

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

**CHAPTER 22 OF THE  
TOWNSHIP CODE OF ORDINANCES, ORDINANCE NO. 418**

**ADOPTED: JANUARY 28, 2014**

## **Chapter 22**

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

This Chapter shall be known and may be cited as the “North Fayette Township Subdivision and Land Development Ordinance” or just the “subdivision regulations.”  
(*Ord. 418, 1/29/2014*)

**§22-102. Authority.**

This Chapter 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, 53 P.S. §10101 *et seq.*, as amended.  
(*Ord. 418, 1/29/2014*)

**§22-103. Purpose.**

1. The purpose of these subdivision regulations is to regulate certain 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 right-of-ways, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities.

2. These subdivision regulations are made in accordance with the community development objectives set forth in the Zoning Ordinance [Chapter 27], and the North Fayette Township Comprehensive Plan and are intended to achieve the following goals:

A. *Specific Purposes.* The provisions of this Chapter are intended to achieve the following purposes:

(1) To promote and protect the public health, safety and welfare of the residents of the Township and of the public, generally.

(2) To encourage and facilitate orderly community growth and development in accordance with the Township’s Comprehensive Plan and Official Map.

(3) To provide adequate light, air, amenities and access to private property.

(4) To guide development in order to provide adequate and economical community facilities and utilities.

(5) To prevent the overcrowding or incompatible development or use of land and to prevent blighting conditions, congestion and hazard in travel and transportation.

(6) To ensure the provision of public improvements which are necessary and appropriate for the development, and which are coordinated with nearby areas.

(Ord. 418, 1/29/2014)

**§22-104. Plan and Approval Required.**

A subdivision plat, consolidation plat or land development plan approved in accordance with this Chapter shall be required for:

- A. Any land development, as defined by this Chapter.
- B. Any subdivision, as defined by this Chapter.
- C. Any development in which the developer and/or landowner proposes or intends to construct streets or any other public improvement to be dedicated to the Township for public use.

(Ord. 418, 1/29/2014)

**§22-105. Compliance Required.**

1. No lot in a subdivision may be sold, no permit to erect, alter, repair or occupy any building on land in any subdivision or land development may be issued and no building may be erected in any subdivision or land development unless and until the applicant complies with the provisions of this Chapter.

2. 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 Chapter.

(Ord. 418, 1/29/2014)

**§22-106. Definitions and Word Usage.**

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.

2. *Definitions.* As used in this Chapter, the following words or terms shall have the meanings indicated:

*Accessory structure*—a structure which is on the same lot with, but detached from, the principal building or structure and which is customarily incidental and subordinate to the principal structure or principal use of the land, including, but not limited to, private garages, storage sheds and the like.

*Accessory use*—a use customarily incidental and subordinate to the principal use of the land located on the same lot as the principal use.

*Applicant*—a landowner or developer who has filed an application for development, permit or approval pursuant to this Chapter, including his or her heirs, successors and assigns.

*Application for development*—every 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 a building permit, for the approval of a subdivision plat or plan or for the approval of a land development plan.

*As-built plan*—a plan showing the actual plan location of easements, curbs, paving, catch basins, manholes, storm and sanitary sewers, wye-branches,

waterlines, drainage channels, guardrails and retaining walls and the surface and flow line elevations of storm and sanitary sewers at every catch basin and manhole. The “plan” must be based on actual field measurements made during or after construction.

*Board of Supervisors*—the Board of Supervisors of the North Fayette Township, Allegheny County, Pennsylvania.

*Bufferyard*—a landscaped area of a certain depth, specified by Chapter 27, Zoning, which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required bufferyard of the Zoning Ordinance [Chapter 27].

*Buildable area*—the area (acreage or square footage) of a parcel available for development based upon sensitive natural resource criteria and evaluation, as further set forth in Part 5 of the Zoning Ordinance [Chapter 27, Part 5].

*Building*—a roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure or protection of persons, goods, materials, or animals.

*Building area*—the total footprint area of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

*Building elevation drawing*—a plan drawn to scale showing the front, rear and side perspectives of a building, including the building’s architectural features, exterior building materials, first floor elevations of the building, the height of the building in feet and number of stories and the building’s relationship to the finished grade immediately surrounding the building.

*Building Inspector*—the Township Engineer 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 subdivider or developer or their contractors selected to install the improvements required by this Chapter.

*Building line, front*—a line parallel to the front lot line or right-of-way at a distance therefrom which is equal to the front yard setback required by the Zoning Ordinance [Chapter 27] for the zoning district in which the lot is located.

*Cartway*—that portion of the street right-of-way that is surfaced for vehicular or other traffic use, excluding shoulders and berms; the portion(s) between curbs where curbs are used.

*Clear sight triangle*—an area of unobstructed vision at the intersection of two streets or the intersection of a driveway with a street, measured at the height of a driver’s eye which is assumed to be 3.75 feet above the road surface, between points at a given distance from the intersection of the center lines of the two streets or of a street and driveway as specified in Table 27-4 of the Zoning Ordinance [Chapter 27], “Clear Sight Distance Criteria,” in order to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision.

*Cluster lot development*—a residential development design technique that concentrates residential lots in specific areas of a tract of land to allow the remaining land to be used for recreation, common open space and preservation of sensitive natural resources.

*Common amenities*—features of a subdivision or land development, other than private improvements, as defined herein, which are required by this Chapter or the Zoning Ordinance [Chapter 27], which are shared in common by the residents or occupants of a subdivision or land development and for which a completion security may be required to guarantee the installation of such features in compliance with this Chapter or the Zoning Ordinance [Chapter 27], including, but not limited to, such features as landscaping, bufferyards, parking areas, loading areas and similar facilities.

*Community Development Department*—a division of the Township government created by the Board of Supervisors to administer this Chapter and to undertake all other powers and duties specified by ordinance of the Board of Supervisors in accordance with Article II of the Pennsylvania Municipalities Planning Code, §53 P.S. §10201 *et seq.*

*Community Development Director*—the person appointed by the Township Manager to be the administrative head of the Community Development Department.

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

*Comprehensive Plan*—the Comprehensive Plan of the Township which guides the physical development of the Township and which consists of maps, charts and textual matter in accordance with the provisions of the Pennsylvania Municipalities Planning Code, 53 P.S. §10101 *et seq.*

*Comprehensive transportation network*—the Township’s interconnected system of collector and arterial roads.

*Consolidation*—the act of combining two or more lots, tracts or parcels of land for any purpose.

*Construction*—the erection, renovation, repair extension, expansion alteration or relocation of a building, structure or site improvements including the placement of mobile homes.

*Construction standard details*—see “Township Construction Standards”<sup>1</sup> as adopted or amended by the Township from time to time.

*County*—Allegheny County, Pennsylvania.

*County planning agency*—Allegheny County Economic Development Planning and Project Development or its predecessor.

*Developer*—any landowner or agent of such landowner or tenant with the permission of such landowner who proposes, makes or causes to be made an application for development, permit or approval pursuant to this Chapter.

*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

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<sup>1</sup>Editor’s Note: The “Township of North Fayette Minimum Construction Standards and Details, Revised February 2013,” are on file in the Township Office.

lot or parcel under separate ownership.

*Dwelling*—any structure designed or used as permanent living quarters for one or more families, not including hotels, motels lodging or boarding houses.

*Single-family*—a residential building containing one dwelling unit which is the only principal building on the lot and which has a minimum gross floor area of 750 square feet.

*Two-family*—a residential building containing two independent dwelling units, each having a separate entrance, and which is the only principal building on the lot.

*Multifamily*—a residential building or portion thereof containing three or more dwelling units, including garden apartments, high-rise apartments and townhouses.

*Garden apartment*—a multifamily residential building no more than three stories in height containing three or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

*High rise apartment*—a multifamily residential building containing at least four residential floors.

*Quadplex*—a detached building designed for or occupied exclusively as a residence and where the building is divided by two common party walls into four distinct dwelling units where each dwelling unit has direct access to the outdoors.

*Townhouse*—a multifamily residential building no more than two and one-half stories in height which contains no more than eight dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

*Dwelling unit*—one or more rooms which are used as quarters for one family having permanent facilities for sleeping, cooking and eating, as well as sanitary facilities.

*Easement*—a right of way for utility or similar purposes located outside the street right-of-way, as required by this Chapter or the Township's Construction Standard Detail. An easement shall not be considered to be separate and distinct from the lot or parcel burdened by the easement for purposes of this Chapter or the Zoning Ordinance [Chapter 27].

*Engineer*—a professional engineer licensed as such in the Commonwealth of Pennsylvania.

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

*Family*—one of the following:

(1) All persons living in the same household who are related by birth, marriage or adoption.

(2) Those defined as such by the United States Code or Federal Register.

(3) No more than four unrelated individuals occupying a premises and living as a single housekeeping units, as distinguished from a group occupying a boarding house, group home, hotel or the like.

*Fee*—the required charge established by this Chapter to defray the cost of processing an application, reviewing an application or inspecting improvements during installation which shall be payable to the Township in accordance with the requirements of this Chapter.<sup>2</sup>

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

*Final approval*—the ultimate approval of a development plan granted by the Township Board of Supervisors which follows tentative approval and filing of an application of final approval.

*Final plat*—the map or plan of a proposed subdivision or land development containing all the information required by this Chapter and the Allegheny County Subdivision Regulations and Land Development Ordinance or final plat approval and in a form acceptable for recording in the office of the Allegheny County Department of Real Estate.

*Front yard*—see “yard, front.”

*Frontage*—the length of a property line bordering a public right-of-way that is open to vehicular traffic.

*Garden apartment*—see “dwelling, garden apartment.”

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

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

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

*High-rise apartment*—see “dwelling, high-rise”

*Infrastructure demand statement*—a summary, submitted by an engineer, describing the projected demand created by a land development on the Townships existing public traffic, sanitary sewer and water systems.

*Land development*—any of the following activities:

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

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

(b) The division or allocation of land or space, whether initially or

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<sup>2</sup>Editor’s Note: The current fee resolutions are on file in the Township offices.

cumulatively, between, or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.

(2) A subdivision of land.

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

*Land development, major*—a land development with any of the following characteristics:

(1) A single-family residential development that creates five or more new lots.

(2) A multifamily residential development that creates five or more new lots.

(3) A nonresidential development with more than 5,000 square feet of new gross floor area.

(4) All planned residential and planned nonresidential developments in accordance with the Zoning Ordinance [Chapter 27].

(5) All subdivisions and developments that also constitute conditional uses or uses by special exceptions in accordance with the Zoning Ordinance [Chapter 27].

(6) All mobile home parks.

*Land development, minor*—a land development with any of the following characteristics:

(1) A single-family, or two-family residential development that creates two to four lots.

(2) A multifamily residential development that creates four lots or less.

(3) A nonresidential development with 5,000 square feet or less of new gross floor area.

*Land development plan*—a plan that 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; a topographic and boundary survey of the lot or parcel, the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; vegetation, drainage, floodways, wetlands and waterways, streets, ways and parking facilities; pedestrian circulation routes, common open space and public facilities. The “land development plan” shall include all of the written and graphic information required by this Chapter.

*Land Use Administrator*—the person appointed by the Township Manager to be the Land Use Administrator in the Community Development Department. In the absence of a specific appointment, the appointed Community Development Director shall serve as the Land Use Administrator.

*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.

*Landscape architect*—a professional landscape architect licensed as such in the Commonwealth of Pennsylvania.

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

*Lot*—a designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed or built upon.

*Lot area*—area measured on a horizontal plane bounded by the front, rear and side lot lines, exclusive of any area within a street right-of-way.

*Lot, corner*—a lot at the intersection of and fronting on, two or more street rights of way.

*Lot coverage*—the area of a lot covered by all principal and accessory structures.

*Lot depth*—the mean horizontal distance between the front and rear lot lines.

*Lot, double-frontage*—any lot, except a corner lot, bounded on opposite sides by streets.

*Lot, flag*—a lot that has any portion of its front lot line or front yard abut the rear or side yard of any adjacent lot rather than a public road right-of-way and where access to the public road right-of-way would typically be by a narrow, private right-of-way or driveway.

*Lot of record*—any lot which individually or as part of a subdivision has been recorded in the office of the Allegheny County Department of Real Estate.

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

*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.

*Municipalities Planning Code (MPC)*—the Pennsylvania Municipalities Planning Code Act 247 of 1968, 53 P. S., §10101 *et seq.*, as amended.

*Natural Resource Conservation Service (NRCS)*—the United States Department of Agriculture Natural Resource Conservation Service.

*New construction*—an activity for which the “start of construction or improvement” commenced on or after the effective date of this Chapter.

*Nonresidential development*—buildings or structures and their associated land designed, intended or used for purposes other than as residential dwelling units.

*Occupant*—an owner, tenant, or other person possessing, residing, or otherwise occupying or using a property or structure on a temporary or permanent basis.

*Occupancy permit*—a permit for the use or occupancy of a building, structure or lot indicating compliance with all provisions of the Zoning Ordinance [Chapter 27], and the ICC International Property Maintenance Code.

*Official Map*—the map established by the Board of Supervisors pursuant to

Article IV of the Municipalities Planning Code illustrating streets, highways, parks, drainage systems and right-of-ways lines laid out, adopted, and established by law, and any amendments or additions to adopted by the Board of Supervisors resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of approved plats.

*Ordinance*—all references to “this Chapter” refer to the Township North Fayette Subdivision and Land Development Ordinance, as amended from time to time [and as may be codified at Chapter 22 of the Township of North Fayette Code of Ordinances, “Subdivision and Land Development,” unless otherwise noted].

*Planned development*—a development of land controlled by one landowner to be developed as a single entity for a number of dwelling units or a combination of residential and nonresidential uses in accordance with the provisions of the Planned Residential Development and Planned Nonresidential Development Sections of the Zoning Ordinance [Chapter 27].

*Residential development*—an area at least 10 acres in size controlled by one landowner to be developed as a single entity for a number of residential dwelling units or a combination of residential and nonresidential uses in accordance with the provisions of the Zoning Ordinance, §27-607, “Planned Residential Development (PRD) Overlay.”

*Nonresidential development (PNRD)*—an area of land controlled by a single landowner to be developed as a single entity for a combination of nonresidential uses, the plan for which does not necessarily correspond in lot area, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in accordance with the provisions of the Zoning Ordinance, §27-603, “Planned Nonresidential Development Overlay.”

*Planning Commission*—the North Fayette Township Planning Commission, Allegheny County, Pennsylvania.

*Plat*—a map or plan, either preliminary or final, presented to the Township for approval, indicating the subdivision, consolidation, re-division of land or a land development.

*Preliminary application*—the written and graphic materials specified by this Chapter 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 Chapter for approval of a preliminary application.

*Principal building or structure*—the building(s) or structure(s) 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*—owned, operated or controlled by an individual, group of individuals, association or corporation, not for profit, and restricted to members who meet certain qualifications and their guests.

*Private improvements*—all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities not to be owned, maintained or operated by the Township for which specifications shall comply with

the requirements of this Chapter and the Township's Construction Standard Details.

*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*—owned, operated or controlled by a government agency (Federal, State or local).

*Public hearing*—a formal meeting held pursuant to public notice (as defined herein) by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

*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 Township's Construction Standard Details or other public entity and which the Township has agreed to accept in the development agreement pursuant to this Chapter.

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

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

*Quadplex*—see "dwelling, quadplex"

*Rear yard*—see "yard, rear."

*Remand*—to give back, or to not accept.

*Remedial investigation / feasibility study*—a full site characterization identifying the full extent of soil and groundwater contamination, identifying alternative remediation activities and evaluating the feasibility of the alternatives as well as the selection and implementation of remediation activities.

*Right-of-way*—a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses. A right-of-way grants an ownership interest in fee to the grantee. No permanent structure may be erected in or on a right-of-way except for structures serving the purpose of the right-of-way as may be expressly authorized by the Township.

*Setback*—the distance between a building and the street line nearest to the building.

*Side yard*—see "yard, side"

*Sight distance*—the maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye 3.75 feet above the pavement.

*Sign*—any structure or device used to attract attention by work or graphic display. Specific signage types are defined in the Zoning Ordinance [Chapter 27].

*Simple subdivision*—the process of consolidating existing lots; or revising lot lines of an existing plat without creating new parcels, buildings or public improvements; or revisions of easements and/or right-of-ways.

*Single-family dwelling*—see “dwelling, single-family”

*Site conditions report*—summary of existing conditions regarding a particular lot or lots.

*Stormwater Management Ordinance (SWMO)*—the Township’s applicable Stormwater Management Ordinance, as may be duly enacted or amended from time to time. [See Chapter 19 of the Township of North Fayette Code of Ordinances, “Stormwater Management.”]

*Street*—all land between right-of-way lines, whether public or private and whether improved or unimproved, intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway road, freeway, parkway, lane, viaduct or other vehicular way.

*Alley*—a minor street which is used primarily for vehicle access to the back or the side of properties otherwise abutting a street, or for the placement of utilities.

*Arterial road / street*—a public street which serves large volumes of high-speed and long distance.

*Collector road / street*—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.

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

*Local*—a public street designed to provide access to abutting lots and to discourage through traffic.

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

*Public*—a street, including the entire public right-of-way, which has been dedicated to and accepted by the Township, county or State which has been devoted to public use by legal mapping, use or other means.

*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.

*Street right-of-way width*—the distance between property lines measured at a right angle to the centerline of the street.

*Street tree*—a tree planted in the front yard 12 feet from the front property line whose use is intended, in conjunction with other street trees, to create a tree-lined street.

*Structural alteration*—any change in the support members of a building such as bearing walls, columns, beams or girders; changes in the means of ingress and/or egress; enlargement of floor area or height of a structure; or relocation from one position to another.

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

*Subdivision and Land Development Ordinance*—“this Chapter”; the Township’s applicable Subdivision and Land Development Ordinance, as may be duly enacted or amended from time to time.

*Surveyor*—a professional land surveyor licensed in the Commonwealth of Pennsylvania.

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

*Tentative approval or preliminary approval*—approval prerequisite to final approval of a development plan granted by the Township Board of Supervisors in accordance with this Chapter.

*Townhouse*—see “dwelling, townhouse”

*Township*—North Fayette, Allegheny County, Pennsylvania.

*Township Board of Supervisors*—see “Board of Supervisors.”

*Township Construction Code or Construction Code*—the applicable provisions of the Pennsylvania Construction Code, sometimes known as the Pennsylvania Construction Code Act or Uniform Construction Code (UCC), as may be duly enacted or amended from time to time; any reference herein or in other existing Township ordinances to “Township Building Code,” “Township Construction Code” or “Construction Code” shall, unless context clearly denotes otherwise, be interpreted to mean the Construction Code Act, 35 P.S. §7210.101 *et seq.*

*Township Construction Standards*—the plans and specifications, and standard details, for building public infrastructure and other defined infrastructure and systems and/or facilities, as enacted or adopted by ordinance or resolution of the Township from time to time.

*Township Engineer*—a registered professional engineer licensed in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to

serve as the engineer for the Township.

*Township Manager*—a person duly appointed and employed or retained by the Township Board of Supervisors as the Manager of North Fayette Township and responsible for directing and controlling the business and administrative affairs of the Township.

*Township Solicitor*—an attorney licensed as such in the Commonwealth of Pennsylvania and retained by and responsible to the Board of Supervisors to furnish legal assistance for the administration of municipal regulations and arrangements relative to this Chapter.

*Traffic Impact Fee Ordinance (TIFO)*—the Township’s applicable Traffic Impact Fee Ordinance, as may be duly enacted or amended from time to time. [See Chapter 25 of the North Fayette Township Code of Ordinances, Transportation Capital Improvements; see also §§22-312, 22-323 of this Chapter, below].

*Traffic network analysis*—a technical report, submitted by a professional traffic engineer, which projects the trip generation of a land development and the anticipated trip impact on the Township’s Comprehensive Transportation Network.

*Trip*—the movement completed by an individual vehicle in a one-way direction.

*Two-family dwelling*—see dwelling, two-family.

*Use*—any activity, business or purpose for which any lot or structure is utilized.

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

*Yard*—a required open space located on a lot which is unobstructed from the ground to the sky, except as expressly provided by this Chapter.

*Front*—a yard extending across the full lot width of the lot and extending back in depth measured at the required minimum distance from the front lot line to a line parallel thereto on the lot.

*Rear*—a yard extending across the full width of the lot and extending forward in depth the required minimum distance from the rear lot line to a line parallel thereto on the lot.

*Side*—a yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard, or in the case of a corner lot, extending from the front yard to the yard opposite the front yard.

*Zoning Hearing Board*—the Zoning Hearing Board of North Fayette Township, Allegheny County, Pennsylvania.

*Zoning Ordinance*—the Township of North Fayette Zoning Ordinance, *Ord. 360*, as amended from time to time. [See Chapter 27 of the Township of North Fayette Code of Ordinances, “Zoning.”]

(*Ord. 418, 1/29/2014*)



**Part 2****Classifications of Approvals and Applications****§22-201. Approvals Overview.**

Three types of approvals regulate lot revisions, lot consolidations, subdivisions and land development. The three approvals include:

- A. Simple subdivision.
- B. Minor land development.
- C. Major land development.

(Ord. 418, 1/29/2014)

**§22-202. Simple Subdivision.**

Applicants are required to apply for and receive a simple subdivision approval from the Township in accordance with the following criteria:

A. *Applicability.*

- (1) For lot line revisions that do not create new parcels or buildings or public improvements.
- (2) Revisions of easements and/or of right-of-ways.
- (3) Consolidation of existing lots.
- (4) To establish the final interior, as-built lot lines for attached dwellings.

B. *Recommendations and Approvals.*

(1) The Planning Commission shall make recommendations to the Board of Supervisors regarding simple subdivisions.

(2) The Board of Supervisors shall be responsible for approving or denying simple subdivisions.

(3) In the case of simple subdivisions, as defined by this Chapter, only a final application and filing fee shall be required, provided that all requirements for submission of a final application are met. In addition, the Community Development Director may require a topographical survey in accordance with §22-303 to be submitted as part of the final application in simple subdivisions where warranted by physical conditions.

C. *Conferences.* Conferences with the Community Development Director are suggested prior to the submission of a final application.

D. *Final Application.* The contents of a final application for a simple subdivision shall include the following:

- (1) Final plat (§22-316).
- (2) Written confirmation of Zoning Hearing Board approval of all variances (§22-321).

(Ord. 418, 1/29/2014)

**§22-203. Minor Land Development.**

Applicants are required to apply for and receive a minor land development approval from the Township in accordance with the following criteria:

**A. Applicability.**

- (1) A single-family residential development that creates two to four lots.
- (2) Multifamily residential that creates four lots or less.
- (3) A nonresidential development with 5,000 square feet or less of new gross floor area.

**B. Recommendations and Approvals.**

(1) The Planning Commission shall make recommendations to the Board of Supervisors regarding minor land developments.

(2) The Board of Supervisors shall be responsible for approving or denying minor land developments. When necessary for the protection of public welfare, persons and property, the Board of Supervisors may conditionally approve a minor land development subject to compliance with provisions and standards defined in this Chapter; the Zoning Ordinance [Chapter 27]; other ordinances and regulations of the Township; and any additional requirements as deemed necessary. The conditions of approval shall be specified, in writing, in the notice of approval required by §22-207.1.K(3).

(3) In the case of minor land developments, as defined by this Chapter, only a final application and filing fee shall be required, provided that all requirements for submission of a final application are met.

**C. Conferences.**

(1) A sketch plan conference is required with the Community Development Director and Engineer. Refer to §22-206 and §22-322 for suggestions regarding a sketch plan conference.

**D. Final Application.** Minor land development applicants are required to submit a final application only. The required plans, reports and analyses shall be completed in accordance to the specifications and criteria defined by this Chapter. The contents of a final application submission shall include the following:

- (1) Land development plan (§22-309).
- (2) Building elevation drawings (§22-310).
- (3) Final landscape plan (§22-311.2).

(4) *Traffic Impact Study.* As required under §22-313 (i.e., a traffic impact study shall be required per §22-313.1, where the permitted or conditional use is expected to generate an average of 100 or more trips during the adjacent roadways' peak hours of usage; and may nonetheless be required in the discretion of the Township even where the permitted or conditional use is expected to generate an average of 100 or less trips during the adjacent roadways' peak hours of usage, as provided under §22-313.2.)

(5) *Traffic Impact Fee Study.* Regardless of whether a traffic impact study is required under subparagraph (4), above, applicant shall nonetheless submit for the review and approval of the Township Traffic Engineer a traffic impact fee study (i.e., a traffic impact fee calculation assessment) performed in

accordance with the Traffic Impact Fee Ordinance, as required under §22-324 and the Township's applicable Traffic Impact Fee Ordinance, as may be duly enacted or amended from time to time. [See Chapter 25 of the North Fayette Township Code of Ordinances, Transportation Capital Improvements; see also §§22-313, 22-324, below].

(6) Structural analysis (§22-314).

(7) Final plat (§22-316).

(8) Erosion and sedimentation control plan (§22-319).

(9) Covenants and restrictions (§22-320).

(10) Written confirmation of Zoning Hearing Board approval of all variances (§22-321).

(*Ord. 418, 1/29/2014*)

#### **§22-204. Major Land Development.**

Applicants are required to apply for and receive a major land development approval from the Township in accordance with the following criteria:

##### *A. Applicability.*

(1) A single-family residential development that creates five or more lots.

(2) All multifamily residential development that creates five or more lots.

(3) A nonresidential development with more than 5,000 square feet of new gross floor area.

(4) All planned residential and planned nonresidential developments in accordance with the Zoning Ordinance [Chapter 27].

(5) All subdivisions and land developments that constitute conditional uses or uses by special exception in accordance with the Zoning Ordinance [Chapter 27].

(6) All mobile home parks.

##### *B. Recommendations and Approvals.*

(1) The Planning Commission shall make recommendations to the Board of Supervisors regarding major land developments.

(2) The Board of Supervisors shall be responsible for approving or denying major land developments. The Board of Supervisors may conditionally approve a major land development subject to compliance with the provisions and standards defined in this Chapter; the Zoning Ordinance [Chapter 27]; and any additional requirements deemed necessary. The conditions of approval shall be specified, in writing, in the notice of approval required by §22-207.2.J(2).

##### *C. Conferences.*

(1) A sketch plan conference is required with the Community Development Director and Engineer. Refer to §22-206 and §22-322 for suggestions regarding a sketch plan conference.

*D. Preliminary Application.* Major land development applicants shall submit a preliminary application. The required plans, reports and analyses shall be completed in accordance to the specifications and criteria defined by this Chapter.

The contents of a preliminary application submission shall include the following:

- (1) Preliminary plat (§22-302).
- (2) Topographical survey (§22-303).
- (3) Preliminary slope stability investigation (§22-304).
- (4) Site conditions report (§22-306).
- (5) Phase one environmental site assessment (§22-307).
- (6) Land development plan (§22-309).
- (7) Conceptual landscape plan (§22-311.1).
- (8) Stormwater management statement (§22-312).

(9) *Traffic Impact Study*. As required under §22-313 (i.e., a traffic impact study shall be required per §22-313.1, where the permitted or conditional use is expected to generate an average of 100 or more trips during the adjacent roadways' peak hours of usage; and may be required in the discretion of the Township where the permitted or conditional use is expected to generate an average of 100 or less trips during the adjacent roadways' peak hours of usage, as provided under §22-313.2).

(10) *Traffic Impact Fee Study*. Regardless of whether a traffic impact study is required under subparagraph (9), above, applicant shall nonetheless submit for the review and approval of the Township Traffic Engineer a traffic impact fee study (i.e., a traffic impact fee calculation assessment) performed in accordance with the Traffic Impact Fee Ordinance, as required under §22-324 and the Township's applicable Traffic Impact Fee Ordinance, as may be duly enacted or amended from time to time. [See Chapter 25 of the North Fayette Township Code of Ordinances, Transportation Capital Improvements; see also §§22-313, 22-324, below].

- (11) Structural analysis (§22-314).
- (12) Infrastructure demand statement (§22-315).
- (13) Building elevation drawings (§22-310).

E. *Final Application*. Major land development applicants shall submit a final application. The required plans, reports and analyses shall be completed in accordance to the specifications and criteria defined by this Chapter. The contents of a final application submission shall include the following:

- (1) Approved preliminary plat and supporting reports (§22-302 through §22-315).
- (2) Final plat (§22-316).
- (3) Construction plans for public improvements (§22-317).
- (4) Stormwater management plan (§22-318).
- (5) Comprehensive slope stability investigation (§22-305).
  - (a) Completion of a comprehensive investigation shall be dependent upon the results of the preliminary steep slope investigation.
- (6) Erosion and sedimentation control plan (§22-319).
- (7) Building elevation drawings (§22-310).

- (8) Final landscape plan (§22-311.2).
- (9) Completion security (§22-208).
- (10) Covenants and restrictions (§22-319).
- (11) Written confirmation of Zoning Hearing Board approval of all variances (§22-321).

(Ord. 418, 1/29/2014)

**§22-205. Approvals and Applications Summary.**

[Reserved]

(Ord. 418, 1/29/2014)

**§22-206. Pre-application Conference.**

A sketch plan conference with the Community Development Director and Engineer is required prior to the pre-application conference. The sketch plan conference requires no formal application or fee.

(Ord. 418, 1/29/2014)

**§22-207. Application Procedures.**

1. *Preliminary Application.*

A. A preliminary application shall be submitted at least 28 calendar days prior to the Planning Commission's next regular monthly meeting.

B. *Application.* The applicant shall file 14 copies of the preliminary application for a land development to the Township using forms provided by the Township.

C. *Plans, Maps, and Drawings.* Three full-scale copies, 11 half-scale copies with a minimum scale of 1 inch = 200 feet and one electronic file of all plans, maps and drawings are required as part of the subdivision application. The electronic file shall be in a Township-compatible format.

D. *Reports.* Four paper copies and one electronic copy of all reports are required as part of the application. (Refer to §22-205). The electronic file shall be in a Township-compatible format.

E. A preliminary application shall not be considered to be complete and properly filed unless and until all items required by §22-204.D, including the application filing fee, have been received by the filing date.

F. The Community Development Director will review the application to determine whether all materials required by this Chapter have been submitted by the applicant. Unless all such required materials have been submitted with the application, the Community Development Director will reject the application as being administratively incomplete and will notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.

G. Upon receipt of a complete and properly filed application for final approval, the Community Development Director shall promptly distribute copies of the application to each member of the Planning Commission. The Community

Development Director will also promptly submit one copy of the application to the Allegheny County Planning Agency or its designee (ACED) as required under the Municipalities Planning Code, and will also provide a copy to the Township Solicitor and Township Engineer, and to such other agencies, departments, or staff, including Police Chief, Building Code Official, Fire Code Official, Public Works Director, as deemed necessary and proper for review and comment.

H. At the Planning Commission's request, copies of the application may also be referred to any other appropriate review agencies.

I. All revised application materials shall be submitted at least 14 calendar days prior to the Planning Commission's next regular monthly meeting.

J. *Planning Commission Action.*

(1) Upon determination by the Community Development Director that the application is administratively complete, the same will be transmitted to the Planning Commission and the Township Engineer.

(2) The Township Engineer will submit a written report to the Township's Community Development Director and Planning Commission which states whether the application complies with the requirements of this Chapter. Other departments and personnel to whom the application is distributed will also provide their written comments to the Community Development Director and Planning Commission. Those reports will be included in the minutes of the Planning Commission meeting. The Planning Commission will not make a recommendation on the application until the Township Engineer's report has been received or at least 21 calendar days has passed from the date of referral to the Township Engineer.

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

K. *Board of Supervisors Action.*

(1) The Board of Supervisors will act upon the preliminary application not later than 90 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application, provided that should the next said Planning Commission occur more than 30 days following the filing of an administratively complete application, said 90-day period will be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission Minutes containing the report of the Township Engineer will be made a part of the record at the said Board of Supervisors' meeting.

(2) The Board of Supervisors shall not act on a preliminary application unless the Township has received written review of the application by the Allegheny County planning agency or their designee or unless 30 calendar

days from the date of referral have passed.

(3) A letter indicating approval, approval with conditions, or disapproval, will be in writing and will be communicated to the applicant personally or mailed to him or her at his or her last known address within 15 calendar days following the decision. If the preliminary application is not approved in terms as filed, the Board of Supervisors will specify the defects found in the preliminary application and, in each case, shall cite the requirements of this Chapter that the applicant has not met.

(4) The applicant shall accept or reject the conditions attached to the preliminary approval by giving written notice to the Community Development Director within 30 calendar days of the date of the public meeting of the Board of Supervisors at which preliminary approval is granted. If the applicant fails to give written notice to the Community Development Director regarding acceptance or rejection of the conditions attached to preliminary approval within the required 30 calendar days, the Township shall automatically rescind the preliminary approval without written notice to the applicant.

*L. Expiration of Preliminary Plan Approval.*

(1) The rights of an applicant with regard to a plan granted preliminary approval, including the right to seek and obtain final approval and to commence and complete the finally approved plan in accordance with the governing ordinances prevailing at the time of approval shall be subject to §508 of the Pennsylvania Municipalities Planning Code, 53 P.S. §10508, and such rights in said preliminary approval shall expire within 5 years after being granted by the Board of Supervisors, unless the applicant requests and the Board of Supervisors grants a written extension prior to the preliminary approval's expiration. The applicant shall submit a request for extension, in writing, to the Board of Supervisors at least 30 calendar days prior to any prevailing expiration date. Extensions may be granted for one or more 6-month periods, upon the Board of Supervisor's finding that such extension is warranted and upon such other conditions deemed reasonable and necessary in the discretion of the Board of Supervisors.

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

*2. Final Application.*

A. After a preliminary application has been approved by the Board of Supervisors, the developer and/or landowner may proceed by filing either of the following types of applications:

(1) A final application, including final plat approval, together with performance security to guarantee proper installation of required

improvements in the plan.

(2) A final application without final plat approval, whereupon required improvements are installed prior to a request for final plat approval.

B. In either case, 28 calendar days prior to the regular monthly Planning Commission meeting, the applicant shall file a final application.

C. *Application.* The applicant shall file 14 copies of the final application to the Township using forms provided by the Township. In addition, one copy of the approved preliminary plan shall accompany the final application.

D. *Plans, Maps, and Drawings.* Three full-scale copies, 11 half-scale copies with a minimum scale of 1 inch = 200 feet and one electronic file of all plans, maps and drawings are required as part of the application subdivision. The electronic file shall be in a Township-compatible format.

E. *Reports.* Four paper copies and one electronic copy of all reports are required as part of the application. (Refer to §22-205). The electronic file shall be in a Township-compatible format.

F. A final application shall not be considered to be complete and properly filed unless and until all items required by §22-204.E, including the application filing fee, have been received by the filing date.

G. The Community Development Director will review the application to determine whether all materials required by this Chapter have been submitted by the applicant. Unless all such required materials have been submitted with the application, the Community Development Director will reject the application as being administratively incomplete and will notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met.

H. Upon receipt of a complete and properly filed application for final approval, the Community Development Director shall promptly distribute copies of the application to each member of the Planning Commission. The Community Development Director will also promptly submit one copy of the application to the Allegheny County Planning Agency or its designee (ACED) as required under the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and will also provide a copy to the Township Solicitor and Township Engineer, and to such other agencies, departments, or staff, including Police Chief, Building Code Official, Fire Code Official, Public Works Director, as deemed necessary and proper for review and comment.

I. All revised application materials shall be submitted at least 14 calendar days prior to the Planning Commission's next regular monthly meeting.

J. *Planning Commission Action.*

(1) Upon determination by the Community Development Director that the application is administratively complete, the same will be transmitted to the Planning Commission and the Township Engineer.

(2) Within 30 calendar days of the Community Development Director's transmission of a complete final application, the Township Engineer will submit a written report to the Township's Community Development Director and Planning Commission which states whether the application complies with

the requirements of this Chapter. The report will be included in the minutes of the Planning Commission meeting. The Planning Commission will not make a recommendation on the application until the Township Engineer's report has been received or 30 calendar days has passed from the date of referral to the Township Engineer.

(3) Within 60 calendar days of the date of filing of an administratively complete application, the Planning Commission will make a recommendation, in writing, to the Board of Supervisors for approval, approval with conditions or disapproval of the final application. The recommendation of the Planning Commission will provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter, which have not been met.

*K. Board of Supervisors Action.*

(1) The Board of Supervisors will act upon the final application not later than 90 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application, provided that should the next said Planning Commission occur more than 30 days following the filing of an administratively complete application, said 90-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission Minutes containing the report of the Township Engineer will be made a part of the record at the said Board of Supervisors' meeting.

(2) A letter indicating approval, approval with conditions or disapproval will be sent to the applicant by regular mail within 15 calendar days of the date of the decision. If the final application is not approved, the Board of Supervisors will specify the defects found in the final application and, in each case, shall cite the requirements of this Chapter that the applicant has not met.

(3) If the Board of Supervisors determines that certain conditions are warranted to be attached to final approval to guarantee compliance with the requirements of this Chapter, the conditions of approval shall be specified, in writing, in the notice of approval required by §22-207.2.J(2).

(4) The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the Community Development Director or executing the development agreement required by §22-209 within 30 days of the date of the public 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 within the required 30 days, final approval shall automatically be rescinded without written notice to the applicant.

*L. Final plat approval after completion of improvements (optional, in lieu of providing completion security per §22-208).*

(1) Upon completion of the improvements contained in the final application, the developer and/or landowner shall notify the Township, in writing, of the completion and shall submit three copies of the final plat, as

required by §22-316, with the notice of completion. Within 10 calendar days of the receipt of the notice of completion and submission of the final plat, the Board of Supervisors will 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 Chapter and whether the proper officers of the Township can affix their signatures to the final plat for recording purposes, in accord.

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

(3) Within 45 calendar days of receipt of the notice of completion of improvements, the Board of Supervisors will notify the developer and/or landowner, 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 §22-602 through §22-605, and shall be further subject to the posting of the maintenance security required by §22-606 if the same are to be public improvements dedicated and accepted by the Township.

(4) The Board of Supervisors will act upon the final application not later than 90 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application, provided that the should the next said Planning Commission occur more than 30 days following the filing of an administratively complete application, said 90-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission Minutes containing the report of the Township Engineer will be made a part of the record at the said Board of Supervisors' meeting. A letter indicating approval, approval with conditions or disapproval will be sent to the developer and/or landowner by regular mail within 15 calendar 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 Chapter that have not been met.

M. *Phased Approval.*

(1) 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 sections or phases of development, subject to such requirements or guarantees for private or public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.

(2) All sections or phases must 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 will require complete resubmission of the preliminary application in accordance with §22-204.D.

(Ord. 418, 1/29/2014)

**§22-208. Completion Security.**

1. In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall post a completion security, as defined by this Chapter, in favor of the Township, in an amount equal to 110 percent of the cost of completion of the improvements estimated as of 90 calendar days following the date scheduled for completion by the developer and/or landowner. Annually, the Township may adjust the amount of the completion security 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 ninetieth calendar 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 and/or landowner to post additional security in order to assure that the completion security equals said 110 percent. The developer and/or landowner in accordance with this Section shall post any additional security.

2. The amount of the completion security required shall be based upon an estimate of the cost of completion of the required improvements and the cost of the as-built plans, submitted by an applicant or developer and/or landowner and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer or landowner 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 or landowner. 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 or landowner.

3. If the party posting the completion security requires more than 1 year from the date of posting of the completion security to complete the required improvements, the amount of the completion security may be increased by an additional 10 percent for each 1-year period beyond the first anniversary date from posting of the completion security or to an amount not exceeding 110 percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1-year period by using the above procedure.

4. *Form of Security.*

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

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

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

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

(1) The letter of credit shall be issued by a Federal or Commonwealth chartered lending institution, authorized to conduct business in Pennsylvania.

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

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

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

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

5. *Approval Resolution to Facilitate Financing.* When requested by the developer and/or landowner, in order to facilitate financing, the Board of Supervisors will furnish the developer and/or landowner with a signed copy of a resolution indicating approval of the final plat contingent upon the developer and/or landowner providing satisfactory completion authority. The final plat shall not be signed nor recorded until the completion security and development agreement are executed and all other conditions of final approval are met.

(Ord. 418, 1/29/2014)

### **§22-209. Development Agreement.**

Prior to a developer and/or landowner beginning construction of a subdivision and/or land development, the Board of Supervisors shall require that the developer and/or landowner execute a development agreement with the Township, in a form acceptable to the Township Solicitor, containing provisions that are reasonably required to guarantee compliance with the conditions of approval, if any, and 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, including but not limited to reimbursement of associated fees and costs, including professional consultant and other review and inspection fees incurred by the Township.

*(Ord. 418, 1/29/2014)*

**§22-210. Supplemental Approvals.**

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

*(Ord. 418, 1/29/2014)*

**§22-211. Final Plat.**

1. Upon approval of a final plat by the Township, the developer and/or landowner shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Allegheny County Department of Real Estate (formerly known as the Recorder of Deeds). The Allegheny County Department of Real Estate shall not accept any plat for recording, unless such plat officially noted the review of the Planning Commission, the approval of the Board of Supervisors and the submission or review of the Allegheny County planning agency or its designee.

2. Subject to the limitations of subsection .3, in the event the plat has not been recorded within the time period required by subsection .1, the Chairman of the Board of Supervisors is authorized to reinstate the Township's approval for recording upon receiving a report from the Township Engineer that there are no changes in the subdivision or land development plan previously granted approval and that all requirements of this Chapter have been met.

3. Any request for reinstatement of final approval which is submitted in writing more than 180 days after the date of the delivery of the approved plat signed by the Board of Supervisors shall require resubmission of an application for final approval and action thereon by the Planning Commission and the Board of Supervisors in conformance with the requirements of this Chapter.

4. Upon recording of the final plat in the office of the Allegheny County Department of Real Estate, the developer and/or landowner shall deliver to the Township two paper prints of the final plat as recorded. In addition to the two paper prints, the applicant must submit one copy of the final plat in an electronic format compatible with the Township's geographic information system (GIS). This requirement may be waived by the Community Development Director for simple subdivisions only.

5. No permits will be issued to the applicant until a copy of the recorded plan is provided to the Township.

6. Permits may be issued to the applicant when the Township receives the two signed and recorded paper prints of the final plat, and one electronic copy.

*(Ord. 418, 1/29/2014)*

**§22-212. Mediation.**

1. The Township may offer the mediation option as an aid in completing the proceedings authorized by this Part. Mediation shall supplement, not replace, the defined procedures in this Part 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.

2. 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 will 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 Chapter or in the Municipalities Planning Code provided that 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 appropriate decision making body pursuant to the authorized procedures set forth in this Chapter.

3. 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.

*(Ord. 418, 1/29/2014)*

**Part 3****Application Requirements****§22-301. Requirements Overview.**

Based upon the application submission requirements specified in this Part of this Chapter, a developer and/or landowner shall provide the Township with plans, reports and analyses as part of the preliminary and final application submissions. The specifications, contents and requirements of these plans, reports and analyses are described in §22-302 through §22-320. Sections 22-302 through 22-314 generally applies to preliminary applications. Sections 22-315 through 22-320 generally applies to final applications.

(*Ord. 418, 1/29/2014*)

**§22-302. Preliminary Plat.**

A preliminary plat containing the following information, shall be provided to the Township:

- A. A boundary survey by a surveyor and topographical survey of the total proposed subdivision by an engineer or surveyor. If the developer and/or landowner intends to develop a tract of land in phases, the preliminary plat shall include the total tract. The total plan area, in acreage shall be stated on the plan.
- B. The proposed name of the subdivision or land development.
- C. The name, address, certification and seal of the registered landscape architect, engineer or surveyor who prepared the plat and the registered surveyor who completed the survey shown on the plat.
- D. The names and addresses of the developer and/or landowner and, if the developer is not the landowner, the names and addresses of the landowner.
- E. The names of all adjoining property owners.
- F. The proposed street layout in the subdivision indicating whether the streets are proposed to be public or private.
- G. The layout of lots (showing scaled dimensions), lot numbers and the area of each lot in square feet.
- H. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semipublic or community purposes, if any.
- I. A legend of symbols, lines and appropriate explanatory notes.
- J. Front yard, side yard and rear yard setback lines and any required bufferyards.
- K. Zoning classification of the area to be developed and/or subdivided.
- L. The graphic scale, north arrow and application date.
- M. Existing and proposed easements including locations, widths and purpose.
- N. A location map showing the subdivision name and location, major existing thoroughfares related to the subdivision, including the distance therefrom. The

location map shall also include a title, graphic scale and north arrow.

O. Contours at intervals of elevation of not more than 5 feet where the slope is greater than 10 percent and at intervals of not more than 2 feet where the slope is 10 percent or less.

P. 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.

Q. Proposed public improvements. The size of each should be shown and the location of or distance to each existing utility indicated.

R. The existing platting and zoning classification of land adjacent to the subdivision, including land located across a public or private street or other right-of-way. All existing buildings, sewers, water mains, culverts, petroleum or high-pressure gas lines, oil wells and fire hydrants on the site or within 200 feet of the site shall be shown.

S. Existing watercourses, wetlands and other significant natural features, including tree lines.

T. Areas subject to periodic flooding, as identified on the current Flood Insurance Rate Map for the Township issued by the Federal Emergency Management Agency.

U. Declarations shall be in accordance with such formats as required by the Township and Allegheny County. Additional declarations may be required.

(*Ord. 418, 1/29/2014*)

### **§22-303. Topographical Survey.**

Contours shall be illustrated at intervals of elevation of not more than 5 feet where the slope is greater than 10 percent and at intervals of not more than 2 feet where the slope is 10 percent or less.

(*Ord. 418, 1/29/2014*)

### **§22-304. Preliminary Geotechnical Investigation.**

1. At a minimum, the applicant shall conduct a preliminary geotechnical investigation as outlined in this Section. The intent of the preliminary investigation is to determine the general geologic and subsurface conditions at the site and their impact on development, especially with respect to limitations/constraints on site grading, including cut slope and fill embankment construction and the capacity of natural soils to support development. The preliminary investigation is not to be considered a final, detailed, or comprehensive investigation of proposed site grading, but only a preliminary evaluation of anticipated limitations. It should be an aid to developing conceptual site grading and development plans. This investigation shall include consultation and review of existing maps, such as, but not limited to: Map of Zones Where Land Use Can Be Affected by Landslides, Flooding, and Undermining, Allegheny County, PA, by Reginald P. Briggs and William R. Cohl, 1975, USGS Map MF-685D; Coal Resources of Allegheny County, PA, Part 1, Coal Crop Lines, Mined-Out Areas and Structure Contours, compiled by Clifford H. Dodge, Mineral Resource Report 89, 1985, by PaDEP; Soil Survey of Allegheny County, PA, by United States Department of

Agriculture, Soil Conservation Service.

2. The following requirements are encouraged, but not required as part of the preliminary geotechnical investigation:

A. Standard penetration tests (SPTs) should be conducted in all test borings at no greater than 3-foot vertical intervals in the soil mantle of all borings in compliance with American Society for Testing and Materials (ASTM) Test Designation: D158684. Where SPT refusal on bedrock is encountered prior to reaching the required depth, continuous NX, NQ or NQ-2 rock cores should be procured as required for the engineering analysis. Thin-walled steel (shelby) tube samples of relatively undisturbed soil samples should be procured from selected borings, if and where required for physical laboratory testing to determine relevant soil properties for the preliminary engineering analysis.

B. Groundwater encountered in each test boring should be recorded during drilling operations and 24 hours after completing each boring.

C. The borings must be accurately located in the field. Ground surface elevations must be obtained at each boring. Final boring locations and their ground surface locations must be shown on a scaled topographical survey in accordance with §22-303.

D. A suitable boring log should be provided for each boring. At minimum, the logs should include: boring designations; SPT results; depths of strata encountered; percent core recoveries and rock quality designations (RQDs) of rock cores; date boring was drilled; groundwater information; types and descriptions of geomaterials encountered; comments or notes regarding voids, boulders, obstructions, or any other unusual subsurface conditions encountered.

E. A written report prepared and signed by the professional geotechnical engineer licensed in the Commonwealth of Pennsylvania performing the preliminary investigation shall be submitted to the Township. The report should, at a minimum, include: a description of the existing surface and subsurface site conditions; a review of the site geology and geohydrology; a discussion of any slope movements, sloughs, landslides, rock falls, or mining on or adjacent to the site, and an evaluation of their existing and/or potential impact on the site; the test boring logs and laboratory test results and the to-scale boring location plan described above in §22-305.4. The report should also include preliminary geotechnical engineering recommendations regarding apparent limitations/constraints on grading for land development, including apparent stable grades for proposed cut slopes and fill embankments. Any general measures required to provide for long-term stability, including, but not limited to, drainage requirements, benching, erosion protection, and subgrade preparation should also be discussed in the report. This preliminary investigation report will not be considered a detailed engineering evaluation of site grading. The Township Engineer will review the report and will provide a summary recommendation to the Community Development Director and Planning Commission.

F. The amount of buildable area as defined in this Chapter and the Zoning Ordinance [Chapter 27], may be adjusted pending upon the results of the preliminary slope stability investigation and pending Township approval.

3. Pending the results of the preliminary slope stability investigation, the

Township's Geotechnical Engineer may request a comprehensive slope stability investigation.

(Ord. 418, 1/29/2014)

**§22-305. Comprehensive Geotechnical Investigation.**

1. The intent of the comprehensive investigation is to determine the stability of proposed grading operations and develop detailed engineered measures to provide for long-term slope stability. Test borings extending to sufficient depths to evaluate proposed grading should be performed. Specifically, borings should be located at the toes (base) of proposed fill embankments supporting roads or structures, or are 8 feet or greater in height and will be graded to a slope steeper than 4 horizontal to 1 vertical (4:1). Sufficient borings should be located in cut slope areas supporting roads or structures, or that is greater than 6 feet in height and will be graded to a slope steeper than 4½ horizontal to 1 vertical (4.5:1). The borings should extend at least to bedrock surface, but must also extend to a depth of at least 5 feet beyond the anticipated cut depth.

2. Standard penetration tests (SPTs) should be conducted in all test borings at no greater than 3-foot vertical intervals in the soil mantle of all borings in compliance with American Society for Testing and Materials (ASTM) Test Designation: D1586-84. Where SPT refusal on bedrock is encountered prior to reaching the required depth, continuous NX, NQ, or NQ-2 rock cores should be procured as required for the engineering analysis. Thin-walled steel (shelby) tube samples of relatively undisturbed soil samples should be procured from selected borings, if and where required for physical laboratory testing, to determine relevant soil properties for the engineering analysis.

3. Groundwater encountered in each test boring should be recorded during drilling operations 24 hours after completing each boring.

4. The borings should be accurately located in the field. Ground surface elevations should be obtained at each boring. The final boring locations and their ground surface locations must be shown on a to-scale topographical survey (in accordance to §22-303) that includes existing contours and proposed site grading contours.

5. A suitable boring log should be provided for each boring. At minimum, the logs should include: boring designation; SPT results; depths of strata encountered; percent core recoveries and rock quality designations (RQDs) of rock cores; date boring was drilled; groundwater information (minimum 0-hour and 24-hour readings); types and descriptions of geomaterials encountered; comments or notes regarding voids, boulders, obstructions, or any other unusual subsurface conditions encountered.

6. A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative slope stability analysis of proposed cut slopes and fill embankments. At minimum, test boring and relevant laboratory soil or rock test results, site groundwater and surface water findings, anticipated surcharge and/or hydrostatic loads/conditions and any other factors affecting the proposed slopes should be included in the analysis. The slope stability analysis must be based on a method accepted by the geo-technical engineering community, and that has been published in an accepted engineering text book, journal, or proceedings. The analysis should ultimately provide a factor of safety (FS) against movement/failure of the proposed slope. A slope will generally be considered stable in the long term when the

FS  $\geq$  1.5, unless special circumstances, as approved by the Township, should be allowed. Various slope/embankment construction scenarios can be analyzed by the engineer, but no proposed slopes/embankments indicating a FS less than that approved will be deemed acceptable.

7. The written report, prepared and signed by the professional engineer performing the slope stability analyses, shall be submitted to the Township. The report should, at minimum, include: a description of the existing surface and subsurface site conditions; a review of the site geology and geohydrology; a discussion of any slope movements, sloughs, landslides, rock falls, or mining on or adjacent to the site, and an evaluation of their existing and/or potential impact on the site; subsurface profile drawings depicting all relevant parameters of the slopes that were analyzed; a discussion of the slope stability analyses; conclusion(s) regarding the stability of proposed site grading; the test boring logs and laboratory test results; a copy of the calculations/computer output for the stability analyses; and the to-scale boring location plan described above in subsection .4. With respect to slope stability, the report should also include recommendations, as required for: grades for stable cut slopes and fill embankments; drainage requirements; subgrade preparations; benching requirements; suitable fill material, compaction, and moisture requirements, erosion protection requirements, retaining structures, if necessary; and limitations or constraints to proposed slope construction. The report will generally be reviewed by the Township Engineer and shall provide a summary recommendation to the Community Development Director and the Planning Commission.

(Ord. 418, 1/29/2014)

**§22-306. Site Conditions Report.**

The applicant shall describe the following existing characteristics about the site proposed for development:

- A. Total site acreage.
- B. Existing zoning district(s), land use(s) and covenants.
- C. Existing land characteristics including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, hydrological patterns.
- D. Relationship of the proposed subdivision and/or land development to adjoining, existing and proposed community facilities which serve or influence the site; available utilities; number of lots and acreage; business areas; playgrounds; main traffic arteries; elementary and high schools; and street improvements.
- E. Reservations, if any, by the developer and/or landowner of any area designed for use as public grounds shall be suitable size and location for designated uses.
- F. Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or property, or further aggravate or increase existing menace.
- G. A copy of the option agreement or certificate of title shall be submitted as

evidence of the applicant's interest in the property.

(Ord. 418, 1/29/2014)

**§22-307. Phase One Environmental Site Assessment.**

1. *Purpose.* A phase one environmental site assessment evaluates whether a property is likely to have suffered environmental degradation. It involves non-intrusive investigative techniques to establish whether the property is likely to be contaminated and, if so, to initiate the next level of environment assessment.

2. *Content.* An environmental site assessment, in general conformance with the guidelines established under ASTM Standards on environmental assessments, shall contain the following:

- A. Records review.
- B. Site reconnaissance.
- C. Interviews of persons familiar with the site.
- D. Report preparation.

3. *Findings.* If the phase one environmental site assessment report indicates that the property is likely to be degraded, then the applicant must conduct a site investigation in accordance with the ASTM guidelines for a site investigation to identify areas of the property impacted by environmental degradation and a remedial investigation/feasibility study to identify the full extent of soil and ground water contamination and to identify and evaluate the feasibility of remediation alternatives. The site investigation and remedial investigation/feasibility study evaluations shall be in conformance with the guidelines of the governing State or Federal regulatory agency.

4. *Waiver.* The Board of Supervisors may waive the requirements of this Section, upon the applicant's written request and recommendations from the Township Engineer and the Planning Commission. Grounds for a waiver include, but are not limited to:

- A. A proposal presenting a suitable alternative that conforms to the spirit and intention of this Chapter.
- B. Existing physical characteristics of the property that prevent conformance with requirements.

(Ord. 418, 1/29/2014)

**§22-308. Land Development Plan.**

A land development plan shall be provided to the Township, containing the following information:

- A. Drawing scale.
- B. North arrow.
- C. The proposed use, location, area, height and bulk of all proposed structures and dimensions of all yards.
- D. Preliminary building floor plan(s) including square footage of development, types of rooms, door locations, window locations and service area(s).
- E. The layout of parking areas and a computation of the number of parking spaces and fire lanes to be provided in accordance with the Zoning Ordinance

[Chapter 27].

F. Location, size and specifications for private improvements such as curbs, sidewalks, driveways, parking areas, landscaping strips or planters, wheelstops and the like.

G. Street plan indicating street right-of-ways and cartway widths, curbs, sidewalks and connections to existing streets.

H. Location and specifications for lighting of parking areas and walkways.

I. Lot lines (scale dimensions), lot widths, lot areas in square feet and setback lines from adjacent streets.

J. Preliminary locations of sanitary sewer, water and gas lines and their connection(s) to existing systems.

K. Storm drainage structures, including storm sewers, culverts, inlets, easements, diversion terraces, debris collection basins, etc.

L. Grading to show existing contours to remain, new contours and contours to be altered at 2-foot intervals.

M. Location, size and general layout of areas to be set aside for recreational use, open space, schools or other public, semi-public or community purposes.

N. Divisions of the property into phases for development, indicating the boundaries of each phase and the net residential density and number of dwelling units in each phase.

O. Dates of preparation and revisions to the plan.

P. Evidence of preparation by a registered architect, landscape architect or engineer. A review of the plan may require additional investigation and reports for approval.

*(Ord. 418, 1/29/2014)*

### **§22-309. Building Elevation Drawings.**

Building elevation drawings shall be provided to the Township, containing the following information. A plan drawn to scale showing:

A. Preliminary front, rear and side elevations of all proposed buildings including building's architectural features, exterior building materials, colors and/or finishes.

B. First floor elevations of the building, the height of the building in feet and number of stories and the building's relationship to the finished grade immediately surrounding the building.

C. Spot elevations designating the existing and proposed grading.

*(Ord. 418, 1/29/2014)*

### **§22-310. Landscape Plan.**

1. A conceptual landscape plan shall be provided to the Township, containing the following:

A. Drawing scale.

- B. North arrow.
- C. Approximate location and spacing of all proposed plant material with typical dimensions by species.
- D. Botanical and common names of all plant species.
- E. Indication of plant size to be installed by species.
- F. Quantities of species.

2. A final landscape plan shall be provided to the Township in accordance with §27-206 of the Zoning Ordinance [Chapter 27].

(*Ord. 418, 1/29/2014*)

**§22-311. Stormwater Management Statement.**

1. A stormwater management statement shall be provided to the Township and shall contain the following information in accordance with the Stormwater Management Ordinance [Chapter 19]:

- A. Total square footage of pervious and impervious surface of proposed development.
- B. Preliminary calculations of needed stormwater detention and or retention quantities.
- C. The approximate location and size of any proposed permanent stormwater management facilities, such as detention basins, storage tanks, sumps, outlet structures, inlets, culverts, debris collection basins, manholes, piping, permanent swales, etc.
- D. Methods, standards and rates of release to be used in the design of stormwater management facilities.

2. The maintenance of the stormwater facility shall be outlined and the responsible party shall be identified, and a stormwater management facilities maintenance agreement and contribution to the Township's stormwater management fund shall be provided as required under the Township's SWMO. (See Stormwater Management Ordinance [Chapter 19].)

(*Ord. 418, 1/29/2014*)

**§22-312. Traffic Impact Study.**

1. Any land development or subdivision which will generate, on average, 100 or more peak hour trips on any adjacent street shall be required to have a traffic impact study completed as part of the approval process. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Township.

2. The Township may require a traffic impact study for developments or changes in uses generating less than 100 trips in addition to the adjacent roadways' peak hour volumes in cases where known traffic deficiencies exist or where the development or redevelopment is expected to have a significant impact on highway safety or traffic flow in the area of the proposed development or change in use. The Township may waive the study requirement for an individual development or change in use, where a comparison of the ITE traffic generation data of said development or change in use to the existing

use is, upon the recommendation of the Township Engineer, determined to be *de minimis* as provided under the Township's TIFO. (See Chapter 25, Transportation Capital Improvements).

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

A. A brief description of the proposed project in terms of land use and magnitude.

B. An inventory and analysis of existing roadway and traffic conditions in the site environs including:

(1) Roadway network and traffic control.

(2) Existing traffic volumes in terms of peak hours and average daily traffic (ADT).

(3) Planned roadway improvements by others.

(4) Intersection levels of service.

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

C. Proposed site-generated traffic volumes in terms of:

(1) Peak hours and ADT (by development phase if required).

(2) Arrival/departure distribution including method of determination.

(3) Site traffic volumes on study roadways.

D. An analysis of future traffic conditions including:

(1) Future opening year traffic volumes (site traffic plus future background roadway traffic). Opening year is the projected year of opening for the proposed development or change in use.

(2) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to 5 years beyond the expected opening year of the development or change in use.

(3) Background traffic growth rates for study roadways will be provided by the Township. These growth rates shall be consistent with the analysis performed for the Township's Comprehensive Plan and any subsequent updates/revisions to the Comprehensive Plan.

(4) Intersection levels of service.

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

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

(7) When access is onto a state road, the analysis of future conditions shall be consistent with PennDOT requirements.

E. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets

shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, Special Report 209, published by Transportation Research Board. These standards may be waived by the Township if upon the recommendation and concurrence of the Township Engineer sufficient evidence is provided that criteria cannot be met with reasonable mitigation.

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

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

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

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

F. A description and analysis of the proposed access plan and site plan including:

(1) Access plan including analysis of required sight distances using PennDOT criteria and description of access roadway, location, geometric conditions and traffic control.

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

G. Traffic circulation mitigating action plan shall include:

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

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

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

(Ord. 418, 1/29/2014)

### **§22-313. Structural Analysis.**

1. 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.

2. 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.

(3) Establish and assign the structural co-efficient rating number.

(4) Measure the depth and determine the type of bituminous base course. Establish and assign the structural co-efficient rating number.

(5) Measure the depth and determine the type of bituminous wearing course. Establish and assign the structural co-efficient rating number.

(6) Perform the "gradation and/or extraction" tests on bituminous materials when required.

(7) Calculate the "construction number" based on the results of the above referenced tests.

(8) 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.

C. 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.

(Ord. 418, 1/29/2014)

**§22-314. Infrastructure Demand Statement.**

The infrastructure demand statement shall be submitted to the Township, containing the following information:

A. *Pre-development Data for Overall Township Demand.*

(1) Estimated gallons of sanitary sewage created per average day.

(2) Estimated gallons of potable water consumed/utilized per average day.

(3) Estimated number of school age children.

(4) Estimated total residents and/or employees.

B. *Post-development Data for Overall Township Demand.*

(1) Estimated gallons of sanitary sewage created per average day.

(2) Estimated gallons of potable water consumed/utilized per average day.

(3) Estimated number of school age children.

(4) Estimated total residents and/or employees.

(Ord. 418, 1/29/2014)

**§22-315. Final Plat.**

The final plat shall be provided to the Township in an accurate and final form appropriate for recording. The final plat shall clearly delineate the following:

- A. Accurate boundary lines, with dimensions and bearings.
- B. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat.
- C. Street names.
- D. 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.
- E. Street lines with accurate dimensions in feet and hundredths of feet, with bearings to the nearest 1 inch of street and lot lines.
- F. Lot numbers, house numbers, and lot dimensions.
- G. Easements for public improvements and any limitations on such easements.
- H. Accurate dimensions of any property to be reserved for public, semipublic or community use.
- I. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of §22-401 of this Chapter and an indication of whether they were found or set or are to be set.
- J. The name of the subdivision or land development.
- K. The names and addresses of the developer and, if the developer is not the landowner, the names and addresses of the landowner.
- L. The north arrow, graphic scale and date.
- M. *Certificates*. All certificates shall comply with the requirements of the Township, the Allegheny County Department of Real Estate, and shall be in a form acceptable to the Township Engineer and Township Solicitor.

(1) Certificate and seal of a professional land surveyor, registered in Pennsylvania, to the effect that:

(a) The plat represents a survey made by him or her, and that all monuments indicated thereon actually exists and their location, size and material are correctly shown on the plat.

(b) All surveying requirements of this Chapter and all other Township ordinances, including but not limited to, the Zoning Ordinance [Chapter 27], and the Stormwater Management Ordinance [Chapter 19], have been fully complied with as indicated thereon actually exist and their location, size and material are correctly shown.

(2) Certification and seal by a registered professional engineer, registered in Pennsylvania, regarding compliance with all engineering requirements of this Chapter and all other Township ordinances including, but not limited to,

the Zoning Ordinance [Chapter 27] and the Stormwater Management Ordinance [Chapter 19].

(3) Certification of the property owner.

(4) Certification of the dedication of streets and other property.

(5) Review certificate and signature places for the Township Planning Commission or Community Development Director.

(6) Approval/review certificates and signature places for the Township Board of Supervisors, the Township Engineer, the Allegheny County Department of Economic Development and the Allegheny County Department of Real Estate.

N. Final building lines.

O. 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 (PennDOT) under §420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945), 36 P.S. §670-420.

(Ord. 418, 1/29/2014)

#### **§22-316. Construction Plans for Public Improvements.**

Construction plans for public improvements prepared by a registered engineer drawn on sheets measuring 24 by 36 inches, containing the following:

A. Conformity with the design standards specified in Part 5, “Design Standards,” and the Township’s Construction Standard Details.

B. Plans in profile of each street in the plan and the intersection of each street in the plan for at least 200 feet beyond the limits of the plan. Street profiles shall include complete vertical curve information.

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

D. All drainage easements over private property.

E. The location of all necessary sewers, manholes and catch basins.

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

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

H. All pipe sizes and distances shown by plan and profile.

I. The location of each sanitary sewer wye as proposed for installation.

J. Areas set aside for underground utilities.

(Ord. 418, 1/29/2014)

#### **§22-317. Stormwater Management Plan.**

A plan to scale and computations, prepared in accordance with the Stormwater

Management Ordinance [Chapter 19].

(*Ord. 418, 1/29/2014*)

**§22-318. Erosion and Sedimentation Control Plan.**

A copy of the erosion and sedimentation plan as filed with the Allegheny County Conservation District including a copy of the transmittal letter and evidence of Allegheny County Conservation District approval shall be provided to the Township.

(*Ord. 418, 1/29/2014*)

**§22-319. Covenants and Restrictions.**

Documentation of all governing roles and responsibilities shall be provided to the Township.

(*Ord. 418, 1/29/2014*)

**§22-320. Zoning Hearing Board.**

For any application that proposes lot consolidations, lot revisions, and/or land development that requires any variances in accordance with the Zoning Ordinance [Chapter 27], the applicant shall provide written confirmation of the Zoning Hearing Board's approval of such variances prior to approval of the application and plan.

(*Ord. 418, 1/29/2014*)

**§22-321. Recommendations for Pre-application Conferences.**

In addition to the proceeding application requirements, the following plans, reports and analyses are recommended for review during a pre-application conference with the Planning Commission. A pre-application conference is voluntary and no plans, reports or analyses are required for review. The following recommendations are intended to minimize costs to a developer and/or landowner prior to making formal commitments as part of the preliminary and final application processes.

A. *Site Analysis.*

(1) A site analysis map drawn at a scale of 1 inch equals 100 feet with notations, containing the following information shall be provided to the Township:

- (a) The site's existing zoning.
- (b) The site's existing land use(s).
- (c) Existing zoning for adjacent parcels.
- (d) Existing land uses for adjacent parcels.
- (e) Total acreage for the site(s).
- (f) Existing buildings, paving areas.
- (g) Significant on- and off-site views.
- (h) The names and location of soils series as identified by the Soil Survey of Allegheny County.
- (i) *General Vegetative Cover.* Provide a brief description of the site's general vegetative cover (meadows, wetlands, wooded, etc.). Show the

approximate location of and wooded areas. Show the number, species, size and approximate location of all trees with an 18 inches or greater diameter at breast height (dbh).

(j) The location of significant natural features, including plant and wildlife habitat areas for rare or endangered species, wetlands or any other natural feature identified in the Allegheny County Natural Heritage Inventory.

(k) Potentially hazardous features, including quarry sites, surface and subsurface mines, undermined areas, underground fires, solid waste disposal sites, contaminated areas and landslide-prone areas. Show the approximate location and cite source information.

(l) Significant cultural features, including cemeteries, burial sites, archeological sites, historic buildings, structures, plaques, markers or monuments. Show approximate size and cite source information.

(m) Existing structures and man-made features. Show approximate location and type. If an existing structure is proposed to be demolished, show clearly on the plans.

(n) Existing streets, roads, alleys, driveways or other means of access located on or within 100 feet of the site. Include name, jurisdiction of ownership, with and location of right-of-way and existing grades.

B. *Proposed Site Development Data and Narrative Summary.*

(1) Data and a narrative summary shall include the following:

(a) Quantity of residential dwelling units and/or square footage of nonresidential development.

(b) Type of units or buildings.

(c) Quantity of parking/loading spaces.

(d) Percent building coverage.

(e) Total site acreage.

C. *Sketch Plan.*

(1) The sketch plan should include the following:

(a) Name and address of owner/applicant.

(b) Name and address of the professional engineer, surveyor, planner, architect, landscape architect or site designer to be responsible for preparing the plans.

(c) Graphic scale.

(d) North arrow.

(e) Location map.

(f) Existing zoning district.

(g) Streets on and adjacent to the lot (both existing and proposed).

(h) Topographic, physical and cultural features including trees with a diameter of 12 inches or more, slopes greater than 15 percent, soil types, wetlands, ponds, ditches, drains, existing and proposed rights-of-way and

easements, and cultural features such as structures, foundations, walls, wells, trails and abandoned roads.

(i) Schematic layout indicating a general concept for proposed land conservation, building development and circulation.

(j) Proposed general layout of building locations, parking lots and open space, if applicable.

D. *Proposed Construction Types and Materials.* A narrative or list outlining the general palette of building materials and processes in accordance with the current North Fayette Township Building Code [Chapter 5, Part 1] shall be provided to the Township.

(*Ord. 418, 1/29/2014*)

**§22-322. Mobile Home Parks.**

Mobile home parks shall be subject to the express standards of the Zoning Ordinance [Chapter 27] (see §27-802.4).

(*Ord. 418, 1/29/2014*)

**§22-323. Traffic Impact Fee.**

1. For purposes of this Section, any terms or words used in this Section which are not defined in this Chapter shall be interpreted consistent with the definitions and meanings referenced in the Traffic Impact Fee Ordinance, as may be amended from time to time. (See *Ord. 405B* [Chapter 25].)

2. All subdivisions and land development applications, with the exception of simple subdivisions, within the Transportation Service Area(s), shall comply with the Traffic Impact Fee Ordinance. (See *Ord. 405B*, Exhibit A, "Transportation Service Area Map" [Chapter 25].)

(*Ord. 418, 1/29/2014*)

**Part 4****Required Improvements****§22-401. Survey Markers.**

Permanent concrete or durable stone monuments 36 inches by 4 inches with an 18-inch iron pin projecting  $\frac{1}{4}$  inch above the ground shall be set at all boundary corners, angle points of boundary, street intersections and such intermediate points as may be required. Benchmarks shall be placed on the monuments at all street intersections based on the United States Coast and Geodetic Sandy Hook Datum. All lot corners shall be staked and plainly marked with oak or metal pins, where feasible. The location of all monuments and markers shall be shown on the final plat for recording.

*(Ord. 418, 1/29/2014)*

**§22-402. Utilities.**

1. Each lot shall be served by public water and public sanitary sewers and the developer and/or landowner shall be responsible for entering into a developer's and/or landowner's agreement with the Township or its assigns to provide such facilities in accordance with its rules and regulations.

2. The developer and/or landowner shall provide and construct storm sewers and drainage facilities in each plan in accordance with the Design Standards of this Part and the Township Construction Standards. If required by §22-510, stormwater management facilities shall be constructed in accordance with the Township Construction Standards.

3. The developer and/or landowner 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, electric and cable television.

4. The developer and/or landowner shall be responsible for the underground installation of all telephone, gas, electric and cable television lines in any major land development. The design standards for such lines shall be in accordance with applicable regulatory agencies' specifications and locations in accordance with the Township Construction Standards. All installations shall be made prior to the paving of the street.

*(Ord. 418, 1/29/2014)*

**§22-403. Streets.**

Each single-family and two-family residential lot shall have frontage on a public street, as defined by this Chapter. The developer and/or landowner shall construct the street in accordance with Part 5, "Design Standards," and the Township's Construction Standard Details, unless an exception or modification to this requirement is granted in accordance with the provisions of Part 3, "Application Requirements." All multifamily and nonresidential lots shall have access to a public street by means of a Township-approved right-of-way.

*(Ord. 418, 1/29/2014)*

**§22-404. Sidewalks.**

1. *Purpose.* The Township seeks to insure that adequate provision of sidewalks and multi-purpose trails and other public requirements, the promotion of health, safety and the general welfare and the coordination of streets and other public facilities are considered in the development and use of property and that development and use of property are done in accordance with the Township's Comprehensive Plan. The Board of Supervisors hereby finds and declares that the construction and rehabilitation of sidewalks advances those interests of the Township and, in order to accomplish those purposes, this Section sets out requirements for the construction of sidewalks, multi-purpose trails and, where a developer and/or landowner requests it and certain conditions exist, for the payment of a fee in lieu of the requirement for construction of sidewalks.

2. *Guidelines for Requiring Sidewalks.* Sidewalks shall be constructed along all street frontages of the lot for which the development is proposed. All sidewalks shall be constructed in accordance with the standards set forth in the Township's Construction Standards and or Pennsylvania Department of Transportation (PennDOT) sidewalk specifications on state roads. Sidewalks shall be required for all new construction and for renovations, additions and/or expansions to existing structures which comply with any of the following conditions:

A. All minor land developments.

B. All major land developments.

C. All existing nonresidential development additions or expansions to structures where the addition or expansion results in an increase of more than 10 percent of the existing gross floor area (GFA) of the structure.

3. For each phase of construction within an approved minor or major land development plan, the developer and/or landowner shall provide and maintain temporary pedestrian facilities, including, but not limited to, landowner sidewalks until the phase has been built out. In order to ensure pedestrian connectivity and safety throughout construction of a phase, the Township shall review and approve or deny the materials and locations of the temporary improvements.

4. *Fee in Lieu of Sidewalk Construction.* Where a sidewalk is required to be constructed or rehabilitated, the Board of Supervisors may in its sole discretion upon the recommendation of the Township and upon good cause shown waive the requirement that a sidewalk be constructed or rehabilitated, provided that the applicant shall make a written request for a waiver, and further provided that the applicant shall pay a fee in lieu of the construction or rehabilitation of the sidewalk and provided that the Township determines that one or more of the following conditions exist:

A. If sidewalks or multi-purpose trails are scheduled to be installed as part of a Township or State project which has been funded for construction.

B. Where the District Executive of PennDOT recommends in writing that no sidewalk be constructed, and the Township agrees.

C. Where a combination of conditions exists (such as, but not limited to, topography, hazardous conditions, or other conditions warranting same upon the recommendation of the Township Engineer or his or her designee) which make it

impractical or not feasible to construct a sidewalk.

5. *Fees.* The fee amount shall be determined by the Township based on a lineal foot cost basis for the required sidewalk being waived. Applicant shall submit an estimate of the per lineal foot cost, for review and approved by the Township upon the recommendation of the Township Engineer.

6. *Use of Fees.* All fees collected by the Township pursuant to these provisions shall be accounted for separately from other monies, and shall be utilized for Township sidewalks, trails, pedestrian access, recreational facilities, and other related municipal purposes in a time period determined by the Township. These fees shall be placed in a separate interest-bearing account until utilized for the foregoing purposes. Interest earned on this account shall likewise be the funds of the Township.

(Ord. 418, 1/29/2014)

#### **§22-405. Street Lighting.**

1. For the public's safety and convenience, the developer and/or landowner shall install street lighting of the following types approved by the Township and on poles prescribed by the Township on all public and private streets.

A. On arterial and collector streets:

(1) Duquesne Light Standard HPS cobra head high-pressure sodium vapor fixtures for areas served by Duquesne Light.

(2) West Penn Power Overhead Vertical Open Lamp Luminaire, 100 watt high-pressure sodium for areas served by West Penn Power.

B. On local streets:

(1) Duquesne Light Colonial design luminaries at Township-approved locations for areas served by Duquesne Light.

(2) West Penn Power underground Colonial Post Top-mounted high-pressure sodium for areas served by sodium for areas served by West Penn Power.

2. The developer and/or landowner shall install lighting in accordance with the Township Construction Standards. The developer and/or landowner shall assume the cost of the lights, poles and installation.

(Ord. 418, 1/29/2014)

#### **§22-406. Street Signs.**

The developer and/or landowner shall install Township-approved street name signs at all street intersections and in accordance with the Pennsylvania Department of Transportation Publication 212, §212.118. The developer and/or landowner shall assume the cost of the streets signs and posts.

(Ord. 418, 1/29/2014)



**Part 5****Design Standards****§22-501. Compliance Required.**

All applications for subdivision and land development shall conform to the standards set forth in this Part. The standards specified in this Part are minimum design requirements.

(Ord. 418, 1/29/2014)

**§22-502. Review.**

The Township Engineer will review all applications for technical compliance with these design standards and the Township's Construction Standard Details. The Township Engineer will provide a written report containing his or her review as required by Part 6, "Inspection and Acceptance of Improvements."

(Ord. 418, 1/29/2014)

**§22-503. Land Development.**

1. *Slope of Land.* No land shall be graded, cut or filled except in compliance with the requirements of the Chapter 9, "Grading and Excavating."

2. *Stripping of Topsoil.* No person shall strip, excavate or otherwise remove topsoil, minerals, dirt or slag for sale or for use other than on the lot from which it is taken, except in connection with the construction or alteration of a building on that lot and the excavation or grading incidental to that construction conducted in compliance with Chapter 9, "Grading and Excavating."

3. *Major Excavation, Grading and Filling.*

A. Any major cuts, excavation, grading and filling which materially changes the drainage characteristics of the lot(s) and the lot's relationship with surrounding properties shall not be permitted, unless first approved by the Township Engineer. As a condition for such approval, the developer and/or landowner shall complete a grading plan and preliminary and/or comprehensive slope stability investigation report(s) of the lot(s) that such excavation, grading and filling are to be conducted. The developer and/or landowner shall submit the plan and report(s) to the Township Engineer for approval.

B. The grading plan shall show the following, in addition to any other information required by the Township Engineer, to demonstrate compliance with the provisions of this Section:

(1) The existing contours of the lot(s).

(2) Proposed contours of the lot(s) after completion of the excavation, cuts, grading and filling.

C. The grading plan shall be at a scale of 1 inch to 50 feet or larger. The plan's contour interval shall be as follows:

(1) Not more than 5-foot intervals where the slope will be greater than 10

percent.

(2) Not more than 2-foot intervals where the slope will be equal to or less than 10 percent.

D. The Township Engineer shall not approve any plan in which any such excavation, grading, cutting and filling will result in a slope exceeding 2 feet of horizontal distance for each vertical rise of 1 foot (2:1) between adjoining lots or tracts of land, except where adequate provision is made to prevent slides and erosion. Such an exception may be approved if the Township's Zoning Hearing Board has granted a variance prior to construction.

4. *Planting and Cutting of Trees; Removal of Debris.*

A. Planting and cutting of trees shall comply with the vegetation preservation and landscaping provisions of the Zoning Ordinance [Chapter 27].

B. At the request of the Planning Commission or Board of Supervisors, the developer and/or landowner may be required to seed grass or plant an approved groundcover on all lot areas that slope toward streets or adjacent lots to prevent washing and erosion.

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

5. *Flood-Prone Areas.* Land 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 §27-602 of Chapter 27, Zoning Ordinance, "Floodplain Overlay District."

(Ord. 418, 1/29/2014)

**§22-504. Streets.**

1. *General.*

A. Proposed streets shall further conform to such County and State street and highway plans as have been prepared, adopted and/or filed as prescribed by law.

B. Streets shall be designed with consideration to both existing and planned streets, both within and adjacent to the property being developed. All streets shall be arranged to conform as closely as possible to the original topography. New streets shall be connected with streets of similar function, to form continuations thereof. Local streets shall be laid out to discourage use by through traffic. Streets shall be laid out to provide convenient and safe access to the property. The rigid rectangular street pattern need not be adhered to; the use of curvilinear streets maybe provided when their use will result in a more desirable layout. Where a development abuts an existing or proposed major street, the Board of Supervisors may require the use of marginal access streets or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street and separate the local and through traffic.

C. All design elements of all streets, including horizontal and vertical alignment, sight distance and super elevation are subject to review and approval by the Township. When reviewing the design of streets, in addition to the standards in this Chapter, the Rural Design Criteria in the Pennsylvania

Department of Transportation Design Manual Part 2, Highway Design, latest edition, and a Policy on Geometric Design of Rural Highways, AASHTO, latest revision, shall be consulted to assure that the road design is in accordance with acceptable engineering practice.

D. Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.

E. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project.

F. When existing stub streets or temporary cul-de-sac streets adjoin the tract to be developed, they shall be extended into the site and made part of the proposed street layout. Where a temporary cul-de-sac is being extended, the bulb shall be reconstructed to Township street specifications, any existing sidewalk extended through the area and the remaining areas shall be re-graded and seeded.

G. Areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. A sketch plan and/or other information may be required to demonstrate the feasibility of future expansion of the street system. Streets within the reserved areas shall be constructed to the full standards of this Chapter, including extensions of underground utilities, unless a waiver is granted. If a waiver to construct the cartway is granted, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract. When reservations for future streets will adjoin lots to be developed prior to the construction of the streets, the subdivider shall determine the proposed grades of the future streets and the extent of the area necessary for the construction of those streets. Of the area necessary for the construction of the streets extends beyond the proposed street necessary for the roads beyond the right-of-way lines shall be done as required improvements in conjunction with the subdivision which contained the adjoining lots. Where reservations for future streets intersect existing streets, radii shall be provided for the reservations such that the requirements of this Chapter could be met for a street to be constructed in the future.

H. The extension of existing streets which are presently constructed with a cartway different from current Township standards shall be provided with a transition area, the design of which is subject to Township approval.

I. If a subdivision or land development abuts an existing street which has a right-of-way width of less than the required right-of-way width set forth the Township Construction Standards, this Chapter or Zoning Ordinance [Chapter 27], the developer shall lay out as a street on the plat the additional amount of land necessary so that the distance from the center line of the street to the edge of the right-of-way abutting the proposed development is one-half the right-of-way width required by the Township Construction Standards. Any such expanded street right-of-way width shall be improved in accordance with the Township Construction Standards. The developer may dedicate and the Township or other governmental entity may accept any such expanded right-of-way width in accordance with applicable law. For purposes of calculating any applicable yard and bulk requirements, the area of the expanded street right-of-way shall not be considered a portion of the lot.

J. Except as set forth in subparagraph (5), below, the following requirements shall apply to all subdivisions and land developments:

(1) Where a subdivision or land development is situated on both sides of an existing street, the street shall be improved in accordance with the standards set forth in this Chapter to the full minimum width set forth in the Township Construction Standards.

(2) Where a subdivision or land development is situated on one side of an existing street, the street shall be improved to the center line for one-half the full minimum width set forth in the Township Construction Standards.

(3) Where a traffic study is required under §22-313 of this Chapter, the developer shall construct or implement, at developer's cost, all improvements recommended by the study, including, but not limited to, any required traffic signals, traffic control devices, additional traffic and turning lanes, traffic dividers, highway markings, regulatory signs or other traffic improvements.

(4) In the event the Township determines that the improvements required by this paragraph are not feasible at the time of development, the applicant shall deposit with the Township an amount equal to 110 percent of the projected cost of the improvements computed in accordance with Part 6 of this Chapter.

(5) A subdivision or land development shall be exempt from the requirements of §§22-504.A.10(a) and (b) provided all of the following criteria are met:

(a) All portions of the tract, parcel or lot of which the subdivision or land development constitutes all or a portion thereof as that tract, parcel or lot existed on [date of this Chapter adoption] (the "parent tract") is used solely for residential purposes.

(b) The development of the parent tract involves, cumulatively, since [date of adoption of this Chapter], five or fewer dwelling units.

(c) The development of the parent tract involves, cumulatively, since [date of adoption of this Chapter], five or fewer lots.

(d) A condition of approval shall be that no further subdivision or land development of the parent tract shall be permitted unless the entire parent tract either complies with the exemption requirements of this §22-504.A.10(e) or the requirements of §§22-504.A.10(a) and (b) are met for the entire parent tract. A note to this effect in a form acceptable to the Township Solicitor shall be affixed to the approved plat.

(e) Compliance with paragraph .I.

K. Where a proposed subdivision or land developments is adjacent to or within a reasonable distance of a street where public transit service is provided, or may be provided in the future, the street and/or plan design requirements may be required to be adjusted for bus lanes, passenger waiting areas, shelters or other amenities. All improvements shall be reviewed and approved by the transit authority.

L. When the proposed development requires construction within an existing street right-of-way, such as sewer, water or stormwater lines, the Township may

require construction of a new wearing course along the frontage and/or disturbed area.

M. If lots resulting from original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate rights-of-way for streets and other required improvements shall be provided as necessary to permit further subdivision.

N. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill banks shall not exceed a maximum of 2:1 slope.

O. Streets, access drives, and parking compounds shall be designed to preclude or minimize the need for guiderail. The Township may, however, require guide rail to be placed for protection on embankments when a barrier is indicated, as warranted in Design Manual, Part 2, Highway Design, by PennDOT, as amended, or where otherwise deemed necessary. The design and selection of guide rail shall be in accordance with the standards in Design Manual, Part 2, Highway Design, as amended and Publication No. 72, Standards for Roadway Construction; however, the Township shall approve all guide rail systems.

P. Streets that are extensions of or obviously in alignment with, existing streets shall bear the names of the existing streets. Street names shall not be repeated within the Township and all street names shall be subject to the approval of the Township.

Q. All proposed streets, whether or not offered for dedication, shall be designed and constructed in accordance with the design and construction standards for public streets under the Township Construction Standards. Where a waiver of this subsection is granted by the Township, all private streets shall conform to the requirements of the Township Construction Standards.

S. All streets shall be designed and constructed in accordance with the Township Construction Standards and PennDOT specifications Publication No. 72 and Publication No. 408, as amended from time to time. All materials used for construction shall be supplied from PennDOT pre-approved manufacturers or suppliers; verification shall be provided to the Township.

T. Where, in the opinion of the Township, unique site conditions are present, the applicant shall provide a street pavement structure in accordance within an approved design performed by an engineer in accordance with PennDOT Publication 70, Guidelines for the Design of Local Roads and Streets; however, under no circumstance shall the approved section be less than the Township minimum standards in accordance with the Township Construction Standards.

U. All subdivisions and land developments shall comply with the requirements of the Township Driveway and Street Access Ordinance [Chapter 27, Part 2].

## 2. *Horizontal Alignment.*

A. Horizontal street alignments shall be measured along the centerline. Horizontal curves shall be used at all angle changes.

B. The centerline of the street cartway shall correspond with the centerline of the street right-of-way.

C. Plans with street locations along the perimeter of a property shall be

required to show building setback lines and clear site triangles within the adjacent properties. Written permission from the effected adjacent land owner shall be provided prior to preliminary plan approval.

D. There shall be a tangent of at least 100 feet between reverse curves for all local and collector streets.

E. Horizontal curve centerline radii shall be designed in coordination with vertical geometry, subject to the approval of the Township Engineer. Generally, however, the minimum acceptable centerline radii shall be 150 feet.

### 3. *Vertical Alignment.*

A. Vertical curves shall be used in all changes of grade.

B. The minimum vertical grade for all streets shall be 1.5 percent, the maximum vertical grade shall be 12 percent.

C. The minimum length of vertical curve for all streets shall be 250 feet.

D. At street intersections, there shall be a level area on each street within which no grade shall exceed a maximum of 5 percent for a minimum distance of 100 feet (measured from the intersection of the centerlines of the streets).

E. Notwithstanding the above minimum length of vertical curve, the actual length of vertical curve shall be based on the formula  $L = KA$ ; where "L" is the minimum length of curve in feet, "K" is the length of vertical curve per percent change in "A" and "A" is the algebraic difference in grade (in percent). Values for "K" shall be based upon those specified in A policy on Geometric Design of Highways and Streets, 2004 edition, published by the American Association of State Highway and Transportation Officials (AASHTO).

### 4. *Cul-De-Sac and Dead-End Streets.*

A. The use of cul-de-sac streets shall not be permitted when, in the sole opinion of the Township, the use of through streets or loop streets can be utilized.

B. The centerline distance of permanent cul-de-sac streets shall be no less than 250 feet in length and shall be no greater than 600 feet in length. The length of the cul-de-sac street shall be measured from the centerline intersection of an intersecting street which is not a dead end or cul-de-sac to the center of the cul-de-sac turn-around. Permanent cul-de-sac streets must be provided with a paved turn-around with a minimum cartway diameter and a minimum right-of-way diameter in accordance with the Township Construction Standards. The use of internal islands is prohibited.

C. Unless future extension is clearly impractical or undesirable, in the opinion of the Township, a temporary cul-de-sac shall be provided. The turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient additional width provided along the boundary line to permit extension of the street at full width.

D. Where temporary cul-de-sacs are employed as provided in paragraph .C or in a phased development, such cul-de-sac shall be constructed to the same standards as required for permanent cul-de-sacs. In addition, easements shall be provided for the affected adjoining properties, which easements shall recite that they are intended to be "temporary easements" to remain and become permanent

unless and until such time that the street is extended and the temporary easements may then expire upon dedication of the extended cul-de-sac, failing which they shall remain and become “permanent easements.”

E. Dead-end streets are prohibited unless designed as cul-de-sac streets; provided, that in the case of streets which are planned for future extension into adjoining tracts and which will be no longer than the depth of one lot, and which will not be the primary means of access to any lot or dwelling unit, the Township may waive the requirements of providing a turn-around.

F. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed and all utilities installed. A barricade to prevent vehicular access to adjoining property shall be constructed at the termination point of the street. The barricade shall be designed and constructed in accordance with PennDOT Publication 72, Standards for Roadway Construction, RC-63.

G. Where any adjacent stub street is not proposed for extension as through street, a cul-de-sac shall be constructed in compliance with Township standards.

H. All permanent cul-de-sacs shall be designed with a snow removal easement at the terminus. The easement shall extend outward from the street right-of-way and be a minimum of 50 feet in width and 10 feet in depth. The easement shall be centered on the projected center line of the street. The final plan, and all deeds transferring ownership of any lots burdened by such snow removal easement, shall contain a note informing of the existence of said easement and stating that the easement shall be maintained as open space and no improvements or obstructions such as driveways, mailboxes, fences or landscaping shall be permitted.

##### 5. *Street Intersections.*

A. Intersections involving the junction of more than two streets are prohibited.

B. The distance between the center line of streets opening onto the opposite sides of existing or proposed streets shall be no less than 150 feet between center lines, measured along the center line of the street being intersected.

C. Intersections with arterial and collector streets shall be located not closer than 1,000 feet and 600 feet, respectively, measured from center line to center line along the center line of the arterial or collector street being intersected.

D. Right angle intersections shall be used.

E. The cartway edge at street intersections shall be rounded by a tangential arc with a minimum radius of 35 feet for local streets or alleys and 50 feet for intersections involving arterial and collector streets. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway. The Township may require larger radii based on the largest design vehicle using the intersection.

F. All streets intersecting a State highway shall be subject to the approval of PennDOT.

G. There shall be provided and maintained at all intersections a clear sight triangle. Clear sight triangles shall be indicated on all plans. No building or other

obstruction that would obscure the vision of a motorist shall be permitted within these areas.

H. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical road alignments at all intersections. Sight distance at street intersections shall be such to provide the following minimum stopping distance for a vehicle traveling on an approaching street which has no stop or signal control:

(1) *Calculation of Safe Stopping Sight Distance.*

(a) Street intersections shall be located at a point which provides optimal sight distance in both directions.

(b) For each intersection, the available sight distance in each direction shall equal to exceed the stopping sight distance computed from the following formula:

$$SSD = 1.47 Vt + V^2/30(fG)$$

Where:

SSSD = minimum safe stopping sight distance (feet).

V = velocity of vehicle (miles per hour).

t = perception time of driver (2.5 seconds).

f = wet friction of pavement (0.30).

G = percent grade of roadway divided by 100.

(c) The velocity (V) shall be based on a minimum design speed of 10 miles per hour above the posted speed limit. If the 85<sup>th</sup> percentile speed varies by more than 10 miles per hour from the speed limit, the Township may require the 85<sup>th</sup> percentile speed to be used to determine stopping distance.

(d) If approved by the Township Engineer, the applicant may utilize a table or chart which depicts stopping sight distances for selected design speeds (such as one approved or authorized by PennDOT). The designer may use such a table or chart in lieu of the above formula only if the design speed utilized in such table is based minimally on the above criteria, as determined by the Township Engineer.

(2) *Measurement of Sight Distance at Intersections.*

(a) The correct measurement of available sight distance at each proposed street intersection shall be the responsibility of the applicant.

(b) For the purpose of measuring available sight distance, the height of the driver's eyes shall be 3.5 feet above the road surface and the height of the object shall be 3.5 feet above the road surface. The lateral placement of vehicles on the roadway and at the proposed access point shall be consistent with the operation of the access and roadway.

(c) For each direction, the shortest of the following measurements shall be considered the available sight distance for that direction:

- 1) The maximum length of roadway along which a driver at the proposed street intersection can continuously see another vehicle approaching on the roadway. The driver's eyes at the proposed point

of access shall be 10 feet back from the near edge of the closest travel lane in the center of the intersection land.

2) The maximum length of roadway along which a driver on the roadway can continuously see a vehicle which is located in his travel lane on the roadway in order to make a left turn into the proposed access or as a result of a left or right turn out of the proposed access.

3) The maximum length of roadway along which the driver of a vehicle intending to make a left turn into the proposed access can continuously see vehicles approaching from the other direction. This is measured from the point where the left turning vehicle stops.

(3) *Inadequate Sight Distance Remedies.* If it is impossible to achieve required safe stopping sight distance in both directions the Township may:

(a) Prohibit left turns by entering or exiting vehicles.

(b) Require alteration of the horizontal or vertical geometry of the roadway or access; all such work shall be at the expense of the applicant.

(c) Require removal of physical obstruction from the line of sight, at the expense of the applicant.

(d) Require installation of a separate left turn standby lane at the expense of the applicant.

(e) Deny access to the roadway.

6. *Traffic Signals.* All traffic signals installed and/or erected in the Township shall whenever possible be coordinated with existing traffic signals. Additionally, traffic signals shall provide for emergency pre-emption systems approved by the Township.

7. *Right-of-Way and Cartway Widths.*

A. The minimum street rights-of-way and cartway widths for new streets shall comply with the Township Construction Standards.

B. Increased cartway and right-of-way widths may be required by the Board of Supervisors to promote emergency vehicular access along the streets, to promote public safety and convenience when special conditions require it, and/or to provide parking spaces in areas of intensive use.

8. *Visibility.* No fence, hedges, shrubbery, walls, plantings or similar obstructions shall be located within the right-of-way; no obstruction shall obscure visibility at any intersection.

9. *Entrance Islands.* No entrance island or other architectural feature shall be permitted within the right-of-way of any public street.

(Ord. 418, 1/29/2014)

#### **§22-505. Service Streets.**

Service streets, as defined by this Chapter, shall not be permitted in residential developments but may be provided in all nonresidential developments where needed for loading, unloading or secondary access. Service streets shall meet the minimum design standards specified in this Chapter and the Township Construction Standards.

(Ord. 418, 1/29/2014)

**§22-506. Alleys.**

1. Alleys shall have the following characteristics:

A. A property which utilizes an alley shall maintain frontage along a public or private street.

B. An application that proposes alleys shall be accompanied by an agreement which shall be recorded with the final plan and which shall establish the conditions under which the alleys will be maintained.

C. The final plan, for recordation with the Allegheny County Department of Real Estate shall include a plan note which identifies (1) the specific alleys; (2) the recorded maintenance agreement; and (3) a notification that the alleys do not qualify for dedication to the Township and that the Township will not assume any responsibility for their maintenance.

2. The cartway of all alleys shall be constructed in accordance with the Township Construction Standards.

A. No part of any structure shall be located within 30 feet from the cartway edge of an alley.

B. The vertical and horizontal alignments of alleys shall conform to the specifications for local streets as stated in the Township Construction Standards.

3. Alleys and their intersections shall conform to the specifications for local streets as stated in the Township Construction Standards.

4. Alleys which form a cul-de-sac shall not exceed 400 feet in length, measured from the center line intersection of a street or private street which is not a cul-de-sac. Alley cul-de-sacs which do not terminate in a parking compound shall be provided at the terminus with a fully paved turn-around. The turn-around shall be designed in accordance with one of the following methods:

A. An 80-foot paved diameter.

B. T-shaped turn-around with a 12-foot width and the flared portions rounded by minimum radii of 20 feet.

5. All alleys shall be privately maintained. The plan shall contain a note which shall state that the alley shall not be offered for dedication and shall be privately maintained.

A. If an alley is to be for the common use of two properties, the applicant shall provide for the maintenance of such alley. The applicant shall provide for private maintenance through the formation of a homeowners association or through the setting forth of the maintenance responsibilities in easements in the deeds to the lots which have the right to use the alley. If a homeowners association is formed, a document setting forth the maintenance responsibilities of such association and the right of such association to assess lots within the development shall be recorded at the same time as the final plan is recorded. All such documents shall be in a form acceptable to the Township Solicitor.

B. All persons who shall purchase a lot abutting or having the right to use an alley shall be given a copy of the final plan and, if a homeowners association has been formed, shall be given a copy of all such documents relating to the maintenance responsibilities of such homeowners association.

6. All alleys and associated parking areas shall be located outside the minimum required rear yard and side yard setbacks.

(Ord. 418, 1/29/2014)

**§22-507. Private Streets.**

1. Private streets shall meet all the design standards for public streets as required by this Chapter. The developer shall provide a private road access and maintenance agreement, in a form acceptable to the Township, which shall, at a minimum, set forth the following:

A. The access rights over the private street to each lot utilizing the private street.

B. The street shall be constructed and maintained in accordance with the design standards and specifications of this Chapter.

C. The method of assessing maintenance and repair costs.

D. The conditions for any dedication of the private street to a public entity.

2. This access and maintenance agreement shall be recorded with the Allegheny County Department of Real Estate after recording of the final plan. Reference to this recorded access and maintenance agreement shall be provided in the deeds of the lots having use of the private street.

(Ord. 418, 1/29/2014)

**§22-508. Easements.**

1. Easements for sanitary sewers, waterlines and access to stormwater management facilities dedicated to the Township shall be required to have a minimum width of 20 feet. Where a subdivision is or will be traversed by a watercourse, the developer and/or landowner shall provide a stormwater easement or drainage right-of-way of a width sufficient for the purpose but not less than 20 feet.

2. Easements for shallow buried utilities, such as cable television, telephone, electric or gas distribution facilities, shall be a minimum of 5 feet to 15 feet, as required by the Township Engineer.

3. All easement shall also conform to the requirements of the Township's Construction Standards.

(Ord. 418, 1/29/2014)

**§22-509. Lots.**

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

A. *Lot Area.*

(1) Minimum lot areas shall conform to the requirements of Part 2 of the Zoning Ordinance [Chapter 27, Part 2].

B. *Frontage.*

(1) All subdivided lots shall have frontage along and primary access from the right-of-way of a public street. Lot frontage widths shall conform to the

requirements of Part 2 Chapter 27, "Zoning." For lots on cul-de-sac, turnarounds or curves, the minimum lot width shall be determined at the minimum required front building line.

C. *Double Frontage.* Double-frontage lots, as defined herein, shall be avoided except where:

(1) A double-frontage lot is the only practical alternative, in which case vehicular access shall be limited to only one street and that street shall be the street with the lower volume of traffic, if physically feasible. The final plat and land development plan shall contain a notation restricting vehicular access to one (1) frontage; or where:

(2) A reverse-frontage lot is required to minimize or eliminate substandard access to arterial or collector roads in accordance with Chapter 21, "Streets and Sidewalks."

D. *Side Lot Lines.*

(1) Whenever practicable, the side lines of a lot shall be at right angles or radial to the right-of-way lines of streets.

E. *Building Lines.*

(1) Building lines of lots shall conform to the minimum requirements of Part 2 of Chapter 27, "Zoning," and shall be shown on the final plat and land development plan.

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

G. *Driveways.*

(1) Developers and/or landowners are not required to pave driveways serving single-family and two-family dwellings; however, in lieu of paving, the driveway shall have a covering of slag or crushed aggregate at least 2 inches thick for a distance of 30 feet from the street's right-of-way. The area between the sidewalk and the curb or the edge of the cartway shall be concrete, as required by the Township's Construction Standards.

(2) All other driveways shall be paved in accordance with the Township's Construction Standard Details and/or the Pennsylvania Department of Transportation (PennDOT) Design Manual, Part 2.

(3) No driveway shall have a slope of more than 12 percent. 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. No person shall 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 any purpose without first obtaining a permit from the Public Works Director.

H. *Accessibility.*

(1) Every lot shall be accessible to emergency and public safety vehicles.

I. *House Numbers.*

(1) The Police Chief shall assign house numbers. House numbers shall be posted at each house so as to be easily visible and readable from the street where feasible.

(2) House numbers shall comply with Chapter 4, "Buildings," of the Township of North Fayette Code of Ordinances.

(Ord. 418, 1/29/2014)

**§22-510. Stormwater Management.**

Stormwater management facilities shall be provided for all subdivisions and land developments in accordance with the requirements of Chapter 23, "Stormwater Management." Unless specifically exempted by Chapter 23, "Stormwater Management," a stormwater management plan shall be approved by the Township prior to the commencement of any earth-disturbing activity.

(Ord. 418, 1/29/2014)

**§22-511. Drainage Facilities.**

1. *Size and Grade.*

A. Storm drains shall be adequate for the anticipated runoff originating on or running through the site when the land development is fully developed. The minimum diameter of storm sewers shall be 15 inches, and the minimum grade shall be 1 percent, unless approved by the Township Engineer.

B. *Manholes.*

(1) For pipe sizes of 24-inch diameter or less, manholes shall be spaced at a maximum of 400 feet; for pipe sizes larger than 24 inches diameter, the maximum distances between manholes shall be 600 feet.

(2) Manholes shall be installed at all points of abrupt changes in alignment and grade.

(3) Inlets may be substituted for manholes where practical.

(4) Manholes shall not be permitted to be constructed at a depth below finished grade greater than 15 feet.

C. *Inlets.*

(1) A developer and/or landowner shall install inlet types shown in the Township's Construction Standard Details. Inlets shall be placed on the tangent and not on the radius portions of street intersections, unless approved by the Township.

(2) A developer and/or landowner shall not be permitted to construct inlets at a depth greater than 10 feet below finished grade.

D. *Castings.*

(1) Manholes and inlet castings shall be installed as indicated in the Township's Construction Standard Details.

E. *Stormwater Roof Drains.*

(1) Stormwater roof drains shall be discharged into an on-lot detention sump or other Pennsylvania Department of Environmental Protection

approved best management practices. The sump's size and design shall comply with the Township's Construction Standards.

F. *Unnatural Drainage.*

(1) Whenever site construction prevents or concentrates the natural flow of storm drainage in such a way that affects adjoining properties, the developer and/or landowner shall obtain adjacent property owners' approval in writing, and shall cause a drainage easement to be recorded as necessary in the judgment of the Township. The Township's approval of plans does not authorize or sanction drainage affecting adjoining properties.

G. *Watercourses.*

(1) Open watercourses 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 watercourses in the Township shall not be permitted unless approval, in writing, is obtained from the Board of Supervisors.

(2) A permit must be obtained from the Pennsylvania Department of Environmental Protection (DEP) for construction or changes in a watercourse as required by applicable DEP regulations and as required by the Corps of Engineers.

H. *Bridges and Culverts.* All bridges and culverts shall be designed to support expected loads and to carry expected flows originating on or running through the site and shall be constructed to the full width of the right-of-way. Bridges and culverts shall be designed to meet current standards of the Pennsylvania Department of Transportation (PennDOT) and the Pennsylvania Department of Environmental Protection (DEP) and shall be subject to such other standards, specifications, and conditions as recommended in the sound discretion of the Township Engineer.

(Ord. 418, 1/29/2014)

**§22-512. Sanitary Sewers.**

1. *Installation.*

A. Installation of sanitary sewers and appurtenances shall be in accordance with the Township's Construction Standards.

B. All installations, including house connections, shall be made prior to the paving of the street and shall be thoroughly tamped.

C. All street crossings within the public right-of-way shall be inspected by the Township.

2. *Minimum Size and Grade.*

A. The minimum diameter of sanitary sewers shall be 8 inches and the minimum grade shall be  $\frac{1}{10}$  percent.

3. *Laterals.*

A. Lateral connections, where required, shall be installed to the right-of-way line of the street prior to road paving, with a sight tee connection (clean-out) to be placed per Township Construction Standards at said location and/or as otherwise

recommended in the sound discretion of the Township Engineer.

B. Each building shall have a separate lateral connection to the public sewer, except for garages that are accessory to a residential dwelling unit and may be connected to the dwelling unit's lateral.

(Ord. 418, 1/29/2014)

**§22-513. Water System.**

1. *Water Mains.*

A. All water mains shall have a minimum diameter of 6 inches, unless written approval is obtained from the Western Allegheny County Municipal Authority (WACMA) or Pennsylvania American Water.

B. All water mains shall be extended and connected to existing water mains to provide a circulatory system where required by the Western Allegheny County Municipal Authority (WACMA) or Pennsylvania American Water.

2. *Installation.*

A. Installation of water mains and appurtenances shall be made in accordance with the rules and regulations of the Western Allegheny County Municipal Authority (WACMA) or Pennsylvania American Water or its assigns.

B. All water mains and house connections shall be made prior to the paving of the street and shall be thoroughly tamped.

C. The Township shall inspect all street crossings within the public right-of-way.

3. *Hydrants, Gate Valves and Meters.*

A. Fire hydrants, gate valves and meters shall be of the type and design required by the Township, and as per the Township Fire Marshall/Chief's direction.

B. Fire hydrants shall be located at accessible points and located to give adequate fire protection as outlined by the Board of Underwriters.

C. Gate valves shall be located as directed by the Western Allegheny County Municipal Authority (WACMA) or Pennsylvania American Water.

(Ord. 418, 1/29/2014)

**§22-514. Testing.**

If required by the Township Engineer, a qualified testing laboratory shall test all construction materials used in sewers, streets, sidewalks and other required improvements. The developer and/or landowner shall bear all costs for such tests.

(Ord. 418, 1/29/2014)



**Part 6****Inspection and Acceptance of Improvements****§22-601. Progress Inspections.**

1. The developer and/or landowner shall notify the Community Development Director at least 72 hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer and/or landowner shall notify a Township-designated inspector at least 72 hours prior to the time that the following required progress inspections are desired:

- A. Inspection of subgrade of streets prior to laying of base.
- B. Inspection of base as it is being constructed and prior to final paving of streets.
- C. Inspection of paving of streets while they are being constructed.
- D. Inspection on installation of storm sewers and drainage facilities as they are being constructed.
- E. Inspection of all utilities street crossings within the public right-of-way.
- F. All grading being performed according to Chapter 9, "Grading and Excavating."
- G. Inspection on installation of sanitary sewer facilities as they are being constructed.
- H. Inspections at such other times as may be provided by Township policy (including the Township Public Improvements Inspection Policy, as may be amended from time to time), by the developers agreement, or where nature of work or conditions such that Township Engineer believes such to be necessary in his/her sound judgment.

2. A Township-designated inspector will prepare a written report of all inspections in duplicate on forms provided by the Township. One copy shall be retained by the Township and one copy shall be retained by the Township Engineer.

(Ord. 418, 1/29/2014)

**§22-602. Notice of Completion of Public Improvements.**

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

2. When the developer and/or landowner has completed the required private or public improvements in a plan, the developer and/or landowner shall notify the

Township, in writing, by certified or registered mail. Within 10 days of the receipt of such notification, the Township Engineer will inspect the private or public improvements in the plan to determine compliance with Part 5, "Design Standards," and the Township's Construction Standards.

3. Upon completion of the private or public improvements in a land development plan, the developer and/or landowner shall file paper copies as well as electronic-based as-built plans and profiles of the public improvements, as constructed, to the Township within 10 days of the mailing of the notice of completion. Three paper copies of the as-built plans shall be folded into a final size of 8½ inches x 11 inches. The electronic file of the as-built plans shall be provided in a format compatible with the Township's geographical information system (GIS) unless otherwise specified by the Community Development Director, Building Inspector or Township Engineer.

(Ord. 418, 1/29/2014)

### **§22-603. Final Inspection.**

1. *Township Engineer's Report.* When the developer has completed all of the necessary and appropriate private or public improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors will, within ten days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer will, thereupon, file a report, in writing, with the Board of Supervisors, and will promptly mail a copy of the same to the developer by certified or registered mail. The report will be made and mailed within 20 days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.

2. *Notification of Developer and/or Landowner by the Board of Supervisors.* The Board of Supervisors will notify the developer and/or landowner, within 15 days of receipt of the Township Engineer's report, in writing, by certified mail, of the action of the Board of Supervisors with relation to approval or rejection of the public improvements.

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

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

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

determination of the Board of Supervisors or the Township Engineer.  
(*Ord. 418, 1/29/2014*)

**§22-604. Release of Completion Security.**

1. Release of completion security, including partial releases during construction and final releases upon completion, shall be in accordance with §§509 and 510 of the Municipalities Planning Code, 53 P.S. §§10509, 10510, by this Chapter (see §22-208), and in accordance with any associated developer's agreement.

2. The Board of Supervisors may require retention of 10 percent of the estimated cost of such improvements until such time as all improvements have been installed, maintenance security has been posted for public improvements to be offered for dedication to the public, and all terms and conditions of the development agreement have been satisfied, including satisfaction of all outstanding fees and costs due to the Township, at which time the completion security is released in its entirety.

(*Ord. 418, 1/29/2014*)

**§22-605. Acceptance of Public Improvements.**

1. Upon completion of the inspection and approval of the public improvements, the developer and/or landowner 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 30 days prior to the regular meeting of the Board of Supervisors and shall be accompanied by a legal description(s) and an 8-inch x 11-inch scaled drawing(s) of all rights-of-way to be dedicated to the public. With respect to the request for dedication of any street, the request shall be accompanied by a proposed deed of dedication.

2. At the regular meeting, the Board of Supervisors may enact an ordinance or adopt a resolution accepting the public improvements as part of the Township's public facilities, subject to the posting of the maintenance security required by §22-606.

3. No property or public improvement 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 a resolution of the Township.

(*Ord. 418, 1/29/2014*)

**§22-606. Maintenance Security.**

1. 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 security, as defined by the Municipalities Planning Code and this Chapter, to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with the Design Standards of Part 5, the Township's Construction Standards and the specifications of the final plat defined by §22-316.

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

3. *Form of Security.* The form of security shall be accordance with the requirements of the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and this Chapter.

(*Ord. 418, 1/29/2014*)

**§22-607. Enforcement.**

In the event that the private or public improvements required to be installed by the provisions of this Chapter are not installed in accordance with the requirements of this Chapter or the approved final plat prior to the expiration of the completion security, the Board of Supervisors shall have the power to enforce the completion security by appropriate legal and equitable remedies provided by the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and other laws of the Commonwealth of Pennsylvania. If proceeds from the completion security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such completion security, 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 security or from any legal or equitable action brought against the developer and/or landowner, or both, shall be used solely for the installation of the improvements guaranteed by such completion security and not for any other municipal purpose.

(*Ord. 418, 1/29/2014*)

**§22-608. Private Improvements.**

Approval of private improvements or common amenities, as defined by this Chapter, for which a completion security has been required and final release of that completion security shall indicate compliance with the specifications shown on the approved plan. Such approval and release of the completion security shall not imply approval by the Township of the method of construction or the structural integrity of the private improvements or common amenities, nor shall there be any liability associated with or responsibility for maintenance of those private improvements or common amenities by the Township. Maintenance security shall not be required to be posted for private improvements or common amenities upon release of the completion security.

(*Ord. 418, 1/29/2014*)

**Part 7****Modifications****§22-701. Hardship.**

In any particular case where the developer and/or landowner can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Chapter would cause practical difficulty or exceptional and undue hardship, the Board of Supervisors may in its discretion relax such requirements to the extent deemed just and proper, and subject to such conditions as deemed necessary 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 Chapter of the desirable general development of the neighborhood and the community in accordance with the Township's Comprehensive Plan.

*(Ord. 418, 1/29/2014)*

**§22-702. Equal or Better Specifications.**

When an equal or better specification is available to comply with the Township Public Improvements Code or design standards of this Chapter, the Board of Supervisors may in its discretion make such reasonable modifications to such requirements of this Chapter to allow the use of the equal or better specification, upon recommendation of the Township Engineer, provided that such modification shall 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 safety.

*(Ord. 418, 1/29/2014)*

**§22-703. Procedure.**

1. Any request for a modification or exception to this Chapter authorized by this Part 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 Chapter that are to be modified and the reasons and justification for the request.

2. The request for a modification to this Chapter 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 a decision on the request for a modification or exception.

3. 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. If the Planning Commission has made a recommendation on the request, the recommendation shall be entered into the minutes of the meeting.

4. The reasons relied upon by the Board of Supervisors in approving or disapproving the request 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 or exception shall include reference to the modification or exception and the reasons for approval or disapproval.

*(Ord. 418, 1/29/2014)*

**Part 8****Administration****§22-801. 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 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. The foregoing application filing fee(s) shall be exclusive of reimbursable review and inspection fees of professional consultants, as provided hereinafter.

(Ord. 418, 1/29/2014)

**§22-802. Application Review Fees; Inspection Fees.****1. Application Review Fees.**

A. *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 Township 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 Supervisor 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.

**B. Procedures for Invoicing and Payment of Application Review Fees.**

(1) 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.

(2) 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 30 days of transmittal

by the Township.

(3) 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.

C. *Applicant Disputes Regarding Invoices for Application Review Fees.*

(1) 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 Township and the Township's professional consultant that such fees are disputed and shall explain the basis of their objections to the fees charged, in which case the Township 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 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.

(2) In the event that applicant shall have given timely notice of a dispute as provided hereunder and the Township'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 Township and the Township's professional consultant shall follow the procedures for dispute resolution set forth in this Part (see subsection .3, below), provided that the arbitrator resolving such dispute shall be of the same profession or discipline as the professional consultant whose fees are being disputed.

2. *Inspection Fees.*

A. *Inspection Fees.* The applicant shall reimburse the Township 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 Board of Supervisors 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 Township'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 Township 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 this Part (see subsections .2.C and .3, below).

*B. Procedures for Invoicing and Payment of Inspection Fees.*

(1) 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.

(2) 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 30 days of transmittal by the Township.

*C. 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 invoice, the applicant shall, no later than 30 days after the date of transmittal of a bill for inspection services, notify the Township and the Township'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 Township 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 any interim or final bill within 30 days of transmittal 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 day following transmittal of any invoice or part thereof concerning which no timely payment has been remitted or dispute submitted pursuant to this Section.

*D. Final Invoices for Inspection Fees.* Prior 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. The final bill shall be transmitted by the Township to applicant for reimbursement to the Township.

E. *Disputes Regarding Final Invoices for Inspection Fees.* In the event that applicant disputes the amount of any such expense in connection with the final bill for inspections of improvements, applicant shall, no later than 30 days after the date of transmittal of the final bill for inspection services, notify the Township and the Township'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 Township 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 the development due to applicant's dispute of inspection expenses. Failure of applicant to dispute the final bill or any portion thereof within 30 days shall be a waiver of 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.

### 3. *Resolution of Disputes; Arbitration.*

A. 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.

B. 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 Township 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.

C. In the event that the Township'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 Township

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 Township's professional consultant nor any professional consultant who has been retained by, or performed services for, the Township or the applicant within the preceding 5 years.

D. 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.

(Ord. 418, 1/29/2014)

### **§22-803. Appeals.**

Any party aggrieved by the decision of the Board of Supervisors regarding a subdivision or land development plan may appeal such decision to the Allegheny County Court of Common Pleas within 30 days of the date of entry of the decision of the Board of Supervisors in accordance with the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, and as otherwise provided under law.

(Ord. 418, 1/29/2014)

### **§22-804. Remedies.**

1. 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.

2. 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 Chapter. 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.

3. 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 real property.

*(Ord. 418, 1/29/2014)*

**§22-805. Enforcement Remedies.**

1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefore 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 judgment shall commence or be imposed, levied or be payable until the date of the magisterial district judge's determination of a violation. If the defendant neither pays nor appeals the judgment in the assigned time, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute as a separate violation, unless the magisterial district judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter. If the magisterial district judge believes that there was no such violation, there shall be deemed to have been only one such violation until the fifth day following the date of the magisterial district judge's determination of the violation, and thereafter, each day that a violation continues shall constitute a separate violation.

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

*(Ord. 418, 1/29/2014)*

**§22-806. More Restrictive Provisions to Govern.**

1. Whenever any provision of these subdivision regulations is at variance with another lawfully adopted rule, regulation, ordinance, restriction or covenant, that which imposes the most restrictive requirement shall govern.

2. 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, the highest standard shall apply. If a question of conflict arises between various portions of these subdivision regulations, the most restrictive term shall apply.

*(Ord. 418, 1/29/2014)*

**§22-807. Compliance Required.**

1. No land development or subdivision of any lot, tract or parcel of land shall be made or approved, no lot in a subdivision shall be sold, no permit to grade, erect, alter, repair or occupy any land, building, or structure shall be issued, and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupancy of buildings abutting thereon, except in accordance with the provisions of this Chapter and all other provisions of the Township of North Fayette Code of

Ordinances and other Township ordinances, resolutions and regulations, and all other applicable Federal, State and County laws, regulations and ordinances.

2. No grading, construction or site development activity shall be undertaken, nor shall any grading, building, occupancy or other permit shall be issued until an applicant shall apply for, obtain and comply with all necessary Federal, State, County and Township permits, including, but not limited to, any highway occupancy permits and traffic signal permits required by Chapter 21 of the Township of North Fayette Code of Ordinances, "Streets and Sidewalks," the County of Allegheny under its applicable regulations and the Pennsylvania Department of Transportation, under the State Highway Law, 63 P.S. §67-420, as amended, the Department of Transportation's regulations or otherwise.

*(Ord. 418, 1/29/2014)*

