shall be installed at intersections of local streets and at other locations where the Planning Commission, upon recommendation of the Township Engineer, determines street lighting is necessary for public safety.

**506 YARD LAMPS**

On local streets, yard lamps shall be installed on each residential lot on poles outside the public right of way located fifteen (15) feet from the inside edge of the curb. One (1) yard lamp shall be required for each lot, except that lots which have frontage on more than one (1) street shall provide a yard lamp on each street frontage. Yard lamps shall be individually owned and maintained and shall be designed to include photoelectric cells and no switches.

**507 STREET SIGNS**

The developer shall install street name signs, approved by the Township, at all street intersections. The cost of the street signs and posts shall be assumed by the developer. Street signs shall be installed in accordance with the Township Standards.

**508 PEDESTRIAN WALKWAYS**

In addition to sidewalks, pedestrian walkways may be required within a land development to provide access to community facilities, to link major developments or to provide a connection between the development and adjacent recreational areas or open space. If walkways are required, they shall be located to maximize pedestrian safety and convenience and to minimize contacts with vehicular traffic, with street crossings being held to a minimum.

## ARTICLE VI

### DESIGN STANDARDS

#### 601 APPLICABILITY

Any application for development shall conform to the standards set forth in this Article. The standards specified in this Article are minimum design requirements.

#### 602 REVIEW BY TOWNSHIP ENGINEER

In reviewing any application for development, the Planning Commission and the Board of Supervisors shall refer the application for development to the Township Engineer for a recommendation concerning technical compliance with these Design Standards and Construction Standards referred to in Article IV.

#### 603 SITE DEVELOPMENT

**603.1 Grading, Filling, Removal of Topsoil, Erosion and Sedimentation Control.** All grading, filling, removal of topsoil and erosion and sedimentation control shall be performed in accordance with the requirements of the Township Grading Ordinance No. 194.

**603.2 Planting and Cutting of Trees; Removal of Debris.** Large shade trees should be adequately protected from injury and preserved to the extent practical.

All lot areas which slope towards streets or adjacent lots shall be required to be seeded with grass or planted with ground cover so as to prevent washing and erosion.

During construction, the developer shall remove and dispose of all uprooted trees, stumps, brush, rubbish, unused building materials and debris promptly in the interest of public safety.

**603.3 Flood-Prone Areas.** Land identified as flood-prone on maps issued by the Federal Insurance Administration shall be subject to the regulations of the National Flood Insurance Program and shall comply with the provisions of Township Ordinance No. 170.

#### 604 STREETS

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

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

**604.3 Grading.** The shoulders shall be graded to six feet (6') behind the curb and provisions shall be made for protection of slopes beyond the right of way.

**604.4 Street Grades.** Minimum and maximum grades shall be provided on all streets in accordance with the Design Standards specified in Appendix I. Grades shall be measured along the centerline of the street. Vertical curves shall be used in changes of grade exceeding one percent (1%) and should be designed in accordance with the Design Standards specified in Appendix I. Intersections shall be approached on all sides by leveling grades for a distance of twenty-five (25) feet within which no grades shall exceed the Design Standards specified in Appendix I. The grade of actual intersections shall not exceed six percent (6%) in any direction.

**604.5 Right of Way and Paving Widths.** Minimum widths of rights of way and minimum widths of paving shall be provided in accordance with the Design Standards specified in Appendix I. All streets shall be paved in accordance with Township Construction Standards.

**604.6 Cul-de-Sacs.** A cul-de-sac will not be approved when a through street is practical and shall not be more than six hundred (600) feet in length, unless a modification or exception to this requirement is granted under Article VII of this Ordinance. A cul-de-sac should have a minimum right of way radius; an outer minimum paving radius; a minimum paved cartway and minimum center island as specified in the Design Standards in Appendix I.

**604.7 Temporary Turn-a-rounds.** A temporary turn-a-round may be required where a road is constructed to an adjoining property line or where the terminus of a road adjoins property in a future phase of the plan. The right of way width required for a temporary turn-a-round shall be a minimum of sixty (60) feet and the outer paving radius of the temporary turn-a-round shall be thirty (30) feet.

**604.8 Visibility.** No fence, hedges, shrubbery, walls, planting (other than trees and grass) or similar obstructions shall be located within the right of way and no such obstruction shall obscure visibility at any intersection. A clear sight triangle, as defined by this Ordinance, shall be maintained free of any obstructions at intersections so that there shall be a minimum clear sight triangle measured along the centerline from the points of intersection in accordance with the requirements specified in Appendix I. The clear sight triangle shall be shown on the final plat for recording.

**604.9 Street Names.** All new street names shall be approved by the Township. Names of new streets shall be sufficiently different in sound and spelling from existing names of streets in the Township so as not to cause confusion. A street which is planned as a continuation of an existing street shall bear the same name. Street signs shall be provided in accordance with Section 506 of this Ordinance.

**604.10 Sidewalks.** The width of sidewalks shall conform to the standards specified in Appendix I. Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exists, shall be located a minimum of four (4) feet from the edge of any curb or paving. Sidewalks shall be constructed in accordance with Township Construction Standards and Township Ordinance No. 193 and Ordinance No. 311.

**604.11 Pedestrian Walkways.** Pedestrian walkways, if required, shall be constructed of an all-weather, durable hard surface approved by the Township.

## **605 SERVICE STREETS**

Service streets, as defined by this Ordinance, shall not be permitted in residential developments, but may be provided in commercial and industrial developments where needed for loading, unloading or secondary access. Service streets shall be constructed in accordance with Township Construction Standards and shall meet the minimum design standards shown in Appendix I for local streets.

## **606 EASEMENTS**

Easements for sanitary sewers, water lines and storm water management facilities shall be required to have a minimum width of twenty (20) feet. Where a subdivision or land development is, or will be, traversed by a watercourse, there shall be provided a storm water easement or drainage right of way of a width sufficient for the purpose, but not less than twenty (20) feet.

## **607 LOTS**

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

**607.1 Area.** Minimum lot areas shall conform to the requirements of the Township Zoning Ordinance.

**607.2 Frontage.** All lots created by a subdivision shall have frontage along the right of way of a public street and the width of the frontage shall conform to the requirements of the Township Zoning Ordinance.

**607.3 Double Frontage.** Double frontage lots shall be avoided; however, where a double frontage lot is only practical alternative, vehicular access shall be limited to only one (1) street and that street shall be the street with the lower volume of traffic, if physically feasible. The final plan shall contain a notation restricting vehicular access to one (1) frontage.

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

**607.5 Building Lines.** Building lines of lots shall conform to the minimum requirements of the Township Zoning Ordinance and shall be shown on the Final Plat.

**607.6 Grading.** Lots shall be graded to provide drainage away from buildings and, where practical, water shall be drained to the street rather than to adjoining property. The developer shall be required to provide drains or other drainage facilities, as approved by the Township Engineer, to drain off surface water within the development.

**607.7 Driveways.** Driveways serving single family and two (2) family dwellings are not required to be paved; however, in lieu of paving, the driveway shall have a covering of slag or stone at least two (2) inches thick for a distance of thirty (30) feet from the right of way of the street. All other driveways shall be paved in accordance with the Township Construction Standards and/or the Pennsylvania Department of Transportation Design Manual, Part 2, Chapter 18. Paved driveways shall have a joint at the public street right of way.

No driveway shall have a slope of more than fifteen percent (15%). Driveways may extend from the right of way line of the street to the cartway of the street, but shall not change the grade or contour of the street right of way, nor shall any person cut into, fill, or in any way alter any gutter, curbing, drainage ditch or storm sewer, within the right of way of a street or easement for the purpose of extending a driveway; or for any other purpose without first obtaining a permit therefor from the Township.

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

**607.9 House Numbers.** House numbers shall be assigned by the developer, subject to the approval of the U.S. Postal Service, and shall be posted at each house so as to be easily visible and readable for the street.

## **608 STORM WATER MANAGEMENT**

Storm water management facilities shall be provided for subdivisions and land developments as required by existing ordinances of the Township of North Fayette as now or hereinafter adopted or amended.

## **609 STORM SEWERS AND DRAINAGE FACILITIES**

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

**609.2 Manholes.** For pipe sizes of twenty-four (24) inches or less, manholes shall be spaced at a maximum of four hundred (400) feet and for larger pipe sizes, the maximum distances between manholes shall be six hundred (600) feet. In addition, manholes shall be installed at all points of abrupt changes in horizontal alignment and vertical grade. Inlets may be substituted for manholes where practical.

**609.3 Inlets.** Inlets of the type shown in the Township Construction Standards shall be installed. Inlets at street intersections shall be placed on the tangent and not on the curved portions.

**609.4 Castings.** Manholes and inlet castings shall be as indicated in the Township Construction Standards.

**609.5 Storm Water Roof Drains.** Stormwater roof drains shall be connected directly to underground pipes which shall flow into an approved storm drainage system. This storm drainage system shall not include dry wells or stumps. All pipe from roof drains shall be a minimum four inch (4") Schedule 40 ABS, PVC or SDR 35 pipe. Four inch (4") Schedule PVC or ABS pipe is required for a distance of five feet (5') from the foundation of the dwelling.

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

**609.7 Water Courses.** Open water courses shall not be permitted within the rights of way of streets. The stopping, filling up, confining or other interference with, or changing the course of, drains, ditches, streams and water courses in the Township shall not be permitted unless approval in writing is obtained from the Board of Supervisors. A permit must be obtained from the Department of Environmental Resource (DER) of the Commonwealth of Pennsylvania for construction or changes in a water course subject to the regulations of the Pennsylvania Department of Environmental Resources.

**609.8 Bridges and Culverts.** All bridges and culverts shall be designed to support expected loads and to carry expected flows and shall be designed to meet current standards of the Pennsylvania Department of Transportation. All bridges and culverts shall be subject to all permits required by the Pennsylvania Department of Environmental Resources, Bureau of Dams and Encroachments.

## **610 SANITARY SEWERS**

**610.1 Installation.** Installation of sanitary sewers and appurtenances shall be in accordance with the Township Sanitary Sewer Standards, subject to the approval of the Township Engineer. All utility stubs shall be extended to the street right of way line.

**610.2 Minimum Size and Grade.** The minimum diameter of sanitary sewer shall be eight (8) inches and the minimum grade shall be 0.5 percent.

**610.3 Laterals.** Lateral connections, where required, shall be installed to the right of way line of the street prior to road paving. Each building shall have a separate connection to the Township Sewer, except that garages accessory to dwellings may be connected to the dwelling line.

## **611 TESTING**

All sanitary sewer lines shall be lamped and air tested by the developer in the presence of the Township Engineer or Inspector. Air tests shall be conducted in accordance with the specifications established by the Township Engineer.

All construction materials used in sewers, streets, sidewalks and other required improvements shall be tested by a qualified testing laboratory, if required by the Township Engineer. The cost for such tests shall be borne by the developer.

## **ARTICLE VII**

### **WAIVERS AND MODIFICATIONS**

#### **701 WAIVERS FOR MINOR SUBDIVISIONS**

In the case of minor subdivisions, as defined by this Ordinance, a Preliminary Application and filing fee as required by Sections 302 and 303 of this Ordinance shall not be required, provided that the requirements for submission of a Final Application specified in Sections 305 and 306 of this Ordinance are met.

In the case of minor subdivisions, as defined by this Ordinance, Preliminary Approval shall be combined with Final Approval and the procedure for granting approval shall comply with the provisions of Section 307 of this Ordinance.

In the case of a minor subdivision which is created from a large parcel which is capable of being further subdivided, the waiver for a minor subdivision provided by this Section shall apply only once. Any further subdivision of the tract, regardless of the number of lots, shall be subject to all requirements of this Ordinance governing subdivisions.

#### **702 WAIVERS FOR OTHER SMALL SUBDIVISIONS**

In other subdivisions which exceed the number of lots specified in the definition of minor subdivision, but which meet all other aspects of the definition of minor subdivision, and where all adjoining property is recorded in a plan of subdivision, the Planning Commission may exempt the applicant from complying with some of the requirements of Sections 303 and 306 regarding application content, if warranted. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this Section shall submit a written request when submitting an application for Preliminary Approval. The Planning Commission, may grant a waiver to any of the application requirements of Sections 303 and 306 of this Ordinance, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable County or State law or regulation. In the event that the Planning Commission does not grant a waiver of the application requirements, the application shall be considered incomplete and the Commission shall return the application for resubmission and compliance with all requirements of Sections 303 and 306 of this Ordinance.

#### **703 WAIVERS FOR SINGLE LOT LAND DEVELOPMENTS**

In the case of Single Lot Land Developments, as defined by this Ordinance, which proposes no changes in lot lines, easements or right of way shown on the previously recorded lot or lots on which the land development is proposed, the requirement to submit a Final Application required by Section 306 of this Ordinance shall be waived, provided the applicant submits all the information required by Sections 303.1 and 303.2 of this Ordinance. The Planning Commission, may grant a waiver to any of the application requirements of Section 303.1 and 303.2 of this Ordinance, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable County or State law or regulation.

**703****WAIVERS FOR SINGLE LOT LAND DEVELOPMENTS**

(Continued from Page 36)

Preliminary and Final Approval shall be combined and the procedure specified for approval of a Preliminary Application shall be applied to the application. The application shall be subject to all applicable requirements of Sections 308 through 311 of this Ordinance. Sections 312 and 313 of this Ordinance governing recording and filing of recorded plans shall not apply, if the application proposes no changes in lot lines, easements or rights of way shown on the previously recorded lot or lots.

In the case of a Land Development Plan, as defined herein, which proposes a single non-residential building or structure on a lot or lots which have not been recorded as part of a plan of subdivision in this Office of the Allegheny County Recorder of Deeds, the lot or lots on which the land development is proposed shall be approved for recording in accordance with the requirements of this Ordinance for Preliminary and Final Plats; however, the requirement for recording the location of the building or structure or any private improvements proposed on the lot or lots is waived.

**704****MODIFICATIONS IN CASES OF PHYSICAL HARDSHIP**

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Ordinance would cause practical difficulty or exceptional and undue hardship, the Board of Supervisors may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Ordinance of the desirable general development of the neighborhood and the community in accordance with the Township's Comprehensive Plan.

**705****MODIFICATIONS TO ALLOW EQUAL OR BETTER SPECIFICATIONS**

When, an equal or better specification is available to comply with the Township Construction Standards or Design Standards of this Ordinance, the Board of Supervisors may make such reasonable modifications to such requirements of this Ordinance to allow the use of the equal or better specification, upon recommendation of the Township Engineer, provided such modification will not be contrary to the public interest. In approving such modification, the Board of Supervisors may attach any reasonable conditions which may be necessary to assure adequate public improvements and protect the public and public safety.

Any request for a modification to this Ordinance authorized by this Article shall be submitted in writing by the applicant as part of the application for approval of a preliminary or Final Application, stating the specific requirements of this Ordinance which are to be modified and the reasons and justifications for the request.

The request for a modification to this Ordinance shall be considered by the Board of Supervisors at a public meeting. If warranted, the Board of Supervisors may hold a public hearing pursuant to public notice prior to making decision on the request for a modification.

If the Planning Commission has not made a recommendation on the request for modification, the Board of Supervisors may refer the request to the Planning Commission for a recommendation. In all cases where the Planning Commission has made a recommendation on the request, the recommendation shall be entered into the official record of the meeting. The reasons relied upon by the Board of Supervisors in approving or disapproving the request also shall be entered into the minutes of the meeting and any Resolution or Ordinance adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or disapproval.

## ARTICLE VIII

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 801 APPLICATION REVIEW AND INSPECTION FEES

**801.1 Application Filing Fees.** Application filing fees shall be established, from time to time, by Resolution of the Board of Supervisors. The application filing fees shall cover the administrative costs, exclusive of reimbursable review fees of professional consultants as provided hereinafter, associated with processing an application for approval of a subdivision, PRD, or other land development and shall be payable to the Township at the time of submission of the application.

**801.2 Application Review Fees.** Applicants shall reimburse the Township as provided hereinafter for all Application Review Fees incurred by the Township by its Professional Consultants. Application review fees shall include reasonable and necessary charges by the Township's Professional Consultants for review and report on the application to the Township. Such review fees shall be based upon a schedule established from time to time by Resolution of the Board of Supervisors. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by such Professional Consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Professional Consultants to the Township when fees are not reimbursed or otherwise imposed on applicants. (Fees charged to the municipality relating to any appeal of a decision on an application shall not be considered review fees and may not be charged to an applicant.) The Board of Supervisors may, from time to time by Resolution, also establish escrow or other security requirements for professional review fees, in which event such escrow accounts or other security arrangements shall be established or put in place at the time of submission of the application in accordance with such Resolution, Interim and final Review Fees shall be invoiced and paid, and disputed invoices resolved, in accordance with the procedures set forth in this Section 801.

**801.2(a) Procedures for Invoicing and Payment of Application Review Fees.** The Township's Professional Consultants shall issue to the Township on a monthly basis or at such other interval as required by the Township an itemized invoice reflecting solely work performed on the application being reviewed by it, which itemized bill shall show the work performed and shall identify the person performing the services and the time and date spent for each task.

The Township shall forward said itemized bill(s) to the applicant either as interim bill(s) or at its discretion as part of a final bill as provided hereinafter. All interim and final invoices for application review fees shall be due and payable by applicant to the Township within thirty (30) days of transmittal by the Township.

Subsequent to a decision on an application (tentative/preliminary or final decision), whether or not interim bills have been issued, the Township shall submit to the applicant an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If for any reason additional review is required subsequent to the decision, including inspections and other work to satisfy the

conditions of the approval, the review fees shall be charged to the applicant as a supplement to the final bill.

**801.2(b) Applicant Disputes Regarding Invoices for Application Review Fees.** In the event the applicant disputes the amount of any such review fees invoice or part thereof, the applicant shall, no later than 45 days after the date of transmittal of the invoice to the applicant, notify the municipality and the municipality's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a subdivision or land development application due to the applicant's dispute over fees. However, all undisputed invoices or parts thereof shall be paid by the due date regardless of the submission of a dispute as to the remainder of any invoice. Failure of the applicant to dispute a bill within 45 days shall be a waiver of the applicant's right to arbitration of that bill or any undisputed portion thereof. Failure of applicant to dispute any item contained in any interim bill within 45 days of transmittal shall constitute a waiver of applicant's right to include same as part of a dispute raised for the first time in response to any subsequent invoice or to the Final Bill. To the extent that the applicant has submitted escrow or other security to the Township, the Township may secure payment from same on the forty-sixth (46<sup>th</sup>) day following transmittal of any invoice or part thereof concerning which no timely payment has been remitted or dispute submitted pursuant to this Section.

In the event that applicant shall have given timely notice of a dispute as provided hereunder and the municipality's professional consultant and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant shall have the right, within 45 days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator, in which case the applicant and the municipality and the Township's professional consultant shall follow the procedures for dispute resolution set forth in Section 801.4 hereof, provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

**801.3 Inspection Fees.** The applicant shall reimburse the municipality for the reasonable and necessary expense incurred in connection with the inspection of improvements, as provided hereinafter. The applicant shall not be required to reimburse the governing body for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting applicant. Such reimbursement shall be based upon a schedule established by Resolution of the Board of Supervisors. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the municipality's professional consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the professional consultant to the municipality for comparable services when fees are not reimbursed or otherwise imposed on applicants. The Board of Supervisors may, from time to time by Resolution, also establish escrow or other security requirements for inspection fees, in which event such escrow accounts or other security arrangements shall be deposited or put in place before any permits are issued to commence any work on the land development in accordance with such Resolution. Interim and final Inspection Fees shall be invoiced and paid, and disputed invoices resolved, in accordance with the procedures set forth in Sections 801.3 and 801.4 hereof.

**801.3(a) Invoices and Payment of Inspection fees.** The Township's Professional Consultants shall issue to the Township on a monthly basis or at such other interval as required by the Township an itemized invoice reflecting solely work performed in connection with the inspection of improvements performed, which itemized bill shall show the work performed and shall identify the person performing the services and the time and date spent for each task.

The Township shall forward said itemized bill(s) to the applicant either as interim bill(s) or at its discretion as part of a final bill as provided hereinafter. All interim and final invoices for inspection fees shall be due and payable by applicant to the Township within thirty (30) days of transmittal by the Township.

**801.3(b) Applicant Disputes Regarding Interim Invoices for Inspection Fees.** In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, including any interim invoices, the applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the municipality and the municipality's professional consultant that such inspection expenses are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute a bill within 30 days shall be a waiver of the applicant's right to arbitration of that bill under this section. Failure of applicant to dispute any item contained in any interim bill within 30 days of transmittal shall constitute a waiver of applicant's right to include same as part of a dispute raised for the first time in response any subsequent invoice or to the Final Bill. To the extent that the applicant has submitted escrow or other security to the Township, the township may secure payment from same on the thirty-first (31<sup>st</sup>) day following transmittal of any invoice or part thereof concerning which no timely payment has been remitted or dispute submitted pursuant to this Section.

**801.3(c) Final Invoices for Inspection Fees.** Subsequent to the final release of financial security for completion of improvements for a subdivision or land development, or any phase thereof, the professional consultant shall submit to the governing body a bill for inspection services, specifically designated as a final bill. The final bill shall include inspection fees incurred through the release of financial security.

**801.3(d) Disputes Regarding Final Invoices for Inspection Fees.** In the event the applicant disputes the amount of any such expense in connection with the final bill for inspection of improvements, the applicant shall, no later than 30 days after the date of transmittal of the final bill for inspection services, notify the municipality and the municipality's professional consultant that such inspection expenses or part thereof are disputed as unreasonable or unnecessary and shall explain the basis of their objections to the fees charged, in which case the municipality shall not delay or disapprove a request for release of financial security, a subdivision or land development application or any approval or permit related to development due to the applicant's dispute of inspection expenses. Failure of the applicant to dispute the final bill or any portion thereof within 30 days shall be a waiver of the applicant's right to arbitration of that bill under this section. If the professional consultant and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant shall have the right, within 45

days of the transmittal of the final bill or supplement to the final bill to the applicant, to request the appointment of another professional consultant to serve as an arbitrator.

**801.4 Resolution of Disputes; Arbitration.** In the event that the Applicant raises a timely dispute hereunder to any interim invoice or final bill for Review Fees or interim invoice or final bill for Inspection fees, and provided that applicant further makes timely request for the appointment of another professional consultant to serve as an arbitrator, then the applicant and professional consultant whose fees are being challenged shall, by mutual agreement, appoint another professional consultant to review any bills the applicant has disputed and which remain unresolved and make a determination as to the amount thereof which is reasonable and necessary. The arbitrator shall be of the same profession as the professional consultant whose fees are being challenged.

The arbitrator so appointed shall hear such evidence and review such documentation as the arbitrator in his or her sole opinion deems necessary and shall render a decision no later than 50 days after the date of appointment. Based on the decision of the arbitrator, the applicant or the professional consultant whose fees were challenged shall be required to pay any amounts necessary to implement the decision within 60 days of the decision. In the event the municipality has paid the professional consultant an amount in excess of the amount determined to be reasonable and necessary, the professional consultant shall within 60 days reimburse the excess payment.

In the event that the municipality's professional consultant and applicant cannot agree upon the arbitrator to be appointed within 20 days of the request for appointment of an arbitrator, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such arbitrator, who, in that case, shall be neither the municipality's professional consultant nor any professional consultant who has been retained by, or performed services for, the municipality or the applicant within the preceding five years.

The fee of the arbitrator shall be paid by the applicant if the review fee charged is sustained by the arbitrator; otherwise, it shall be divided equally between the parties. If the disputed fees are found to be excessive by more than \$5,000, the arbitrator shall have the discretion to assess the arbitration fee in whole or in part against either the applicant or the professional consultant. The governing body and the consultant whose fees are the subject of the dispute shall be parties to the proceeding.

## SECTION 802

## PROCEDURE FOR AMENDMENTS

The Board of Supervisors may, from time to time, amend this Ordinance in accordance with the following provisions.

**802.1 Planning Commission Review.** In the case of amendments other than those prepared by the Township Planning Commission, the Board of Supervisors shall submit the proposed amendment to the Planning Commission for recommendation at least thirty (30) days prior to the date fixed for the public hearing on the proposed amendment.

**802.2 County Planning Commission Review.** The proposed amendment shall be submitted to the Allegheny County Planning Commission for review and recommendations at least thirty (30) days prior to the public hearing on the amendment.

**802.3 Public Hearing.** Amendments to this Ordinance shall become effective only after a public hearing held pursuant to public notice, as defined herein.

**802.4 Publication, Advertisement and Availability of Ordinance.** Proposed amendments shall not be enacted unless public notice, as defined herein, of the proposed enactment is given, including the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed amendment may be examined without charge or obtained for a charge not greater than the cost thereof.

The Board of Supervisors shall publish the proposed amendment once in one (1) newspaper of general circulation in the Township not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed amendment shall include either the full text thereof or the title and a brief summary prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included:

- (a) A copy thereof shall be supplied to a newspaper of general circulation in the Township at the time the public notice is published.
- (b) An attested copy of the proposed amendment shall be filed in the County Law Library or other County office designated by the County Supervisors, who may impose a fee no greater than that necessary to cover the actual costs of storing said Ordinances.
- (c) In the event substantial amendments are made in the proposed amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, re-advertise in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.
- (d) Subdivision and land development amendments may be incorporated into official Ordinance books by reference with the same force and effect as if duly recorded therein.

**802.5 Filing After Enactment.** Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the Allegheny County Planning Commission.

### **803 APPEALS**

Any party aggrieved by the decision of the Board of Supervisors regarding a subdivision of land development plan may appeal such decision within thirty (30) days of the date of entry of the decision of the Board of Supervisors to the Allegheny County Court of Common Pleas.

### **804 PREVENTIVE REMEDIES**

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

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

- (a) The owner of record at the time of such violation.
- (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such property.

**SECTION 805****ENFORCEMENT REMEDIES**

Any person, partnership or corporation who or which had violated the provisions of this Ordinance shall, upon being found liable thereof in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgement shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

**SECTION 805****ENFORCEMENT REMEDIES cont'd.**

The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

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

**806****CONFLICTS OF LAWS**

Whenever there is a difference between a minimum standard or dimension specified in these Subdivision Regulations and those contained in another official regulation, Resolution or Ordinance of the Township or any other restriction or covenant, the most restrictive standard shall apply. If a question of conflict arises between various portions of these Subdivision Regulations, the most restrictive term shall apply.

**807****SEPARABILITY**

If any provision of these Subdivision Regulations, or the application of any provision thereof to particular circumstances, is held invalid, the remainder of these subdivision regulations, or the application of such provision to other circumstances, shall not be affected.

**808                    EFFECTIVE DATE**

These Subdivision Regulations shall become effective immediately upon enactment by the Board of Supervisors of the Township of North Fayette.

ORDAINED AND ENACTED into law this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

TOWNSHIP OF NORTH FAYETTE

By: \_\_\_\_\_  
Chairman, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Township Secretary

APPROVED as to form: \_\_\_\_\_  
Township Solicitor

**Amendments added to this Ordinance No. 226 on 5-8-00:**

1. Ordinance No. 317 to amend Section 604.6, Cul-de-sacs and Appendix I.

**TOWNSHIP OF NORTH FAYETTE**

**SUBDIVISION REGULATIONS**

**APPENDIX I**

**STREET DESIGN STANDARDS**

	<b><u>TYPE OF STREET*</u></b>		
	<b><u>Arterial Streets</u></b>	<b><u>Collector Streets</u></b>	<b><u>Local Streets</u></b>
Right of Way Widths (Radius)	80'	60'	50'
Cul-de-sac Right of Way Radius	NA **	NA **	60'
Angle of Street Intersection	90°	75°-90°	60°-90°
Cartway Paving Width (Curb to Curb)	32'	28'	24'
Cul-de-sac Center Islands Radius	NA**	NA**	26'
Cul-de-sac Cartway Paving Width (Curb to Curb)	NA**	NA**	24'
Minimum Street Grade	1.5%	1.0%	1.0%
Maximum Street Grade	6.0%	10.0%	12.0%
Maximum Leveling Grade (For 25' before nearest right of way of street being intersected)	6.0%	6.0%	6.0%
Curb Return Radius	40'	30'	25'
Clear Sight Triangle (Main to Side Street)	500'/30'	200'/25'	75'/25'
Horizontal Curves Minimum Center Line Radius	500'	200'	100'
Vertical Curves Plus 20' for every 1% change in grade over 3%	150'	100'	50'
Sidewalk Width (where required)	5'	4'	4'
Curb Width, Wedge Type	1.5'	1.5'	1.5'

**APPENDIX I**

**STREET DESIGN STANDARDS  
(continued)**

	<b><u>TYPE OF STREET*</u></b>		
	<b><u>Arterial Streets</u></b>	<b><u>Collector Streets</u></b>	<b><u>Local Streets</u></b>
Residential Subdivision		1,600' maximum distance between street intersections	
		250' minimum distance between street intersections	
Compound Curve		See Ordinance 35, Page 16	
Street Offsets		See Ordinance 35, Page 17	

\*See definitions of street types in §105 of this Ordinance.

\*\* NA = Not applicable.

