

**BOROUGH
OF
CASTLE SHANNON**

**SUBDIVISION
&
LAND DEVELOPMENT
ORDINANCE**

BOROUGH OF CASTLE SHANNON
SUBDIVISION & LAND DEVELOPMENT ORDINANCE

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BOROUGH OF CASTLE SHANNON

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF CASTLE SHANNON, ALLEGHENY COUNTY, PENNSYLVANIA, TO: 1) PROVIDE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS; 2) ESTABLISH GENERAL REQUIREMENTS FOR SUBDIVISIONS AND LAND DEVELOPMENTS; 3) ESTABLISH PRE-APPLICATION PROCEDURES; 4) ESTABLISH REGULATIONS FOR PRELIMINARY APPROVAL AND FINAL APPROVAL; 5) ESTABLISH PRINCIPLES AND STANDARDS OF CONSTRUCTION FOR IMPROVEMENTS; 6) ESTABLISH STREET DESIGN STANDARDS AND BOROUGH STANDARDS OF CONSTRUCTION; 7) PROVIDE FOR ACCEPTANCE OF PUBLIC IMPROVEMENTS; 8) PROVIDE FOR WAIVERS AND MODIFICATIONS; 9) PROVIDE FOR ADMINISTRATION AND ENFORCEMENT; 10) PROVIDE FOR AMENDMENTS; AND 11) PROVIDE PENALTIES FOR VIOLATIONS.

NOW THEREFORE, BE IT ORDAINED AND ENACTED by Borough Council of the Borough of Castle Shannon, Allegheny County, Pennsylvania and it is hereby ordained and enacted by and with the authority of the same as follows:

ARTICLE I

GENERAL PROVISIONS

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited as the "Borough of Castle Shannon Subdivision and Land Development Ordinance" or just the "Subdivision Regulations."

SECTION 102 GRANT OF POWER

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

SECTION 103 PURPOSE

The purpose of this Ordinance is to regulate all subdivision, resubdivision, consolidation and land development activities in the Borough by providing for a uniform method for the submission of preliminary and final plats to ensure: 1) the proper layout or arrangement of land and buildings; 2) the proper design of streets to accommodate projected traffic and facilitate fire protection; 3) the provision of adequate easements or rights of way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities; and 4) the proper design of land developments in accordance with the requirements of this Ordinance and the Borough Zoning Ordinance.

SECTION 104 GENERAL INTENT AND COMMUNITY DEVELOPMENT OBJECTIVES

These Subdivision Regulations are made in accordance with the Community Development Objectives set forth in the Borough Zoning Ordinance and are intended to achieve the following goals:

104.1 To promote, protect and facilitate one (1) or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of recreation, open space and harmonious design; the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and

104.2 To prevent one (1) or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

SECTION 105 INTERPRETATION AND DEFINITIONS

105.1 Interpretation.

All words used in this Ordinance shall carry their customary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. The word "person" includes a corporation, association, partnership or individual. The words "shall" and "will" are mandatory; the word "may" is permissive. The word "building" includes structure or any part thereof. Words used in the present tense include the future tense. Words in the masculine gender shall include the feminine gender. The singular number shall include the plural, and the plural shall include the singular.

105.2 **Definitions.**

As used in this Ordinance, the following terms shall have the meanings indicated:

ACCESSORY BUILDING: A subordinate building, the use of which is customarily incidental to that of the principal building and is used for an accessory use, and is located on the same lot with the principal building.

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

ALLEY: See STREET, SERVICE.

AMENITIES BOND: Surety, in a form acceptable to the Borough, in the form of cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of those private improvements in a subdivision or land development plan which are required by this Ordinance or are voluntarily proposed by the developer.

APPLICANT: A landowner or developer who has filed an "application for development," including his or her heirs, successors and assigns.

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

ARTERIAL STREET: See STREET, ARTERIAL.

BLOCK: A tract of land bounded by streets, public lands, railroad rights-of-way, waterways or municipal boundary lines.

BOROUGH: Borough of Castle Shannon, Allegheny County, Pennsylvania.

BOROUGH COUNCIL: Borough Council of the Borough of Castle Shannon, Allegheny County, Pennsylvania.

BOROUGH CONSTRUCTION STANDARDS: A document entitled "Castle Shannon Borough Construction Standards" prepared by the Borough Engineer, adopted and amended from time to time by Resolution of Borough Council upon recommendation of the Borough Engineer, copies of which are on file in the office of the Borough Manager.

BOROUGH ENGINEER: A professional engineer licensed as such in the Commonwealth of Pennsylvania, with training and experience in civil engineering, duly appointed by Borough Council to serve as the engineer for the Borough.

BOROUGH MANAGER: The person appointed by Borough Council to serve as chief administrative officer for the Borough.

BOROUGH SOLICITOR: The attorney appointed by Borough Council to serve as legal counsel for the Borough.

BUFFER AREA: A strip of land required by the Zoning Ordinance which is planted and maintained in shrubs, bushes, trees, grass or other ground cover material and within which no structure or building shall be authorized except a wall or fence which meets Borough requirements.

BUILDING: Any structure having enclosing walls and roofs and requiring a permanent location on the land.

BUILDING LINE: See FRONT BUILDING LINE.

BUILDING OFFICIAL: The designated official or an authorized representative appointed by Borough Council whose duty it shall be to administer and enforce this Ordinance, the Borough Zoning Ordinance, the Borough Building Code and such other ordinances as Council ordains.

CARTWAY: That portion of the street right-of-way which is surfaced for vehicular use, excluding shoulders and curbs.

CLEAR SIGHT TRIANGLE: An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersections of center lines of streets. (See Appendix I)

COLLECTOR STREET: See STREET, COLLECTOR.

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

CONSOLIDATION: The combination of two (2) or more lots, tracts or parcels of land into one (1) lot, tract or parcel for the purpose of sale, lease or development of a building or lot.

CONSTRUCTION STANDARDS: See BOROUGH CONSTRUCTION STANDARDS

COUNCIL: See BOROUGH COUNCIL

COUNTY: Allegheny County, Pennsylvania

COUNTY PLANNING COMMISSION: Allegheny County Department of Economic Development.

CROSSWALK: A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb across a public or private street cartway.

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

DECLARATION PLAN: A survey of property prepared in accordance with the requirements of the Uniform Condominium Act which describes the unit boundaries and the common elements.

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

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

DRIVEWAY, PRIVATE: A vehicular access route serving only one (1) parcel or lot which provides access to a public street, but which does not provide access to any other lot or parcel under separate ownership. (See also - STREET, PRIVATE)

DWELLING, SINGLE FAMILY: A detached residential building designed exclusively for occupancy by one (1) family which contains one (1) dwelling unit and which is the only principal building on the lot.

DWELLING, TWO FAMILY: A detached residential building designed exclusively for occupancy by two (2) families which contains two (2) dwelling units and which is the only principal building on the lot, including duplexes and double houses.

DWELLING, MULTI-FAMILY: A residential building containing three (3) or more separate dwelling units, including garden apartments, mid-rise apartments, high-rise apartments, townhouses, triplexes and quadruplexes.

DWELLING, TOWNHOUSE: A dwelling unit located in a residential building which contains three (3) or more dwelling units, each of which are separated from the adjoining unit or units by a continuous unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

DWELLING UNIT: Two (2) or more rooms designed for the use of one (1) family with cooking, living, sanitary and sleeping facilities, and in a separate room, a toilet and tub or shower, with hot and cold water supply, all for the exclusive use of the family occupying the dwelling unit.

EASEMENT: A grant of one (1) or more property rights by the property owner to and for use by the public, a corporation or any other person, the use of which shall not be inconsistent with the rights of the grantee and in which no permanent structure shall be erected.

ENGINEER: A registered professional engineer licensed as such by the Commonwealth of Pennsylvania. The use of the word "engineer" shall not exclude the practice of topographic surveying as provided for by the laws of the Commonwealth.

EVIDENCE OF PROPRIETARY INTEREST: Any contract, whether subject to any condition or not, or a certificate of title or other legal document whereby a person shall have the legal or equitable rights of the landowner in all matters relating to an application filed under this Ordinance.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, adoption or foster child care, including domestic servants or gratuitous guests, thereof; or a group of not more than three (3) unrelated persons living together without supervision in a dwelling unit or any number of persons protected by the provisions of the Fair Housing Act (42 U.S.C. 3601 et. Seq., as now or hereafter amended) living together in a group living arrangement with supervision.

FEE: The required charge payable to the Borough which is established from time to time by Resolution of Borough Council to defray the costs of processing an application, reviewing an application or inspecting the installation of improvements.

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

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

FRONT BUILDING LINE: A line parallel to, or concentric with, the front lot line, at a distance therefrom which is equal to the depth of the front yard required by the Zoning Ordinance for the Zoning District in which the lot is located.

INSPECTOR: The Borough Engineer or his/her authorized representative assigned by Borough Council to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to complete the improvements required by this Ordinance.

IMPROVED SURFACE: Pavement comprised of bituminous concrete or cement concrete of the thickness specified by this Ordinance or the Borough Construction Standards.

LAND DEVELOPMENT: Any of the following activities:

1. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - A. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively;
 - B. A single non-residential building on a lot or lots regardless of the number of occupants or tenure, including any change of use or structural alteration of a non-residential building or other improvement to the land which results in additional land coverage by principal non-residential structures and/or paving or the construction of stormwater management facilities; or
 - C. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
2. A subdivision of land; and
3. Developments authorized to be excluded from the regulation of land development by Section 203 of this Ordinance.

LAND DEVELOPMENT, MAJOR: See MAJOR LAND DEVELOPMENT

LAND DEVELOPMENT, MINOR: See MINOR LAND DEVELOPMENT

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

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

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

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

LOT, CORNER: A lot at the intersection of and fronting upon two (2) or more street rights-of-way.

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot

line. **LOT, DOUBLE FRONTAGE:** See DOUBLE FRONTAGE LOT

LOT FRONTAGE: The portion of the lot which abuts the street measured along the front lot line.

LOT LINE, FRONT: That lot line which is contiguous with the street right-of-way line.

LOT LINE, REAR: That lot line which is opposite and most distant from the front lot line.

LOT LINE, SIDE: Any lot line which is not a front lot line or a rear lot line.

LOT WIDTH: The straight line distance between the points of intersection of the front building line with the side lot lines.

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

MAJOR LAND DEVELOPMENT: Any land development which proposes the improvement of a lot comprised of 1,500 square feet or more of lot coverage by building or structure; or 1,500 square feet or more of paving; or a combination of lot coverage by building or structure and paving which totals 1,500 square feet or more.

MAJOR SUBDIVISION: A subdivision, containing four (4) or more lots or any subdivision, regardless of the number of lots, which involves the creation, extension or improvement of any public street.

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

MINOR LAND DEVELOPMENT: Any land development which proposes the improvement of a lot comprised of less than 1,500 square feet of lot coverage by building or structure; or less than 1,500 square feet of paving; or a combination of lot coverage by building or structure and paving which totals less than 1,500 square feet.

MINOR SUBDIVISION: A subdivision containing not more than three (3) lots, all of which have frontage on an improved public street, and which subdivision does not involve the construction or improvement of any public street, but which may or may not involve the extension or creation of any other public improvements and which does not adversely affect the future development of the remainder of the parcel or any adjoining property.

OFFICIAL DATE OF FILING: The date of the regular meeting of the Planning Commission at which the application is accepted by the Planning Commission as complete in content and properly filed in accordance with the requirements of this Ordinance.

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

PERFORMANCE BOND: Surety, in a form acceptable to the Borough, in the form of cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of the public improvements required by this Ordinance.

PLANNING COMMISSION: Castle Shannon Borough Planning Commission.

PLAT: A map or plan, either preliminary or final, indicating the subdivision, consolidation or redivision of land or a land development.

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

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

PRINCIPAL BUILDING: The building or portion thereof housing the principal use of the land.

PRINCIPAL USE: The primary or predominant use of a lot or structure.

PRIVATE DRIVEWAY: See DRIVEWAY, PRIVATE

PRIVATE IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities (including retention or detention facilities), curbs, sewers and other facilities to be owned, maintained or operated by a private entity such as an individual, partnership, corporation or Homeowners' Association and constructed in accordance with the Borough Construction Standards.

PRIVATE STREET: See STREET, PRIVATE

PUBLIC HEARING: A formal meeting held pursuant to public notice by Borough Council or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

PUBLIC IMPROVEMENTS: All roads, streets, walkways, gutters, stormwater management facilities (not including retention or detention facilities), curbs, sewers and other facilities to be dedicated to or maintained by the Borough for which plans and specifications shall comply with the Borough Construction Standards.

PUBLIC MEETING: A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84, as now or hereafter amended), known as the "Sunshine Act."

PUBLIC NOTICE: Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall not be more than thirty (30) days and the second notice shall not be less than seven (7) days from the date of the public hearing.

RIGHT-OF-WAY: An area of land reserved or dedicated for public or private purposes.

RIGHT-OF-WAY, STREET: An area of land reserved or dedicated as a street for public or private purposes.

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

STREET, ARTERIAL: A public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region and which carries a daily volume of 8,000 AWDT (Average Weekday Traffic) or more.

STREET, COLLECTOR: A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets and which carries a daily volume of at least 3,000 AWDT (Average Weekday Traffic), but no more than 7,999 AWDT (Average Weekday Traffic).

STREET, HALF: One (1) side of a street divided longitudinally along the centerline of the right-of-way.

STREET, LOCAL: A public street designed to provide access to abutting lots and to discourage through traffic and which carries a daily volume of less than 3,000 AWDT (Average Weekday Traffic).

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

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

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

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

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

SUBDIVISION, MAJOR: See MAJOR SUBDIVISION

SUBDIVISION, MINOR: See MINOR SUBDIVISION

SURVEY: A plan prepared by a Registered Surveyor indicating the precise metes and bounds of a lot or parcel showing all easements and rights-of-way of record and all other existing conditions which represent encumbrances or restrictions on the use of the property.

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

SWALE: A low lying stretch of land which gathers, or carries, surface water runoff.

WATERCOURSE: A permanent stream, intermittent stream, river, brook, creek, channel or ditch which carries water, whether natural or man-made.

ZONING ORDINANCE: The Borough of Castle Shannon Zoning Ordinance, Chapter 27 of the Borough Code of Ordinances, as now or hereafter amended.

ARTICLE II

APPLICABILITY OF REGULATIONS

SECTION 201 APPROVAL REQUIRED

Approval in accordance with this Ordinance shall be required for:

- A. Any subdivision, as defined by this Ordinance, including the resubdivision or replatting of previously recorded lots or lot line adjustments for previously recorded lots.
- B. Any other land development, as defined by this Ordinance, other than those excluded by Section 203 of this Ordinance.
- C. The consolidation, as defined by this Ordinance, of two (2) or more lots, tracts or parcels of land for the purpose of one (1) development; and
- D. Any proposal by a developer to construct a street or any other public improvement to be dedicated to the Borough for public use.

SECTION 202 COMPLIANCE REQUIRED

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

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

SECTION 203 EXCLUSION OF CERTAIN LAND DEVELOPMENTS

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

- A. The conversion of an existing single family dwelling or two family dwelling into not more than three (3) residential dwelling units, unless such units are intended to be a condominium;

- B. The addition of no more than one (1) accessory building or structure, either singularly or cumulatively, not exceeding one (1) story or fifteen (15) feet in height and covering an area on the lot no greater than two hundred (200) square feet, on a lot or lots subordinate to any existing principal building and used for the same purpose as the principal building; or
- C. A one time exemption for any change of use, addition to or structural enlargement of a non-residential structure which results in either:
 - 1. An increase in the gross floor area of the principal building of less than two hundred (200) square feet;
 - 2. An increase in the paved area of the lot of less than two hundred (200) square feet; or
 - 3. An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total less than two hundred (200) square feet.

SECTION 204 COMPLIANCE WITH OTHER CODES AND REGULATIONS

- A. In addition to complying with the provisions of this Ordinance, all subdivisions and land developments within the Borough shall comply with all applicable Borough ordinances as amended or adopted from time to time.
- B. Compliance with applicable Borough, County, State or Federal regulations shall be a requirement for any approval under the provisions of this Ordinance.
- C. Any violation of applicable Borough, County, State or Federal regulations or permits shall be deemed a violation of this Ordinance and shall be subject to enforcement procedures authorized by this Ordinance.

ARTICLE III

PROCEDURE FOR APPROVAL OF MINOR SUBDIVISIONS

SECTION 301 APPLICABILITY

This Article shall apply only to consolidations, resubdivisions or replatting, as defined herein, and to those subdivisions which propose no more than three (3) lots, including the residual lot or parcel, if any, all of which have frontage on an improved public street and not involving the construction or improvement of any public street and which may or may not involve the extension or creation of any other public improvements.

SECTION 302 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary and Final Approval of a Minor Subdivision, the applicant or his representative shall meet with the Building Official and other Borough officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Building Official at least fifteen (15) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Allegheny County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

A pre-application conference shall not constitute formal filing of any application for approval of a subdivision, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the pre-application conference and the official date of filing of an application for Preliminary and Final Approval of a Minor Subdivision under the terms of this Ordinance.

SECTION 303 PRELIMINARY AND FINAL APPLICATION SUBMISSION

The applicant shall submit ten (10) copies of an application for Preliminary and Final Approval of a Minor Subdivision required by Section 304 to the Building Official at least twenty-eight (28) calendar days prior to the regular meeting of the Planning Commission. If the twenty-eighth (28th) day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.

The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 304 of this Ordinance, including the Application Fee, have been received.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Borough and one (1) copy of the application shall be distributed to the Borough Engineer for review. The Building Official shall submit one (1) copy of the complete and properly filed application to the Allegheny County Department of Economic Development for review and comment which shall be subject to payment of the prevailing County review fee by the applicant. Additional copies may be referred to any other appropriate review agency at the discretion of the Building Official.

SECTION 304 PRELIMINARY AND FINAL APPLICATION CONTENT FOR MINOR SUBDIVISIONS

All applications for Preliminary and Final Approval of a Minor Subdivision shall be submitted in accordance with Section 303 of this Ordinance and shall include the following information:

- A. Ten (10) copies of the completed application form supplied by the Borough.
- B. Application filing fee, as required by Section 1101.1 of this Ordinance.
- C. Proof of proprietary interest.
- D. Written evidence of compliance with all other Borough, County, State or Federal permits required for the plan, if any.
- E. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom; title, scale and North point.

- F. A copy of any existing or proposed covenants or deed restrictions applicable to the property.
- G. Written evidence of any zoning variances granted which are applicable to the property. The application shall not be considered for Final Approval until any necessary zoning variances have been granted by the Zoning Hearing Board or until the plat is revised to conform to the zoning requirements at issue.
- H. A written statement requesting any waivers or modifications to this Ordinance in accordance with Article X, if applicable.
- I. Ten (10) copies of a Final Plat, all drawings on sheets not exceeding thirty-four inches by forty-four inches (34"x44") accurately drawn to a scale of not less than one inch equals one hundred feet (1"=100¹) prepared and sealed by a Pennsylvania Registered Land Surveyor as to existing features, design features and boundaries. The Final Plat shall contain the following information:
 - 1. Date of preparation. All revisions shall be noted and dated.
 - 2. Title of development; North arrow; scale; County Assessment Lot and Block Number; the name and address of the record owner; the name and address of the applicant; the name and address, signature, license number and seal of the surveyor preparing the subdivision. If the owner of the premises is a corporation, the name and address of the president and secretary shall be submitted on the application.
 - 3. All distances shall be in feet and decimals of a foot and all bearings shall be given to the nearest ten (10) seconds.
 - 4. The names of all adjoining subdivisions showing the location of the nearest streets in such plats.
 - 5. Survey data showing boundaries of the property, building or setback lines and lines of existing and proposed streets and rights-of-way, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature and seal of the surveyor shall be indicated.
 - 6. Location of existing buildings and all other structures, including walls, fences, culverts and bridges, with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.

7. Area, to the nearest thousandth of an acre of the tract to be subdivided and the area, in square feet, of all lots.
 8. Plans of all existing or proposed sanitary and stormwater systems showing feasible connections to existing or any proposed utility systems. Pipe sizes, grades and direction of flow, locations and inlets, manholes or other appurtenances and appropriate invert and other elevations shall be indicated.
 9. An indication on the plat identifying the company or authority that will provide water, sewer, gas, electric and other utility services, showing the existing or proposed location of the utilities.
 10. A copy of the U.S.G.S. topographic survey map with the boundaries of the project site outlined on the map.
 11. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945) and that the approvals of the Castle Shannon Borough Planning Commission and Borough Council are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
 12. Spaces for the signature of the Chairman and Secretary of the Planning Commission; the President and Secretary of Borough Council; the Borough Engineer; and dates of approval.
 13. Certification clauses as required by the Allegheny County Subdivision and Land Development Ordinance.
 14. If the subdivision represents the resubdivision, replatting or consolidation of lots of record in a previously recorded plat, reference shall be made in the title to the recorded plat which is being revised.
 15. If applicable, Flood Hazard Zone boundaries.
 16. Plan monumentations, as required by Section 801 of this Ordinance.
- J.** If the plan proposes the extension or creation of any public improvements, other than a public street, construction drawings, as required by Section 407-I of this Ordinance.

**SECTION 305 APPROVAL OF PRELIMINARY AND FINAL APPLICATION FOR A
MINOR SUBDIVISION**

305.1 Planning Commission Recommendation

At the first regular meeting of the Planning Commission after submission of a Preliminary and Final Application for a Minor Subdivision, the Planning Commission shall either accept or reject the application as complete in content and properly filed. The date of the Planning Commission meeting at which the Preliminary and Final Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time.

Within sixty (60) days of the official date of filing of the Preliminary and Final Application, the Planning Commission shall make a written recommendation to Borough Council for approval, approval with conditions or disapproval of the Preliminary and Final Application. In the case of a recommendation for disapproval, the Planning Commission's recommendation shall cite the specific requirements of this Ordinance which have not been met.

305.2 Action by Borough Council

Within ninety (90) days of the official date of filing of the Preliminary and Final Application, Borough Council shall either approve, approve with conditions or disapprove the Preliminary and Final Application at a public meeting. Borough Council shall not act until the review has been received from the Allegheny County Department of Economic Development or until thirty (30) days has passed since the date that the application was submitted to the County for review. The recommendation of the Borough Planning Commission and the report of the Allegheny County Department of Economic Development, if any, shall be made a part of the record at that meeting.

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

305.3 Conditional Approval

If Borough Council determines that certain conditions are warranted to be attached to Preliminary and Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 305.2 of this Ordinance. The

applicant shall accept or reject the conditions attached to Preliminary and Final Approval by giving written notice to the Borough Manager within thirty (30) days of the date of the meeting of Borough Council at which Preliminary and Final Approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Borough Manager regarding acceptance of the conditions attached to Preliminary and Final Approval within the required thirty (30) days, Preliminary and Final Approval shall automatically be rescinded without written notice to the applicant.

305.4 Deemed Approval

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

SECTION 306 MEDIATION OPTION

The Borough may offer the mediation option as an aid in completing the proceedings authorized by this Article in accordance with the requirements of Section 409 of this Ordinance.

SECTION 307 RECORDING OF FINAL PLAT

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

SECTION 308 REINSTATEMENT OF APPROVAL

In the event that the plat has not been recorded within the required ninety (90) days, the Borough Manager is authorized to reinstate the signatures of the proper officers of the Borough indicating approval, provided there are no changes in the Minor Subdivision previously granted approval and all the requirements of this Ordinance regarding posting of a Performance Bond or Amenities Bond and execution of a Development Agreement, if applicable, have been met and, further, provided the plan is submitted for reinstatement of approval within one hundred eighty (180) days following the date of Preliminary and Final Approval by Borough Council.

Any request for reinstatement of Preliminary and Final Approval which is submitted after one hundred eighty (180) days from the date of the original granting of Preliminary and Final Approval by Borough Council shall require resubmission of an application for Preliminary and Final Approval in accordance with the requirements of Sections 303 through 305 and Sections 307 through 310 of this Ordinance.

SECTION 309 FILING OF COPIES

Within ninety (90) days of the date of recording of the Final Plat in the Office of the Allegheny County Recorder of Deeds, the applicant shall deliver to the Borough Manager, one (1) mylar and three (3) paper prints of the final plat as recorded, containing all required signatures and dates of approval.

**SECTION 310 MINOR SUBDIVISIONS WHICH PROPOSE THE EXTENSION OR
 INSTALLATION OF ANY PUBLIC IMPROVEMENTS**

Minor Subdivisions which propose the extension or creation of any public improvements, as defined by this Ordinance, other than a public street, shall be further subject to Sections 411 through 413 of this Ordinance governing installation of public improvements and posting of a Performance Bond to guarantee their proper installation.

ARTICLE IV

APPROVAL PROCEDURE FOR MAJOR SUBDIVISIONS

SECTION 401 APPLICABILITY

This Article shall apply to all subdivisions which propose four (4) or more lots and to all subdivisions which propose the construction or improvement of a public street, regardless of the number of lots proposed.

SECTION 402 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary Approval, the applicant or his representative shall meet with the Building Official and other Borough officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Building Official at least fifteen (15) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Allegheny County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

A pre-application conference shall not constitute formal filing of any application for approval of a subdivision, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the pre-application conference and the official date of filing of an application for Preliminary Approval of a Major Subdivision under the terms of this Ordinance.

SECTION 403 PRELIMINARY APPLICATION SUBMISSION

The applicant shall submit ten (10) copies of an application for Preliminary Approval required by Section 404 of this Ordinance to the Building Official at least twenty-eight (28) calendar days prior to the regular meeting of the Planning Commission. If the twenty-eighth (28th) day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.

The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 404 of this Ordinance, including the Application Fee, have been received.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Borough and one (1) copy of the application shall be distributed to the Borough Engineer. The Building Official shall submit one (1) copy of the complete and properly filed application to the Allegheny County Department of Economic Development for review and comment which shall be subject to payment of the prevailing County review fee by the applicant. Additional copies may be referred to any other appropriate review agency at the discretion of the Building Official.

SECTION 404 PRELIMINARY APPLICATION CONTENT FOR A MAJOR SUBDIVISION

404.1 All Applications

All applications for Preliminary Approval of a Major Subdivision shall include the following:

- A. Ten (10) copies of the completed application form supplied by the Borough;
- B. Application filing fee, as required by Section 1101.1 of this Ordinance;
- C. Proof of proprietary interest;
- D. Written evidence of compliance with all other, Borough, County, State or Federal permits required for the plan, if any.
- E. Ten (10) copies of a Preliminary Plat, prepared and sealed by a Pennsylvania registered professional land surveyor, drawn at a scale of not less than one inch equals one hundred feet (1"=100'), all drawings on sheets not exceeding thirty-four inches by forty-four inches (34"x44"), containing the following information:
 1. A boundary survey by a registered professional land surveyor and topographical survey of the total proposed subdivision by a registered

professional engineer or registered professional land surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat shall include the total tract.

2. The proposed name of the subdivision.
3. The name, address, certification and seal of the registered engineer or registered surveyor who prepared the plat and the registered surveyor who did the survey shown on the plat.
4. The name and address of the developer and, if the developer is not the landowner, the name and address of the landowner.
5. A location map showing the plan name and location; major existing thoroughfares related to the site, including the distance therefrom, title, scale and North point.
6. A graphic scale, North point and date.
7. A legend and notes.
8. Date of preparation. All revisions shall be noted and dated.
9. The existing platting of land adjacent to the site, including the names of adjoining owners, and all existing sewers, water mains, culverts, petroleum or gas lines and fire hydrants on the site or within one hundred (100) feet of the site shall be shown.
10. The names of all adjoining subdivisions.
11. Existing watercourses, wetlands, tree masses and other significant natural features.
12. Location of existing buildings and all other structures, including walls, fences, culverts and bridges, with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
13. Areas subject to periodic flooding, if any, as identified on the current Official Map for the Borough issued by the Federal Insurance Administration.

14. A wetlands determination report for all sites which have hydric soils or soils with hydric inclusions and, if applicable, a wetlands delineation report for all jurisdictional wetlands on the site and the design techniques proposed to accommodate them.
15. Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) or greater and at intervals of not more than two (2) feet where the slope is less than ten percent (10%).
16. A slope map showing the location and the area of land in square feet which has a slope of twenty-five percent (25%) or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading on slopes greater than twenty-five percent (25%), the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, stormwater runoff and potential impacts on adjacent properties.
17. Written or graphic evidence that all earthmoving activities shall conform to the Borough's Grading and Excavating Regulations, Chapter 9 of the Code of Ordinances of the Borough.
18. A soils map identifying soils which are landslide prone, if any.
19. Existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
20. Existing and proposed easements, locations, widths and purposes.
21. Location, width and approximate grade of all proposed streets, and the cuts or fills on said streets at fifty (50) foot intervals.
22. The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet.
23. Front building lines.
24. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semi-public or community purposes, if any. Parcels shall be lettered A, **B**, C, etc. and the area of each parcel in acres shall be shown.

25. Tabulation of site data, including total acreage of land to be subdivided, the number of residential lots, typical lot size, the acreage in the subdivision and the acreage in any proposed recreation or other public areas.
 26. The location of all existing sewer lines, culverts, or other underground structures, with pipe sizes and types, together with a preliminary layout of necessary extensions of, or additional, sewer lines, or other proposed underground utilities, and indicating easements for public utilities, sewage and drainage.
 27. Feasibility of proposals for disposition of stormwater and sanitary waste.
 28. Proposed private improvements, if any.
 29. Written or graphic evidence that all plans will conform to the Borough Construction Standards.
 30. If applicable, a notation on the plat that access to a State highway shall only be authorized by a Highway Occupancy Permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law. (P.L. 1242, No. 428 of June 1, 1945) and that the approvals of the Castle Shannon Borough Planning Commission and Borough Council are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
 31. Soil Erosion and Sedimentation Control Plan and narrative.
 32. If required by law, evidence that Soil Erosion and Sedimentation Control Plans have been submitted to the Allegheny County Conservation District and that the applicant has paid all applicable review fees and the NPDES permit has been issued.
 33. Plan monumentations, as required by Section 801 of this Ordinance.
- F. In the case of a plan which proposes twenty-five (25) or more dwelling units, a Traffic Study prepared in accordance with Section 604.1-F.
- G. Wherever public improvements are proposed or where evidence exists of deep mining, strip mining, landslide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional geotechnical engineer acceptable to the Borough regarding soil and sub-surface

conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.

- H. Stormwater Management Plan and calculations required by Section 808 of this Ordinance.
- I. A written statement requesting any waivers or modifications to this Ordinance in accordance with Article X, if applicable.
- J. A written statement identifying any zoning variances which will be needed or which have been granted to the property by the Zoning Hearing Board.

SECTION 405 PRELIMINARY APPLICATION APPROVAL FOR A MAJOR SUBDIVISION

405.1 Planning Commission Recommendation

At the first regular meeting of the Planning Commission after submission of a Preliminary Application, the Planning Commission shall either accept or reject the application as complete in content and properly filed. The date of the Planning Commission meeting at which the Preliminary Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty (60) day review period, the Borough Engineer shall provide preliminary review comments to the Planning Commission and the applicant.

Within sixty (60) days of the official date of filing of the Preliminary Application, the Planning Commission shall recommend either approval, approval with conditions or disapproval of the Preliminary Application at a public meeting. In the case of a recommendation for disapproval, the Planning Commission recommendation shall cite the specific requirements of this Ordinance which have not been met.

405.2 Action by Borough Council

The Borough Engineer shall present a written report to Borough Council which states whether an application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Borough Council meeting.

Within ninety (90) days of the official date of filing of the Preliminary Application, Borough Council shall either approve, approve with conditions or disapprove the Preliminary Application at a public meeting. Borough Council shall not act until the review has been received from the Allegheny County Department of Economic Development or until thirty

(30) days has passed since the date that the application was submitted to the County for review. The recommendation of the Borough Planning Commission and the report of the Allegheny County Department of Economic Development, if any, shall be made a part of the record at that meeting.

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

405.3 Conditional Approval

If Borough Council determines that certain conditions are warranted to be attached to Preliminary Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 405.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Preliminary Approval by giving written notice to the Borough Manager within thirty (30) days of the date of the meeting of Borough Council at which Preliminary Approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Borough Manager regarding acceptance or rejection of the conditions attached to Preliminary Approval within the required thirty (30) days, Preliminary Approval shall automatically be rescinded without written notice to the applicant.

405.4 Deemed Approval

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

405.5 Expiration of Preliminary Approval.

Preliminary Approval shall expire five (5) years from the date of the grant of Preliminary Approval by Borough Council, unless a written extension is submitted by the applicant and approved by Borough Council. Any request for extension shall be submitted to Borough Council at least thirty (30) days prior to the prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by Borough Council that such extension is warranted for reasonable cause and not due to the applicant's own negligence or inaction.

In the case of a phased development, calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the Preliminary Application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of Preliminary Approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by Borough Council in its sole discretion. Phased development shall be subject to the time protection provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 406 FINAL APPLICATION SUBMISSION FOR A MAJOR SUBDIVISION

After a Preliminary Application for a Major Subdivision has been approved by Borough Council, the developer may proceed by filing an application for Final Approval of a Major Subdivision. The Final Application may be submitted for the entire development granted Preliminary Approval or may be submitted in phases in accordance with §408.5 of this Ordinance.

If the Major Subdivision proposes any variances to the Borough Zoning Ordinance, the decision of the Zoning Hearing Board shall be issued prior to submission of the application for Final Approval. If the zoning variances are denied, the Final Plat shall be revised to show compliance with the zoning requirements at issue. If the Final Plat is not revised to show compliance with the zoning requirements which are at issue, a new Preliminary Application shall be required.

In either case, the applicant shall submit ten (10) copies of the Final Application required by Section 407 to the Borough Manager at least twenty-eight (28) calendar days prior to the regular meeting of the Planning Commission. If the twenty-eighth (28th) day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Borough and one (1) copy of the application shall be distributed to the Borough Engineer. Additional copies may be referred to any other appropriate review agency at the discretion of the Building Official.

The Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 407 of this Ordinance, including the Application Fee, have been received.

SECTION 407 FINAL APPLICATION CONTENT FOR A MAJOR SUBDIVISION

All applications for Final Approval of a Major Subdivision shall include the following:

- A.** Ten (10) copies of the completed application form supplied by the Borough;

- B. Application filing fee, as required by Section 1101.1 of this Ordinance;
- C. One (1) copy of the approved Preliminary Plat;
- D. Written evidence of compliance with all other applicable Borough, County, State or Federal regulations or permits;
- E. Ten (10) copies of the Final Plat, prepared and sealed by a Pennsylvania registered professional land surveyor, in accurate and final form for recording drawn to a scale not less than one inch equals one hundred feet (1" = 100') on sheets not exceeding thirty-four inches by forty-four inches (34"x44") which clearly delineates the following:
 - 1. The name of the subdivision.
 - 2. The name and address of the developer, and, if the developer is not the landowner, the name and address of the landowner.
 - 3. The name, address, signature, license number and seal of the registered land surveyor who prepared the plat.
 - 4. The North point, graphic scale and date.
 - 5. Accurate boundary lines, with dimensions and bearings. The boundary of the tract shall be determined by an accurate survey in the field which must be balanced and closed and certified to be correct by a registered land surveyor.
 - 6. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat.
 - 7. Lot numbers, dimensions of each lot and the area of each lot, in square feet. All lots shall be numbered consecutively.
 - 8. All dimensions shall be shown to the nearest one one-hundred (0.01) of a foot, United States Standard measure.
 - 9. Final building lines.
 - 10. The location and dimensions of all easements for public improvements and any limitations on such easements.
 - 11. Dimensions and bearings of any property to be reserved for public, semi-public or community use, if any.

12. Street names, which do not duplicate or sound like an existing street name in the 911 service area;
 13. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines which join these curves that are non-radial or non-tangential should be so noted.
 14. Street lines with accurate dimensions in feet and hundredths of feet.
 15. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945) and that the approvals of the Castle Shannon Borough Planning Commission and Borough Council are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
 16. If applicable, a notation on the plat regarding any zoning variances granted by the Zoning Hearing Board, including the date of the decision, the appeal number and the nature of the variance granted.
 17. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of Section 801 of this Ordinance and the Allegheny County Subdivision and Land Development Ordinance and an indication of whether they were found or set.
 18. Soil Erosion and Sedimentation Control Plan and narrative.
 19. Where applicable, evidence of approvals from the Allegheny County Soil Conservation District, Pennsylvania Department of Environmental Protection or the U.S. Army Corps of Engineers and any other applicable County, State or Federal Agency.
 20. Spaces for the signatures of the Chairman and Secretary of the Planning Commission; the President and Secretary of Borough Council; the Borough Engineer; and dates of approval.
 21. Certification clauses required by the Allegheny County Subdivision and Land Development Ordinance.
- F. Certificate of Completion of public improvements in the plan or a Performance Bond to guarantee proper installation of the public improvements in the plan, as required by Section 411 of this Ordinance.
- G. Amenities Bond, if required by Section 412 of this Ordinance.

- H. Development Agreement required by Section 413 of this Ordinance.
- I. Two (2) copies of Construction Plans for public improvements prepared by a registered professional engineer drawn on sheets measuring twenty-four by thirty-six inches (24"x36") showing the following:
 - 1. Conformity with the Design Standards specified in Article VI of this Ordinance and the Borough Construction Standards;
 - 2. Street plan and profile of each street in the plan, including the terminus of all streets in the plan and any area beyond the limits of the plan where grading is proposed to construct the street. Street plan and profile drawings shall include all drainage easements over property, location of catch basins, inlets, manholes, headwalls and endwalls of the stormwater system. Top and invert elevations shall be shown along with the pipe size. Profile of storm sewer pipes shall show any crossing sanitary sewer lines, water lines or other utility lines. Lot lines and lot numbers shall be included in the street plan view.
 - 3. At least three (3) cross sections at intervals not to exceed one hundred feet (100') and extending fifty feet (50') on each side of the street centerline or twenty-five feet (25') outside of the street right-of-way, or to the limits of grading, whichever is greater;
 - 4. Sanitary sewer plan and profile drawing which shall include lot lines and lot numbers on the plan view. The location of the sanitary sewers, manholes and location of each "Y" proposed for installation shall be shown. The grade line, distance and pipe size of each line shall be indicated on the plan and profile. The top and invert elevation of each manhole plus pipe invert grades at fifty foot (50') intervals shall be provided.
 - 5. All construction drawings shall be prepared according to accepted engineering practice.
- J. Final Grading Plan which demonstrates compliance with the Borough Grading and Excavating Regulations, Chapter 9 of the Code of Ordinances of the Borough.
- K. Plans showing compliance with recommendations of the Soils Report or Wetlands Delineation Report, if applicable.
- L. Final design of stormwater management facilities and final calculations as required by Section 908 of this Ordinance.

SECTION 408 FINAL APPLICATION APPROVAL FOR A MAJOR SUBDIVISION

408.1 Planning Commission Recommendation

At the first regular meeting of the Planning Commission after submission of a Final Application, the Planning Commission shall either accept or reject the application as complete and properly filed. The date of the Planning Commission meeting at which the Final Application is accepted as complete and properly filed shall be the official date of filing for the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty (60) day review period, the Borough Engineer shall provide review comments to the Planning Commission and the applicant.

Within sixty (60) days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to Borough Council for approval, approval with conditions or disapproval of the Final Application. In the case of a recommendation for disapproval, the Planning Commission recommendation shall cite the specific requirements of this Ordinance which have not been met.

408.2 Action by Borough Council

The Borough Engineer shall present a written report to Borough Council which states whether the application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Council meeting.

Within ninety (90) days of the official date of filing of the application, Borough Council shall either approve, approve with conditions or disapprove the Final Application at a public meeting. The Planning Commission's written recommendation shall be made a part of the record at that meeting.

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

408.3 Conditional Approval.

If Borough Council determines that certain conditions are warranted to be attached to Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 408.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Final Approval either by giving written notice to the Borough Manager or by executing the Development Agreement required by Section 413 of this Ordinance within thirty (30) days of the date of the meeting of Borough Council at which Final Approval is granted. If the applicant rejects any of the conditions or if the

applicant fails to give written notice to the Borough Manager regarding acceptance or rejection of the conditions attached to Final Approval or execute the Development Agreement within the required thirty (30) days, Final Approval shall automatically be rescinded without written notice to the applicant.

408.4 Deemed Approval

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

408.5 Phased Approval

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

All sections or phases shall conform to the Preliminary Application as previously approved by the Borough. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the Preliminary Application shall require complete resubmission of the Preliminary Application in accordance with Sections 403, 404 and 405 of this Ordinance.

SECTION 409 THE MEDIATION OPTION

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

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

- A.** Funding mediation.

- B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
- C. Completing mediation, including time limits for such completion.
- D. Suspending time limits otherwise authorized in this Ordinance or in the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended), provided there is written consent by the mediating parties, and by the applicant or Borough Council, if either is not a party to the mediation.
- E. Identifying all parties and affording them the opportunity to participate.
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by Borough Council pursuant to the procedures for approval set forth in this Article.

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

SECTION 410 RESOLUTION INDICATING APPROVAL

When requested by the developer, in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a Resolution indicating approval of the final plat contingent upon the developer executing the Development Agreement and posting any required Performance Bond. The Final Plat shall not be signed nor recorded until the Performance Bond is posted and the Development Agreement is executed. The Resolution shall expire and be deemed to be revoked if the Performance Bond is not posted and the Development Agreement is not executed within ninety (90) days, unless a written extension is granted by Borough Council. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

SECTION 411 POSTING OF PERFORMANCE BOND

In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a Performance Bond, as defined by this Ordinance, in favor of the Borough, in an amount equal to one hundred and ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) days following the date scheduled for completion by the developer. The surety company or lending institution holding the Performance Bond shall notify the Borough Manager by certified mail at least thirty (30) days prior to the expiration of the Performance Bond.

Annually, the Borough may adjust the amount of the Performance Bond by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion of a rescheduled date of completion. Subsequent to said adjustment, the Borough may require the developer to post additional security in order to assure that the Performance Bond equals said 110%. Any additional security shall be posted by the developer in accordance with this Section 411.

The amount of the Performance Bond required shall be based upon a written estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the Borough 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 Borough and the applicant or developer.

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

SECTION 412 POSTING OF AMENITIES BOND

In all subdivisions or land developments where private improvements are required by this Ordinance or are voluntarily provided by the developer, an Amenities Bond shall be required. The procedure for posting the Amenities Bond shall be the same as that required by Section 411 of this Ordinance for posting a Performance Bond, except that the estimate of the cost of completion of the required private improvements shall be prepared by the applicant's or developer's engineer and shall be certified by such engineer to be a fair and reasonable estimate of such costs. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. Disputes shall be resolved in accordance with the procedure specified in Section 411.

SECTION 413 DEVELOPMENT AGREEMENT

As a condition of granting Final Approval of a subdivision or land development that requires the posting of a Performance Bond or an Amenities Bond or to which conditions are attached to the grant of Final Approval, Borough Council shall require that the developer execute a Development Agreement with the Borough, in a form acceptable to the Borough

Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of public and private improvements related to the subdivision and/or land development and provisions necessary to indemnify the Borough in connection therewith.

Said agreement shall be executed, the required Performance Bond or Amenities Bond shall be posted and all required fees shall be paid before the Borough Manager shall affix his or her signature and the Borough's Seal to the Final Plat for recording purposes.

In the event that the Development Agreement is not executed within the ninety (90) days required for recording of the final plat, approval of the final plat shall expire, unless approval is reinstated as provided for in Section 415.

SECTION 414 RECORDING OF FINAL PLAT

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

SECTION 415 REINSTATEMENT OF APPROVAL

In the event that the plan has not been recorded within the required ninety (90) days, the Borough Manager is authorized to reinstate the signatures of the proper officers of the Borough indicating approval, provided there are no changes in the Major Subdivision previously granted approval and all the requirements of this Ordinance regarding posting of a Performance Bond or Amenities Bond and execution of a Development Agreement have been met and, further, provided the plan is submitted for reinstatement of approval within one hundred eighty (180) days following the date of the original Final Approval by Borough Council.

Any request for reinstatement of Final Approval which is submitted after one hundred eighty (180) days from the date of the original granting of Final Approval by Borough Council shall be required to resubmit an application for Final Approval in conformance with the requirements of Sections 406 through 416 of this Ordinance.

SECTION 416 FILING OF COPIES

Within ninety (90) days of the date of recording of the Final Plat in the Office of the Allegheny County Recorder of Deeds, the applicant shall deliver to the Borough Manager, one (1) mylar and three (3) paper prints of the final plat as recorded, containing all required signatures and dates of approval.

ARTICLE V

APPROVAL PROCEDURE FOR MINOR LAND DEVELOPMENTS

SECTION 501 APPLICABILITY

A. This Article shall apply to the following:

1. The improvement of one (1) lot for one (1) multifamily residential building or a group of two (2) or more residential or non-residential buildings.
2. The improvement of one (1) lot for one (1) non-residential building, regardless of the number of tenants.
3. Any change of use, addition to or structural enlargement of a non-residential structure which results in either:
 - a. An increase in the gross floor area of the principal building of more than two hundred (200) square feet, but less than one thousand five hundred (1,500) square feet;
 - b. An increase in the paved area of the lot of more than two hundred (200) square feet but less than one thousand five hundred (1,500) square feet; or
 - c. An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, more than two hundred (200) square feet, but less than one thousand five hundred (1,500) square feet; or
4. The division or allocation of land or space among two (2) or more occupants by leasehold or condominium.

B. This Article shall not apply to the following:

1. Improvement of one (1) lot for a single family or a two-family dwelling.
2. The conversion of an existing single family or two-family dwelling into not more than three (3) dwelling units, unless such units are intended to be a condominium.
3. The addition of no more than one (1) accessory building or structure, either singularly or cumulatively, not exceeding one (1) story or fifteen feet (15') in height and covering an area on the lot no greater than two hundred (200) square feet, on a lot or lots which is subordinate to any existing principal building and used for the same purpose as the principal building.

4. A one time exemption for any addition to or structural enlargement of a non-residential structure which results in either:
 - a. An increase in the gross floor area of the principal building of two hundred (200) square feet or less;
 - b. An increase in the paved area of the lot of two hundred (200) square feet or less; or
 - c. An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total two hundred (200) square feet or less.

The foregoing shall be subject to review by the Building Official in accordance with all applicable provisions of the Borough Zoning Ordinance.

SECTION 502 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary and Final Approval of a Minor Land Development, the applicant or his representative shall meet with the Building Official and other Borough officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Building Official at least fifteen (15) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Allegheny County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

A pre-application conference shall not constitute formal filling of any application for approval of a land development, shall not bind the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the pre-application conference and the official date of filing of an application for Preliminary and Final Approval of a Minor Land Development under the terms of this Ordinance.

SECTION 503 PRELIMINARY AND FINAL APPLICATION SUBMISSION

The applicant shall submit ten (10) copies of an application for Preliminary and Final Approval of a Minor Land Development required by Section 504 of this Ordinance to the Building Official at least twenty-eight (28) calendar days prior to the regular meeting of the Planning Commission. If the twentieth (28th) day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.

The Preliminary and Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 504 of this Ordinance, including the Application Fee, have been received.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Borough and one (1) copy of the application shall be distributed to the Borough Engineer. The Building Official shall submit one (1) copy of the complete and properly filed application to the Allegheny County Department of Economic Development for review and comment which shall be subject to payment of the prevailing County review fee by the applicant. Additional copies may be referred to any other appropriate review agency at the discretion of the Building Official.

SECTION 504 PRELIMINARY AND FINAL APPLICATION CONTENT FOR A MINOR LAND DEVELOPMENT

504.1 All Applications

The application for Preliminary and Final Approval of a Minor Land Development shall be submitted in accordance with Section 503 of this Ordinance and shall include the following information:

- A. Ten (10) copies of the completed application form supplied by the Borough.
- B. Application filing fee, as required by Section 1101.1 of this Ordinance.
- C. Proof of proprietary interest.
- D. Written evidence of compliance with all other Borough, County, State or Federal permits required for the plan, if any.

- E. If the proposed use is a conditional use or use by special exception, an application for approval of the conditional use or use by special exception shall accompany the application for Preliminary and Final Approval of the Minor Land Development. Preliminary and Final Approval of the Minor Land Development shall not be granted unless the conditional use or use by special exception is approved prior to or concurrent with the Preliminary and Final Minor Land Development Plan.
- F. Wherever public improvements are proposed or where evidence exists of deep mining, strip mining, landslide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer acceptable to the Borough regarding soil and sub-surface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.
- G. A wetlands determination report for all sites which have hydric soils or soils with hydric inclusions and, if applicable, a wetlands delineation report for all jurisdictional wetlands on the site and the design techniques proposed to accommodate them.
- H. Ten (10) copies of a Preliminary and Final Plat, accurately drawn to a scale of not less than one inch equals fifty feet (1"=50') on a survey prepared by a Pennsylvania Registered Land Surveyor. The Preliminary and Final Plat shall include or be accompanied by the following information and shall be prepared and sealed by a Pennsylvania registered land surveyor, engineer, architect or landscape architect:
 - 1. Date of preparation. All revisions shall be noted and dated.
 - 2. A location map showing the location of the tract with reference to the surrounding properties, existing streets and streams within one thousand (1,000) feet of the land development.
 - 3. Name of the development, including the words "Preliminary and Final Land Development Plan;" North arrow; graphic scale; County Assessment Map and Parcel number; the name and address of the record owner; the name and address of the applicant; the name and address, signature, license number and seal of the registered professional preparing the survey. If the owner of the premises is a corporation, the name and address of the president and secretary shall be submitted on the application.
 - 4. All distances shall be in feet and one hundredths (0.01) of a foot and all bearings shall be given to the nearest one (1) second.

5. The Zoning District in which the parcel is located, together with the zoning classification of properties within two hundred (200) feet of the boundaries of the property for which the application is made.
6. Property survey showing survey data, including boundaries of the property, building or setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature and seal of the surveyor shall be indicated.
7. A copy of any existing or proposed covenants, deed restrictions, which are applicable to the property.
8. A written statement requesting any waivers or modifications to this Ordinance in accordance with Article X, if applicable.
9. A written statement identifying any zoning variances which will be needed or which have been granted to the property by the Zoning Hearing Board.
10. The distance, measured along the right-of-way lines of existing streets abutting the property, to the nearest intersections with other public streets within two hundred (200) feet of the site boundaries.
11. The location and dimensions of proposed buildings and structures, all accessory structures and fences, if any, including front, side and rear yard setbacks, height of buildings, first floor elevations of all structures and floor plans and elevation plans of the proposed building addition and its relationship to the existing building.
12. If applicable, Flood Hazard Zone boundaries, as identified on the current Official Map for the Borough issued by the Federal Insurance Administration.
13. Existing and proposed contours, referred to United States Coast and Geodetic Survey datum, with a contour interval of two (2) feet for slopes of less than ten percent (10%) and an interval of five (5) feet for slopes of ten percent (10%) or more. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines.
14. Written or graphic evidence that all earthmoving activities shall comply with the Borough Grading and Excavating Regulations, Chapter 9 of the Code of Ordinances of the Borough.

15. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including previous flood elevations of watercourses, ponds and marsh areas as determined by field survey.
16. A slope map showing the location and the area (in square feet) of land which has a slope of twenty-five percent (25%) or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading on slopes greater than twenty-five percent (25%), the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, stormwater runoff and potential impacts on adjacent properties.
17. A soils map identifying soils which are landslide prone, if any.
18. Any and all existing streets related to the proposed development; including the names, cartway widths, approximate gradients and sidewalk widths.
19. If any new streets are proposed, profiles, indicating grading; cross sections showing the width and design of roadways and sidewalks.
20. Area, to the nearest thousandth of an acre of the site to be developed for non-residential purposes and/or the area, in square feet, of each lot to be developed for residential purposes.
21. Plans of proposed stormwater systems showing feasible connections to existing or any proposed utility systems.

All stormwater facility plans shall be accompanied by a separate sketch showing all existing drainage within five hundred (500) feet of any boundary, and all areas and any other surface area contributing to the calculations, and showing methods to be used in the drainage calculations.
22. Stormwater management plans, as required by Section 908 of this Ordinance.
23. The location and size of all existing sanitary sewers and the location and size of all proposed sanitary sewers.
24. The location and size of all existing and proposed waterlines, valves and hydrants.
25. The location, width and purpose of all existing and proposed easements and rights-of-way.

26. The location, type and approximate size of existing utilities to serve the development and written verification from each utility that service will be provided to the development.
27. Tree masses and all individual specimen trees having a caliper of four (4) inches or greater.
28. A Soil Erosion and Sedimentation Control Plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law and Ordinance 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection governing Erosion Control and where applicable, evidence that the Allegheny County Conservation District has issued an NPDES permit.
29. The number and density of dwelling units (if residential).
30. All means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of internal streets or driveways and curb cuts including the organization of traffic channels, acceleration and deceleration lanes, additional width and any other improvements on the site or along the site's street frontage necessary to prevent a difficult traffic situation. All pedestrian walkways and provisions for handicapped facilities in compliance with the requirements of the Americans with Disabilities Act (ADA) for an accessible site shall also be shown.
31. Computation of the number of parking spaces to be provided, the location and design of off-street parking areas and loading areas showing size and location of bays, aisles and barriers and the proposed direction of movement.
32. Tabulation of site data, indicating zoning requirements applicable to the site and whether the proposed site development features comply.
33. Proposed screening and landscaping, including a preliminary planting plan.
34. The methods, placement and screening of solid waste disposal and storage facilities.

35. If applicable, a detailed proposal, including covenants, agreements, or other specific documents showing the ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes.
36. Written or graphic evidence that all public and/or private improvements will comply with the Design Standards of this Ordinance and the Borough Construction Standards.
37. If the plan is to be completed in phases, the proposed sequence of development with projected time schedule for completion of each of the several phases.
38. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945) and that the approvals of the Castle Shannon Borough Planning Commission and Borough Council are conditional, subject to action by the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
39. Spaces for the signature of the Chairman and Secretary of the Planning Commission; the President and Secretary of Borough Council; and dates of approval.
40. Plan monumentations, as required by Section 801 of this Ordinance.

**SECTION 505 PRELIMINARY AND FINAL APPLICATION APPROVAL FOR A
MINOR LAND DEVELOPMENT**

505.1 Planning Commission Recommendation

At the first regular meeting of the Planning Commission after submission of a Preliminary and Final Application, the Planning Commission shall either accept or reject the application as complete in content and properly filed. The date of the Planning Commission meeting at which the Preliminary and Final Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty (60) day review period, the Borough Engineer shall provide preliminary review comments to the Planning Commission and the applicant.

Within sixty (60) days of the official date of filing of the Preliminary and Final Application, the Planning Commission shall make a recommendation to Borough Council for approval, approval with conditions or disapproval of the Preliminary and Final Application at a public meeting. In the case of a recommendation for disapproval, the Planning Commission's recommendation shall cite the specific requirements of this Ordinance which have not been met.

505.2 Action by Borough Council

The Borough Engineer shall present a written report to Borough Council which states whether an application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Council meeting.

Within ninety (90) days of the official date of filing of the Preliminary and Final Application for a Minor Land Development, Borough Council shall either approve, approve with conditions or disapprove the Preliminary and Final Application at a public meeting. Borough Council shall not act until the review has been received from the Allegheny County Department of Economic Development or until thirty (30) days has passed since the date that the application was submitted to the County for review. The recommendation of the Borough Planning Commission and the report of the Allegheny County Department of Economic Development, if any, shall be made a part of the record at that meeting.

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

505.3 Conditional Approval

If Borough Council determines that certain conditions are warranted to be attached to Preliminary and Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 505.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Preliminary and Final Approval by giving written notice to the Borough Manager within thirty (30) days of the date of the meeting of Borough Council at which Preliminary and Final Approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Borough Manager regarding acceptance or rejection of the conditions attached to Preliminary and Final Approval within the required thirty (30) days, Preliminary and Final Approval shall automatically be rescinded without written notice to the applicant.

505.4 Deemed Approval

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

SECTION 506 THE MEDIATION OPTION

The Borough may offer the mediation option as an aid in completing the proceedings authorized by this Article in accordance with the requirements of Section 409 of this Ordinance.

SECTION 507 DEVELOPMENT AGREEMENT

All land developments shall be further subject to the requirements for a Development Agreement as specified in Section 413 of this Ordinance.

SECTION 508 AMENITIES BOND

All land developments shall be further subject to the requirement for an Amenities Bond as specified in Section 412 of this Ordinance.

SECTION 509 MINOR LAND DEVELOPMENTS WHICH PROPOSE THE EXTENSION OR INSTALLATION OF ANY PUBLIC IMPROVEMENTS

Minor Land Developments which propose the extension or installation of any public improvements, as defined by this Ordinance, shall be further subject to Sections 411 and 413 of this Ordinance governing posting of a Performance Bond to guarantee their proper installation and execution of a Development Agreement.

SECTION 510 RECORDING

A land development plan shall not be required to be recorded in the Allegheny County Recorder of Deeds Office, if the land development is proposed on a lot or lots of record, unless a Declaration Plan is required to be recorded by the PA Unit Property Act for a condominium.

Any land development plan which involves the subdivision, resubdivision or consolidation of property or the dedication of easements or rights-of-way for public improvements shall present a Final Plat for recording purposes with the application for Final Approval of the land development. The Final Plat for recording shall be prepared in accordance with the requirements of Section 304 of this Ordinance for a Minor Subdivision.

SECTION 511 FILING OF COPIES

Whether or not the land development is required to be recorded, the applicant shall deliver to the Borough, one (1) mylar and three (3) paper prints of the approved Final Minor Land Development Plan containing the required signatures and date of approval.

SECTION 512 EXPIRATION OF FINAL APPROVAL OF A MINOR LAND DEVELOPMENT PLAN

512.1 Failure to Execute Development Agreement and Post Amenities Bond

If the Amenities Bond required by Section 508 and/or the Development Agreement required by Section 507 have not been submitted to the Borough within ninety (90) days of the date of the meeting at which Borough Council granted Preliminary and Final Approval to the Minor Land Development Plan, Preliminary and Final Approval shall expire automatically, unless Preliminary and Final Approval is reinstated in accordance with Section 513 of this Ordinance.

512.2 Failure to Initiate and Pursue Construction

If construction of a land development which has been granted Preliminary and Final Approval, and for which a Development Agreement and Amenities Bond have been submitted, is not initiated and diligently pursued within one (1) year of the date of Preliminary and Final Approval, Preliminary and Final Approval shall expire immediately; provided, however, that Borough Council may grant a reasonable extension, if the developer presents satisfactory evidence that difficulties have prevented the work from being initiated and/or diligently pursued and the request for an extension is submitted, in writing, prior to the date of expiration of the approval. The Borough Manager shall give written notice to the applicant within thirty (30) days of the date of expiration of Preliminary and Final Approval. Any construction which occurs after notice from the Borough Manager shall constitute a violation of this Ordinance and shall be subject to the Enforcement Remedies of Section 1105.

SECTION 513 REINSTATEMENT OF PRELIMINARY AND FINAL APPROVAL OF A MINOR LAND DEVELOPMENT PLAN

In the event that final approval of the land development plan has expired for failure to execute the Development Agreement and/or post the required Amenities Bond, as provided for in Section 512.1 of this Ordinance, the Borough Manager is authorized to reinstate the signatures of the proper officers of the Borough indicating approval, provided there are no changes in the land development plan previously granted Preliminary and

Final Approval and all the requirements of this Ordinance regarding posting of a Performance Bond or Amenities Bond and execution of a Development Agreement, if required, are subsequently met and, further, provided the plan is submitted for reinstatement of approval within one hundred eighty (180) days following the date of the meeting at which Preliminary and Final Approval was granted by Borough Council.

Any request for reinstatement of Preliminary and Final Approval which is submitted after one hundred eighty (180) days from the date of the meeting at which Preliminary and Final Approval was granted by Borough Council shall be required to resubmit an application for Preliminary and Final Approval in conformance with the requirements of Sections 503 through 513 of this Ordinance.

ARTICLE VI

APPROVAL PROCEDURE FOR MAJOR LAND DEVELOPMENTS

SECTION 601 APPLICABILITY

- A.** This Article shall apply to the following:
1. The improvement of one (1) lot for one (1) multifamily residential building or a group of two (2) or more residential or non-residential buildings.
 2. The improvement of one (1) lot for one (1) non-residential building, regardless of the number of tenants.
 3. Any change of use, addition to or structural enlargement of a non-residential structure which results in either:
 - a. An increase in the gross floor area of the principal building of one thousand five hundred (1,500) square feet or more;
 - b. An increase in the paved area of the lot of one thousand five hundred (1,500) square feet or more; or
 - c. An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total one thousand five hundred (1,500) square feet or more; or
 4. The division or allocation of land or space among two (2) or more occupants by leasehold or condominium.
- B.** This Article shall not apply to the following:
1. Improvement of one (1) lot for a single family or a two-family dwelling.
 2. The conversion of an existing single family or two-family dwelling into not more than three (3) dwelling units, unless such units are intended to be a condominium.
 3. The addition of no more than one (1) accessory building or structure either singularly or cumulatively, not exceeding one (1) story or fifteen feet (15') in height and covering an area on the lot no greater than two hundred (200) square feet, on a lot or lots which is subordinate to any existing principal building and used for the same purpose as the principal building.

4. A one time exemption for any addition to or structural enlargement of a non-residential structure which results in either:
 - a. An increase in the gross floor area of the principal building of less than one thousand five hundred (1,500) square feet;
 - b. An increase in the paved area of the lot of less than one thousand five hundred (1,500) square feet; or
 - c. An increase in the gross floor area of the principal building and the paved area of the lot which, in combination, total less than one thousand five hundred (1,500) square feet.

The foregoing shall be subject to the procedures specified in Article V for a Minor Land Development.

SECTION 602 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary Approval of a Major Land Development, the applicant or his representative shall meet with the Building Official and other Borough officials to obtain application forms and to discuss application procedures and applicable ordinance requirements.

In addition, the developer may request a pre-application conference with the Planning Commission to discuss the conceptual design for the development of the property and the feasibility and timing of the application. The applicant shall contact the Building Official at least fifteen (15) calendar days prior to the regular meeting of the Planning Commission to request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Allegheny County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps. A pre-application conference shall not constitute formal filing of any application for approval of a land development, shall not bind the Planning Commission to approve any

concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the pre-application conference and the official date of filing of an application for Preliminary Approval of a Land Development under the terms of this Ordinance.

SECTION 603 PRELIMINARY APPLICATION SUBMISSION

The applicant shall submit ten (10) copies of an application for Preliminary Approval of a Major Land Development required by Section 604 of this Ordinance to the Building Official at least twenty-eight (28) calendar days prior to the regular meeting of the Planning Commission. If the twenty-eighth (28th) day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.

The Preliminary Application shall not be considered to be complete and properly filed unless and until all items required by Section 604 of this Ordinance, including the Application Fee, have been received.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Borough and one (1) copy of the application shall be distributed to the Borough Engineer. The Building Official shall submit one (1) copy of the complete and properly filed application to the Allegheny County Department of Economic Development for review and comment which shall be subject to payment of the prevailing County review fee by the applicant. Additional copies may be referred to any other appropriate review agency at the discretion of the Building Official.

SECTION 604 PRELIMINARY APPLICATION CONTENT

604.1 All Applications

The application for Preliminary Approval of a Major Land Development shall be submitted in accordance with Section 603 of this Ordinance and shall include the following information:

- A. Ten (10) copies of the completed application form supplied by the Borough.
- B. Application filing fee, as required by Section 1101.1 of this Ordinance.
- C. Proof of proprietary interest.
- D. Written evidence of compliance with all other Borough, County, State or Federal permits required for the plan, if any.

- E. If the proposed use is a conditional use or use by special exception, an application for approval of the conditional use or use by special exception shall accompany the application for Preliminary Approval of the Major Land Development. Preliminary Approval of the Major Land Development shall not be granted unless the conditional use or use by special exception is approved prior to or concurrent with the Preliminary Major Land Development Plan.
- F. For all applications which propose twenty-five (25) or more dwelling units or any non-residential building or buildings (existing and proposed) that generate one hundred (100) or more vehicle trips per day, a Traffic Report prepared by a qualified traffic engineer shall be submitted detailing the nature and extent of trip generation expected to result from the proposed development based on the ratios and methodology contained in the current edition of the Manuals of the Institute of Transportation Engineers. The report shall include current and projected capacities and levels of service of all streets and intersections within one thousand (1,000) feet of the site proposed for development or the next nearest intersection and recommendations for improvements to streets and/or traffic control devices within the site or immediately adjacent to the site. The Traffic Report shall be signed and sealed by a registered professional traffic engineer.
- G. Wherever any public improvements are proposed or where evidence exists of deep mining, strip mining, landslide prone soils or other geologic hazards on the site, a geologic report by a qualified registered professional engineer acceptable to the Borough regarding soil and sub-surface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any.
- H. A wetlands determination report for all sites which have hydric soils or soils with hydric inclusions and, if applicable, a wetlands delineation report for all jurisdictional wetlands on the site and the design techniques proposed to accommodate them.
- 1. Ten (10) copies of a Preliminary Plat, accurately drawn to a scale of not less than one inch equals fifty feet (1"=50') on a survey prepared and sealed by a Pennsylvania Registered Land Surveyor. The Preliminary Plat shall include or be accompanied by the following information and shall be prepared and sealed by a registered professional engineer or registered professional land surveyor:
 - 1. Date of preparation. All revisions shall be noted and dated.

2. A location map showing the location of the tract with reference to the surrounding properties, existing streets and streams within one thousand (1,000) feet of the land development.
3. Name of the development, including the words "Preliminary Land Development Plan;" North arrow; graphic scale; County Assessment Map and Parcel number; the name and address of the record owner; the name and address of the applicant; the name and address, signature, license number and seal of the Pennsylvania registered land surveyor preparing the survey. If the owner of the premises is a corporation, the name and address of the president and secretary shall be submitted on the application.
4. All distances shall be in feet and one hundredths (0.01) of a foot and all bearings shall be given to the nearest one (1) second.
5. The Zoning District in which the parcel is located, together with the zoning classification of properties within two hundred (200) feet of the boundaries of the property for which the application is made.
6. Property survey showing survey data, including boundaries of the property, building or setback lines and lines of existing and proposed streets, lots, reservations, easements and areas dedicated to public use, including grants, restrictions and rights-of-way, to be prepared by a licensed land surveyor. The name, address, signature and seal of the surveyor shall be indicated.
7. A copy of any existing or proposed covenants, deed restrictions, which are applicable to the property.
8. A written statement requesting any waivers or modifications to this Ordinance in accordance with Article X, if applicable.
9. A written statement identifying any zoning variances which will be needed or which have been granted to the property by the Zoning Hearing Board.
10. The distance, measured along the right-of-way lines of existing streets abutting the property, to the nearest intersections with other public streets within two hundred (200) feet of the site boundaries.

11. The location and dimensions of proposed buildings and structures, all accessory structures and fences, if any, including front, side and rear yard setbacks, height of buildings, first floor elevations of all structures and floor plans and elevation plans of each building.
12. If applicable, Flood Hazard Zone boundaries, as identified on the current Official Map for the Borough issued by the Federal Insurance Administration.
13. Existing and proposed contours, referred to United States Coast and Geodetic Survey datum, with a contour interval of two (2) feet for slopes of less than ten percent (10%) and an interval of five (5) feet for slopes of ten percent (10%) or more. Existing contours are to be indicated by dashed lines and proposed contours are to be indicated by solid lines.
14. Written or graphic evidence that all earthmoving activities shall comply with the Borough Grading and Excavating Regulations, Chapter 9 of the Code of Ordinances of the Borough.
15. Location of existing rock outcrops, high points, watercourses, depressions, ponds, marshes, wooded areas and other significant existing features, including previous flood elevations of watercourses, ponds and marsh areas as determined by field survey.
16. A slope map showing the location and the area (in square feet) of land which has a slope of twenty-five percent (25%) or greater and certification by a registered professional geotechnical engineer regarding the feasibility of any proposed grading on slopes greater than twenty-five percent (25%), the stability of the finished slopes, measures to mitigate landslides, soil erosion, sedimentation, stormwater runoff and potential impacts on adjacent properties.
17. A soils map identifying soils which are landslide prone, if any.
18. Any and all existing streets related to the proposed development; including the names, cartway widths, approximate gradients and sidewalk widths.
19. If any new streets are proposed, profiles, indicating grading; cross sections showing the width and design of roadways and sidewalks.
20. Area, to the nearest thousandth of an acre of the site to be developed for non-residential purposes and/or the area, in square feet, of each lot to be developed for residential purposes.

21. Plans of proposed stormwater systems showing feasible connections to existing or any proposed utility systems.

All stormwater facility plans shall be accompanied by a separate sketch showing all existing drainage within five hundred (500) feet of any boundary, and all areas and any other surface area contributing to the calculations, and showing methods to be used in the drainage calculations.

22. Stormwater management plans, as required by Section 908 of this Ordinance.
23. The location and size of all existing sanitary sewers and the location and size of all proposed sanitary sewers.
24. The location and size of all existing and proposed waterlines, valves and hydrants.
25. The location, width and purpose of all existing and proposed easements and rights-of-way.
26. The location, type and approximate size of existing utilities to serve the development and written verification from each utility that service will be provided to the development.
27. Tree masses and all individual specimen trees having a caliper of four (4) inches or greater.
28. A Soil Erosion and Sedimentation Control Plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law and Ordinance 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection governing Erosion Control and documentation that the County Soil Conservation Service has issued an NPDES permit if required.
29. The number and density of dwelling units (if residential).
30. All means of vehicular access for ingress and egress to and from the site onto public streets, showing the size and location of internal streets or driveways and curb cuts including the organization of traffic channels, acceleration and deceleration lanes, additional width and any other improvements on the site or along the site's street frontage necessary to prevent a difficult traffic situation. All pedestrian

walkways and provisions for handicapped facilities in compliance with the requirements of the Americans with Disabilities Act (ADA) for an accessible site shall also be shown.

31. Computation of the number of parking spaces to be provided, the location and design of off-street parking areas and loading areas showing size and location of bays, aisles and barriers and the proposed direction of movement.
32. Tabulation of site data, indicating zoning requirements applicable to the site and whether the proposed site development features comply.
33. Proposed screening and landscaping, including a preliminary planting plan.
34. The methods, placement and screening of solid waste disposal and storage facilities.
35. If applicable, a detailed proposal, including covenants, agreements, or other specific documents showing the ownership and method of assuring perpetual maintenance to be applied to those areas which are to be used for recreational or other common purposes.
36. Written or graphic evidence that all public and/or private improvements will comply with the Design Standards of this Ordinance and the Borough Construction Standards.
37. If the plan is to be completed in phases, the proposed sequence of development with projected time schedule for completion of each of the several phases.
38. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945) and that the approvals of the Castle Shannon Borough Planning Commission and Borough Council are conditional, subject to action by the Pennsylvania Department of Transportation pursuant to application for a highway occupancy permit.
39. Spaces for the signature of the Chairman and Secretary of the Planning Commission; the President and Secretary of Borough Council; and dates of approval.
40. Plan monumentations, as required by Section 801 of this Ordinance.

SECTION 605 PRELIMINARY APPLICATION APPROVAL FOR A MAJOR LAND DEVELOPMENT

605.1 Planning Commission Recommendation

At the first regular meeting of the Planning Commission after submission of a Preliminary Application, the Planning Commission shall either accept or reject the application as complete in content and properly filed. The date of the Planning Commission meeting at which the Preliminary Application is accepted as complete and properly filed shall be the official date of filing of the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty (60) day review period, the Borough Engineer shall provide preliminary review comments to the Planning Commission and the applicant.

Within sixty (60) days of the official date of filing of the Preliminary Application, the Planning Commission shall make a recommendation to Borough Council for approval, approval with conditions or disapproval of the Preliminary Application at a public meeting. In the case of a recommendation for disapproval, the Planning Commission's recommendation shall cite the specific requirements of this Ordinance which have not been met.

605.2 Action by Borough Council

The Borough Engineer shall present a written report to Borough Council which states whether an application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Council meeting.

Within ninety (90) days of the official date of filing of the Preliminary Application, Borough Council shall either approve, approve with conditions or disapprove the Preliminary Application at a public meeting. Borough Council shall not act until the review has been received from the Allegheny County Department of Economic Development or until thirty (30) days has passed since the date that the application was submitted to the County for review. The recommendation of the Borough Planning Commission **and the report of the Allegheny County Department of Economic Development, if any, shall be made a part** of the record at that meeting.

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

605.3 Conditional Approval

If Borough Council determines that certain conditions are warranted to be attached to Preliminary Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 605.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Preliminary Approval by giving written notice to the Borough Manager within thirty (30) days of the date of the meeting of Borough Council at which Preliminary Approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Borough Manager regarding acceptance or rejection of the conditions attached to Preliminary Approval within the required thirty (30) days, Preliminary Approval shall automatically be rescinded without written notice to the applicant.

605.4 Deemed Approval

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

605.5 Expiration of Preliminary Approval.

If an application for Final Approval of a land development, or in the case of a phased development, an application for the first phase of the land development is not submitted within one (1) year from the date of the grant of Preliminary Approval by Borough Council, Preliminary Approval shall expire, unless a written request for an extension is submitted by the applicant and approved by Borough Council. Any request for extension shall be submitted to Borough Council at least thirty (30) days prior to the prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by Borough Council that such extension is warranted for reasonable cause and not due to the applicant's own negligence or inaction.

In the case of a phased development, calling for the installation of improvements beyond a five-year period, a schedule shall be filed by the applicant with the Preliminary Application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of Preliminary Approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by Borough Council in its sole discretion. Phased development shall be subject to the time protection provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code (Act 247 of 1968, as amended).

SECTION 606 FINAL APPLICATION SUBMISSION FOR A MAJOR LAND DEVELOPMENT

The applicant shall submit ten (10) copies of the application for Final Approval required by Section 607 to the Building Official at least twenty-eight (28) calendar days prior to the regular meeting of the Planning Commission. If the twenty-eighth (28th) day falls on a holiday, the application shall be filed by the close of business on the immediately preceding working day.

The Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 607 of this Ordinance, including the Application Fee, have been received.

Immediately upon receipt, the application shall be stamped with the date of receipt by the Borough Manager and one (1) copy of the application shall be distributed to the Borough Engineer. Additional copies may be referred to any other appropriate review agency at the discretion of the Building Official.

SECTION 607 FINAL APPLICATION CONTENT

All applications for Final Approval of a Major Land Development shall include the following:

- A. Ten (10) copies of the completed application form supplied by the Borough;
- B. Application filing fee, as required by Section 1101.1 of this Ordinance;
- C. One (1) copy of the approved Preliminary Plat;
- D. Ten (10) copies of a Final Plat drawn at a scale of not less than one inch equals one hundred feet (1"=100¹). The Final Plat shall show or be accompanied by the following information and shall be prepared and sealed by a Pennsylvania registered land survey or engineer.:
 - 1. Date, name and location of the land development, the name of the owner, graphic scale and the words "Final Major Land Development Plan."
 - 2. Tract boundary lines, right-of-way lines of streets, street names, easements and other rights-of-way, land reserved or dedicated to public use, all lot lines and other boundary lines; with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of curves; and the area of each lot.
 - 3. The names, exact location and widths of all existing and recorded streets intersecting or paralleling the plot boundaries within a distance of two hundred (200) feet or the next nearest intersection.

4. The purpose, location and dimensions of any easement or land reserved for or dedicated to public use shall be designated.
5. Lot and Block numbers assigned to the property by the County Assessment Office, including Lot and Block numbers of immediately abutting property.
6. Certification by the applicant's surveyor as to accuracy of details of plat. The error of closure shall not be less than one (1) in fifteen thousand (15,000).
7. Dates of preparation and dates of all revisions to the plan.
8. Name address, signature and seal of the professional or professionals who prepared the plans, including the following mandatory requirements:
 - a. Registered engineer for stormwater management plans and construction drawings for public and private improvements;
 - b. Registered land surveyor shall prepare property survey.
 - c. Registered architect may prepare building drawings only;
 - d. Registered landscape architect may prepare grading and landscaping plans.
9. Evidence of required permits from applicable Federal, State and County agencies.
10. Certification of service from all applicable utility companies.
11. A design view of the front, side and rear elevations of the proposed structures.
12. Location, height and use of all existing and proposed structures on the property, indicating structures to be removed, if any, and the distances between proposed structures or additions to existing structures and adjacent property lines.
13. A site lighting plan showing details of all exterior lighting fixtures and supports, the location of exterior lighting fixtures proposed to light the buildings, parking areas, sidewalks and any other areas proposed for public use; documentation that proposed lighting will be shielded and reflect away from adjacent streets and residential properties; a photometric plan which indicates a grid of spot lighting levels to the nearest tenth (0.1) of a footcandle.

14. Layout and design of proposed parking and loading areas, including the gradient of proposed driveways and parking facilities and the proposed pattern of traffic circulation on the site, including pavement markings, islands, curbs, bumper guards and similar facilities.
15. Sidewalks or walkways, if any, proposed for pedestrian circulation on the site.
16. The type of paving material to be used for all sidewalks, walkways, driveways and parking facilities.
17. A final landscaping plan showing the type, size and location of any plant material proposed and all areas proposed to be seeded and the parties responsible for future maintenance.
18. Construction materials of all fences, walls or screens.
19. A final grading plan, demonstrating compliance with Chapter 9 of the Code of Ordinances of the Borough (Grading and Excavating), including erosion and sedimentation control measures.
20. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (Pi. 1242, No. 428 of June 1, 1945) and that the approvals by the Castle Shannon Borough Planning Commission and Borough Council are conditional, subject to action of the Pennsylvania Department of Transportation pursuant to an application for a highway occupancy permit.
21. Soil Erosion and Sedimentation Control Plan and Narrative.
22. If applicable, an N.P.D.E.S. Permit obtained from the Allegheny County Conservation District.
23. Final stormwater management calculations and construction drawings for stormwater management facilities as required by Section 908 of this Ordinance.
24. Storm drainage plan, including location, pipe size, grade, direction of flow, capacity and material of all storm sewers and connections to existing systems; location and invert and other elevations of all catch basins, manholes, culverts and other appurtenances; location and width of all storm drainage easements; and location of surface swales, if any.
25. Plans showing compliance with recommendations of soils report, wetlands delineation report or geotechnical engineer's report, if applicable.

26. Written evidence that an Amenities Bond for private improvements, as required by Section 412 of this Ordinance, will be submitted at the time of execution of the Development Agreement.
27. If any public improvements are proposed, written evidence that a Performance Bond, as required by Section 411 of this Ordinance, will be submitted at the time of execution of the Development Agreement.
28. Spaces for signatures of the President and Secretary of Borough Council; the Chairman and Secretary of the Planning Commission; and dates of approval.
29. Plan monumentations, as required by Section 801 of this Ordinance.

SECTION 608 FINAL APPLICATION APPROVAL FOR A MAJOR LAND DEVELOPMENT

608.1 Planning Commission Recommendation

At the first regular meeting of the Planning Commission after submission of a Final Application, the Planning Commission shall either accept or reject the application as complete and properly filed. The date of the Planning Commission meeting at which the Final Application is accepted as complete and properly filed shall be the official date of filing for the application and shall represent the beginning of the sixty (60) day period for Planning Commission review and recommendation on the application, unless the applicant agrees, in writing, to an extension of time. During the sixty (60) day review period, the Borough Engineer shall provide review comments to the Planning Commission and the applicant.

Within sixty (60) days of the official date of filing of the application, the Planning Commission shall make a recommendation, in writing, to Borough Council for approval, approval with conditions or disapproval of the Final Application. In the case of a recommendation for disapproval, the Planning Commission recommendation shall cite the specific requirements of this Ordinance which have not been met.

608.2 Action by Borough Council

The Borough Engineer shall present a written report to Borough Council which states whether an application complies with the requirements of this Ordinance and that report shall be included in the minutes of the Council meeting.

Within ninety (90) days of the official date of filing of the application, Borough Council shall either approve, approve with conditions or disapprove the Final Application at a public meeting. The Planning Commission's written recommendation shall be made a part of the record at that meeting.

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

608.3 Conditional Approval

If Borough Council determines that certain conditions are warranted to be attached to Final Approval to protect the public interest and guarantee compliance with the requirements of this Ordinance, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by Section 608.2 of this Ordinance. The applicant shall accept or reject the conditions attached to Final Approval either by giving written notice to the Borough Manager or by executing the Development Agreement required by Section 413 of this Ordinance within thirty (30) days of the date of the meeting of Borough Council at which Final Approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the Borough Manager regarding acceptance or rejection of the conditions attached to Final Approval or execute the Development Agreement within the required thirty (30) days, Final Approval shall automatically be rescinded without written notice to the applicant.

608.4 Deemed Approval

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

608.5 Phased Approval

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

All sections or phases shall conform to the Preliminary Application as previously approved by the Borough. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the Preliminary Application shall require complete resubmission of the Preliminary Application in accordance with Sections 603, 604 and 605 of this Ordinance.

SECTION 609 THE MEDIATION OPTION

The Borough may offer the mediation option as an aid in completing the proceedings authorized by this Article in accordance with the requirements of Section 409 of this Ordinance.

SECTION 610 DEVELOPMENT AGREEMENT

All land developments shall be further subject to the requirements for a Development Agreement as specified in Section 413 of this Ordinance.

SECTION 611 AMENITIES BOND

All land developments shall be further subject to the requirement for an Amenities Bond as specified in Section 412 of this Ordinance.

SECTION 612 LAND DEVELOPMENTS WHICH PROPOSE THE EXTENSION OR INSTALLATION OF ANY PUBLIC IMPROVEMENTS

Land Developments which propose the extension or installation of any public improvements, as defined by this Ordinance, shall be further subject to Sections 411 and 413 of this Ordinance governing posting of a Performance Bond to guarantee their proper installation and execution of a Development Agreement.

SECTION 613 RECORDING

A land development plan shall not be required to be recorded in the Allegheny County Recorder of Deeds Office, if the land development is proposed on a lot or lots of record, unless a Declaration Plan is required to be recorded by the PA Unit Property Act for a condominium.

Any land development plan which involves the subdivision, resubdivision or consolidation of property or the dedication of easements or rights-of-way for public improvements shall present a Final Plat for recording purposes with the application for Final Approval of the land development. The Final Plat for recording shall be prepared in accordance with the requirements of Section 304 of this Ordinance for a Minor Subdivision.

SECTION 614 FILING OF COPIES

Whether or not the land development is required to be recorded, the applicant shall deliver to the Borough, one (1) mylar and three (3) paper prints of the approved Final Land Development Plan containing the required signatures and date of approval within ninety (90) days of the date that Borough Council grants Final Approval.

ARTICLE VII

INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

SECTION 701 PROGRESS INSPECTIONS

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

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

At the Borough Engineer's discretion, an inspector may be required to be present at the site on a continual basis while work is in progress. The cost of providing a full-time or part-time inspector shall be charged to the developer in accordance with Section 1001.3 of this Ordinance.

The Inspector shall maintain a daily log of all inspections. The log shall be kept in a survey field book and shall be turned over to the Borough Engineer upon completion of the project. If requested, copies of the reports shall be forwarded to the Borough upon receipt.

SECTION 702 NOTICE OF COMPLETION

702.1 Public Improvements

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

702.2 Private Improvements

When the developer has completed the required private improvements in an approved land development plan, the developer shall make a request, in writing, to the Borough Building Official for a final inspection as a prerequisite to the Certificate of Completion required by Section 609 of this Ordinance.

SECTION 703 FILING OF AS-BUILT PLANS

Upon completion of the public and/or private improvements in a plan, "as-built" plans and profiles of the public and/or private improvements, as constructed, shall be filed with the Borough Manager by the developer within ten (10) days of the mailing of the Notice of Completion. A sepia and print of each "as-built" drawing for public improvements shall be submitted. "As-built" plans and profiles shall be marked "as-built" and shall contain the final grade of all sanitary and storm sewers and appurtenances.

SECTION 704 FINAL INSPECTION AND APPROVAL OF PUBLIC IMPROVEMENTS

704.1 Borough Engineer's Report

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

704.2 Notification of Developer by The Borough

Borough Council shall notify the developer, in writing, by certified mail, within fifteen (15) days of receipt of the Borough Engineer's report, of the action of Borough Council with relation to approval or rejection of the public improvements.

704.3 Failure of the Borough to Comply

If Borough Council or the Borough Engineer fails to comply with the time limitation provisions contained in this Article, all public improvements will be deemed to have been approved and the contractor shall be released from all liability.

704.4 Completion of Rejected Public Improvements

If any portion of the public improvements shall not be approved or shall be rejected by Borough Council, the contractor shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval, as outlined in this Article shall be followed.

704.5 Developer's Rights

Nothing in this Article, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of Borough Council or the Borough Engineer.

704.6 Release of Performance Bond

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

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

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

SECTION 705 ACCEPTANCE OF PUBLIC IMPROVEMENTS

Upon completion of the final inspection and approval of the public improvements, the developer shall submit a request to Borough Council, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare an Ordinance and shall be submitted at least ten (10) calendar days prior to the regular meeting of Borough Council. At the regular meeting, Borough Council shall enact an Ordinance accepting the public improvements as part of the Borough's public facilities, subject to the posting of the Maintenance Bond required by Section 606 of this Ordinance.

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

SECTION 706 POSTING OF MAINTENANCE BOND FOR PUBLIC IMPROVEMENTS

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

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

SECTION 707 REMEDIES TO EFFECT COMPLETION OF PUBLIC AND PRIVATE IMPROVEMENTS

707.1 Completion of Public Improvements

In the event that the public improvements required to be installed by the provisions of this Ordinance are not installed in accordance with the requirements of this Ordinance or the approved final plat, Borough Council shall have the power to enforce the Performance Bond by legal and equitable remedies. If the proceeds of the Performance Bond are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by the Performance Bond, Borough Council may, at its option, install part of such improvements in all or part of the Approved Final Plan and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the Performance Bond or from any legal or equitable action brought against the contractor, or both, shall be used solely for the installation of said public improvements and not for any other municipal purpose.

707.2 Remedies to Complete Private Improvements

In the event that the private improvements required to be installed by the provisions of this Ordinance are not installed in accordance with the requirements of this Ordinance or the approved Final Plan prior to the expiration of the Amenities Bond, Borough Council shall have the power to enforce the Amenities Bond by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. if proceeds from the Amenities Bond are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such Amenities Bond, Borough Council may, at its option, install part of such improvements in all or part of the approved Final Plan and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the

Amenities Bond or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements guaranteed by such Amenities Bond and not for any other municipal purpose.

SECTION 708 FINAL INSPECTION OF PRIVATE IMPROVEMENTS

Within thirty (30) days of receiving a written notice of completion from the developer, and the as-built plans required by Section 703, the Borough Building Official and the Borough Engineer shall perform a final inspection of the private improvements to determine compliance with the Design Standards of Article IX of this Ordinance and all applicable requirements of the Borough Zoning Ordinance. The Borough Engineer and the Borough Building Official shall each sign the Certificate of Completion required by Section 709, only if all features of the approved plan have been constructed and the required as-built plans have been received.

If deficiencies are found, the Borough Building Official shall issue a written notice to the developer, including written comments from the Borough Engineer, if applicable. The developer shall proceed to make the required corrections or additions and, upon completion shall follow the same procedure of notification, inspection and approval outlined in Sections 702, 708 and 709 of this Ordinance.

SECTION 709 CERTIFICATE OF COMPLETION OF PRIVATE IMPROVEMENTS

If, upon final inspection of the site by the Borough Engineer and the Borough Building Official, the installation of all private improvements has been satisfactorily completed in accordance with the provisions of this Ordinance, all applicable provisions of the Borough Zoning Ordinance, and the terms of the approved plan, the Borough Building Official shall issue a Certificate of Completion which bears the signatures of the Borough Engineer and the Borough Building Official. The Certificate of Completion shall be prerequisite to the issuance of the permanent Certificate of Occupancy required by the Borough Zoning Ordinance.

SECTION 710 RELEASE OF AMENITIES BOND

Issuance of the Certificate of Completion of private improvements required by Section 709 shall indicate approval by the Borough of private improvements for which an Amenities Bond has been posted. Final release of the Amenities Bond shall not occur until the Certificate of Completion is issued and shall only indicate compliance with the specifications shown on the approved plan. Such approval and release of the Amenities Bond shall not imply approval by the Borough or the Borough Engineer of the method of construction or the structural integrity of the private improvements, nor shall there be any liability associated with or responsibility for maintenance of those private improvements by the Borough. A Maintenance Bond shall not be required to be posted for private improvements as a condition of release of the Amenities Bond.

SECTION 711**MAINTENANCE OF PRIVATE IMPROVEMENTS AFTER
COMPLETION**

Following issuance of the Certificate of Completion and release of the Amenities Bond, the landowner shall be responsible for maintaining all private improvements in good condition and repair to the satisfaction of the Borough. All private improvements shown on the approved land development plan shall be maintained in the location shown on the approved plan and in conformance with the specifications shown on the approved plan, unless a revised plan is subsequently approved by the Borough. Failure to continue to maintain private improvements in an approved plan or any deviation from the terms of the approved plan without prior approval of the Borough shall constitute a violation of this Ordinance and, if requirements of the Borough Zoning Ordinance, are involved, a violation of the Borough Zoning Ordinance, as well, and shall be subject to the applicable enforcement provisions of that Ordinance.

ARTICLE VIII

REQUIRED IMPROVEMENTS

SECTION 801 SURVEY MONUMENTS AND MARKERS

Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Three-eighths inch (3/8") standard iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners.

In Minor Subdivisions, Borough Council, upon recommendation of the Borough Engineer, may waive the requirement for the number of monuments.

The installation and certification shall be made by a registered surveyor prior to final approval of the subdivision. In lieu of such prior installation, the applicant shall furnish a cash deposit in the form of a certified check to guarantee the proper installation of the required monuments and bench marks. The refundable deposit shall be in an amount established from time to time by Resolution of Borough Council.

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

SECTION 802 UTILITIES

Each lot shall be served by public water and the developer shall be responsible for obtaining all necessary approvals and entering into an agreement with the water company servicing the area or its assigns to provide such facilities in accordance with its rules and regulations.

Sanitary sewers, storm sewers and drainage facilities shall be provided by the developer in each plan and shall be constructed in accordance with the Design Standards of Article IX and the Borough Construction Standards. If required by Section 908 of this Ordinance, stormwater management facilities shall be constructed in accordance with the Borough's requirements.

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

The location and type of fire hydrants shall be subject to the review and approval by the Borough Fire Marshal.

SECTION 803 STREETS

Each lot shall have frontage on a public street, as defined by this Ordinance, unless an exception or modification to this requirement is granted in accordance with the provisions of Article X of this Ordinance.

SECTION 804 SIDEWALKS

In all subdivisions and land developments, sidewalks shall be required to be installed along the full frontage of all lots under the following circumstances:

- A. In all Major Subdivisions;
- B. In all Minor Subdivisions and Land Developments where sidewalks exist in the same block on the same side of the street;
- C. On all lots with frontage on arterial or collector streets, as defined by this Ordinance;
- D. Within a land development plan proposed to be developed for more than twenty-five (25) multi-family dwelling units to accommodate pedestrian circulation between buildings and parking areas and other common facilities; and
- E. Within a land development plan proposed to be developed for office or commercial use to accommodate pedestrian circulation between buildings and parking areas and other common facilities.

Sidewalks shall be installed in accordance with the Design Standards of Article IX of this Ordinance and the Borough Construction Standards.

SECTION 805 STREET LIGHTS

The developer shall prepare a street lighting plan for submission to the power company providing service to the area. For the safety and convenience of the public, the developer shall furnish and install street lights at his/her cost which are approved by the Borough and the power company on poles prescribed by the Borough on all public and private streets.

The Borough shall indicate to the power company its willingness to accept billing for the operation of the street lights following installation by the developer.

On all arterial and collector streets and at intersections of local streets and at other locations where the Borough Council, upon recommendation of the Borough Engineer, determines street lighting is necessary for public safety, street lights shall be installed in accordance with the specifications of the regulatory agency, subject to approval by the Borough.

SECTION 806 STREET SIGNS

The developer shall provide street name signs and traffic control signs, approved by the Borough, at all street intersections. The cost of the street signs and posts shall be assumed by the developer. Street signs shall be designed in accordance with the Borough Construction Standards and shall be installed and maintained by the Borough.

ARTICLE IX

DESIGN STANDARDS

SECTION 901 APPLICABILITY

Any application for approval of a subdivision or land development shall conform to the standards set forth in this Article. The standards specified in this Article are minimum design requirements.

SECTION 902 REVIEW BY BOROUGH ENGINEER

In reviewing any application for approval of a subdivision or land development, Borough Council shall refer the application for development to the Borough Engineer for a recommendation concerning technical compliance with these Design Standards and the Borough Construction Standards.

SECTION 903 SITE DEVELOPMENT

903.1 Grading, Filling, Removal of Topsoil, Erosion and Sedimentation Control

All grading, filling, removal of topsoil and erosion and sedimentation control shall be performed in accordance with the requirements of Chapter 9 of the Code of Ordinances of the Borough (Grading and Excavating) and the requirements of the Pennsylvania Clean Streams Law and Ordinance 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Protection governing Erosion Control.

903.2 Planting and Cutting of Trees; Removal of Debris

Large shade trees shall be adequately protected from injury and preserved to the extent practical.

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

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

903.3 **Flood Prone Areas**

Land identified as flood prone on maps issued by the Federal Insurance Administration shall be subject to the regulations of the National Flood Insurance Program and shall comply with the provisions of the Borough Flood Plain Ordinance (Chapter 8 of the Code of Ordinances of the Borough).

SECTION 904 **STREETS**

904.1 **Layout**

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

Intersections of more than two (2) streets at one point shall not be permitted. Dead end streets shall not be permitted, unless the requirements of Subsections 904.5 or 904.6 are met. Half streets shall not be permitted.

904.2 **Topography**

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

904.3 **Street Grades**

Minimum and maximum grades shall be provided on all streets in accordance with the Design Standards specified in Appendix II. Grades shall be measured along the centerline of the street. Vertical curves shall be used in changes of grade exceeding one percent (1%) and shall be designed in accordance with the Design Standards specified in Appendix II. Intersections shall be approached on all sides by leveling grades for a distance of fifty (50) feet within which no grades shall exceed the Design Standards specified in Appendix II. The grade of actual intersections shall not exceed six percent (6%) in any direction.

904.4 **Right-Of-Way and Paving Widths; Curbs; Shoulders**

Minimum widths of rights of way and minimum widths of paving shall be provided in accordance with the Design Standards specified in Appendix II. All streets shall be paved in accordance with the Borough Construction Standards.

Curbs shall be provided on all streets in accordance with the Design Standards specified in Appendix II and the Borough Construction Standards.

Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and which are level with the tops of curbs.

904.5 Cut-De-Sacs

A cul-de-sac street shall not be approved when a through street is practical and shall not be more than eight hundred (800) feet in length, unless an intermediate turnaround is provided at a distance of every eight hundred (800) feet and a modification or exception to the maximum eight hundred (800) foot length of cul-de-sac is granted in accordance with the requirements of Article X of this Ordinance. The length of a cul-de-sac street shall be measured from the point of intersection of the centerlines of the two (2) intersecting streets to the back of the curb of the cul-de-sac turnaround.

A cul-de-sac shall have a minimum right of way radius and an outer minimum paving radius as specified in the Design Standards in Appendix II. The maximum grade of the turnaround portion of the cul-de-sac shall be five percent (5%).

904.6 Temporary Turnarounds

A temporary turnaround may be required where a road is constructed to an adjoining property line or where the terminus of a road adjoins property in a future phase of the plan. The temporary turnaround shall be paved. The right of way width required for a temporary turnaround shall be a minimum of one hundred (100) feet and the paving radius of the temporary turnaround shall be forty (40) feet, exclusive of the required curb.

904.7 Visibility

No fence, hedges, shrubbery, walls, planting (other than trees and grass) or similar obstructions shall be located within the right of way and no such obstruction shall obscure visibility at any intersection. The location of fences and walls shall be further subject to the requirements of the Borough Zoning Ordinance.

A clear sight triangle, as defined by this Ordinance, shall be maintained free of any obstructions at intersections so that there shall be a minimum clear sight triangle measured along the centerline from the points of intersection in accordance with the requirements specified in Appendix I. The clear sight triangle shall be shown on the final plat for recording.

904.8 **Street Names**

All new street names shall be approved by the Borough and the Post Office. Names of new streets shall be sufficiently different in sound and spelling from existing names of streets in the Borough or in the 911 service area so as not to cause confusion. A street which is planned as a continuation of an existing street shall bear the same name. Street signs shall be provided in accordance with Section 806 of this Ordinance.

904.9 **Sidewalks**

The width of sidewalks shall conform to the standards specified in Appendix II. Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exists, shall be located a minimum of two (2) feet from the edge of any curb or paving where practical. The grade and paving of the sidewalk shall be continuous across driveways. Concrete sidewalks shall be four (4) inches reinforced, except at driveway crossings where the thickness shall be increased to six (6) inches and be reinforced with 6" x 6" mesh - No. 9 gauge. All sidewalks shall be constructed in accordance with the Borough Construction Standards.

904.10 **Crosswalks**

Crosswalks may be required wherever necessary to facilitate pedestrian circulation and to give access to community facilities such as parks, playgrounds, schools or public buildings.

SECTION 905 **SERVICE STREETS**

Service streets, as defined by this Ordinance, may be permitted in commercial and industrial developments where needed for loading, unloading or secondary access. Service streets shall be constructed in accordance with Borough Construction Standards and shall meet the minimum design standards shown in Appendix I for local streets, except that the minimum right of way width may be reduced to thirty (30) feet and the minimum cartway width may be reduced to twenty (20) feet.

SECTION 906 **EASEMENTS**

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

SECTION 907 LOTS

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

907.1 Area

Minimum lot areas shall conform to the requirements of the Borough Zoning Ordinance.

When a tract is subdivided into lots that are larger than the minimum lot area required by the Zoning Ordinance, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provisions for adequate utility connections for each subdivision.

907.2 Frontage

All lots created by a subdivision shall have frontage along the right of way of a public street and the width of the frontage shall conform to the requirements of the Borough Zoning Ordinance. Every lot shall be accessible to emergency service, public safety and firefighting vehicles and equipment.

907.3 Double Frontage

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

907.4 Side Lines

Whenever practical, the side lines of a lot shall be at right angles or radial to the right of way lines of streets.

907.5 Front Building Lines

Front building lines of lots shall conform to the minimum requirements of the Borough Zoning Ordinance and shall be shown on the Final Plat.

907.6 Grading of Lots

Lots shall be graded to provide drainage away from buildings and water shall be drained to the street, rather than to adjoining property. The developer shall be required to provide drains or other drainage facilities, as approved by the Borough Engineer, to drain off surface water within the development. All grading shall comply with the requirements of Chapter 9 of the Code of Ordinances of the Borough (Grading and Excavating).

907.7 **Driveways**

No driveway shall have a slope of more than twelve percent (12%). Driveways may extend from the right of way line of the street to the cartway of the street, but shall not change the grade or contour of the street right of way, nor shall any person cut into, fill, or in any way alter any gutter, curbing, drainage ditch or storm sewer, within the right of way of a street or easement for the purpose of extending a driveway; or for any other purpose without first obtaining a permit therefor from the Borough. All curb cuts shall conform to Borough specifications. Paved driveways shall have a joint at the public street right of way. Driveways shall not be constructed in such a way that creates a drainage problem on adjoining property. No catch basin shall be placed where a driveway intersects a street.

Driveways intersecting Borough streets shall have an improved surface with a minimum thickness of four inches (4") bituminous concrete or six inches (6") cement concrete. Driveways intersecting State roads shall be constructed in accordance with the Pennsylvania Department of Transportation Design Manual, Part 2, Ordinance 18. Driveways intersecting County roads shall be subject to a permit from the Allegheny County Department of Public Works.

Driveways which are shared among two (2) or more lots shall have a minimum improved surface twelve (12) feet in width. Common driveways shall be within a recorded easement at least fifteen (15) feet in width and shall be subject to a recorded agreement for maintenance which is noted on the plat and referenced in the deeds for each lot the driveway serves.

907.8 **Accessibility**

Every lot, building and structure shall be accessible to emergency and public safety vehicles.

907.9 **House Numbers**

House numbers shall be assigned by the developer, subject to the approval of the U. S. Postal **Service. House numbers shall be posted at each house so as to be readable** from the street and shall be comprised of arabic numerals at least **three (3) inches high and with a minimum width stroke of one-half (1/2) inch.**

SECTION 908 STORMWATER MANAGEMENT

Stormwater management facilities shall be provided for subdivisions and land developments and shall be designed to ensure that the maximum rate of stormwater runoff from the site shall be no greater after development than is the rate of runoff from the site prior to development.

908.1 Design Calculations and Reports

Stormwater runoff and design calculations shall be submitted to the Borough Engineer for review and approval with the application for combined Preliminary and Final Approval of a land development plan. Cross sections and specifications showing complete construction details shall be submitted with the application for Final Approval.

The stormwater runoff and design calculations shall be prepared by a Pennsylvania registered engineer with qualifications and experience in preparing stormwater management plans.

Additional analysis, calculations and design criteria shall be required for both on-site and off-site stormwater systems where it has been determined by the Borough Engineer that further study is necessary.

Stormwater runoff calculations shall be provided 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.

908.2 Exemptions for Small Developments

At the time of application, the Borough Engineer shall determine if the development qualifies as a "small development" and, therefore, is eligible for a simplified stormwater plan submission. For the purposes of this Ordinance, a small development is:

Any development which results (or will result when fully constructed) in the creation of 5,000 square feet or less of impervious surface area.

A small development shall be exempt from the preparation of a stormwater management plan as required by Section 908.3 of this Ordinance. However, such developments shall provide safe management of stormwater management in accordance with the performance standards of this Ordinance and as approved by the Borough Engineer.

Applications for small developments shall include a plan which describes, narratively and graphically, the type and location of proposed on-site stormwater management techniques or the proposed connection to an existing storm sewer system. The plan shall be prepared by a registered professional engineer.

The Borough Engineer shall review and approve the proposed provisions for stormwater management for small developments. Where the applicant is proposing to connect to an existing storm sewer, the applicant's engineer shall determine that sufficient capacity exists

in the storm sewer from the point of connection to the point of outlet in the natural drainage system. The applicant's engineer shall also determine if the proposed development site is part of a larger parcel or tract which was subject to any specific stormwater management controls contained in a prior plan.

For a parcel or tract of land held in single ownership, only one (1) application for a small development, as defined above, shall be permitted before requiring a stormwater management plan for the entire parcel.

908.3 Stormwater Plan Content

The Stormwater Management Plan for all developments except small developments, as defined in §908.2, shall consist of the following three (3) components:

A. Narrative Report

The Narrative Report shall consist of a general statement of the project giving the purpose and engineering assumptions and calculations for control measures and facilities. The following information shall be included.

1. General description of the project.
2. General description of accelerated runoff control plan.
3. General description of erosion and sedimentation control plan.
4. Expected project time schedule, including anticipated start and completion dates.
5. Location and watershed characteristics.
6. Hydraulic and hydrologic calculations, methodology and basis of design.
7. Brief soils description.

B. Preliminary Plan

The preliminary plan shall provide, and be accompanied by, maps and other descriptive material indicating the feasibility of the plan and showing the following:

1. A key map showing the development site's location within the designated watershed and watershed subsheds (consult watershed stormwater plans for boundaries). On all site drawings, show the

boundaries of the watershed(s) and subarea(s) as they are located on the development site and identify the watershed names and/or subshed numbers.

2. Location of the 100-year floodplain on the development site based on the Castle Shannon Borough Flood Insurance Study Maps or a determination by the applicant's engineer.
3. An overlay showing soil types and boundaries within the development site.
4. The streets, storm sewers and other storm drains to be built, the basis of their design, the outfall and outlet locations and elevations, the receiving stream or channel and its high water elevation and the functioning of the drains during high water conditions.
5. The parts of the proposed parking area pavements, if any, which are planned to be depressed to provide stormwater storage or conveyance. A maximum of six inches (6") depth of water may be ponded in a proposed parking area.
6. Existing streams and watercourses to be maintained and new channels to be constructed, their locations, cross-sections and profiles.
7. Proposed culverts and bridges to be built, if any, their materials, elevations, waterway openings and basis of design.
8. Existing detention ponds and basins to be maintained, enlarged or otherwise altered and new ponds or basins to be built and the basis of their design.
9. The approximate location and percentage of the total land area in the development which will be covered by impervious surfaces after construction is completed.
10. The slope, type and size of all proposed and existing storm sewers and other waterways.
11. Existing contours at intervals of two (2) feet except in areas with slopes greater than ten percent (10%) in which case five (5) foot contour intervals may be used.

12. All natural features, including bodies of water (natural and artificial), watercourses (permanent and intermittent), swales, wetlands and other natural drainage courses on the development site and those off-site which will be affected by runoff from the development.
13. Approximate depth, shape, size and storage of any proposed retention facility.
14. One or more typical cross-sections of all existing and proposed channels or other open drainage facilities, showing the elevation of the existing land and the proposed changes thereto, together with the high water elevations expected from the 100-year storm under the controlled conditions called for by this Ordinance and the relationship of structures, streets and other utilities.
15. A site plan showing the property lines, dimensions of the site and location of existing and proposed structures, sewers, waterlines, easements and rights-of-way.
16. Certification of the registered professional engineer responsible for preparation of the plan.
17. A list of the permits and approvals relative to stormwater management that will be required from other governmental agencies and anticipated dates of submission and receipt. Copies of the applications may be requested by the Borough Engineer where they may be helpful for the stormwater plan review.

C. Final Plan

Upon approval of the preliminary plan, the final plan shall be submitted to the Borough. The final plan shall provide all descriptive material and maps previously submitted and required prior to the final plan, in addition to the following items:

1. All calculations, assumptions and criteria used in the design of the storm sewer system, detention facilities and sediment and erosion control operations. Hydraulic and energy grade lines shall be provided for proposed storm sewers.
2. All plans and profiles of proposed storm sewers and open channels, including horizontal and vertical controls, elevations, sizes, slopes and materials.

3. Locations, dimensions and design details required for the construction of all facilities.
4. For all detention basins, a plot or tabulation of storage volumes with corresponding water surface elevations and basin outflow rates for those water surface elevations.
5. For all detention basins, design hydrographs of inflow and outflow for the peak design flows from the site under natural and developed conditions.
6. A description of operation for all detention basins.
7. Contours of the finished project site at intervals of two (2) feet, except in areas with slopes greater than ten percent (10%), in which case, five (5) foot contour intervals may be used.
8. The staging of earthmoving activities and program of operation, including a schedule for the installation of all temporary and permanent stormwater control measures and devices.
9. All information relative to the design and operation of emergency spillways.
10. Emergency routing of outfall for stormwater runoff in the event of failure of off-site drainage structures.
11. When major control facilities, such as retention basins, requiring a PA DEP permit, are planned, soil structures and characteristics shall be investigated. Plans and data prepared by a licensed professional engineer or geologist with experience and education in soil mechanics shall be submitted. These submissions should consider and offer design solutions for frost heave potential, shrink/swell potential, soil bearing strength, water infiltration, soil settling characteristics, fill and backfilling procedures and soil treatment techniques as required to protect the improvements or structures.
12. All erosion and sedimentation control measures, temporary, as well as permanent, in sufficient detail to clearly indicate the effectiveness of the plan.
13. Project specifications relative to stormwater control, erosion and sedimentation.

D. Maintenance Plan

A maintenance plan establishing ownership and maintenance responsibilities for all stormwater control facilities (identifying the specific person or entity responsible) and detailing financial requirements and sources of funding shall be submitted with the Final Plan. Any legal agreements or covenants required to implement the maintenance program shall be submitted. A maintenance schedule shall be submitted in accordance with the Standardized Maintenance Schedule in Appendix III.

908.4 General Standards

The following provisions shall be considered the over-riding performance standards against which all proposed stormwater control measures shall be evaluated:

A. Any landowner and any person engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures as are reasonably necessary to prevent injury to health, safety and other property. Such measures shall include, but not be limited to, such actions as are required to:

1. Assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities.
2. Manage the quantity, velocity and direction of resulting stormwater runoff in a manner which will not adversely impact the health on, or value of, any affected properties.

B. Design Storms

1. Stormwater management facilities within a development shall be designed to handle the peak rate of runoff from two (2) year, five (5) year, ten (10) year, twenty-five (25) year and one hundred (100) year frequency storm events. Whenever the provisions of Federal or State law impose a greater design storm frequency, as for example, where drainage systems cross highways, the stricter standards shall prevail.
2. All stormwater retention/detention facilities shall be designed with emergency overflow facilities for the 100-year, 24-hour duration storm.
3. The stormwater volume required for all stormwater retention/detention facilities shall be that volume necessary to handle runoff of a 100-year storm in any development, less that volume discharged during the same storm period used to calculate the volume of rainfall, at the approved release rate.

4. The SCS, Type II Rainfall Distribution shall be used for all analyses. The design storm frequencies for the watershed are:

<u>Design Storm</u>	<u>Rainfall Depth</u> <u>24 Hours</u>
2 year	2.6 inches
5 year	3.3 inches
10 year	3.8 inches
25 year	4.4 inches
100 year	5.0 inches

- C. The Stormwater Management Plan shall consider all of the stormwater runoff flowing over the project site. Runoff calculations shall be made to insure that runoff from the fully developed upstream watershed area (based on the Borough's Comprehensive Land Use Plan) can be accommodated by the pipes, drainage easements and watercourses, etc. on *the* site.

D. Joint Development of Control Systems

Stormwater control systems may be planned and constructed in coordination with two (2) or more developments, provided they are in compliance with the applicable provisions of this Ordinance.

E. Method of Computation

All computations used in conjunction with the analysis and design of stormwater management facilities shall be based on one (1) or more of the following methods:

1. TR-55-Soil Conservation Service Technical Release No. 55
2. TR-20-Soil Conservation Service Technical Release No. 20
3. Modified Rational Method
4. Penn State Runoff Model

These methods for determining peak discharge shall be used to:

- a. determine pre-development runoff conditions;
- b. analyze the impact of development; and
- c. perform calculations in the design of any detention/retention facilities used in controlling runoff.

These methods of runoff computation developed and used by the Soil Conservation Service and other authorities are hereby adopted by the Borough.

The use of the Basic Rational Method in estimating runoff may be employed in the design of the storm sewer system within the development. The storm sewer system shall be interpreted as the conduits, culverts, inlets and appurtenant features for the conveying of stormwater to, through or from a development site to the point of final discharge or control facility. The Rational Method shall not be used in the analysis of stormwater runoff from the development in its entirety or in conjunction with the design of any retention/detention facilities or other runoff control measures.

F. Release of Detained Stormwater

The approved peak release rate of stormwater from all retention/detention facilities for any storm event shall be that which is experienced prior to development for the same storm event up to and including the 100-year storm. Therefore, all retention/detention facilities shall provide staged release of the 2, 5, 10, 25 and 100-year storms.

G. Design of stormwater management facilities outlined in the plan requires that runoff calculations be made for the site and areas which contribute drainage to the site. These calculations should be based on land use, time of concentration and other standard aspects of hydraulic analysis.

1. Temporary Control Measures/Facilities

Runoff calculations of the site's condition during development will be used to size temporary control measures.

2. Permanent Control Measures/Facilities

In most cases, permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities, utilizing the 100-year storm as a basis for calculations.

H. Runoff calculations shall also include complete hydrology and hydraulic analysis of all erosion control facilities, including, but not limited to:

1. Velocities of flow, slopes, capacity and roughness co-efficient of conduits and grassed waterways.
2. Capacity of sediment basins and permanent holding ponds.

I. Single Family Lots

Retention facilities shall be constructed for any proposed single family lot developments or single family lots located in a subdivision or land development which for terrain reasons cannot utilize the subdivision or land development's retention systems. Retention facilities shall consist of gravel filled sumps, ponds, tanks or other approved facilities, sized in accordance with standard details in the Borough Construction Standards. Refer to Figures SWM 6, 6-A and 7 for minimum volume size per single residence roof area.

Storage volumes for roof areas greater than 5,000 square feet shall be calculated using the methods outlined in Section 908.4-E.

All stormwater retention facilities shall be located at least ten (10) feet from foundation walls in a location approved by the Building Official. All pipe from roof drains to a point ten (10) feet from the structure shall be a minimum Schedule 40 PVC pipe or approved equal.

908.5 Construction Criteria for Stormwater Control Facilities

Stormwater management facilities shall be constructed in accordance with the following minimum specifications:

- A. All workmanship and materials shall conform to the Borough Construction Standards. In addition, all workmanship and materials shall conform to the latest edition of Penn DOT Form 408.
- B. All connections to existing storm sewer pipes shall be made by construction of a suitable junction box (inlet or manhole) to provide access for clean-out. No blind connections shall be permitted.
- C. All pond outlet structure pipes shall have suitable gaskets to prevent leakage and piping of water through the pond embankment.
- D. All pipe outlets shall discharge onto a stone rip-rap blanket to prevent erosion of soil. Rip-rap will be sized considering pipe exit velocities.
- E. Controls shall be installed at initial stages of earthmoving and otherwise as outlined in the staging of earthmoving activities section of the erosion and sedimentation control plan.
- F. The discharge of stormwater runoff shall be to a well-defined drainage course which has a defined bed and bank. If stormwater runoff cannot be

discharged to a defined drainage course, documentation of written permission from each downstream landowner shall be provided for all properties between the source of discharge and the defined drainage course.

- G. All stormwater detention facilities shall be enclosed by a fence which is a minimum of six (6) feet in height with a locking gate of sufficient width to provide access for maintenance vehicles.
- H. All storm sewers shall be laid with a full moon, to line and grade with no horizontal or vertical deflection.
- I. The minimum pipe size shall be fifteen (15) inches.
- J. The minimum pipe slope shall be one percent (1%).
- K. The minimum cleansing velocity shall be 2.0 feet per second.

908.6 Maintenance Criteria for Stormwater Control Facilities

Maintenance is an essential part of the successful functioning of a stormwater management system and the following shall be required:

A. Maintenance During Development

Maintenance during development of a project shall be the responsibility of the developer and/or landowner and shall usually include, but shall not be limited to:

1. Removal of silt from all debris basins, traps or other structures or measures when forty percent (40%) of capacity is filled with silt.
2. Disposal of collected silt in a manner which will not adversely affect the environment.
3. Periodic maintenance of temporary control facilities such as replacement of straw bale dikes, straw filters or similar measures.
4. Establishment or re-establishment of vegetation by seeding and mulching or sodding of scoured areas where vegetation has not been successfully established. A developer or landowner retains this obligation as to property he or she has developed or improved even if the proper season for "seeding" occurs initially sometime after the project is otherwise completed in whole or as to a particular phase.

5. Installation of necessary controls sufficient to protect against problems caused by storm events within design frequencies.
6. Removal of all temporary measures upon completion of the project.

B. After Acceptance of the Plan by the Borough

In the event that the Borough accepts public improvements in the plan, except in cases where an agreement between the developer and the Borough have been executed to the contrary, the maintenance shall be the responsibility of the landowner and shall include, where necessary:

1. Mowing to maintain adequate stands of grass and to control weeds. Chemical weed control may be used if State and Borough regulations are met. Selection of seed mixtures shall reflect the type specified in the Borough Construction Standards.
2. Removal of silt from all permanent structures which trap silt or sediment to keep this material from building up in grassed waterways and other permanent structures, thereby reducing their capacity.

C. It shall be the responsibility of the landowner to inspect all permanent facilities to see that corrective action is taken where necessary.

D. Stormwater facilities located on private property shall be maintained by the landowner or his agent; however, this does not relieve the landowner or his agent of the obligation to inspect their own facilities. The Borough reserves the right to enter upon private property to make periodic reasonable inspections and to require the landowner to take necessary corrective actions. An easement shall be recorded granting access over private property to the stormwater facilities.

908.7 Stormwater Culverts

Stormwater culverts, bridges and similar structures serving public streets, access driveways or other vehicular rights-of-way shall be designed to support HS-20 loading and any other imposed loadings necessary without structurally damaging the drainage system. Stormwater culverts, bridges or other structures which do not serve vehicular traffic shall be designed to support the necessary loading without structurally damaging the pipe or affecting its capacity for drainage. Said design shall be approved by the Borough Engineer and shall comply with the following requirements.

A. Conduit size of culverts and other enclosed components of a stormwater drainage system shall be based on computed hydrologic and hydraulic data

and computations shall be approved by the Borough Engineer. The minimum size of any enclosed structure to be maintained by the Borough shall be fifteen (15) inches in diameter. The minimum size of any enclosed structure to be privately maintained shall be fifteen (15) inches in diameter, unless the design calculations, approved by the Borough Engineer, justify a lesser size.

- B. The design of any enclosed drainage course shall provide a minimum cleaning velocity of two (2) feet per second. When the design provides for a maximum velocity greater than ten (10) feet per second, the enclosed components shall be lined or protected to prevent scour.
- C. The design of headwall and endwall structures for enclosed stormwater facilities shall be approved by the Borough Engineer and shall be in accordance with the Borough Construction Standards.
- D. Energy dissipaters shall be required at the outlet side of all enclosed culverts or similar components and shall be designed in accordance with the Borough Construction Standards.
- E. The type of materials used for enclosed culverts and similar components shall comply with the Borough Construction Standards. No stormwater facility shall be enclosed or covered over until the Borough Engineer has inspected the construction.

908.8 Open Stormwater Drainage Courses

Open stormwater drainage courses shall be designed for a maximum velocity not to exceed ten (10) feet per second and a minimum velocity of five (5) feet per second. A minimum velocity of three (3) feet per second may be authorized by the Borough Engineer where a greater slope cannot be achieved to permit the standard required minimum velocity. An open stormwater drainage course shall include a lining (rip-rap, concrete or bituminous) to prevent erosion. The applicant shall obtain approval from the Allegheny County Soil Conservation Service, if required.

SECTION 909 STORM SEWERS AND DRAINAGE FACILITIES

909.1 Size and Grade

Storm drains shall be adequate for the anticipated run-off when the area is fully developed. The minimum diameter of storm sewers shall be fifteen (15) inches, and the minimum grade shall be one percent (1%), unless recommended by the Borough Engineer and approved by Borough Council in accordance with the procedure specified in Article X of this Ordinance.

909.2 **Manholes**

For all pipe sizes, manholes shall be spaced at a maximum of two hundred and fifty (250) feet. In addition, manholes shall be installed at all points of abrupt changes in horizontal alignment and vertical grade. Inlets may be substituted for manholes where practical.

909.3 **Inlets**

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

909.4 **Castings**

Manholes and inlet castings shall be as indicated in the Borough Construction Standards.

909.5 **Stormwater Roof Drains**

All roof drains shall discharge to an on-lot sump or to a storm sewer system which is controlled by a detention pond. Outlets from roof drain sumps shall not discharge directly onto fill slopes. Outlets shall not discharge directly to the gutter line of any street.

All pipe from roof drains shall be a minimum four inch (4") Schedule 40 ABS, PVC or SDR 35 pipe. Four inch (4") Schedule 40 PVC or ABS pipe is required for a distance of ten (10) feet from the foundation of the dwelling. No stormwater drainage system shall be permitted to discharge into any sanitary sewer system. No pipes shall be permitted to be constructed through any curbing on any public street.

909.6 **Unnatural Drainage**

All points of concentrated flow discharge shall outlet directly to a well-defined drainage channel. Whenever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners shall be obtained in writing. Approval of plans by the Borough shall not authorize or sanction drainage affecting adjoining properties.

909.7 **Water Courses**

Open water courses shall not be permitted within the rights of way of streets. The stopping, filling up, confining or other interference with, or changing the course of, drains, ditches, streams and water courses in the Borough shall not be permitted unless approval in writing is obtained from Borough Council. A permit shall be obtained from the Department of Environmental Protection (DEP) of the Commonwealth of Pennsylvania for construction or changes in a water course subject to the regulations of the Pennsylvania Department of Environmental Protection.

909.8 Bridges and Culverts

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

SECTION 910 SANITARY SEWERS

910.1 Installation

Installation of sanitary sewers and appurtenances shall be in accordance with the Borough Construction Standards and the regulations of the PA Department of Environmental Protection (PA DEP) and subject to the approval of the Borough Engineer. All utility stubs shall be extended to the street right-of-way line.

910.2 Minimum Size and Grade

The minimum diameter of sanitary sewers shall be eight (8) inches and the minimum grade shall be (1.0) percent.

910.3 Laterals

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

SECTION 911 WATER SUPPLY

The developer shall connect to the public water supply and construct a system of water mains with a connection for each lot.

SECTION 912 ADDITIONAL STANDARDS FOR PRIVATE IMPROVEMENTS IN LAND DEVELOPMENT PLANS

In addition to all applicable design standards specified in Sections 901 through 911 and 913 through 914, all land developments shall comply with the following design standards:

912.1 Lighting of Property

Parking and pedestrian areas on the property shall be lighted to create a level of not less than one (1) footcandle when measured three (3) feet above the pavement throughout the paved areas on the property. Such lighting may be from freestanding lamp posts within

the parking areas, from nearby street lights or from lights mounted on buildings. Lighting shall be shielded or aimed so as not to create glare conditions on adjacent streets or properties. Lighting shall be designed so that spillover lighting on adjacent properties shall not occur.

Light standards in parking areas shall be protected from accidental damage by vehicles.

912.2 Landscaping

All areas of the property not paved or occupied by buildings shall be landscaped and maintained in grass, shrubs, trees, ground cover, mulching materials or other natural materials planted in accordance with accepted minimum standards. At least five percent (5%) of the total area of the property shall be set aside for landscaping. Lot areas not covered by buildings, sidewalks, pavement or other improvements shall be seeded with grass or other appropriate ground cover material compatible with the landscape and architectural design and condition of the surrounding areas. Landscaping materials shall not obstruct sight distances at access points to the property.

Where required by the Borough Zoning Ordinance, Buffer Areas shall be provided which comply with the design standards specified in the Zoning Ordinance. A landscaping plan shall be submitted which shows compliance with this Ordinance, any Buffer Area requirements and required landscaping and screening of parking areas and loading areas.

912.3 Garbage and Trash Containers

All organic rubbish and discarded materials shall be placed in tight vermin proof containers on the property and shall be secured in side or rear yards screened from public view by means of a solid face fence or wall. Containers shall be emptied not less frequently than once a week. On properties where food is served in paper containers, covered waste receptacles shall be conspicuously located on the premises for use by patrons. The management shall be responsible for maintaining the property free of litter.

912.4 Parking Areas

Parking areas shall be designed in accordance with the provisions of the Borough Zoning Ordinance. Ingress and egress and interior circulation on the site shall be designed to ensure safety and minimize congestion. Adequate provision shall be made for safe pedestrian circulation within the parking areas and from the parking areas to the buildings. Fire lanes shall be adequately marked and maintained in locations approved by the Borough.

SECTION 913 HANDICAPPED ACCESSIBILITY

All subdivision and land development plans shall be designed to meet the current standards of the Commonwealth and Federal law with respect to handicapped accessibility and verification of compliance shall be provided to the Borough by the applicant.

SECTION 914 TESTING

Upon installation, manholes shall be vacuum tested and all sanitary sewer lines shall be lapped and air tested by the developer in the presence of the Inspector. Air tests shall be conducted in accordance with the Borough Construction Standards.

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

Copies of the test reports shall be provided to the Borough Engineer and to the Borough Manager.

ARTICLE X

WAIVERS AND MODIFICATIONS

SECTION 1001 WAIVERS FOR REVISIONS TO PREVIOUSLY RECORDED PLANS

in the case of lot line adjustments involving no more than three (3) lots of record in plans previously approved by the Borough and recorded in the Office of the Allegheny County Recorder of Deeds, the preliminary and final application requirements of Article III shall be waived and the approval of the revised plat for recording shall be granted by the Borough Manager, subject to the recommendation of the Borough Engineer, provided that all lots comply with the minimum requirements of the Borough Zoning Ordinance (Chapter 27 of the Code of Ordinances of the Borough). The Borough Manager shall authorize the proper offices of the Borough to sign the plat for recording purposes.

SECTION 1002 WAIVER FOR TRANSFER OF OWNERSHIP OF UNBUILDABLE PARCELS

A one time transfer of property between adjoining landowners shall be permitted without recording a plan of subdivision, provided that:

- A. The property to be transferred either:
 - 1. Results from the abandonment or vacation of a public or private right-of-way.
 - 2. The total area of the property to be transferred does not exceed five hundred (500) square feet and does not exceed five percent (5%) of the total area of the property from which it is to be transferred.
- B. The transfer of the property will not create any nonconforming lots or nonconforming structures, as defined and regulated by the Borough Zoning Ordinance (Chapter 27 of the Code of Ordinances of the Borough).
- C. The property to be transferred is unbuildable **under the applicable** Borough Ordinances.
- D. The deed conveying the property makes reference to the fact that the property described in the deed is unbuildable under the applicable Borough Ordinances.

SECTION 1003 WAIVER OF CERTAIN APPLICATION REQUIREMENTS FOR MINOR SUBDIVISIONS AND MINOR LAND DEVELOPMENTS

In Minor Subdivisions and Minor Land Developments, where existing conditions are well defined, the Planning Commission, upon recommendation of the Borough Engineer, may exempt the applicant from complying with some of the requirements of §304 and §504 regarding application content, if warranted. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this Section shall submit a written request when submitting an application for Preliminary and Final Approval. The Planning Commission, may grant a waiver to any of the application requirements of §304 and §504 of this Ordinance, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable County or State law or regulation. In the event that the Planning Commission does not grant a waiver of the application requirements, the application shall be considered incomplete and the Commission shall return the application for resubmission and compliance with all requirements of §304 and §504.

SECTION 1004 MODIFICATIONS IN CASES OF PHYSICAL HARDSHIP

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

In granting a request for a modification in the case of physical hardship, Borough Council shall make the following findings:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the remainder of the subdivision or land development or in the neighborhood in which the property is located.
- (b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Ordinance and that the authorization of a modification is therefore necessary to enable the reasonable use of the property.

- (c) That such unnecessary hardship has not been created by the applicant and that the hardship is not solely economic.
- (d) That the modification, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.
- (e) That the modification, if authorized, will represent the minimum modification that will afford relief and will represent the least modification possible of the regulation in issue.

In granting a request for a modification, Borough Council may attach such reasonable conditions and safeguards as it may deem necessary to protect the public interest.

Modifications in cases of physical hardship shall not be granted by Borough Council, unless a favorable recommendation is received from the Borough Engineer and the Borough Planning Commission.

Borough Council shall have the authority to consider modifications in cases of physical hardship only in the case of requirements of this Ordinance which do not involve zoning regulations. Relief from any provision of the Borough Zoning Ordinance shall be within the sole discretion of the Zoning Hearing Board.

SECTION 1005 MODIFICATIONS TO ALLOW EQUAL OR BETTER SPECIFICATIONS

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

SECTION 1006 PROCEDURE FOR AUTHORIZING MODIFICATIONS

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

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

If the Planning Commission or Borough Engineer has not made a recommendation on the request for modification, Borough Council shall refer the request to the Planning Commission and/or Borough Engineer for a recommendation prior to taking action on the request. In all cases, the Planning Commission recommendation and Borough Engineer's recommendation shall be entered into the official record of the meeting.

The reasons relied upon by Borough Council in approving or disapproving the request also shall be entered into the minutes of the meeting and any Resolution or Ordinance adopted governing an application which contains a request for a modification shall include specific reference to the modification and the reasons for approval or disapproval.

If a modification is granted by Borough Council, a notation shall be placed on the final subdivision plat for recording or the land development plan granted Final Approval which indicates the nature of the modification granted and the date of approval of the modification by Borough Council.

ARTICLE XI

ADMINISTRATION AND ENFORCEMENT

SECTION 1101 APPLICATION FILING REVIEW AND INSPECTION FEES

All applications submitted for approval of a subdivision or land development shall be subject to the following fees:

1101.1 Application Filing Fees

A schedule of application filing fees shall be established, from time to time, by Resolution of Borough Council. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development and shall be payable to the Borough at the time of submission of the application.

1101.2 Application Review Fees

An application review escrow deposit in an amount established from time to time by Resolution of Borough Council also shall be payable at the time of submission of the application to guarantee payment of the estimated application review fees required by this Subsection. The actual amount of the review fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Borough. Any monies remaining in the escrow account after all review fees have been paid shall be returned to the applicant.

Failure to pay the required escrow deposit or any additional review fees required by this Subsection shall cause the application to be determined to be incomplete and the application shall not be scheduled for review by the Planning Commission or Borough Council until such fees are paid.

Application review fees shall include reasonable and necessary charges by the Borough's professional consultants or the Borough Engineer for review and report on the application to the Borough. Such review fees shall be based upon a schedule established from time to time by Resolution of Borough Council. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or other professional consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Borough Engineer or other professional consultants to the Borough when fees are not reimbursed or otherwise imposed on applicants.

In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Borough Manager that such fees are disputed, in which case the Borough shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Borough shall follow the procedure for resolution of disputes as set forth below in Subsection 1101.3 of this Ordinance.

1101.3 Inspection Fees

The applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established from time to time by Resolution of Borough Council. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Borough Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.

An inspection fee escrow deposit in an amount established from time to time by Resolution of Borough Council shall be payable at the time of execution of the Development Agreement required by Section 413 of this Ordinance to guarantee payment of the estimated inspection fees required by this Section. The actual amount of the inspection fees in excess of the escrow deposit shall be payable within ten (10) days of billing by the Borough. Any monies remaining in the escrow account after all inspection fees have been paid shall be returned to the applicant.

In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Borough Manager that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.

If within twenty (20) days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

In the event that the Borough and the applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Borough is located or if at the time there be no President Judge, then the

senior active judge then sitting shall appoint such engineer, who, in that case, shall be neither the Borough Engineer nor any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding five (5) years.

The fees of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay one-half (%) of the fee of the appointed professional engineer.

SECTION 1102 PROCEDURE FOR AMENDMENTS

Borough Council may, from time to time, amend this Ordinance in accordance with the following provisions:

1102.1 Planning Commission Review

In the case of amendments other than those prepared by the Borough Planning Commission, Borough Council shall submit the proposed amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on the proposed amendment.

1102.2 County Planning Agency Review

The proposed amendment shall be submitted to the Allegheny County Department of Economic Development for review and recommendations at least thirty (30) days prior to Borough Council's public hearing on the amendment.

1102.3 Public Hearing

Amendments to this Ordinance shall become effective only after a public hearing conducted by Borough Council which is held pursuant to public notice, as defined herein.

1102.4 Publication, Advertisement and Availability of Ordinance

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

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

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

1102.5 Filing After Enactment

Within thirty (30) days after adoption, the Borough Manager shall forward a certified copy of the amendment to the Allegheny County Department of Economic Development.

SECTION 1103 APPEALS

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

SECTION 1104 PREVENTIVE REMEDIES

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

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

- A. The owner of record at the time of such violation.
- B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough 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.

SECTION 1105 ENFORCEMENT REMEDIES

Any person, partnership or corporation who or which has violated the provisions of this Ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

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

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

SECTION 1106 CONFLICTS OF LAWS

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

SECTION 1107 SEPARABILITY

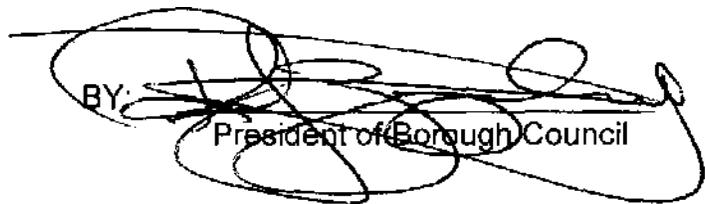
If any provision of this Ordinance, or the application of any provision thereof to particular circumstances, is held invalid, the remainder of this Ordinance, or the application of such provision to other circumstances, shall not be affected.

SECTION 1108 EFFECTIVE DATE

This Ordinance shall become effective immediately upon enactment by Borough Council of the Borough of Castle Shannon.

ORDAINED AND ENACTED into law this 8th day of -1011 2001.

Borough of Castle Shannon

BY: 
President of Borough Council

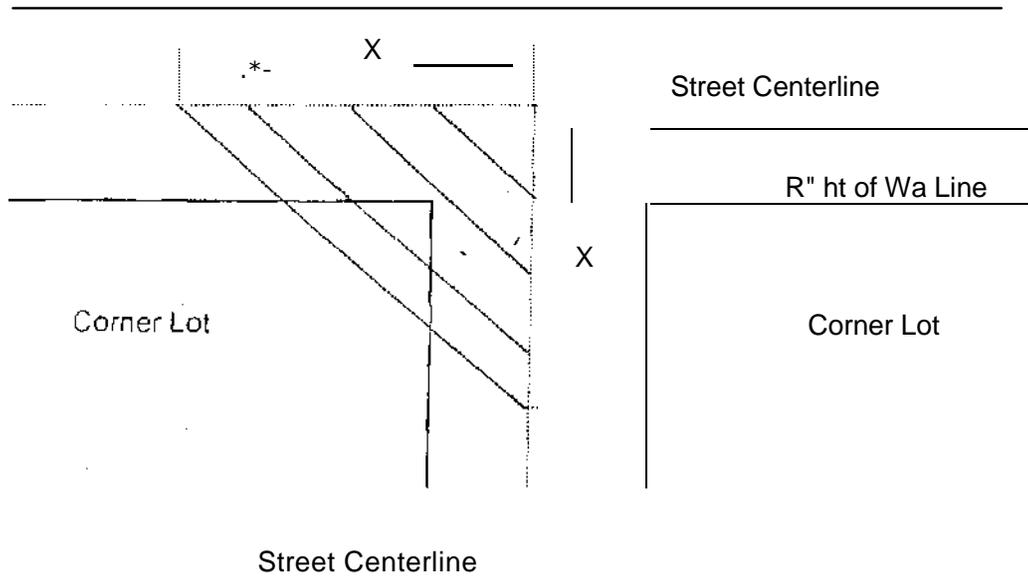
ATTEST:


Borough Manager

BOROUGH OF CASTLE SHANNON

APPENDIX I

CLEAR SIGHT TRIANGLE



* X = The Distance Required By Appendix II

VISIBILITY AT INTERSECTIONS

BOROUGH OF CASTLE SHANNON

APPENDIX II

STREET DESIGN STANDARDS

	<u>TYPE OF STREET *</u>		
	<u>Arterial Street</u>	<u>Collector Street</u>	<u>Local Street</u>
Right-of-Way Widths (Radius)	80'	60'	50'
Cul de Sac Right-of-Way Radius	NA **	NA **	50'
Angle of Street Intersection	90°	80°	70°
Cartway Paving Width (Back of Curb to Back of Curb)	36'	26'	24'
Cul de Sac Paving Radius	NA **	N/A **	40'
Minimum Street Grade	1.0%	1.0%	1.0%
Maximum Street Grade	6.0%	10.0%	12.0%
Maximum Leveling Grade (For 50' before nearest right-of-way of street being intersected)	6.0%	6.0%	6.0%
Curb Return Radius	45'	35'	25'
Clear Sight Triangle (Main to Side Street)	500'730'	250'125'	250'/25'
Horizontal Curves Minimum Centerline Radius	600'	400'	200'
Vertical Curves			
Sidewalk Width (where provided)	6'	5'	5'
Curb Width, wedge type	1.0'	1.0'	1.0'
Residential Subdivision	1,600' maximum distance between street intersections.		
	250' minimum distance between street intersections		

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

.. NA = Not Applicable

BOROUGH OF CASTLE SHANNON

APPENDIX III

STANDARD SCHEDULE FOR MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES

The Stormwater Management Plan developed for the Project is supplemented by this Maintenance Plan to help ensure continuing operations of all stormwater facilities.

(As used in this Appendix, the term "landowner" refers to the individual ultimately responsible for storm facility condition and function.)

The following is a list of items that shall be inspected and corrective action taken by the Landowner:

1. Outlet conditions in Detention Facility.
2. Storm sewer, swales, concrete gutters and other conveyance devices.
3. Catch Basins, Manholes and other stormwater catchment/transition structures.
4. Access for maintenance.

The following actions will be taken by the **Landowner** to help ensure the facilities shown on the plan and identified above are in working order:

1. Replace or repair facilities so as to function as intended.
2. Remove silt debris and trash in catch basin/storm sewers.
3. Repair outlet structures.
4. Remove any silt, debris and trash in Detention Facility.
5. Disposal of collected silt, debris and trash in a manner which will not adversely affect the environment.
6. Replace eroded material and revegetate eroded areas. Seed and mulch disturbed areas.

The corrective actions to be taken are not limited to those listed above.

BOROUGH OF CASTLE SHANNON

APPENDIX III - PAGE 2

STORMWATER FACILITIES
MAINTENANCE PLAN

The inspection shall be undertaken by a minimum of two (2) persons at least two (2) times per year on or before March 1st and October 1st. Additional inspections will be required if it becomes apparent facilities are not functioning properly. Corrective actions will then be taken within thirty (30) days of the discovery of the deficiencies as required to help ensure continuing operation of stormwater facilities, Any deficiencies noted in items inspected by the Landowner shall be documented and corrective actions taken by the landowner. This recommended Maintenance Plan shall not be considered a guarantee as to the adequacy of the stormwater management facilities in the future.

The Borough may require other items to be included in the agreement where determined necessary to guarantee the satisfactory maintenance of all facilities. The Landowner shall maintain all facilities in accordance with the approved maintenance schedule and shall keep all facilities maintained in a safe and attractive manner. The Landowner shall convey to the Borough easements and/or rights-of-way to assure access for periodic inspections by the Borough and maintenance if required. The Landowner shall keep on file with the Borough the name, address and telephone number of the person or company responsible for maintenance activities and an as-built drawing of all stormwater facilities. In the event of a change, new information will be submitted to the Borough within ten (10) days of the change. The Landowner shall establish any special maintenance funds or other financing sources, in accordance with the approved maintenance plan. If the Landowner fails to maintain the stormwater control facilities, following due notice (30 days) by the Borough to correct deficiencies, the Borough shall perform the necessary maintenance or corrective work. The Landowner shall reimburse the Borough for all costs associated with the required maintenance of the stormwater control facilities.