

***SUBDIVISION AND LAND
DEVELOPMENT
ORDINANCE***

TOWNSHIP OF O'HARA

COUNTY OF ALLEGHENY

COMMONWEALTH OF PENNSYLVANIA

APRIL 2004

O'HARA TOWNSHIP

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

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AUTHORITY AND PURPOSE

1.1 AUTHORITY

This Ordinance is adopted by authority of and pursuant to the provisions of the Pennsylvania Municipalities Planning Codes, Act 247 of 1968, as amended by Act 170 of 1988 and all subsequent amendments. By its passage, O'Hara Township hereby establishes a continuing set of regulations for the administration of subdivision and land development activities which shall remain in full force and effect until otherwise acted upon.

1.2 PURPOSE

This Ordinance has been designed and adopted in conjunction with other Township ordinances and regulations including, but not limited to, the Township Zoning Ordinance, to provide uniform standards and procedures for the regulation and control of subdivisions and land developments within the Township of O'Hara. The purpose of this Ordinance is to:

- 1.2.1. Promote the public health, safety and general welfare;
- 1.2.2. Assure that the arrangement of each subdivision, and land development furthers the safe and orderly development of the Township by coordinating existing and proposed streets to facilitate future traffic and access and by assuring infrastructure of sufficient capacity to meet health and safety standards;
- 1.2.3. Safeguard land subject to flooding, high water table, subsidence, high voltage electric and/or high pressure gas lines from development that would aggravate these circumstances;
- 1.2.4. Minimize erosion and sedimentation, destruction of natural plant materials, the grading of the land surface, and protect all natural resources of the Township.

1.3 JURISDICTION

- 1.3.1. The provisions of this Ordinance shall be enforced by an administrator appointed by, and responsible to the Township Manager. The Administrator shall have the authority to receive applications for subdivision and/or land development, to determine the completeness of the applications and to forward complete applications to the Planning Commission, Township Engineer, and others as required by this Ordinance.
- 1.3.2. The Planning Commission shall have the authority to review and recommend subdivision and land development approval or denial pursuant to this Ordinance.
- 1.3.3. The Planning Commission shall have the authority to recommend to Township Council, amendments to this Ordinance.
- 1.3.4. The Township Engineer shall evaluate and ensure the compliance of the construction with the terms of the approved plans by completing on-site inspections, at his/her

discretion. Any discrepancies from the approved plan shall be communicated to the developer, in writing, with such notice demanding compliance within thirty (30) days from receipt of such notice.

- 1.3.5. In the event that, within the thirty (30) day period, a developer fails to correct a violation as noted by the Administrator, the Administrator shall follow the enforcement procedures as identified in Article XIII.

1.4 EFFECT

Where a subdivision and land development ordinance has been enacted by a municipality under the authority of the article no subdivision or land development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of such ordinance.

1.5 APPLICATION

The provisions set forth herein shall be held to be the minimum requirements necessary to meet the stated purpose of this Ordinance and the general purposes of the aforesaid Pennsylvania Municipalities Planning Code, as amended. In addition, compliance with the provisions enumerated herein and all current land use regulations cross-referenced within this Ordinance and/or in effect in the Township shall be deemed to be consistent with the community development goals and objectives as stated in the O'Hara Township Comprehensive Development Plan.

1.6 SHORT TITLE

This Ordinance shall be known and may be cited as the "Township of O'Hara Subdivision and Land Development Ordinance."

ARTICLE II

DEFINITIONS

2.1 STRICT CONSTRUCTION:

Unless otherwise expressly stated or where the context clearly indicates otherwise, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated:

- 2.1.1. Words used in the present tense include the future tense.
- 2.1.2. The singular includes the plural.
- 2.1.3. The word "Person" includes a corporation, partnership or similar legal entity as well as an individual.
- 2.1.4. The word "lot" includes the word "plot" or "parcel".
- 2.1.5. The term "shall" is always mandatory.
- 2.1.6. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied".

2.2 DEFINITIONS:

- 2.2.1. **APPLICANT:** A landowner or developer who has filed an application for approval of a subdivision or land development including his heirs, successors and assigns.
- 2.2.2. **APPLICATION FOR DEVELOPMENT:** Every application, whether preliminary or final, required to be filed and approved prior to 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 plat or plan.
- 2.2.3. **BERM:** That portion of a street lying on either side of a cartway between the edge thereof and the adjacent right-of-way line, intended primarily for stopping, parking, installation of utilities and other related purposes.
- 2.2.4. **BUILDING:** See "Structure."
- 2.2.5. **BUILDING LINE:** A line parallel to the front, side or rear lot line set so as to provide the required yard (building setback).
- 2.2.6. **BUILDING, PRINCIPAL:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or any other property.

- 2.2.7. **CARTWAY:** That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.
- 2.2.8. **CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street centerlines, as measured at the height of the driver's eye which is assumed to be three and three quarters feet (3.75') above the road surface. The minimum sight triangle shall be in accordance with the requirements of the Pennsylvania Department of Transportation (67 PA Code, Chapter 1).
- 2.2.9. **COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water within the development site, designed and intended for the common use of the residents of a planned residential development or Riverfront Planned Unit Development. Common open space may be of two (2) types: Improved and Unimproved. Improved areas of a site can contain recreational structures and facilities, as long as the total impervious surfaces (paving, roofs, etc.) constitute no more than five percent (5%) of the improved common open space. Unimproved common open space of the site is devoid of buildings, structures, parking areas, and street rights-of-way.
- 2.2.10. **CONDITIONAL USE:** An authorized use which may be granted only by the Township Council pursuant to express standards and criteria prescribed in the O'Hara Township Zoning Ordinance, after review and recommendation by the Township Planning Commission and public hearing by the Township Council.
- 2.2.11. **COUNTY:** The County of Allegheny, Commonwealth of Pennsylvania.
- 2.2.12. **CUT:** An excavation. The difference between a point on the original ground surface and a proposed point of lower elevation. Also, the material removed from an excavation.
- 2.2.13. **DENSITY:** A measure of the number of dwelling units per unit of area. It shall be expressed in dwelling units per acre. (A) Gross Density: The ratio of the total number of dwelling units to the total acreage; (B) Net Density: That ratio of the total number of dwelling units to the acreage within a given tract of land devoted to residential use, excluding streets, parking areas and adjacent open space, yards and courts which abut and serve individual residences. Excluded from density calculations are those unbuildable areas and grades (slopes) of twenty-five percent (25%) or greater after development, and those areas preserved from further development by virtue of classification as natural areas as defined.
- 2.2.14. **DEVELOPER:** Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.
- 2.2.15. **DEVELOPED AREA RUNOFF:** The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located

upstream from the subject tract, as permitted by current design standards in the current land use regulations.

- 2.2.16. DEVELOPMENT PLAN: A graphic and written presentation of a subdivision or land development and all provisions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space and public facilities.
- 2.2.17. DISTRICT, ZONING: A section of the municipality for which uniform regulations governing the use, height, area and intensity of use of buildings and land and open spaces about buildings are established, in this Ordinance and other Township ordinances and regulations.
- 2.2.18. DRAINAGE: See "Watercourse."
- 2.2.19. DWELLING UNIT: As defined in the O'Hara Township Zoning Ordinance.
- 2.2.20. EASEMENT: A nonpossessory interest in land; a grant of one or more property rights by the property owner to and for the use by the public, a corporation or another person or entity within which no permanent building may be erected, and the use of which shall not be inconsistent with the rights of the grantor.
- 2.2.21. ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania.
- 2.2.22. EROSION: The removal of surface materials by the action of natural elements.
- 2.2.23. EXCAVATION: Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or disturbed and any conditions resulting therefrom.
- 2.2.24. FILL: Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the original surface of the ground or on top of the stripped surface and shall include the condition resulting therefrom. The difference in elevation between a point on the original ground surface and a designated point of higher elevation. Also, the material used to make a fill.
- 2.2.25. FLAG LOT: A parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon, which has frontage on a public street by a narrow strip of land, not less than fifty feet (50') wide. The building line of such lot shall be measured from the point where the lot widens, as opposed to being measured from the street right-of-way.
- 2.2.26. FLOOD: The temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland waters and/or (b) the unusual and rapid accumulation or runoff of surface waters from any source.

- 2.2.27. FLOOD PLAIN: Areas adjoining any waterway, stream or body of water which are subject to a one hundred (100) year recurrence interval flood as delineated by the Township Flood Hazard Maps. Where no flood insurance maps or studies have defined the boundary of the one hundred (100) year flood, the floodplain shall be as determined by a qualified professional hydrologist or engineer.
- 2.2.28. FRONTAGE OF A LOT: The distance following the street right-of-way line across a lot between side lot lines where they intersect the street from which the lot has its principal access.
- 2.2.29. IMPROVEMENTS: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including but not limited to: grading; paving, curbs and gutters; stormwater sewers; improvements to existing watercourses; sidewalks; crosswalks; street signs; monuments; water supply and water distribution systems and facilities; on-site sanitary sewage treatment facilities, and/or sanitary sewerage collection systems, and, possibly, sanitary sewage treatment plant facilities and construction; and demolition of structures.
- 2.2.30. IMPROVEMENT BOND: Surety, in a form acceptable to the Township Solicitor, in the form of cash, a certified check or irrevocable letter of credit from a federally- or commonwealth-chartered lending institution, a corporate performance bond or a labor-and-material payment bond from a surety company authorized to conduct business in the commonwealth, which guarantees the satisfactory completion of improvements required by this Ordinance.
- 2.2.31. LANDFILLS: The use of land for the disposal of solid, municipal, residual or hazardous waste as such terms are defined and such use is regulated by the Solid Waste Management Act, the act of July 7, 1980, P.L. 380, Number 97, 35 P.S. 6018.101 et seq., as amended, or its successor statute.
- 2.2.32. LAND DEVELOPMENT: Any of the following activities:
- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (1) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - (2) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
 - B. A subdivision of land including a consolidation of pre-recorded parcels.

C. Development in accordance with Section 503 (1.1) of the Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988, excluding accessory buildings, including farm buildings, on a lot or lots subordinate to an existing principal building.

- 2.2.33. 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 is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.
- 2.2.34. 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 as a unit.
- 2.2.35. 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.
- 2.2.36. MODIFICATION OR WAIVER: Relief from the literal provisions of this Ordinance when the applicant can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to due to topographical or other conditions peculiar to the site and, in the opinion of the Planning Commission, a modification or waiver may be made without destroying the intent of such provisions, and the Planning Commission recommends such a modification or waiver. The Township Council may authorize such relief through the granting of a modification or waiver from the strict application of the provision causing the unnecessary hardship. Any relief thus authorized shall be entered in the minutes of a Township Council meeting along with the reasons justifying the modification or waiver. (See Article III, Section 3.1)
- 2.2.37. MUNICIPALITY: The Township of O'Hara, Allegheny County, Pennsylvania.
- 2.2.38. NATURAL AREAS: Natural areas are those which can provide aesthetic, functional or both benefits with little or no improvement. Aesthetic examples include stands of old-growth indigenous trees, unusual or substantial outcroppings, or streams or waterfalls. Functional examples include wetlands, swales or undulating ground surfaces.
- 2.2.39. NONCONFORMING LOT: A lot, the area or dimension of which was lawful prior to the adoption or amendment of a Zoning Ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.
- 2.2.40. NONCONFORMING STRUCTURE: A structure or part of a structure not designed to comply with the applicable use provisions of the Zoning Ordinance or amendments heretofore enacted, where such structure lawfully existed prior to the application of the Zoning Ordinance or amendment to its locations by reason of

annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

- 2.2.41. **NONCONFORMING USE:** A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated. A nonconforming use is considered legal if it preceded the adoption of the Zoning Ordinance on November 21, 1967, and has been continuously used and occupied. All other nonconforming uses are considered illegal and subject to enforcement provisions.
- 2.2.42. **OFFICIAL MAP:** The adopted map of O'Hara Township, identifying existing and proposed public rights-of-way, watercourses, public property, parks, pedestrian ways, utility and drainage easements and floodplains, and stormwater management areas.
- 2.2.43. **OFF-STREET PARKING:** An area of a size specified by this Ordinance for public or private use located entirely outside any public street right-of-way which has direct access via a driveway or access aisle to a public street.
- 2.2.44. **PARKING:** Any lot, parcel, or yard used in whole or in part for the storage or parking of two (2) or more vehicles where such usage is not incidental to or in conjunction with a one family or two family dwelling.
- 2.2.45. **PARTY WALL:** A structural separation between dwelling units. A vertical party wall is an arrangement of two interior surfaces separated by a wall structure while a horizontal party wall is a ceiling surface and a floor surface separated by a supporting structure.
- 2.2.46. **PLANNED RESIDENTIAL DEVELOPMENT:** A development of a tract of land for residential purposes under single ownership or control, the development of which is unique and of a substantially different character than that of the surrounding area. Such development shall be based on a plan which allows for flexibility of design not available under standard zoning district requirements.
- 2.2.47. **PLANNING COMMISSION OR COMMISSION:** The duly appointed Planning Commission of the Township of O'Hara, Allegheny County.
- 2.2.48. **PLAT:** The map or plan of a subdivision or land development, whether preliminary or final.
- 2.2.49. **PRIVATE IMPROVEMENTS:** All improvements to be owned, maintained or operated by a private entity such as an individual, corporation or homeowners' association, including roads, streets, walkways, parking lots, gutters, curbs, waterlines, sewers, stormwater management facilities, landscaping, lighting, traffic control devices and other facilities for which plans and specifications must comply with the minimum requirements of this Ordinance, the Township Zoning Ordinance, including temporary erosion and sedimentation control and stormwater management control methods undertaken during construction.

- 2.2.50. PUBLIC GROUNDS: Includes:
- (1) parks, playgrounds, trails, paths and other recreational areas and other public areas;
 - (2) sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities;
 - (3) publicly owned or operated scenic and historic sites.
- 2.2.51. PUBLIC HEARING: A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this act.
- 2.2.52. PUBLIC IMPROVEMENTS: All roads, streets, walkways, gutters, curbs, sewers, waterlines, stormwater management facilities, landscaping, street lighting, traffic control devices and other facilities to be dedicated to or maintained by the Township for which plans and specifications must comply with the standards and specifications of the Township.
- 2.2.53. PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act".
- 2.2.54. PUBLIC NOTICE: A notice published once each week for two (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 not be more than thirty (30) days, and the second publication shall not be less than seven (7) days before the date of the hearing.
- 2.2.55. RECREATION: Those types of land use classified as recreational as per the provisions of the O'Hara Township Zoning Ordinance, Section 72-2.9.
- 2.2.56. RECREATION, COMMERCIAL: A for profit enterprise operated by other than a public entity for the indoor or outdoor pursuit of sports, recreation and leisure activities. These activities include, but are not limited to, such establishments as miniature golf, golf or batting practice facilities, ice or roller rinks, playing fields, racquet clubs, swimming pools, amusement parks, arenas, stadiums, amphitheaters, racetracks and similar facilities.
- 2.2.57. RECREATION, NONCOMMERCIAL: An enterprise operated by an individual, association or corporation, other than a public entity, whether or not for profit and whether or not the facilities are advertised to the general public, including either indoor or outdoor facilities for the pursuit of sports, recreation and leisure activities, the use of which is limited to members and their guests, include, but not limited to, such establishments as country clubs, golf courses, sportsmen's clubs, golf practice facilities, playing fields, tennis or racquet clubs, fitness clubs, swimming pools and similar facilities.

- 2.2.58. RECREATION, PUBLIC: An enterprise operated by a public entity, available to the general public, whether or not an admission fee is charged, including either indoor or outdoor facilities for the pursuit of sports, recreation or leisure activities, including, but not limited to, parks, playgrounds, playing fields, golf courses, golf or batting practice facilities, ice rinks, tennis courts, swimming pools and similar facilities.
- 2.2.59. RIGHT-OF-WAY: (A) Township Road: Land set aside to contain a street, alley or other means of travel, as accepted by O'Hara Township. The entire width shall be owned and controlled by the Township; maintenance outside of the cartway shall be the responsibility of the abutting property owners. Fences and walls and other structures shall not be permitted within the right-of-way. (B) Future Right-of-Way: The right-of-way deemed necessary to provide adequate width for future Township improvements. Maintenance outside of the cartway shall be the responsibility of the abutting property owners. Fences and walls and other structures shall not be permitted within the future right-of-way.
- 2.2.60. ROAD: The entire right-of-way of a public or private street or highway.
- 2.2.61. RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
- 2.2.62. SEDIMENTATION: The process by which particles of mineral or organic matter are assimilated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment".
- 2.2.63. SETBACK: The minimum distance a building or structure must be removed from an adjacent lot line, as required by the Zoning Ordinance in the various zoning districts. Distance between lot line and building shall be measured along a line at right angles to the lot line or where the property is recorded to the centerline of a right-of-way, distance shall be measured from the edge of the right-of-way line.
- 2.2.64. SLOPE: The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a ratio based upon the horizontal distance for each unit of rise or fall or as a percentage based on the vertical difference in feet per one hundred feet (100') of horizontal distance.
- 2.2.65. STABILIZATION: Natural or mechanical treatment of a mass of soil or ground area to increase or maintain its stability or otherwise improve its engineering properties and resistance to erosion.
- 2.2.66. STREET: Street includes a street, avenue, boulevard, road, highway, freeway, parkway, land, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private and for the purposes of this Ordinance shall be classified as follows:

- A. Arterial streets are those which are used primarily for through, fast traffic at high volumes.
- B. Collector streets are those which carry traffic at moderate volumes from minor streets to arterial streets. Collector streets include, but are not limited to, principal entrance streets of a residential development and streets for major circulation within such developments.
- C. Local streets are those which are used primarily for access to the abutting properties and which accommodate low volumes of traffic.
- D. Marginal access streets are local streets which are contiguous to arterial streets and which provide access to abutting properties and protection from through traffic.
- E. Private drives, including alleys, are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.

2.2.67. STREET CUL DE SAC: A street with a single means of ingress and egress and a turnaround.

2.2.68. STRUCTURE, ACCESSORY: A structure which is on the same lot with, but detached from, the principal building and which is customarily incidental and subordinate to the principal building, including, but not limited to swimming pools, satellite dish antennas, fences, walls, radio towers for "ham" radio operators only, sheds, storage bins, and free-standing business signs.

2.2.69. STRUCTURE, PRINCIPAL: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, garages, sheds, walls, fences, signs, tennis courts, sports courts and all inflatable enclosures of ground space; provided, however, than an approved fence and a growing hedge, row of trees or shrubbery to any height, shall not be deemed to be a structure.

2.2.70. SUBDIVISION: The division or redivision of a lot, tract or parcel of land into two (2) or more lots, tracts, parcels or other divisions of land including changes and consolidation of pre-recorded parcels with existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwellings, shall be exempted.

2.2.71. SUBDIVISION, MINOR: Any subdivision or consolidation of lots abutting or accessible by a minimum fifty foot (50') right-of-way, an existing public street or road creating not more than four (4) lots plus residual land area, which residual land must also be at least a conforming lot for area and dimensions, all of which

does not require a new street, the installation of sanitary sewers, stormwater sewers, water mains or pipes, or other public improvements.

- 2.2.72. TOWNSHIP: Township of O'Hara, a home rule municipality in Allegheny County, Pennsylvania.
- 2.2.73. TOWNSHIP COUNCIL: The duly elected municipal representatives of O'Hara Township, Allegheny County, Pennsylvania.
- 2.2.74. TOWNSHIP ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the engineer for O'Hara Township.
- 2.2.75. TRACT: A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.
- 2.2.76. USE: The purpose of the activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained. The term "permitted use" or "use by right," or its equivalent, shall not be deemed to include any non-conforming use.
- 2.2.77. WATERCOURSE: A perennial, permanent or intermittent stream, river, brook, creek, or a channel or ditch, whether natural or man-made, for the collection and conveyance of water.
- 2.2.78. WETLANDS: Those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does support, a prevalence of vegetative or aquatic life requiring saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflows, mudflats and natural ponds.
- 2.2.79. YARD: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided.
- 2.2.80. ZONING MAP, OFFICIAL: The official plan of zoning districts in O'Hara Township, a part of the Zoning Ordinance by reference, showing precisely the boundaries and title of each district herein.
- 2.2.81. ZONING OFFICER: The individual authorized by the Township to be the administrator of the daily application of the provisions contained in the Township Zoning Ordinance. The Zoning Officer shall hold no elective office in O'Hara Township, have a working knowledge of zoning and meet the qualifications established for the position by the Township.

ARTICLE III

MODIFICATIONS OR WAIVERS

3.1 GENERAL

Where Township Council finds that undue hardships because of peculiar conditions pertaining to the land in question may result from the literal enforcement of this Ordinance, it may grant a modification or waiver from the regulations so that substantial justice may be done and the public interest served; provided that such modification or waiver will not have the effect of nullifying the intent and purpose of the O'Hara Township Comprehensive Plan or this Ordinance. The conditions of such modification or waiver are as follows:

- 3.1.1. All requests for a modification or waiver shall be in writing and shall accompany and be a part of the application for subdivision and/or land development. The request shall state in full the grounds and facts of the hardship on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification or waiver necessary.
- 3.1.2. The request for modification or waiver shall be referred to the Planning Commission for advisory comments and recommendation.
- 3.1.3. The Township Council as the authorizing body shall keep a written record of all action on all requests for modifications and waivers.

ARTICLE IV

APPLICATION AND REVIEW REQUIREMENTS

4.1 GENERAL

When a subdivision or land development, including those enumerated in Section 3.2.1, within the Township is submitted for approval, an application, on a form provided by the Township, shall be submitted to the Planning Commission for review and recommendation. Said application may be preceded by a pre-application conference; shall consist of such plans, data, certifications, and other supporting documentation and approvals, as herein enumerated; shall be filed, where applicable, in stages (preliminary and/or final); shall be accompanied by such fees, and shall be subject to such conditions, as hereinafter specified or otherwise provided for within this Ordinance.

4.2 LAND DEVELOPMENT

The standards and requirements of this Ordinance are the minimum necessary to protect the health, safety and general welfare of current and future township residents. Where a higher standard is in effect, and such activity is under the jurisdiction of any County, State, or Federal agency because of health or safety concerns, Township Council shall hold the development proposal to that higher standard, although enforcement of such standards shall be the responsibility of the agency with jurisdiction. The Township Council, following the recommendations of the Planning Commission, may require that all land development proposals provide for adequate public space and improvements, adequate transportation circulation, recreation, light, air and utility service needs when fully-developed and populated. The Township Council may also require land development proposals to provide such covenants and other legal provisions as will assure conformity with all land use regulations in effect at the time of approval and achievement of the development goals of the plan.

- 4.2.1. Other Land Development: Plans for other types of land development not involving the process of subdivision, including, but not limited to, cottage and cabin sites, campgrounds, fairgrounds, industrial parks, shopping centers, educational campuses, institutional facilities and similar non-residential development shall be subject to review and recommendation by the Planning Commission and approval by Township Council in compliance with Section 4.1 and 4.4, and the appropriate provisions of ordinances cross-referenced herein, including the O'Hara Township Zoning Ordinance and Comprehensive Plan. When the proposed land development consists of a stand alone nonresidential structure of twenty thousand (20,000) square feet or more, or a combination of structures of thirty thousand (30,000) square feet or more, or generates in excess of fifty (50) p.m. peak hour trips, regardless of the size of the structure, preliminary approval shall precede final approval as per the provisions of Section 4.3. Prior to approval, evidence of compliance with the rules and regulations of all applicable State and County agencies will be required.

4.3 SKETCH PLAN

Waiver of Pre-Application Conference (Sketch Plan Submission): The Planning Commission may waive the submission of a sketch plan, when, in the opinion of the Township Engineer, one is not required.

4.4 PRE-APPLICATION CONFERENCE

- 4.4.1. Prior to the filing of an application for review and approval of a proposed subdivision and/or land development, the developer may submit a sketch plan, except as provided for in Section 3.3, to the Township staff and Planning Commission for pre-application comments on the requirements necessary to achieve conformity to the standards and other provisions of this and other Township Ordinances. Any pre-application conference(s) can also make the developer aware of other factors pertinent to the design and approval of the subdivision or land development. The submission(s) of a sketch plan shall not constitute the filing of an application for approval of a plat.
- 4.4.2. Sufficient information shall be provided on the sketch plan to clearly indicate the character and extent of the proposed subdivision or land development. This plan should show the development's relationship to existing natural features, conditions and public facilities within the area in which the land is situate. This plan and other such submissions should include: a map establishing the location of the proposed subject parcel or tract in detail; and a plan showing any existing or proposed streets, property lines, building sites, utilities, natural features, including topographic contours, and any other significant elements within the subdivision or land development. Such plans need not be engineered drawings but must be drawn to scale.

4.5 PRELIMINARY PLANS

- 4.5.1. Preliminary Plan Approval Required: Except in the case of minor subdivision (See Subsection 4.5.7), Preliminary Plan approval is required as a condition precedent to the filing of an application for final approval of a proposed subdivision or land development. Submission of the required information shall occur thirty (30) days prior to next regularly scheduled Planning Commission meeting.
- 4.5.2. Preliminary Plat Requirements: Preliminary plats shall be drawn on a twenty-four inch by thirty-six inch (24" x 36") or a "C" size plot, sheets of linen, Mylar, or similar reproducible material, and stored in a digital format consistent with that required by Allegheny County. Where specific standards or requirements are not expressed in this Ordinance, the Allegheny County Subdivision and Land Development ordinance shall dictate. All plats shall be accompanied by the following information in the scale or format specified:
 - A. Location Map: A diagram of the surrounding area shown in a six inch by six inch (6" x 6") minimum frame, in sufficient detail to clearly indicate the

location of the proposed subdivision or land development within the Township boundaries, based on a USGS 7.5 minute quadrangle, with the subject parcel at the approximate center.

- B. Tract Information: A scaled drawing showing: the boundaries of the entire tract to be subdivided or developed; any previous out-sales or lot transfers; the portion to be subdivided into lots or otherwise developed; and the names of owners of all abutting subdivisions or land developments.
- C. Subdivision or Land Development Plat: A plat of the lot or lots to be formed or developed, drawn to a scale not smaller than fifty feet (50') to one inch (1"), and showing the tax parcel number (or County parcel lot and block number or, if available, ID number), names of abutting property owners, and zoning district. It should also include the following information:
- (1) Existing property lines, easements and rights-of-way, owner thereof, and the purpose for which the easements or rights-of-way have been established.
 - (2) Existing streets, including name, right-of-way width and pavement width, grades and driveways on or adjacent to the tract, and within two hundred feet (200') of the boundary line of the tract or land development site.
 - (3) Existing buildings, sanitary and storm sewers, water mains, culverts, fire hydrants and other significant man-made features on or adjacent to the tract, and within two hundred feet (200') of the boundary line of the tract or land development site.
 - (4) Existing watercourses, marshes, wetlands, rock outcroppings, wooded areas and regulated waters of the Commonwealth and required set-back as defined in Title 25, Environmental Resources, Chapter 105, Dam Safety and Waterway Management. If any part of the site lies within a flood plain, as indicated on a certified FEMA map, plot the floodway and 100-year flood plain boundary on the base map and reference the community panel number, map name, date and map panel numbers. In addition, significant natural features, including plant and wildlife habitat areas for rare or endangered species and any other natural feature identified in the Allegheny County Natural Heritage Inventory also shall be included.
 - (5) Existing and proposed contours at vertical intervals of two foot (2'), or in the case of relatively level tracts, at such lesser interval as shall be required by the Township Engineer. Where slopes exceed 40%, ten foot (10') intervals are acceptable. Datum to which contour elevation refer shall be United States Coast and Geodetic Survey datum or existing benchmarks previously recorded.
 - (6) Location, width, approximate grade and name of all proposed streets and the location and purpose of all proposed easements.
 - (7) Indication of the lot buildable area of each proposed lot, with approximate dimensions of each lot or building line; minimum building line along all streets and easements; and all parcels proposed

to be dedicated or reserved for public use. The lot buildable area shall be as defined in the Zoning Ordinance.

- (8) Area of each parcel including the remaining land not proposed for platting, lot or site identification numbers, and location of any percolation tests or wells.
- (9) Location of any proposed site improvements, including but not limited to, curbs, sidewalks and street lighting.
- (10) Proposed site grading showing areas to be filled and areas to be cut, with approximate finished grades of slopes.
- (11) In the case of all multi-family and non-residential developments, the approximate location and configuration of proposed buildings, parking areas, walkways, recreation areas and/or facilities, and other development features.
- (12) The plat should show general locations and sizes of proposed water lines, fire hydrants, sanitary sewers and stormwater management facilities; any of these facilities may be shown on a separate plan. The preliminary size of each water or sewer line should be shown as well as the locations and any sizes or connecting distances to any existing line. Any subsurface stormwater detention facility (dry sump) that will be allowed within the development shall be sized and located in accordance with all applicable regulations and standards.
- (13) Standard map symbols (Exhibit #1).
- (14) Exhibits to text or information locating tree masses, known pre-existing and open water, gas or oil wells.
- (15) Exhibits to text or information, including references to the Township's landslide hazard maps, locating known or suspected problem soils, deep-mines and/or subsurface water conditions that may affect the land surface, and other potentially hazardous features including quarry sites, surface mines, underground fires, solid waste disposal sites and contaminated areas. Documentation of cite source information shall also be included.
- (16) A drawing which locates existing septic fields and leeching beds.
- (17) Steep slopes with categories
 - a. Fifteen to twenty-five percent (15-25%)
 - b. Between twenty-five to forty percent (25-40%)
 - c. Forty percent (40%) or greater.
- (18) Soil series as shown in the Soil Survey of Allegheny County.
- (19) General vegetative cover.
- (20) Significant cultural features, including cemeteries, burial sites, archeological sites, historic buildings, structures, plaques, markers, or monuments with approximate location and citation of source information.

D. Plat Data: Title identifying the subdivision or land development and the municipality in which located; name and address of the developer; scale and north point of the subdivision plat (and of the tract map in separate diagram); date of plan; narrative of activity proposed; number of dwelling units and/or structures by type; certification and seal of the engineer and any other

professional responsible for the plan; and appropriately worded signature blocks.

4.5.3. Preliminary plat submission shall be accompanied by the following:

- A. In cases where the preliminary plat covers only a portion of the developer's tract, a sketch plan for the entire tract shall be required.
- B. Preliminary cross sections showing the dimensions and construction of any streets, curbs and/or sidewalks.
- C. A preliminary Erosion and Sedimentation Control Plan pursuant to the Rules and Regulations of the Pennsylvania Department of Environmental Protection and the standards of this Ordinance and the Allegheny County Erosion and Sediment Control Handbook.
- D. A traffic impact analysis when the proposed development will generate fifty (50) or more a.m. or p.m. peak hour trips or developments which generate one hundred (100) or more average weekday trips and the proposed development will affect the circulation of vehicular traffic at key intersections and generally within the area proposed for land development or subdivision.
- E. A description of the proposed method of providing potable water supply and sanitary sewerage disposal; percolation test data, when required; and/or water and sewerage engineering feasibility studies, when requested by the Planning Commission or Township Council.
- F. A statement as to whether or not coal and/or mineral rights are to be conveyed with fee title to parcels to be sold.
- G. A map overlay indicating all areas where it is known or suspected that surface or subsurface mining activities have occurred.

Where the proposed subdivision or land development proposes the construction of any building or structure on or within three hundred feet (300') horizontally of any subsurface mined areas, or on or within fifty feet (50') horizontally of any surface mined area, the applicant shall submit, with his Preliminary Plan, the information and data as set forth in Section 8.4 of this Ordinance.

- H. A description of the method to be utilized and the organization formed, if any, for the maintenance of any common areas and facilities not to be dedicated.
- I. Existing or proposed deed restrictions or protective covenants.
- J. Geotechnical report prepared by a soils engineer to determine the exact location of the landslide-prone areas where the development site contains such soils.

- K. Subsidence risk assessment prepared by a qualified professional geotechnical engineer where evidence exists that sub-surface mining has occurred one hundred feet or less below the surface of the development site.
- L. Soil contamination assessment where the site contains any hazardous substances, then a geotechnical report and remedial investigation/feasibility study.
- M. Completed “Application for Sewage Facilities Planning Module” or Request for Exemption as filed with the Pennsylvania Department of Environmental Protection of the Allegheny County Health Department.
- N. Schedule of phased developments where development will be completed in phases including projected dates that the final application for each phase will be filed in accordance with MPC 508(4)(v).
- O. Storm water management report including information on page IV-5 of the Allegheny County Subdivision and Land Development Ordinance.
- P. Preliminary soil erosion and sedimentation pollution control plan.
- Q. List of any modifications requested with code reference.

4.5.4. Preliminary Plan Review Procedure - Applications for preliminary plat review and approval shall be submitted and processed in accordance with the following:

- A. Application: Applications for preliminary plat approval shall be submitted to the Township for review by the Planning Commission. Twenty (20) copies of the preliminary plat and twenty (20) copies of all data required to be submitted with said plat shall accompany the application. All applications shall be filed a minimum of thirty (30) days before the next regularly scheduled meeting of the Planning Commission.
- B. Review by Other Agencies: Upon receipt of said application, the Planning Commission shall forward one (1) copy of the preliminary plat and any related documentation to the following officials and agencies, as appropriate, for their review and comment:
 - (1) Allegheny County Department of Economic Development for review and comment at the applicant's expense.
 - (2) Pennsylvania Department of Transportation when the subdivision or land development will front on an existing or proposed Legislative Route, or will have a proposed street or drive requiring access to such a route. In such cases, any appropriate legends required by the Municipalities Planning Code will be required.
 - (3) Pennsylvania Department of Environmental Protection for required comments relative to sanitary sewer extensions, erosion and sedimentation control or N.P.D.E.S. permits.

- (4) Allegheny County Conservation District for erosion and sedimentation plan letter of adequacy and permits.

The Planning Commission may also request comments from the following:

- (1) Allegheny County Public Works, Engineering and Construction Division, if the site abuts or is traversed by a county road or may impact a county drainage facility.
- (2) Allegheny County Health Department for sewage facilities, water supply, and air pollution approvals.
- (3) Local fire company.
- (4) Water supplier.
- (5) Sewage treatment supplier.
- (6) Natural gas, electric, telephone, and cable television suppliers.
- (7) Postmaster for approval of new street names.
- (8) Federal Aviation Administration and PennDOT Bureau of Aviation if the proposed development requires filing of "Notice of Proposed Construction or Alteration".
- (9) Other municipalities within 1000 feet of the site.
- (10) The Fox Chapel School District if the project is residential or within 1000 feet from a school.

C. Preliminary Approval of Plats:

- (1) The Township Council shall take action on a preliminary subdivision or land development plat within ninety (90) calendar days of the first scheduled Planning Commission meeting following receipt of application, unless a request for an extension of time, made in writing, is granted. For circumstances where the decision must be within 90 days after a final order of the court remanding an application and also where the next regular meeting occurs more than 30 days following the filing of the application or the final order of the court, in which case, the 90-day period must be measured from the 30th day following the day the application has been filed.
- (2) The action taken by Township Council shall consist of approval, approval with conditions, or rejection of the plan. Applicant will have thirty (30) days to accept the conditions. Failure to accept all the conditions will cause the approval to be void. Acceptance may be in writing or stated at a public meeting and included in the minutes, and may be given prior to the decision. In addition:
 - (a) The decision of Township Council shall be in writing and shall be communicated to the applicant personally, or mailed to him by certified mail at his last known address not later than fifteen (15) days following the decision.
 - (b) When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite

the provision of the statute or ordinance relied upon.

- (c) Failure of Township Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- (d) The above provisions are merely repetitions of certain rules contained in the Municipalities Planning Code and are included herein for convenience only. This ordinance creates no deemed approval rights or mandatory time requirements separate from state statutory law.

4.5.5. Effect of Preliminary Approval: Approval of the preliminary plat by Township Council constitutes an approval of the proposed subdivision or land development with respect to the general design, density, availability of utilities to serve the lot(s), general lot dimensions, access and other planned features. Preliminary approval generally binds the developer to the plan as approved and permits the developer to begin preparation of the final plan. Preliminary approval does not authorize the recording, sale or transfer of lots.

4.5.6. Preliminary Plan Time Limitation: When an application for approval of a plat, whether preliminary or final, has been approved, in accordance with Section 4.4.1, without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the development's Final Approval in accordance with the terms of such Preliminary Approval within five (5) years after such Final Approval.

4.5.7. Minor Subdivision Application Option: In the case of a minor subdivision (as defined), the developer may apply directly for final plan approval in accordance with the procedures outlined in Section 4.4 of this Ordinance and the plans and data requirements set forth herein. However, when multiple minor subdivisions within any given tract have been, or are expected to be, submitted for review, or when other circumstances warrant, Township Council shall require such additional submissions, including full preliminary and final plan information in order that the purpose and intent of this Ordinance may be met.

A. Minor Subdivision Plat Requirements:

- (1) Location Map: A diagram of the surrounding area shown in a six inch by six inch (6" x 6") minimum frame, in sufficient detail to clearly indicate the location of the proposed subdivision or land development within the Township boundaries, based on a USGS 7.5 minute

- quadrangle with the subject parcel at the approximate center.
- (2) Tract Information: A scaled drawing showing the boundaries of the entire tract to be subdivided or developed, any previous out-sales or lot transfers, the portion to be subdivided into lots or otherwise developed, and the names of owners of all abutting subdivisions or land developments.
 - (3) Subdivision or Land Development Plat: A plat of the lot or lots to be created, drawn to a scale of fifty feet (50') to one inch (1"), showing all lot lines and contours, with contour intervals of two feet (2'), except where slopes exceed 40%, 10-foot intervals are acceptable, right-of-way and the cartway width of the abutting street; any other existing rights-of-way and/or easements; adjacent underground utility lines; natural drainage ways; all building lines; percolation test sites; location and description of survey monuments; existing structures; proposed water wells, stormwater management facilities, septic systems, driveways and existing natural gas and/or oil wells; bearings and dimensions of all property and associated right-of-way lines; acreage of all parcels including the remaining tract; and lot identification numbers.
 - (4) Plat Data: Title identifying the subdivision and indicating the name of the Township; name and address of the applicant; scale and north point of the subdivision plat (and of the tract map if separate diagram); date of plat; certification and seal of registered engineer or surveyor, in accordance with the Professional Engineers and Land Surveyors Registration Law; appropriate language in signature blocks; and Certificate of Recording block.
 - (5) A covenant must appear on the final plan such that the lots created cannot be further subdivided.

B. Data to be Submitted with Plat:

- (1) Percolation test data (when required). If percolation tests fail, an alternate or experimental method may be authorized. If such a system is authorized, a site suitability letter may be issued for a specific type of system indicating that a permit for a certain type of system may be obtained.
- (2) Copies of any existing or proposed deed restrictions or protective covenants.
- (3) Private agreements or recorded covenants between or among property owners.
- (4) Stormwater management plan.
- (5) A statement as to whether or not coal and/or mineral rights are to be conveyed with fee title to parcels to be sold.
- (6) A statement as to whether or not coal and/or minerals have been removed from within three hundred feet (300') vertically or the subdivision's surface.

4.6 FINAL PLANS

- 4.6.1. Relationship to Preliminary Plans: Submissions for final plan approval shall be made within one (1) year from the date of preliminary plan approval or such approval becomes null and void. The final plan must conform in all substantive details with preliminary plans, as previously approved, except that the final plan shall cover at least twenty-five percent (25%) of dwelling units proposed on the total subdivision or land development approved as preliminary plan and, furthermore, any conditions specified in the approval of preliminary plans shall be incorporated in the final plans.
- 4.6.2. Final Plat Requirements: Final plats shall be drawn on a twenty-four inch by thirty-six inch (24" x 36") or a "C" size plot, sheets of linen, Mylar or similar reproducible material in a digital format consistent with that required by Allegheny County. Where specific standards or requirements are not expressed in this Ordinance, the Allegheny County Subdivision and Land Development ordinance shall dictate. All plats shall be accompanied by the following information in the scale or format specified:
- A. Location Map: A diagram of the surrounding area sufficient to clearly indicate the location of the proposed subdivision or land development within the Township boundaries.
 - B. Tract Information: A scaled drawing showing the boundaries of the entire tract to be subdivided or developed, any previous out-sales or lot transfers, the portion to be subdivided into lots or otherwise developed, and the names and recording data of all abutting subdivision or land developments.
 - C. Key Map: When final approval is sought for only a part of the plan given preliminary approval, a key map shall be provided showing the relationship of the preliminary plan to the section proposed for final approval.
 - D. Subdivision or Land Development Plat: A plat of the lot or lots to be formed or developed, drawn to a scale not smaller than fifty feet (50') to one inch (1") and showing:
 - (1) Primary control points, or description and "ties" to such control points, to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
 - (2) Final rights-of-way, easements, and property lines and/or building lines with accurate dimensions, bearing or deflection angles; and radii, arcs and central angles of all curves.
 - (3) Edge of existing or proposed street pavement, clear sight triangle, and building setback lines with dimensions, including the radii of the edge of pavement at intersections with existing or proposed streets or access drives.
 - (4) Street names, purpose of easements and other rights-of-way, and block, lot and/or parcel numbers.

- (5) Location and description of all survey monuments and markers.
- (6) Location of all watercourses, wetlands and floodplains and temporary erosion and sediment pollution control facilities.
- (7) Location and size of stormwater detention facilities, including on-lot facilities as shown in Exhibit #22.
- (8) Location and type of wastewater disposal system.

E. Plat Data: Title identifying the subdivision or land development and the municipality in which located, name and address of the developer, scale and north point of the subdivision or land development plat (and of the tract map if separate diagram), date of plan, narrative of activity proposed, number of dwelling units and/or structures by type, certification and seal of the engineer and any other professional responsible for the plan in accordance with the certifications and notations required by the Allegheny County Subdivision and Land Development Ordinance.

4.6.3. Data to be Submitted with the Final Plat: Final plat submissions shall be accompanied by the following with all plans and drawings to be on sheets twenty-four inches by thirty-six inches (24" x 36"):

- A. Profiles of all existing and proposed streets showing center line grades which shall be approved by the Township Engineer in accordance with the design standards of this Ordinance; and showing the existing ground line.
- B. Cross sections of existing and proposed streets, in accordance with Section 6.3.2.E(1), showing the type of construction, depth and type of base material, the width of rights-of-way, width of cartway, curb construction, location and width of sidewalks, if any, and locations and size of utility lines, where applicable such as shown in Exhibit 3.
- C. Plans and profiles of proposed sanitary and/or stormwater sewers, with grades and pipe sizes indicated, and a plan of any proposed water distribution system, showing pipe sizes and location of valves and fire hydrants, as applicable.
- D. A final Erosion and Sedimentation Control Plan (See Subsection 4.3.3.C) including certification that permits required by the Pennsylvania Department of Environmental Protection have been issued.
- E. A final development plan of any single or multi-family units and non-residential development, showing the location and dimensions and configuration of all buildings, streets, parking areas, walkways, recreation areas and/or facilities, stormwater management facilities, watercourses, wetlands and floodplains, stands of trees and other natural or man-made development features.
- F. Certification of preliminary plan approval and executed agreement to provide service from the sewer and/or water authority, area water company with

jurisdiction, and/or a Pennsylvania Department of Environmental Protection, approved sewer planning module, for proposed public or private sanitary sewerage disposal and any revision to the Township's Department of Environmental Resources Act 537 Plan. Water supply and distribution facilities being provided by the developer must be inspected by the municipal authority with jurisdiction or the Pennsylvania Department of Environmental Protection, where applicable.

G. Certification from a qualified engineer that:

- (1) The proposed development will not cause any environmental hazard or risk of subsidence.
- (2) The final plan incorporates all measures and practices recommended in, where required, the subsidence risk assessment and/or geotechnical investigation report and such measures and practices shall eliminate or avoid any environmental hazards or risks of subsidence.
- (3) The final plan satisfies all relevant federal, state, county and municipal environmental standards.

H. Evidence that the required financial security as a performance guarantee as set forth in Section 5.1 herein has been deposited with the Township following review by the Solicitor.

I. Statement by developer offering the dedication of any streets, rights-of-way and land for public uses to be so offered; and evidence that the maintenance of any private or semi-public area or facility not being offered for dedication is assured through the creation of an organization for that purpose.

J. All information shall be stored in a format consistent with the requirements of Allegheny County and submitted with the material listed in this Section.

4.6.4. Review Procedure - Final Plan: Applications for final plan review and approval shall be submitted and processed in accordance with the following:

A. Application: Applications for final approval shall be submitted to the Township for review by the Planning Commission. Twenty (20) copies of the final plat, and twenty (20) copies of the land development plan, when required, and twenty (20) copies of all other data required to be submitted with said plat shall accompany the application. All applications shall be filed a minimum of thirty (30) days before the next regularly scheduled meeting of the Planning Commission.

The final plan submission shall cover at least twenty-five percent (25%) of all dwelling units proposed on the entire subdivision or land development as shown on the approved preliminary plan. In such cases, the applicant shall submit a tentative schedule for the development of the balance of the tract. The final plan submission requirements procedures as set forth herein and

procedures must be followed for each subsequent section prior to installation of improvements, recording, and sale or transfer of lots within such sections.

Failure of the applicant to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any section to any and all changes in zoning, subdivision and land development, and other governing ordinances enacted by O'Hara Township subsequent to the date of the initial preliminary plan submission.

B. Review by Other Agencies: Upon receipt of said application, the Planning Commission shall require the applicant to submit one (1) copy of the final plat and any related documentation to the following officials and such others, as appropriate, for their review and comment:

- (1) Township Council for review and final approval, subject to the ninety (90) day time limit established by Pennsylvania Municipalities Planning Code, unless a time extension has been legally granted.
- (2) Township Engineer for review of required or proposed improvements.
- (3) All applications for subdivision and land development shall be forwarded by the applicant to the Allegheny County Planning Commission for review and comment at the applicant's expense.

C. Approval of Plats - Final:

- (1) The Township Council shall take action on a final subdivision or land development plat in the manner prescribed in this section within ninety (90) days of the first scheduled Planning Commission meeting following receipt of application as follows, unless a request for an extension of time, made in writing, is granted. For circumstances where the decision must be within 90 days after a final order of the court remanding an application and also where the next regular meeting occurs more than 30 days following the filing of an application or the final order of the court, in which case, the 90-day period must be measured from the 30th day following the day the application has been filed.
- (2) The action taken by Township Council shall consist of approval, approval with conditions, or rejection of the plan. Applicant will have thirty (30) days to accept the conditions. Failure to accept all the conditions will cause the approval to be void. Acceptance may occur verbally, and may be given prior to the decision. In addition:
 - (a) The decision of Township Council shall be in writing and shall be communicated to the applicant personally or mailed to him by certified mail at his last known address not later than fifteen (15) days following the decision.
 - (b) When the application is not approved in terms as filed, the decision

shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provision of the statute or ordinance relied upon.

- (c) Failure of Township Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
 - (d) The above provisions are merely repetitions of certain rules contained in the Municipalities Planning Code and are included herein for convenience only. This ordinance creates no deemed approval rights or mandatory time requirements separate from state statutory law.
- (3) A signed Developer's Agreement in a form acceptable to the Township Solicitor shall be executed, and recorded by the Applicant at the time of final approval.

ARTICLE V

PERFORMANCE GUARANTEE

5.1 COMPLETION OF IMPROVEMENTS GUARANTEE:

At the time of filing a plan for final approval, and as a condition to such approval where the required improvements have not been installed, the applicant shall deposit with the Township a corporate bond, irrevocable letter of credit, or other financial security acceptable to Township Council, with the approval of the Township Solicitor, in compliance with Section 509 of the Pennsylvania Municipalities Planning Code and in an amount sufficient to cover the costs of any improvements which may be required, plus ten percent (10%). Such bond or other financial security shall provide for, and secure to the public, the completion of any improvements which may be required within the period fixed for such completion, with a one (1) year maximum period, unless extended by the bank or surety firm in writing and approved by Township Council. The amount of such financial security may be increased by an additional ten percent (10%) for each one year period beyond the first anniversary date from posting of the financial security, or to an amount not exceeding one hundred and ten percent (110%) of the cost of completing the required improvements as re-established on or about the expiration of the preceding one year period.

5.2 AMOUNT OF SECURITY DISPUTED:

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

5.3 MAINTENANCE BOND:

Following completion of required public improvements and at the time of the acceptance by the Township of said improvements, a maintenance security shall be posted with the Township for a period of eighteen (18) months to secure the structural integrity of said improvements, as well as the functioning of the improvements in accordance with their design and specifications as depicted on the final plat. The amount of the financial security shall not exceed fifteen percent (15%) of the cost of installation of the improvements as approved, and shall be of the same type as specified in Section 5.1.

5.4 RELEASE FROM IMPROVEMENTS GUARANTEE:

- 5.4.1. When the developer has completed all or a portion of the necessary and appropriate improvements, the developer shall notify Township Council 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 Township Council shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with Township Council and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from Township Council; 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 or reasons for such nonapproval or rejection.
- 5.4.2. If, for any reason, the required inspections cannot be made by the Township Engineer, Township Council shall cause such required inspections and report to be made by another qualified engineer.
- 5.4.3. The Township Council shall notify the developer, in writing, by certified or registered mail, within fifteen (15) days of receipt of the Engineer's report of the action of Council with relation thereto.
- 5.4.4. If Township Council or the engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to its performance guaranty bond or other security agreement.
- 5.4.5. If any portion of the said improvements shall not be approved or shall be rejected by the Township Council, the developer shall correct the inadequacies identified in the Township Engineer's report, proceed to complete the same, and, upon completion, the same procedure of notification and inspection, as outlined herein, shall be followed.
- 5.4.6. The developer shall deposit with O'Hara Township prior to the recording of the final plat, an amount equal to the costs of inspection by the Township Engineer of all public improvements shown on the final plat. Said deposit shall not exceed fifteen percent (15%) of the estimated cost for installation of proposed improvements. Sections 510(g)(1) through (5) of the MPC shall remain applicable.
- 5.4.7. The applicant/developer shall submit three (3) hard copies of accurate as-built drawings, one (1) reproducible set of as-built drawings, and in a digital format consistent with Allegheny County's requirements, prior to the complete release of financial security by the Township.

- 5.4.8. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceeding or otherwise, any determination of Township Council or any engineer.

5.5 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS:

In the event that any improvements which are required have not been installed as provided in this Ordinance or in accord with the approved final plan, Township Council may enforce any corporate bond, irrevocable letter of credit or other financial security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of the installing or making repairs or corrections to all the improvements covered by said security, Township Council may, at its option, cause part of such improvements in all or part of the subdivision or land development to be installed and may institute appropriate legal or equitable action to recover the moneys necessary pay for such installations and/or to complete the remainder of the improvements and or any costs incurred associated with this proceeding.

5.6 CONDITIONS OF ACCEPTANCE

No right-of-way, easement, public grounds, street or other public improvement shall be accepted by the Township, until such has been provided and/or installed and approved in accordance with the provisions of this Ordinance. The acceptance shall be formalized through the passage of a Township Ordinance or Resolution. This Section 5.6 will not be construed as requiring acceptance of any improvement by the Township. The Township retains full discretion to accept or not accept improvements.

ARTICLE VI

IMPROVEMENTS AND DESIGN STANDARDS

6.1 GENERAL

The improvements required by this Ordinance shall be installed to the standards as identified in the following sections. Where specific standards or requirements are not expressed in this Ordinance, the Allegheny County Subdivision and Land Development Ordinance shall dictate. Prior to the start of installation of any, and all, improvements, the developer, or developer's contractor, shall notify the Township at least forty-eight (48) hours in advance, in order to schedule the inspection of such installation. The Township Engineer shall inspect all work before backfilling, before spreading sub-base or applying base course to any street, or before covering any other structures that are part of the improvements, and may order corrections be made to bring it to compliance with the final approved plans. The Township shall reinspect the work to assure that corrections have been made before allowing the contractor to proceed.

When the installation of all required improvements have been completed, the developer shall follow the procedure as identified in Article V of this Ordinance.

- 6.1.1. General Standards: The standards outlined in this Article and depicted in exhibits referenced herein, shall be applied by the Township staff, the Planning Commission and Township Council in evaluating plans for proposed subdivisions and land developments. The standards outlined herein shall be considered minimum standards, and the Planning Commission or Township Council may request compliance with additional standards where, based on subsequent data, the health, safety, and welfare of Township residents is a concern. Compliance with all other Township Ordinances, as well as any relevant state or federal laws, is also required for an approval under this ordinance.
- 6.1.2. Natural and Historic Features: Every measure shall be taken to insure, insofar as possible, the preservation of natural amenities and historic, natural, and man-made features, areas, and structures, deemed worthy of such preservation by the Planning Commission, Township Council and Allegheny County, and public access to such features shall be insured, where appropriate.
- 6.1.3. Coordination of Development: The design of proposed subdivisions and land developments shall be comparable in scale and building materials with existing nearby development and physiography so that the proposed subdivision and land development may blend in with the existing development and/or physiography.
- 6.1.4. Conformance: The design and construction of the improvements of proposed subdivisions and land developments shall conform to the standards outlined in this Article and with the standard engineering details labeled Standard Details, Exhibits #2 through #21, included as exhibits to this Ordinance. In addition, all proposed subdivisions and land developments shall conform to the community goals and objectives of the O'Hara Township Comprehensive Development Plan, to all applicable land use regulations in effect at the time of final approval, to the

official map and to the regulations of any Federal or State agency with jurisdiction over any aspect of the proposal being reviewed.

6.2 LOTS:

- 6.2.1. Lot Area: All lots shall conform to the Township Zoning Ordinance in area, minimum width at building line and configuration as outlined herein.
- 6.2.2. Access: Every lot shall abut a public street with a minimum frontage as defined in Article II of the O'Hara Township Zoning Ordinance, designed and built to the standards in Table A and this Article.
- 6.2.3. Through Lots: Double frontage lots shall not be permitted, except that where frontage occurs along limited access or arterial highways, lots may face on an interior street and back on such thoroughfares to which direct access shall not be permitted.
- 6.2.4. Lot Lines: Lot lines shall be approximately at right angles or radial to the street lines.
- 6.2.5. Corner Lots: Corner lots shall be proportionately larger than other lots in order to meet required building setbacks from both streets.
- 6.2.6. Building Setback Lines: The building setback lines must conform to the applicable Zoning Ordinance provisions for the district in which the subdivision is proposed.
- 6.2.7. Solar Consideration: To make solar benefits available, developers shall be sensitive to solar planning which shall be considered a purpose of this Ordinance. Portions of this Ordinance (lot access, sidewalks, screening, street trees) may be recommended for modification by the Planning Commission and approved by Township Council where appropriate.
- 6.2.8. No lot may be subdivided where a deed, title or prior subdivision plan contains a restriction against further subdivision.

6.3 STREETS, CURBS AND SIDEWALKS

- 6.3.1. Cul-de-sac Streets: A cul-de-sac street shall not exceed one thousand feet (1,000') in length.
- 6.3.2. Description: All proposed streets or roads (public and private) shall be designed and constructed according to the requirements set forth herein.

A. Geotextile Fabric:

- (1) A geotextile fabric shall be placed on the prepared subgrade in accordance with the manufacturer's recommendations. The fabric shall

form a continuous envelope enclosing both underdrains as shown on the Construction Standards.

- (2) The contractor shall have available all equipment required or recommended by the manufacturer for use in installation of the geotextile fabric. A representative of the manufacturer knowledgeable in installation of the fabric shall be on site to direct the installation during the first three (3) days of installation. Expenses for the representative of the fabric manufacturer shall be borne by the Contractor. If the Contractor can prove to the satisfaction of the Township Engineer he has the experience to properly install the geotextile fabric, no manufacturer's representative will be required. Certification of compliance by the contractor or qualified third party is required prior to acceptance.
- (3) The material to be used and method of installation as recommended by the manufacturer is to be submitted to the Township Engineer for approval.

B. Subbase: An untreated aggregate subbase course shall be placed over the geotextile fabric to a thickness not less than eight inches (8"). The first layer shall consist of six inches (6") of Type A or better, limestone meeting the requirements of PennDOT Section 7-3.3 for No. 4 aggregate and obtained from a source listed in PennDOT Publication 34, Bulletin 14-Aggregate Producers. This layer shall be placed in two (2) uniform lifts with each lift being spread uniformly by approved mechanical spreaders to the full width of the subgrade and thoroughly compacted to a true and uniform grade using a vibratory roller. The top layer shall consist of a two inch (2") compacted lift of Type C or better limestone or crushed gravel meeting the requirements of PennDOT Section 703.3 for No. 2A aggregate and obtained from a source listed in the PennDOT Publication 34, Bulletin 14 Aggregate Producers. This layer shall be thoroughly compacted with a vibratory roller as to permit the fines of the No. 2A to choke the No. 4 aggregate of the underlying base. Any remaining voids shall be filled with fine material from the No. 2A and re-compacted.

C. Base Course: A bituminous concrete base course (BCBC) of four and one-half inches (4 1/2") compacted thickness shall be placed over the approved subbase, as approved by the Township Engineer. The materials and methods used in the installation of the BCBC shall be in accordance with PennDOT Form 408 Specifications.

6.3.3. Cartway and Right-of-way: All streets or roads shall have a minimum fifty foot (50') wide right-of-way. All cartways shall be paved in accordance with the standards set forth in Table A of Section 6.3.2, as shown on Exhibit #3. The right-of-way for cul-de-sacs shall be a minimum of one hundred and five feet (105') in diameter, and shall have a minimum eighty feet (80') paved diameter.

6.3.4. General Street Design Requirements:

- A. Proposed streets shall be planned with regard to topographic conditions (diagonally across contours where slopes are in excess of fifteen percent [15%]); public safety and convenience in terms of vehicular and pedestrian movements, maintenance and fire protection; probable traffic volumes; and existing and proposed uses of land on abutting properties.
- B. The proposed street system shall be extensions of existing or recorded streets at the same width, but in no case less than the required minimum width.
- C. Where, in the opinion of the Township Council, it is desirable to provide for street access to adjoining property, streets shall be extended by right-of-way dedication to the boundary of such property. Where the extended cartway is wider than the existing cartway, a tapered transition area shall be provided.
- D. New minor streets shall be so designed as to discourage through traffic, but the developer shall give adequate consideration to provisions for the extension and continuation of major and collector streets into and from adjoining properties.
- E. Where an existing Township street of inadequate width traverses or abuts the subdivision or land development, the entire right-of-way, measured from the centerline of the existing cartway shall be provided in accordance with the standards of this Ordinance.
- F. Where the subdivision or land development abuts or is traversed by an existing State street of inadequate width or alignment, any additional right-of-way necessary to correct such in accordance with the standards of this Ordinance, PennDOT regulation, or known highway plans shall be reserved, but need not be offered for dedication.
- G. Private streets, either proposed or existing, shall not be approved for public dedication, construction or maintenance until the location, design and construction of any such street is in compliance with all applicable requirements of this Ordinance.
- H. Whenever the proposed subdivision or land development contains or is adjacent to an arterial highway, Township Council may require that provision be made for a marginal access street. The Township Council may require such other configurations which will provide increased protection for abutting properties, reduce the number of intersections with major streets, and separate local and through traffic.
- II. Where the lots in a subdivision are large enough for resubdivision, or where a portion of the tract is not subdivided, the minimum required right-of-way to these areas shall be provided.
- J. Proposed streets which are aligned with existing streets shall bear the name of the existing street.

- K. Dead-end streets, without a cul-de-sac, shall be prohibited.
- L. Intersections involving the crossing of more than two (2) streets shall be prohibited. Right angle intersections shall be used wherever and whenever practical, but in no case shall the angle of intersection be less than 75°. Street offsets of less than one hundred seventy-five feet (175') shall not be permitted.
- M. The shoulders of all streets and roads dedicated for public use shall be graded to the full width of the right-of-way and provisions shall be made for protection of slopes beyond the right-of-way.
- N. Minimum and maximum grades shall be provided on all streets in accordance with the Design Standards specified in Table A, unless a modification is granted. Grades shall be measured along the center of the street. Vertical curves shall be used in changes of grade exceeding one percent (1%) and should be designed in accordance with the Design Standards specified in Table A. The grade of actual intersections shall not exceed three percent (3%) on approaches which will be "stop" controlled.
- O. Minimum widths of rights-of-way and minimum widths of paving shall be provided in accordance with the Design Standards specified in Table A. All streets or roads dedicated for public use shall be paved in accordance with Township Construction Standard Details.
- P. Additional right-of-way widths and paved cartway widths shall be requested by the Township where necessary for public safety and convenience, for parking in commercial and residential areas and where additional width is necessary on existing roads which do not comply with current standards; however, the approval of the plan shall not be conditioned upon dedication of the additional right-of-way.
- Q. No fence, hedges, shrubbery, walls, planting (other than grass) or similar obstructions shall be located within the right-of-way of any street or road dedicated for public use, and no such obstruction shall obscure visibility at any intersection. A clear sight triangle, as defined by this Ordinance, shall be maintained free of any obstructions at intersections. The sides of the clear sight triangle shall be measured along the centerline of the intersecting streets and shall meet the minimum standards specified in Table B of Section 6.3.2.

6.3.5. Street Design Standards:

- A. Public Street Design Standards Table A.

TABLE A

Street Type	Collector Streets	Local Streets	Cul-de-Sacs ²	Marginal Access
Minimum Right-of-way Width	60'	50'	50'	50'
Minimum Pavement	25'	25'	25'	25'
Minimum Cartway Width	---	---	---	---
Maximum Grade	10% ³	12%	12% ⁴	12%
Minimum Grade	1.5%	1.5%	1.5%	1.5%
Minimum Radius of Curve at O'Hara Line ¹	300'	125'	125	125
Vertical Curve Length (Factor times algebraic difference)	28 crest 35 sag	10 crest 20 sag	10 crest 20 sag	10 crest 20 sag
Minimum Tangent Length Between Curves	150'	50'	50'	---
Minimum Stopping Sight Distance	275'	200'	200'	---
Sidewalk width where required	4'	4'	4'	4'

- (1) Where street lines deflect from each other more than ten degrees (10°).
- (2) Cul-de-sac streets or roadways shall be provided with a completely paved turn-around with a minimum diameter of eighty feet (80') to the outside edge of pavement.
- (3) May be increased by one percent (1%) for grades not more than three hundred feet (300') long.
- (4) 6% maximum slope on turn-around.

B. Intersection Design Standards (Table B)

TABLE B

Type Intersection	Arterial with Collector	Collector with Collector	Collector with Local	Local with Local
Maximum number of intersecting streets at each junction	2	2	2	2
Minimum distance between center lines of intersections	800'	500'	500' B/L 250' B/W	500' B/L 250' B/W
Minimum center line offset of adjacent intersections	400'	250'	175'	175'
Angle of intersection of street center lines	90 ⁰	90 ⁰	75 ⁰ -105 ⁰	75 ⁰ -105 ⁰
Length and maximum grade of approaches to intersection where general grade is over 7%	50'/3%	50'/3%	50'/3%	50'/3%
(Measured from the intersection cartway lines.)				
Minimum radius of pavement	30' (c) 45' (nc)	30' (c) 49' (nc)	25' (c) 35' (nc)	25' (c) 30' (nc)
Minimum intersection sight distance along center line	220'	130'	130'	130'
Intersection clear sight triangle (each center line length)	150'	75'	75'	75'

B/L - Along Block Length

B/W - Along Block Width

(c) Minimum width where curbs are to be installed, including width of curb.

(nc) Minimum width where curbs are not to be installed. (See Exhibits #3 and #3A for minimum shoulder and side slope area requirements as well as minimum pavement variations.)

*Table B Note: The intersection design standards for all subdivision and major development entrance streets shall be according to street classification but not less than as required for the intersection of a minor street with a collector street.

C. Description: All streets or roads proposed to be dedicated for public use shall be designed and constructed according to the requirements presented herein and in compliance with Section 6.1.5 herein.

D. Cartway and Right-of-Way: All streets and roads shall have a minimum fifty foot (50') wide right-of-way. All cartways, shall be paved in accordance with the standards set forth in Table A of Section 6.3.2 and the standard details attached hereto as exhibits. The right-of-way for cul-de-sacs shall be a

minimum of one hundred and five feet (105') in diameter, and shall have a minimum eighty feet (80') paved diameter.

E. Construction:

(1) Excavation and Grading:

- (a) The excavation of grading required to construct any street and road shall be constructed to the horizontal and vertical alignment, as approved by the Township Engineer. For approval, roadway design shall be presented on Plan and Profile drawings prepared at minimum scale of one inch equals fifty feet (1" = 50') horizontal to one inch equals ten feet (1" = 10') vertical with cross-section at fifty foot (50') centers at appropriate scale. Cross-section shall be a minimum one hundred foot (100') wide or show the entire extent of cut/fill proposed.
- (b) All excavation and grading operations shall be performed under the direct supervision of a Registered Professional Soils Engineer. At completion of the work, the soils engineer shall provide a written sealed certification that all cuts/fills as constructed are stable and suited to their design intent.
- (c) When filling operations are required, all topsoil shall be removed and the surface scarified in order to assure a good bond between the filled ground and virgin ground. Where the lateral slope upon which a fill is to be made is deemed too steep for scarifying to make bond (slopes 3 horizontal to 1 vertical or steeper), the virgin ground shall be benched as shown on Exhibit #4 attached hereto and the fill placed upon the benches. Adequate drainage for any springs, wet areas, existing streams or wet weather gullies encountered while preparing for filling operations shall be provided. Toe drains or underdrains shall be constructed as required by the Township Engineer.
- (d) Fills shall be built up in six inch (6") lifts of suitable materials, each lift being well-compacted with an approved sheep's foot ten (10) ton roller and well-crowned and drained in order to prevent soaking and spongy areas.
- (e) All fills or cuts shall carry a minimum side slope of two foot (2') horizontal to one foot (1') vertical.
- (f) Built up, well-rolled berms shall be constructed along each edge of the paving using suitable and approved material. The berm shall be constructed before the curb or base is constructed and simultaneously with the fine grading of the subgrade.
- (g) The subgrade must be well-rolled with approved three (3) wheel, minimum ten (10) ton roller, crowned in conformance with finished surface crown and shall be perfectly smooth, free of spongy areas and well-drained with approved subgrade drains and/or bleeders, the bleeders draining into approved dry wells (constructed at a minimum distance of three feet [3'] from the edge

of paving), lateral drains, storm sewers, or drop inlets. The flow lines of all dry wells, lateral drains, storm sewers and drop inlets shall be a minimum eighteen inches (18") below the lowest part of the subgrade. All drainage must be constructed and in operation before any fine grading, berm construction or filling is commenced.

(2) Curbs:

- (a) A concrete curb conforming to the detail as shown on Exhibit #21, attached hereto, shall be installed along both sides of the cartway. The curb shall conform to the lines and grades as shown on the construction plans.
- (b) All concrete used for the placement of the curb shall conform to the requirements for Class AA concrete in accordance with PennDOT 408 Specifications.
- (c) Form or saw contraction joints shall be constructed in uniform lengths not to exceed fifteen feet (15'). The joint shall be 3/16 inches wide and two inches (2") deep. Sawing of joints shall be done as soon as practicable after the concrete has set sufficiently to preclude raveling during the sawing and before any shrinkage cracking occurs in the concrete. A curing compound, acceptable to the Township Engineer, shall be applied over the entire surface of the fresh concrete.
- (d) A mixture of linseed oil and kerosene is to be applied to the surface of the curb during October of the year the curbs are installed and October of the following year. Both applications shall be the responsibility of the developer and be applied at the rate of seventy-five percent (75%) linseed oil to twenty-five percent (25%) kerosene.

- (3) Wearing Course: Upon completion of the bituminous concrete base, the Contractor or Developer shall place Bituminous Wearing Course ID-2 over the entire base course and properly compact to an absolute minimum thickness of one and one-half (1-1/2) inches in all areas. Prior to placing any wearing course, the base shall be flushed with sufficient volume of water to remove all accumulated grit and debris, allowed to dry, and be swept. The base surface shall then be prepared for the installation of the wearing surface by the application of a bituminous tack coat. The material to be used for the tack coat shall be Class E-1, Emulsified Asphalt applied in uniform spray at a rate of 0.05 to 0.07 gallons per square yard. The application temperature of the emulsified asphalt shall be at least 700 F. and not more than 1500 F. The tack coat shall not be applied after sunset, to a wet surface, or during cold or wet weather. Work shall be planned so that no more tack coat than is necessary for that day's operation is placed on the base. Where it is necessary to apply the tack coat by hand spray, care shall be taken to give a light application. The treated surface shall be maintained and protected against damage. All damaged areas shall be satisfactorily repaired. The materials and methods used in the installation of Bituminous Wearing Course ID-2 shall be in accordance with PennDOT Form 408 Specifications.

- (4) Materials/Plant: All bituminous material must be prepared in a plant that has been approved by the Pennsylvania Department of Transportation for the manufacture of the material specified. Certification of compliance of all materials used to pave the streets shall be provided to the Township by the plant.
- (5) Testing Finished Surface: For the purpose of testing the finished surface, a sixteen foot (16') straight edge shall be used, except that a ten foot (10') straight edge may be used on vertical curves. The straight-edge shall be held in successive positions parallel to the road centerline in contact with surface, and the whole area checked from one side to the other as necessary. Advancement along the pavement shall be in successive stages of not more than one half (1/2) the length of the straight edge. Any irregularities which vary more than one fourth inch (1/4") shall be corrected. Irregularities which may develop before the completion of rolling shall be remedied by loosening the surface mixture and removing or adding material as may be required. Should any irregularities or defects remain after the final compression, the surface course shall promptly be removed and sufficient new material laid to form a true and even surface. All minor surface projections, joints and minor honeycombed surfaces shall be ironed smooth to grade, as may be directed.
- (6) Calendar Construction Limitations: Road construction such as filling, berming, subgrade, fine-grade construction, base construction, or surface construction shall not be commenced before May 15 and must be completed before October 15 of the same year, unless permission to the contrary is granted by Township Council, its agents or assigns. It is assumed that the weather conditions between these dates will be ideal for road construction; however, if adverse weather conditions occur between these dates the contractor or builder must abide by the judgment of Township Council, its agents, or assigns, in regard to permissible construction weather conditions.
- (7) Special Requirements:
- (a) The developer shall be required to provide to the Township an eighteen (18) month Maintenance Bond commencing on the date of acceptance of the road by the Township in an amount equal to fifteen percent (15%) of the actual cost of installation of the roadway.
 - (b) At such time that fifty percent (50%) of the lots in a recorded residential subdivision have been developed or fifty percent (50%) of the gross floor area in a commercial land development has been occupied or fifty percent (50%) of the parcels in a land development created for light industrial or manufacturing use have been developed and occupied, the developer/contractor may petition Township Council to accept dedication of the improved streets or access roads originally proposed for public use.
 - (c) If it is necessary that the developer/contractor must exceed a weight limit of twenty (20) tons (which will be in effect simultaneously with the date of acceptance), he will be required to give the Township an additional eighteen (18) month Maintenance Bond in an amount specified by the Township Engineer

commencing on the date that the violation of the weight limit ceases. In no event shall the contractor violate the weight limit without the expressed approval of the Township, and if approved, not before the aforementioned Maintenance Bond has been obtained and is in effect.

- (d) In order to assure the Township that the road is being paved in the center of the right-of-way and in accordance with all grades that have been approved, the contractor, developer and/or road builder must present an affidavit signed by a Registered Professional Engineer or a Registered Surveyor, each registered to practice his profession in the Commonwealth of Pennsylvania, that he (surveyor/engineer) has established the recorded and/or legal right-of-way on the ground by a survey on the ground and has set construction stakes to the desired construction offset distance at points along the road not exceeding fifty foot (50') intervals and has established reference elevation on said stakes to effect the construction of the road in accordance with all plans that have been previously approved.
 - (e) After all road construction has been completed and all right-of-way grading has been completed, the developer and/or contractor shall install concrete monuments with a minimum size of four inches (4") in diameter, four inches (4") square and three foot (3') long, extending out of the ground at least three inches (3") but not more than six inches (6"), the center being marked with a one half inch (1/2) minimum brass wire or bar plug (as per Exhibit #5), at all intersections and points of curvature in order to amply mark the right-of-way before the construction of the road can be considered as complete and fully prepared for the Township to accept the maintenance responsibilities.
 - (f) An Escrow Bond of one hundred and fifty dollars (\$150.00) per concrete monument must be delivered to the township. When monuments are placed, approved by developer's engineer and inspected by the Township Engineer, then the Escrow Bond will be released to the developer.
- (8) Effective Date: This Ordinance shall become effective on the date of enactment and shall apply to all roads and streets in plans of lots hereafter submitted to and approved by the Township.
- (9) Concrete Streets and Concrete Curb Construction Roads:
- (a) Where concrete construction is desired because of heavy or industrial use of the street or road, the design and construction materials must be approved by Township Council and the Township Engineer.
 - (b) The specifications and construction shall comply to Portland Cement Association recommended standards, latest edition titled "Design of Concrete Pavement for City Streets." The standard Township width of streets shall be a minimum of twenty-five feet (25'). A special street width for divided highways in an enlarged

overall street right-of-way width shall be permitted but each of said parallel cartways shall have a minimum width of fifteen feet (15') including eighteen inch (18") wedge type curbs.

- 6.3.6. Gutters: In areas where curbing is not required, as determined by the Township Engineer, paved or stabilized gutters must be provided to control water runoff and avoid erosion, in accordance with Section 6.4.3, Subsection B (4) and approved by the Township Engineer.
- 6.3.7. Sidewalks: Sidewalks at least four feet (4') in width, constructed of four thousand pound (4,000 lb.) Portland Cement concrete at least four inches (4") thick and underlain by four inches (4") crushed stone shall be installed as follows:
- A. Where the continuation of existing sidewalks would be desirable, as recommended by the Planning Commission and approved by Township Council.
 - B. To provide access to community facilities and elsewhere as recommended by the Planning Commission and approved by Township Council.
 - C. Sidewalks shall be located within the street right-of-way, preferably one foot (1') from the property line, and in all cases shall be separated from a cartway by a planting strip.
 - D. Sidewalks shall be constructed so as to be accessible to the handicapped.
 - E. Maintenance shall be the responsibility of the adjacent property owner. Appropriate language shall be placed on the plan for recording, indicating this maintenance responsibility.
 - F. In accordance with Table A and Exhibit #19.
- 6.3.8. Street Signs and Lighting: Street name signs as approved by Township Council, shall be placed, by the developer, at all intersections. Street lights shall be required where a hazard exists as determined by the Township Engineer. The design and location of signs and light fixtures shall be as approved by Township Council.
- 6.3.9. Parking Facilities: All parking facilities shall be in accordance with Article XIV of the Township Zoning Ordinance.

6.4 UTILITIES

- 6.4.1. Water Supply:
- A. The subdivision or land development shall be provided with a complete public water distribution and public supply system which shall be connected to a public water supply.

- B. The installation of all water distribution lines and facilities shall be in compliance with the Water Authority with jurisdiction and all specifications as applicable, including but not limited to NFPA (National Fire Protection Agency) guidelines.
- C. Fire hydrants shall be installed as an integral part of any common water distribution and supply system; placed not greater than five hundred feet (500') apart. Said water distribution system shall have sufficient residual pressure for fire protection, as required by the Pennsylvania Department of Environmental Protection, and approved by the Township Fire Marshal.
- D. The plans for the installation of the mains of a water distribution and supply system shall be prepared with the cooperation of the applicable public water authority, and approved by its engineer. A statement of approval from the engineer of the public water authority shall be submitted to Township Council. Upon the completion of the public water distribution and supply system, one (1) copy each of the plans for such system shall be filed with Township Council. The plan shall be reviewed and approved by the Department of Environmental Protection and ISO (Insurance Service Organization).
- E. Individual on-lot water supply facilities shall not be deemed part of the "required improvements" of this Ordinance, however every subdivision and lot approved for land development must have an approved a water distribution and supply system.

6.4.2. Sanitary Sewerage:

- A. The method of waste disposal shall be as approved by Township Council giving consideration to the following order of preference:
 - (1) Connection to a public sanitary sewer system, to be in accordance with the requirements of the Department of Environmental Protection.
 - (2) Provision by the developer of a complete private sanitary sewer collection system using a treatment plant, to be licensed by the Department of Environmental Protection.
 - (3) Sewage disposal on individual lots where conditions are satisfactory to meet the on-lot sewage requirements of Act 537, known as the Pennsylvania Sewage Facilities Act.
- B. The judgment of Township Council as to the method of waste disposal to be used will be made after study and review of a sewerage feasibility report submitted by the developer. The submission of the sewerage feasibility report is required. It must be completed by a registered professional engineer.
- C. When the subdivision or land development is to be provided with a complete

public sanitary sewer collection system to be connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system authority to which it will be connected shall be submitted to Township Council. The sanitary sewer collection system facilities shall be constructed in accordance with the Township standard specifications for the installation of sanitary sewers and appurtenances on file at the Township office.

- D. When a complete private sanitary sewer collection system using a treatment plant is to be provided, a copy of all required permits and licenses shall be submitted to Township Council following the Pennsylvania Department of Environmental Protection approval of the proposed facilities. Adequate provision for the maintenance and yearly inspection of such plant shall be furnished to the municipality in which the subdivision or land development is located.
- E. In subdivisions or land developments where neither connection to a public sewerage system nor a complete private sanitary sewer system is required, sewage disposal shall be provided consisting of septic tanks and tile absorption fields, or any "package disposal system or treatment plant" permitted and licensed by the Department of Environmental Protection, in accordance with the Pennsylvania Sewage Facilities Act 537.
- F. When on-lot sewage disposal is to be provided, the developer shall furnish a certificate issued by the County Sewage Enforcement Officer as to the adequacy of the soils for such on the basis of percolation tests conducted in accordance with the Department of Environmental Protection.

6.4.3. Stormwater Drainage:

A. Storm Sewers:

- (1) Description: Each land subdivision and/or land development whether residential, commercial, or industrial in nature or use shall provide and implement a water drainage plan and stormwater management plan, consistent with the provisions of the Township's Stormwater Management Ordinance, Number 850, so as to prevent any damage or injury to health, safety, or property from stormwater runoff or groundwater. The water drainage plan shall include every lot, shall be in accordance with this Article and shall be approved by the Township. The stormwater management plan shall comply with the applicable Township ordinances or with the design proposed by the Township Engineer.
 - (a) All drainage management measures shall include such actions as are required to manage the quantity, velocity, and direction of resulting ground and/or stormwater runoff in a manner which protects health and property from injury.
 - (b) Natural runoff flow characteristics shall be maintained either by

augmenting natural infiltration processes or by physically controlling the release of development related stormwater flow increases through structural means.

- (c) Positive drainage is required in all areas of development. The stormwater system shall be planned and designed to direct stormwater runoff away from all public roads, structures, buildings, and development areas. The stormwater drainage system shall provide drainage facilities at all points along public streets, sidewalks, including other access and circulation systems.
- (d) Underdrainage shall be provided in all areas where springs, wet weather springs, or where poor soil drainage conditions exist or result from the development. During construction of any improvement, if springs or any other poor drainage conditions are encountered, or when construction of any improvement has or will alter the natural groundwater flow, the Township shall be notified. Underdrainage shall be provided by the owner/developer, as directed by the Township, to correct any poor drainage condition.
- (e) The stormwater system, including downspouting and other forms of rain-gear which are utilized upon any structure within the land subdivision and/or land development, and the underdrainage system, shall be designed to convey, contain, store, absorb, and/or use the surface or underground waters without damage to life or property and to minimize disruption of land usage.
- (f) All on-lot storm drains (downspouts, area drains, foundation drains, etc.) shall include all pipe required to convey runoff water directly to the on-lot stormwater management facility in accordance with Standard Detail Exhibit #22, attached hereto. No runoff water shall be allowed to discharge into the street/road. (diagrams in Exhibits 22 and 23 are to be redesigned with improved details)
- (g) To the maximum extent possible, the stormwater drainage system and underground drainage system shall be designed to 1) convey stormwater runoff through a conveyance system directly to a natural watercourse, and 2) prevent the discharge of stormwater or underground water onto adjacent facilities or properties.
- (h) Natural drainage routing shall be preserved where feasible. No discharge of on-site stormwater or underground water runoff into a natural drainage routing shall be permitted when such discharge will damage adjacent or downstream property.
- (i) No stormwater drainage system or underground drainage system shall be permitted to discharge into any sanitary sewer system.
- (j) The storm sewer system shall be designed to intercept and convey the peak rate of runoff from the one hundred (100) year return storm.
- (k) Stormwater runoff and design calculations meeting this requirement shall be submitted to the Township for approval prior to preliminary plan approval. Hydraulic computation presenting invert elevations, pipe size, "n" capacity, velocity, hydraulic and

- energy grade lines shall be submitted.
- (l) Upon Township request, stormwater runoff calculations shall be made available for: the outlet and inlet sides of all stormwater drainage and storage facilities and structures; at points in a public street with a change of grade; or where water from a proposed structure, facility, or vehicular way is to enter an existing public street, existing storm sewer, existing drainage ditch, or existing stormwater storage facility.
 - (m) Additional analysis, calculations, and design criteria may be required for both the on-site and off-site stormwater systems where it has been determined by the Township that further study is necessary.
 - (n) The stormwater drainage system for the subdivision and/or land development and, where required, the underdrainage system for a subdivision and/or land development shall be designed for compatibility with the watershed stormwater management system and any O'Hara Township or adjacent municipality's planned change to the system.
 - i. The design shall anticipate and provide for effects of all tributary area and upstream development.
 - ii. The design shall anticipate and provide for impact(s) on downstream flow conditions and water quality.
 - iii. Off-site stormwater drainage and underdrainage facilities and improvement shall be provided by the applicant/owner of the proposed land subdivision and/or land development where needed and where requested by the Township.
 - iv. Where required, the Pennsylvania Department of Environmental Protection's approval including permits as required, shall be obtained by the applicant/owner of the land subdivision and/or land development and evidence of same provided to the Township.
 - (o) The installation, ownership, and maintenance responsibilities after completion of the development for all stormwater drainage and storage facilities and all underdrainage facilities shall be identified on the preliminary plans and exhibits and final plans
 - (p) All stormwater drainage or storage facilities or underdrainage facilities to be publicly dedicated shall be located in a right-of-way, a drainage easement, or in a location as required by the Township.
 - (q) The design for all stormwater drainage and storage facilities shall be in accordance with the requirements of the Pennsylvania Department of Transportation Design Manual, Part 2, latest edition, the standards contained herein, and Township Stormwater Management Ordinance #850.
 - (r) Plan and profile drawings to suitable scale shall be provided prior to preliminary plan approval. Plan and cross-section drawings, catalog cuts and specifications shall be provided showing complete construction details for all stormwater drainage and storage facilities and appurtenances prior to final plan approval.

- (s) The access control for any storage facility shall be approved by the Township prior to plan approval.
- (t) The design of all detention facilities shall be subject to the review and approval of the Township Engineer, and where applicable, by the Pennsylvania Department of Environmental Protection.
- (u) Where open stormwater drainage and/or storage facilities are to be constructed; the access control measures, erosion control measures, capacity protection measures, flood protection measures, stagnant water control measures, and appearance control measures shall be presented for Township approval with the preliminary plans and exhibits.
- (v) Stormwater detention facilities shall have sufficient capacity to result in no increased runoff from a one hundred (100) year return storm at a minimum or where required by watershed studies. A minimum of two foot (2') of freeboard shall be provided. The primary outlet structure shall be designed to control the 2, 10, and 100 year return storms. An emergency spillway shall be designed to convey the fifty year post-developed return storm or larger, as appropriate. All dike embankments shall be a minimum eight foot (8') wide at its crest.
- (w) The design of stormwater drainage and storage facilities shall be closely correlated with the design of public streets proposed for public dedication.
- (x) The depth of flow in gutters and allowable spread across the pavement shall be approved by the Township Engineer.
- (y) Free flow of stormwater runoff shall not be permitted onto the cartway of any public street from a private driveway, access drive or any other vehicular right-of-way.
- (z) Stormwater inlets shall be spaced a maximum of three hundred feet (300') apart where pipe sizes of twenty-four inches (24") or less are used, and not over four hundred fifty feet (450') where larger pipe sizes are installed. Sufficient inlets shall be provided to intercept all surface runoff.
- (aa) Grate inlets, in accordance with Exhibit 12A, shall be depressed below the plane of the gutter.
- (ab) Curb inlets/openings shall have a maximum permitted height of six inches (6") unless otherwise provided with a protective barrier.
- (ac) Design of inlets shall be as required by runoff calculations.
- (ad) Manholes shall be spaced a maximum of three hundred feet (300') apart where pipe sizes of twenty-four inches (24") or less are used, and not over four hundred and fifty feet (450') where larger pipe sizes are installed. Design of manholes shall be as per Exhibit #6 and Exhibit #7. If approved by the Township, inlets may be substituted for manholes.
- (ae) Enclosed stormwater drainage courses shall be required at intersecting streets and elsewhere, as may be deemed necessary by the Township. Stormwater shall be collected in stormwater culverts or similar enclosed components.

- (af) Stormwater culverts, bridges, and similar structures serving public streets, access drives, or any other vehicular right-of-way as may be designated by the Township, shall be designed to support HS-20 and military loadings and any other imposed loadings necessary without structurally damaging the drainage system. The stormwater culverts, bridges, and similar structures shall be constructed to the full width of the right-of-way plus additional length as deemed necessary by the Township Engineer to satisfy a local drainage pattern.
- (ag) Stormwater culverts in areas other than those noted above shall be designed to support the necessary loading (existing and potential) and any other imposed loadings without structurally damaging the pipe or affecting its capacity for drainage. Said design shall be approved by the Township Engineer.
- (ah) Conduit size of culverts or other enclosed components of a stormwater drainage system shall be based on computed hydrologic and hydraulic data and computations shall be approved by the Township Engineer. Minimum size of any enclosed structure to be maintained by the Township shall be fifteen inches (15") in diameter.
- (ai) Minimum size of any enclosed structure to be privately maintained shall be fifteen inches (15") in diameter unless design calculations are provided that can justify a lesser size. Design calculations shall be approved by the Township Engineer.
- (aj) The design of any enclosed drainage course shall provide a minimum cleaning velocity of three feet (3') per second. When the design provides for a maximum velocity greater than ten feet (10') per second, the enclosed components shall be lined or protected to prevent scour.
- (ak) The headwall and endwall structures for enclosed stormwater facilities shall be as per the requirements of Exhibit #9 and approved by the Township Engineer.
- (al) Pipe materials used shall be reinforced concrete pipe (RCCP), Class III minimum, or smooth flow polyethylene pipe as per Exhibit #8 and Exhibit #17.
- (am) Storm sewers thirty six inches (36") in diameter or less shall be constructed to line and grade.
- (an) The pipe zone of storm sewers shall be installed in natural, virgin ground unless otherwise approved. The pipe zone shall be defined as the area outside the pipe diameter six inches (6") below, six inches (6") on either side and twelve inches (12") above the pipe.
- (ao) Energy dissipaters shall be required at the outlet side of all enclosed culverts or similar components and shall be designed to reduce the velocity flow sufficiently to prevent damage to downstream areas.
- (ap) No stormwater facility shall be enclosed or covered over until the Township has inspected and approved said facility.

B. Open Drainage Ways:

- (1) When open drainage ways are proposed for the collection and/or discharge of stormwater, the Planning Commission and Township Council shall review the design of such in relation to capacity, safety, erosion and stagnation in consultation with the Allegheny County Soil Conservation Service.
- (2) Drainage easements shall be provided for all existing and proposed drainageways, substantially conforming to the alignment thereof, and shall be of sufficient width to include all of the watercourse plus at least ten feet (10') from the center of the stream channel in either direction, but in no case shall be less than twenty feet (20') in width.
- (3) Stormwater shall be detained on site and discharged at pre-development rates, as approved by the Township Engineer.
- (4) Open stormwater drainage courses shall be designed for a maximum velocity not to exceed ten feet (10') per second and a minimum velocity of five feet (5') per second. A minimum velocity of three feet (3') per second may be permitted where a greater slope cannot be achieved to permit the standard required minimum velocity. An open stormwater drainage course shall include a lining (riprap, concrete, bituminous) to prevent erosion. Any required approval of the Allegheny County Conservation District shall be obtained by the applicant.

6.4.4. Utility Line Installation: Electric, telephone, cable television and television transmission lines shall be placed underground within the street right-of-way. Where such lines are not placed underground, said lines shall be placed along rear lot lines to the fullest extent possible.

6.4.5. Utility Easements:

- A. Width; Location: When easements are required for any utility serving a subdivision or land development, they must be a minimum of twenty feet (20') wide and must, to the fullest extent possible, be adjacent to, or centered on, rear or side lot lines.
- B. Natural Gas Lines: All natural gas lines shall be installed in compliance with the CSA - B149-1-00, the Natural Gas and Propane Installation Code, published January 2000. The minimum distance from a pressurized natural gas line to a dwelling unit or other structure shall be established by the applicable transmission or distribution company.
- C. Petroleum Lines: Between a proposed dwelling unit or other structure and the center line of a petroleum or petroleum products transmission line, which may traverse the subdivision or land development, there must be a minimum distance of one hundred feet (100') measured in the shortest distance.

6.5 MONUMENTS AND MARKERS

6.5.1. Material and Size: Monuments and markers shall be constructed as follows:

	<u>Construction</u>	<u>Minimum Size</u>
Monument	Concrete	4" x 4" x 36"
Marker	Iron Pipes or iron or steel bars	

6.5.2. Markings Placement: Monuments and markers must be placed by a registered professional engineer or professional land surveyor so that the scored or marked point coincides exactly with the point of intersection of the lines being monumented. They must be set so that the top of the monument or marker is level with the surface of the surrounding ground. Monuments must be marked on top with a copper or brass dowel.

6.5.3. Monuments Location: Monuments must be set:

- A. At the intersection of lines forming angles in the perimeter boundaries of the tract.
- B. At the intersection of street rights-of-way when such are perpendicular or angular; or at the beginning and ending of street intersection right-of-way curves or chord diagonals where they are formed.
- C. At such other points as determined necessary by the Township Engineer.

6.5.4. Markers Location: Markers must be set:

- A. At the beginning and ending of curves along street property lines if not monumented.
- B. At points where lot lines intersect curves either front or rear
- C. At angles in property lines of lots.
- D. At all other lot corners.

6.5.5. Removal: Any monuments or markers that are removed must be replaced by a registered professional engineer or professional land surveyor at the expense of the person removing them.

6.5.6 Acceptance: Prior to the acceptance of the final plan, 'as built surveys' shall be obtained indicating the locations of all the monuments on the plan.

ARTICLE VII

LAND RESERVATION AND OPEN SPACE

7.1 RESERVATIONS:

Subdivision and land development plans shall provide for the reservation of any land described in the Township Comprehensive Development Plan and/or shown on the Township's official map for public recreation or open space where such land is situated within the area to be subdivided or developed. However, such reservation shall lapse one (1) year after the landowner has submitted a written notice and/or formal application indicating his intentions to subdivide or develop the land covered by the reservation, unless Township Council or such other agency for which the land is reserved shall have acquired, entered into an agreement to acquire, or begun condemnation proceedings to acquire such land.

7.2 RECREATION AREAS:

Every proposed multi-family residential subdivision or land development may be required to provide open space for the common recreational use of the residents thereof. The amount of the required open space would be calculated at two thousand (2,000) square feet per dwelling unit. When such open space recreational land is provided, the following standards shall apply:

- 7.2.1. The land provided shall be of suitable size, dimension, topography, and generally accessible to all residents of the subdivision for the type of neighborhood recreational use deemed appropriate by Township Council.
- 7.2.2. Such recreational open space shall be free of hazards due to location within an electro magnetic field easement, excessive slope (greater than 12%), standing water, or potential subsidence areas.
- 7.2.3. Such recreation area may be offered for dedication, however, such offer shall not bind the Township to formal acceptance.
- 7.2.4. The developer shall make adequate provision for the perpetuation and maintenance of any such recreation area not offered or accepted for dedication through the creation of an organization for said maintenance, and shall provide evidence of such provision to Township Council upon filing the final plan.

ARTICLE VIII

ENVIRONMENTAL PERFORMANCE REQUIREMENTS

8.1 GENERAL:

Land susceptible to high water table, unstable subsurface conditions, steep or unstable slopes, high voltage electric or high pressure gas or oil transmission lines shall not be approved for subdivision or development unless the hazards have been minimized or adequate safeguards have been provided, in the opinion of the Township Engineer, to protect the proposed use of the land. Land subject to flooding shall adhere to the regulations established in the Floodplain Ordinance No. 1025.

- 8.1.1. No change shall be made in the contour of the land, no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land which results in a disturbed area in excess of one (1) acre, shall be commenced on any parcel, and no subdivision or land development plan shall be given final approval until:
 - A. There has been a plan approved by the Pennsylvania Department of Environmental Protection or the Allegheny County Soil and Water Conservation District or both where required, that provides for temporary control of erosion and sedimentation consistent with this Article and acceptable financial security, as specified in Section 5.1 of this Ordinance, is deposited with the Township which will ensure installation and completion of the required improvements; or
 - B. There has been a determination by Township Council upon recommendation of the Township Engineer that a plan for minimizing erosion and sedimentation is not necessary.
 - C. Where an Erosion and sediment pollution control plan has been filed and approved, the developer is solely responsible for on-site pollution control measures.
- 8.1.2. For disturbed areas of any size, measures used to control erosion and reduce sedimentation shall, at a minimum, be in accordance with the Rules and Regulations of the Pennsylvania Department of Environmental Protection and/or the standards and specifications set forth in the Allegheny County Erosion and Sediment Control Handbook, as well as those set forth in this Section.
- 8.1.3. Stream channel construction on watersheds with drainage areas in excess of one hundred (100) acres, or in those cases where downstream hazards exist, shall conform to criteria administered by the Division of Dams and Encroachments, Pennsylvania Department of Environmental Protection.

- 8.1.4. The Township Engineer, or other official as designated, shall ensure compliance with the appropriate erosion and sedimentation control plans and specifications.
- 8.1.5. Water courses and wetlands shall be protected in accordance with Section 5.5 of the Allegheny County Subdivision and Land Development Ordinance.
- 8.1.6. Air and water quality shall be protected in accordance with Section 5.9 of the Allegheny County Subdivision and Land Development Ordinance.

8.2 PERFORMANCE REQUIREMENTS:

The following activities shall be conducted as outlined, except that earth disturbance activities shall be regulated by the Allegheny County Conservation District as required:

- 8.2.1. Stripping of vegetation, grading or regrading, or other earth disturbance shall be done only after review and approval of an erosion and sedimentation plan by the Township Engineer and all agencies with jurisdiction.
- 8.2.2. Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with existing topography.
- 8.2.3. Whenever feasible, natural vegetation shall be retained, protected, and supplemented. Further, all trees greater than six inches (6") dbh (diameter at breast height) within required yards shall remain undisturbed.
- 8.2.4. The maximum disturbed area and the duration of exposure shall be in compliance with Pennsylvania Department of Environmental Protection regulations.
- 8.2.5. Disturbed soils shall be stabilized in compliance with Pennsylvania Department of Environmental Protection regulations.
- 8.2.6. The permanent (final) vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development, as determined by the Township Engineer.
- 8.2.7. Provisions shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development. Where necessary, the volume of surface water runoff generated after development shall be detained in accordance with the provisions of Section 6.4.3 hereof and as per an approved stormwater management plan.

8.3 GRADING AND DRAINAGE REQUIREMENTS:

In addition to the provisions of Township Grading Ordinance #674, and in order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion and sediment pollution, the following requirements shall be met:

- 8.3.1. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of the runoff without ponding, and all land within a land development shall be graded to drain and dispose of surface water without ponding, except where other arrangements are approved by the Township Engineer.
- 8.3.2. All stormwater management facilities shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be sodded or planted or where applicable, rock-lined to reduce accelerated run off, and shall be of such slope, shape and size as to conform with the requirements of this section, Section 6.4.3 and/or the standards of the Pennsylvania Department of Environmental Protection Erosion and Sediment Control Handbook.
- 8.3.3. Concentration of surface water runoff shall be permitted only in swales or detention ponds.
- 8.3.4. Excavations and fills:
- A. Cut and fill slopes shall not be steeper than 2:1 and 3:1, respectively, unless stabilized by a retaining wall or cribbing, except as approved by the Township Engineer. The Township reserves the right to require a report from a geotechnical engineer confirming that the design slopes will have sufficient stability.
 - B. Adequate provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills.
 - C. Cuts and fills shall be engineered so as to prevent damage to adjoining property.
 - D. Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.
 - E. Fill shall not encroach on natural watercourses or constructed diversion channels.
 - F. Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.
 - G. In areas of steep slopes i.e., those fifteen percent (15%) and above, the standards of Section 72-17.135(c) of the Zoning Ordinance are applicable.
- 8.3.5. Grading will not be done in such a way so as to divert stormwater or fill onto the property of another landowner unless the stormwater is being channeled into an existing natural drainage swale.

- 8.3.6. During grading operations, necessary dust control will be exercised.
- 8.3.7. Top soil shall be stockpiled only temporarily and be preserved and redistributed as ground cover within the confines of the subdivision or land development plan. Said topsoil shall be expeditiously planted with perennial grasses or ground planting.
- 8.3.8. Tree guards during construction and grading, and limitations as to cuts and fills, both temporary and permanent, near trees, shall be provided as necessary to give reasonable assurance of their continued healthy growth.
- 8.3.9. Grading equipment shall not cross live streams. Provision shall be made for the installation of culverts or bridges.

8.4 SUBSIDENCE RISK

- 8.4.1. In connection with any subsurface mined areas, a subsidence risk assessment shall be provided by a geotechnical engineer with experience and qualifications in mined land reclamation and licensed by the Commonwealth of Pennsylvania. Should the geotechnical engineer determine in his assessment that a geotechnical report is required for the mined areas, the report shall include data derived from:
 - A. A minimum of three (3) core borings for the first five (5) acres and one (1) additional boring for each additional five (5) acres, with borings uniformly spaced across the building site(s) unless otherwise recommended by the geotechnical engineer.
 - B. An evaluation of the integrity, stability and nature of the overburden.
 - C. An evaluation of the integrity, stability and nature of the material used to fill the mine excavation.
 - D. An evaluation, based upon the above evaluations, of the risk of subsidence associated with the area in its undeveloped condition, and the increase in such risk that would be caused by the proposed construction.
 - E. An identification of unsafe construction locations, suitable construction sites, and any measures and practices necessary to minimize the risk of subsidence.
- 8.4.2. In addition to the subsidence risk assessment and/or geotechnical investigation reports, the applicant shall submit with his preliminary plan, a description of the measures proposed for eliminating or mitigating any risks or hazards associated with past mining activities.

ARTICLE IX

SUPPLEMENTAL DESIGN STANDARDS

9.1 ACCESSIBILITY:

When a proposed subdivision or land development does not have frontage upon a local, county or state thoroughfare, which was designed to accommodate the volume of traffic anticipated to be generated by the proposed subdivision or land development, the Planning Commission may recommend and Township Council may request that the applicant participate with the Township in the improvement of the roadway which provides primary access. The cost of said improvements shall be estimated by the Township Engineer and the amount of the contribution from the applicant shall be negotiated with the Township.

9.2 PEDESTRIAN CIRCULATION:

- 9.2.1. Sidewalks shall be physically separated from all streets by a seven foot (7') grass planted strip.
- 9.2.2. Parking areas shall be designed to minimize conflicts between pedestrian and vehicle circulation.
- 9.2.3. Common open areas and other residential service areas shall be located in the interior of dwelling unit sites to minimize the necessity for pedestrians to cross streets.

9.3 SIGNS:

Signs must comply with all Zoning Ordinance requirements.

9.4 VEGETATION:

- 9.4.1. Conservation: Development shall be planned so as to minimize the removal of existing trees, shrubs and ground cover and to minimize the amount of land covered by impervious surfaces.
- 9.4.2. Noise Control: Street trees along local and collector streets in residential areas may be required as a buffer.
- 9.4.3. Screening: Wherever natural screening is being planted to meet a screening requirement of the Zoning Ordinance, such screen shall consist of fifty percent (50%) evergreen or evergreen type hedges and fifty percent (50%) shrubs and deciduous trees interplanted with a variety and size at the time of planting that said plantings will attain a height of at least six feet (6') within three (3) years. Furthermore, subdivision and land development plans shall provide for such screening as follows;

- A. Where commercial or industrial uses abut residential uses.
- B. Where residential uses abut any railroad right-of-way or arterial highway in the case of reverse frontage lots.
- C. Along the perimeter of any common utility yard or outdoor equipment or refuse storage area in multiple residential developments.
- D. Elsewhere as deemed necessary by the Planning Commission and Township Council.

9.4.4. Windbreaks: The use of planting rows to serve as windbreaks to control the drifting of snow across public and private thoroughfares may be required.

9.4.5. Street Trees: Street trees of a caliper not less than one and one half inches (1-1/2") shall be planted forty to sixty feet (40'-60') apart. The location of street trees shall be as deemed appropriate by Township Council, but in no case shall such be planted less than two and one half feet (2 1/2') from any street right-of-way. The provision of street trees may be waived where existing vegetation including trees will remain following build out. The following trees shall not be planted as street trees:

- (1) Poplars; all varieties.
- (2) Willows; all varieties.
- (3) Aspen; all varieties.
- (4) Common Black Locust.

Obstructions to Vision: No bushes or shrubs exceeding thirty inches (30") in height, or at such lesser height which due to ground elevations would obstruct the clear sight of motorists, shall be permitted within any required clear sight triangle nor within ten feet (10') of the right-of-way line abutting access drives. And all street trees shall be kept free of branches and foliage from the street grade to a height of eight feet (8').

ARTICLE X

OPEN SPACE IN RESIDENTIAL DEVELOPMENTS

10.1 REDUCTION OF REQUIRED LOT AREA

When a subdivision proposal includes land totaling twenty-five (25) acres or more and dwelling units are situated in close proximity to surrounding open space which is located within the subdivision, a ten percent (10%) reduction of required lot area and yard requirements is hereby authorized as a modification. Overall density shall remain consistent with a standard subdivision of the same size.

10.2 LOCATION OF COMMON OPEN SPACE

The common open space shall be located so as to be consistent with good design principles for land use. Where possible, it shall be designed as a contiguous area easily accessible to the residents and preserving natural features.

10.3 OWNERSHIP OF COMMON OPEN SPACE

There shall be provisions which insure that the common open space land shall continue as such and be properly maintained. The developer shall either:

- 10.3.1. Dedicate such land to public use if the Township or another public agency has indicated it will accept such dedication;
- 10.3.2. Retain ownership and responsibility for maintenance of such open space land; or
- 10.3.3. Provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space.
 - A. Each organization shall be a nonprofit homeowner corporation, unless the developer demonstrates that a community open space trust is a more appropriate form of organization.
 - B. In the case of Sections 10.3.2 and 10.3.3 above, the Township shall be provided, by the party retaining ownership, an agreement which shall be recorded with the plan and which shall indemnify and hold the Township, its agents and employees, harmless from any and all liability which may arise out of the ownership, maintenance, or usage of the common open space. This agreement shall be binding upon any subsequent heir, purchaser, or assign.

10.4 HOMEOWNERS' ASSOCIATION

Where commonly owned open space is proposed and O'Hara Township has indicated that it will not accept dedication of such land, a homeowner's association or open space trust shall be formed, and be governed according to the following regulations:

- 10.4.1. Where the tract proposed for subdivision consists of five (5) acres or more and includes at least four (4) recordable lots available for transfer and development, commonly owned and maintained open space shall be provided for the placement of a stormwater detention facility designed and constructed as per the provisions of this Ordinance. Said detention facility shall be maintained by an organization of property owners created for such purpose, or by a Homeowner's Association in the case of residential use.
- 10.4.2. The organization is organized by the developer and operated with financial subsidization by the developer, if necessary before the sale of any lots within the development. At such time that twenty-five percent (25%) of the parcels in the development have been built upon and occupied, the organization shall become active through the election of a Board of Directors. Upon activation, the Board shall submit notification of such to the Township by registered letter.
- 10.4.3. Membership in the organization is mandatory for all purchasers of homes therein and their successors. Such language shall be included on all deeds for the property.
- 10.4.4. The organization shall be responsible for maintenance, insurance and taxes on common open space.
- 10.4.5. The members of the organization shall share equitably the costs of maintaining and developing common open space, in accordance with procedures established by them.
- 10.4.6. The organization shall have or hire adequate staff to administer common facilities and maintain the common open space.
- 10.4.7. In the event that the organization established to own and maintain a common open space or any successor organization shall at any time after establishment of the homeowners' association fail to maintain the common open space in reasonable order and condition in accordance with the development plan, the Township may serve written notice upon such organization or upon the residents and owners of the development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition, and said notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such hearing, the Township may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured.

ARTICLE XI

ADMINISTRATION

11.1 REVIEW FEES

At the time of submission of subdivision or land development plans for review and approval, the applicant shall pay to the Township such fees as are established by resolution of Township Council. The fees and charges may vary in accordance with the scope and complexity of the subdivision or land development plan submitted for review, such as the number of parcels or lots in the plan, the complexity of the utility drawings, the number of required construction drawings, and the area proposed for development.

11.2 FEES PAYABLE

All fees shall be made payable to O'Hara Township. All fees submitted are nonrefundable, and the approval or rejection for any reason of any subdivision or land development plan will not be reason or cause for the return of any fees submitted.

11.3 INSPECTION FEES

If in the judgment of Township Council, inspection fees relative to the construction or repair of improvements proposed to be constructed, subsequent to the approval of a subdivision or land development plan are required, the developer shall deposit with the Township financial security or a cash deposit in an amount sufficient to cover the costs for inspection of said improvements by the Township Engineer.

11.4 RECORDING

- 11.4.1. The applicant shall within 90 days of final approval, or 90 days after the date of delivery of an approved plat signed by the Council, following completion of conditions imposed for such approval, whichever is later, record the final plat.
- 11.4.2. Upon recording of the Final Plan in the Office of the Allegheny County Recorder of Deeds, the applicant shall deliver to the Township one (1) reproducible mylar and five (5) paper print of the plat, as recorded.
- 11.4.3. After an approved final plan shall have been officially recorded, the streets, parks, and other public improvements shown thereon shall be considered to be a part of the official map of the Township.
- 11.4.4. Streets, parks and other public improvements shown on a subdivision plan to be recorded may be offered for dedication to the Township by formal notation thereof on the plan, or the owner may note on such plan that any improvements have not been offered for dedication to the Township.

- 11.4.5. Every street, park or other improvement shown on a subdivision plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Township and accepted by Ordinance or resolution, or until the same shall have been condemned for use as a public street, park or other improvement.
- 11.4.6. Upon completion and prior to occupancy, the applicant/developer shall provide to O'Hara Township, all map files, plat information and required data, representing the "as built" condition of the site in a medium and digital format acceptable to Allegheny County.

ARTICLE XII

AMENDMENT AND REVIEW BY COUNTY

12.1 AMENDMENTS

Amendments to this ordinance shall become effective only after a public hearing held pursuant to public notice. The Planning Commission shall make recommendations to Township Council on any amendment, within thirty (30) days prior to the date of the public hearing.

12.2 COUNTY REVIEW

At least thirty (30) days prior to the date of the Public Hearing on an amendment to this ordinance, a copy of the proposed amendment shall be forwarded to the Allegheny County Department of Economic Development for review and recommendation.

12.3 COPY FORWARDED

Within thirty (30) days after adoption, Township Council shall forward a certified copy of any amendment to this ordinance to the Allegheny County Department of Economic Development for their files.

12.4 PUBLIC EXAMINATION

The text of any amendment to this ordinance may be examined at a place designated by Township Council prior to its consideration. Notice of said amendment to the ordinance and a summary thereof shall be published not more than sixty (60) days nor less than seven (7) days prior to passage.

12.5 RIGHT TO PROCEED

Changes in the Ordinance shall effect plats pursuant to the MPC Section 508(4).

ARTICLE XIII

ENFORCEMENT REMEDIES

13.1 VIOLATIONS

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

- 13.1.1. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgement pending a final adjudication of the violation and judgement.
- 13.1.2. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the municipality the right to commence any action for enforcement pursuant to this section.

13.2 PREVENTATIVE REMEDIES

In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations or to prevent illegal occupancy of a building, structure or premises. A 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.

- 13.2.1. 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 any ordinance amendment adopted pursuant to this ordinance. This 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.

13.2.2. 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 and abate all violations noted.

ARTICLE XIV

VALIDITY AND REPEALER

14.1 VALIDITY

- 14.1.1. Should any section, clause, provision or portion of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision or portion of this ordinance.
- 14.1.2. It is hereby declared to be the intent of Township Council that this ordinance would have been adopted by the Township had such invalid or unconstitutional provisions not been included herein, and the remaining portions of this ordinance shall remain in effect as though the portion declared invalid or unconstitutional had never been a part hereof.
- 14.1.3. Continuation: The modification or repeal of any prior ordinance, resolution or regulation by this Ordinance shall not annul or otherwise relieve any party from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty or other liability incurred pursuant to such affected ordinance, resolution or regulation.

14.2 REPEALER

Ordinance No. 325 of 1957 and all Resolutions, Ordinances, or amendments to ordinances, or parts of Resolutions or Ordinances inconsistent herewith, are hereby repealed as stated or deleted in their entirety in the prefatory paragraph of this ordinance amendment.

14.3 THE O'HARA TOWNSHIP ZONING ORDINANCE

Nothing herein contained shall be interpreted to permit any waiver or modification of the restrictions or requirements of the Township's Zoning Ordinance, as amended.

ARTICLE XV

EFFECTIVE DATE

This Ordinance shall be in force and effect from and after the publication of its enactment.

ARTICLE XVI

ENACTMENT

Enacted and ordained this 13th day of April, 2004.

TOWNSHIP OF O'HARA

ATTEST:

Robert John Smith
President of Council

Douglas C. Arndt
Township Manager

(Seal)

First Reading	<u>Vogel - Habay</u>	<u>6 - 0</u>	<u>03/09/2004</u>
Second Reading	<u>Frauenholz, Jr. - Treblow</u>	<u>6 - 0</u>	<u>04/13/2004</u>
and Adoption	<u>04/22/2004</u>	Codified	_____
Advertised			

EXHIBITS

Exhibit #1	Standard Map Symbols
Exhibit #2	Clear Sight Triangle
Exhibit #3	Typical Cross Section - Without Curbing
Exhibit #3A	Typical Cross Section - With Curbing
Exhibit #4	Fill Bench Detail
Exhibit #5	Concrete Monument
Exhibit #6	Precast Concrete Manhole (8" to 18")
Exhibit #7	Precast Concrete Manhole (20" to 33")
Exhibit #8	Polyethylene Pipe Specifications
Exhibit #9	Headwalls and Endwalls
Exhibit #10	Trench Backfill
Exhibit #11	Pipe Anchor
Exhibit #12	Type-M Inlet
Exhibit #12A	Curb Inlet
Exhibit #13	Type-M Inlet Grate
Exhibit #14	Circular Manhole Frame and Cover
Exhibit #15	Ladder Bars for Manholes
Exhibit #16	Asphalt Pavement Replacement
Exhibit #17	Typical Bedding for RCP
Exhibit #18	Pipe Underdrain, Pavement Base Drain
Exhibit #19	Concrete Sidewalk
Exhibit #20	Concrete Driveway/Sidewalk Apron
Exhibit #21	Concrete Curb
Exhibit #22	On-Lot Stormwater Detention Sump Detail