

BOROUGH OF MT. OLIVER
ALLEGHENY COUNTY

SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE (SALDO)



ORDINANCE # _____
ADOPTED BY
THE MT. OLIVER BOROUGH COUNCIL
_____, 2019

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ARTICLE 100
TITLE AND GENERAL PROVISIONS

§101. SHORT TITLE AND GRANT OF POWER.

1. This Ordinance shall be known and may be cited, as “The Borough of Mt. Oliver Subdivision and Land Development Ordinance (SALDO).”
2. This Ordinance is adopted in accordance with the authority granted municipalities to regulate subdivision and land development by the PA Municipalities Planning Code, Act 247 of 1968, as reenacted and amended (MPC; 53 P.S. 10101, et seq.).

§102. PURPOSE.

1. General Purpose. It is the purpose of this Ordinance to protect and promote the public health, safety, and welfare through the establishment of standards and procedures for the review and approval subdivision and land development in the Borough of Mt. Oliver.
2. Specific Purposes: This Chapter is established for the following specific purposes:
 - A. Of assuring sites suitable for building purposes and human habitation.
 - B. To provide for the harmonious development of the Borough of Mt. Oliver (Borough).
 - C. For the coordination of proposed development with existing development within the Borough.
 - D. For adequate open spaces, for proper traffic flows, recreation, light and air and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens.
 - E. To protect the character and social and economic stability of the Borough and to encourage the orderly and beneficial development of the Borough.
 - F. To protect and conserve the value of land throughout the Borough and the value of buildings and improvements upon the land and to minimize the conflicts among the uses of land and buildings.
 - G. To guide public and private policy and action to provide adequate and efficient transportation, water supply, sewage, schools, parks, playgrounds, recreation and other public requirements and facilities.
 - H. To provide the most beneficial relationship between the uses of land and

buildings and the circulation of traffic within the Borough, having particular regard to the avoidance of congestion in the streets and highways and the pedestrian traffic movements appropriate to the various uses of land and buildings, and to provide for the proper location and width of streets and building lines.

- I. To establish reasonable standards of design and procedures for subdivision and re-subdivision, to further the orderly layout and use of land; and to insure proper legal descriptions and documenting of subdivided land.
- J. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
- K. To prevent the pollution of air, streams and ponds; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources to preserve the community and value of the land.
- L. To preserve the natural state and topography of the Borough and to ensure appropriate development with regard to these natural features.
- M. To provide for open spaces through efficient design and layout of the land.
- N. To ensure that future land development and redevelopment is consistent with the Borough Comprehensive Plan and advances the Borough's community development objectives.
- O. And finally, to ensure that documents prepared as part of land ownership transfer fully and accurately describe the parcel of land being subdivided and new parcels thus created.

§103. COMPLIANCE REQUIRED.

No subdivision or development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this ordinance and of any other applicable ordinances of Mt. Oliver Borough.

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

§104. OTHER REGULATIONS INCORPORATED HEREIN.

The applicable provisions of the Pennsylvania Municipalities Planning Code are incorporated herein and made a part hereof, by reference.

ARTICLE 200 DEFINITIONS

§201. STRICT CONSTRUCTION.

Unless otherwise expressly stated, the following terms shall have the meaning indicated:

- A. Words in the singular include the plural and those in the plural include the singular.
- B. Words used in the present tense include the future tense.
- C. The words “person,” “subdivider” and “owner” include a corporation, unincorporated association and a partnership, or other legal entity, as well as an individual.
- D. The word “structure” includes “building” and shall be construed as if followed by the phrase “or part thereof.”
- E. The word “watercourse” includes channel, creek, ditch, dry run, spring and stream.
- F. The words “should” and “may” are permissive; the words “shall” and “will” are mandatory and directive.
- G. The word “lot” shall include the word “plot” or “parcel.”
- H. The word “and” indicates that all connected items, conditions, provisions or events must apply singly or in combination.
- I. The word “or” indicates that some of the connected items, conditions, provisions or events may apply singly or in any combination.
- J. The words “either,” “or” indicate that the connected items, conditions, provisions or events may apply singly but not in any combination.
- K. The word “Borough” means the Borough of Mt. Oliver, Pennsylvania.
- L. The word “County” means the County of Allegheny, Pennsylvania.
- M. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
- N. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration or table, the text shall control.
- O. When a word or phrase is not specifically defined in this Ordinance, or referenced in another ordinance, then the common meaning of the word or phrase, or the definition contained in Webster’s Dictionary, most current version, shall apply.

§202. MEANING OF WORDS.

Other terms or words used herein shall be interpreted or defined as follows:

ALLEY — a thoroughfare, publicly or privately owned, other than a side street, which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

APPLICANT — a landowner or developer, including his heirs, successors, or assigns,

who has filed an application for development.

APPLICATION FOR DEVELOPMENT — every application, whether preliminary or final, required to be filed and approved prior to start of construction or development including, but not limited to, an application for a building permit and an application for the approval of a development plan.

BLOCK — an area bounded by three or more streets.

BOROUGH COUNCIL — the Council of the Borough of Mt. Oliver.

BOROUGH — the Borough of Mt. Oliver, Allegheny County, Pennsylvania.

BOROUGH STREET — a street adopted as a public street by the Borough, or having become a Borough street as legally determined.

BUILDING — Any permanent structure having a roof supported by columns or by walls erected permanently and intended for the shelter, housing and/or enclosure of persons, animals or other property.

BUILDING SETBACK LINE — the line within a property defining the minimum required distance between any building to be erected and the edge of any required adjacent right-of-way (front lot line).

CART WAY (ROADWAY) — the improved or paved portion or portions of a street available for vehicular or other traffic; the portion or portions between curbs where curbs are used.

CLEAR SIGHT TRIANGLE — an area of unobstructed vision at intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

CONSERVATION DISTRICT – the Conservation District of Allegheny County.

CONSTRUCTION — the process, art, or manner of constructing something, usually a structure.

COUNTY — the County of Allegheny, Commonwealth of Pennsylvania.

COUNTY PLANNING AGENCY - Allegheny County Economic Development.

CROSSWALK (INTERIOR WALK) — a publicly or privately-owned right-of-way for pedestrian use extending from a street into a block or across a block to another street.

CUL-DE-SAC — a dead-end street with a vehicular turnaround at the dead end.

CUT — the material removed in excavation.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) — the Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

DETENTION POND — an area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPER — any landowner, agent of such landowner, or tenant acting with the permission of such landowners, who makes or causes to be made, a subdivision of land or a land development.

DEVELOPMENT — a tract of land that has been made available or usable; a developed tract of land, one with structures, commercial or residential, built on it.

DEVELOPMENT AGREEMENT — an agreement between the Borough and the owners or developers of property that is subject to an approved land development plan, detailing the obligations of both parties and specifying the standards and conditions that will govern development of the property.

DEVELOPMENT PLAN — all of the written and graphic materials which describe provisions for development including, but not limited to, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities, and presented in sufficient detail so that its compliance with this Chapter may be determined.

DRAINAGE — the removal of surface water or groundwater from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

DRAINAGE RIGHT-OF-WAY — the lands required for the installation of storm-water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY — an improved surface for vehicular circulation or access on a lot or parcel of land.

DRAINAGE FACILITY — any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

EARTH DISTURBANCE – Any construction or other activity which disturbs the surface of the land, including, but not limited to, excavations, embankments, depositing or storing soil, rock or earth, clearing vegetation, tilling soil, or any other activity which may cause erosion.

EASEMENT — an interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose.

ENGINEER — a licensed professional engineer registered as such, in the Commonwealth of Pennsylvania.

EROSION — the removal of surface materials by the action of natural elements.

EXCAVATION — any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

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

FINANCIAL SECURITY – A corporate bond, letter of credit, or escrow account from a surety or a financial institution in a form acceptable to the Borough, naming the Borough as obligee.

IMPROVEMENTS TO LAND — a construction or installation including, but not limited to, of any of the following: streets, gutters, culverts, sidewalks, storm sewers, fiber optic cable, water drainage facilities, utilities (gas, electric, telephone services), water system, fire hydrants, sanitary sewers, septic tanks, street signs, street lights and including cuts and/or fills.

GOVERNING BODY — the duly elected Borough Council of Mt. Oliver, Allegheny County, Commonwealth of Pennsylvania.

HEALTH DEPARTMENT - the Allegheny County Health Department.

LAND DEVELOPMENT — any one of the following activities:

- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two or more residential or nonresidential buildings, whether

proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure.

- (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose, of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Excluding the following certain types of land development:
- (a) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are to be a condominium.
 - (b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal buildings.
 - (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this Subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities.
 - (d) The expansion of an existing building footprint such that the expansion footprint is 1,000 square feet or less and no greater than 25% of the existing building footprint.

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/she is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in the land.

LOT AREA — The area of a lot measured on a horizontal plane bounded by the front, rear and side lot lines of the lot. No part of a lot which is also part of a public street, road or alley shall be included in determining the area of a lot.

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

LOT, CORNER — A lot bounded on at least two (2) sides by streets.

LOT, DOUBLE FRONTAGE — an interior lot which abuts streets in both the front and rear.

LOT, INTERIOR — a lot having side lot lines which does not abut on a street.

LOT, MINIMUM WIDTH — the distance between the side lot lines measured at the building setback line.

LOT, NONCONFORMING — a lot of record at the time of the adoption of this Chapter, which by reason of area or dimension, does not conform to the requirements of this Chapter.

LOT OF RECORD — a lot described in a deed or shown on a plan of lots which has been recorded in the office of the Allegheny County Department of Real Estate.

LOT, REVERSE FRONTAGE — a lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

MARKER — a metal pipe or pin of at least 1/2 inch diameter (preferred 3/4 inch or 7/8 inch and at least 24 inches in length (preferred 30 inches to 36 inches) which shall be used for survey purposes.

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.

MOBILE HOME — a transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

MOBILE HOME LOT — a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

MOBILE HOME PARK — a parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobile home lots for the placement thereon of mobile homes.

MONUMENT — a stone or concrete monument with a flat top at least four inches in diameter or square, containing a copper or brass dowel (plug), and at least 24 inches in length (preferred 30 inches to 36 inches. The bottom, sides or radius shall be at least two inches greater than the top, to minimize movements caused by frost which shall be used for survey purposes.

MUNICIPAL ENGINEER — a professional engineer licensed as such in the

Commonwealth of Pennsylvania, duly appointed as the engineer for a municipality, planning agency, or joint planning commission.

NONRESIDENTIAL — uses or areas which do not include or provide a place for people to live.

OPEN SPACE — open space is a parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed as intended for the use or enjoyment of residents of the development, not including streets, off-street parking areas, driveways and areas set aside as public grounds.

PARCEL — see LOT.

PENNDOT – the Pennsylvania Department of Transportation.

PERSON — an individual, partnership, corporation or other legally recognized entity.

PLANNING COMMISSION or BOROUGH PLANNING COMMISSION — the Planning Commission of the Borough of Mt. Oliver.

PLAT, FINAL — a complete and exact map or plan of a subdivision or land development (and including all required supplementary data), prepared for official recording as required by statute, defining property rights as well as proposed streets and other improvements.

PLAT, PRELIMINARY — a tentative map or plan of a subdivision of land development (and including all required supplementary data), in lesser detail than a final plat, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plat, said plat shall be prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania.

PRIVATE STREET (see “street”) — a right-of-way not adopted or otherwise determined to be a public street by the Borough, or not having otherwise been adopted as a County, State or Borough street.

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

PUBLIC GROUNDS — public grounds includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned

or operated facilities.

(3) Publicly owned or operated scenic and historic sites.

PUBLIC HEARING — a formal meeting held pursuant to public notice by the Borough Planning Commission or Council of the Borough, intended to inform and obtain public comment, prior to the taking of official action.

PUBLIC IMPROVEMENTS -- any improvements (parks, streets, buildings, public utilities) made, owned and/operated by federal, state, county or local government.

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

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

RESERVE STRIP — a parcel of ground in separate (sometimes public) ownership separating a street from the adjacent properties, or from another street.

RESIDENTIAL — used as a residence for human habitation.

RIGHT-OF-WAY — the total width of any land reserved or dedicated to use as a street, alley, crosswalk or other public purpose.

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

SANITARY SEWAGE DISPOSAL, ONSITE — any structure designed to biochemical treat sanitary sewage within the boundaries of an individual lot, or tract of lots.

SANITARY SEWAGE DISPOSAL (PRIVATE) — a sanitary sewage collection system managed and operated under private auspices, in which sewage is carried from individual lots by a system of pipes, to a central treatment and disposal plant, generally serving a neighborhood area.

SANITARY SEWAGE DISPOSAL, PUBLIC — a sanitary sewage collection system, managed and operated by the Borough, in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

SANITARY SEWER -- Any public or privately-owned sewer system in which sewage is collected from more than one lot and piped to an approved sewage disposal plant or approved community treatment system, including capped sewers which are installed to Borough specifications.

SEDIMENTATION — the process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited (or remains suspended in water), it is considered sediment.

SEPTIC TANK — a covered watertight settling tank in which raw sewage is biochemically changed into solid, liquid and gaseous states to facilitate further treatment and final disposal.

SEWAGE TREATMENT -- The treatment of human or animal waste either public or private by an approved process as permitted by the Pennsylvania Department of Environmental Protection.

SEWAGE TREATMENT PLANT — a place where sewage is cleaned and treated so that it is not harmful or dangerous to the environment.

SHOULDER — the portion of a roadway (cart way) between the curb or gutter and the travel way intended for emergency and parking use.

SIGHT DISTANCE (PASSING) – The maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street.

SLOPE — the degree of rise or descent of the land surface calculated by dividing the number of feet of vertical rise or descent in elevation by the number of feet of horizontal distance, expressed as a percentage.

SOIL PERCOLATION TEST — a field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for onsite sewage disposal.

SOIL STABILIZATION — chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STORM SEWER -- Any public or privately-owned sewer system in which non-sanitary rain or ground water is collected from Streets, on lot impervious areas, roof drains, parking lots, and driveways and groundwater sump pumps, including capped sewers which are installed to Borough specifications.

STREET — Any way, whether public or private, used or intended to be used by vehicular traffic and pedestrians, including avenue, boulevard, road, highway, freeway, parkway, lane, alley, thoroughfare or viaduct.

STRUCTURE — any manmade object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

SUBDIVIDER — the term “subdivider” shall be synonymous in meaning with developer as defined herein and shall be used interchangeably with same.

SUBDIVISION — the division or redivision of a lot, tract or parcel of and by any means into two or more lots, tracts, parcels or other division of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, petition by the court for distribution to heirs or devisees, transfer of ownership, building or lot development.

SUBSTANTIALLY COMPLETED — where in the judgment of the Borough Engineer, at least 90 percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR — a surveyor registered by the Commonwealth of Pennsylvania.

SWALE — a low lying stretch of land which gathers, or carries, surface water runoff.

THROUGH LOT — a lot extending between and having frontage on, two generally parallel streets, excluding service streets.

TRACT — see LOT.

TRAILER — a vehicle with its axles/wheels still intact which is designed to serve, wherever parked, as a temporary dwelling or place of business.

UTILITIES — services (such as those which provide light, power or water) provided to commercial or residential users by a public utility or municipality, including any equipment or a piece of equipment utilized to provide such service or a comparable service.

WATERCOURSE — a permanent stream; intermittent stream; river; brook; creek; or a channel or ditch for water whether natural or manmade.

WATER DISTRIBUTION SYSTEM, ONSITE — a system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

WATER LINE -- Any public or privately-owned pipe system in which potable water is distributed to more than one lot and piped from an approved water treatment plant or

approved community water source which are installed to Borough and water company specifications.

WATER MAIN — a pipe or conduit for conveying water.

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ARTICLE 300
CLASSIFICATIONS OF APPLICATIONS, APPROVAL PROCEDURES, AND
APPLICATION CONTENT

§301. GENERAL.

1. The regulations in this Part are intended to assure that adequate information is submitted to permit the Borough to undertake a thorough review of each proposal as related to the transportation, environment and other aspects of an application.
2. Any developer of land within the Borough desiring approval of a subdivision or land development application shall comply with the following procedures.
3. Any replatting of recorded plans, or any revisions of approved plans that have not been recorded shall be considered as new applications and shall be required to comply with all requirements of this Chapter, unless such replatting or revision is limited to a survey correction.

§302. APPROVALS OVERVIEW.

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

- A. Subdivision.
- B. Minor land development.
- C. Major land development.

§303. SUBDIVISION.

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

- A. Applicability.
 - (1) Adjustments of lot lines between lots where no new lots are created and no new development is proposed.
 - (2) Consolidation of lots.
 - (3) A single-family residential subdivision of two to four lots.
- B. Approvals.
 - (1) The Borough Council shall be responsible for approving or denying simple subdivisions.

§304. MINOR LAND DEVELOPMENT.

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

- A. Applicability.
 - (1) A nonresidential development with 5,000 square feet or less of new gross floor area.
- B. Recommendations and Approvals.
 - (1) The Planning Commission shall make recommendations to the Council regarding minor land developments and Council shall make a decision as to approval or denial of the application.

§305. MAJOR LAND DEVELOPMENT.

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

- A. Applicability.
 - (1) A single-family residential development that creates five or more lots.
 - (2) All multi-family residential development.
 - (3) A nonresidential development with more than 5,000 square feet of new gross floor area.
- B. Recommendations and Approvals.
 - (1) The Planning Commission shall make recommendations to Council regarding major land development and Council shall make a decision as to approval or denial of the application.

§306. PRE-APPLICATION CONFERENCE.

1. A voluntary sketch plan conference with the Planning Commission is recommended. The sketch plan conference requires no formal application or fee.
2. Any materials submitted for a pre-application conference shall not be considered an application for preliminary or final review. These opportunities are afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.
3. The applicant shall notify the Borough at least fourteen (14) calendar days prior to the regular meeting of the Planning Commission regarding his/her desire to attend a pre-application conference with the Planning Commission.
4. Sufficient information shall be provided on the sketch plan to clearly indicate the character and extent of the proposed subdivision of land development and its relationship to existing natural features and public facilities within the area in which the land is situated. Such submission should include a map establishing the location of the proposed plat and a plan showing any existing or proposed streets, property lines, building sites, utilities, natural features, including topographic contours and any other significant elements within the proposed subdivision or land development. Such plans are not required to be engineered drawings but shall be drawn to scale. The preparation of a sketch plan shall not constitute the filing of an application for approval of a plat.

§307. APPLICATION CONTENT.

All subdivision or land development applications shall include the following, plus any additional information and copies as required by the Borough.

- A. One application form as specified and obtained from the Borough.
- B. One letter of transmittal, identifying the proposed activity and the purpose for the development.
- C. A minimum of 7 copies of the preliminary plan. One electronic file shall be submitted of all plans, maps, drawing in a format compatible to the Borough of Mt. Oliver.
- D. Filing fee (see fee schedule available at Borough office). The fee shall be submitted in the form of a check or money order payable to the Borough of Mt. Oliver.
- E. Where applicable, a copy of the decision granting approval of any zoning variance, conditional use or special exception as required, including all conditions imposed.
- F. Review Fees.
 - (1) Review fees shall be adopted by resolution of Borough Council, as amended from time to time, and shall include the reasonable and necessary charges by the Borough professional consultants or engineer for review and report to the Borough and shall be set by resolution.

§308. SUBDIVISION OR LAND DEVELOPMENT PLAT CONTENT.

- 1. The plats(s) shall be at a scale of not less than one inch equals 100 feet. They shall be drawn in accordance with standard architectural and engineering practices, and using standard map symbols to clearly indicate the following information:
 - A. Name of the proposed project.
 - B. Location map showing the subdivision/land development location (including major transportation routes, title, north arrow and graphic scale.)
 - C. Property lines, adjacent property owners, parcel block and lot numbers.
 - D. Name, address, telephone number of property owners and firm that prepared the plan(s).
 - E. The entire existing tract boundary with bearings and distances as per deed.
 - F. The total acreage of the entire existing tract.
 - G. Zoning information legend (to include, but not limited to, district, minimum lot size, density, requirements).
 - H. Building setbacks.
 - I. Streets abutting the property, indicating names, right-of-way widths and cart way widths.
 - J. Existing and proposed easements, indicating location, width, purpose and lessee.
 - K. Location of existing and proposed buildings, sanitary sewer, storm sewer, water, gas, petroleum and high pressure gas lines indicating line size, manholes, fire hydrants, utilities and other visible elements in the system on or adjacent to the

property proposed to be developed.

- L. Location of relevant natural features including, but not limited to, streams, other natural watercourses, wetlands, general land cover, significant tree masses and other significant natural features.
- M. For major land development applications, the following shall also be provided at time of submission:
 - (1) The layout of lots, with approximate dimensions, including setback and/or buildings lines.
 - (2) The location of all sanitary sewer and stormwater management structures.
 - (3) In developments proposed for uses other than single family dwellings, a parking plan indicating location of parking area(s), arrangement of spaces, access lanes and number of cars to be accommodated; the configuration of proposed building(s) and all other significant planned facilities.
 - (4) Location size and general layout of public areas, open space and recreation areas.
 - (5) Typical street cross sections for each proposed street and typical cross-section for any existing street that will be improved.
 - (6) Proposed street names.
 - (7) A statement on the plan indicating requested modifications to the provisions of this Chapter.
 - (8) Building elevation drawings. Building elevation drawings including types of exterior building materials utilized.
 - (9) Proposed Landscape Plan.
 - (10) Existing contours at 2-foot intervals and a grading plan.
- N. In addition to the required plat submissions, the following information shall also be provided for major land developments:
 - (1) A description of the soil types located on the tract, delineating all slide-prone areas as well as any mined-areas.
 - (2) A description of the tract locating existing and pre-existing gas and oil wells.
 - (3) Where applicable, a Sewerage Facilities Planning Module for Land Development shall be the responsibility of the applicant and shall be prepared in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection. The completed module shall accompany the preliminary plan submission.
 - (4) A stormwater management plan.
 - (5) A description of the method to be utilized and the organization formed for the maintenance of any common areas and facilities not to be dedicated for public use.
 - (6) A statement that the proposed subdivision or land development will not cause any environmental hazard or subsidence.
 - (7) Profiles and other explanatory data concerning installation and construction of sanitary and storm sewer system and other utility systems.

The size or capacity of each should be shown and the locations and distance to each utility indicated.

- (8) Street pattern, showing the names (which shall not duplicate names of other streets in the post office district) and width of rights-of-way and cart ways of streets, and width of crosswalks, easements and alleys; proposed lot lines with approximate dimensions and areas and parcels of land proposed to be dedicated or reserved for public use; proposed watercourses and detention ponds; proposed phasing of land development; typical section of all streets.
- (9) Datum to which contour elevations refer shall be U.S. Coast and Geodetic Survey datum.
- (10) Provisions for collecting and discharging surface drainage on or off the site, pipe sizes, location, sizes of inlets and catch basins, etc., and preliminary design of any bridge and culvert which may be required.
- (11) Block for signatures of the Planning Commission, the Council and the Engineer and date of approval.
- (12) Land development plans shall show building locations and waivers from the regulations herein established and citing the reasons for same.
- (13) Water Supply. Water supply shall be provided by Pennsylvania American Water. Proof of service from Pennsylvania American Water shall accompany all information submitted for review.
- (14) Sewage Supply.
- (15) Reports and Studies. To ensure a full and adequate review of major land development proposal, the Borough may request the submission of more detailed information. Based on the size and special characteristics of a particular project, the following additional information may be requested for the purpose of assessing the impacts and consequences of the project including, but not limited to:
 - (a) Environmental Analysis.
 - (b) Geotechnical Report.
 - (c) Traffic Impact study for any multiple family, commercial and planned residential development.
 - (d) Phasing schedules, such that proposed phasing is consistent with the requirements of MPC Section 508(4).
- (16) Construction plans for public improvements, as prepared by a registered engineer which show the following:
 - (a) A grading plan which shall include finished land contours and grades; directions of water movement, type of soils, location of silt fences and erosion control measures, and ground floor elevations.
 - (b) A site plan indicating the location of all proposed buildings, parking areas, landscaping, internal circulation system, and common and open space areas.
 - (c) Plans in profile of each street in the plan.
 - (d) Cross sections of each street at intervals not to exceed 100 feet and extending 25 feet outside the street right-of-way.

- (e) All drainage easements over private property.
 - (f) A stormwater management plan which complies with the Allegheny County model stormwater management provisions and the standards provided in the Administration section of this ordinance.
 - (g) The location of all necessary sewers, manholes and catch basins; the top and invert elevation of each inlet and manhole, together with the grade of each sewer line.
 - (h) The grade line, distance and pipe size of each line of the storm drainage system within the plan and any storm drainage system immediately adjacent thereto.
 - (i) All pipe sizes shown by plan and profile.
 - (j) The location of each wye as proposed for installation, including a station for that wye, measured from the downstream manhole.
- O. Supplementary Information: The following information shall be provided with all applications:
- (1) When applicable, notification from the Department of Environmental Protection (DEP) that either approval of the Sewer Facilities Plan Revision (plan revision module) or supplement has been granted, or that such approval is not required.
 - (2) Certificate, signature and seal of the surveyor signifying that the survey is correct.
 - (3) Certificate, signature and seal of the surveyor, engineer, landscape architect or other profession that completed the final plan, signifying that all other information shown on the plan is accurate.
 - (4) When applicable, a copy of the application to the Allegheny County Conservation District requesting approval of the Erosion and Sedimentation Control Plan.
 - (5) When applicable, a feasibility plan to provide solutions to problems related to soil, water or mineral conditions underlying the property.
 - (6) When applicable, a copy of the Homeowner's Association documents.

§309. APPLICATION SUBMITTALS.

- 1. Copies of the application shall be submitted, by the applicant, to the following agencies, as applicable. Evidence of submission shall be included in the application.
 - A. Pennsylvania Department of Environmental Protection.
 - B. Allegheny County Conservation District.
 - C. Pennsylvania Department of Transportation.
 - D. Allegheny County Department of Public Works (ACDPW).

§310. APPLICATION APPROVAL PROCEDURE.

- 1. An application for subdivision or land development shall be submitted at least 14 calendar days prior to the next regular monthly meeting of the Planning Commission or Borough Council, whichever first reviews the application.

2. Any application submitted later than 12:00 noon, 14 calendar days before the Planning Commission's meeting shall not be considered a complete application.
3. Applications shall be prepared in conformance with the provisions of this Chapter and any other applicable requirements of law. The application shall not be considered complete and properly filed unless and until all items required have been submitted and addressed by the required deadline. Further, the plan shall demonstrate conformance with the design standard requirements of this ordinance. The Borough shall have seven working days from the date of submission to check the plans and documents to determine if they are in proper form and contain all the information. If defective, the application may be returned to the applicant with a statement that the application is incomplete within the seven-day period; otherwise, the application shall be deemed filed as of the submission date. Acceptance of the application as complete shall not constitute a waiver of any deficiencies.
4. In the event the application is determined to be complete, the Planning Commission shall review the application at its next regular meeting. A copy of such plan shall have been submitted at this time to Allegheny County Economic Development for review and comment. No application shall be approved by Borough Council until the County review is received or until the expiration of 30 days from the date the application was forwarded to the County.
5. Except for simple subdivisions which do not required Planning Commission Review, after review of an application, the Planning Commission shall submit a recommendation to the Borough Council. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter which have not been met.
6. Council shall render a decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of Council or Planning Commission (whichever first reviews the application) next following the date the application is filed or after a final order of court remanding the application, provided that should the said next regular meeting occur more than 30 days following the filing of the application or the final order of the court, the said 90-day period shall be measured from the 30th day following the day the complete application has been filed.
7. Not later than 15 days after the public meeting at which a decision is rendered by Borough Council, the Borough shall communicate such decision in writing to the applicant personally or by mailing same to him at his last known address.
8. Within the time period set forth above, the Council shall take one of the following actions:
 - A. Approve the application.
 - B. Approve the application with conditions subject to the applicant's consent, in writing.
 - C. Disapprove the application on the basis of specified defects contained therein and describe the requirements not met, with specific references to the statute or provisions of ordinance(s) relied upon. Such disapproval, with such specifics, shall be thereafter communicated in writing to the applicant.

9. Approval with conditions.
 - A. Applicant shall have 20 days to accept or reject any conditions of approval imposed by Borough. Failure of applicant to so accept or reject such conditions shall result in the Borough's automatic rescission of such conditional approval and denial of approval without further action of Borough Council.

§311. COMPLETION OF IMPROVEMENTS/FINANCIAL SECURITY.

1. No plan shall be given final approval by the Borough Council unless the public improvements required by this Chapter have been installed in accordance with the standards set forth in the Design Standards section of this ordinance.
2. In lieu of the completion of any improvements(s) required prior to, and as a condition for final approval, the applicant shall provide for the deposit, in a form acceptable with the Borough and as specified in the MPC, financial security in an amount sufficient to the Borough to cover the costs of such improvement(s) or common amenities.
3. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110 percent of the cost completion estimated by the developer. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvement(s) which have been completed and the estimated cost for the completion of the remaining improvement(s) as of the expiration of the 90th day after either the original date schedule for completion, or a rescheduled date of completion. Subsequent to the annual adjustment, the Borough may require the developer to post additional security in order to assure that the financial security equals 110 percent.
4. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvement(s), submitted by the applicant and prepared by a registered professional engineer and certified by such engineer to be fair and reasonable estimate of such cost. The Borough Engineer shall review the proposed estimate and make a recommendation to the Borough Council as to acceptance and may provide an estimate if deemed unacceptable.
 - A. If the applicant and the Borough cannot agree upon an estimate, then the estimate shall be recalculated and recertified by another registered professional engineer chosen mutually by the applicant and the Borough. The estimate by the third engineer shall be deemed as the final estimate.
 - B. If a third engineer is selected, the fees for services shall be evenly divided between the applicant and the Borough.
5. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional 10 percent for each one-year period beyond the first anniversary date from posting of financial security or to an amount equal to 110 percent of the revised cost of completing the improvement(s) as established on or about the one-year anniversary of the original posting. The revised costs shall be determined by using the same manner as described for the initial financial security.

6. When the Borough accepts dedication of all or some of the required improvement(s) following completion, the Borough Council shall require the positing of financial security to secure the structural integrity of the improvement(s) in accordance with the design and specifications as depicted on the final plan. The term for financial security for the maintenance of the improvement(s) shall be 18 months and the amount shall not exceed 15 percent of the actual cost of installation.

§312. FINAL RELEASE FROM FINANCIAL SECURITY.

1. When the applicant has completed all of the necessary and appropriate improvements, he/she shall notify the Borough, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Borough Engineer. The Borough shall, within 10 days after receipt of such notice, direct the Borough Engineer to inspect all of the installed improvements.
2. Within 30 days of authorization by the Borough Council, the Borough Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.
3. The Borough shall notify the applicant within 15 days of receipt of the engineer's recommendation, in writing, by certified or registered mail, of the action by the Borough Council.
4. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Borough, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
5. The applicant shall reimburse the Borough for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Borough.

§313. PARTIAL RELEASE FROM FINANCIAL SECURITY.

1. As the work of installing the required improvements proceeds, the developer may request the Borough to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.
2. Any such requests must be in writing and describe the portion of the work claimed to be completed and the amount of security requested to be released.
3. The Borough shall have 45 days from receipt of such request to have the Borough Engineer certify in writing to the Borough that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed, or if the Borough fails to act within said forty-five-day period the release of funds shall be deemed approved.

Notwithstanding anything to the contrary, the Borough may, prior to final release at the time of completion and certification by its engineer, require retention of 10 percent of the estimated cost of improvements.

4. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Borough, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
5. The applicant shall reimburse the Borough for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Borough.

§314. APPROVAL BY OTHER AGENCIES.

It shall be the applicant/developer's responsibility to obtain all necessary approvals from County, State and Federal agencies and submit these approvals to the Borough.

§315. RECORDING OF FINAL PLAT.

1. Upon approval of a final plat by the Borough, the developer and/or landowner shall, within 90 calendar days of such final approval or 90 days after the date of delivery of an approved plat signed by the governing body following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Allegheny County Department of Real Estate shall not accept any plat for recording, unless such plat officially noted the approval of the Planning Commission and Council and the review of the Allegheny County planning agency or its designee. Approval Certification shall be:

Approved by the [governing body] of [name of Municipality] by resolution, this day of _____, 20_____

Signed and noted as approved this _____ day of _____, 20_____:

Secretary

[head of governing body] (Seal)

2. Upon recording of the final plat in the office of the Allegheny County Department of Real Estate, the developer and/or landowner shall deliver to the Borough two paper prints of the final plat as recorded. In addition to the two paper prints, the applicant must submit one Mylar and one copy of the final plat in an electronic format compatible with the Borough's geographic information system (GIS).
3. At the time of final plat submission, the applicant shall be required to pay a recorded plan deposit in an amount determined from time to time by resolution of the Council.
4. Said deposit shall be returned to the applicant when the Borough receives the two signed and recorded paper prints of the final plat, the one Mylar and the one electronic copy, or when the applicant has officially withdrawn the application.

ARTICLE 400
INSTALLATION, INSPECTION, AND ACCEPTANCE OF IMPROVEMENTS

§401. GENERAL.

1. No improvements shall be installed, or work begun, unless the following has been accomplished:
 - A. All necessary plans, profiles and specifications for the improvements have been submitted to, and approved by, the Borough.
 - B. The financial security has been provided.
 - C. A fully executed developer's agreement has been submitted.
 - D. All required permits have been obtained.
 - E. Utility lines have been marked using the PA One call system.
2. The developer shall notify the Borough at least 48 hours prior to beginning any installation of public improvements in an approved plat plan.

§402. REQUIRED IMPROVEMENTS.

The following improvements, as shown on a recorded plat plan, shall be provided by the developer in accordance with the details and/or specifications cited in the Design Standards section of this ordinance. Developer/owner give certified copy to Borough.

1. Cart way paving.
2. Curbs.
3. Sidewalks and crosswalks.
4. Monuments.
5. Street signs.
6. Sanitary sewage disposal.
7. Water supply and fire hydrants.
8. Stormwater management facilities.
9. Erosion and sedimentation control measures.
10. Street trees.
11. Street lights.

§403. INSPECTIONS.

1. Once the installation of improvements has been approved, in accordance with the Final Release from Improvement Guarantee section of this ordinance while work is in progress, the developer shall notify the Borough at least 48 hours prior to the time that the following required progress inspections are warranted:
 - A. Inspection of sub-grade of streets prior to laying of base.
 - B. Inspection of base prior to final paving of streets.
 - C. Inspection of installed water lines, sanitary sewer lines, storm sewers and drainage facilities before they are covered.

2. The inspector shall prepare a written report of all inspections, with a copy being submitted to the Borough for their files.
3. The inspection of sanitary sewer installations shall be in accordance with the procedures of the applicable sanitary authority with a copy of any notices or reports being submitted to the Borough.
4. When it is evident that any street in a partially completed plan of lots may be extensively used by construction vehicles hauling building materials and equipment, and where such street, if completed, may be damaged during the course of construction of houses on lots abutting the right-of-way within which the street is centered, the Borough shall require the developer to complete 80 percent of the dwelling units prior to the final paving of the street or otherwise be responsible for damage through the posting of an additional bond including, but not limited to, streets and other required improvements.

§404. NOTICE OF COMPLETION.

When the developer has completed the required public improvements in a plan, in accordance with the Final Release from Improvement Guarantee section of this ordinance the developer shall notify the Borough, in writing, by certified or registered mail. Within 10 days of the receipt of the notification, the Borough Council shall authorize the Borough Engineer, to inspect the public improvements in the plan to determine compliance with the design standards specified in the Design Standards section of this ordinance.

§405. FINAL INSPECTION.

Upon authorization by the Borough Council, the Borough Engineer shall perform a final inspection of the public improvements. The procedures and timing of such inspection notifications and action shall follow that identified in the Inspections section of this ordinance.

§406. ACCEPTANCE OF IMPROVEMENTS.

1. Every street, sewer, drainage facility or other required improvement shown on the recorded plan shall remain as a private improvement, and the Borough shall have no responsibility with respect to maintenance, repair or replacement until such a time as the improvement has been offered for dedication to the Borough, inspected, approved and accepted by resolution or ordinance.
2. No public improvement(s) required by this Chapter shall be accepted by ordinance or resolution or the Borough Council unless, prior thereto, the following shall be submitted to the Borough:
 - A. A dedication of the installed improvements in a form acceptable to the Borough Solicitor.
 - B. Two sets of “as-built” plans. The “as-built” plans and profiles shall indicate all public improvements, as constructed and shall show the top and invert elevations for all manholes, inlets and sewer structures; the distance between all manholes, inlets and sewer structures; wye (“y”) locations on all sanitary sewers; and significant changes to the street profiles as approved.

- C. A certificate or notification by the Borough Engineer or other person designated by the Borough, that the improvements have been constructed in accordance with the standards established by this Chapter.
- D. The results of core boring tests for composition and thickness of paving, prepared by a qualified testing firm. The location and size of the borings shall be in accordance with PennDOT Form 408, or as determined by the Borough Engineer.
- E. Financial security shall be provided for a period of 18 months. The guarantee shall be in an amount of 15 percent of the original construction cost of installation of the public improvement(s).

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ARTICLE 500

DESIGN STANDARDS

The following land subdivision principles, standards and requirements shall be applied by the Borough Council in evaluating the plans for proposed subdivisions and shall be the minimum requirements.

§501. GENERAL.

This Part sets forth design standards and requirements for all subdivision and land development proposals. The following standards and requirements shall be applied by the Borough in evaluating the plans for proposed subdivisions and land developments and shall be the minimum requirements. Any application fee for development shall conform to the standards set forth in this Part, unless a modification is granted under the provisions of this Chapter.

- A. All plans shall be prepared in compliance with any applicable municipal ordinance, including the Zoning Ordinance in effect, and in compliance with any requirement imposed by any local, State, or Federal entity exercising valid regulatory authority.
- B. When other local regulations, or State Federal statutes impose more restrictive standards and requirements than those contained herein, the more restrictive standards shall be observed.

§502. LAND REQUIREMENTS.

- A. **Preservation of Natural Features.** A sub-divider or developer shall make every effort to preserve shade trees, other salient natural features, keep cut- fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff. Whenever possible applicant shall preserve trees, scenic points, historic spots and other community assets and landmarks. All subdivisions over five acres in size shall include a comprehensive environmental analysis prepared by a qualified environmental engineer.
- B. **Traditional Neighborhoods.** The design of subdivisions and land developments shall promote the continuation of the existing and desired traditional neighborhood pattern of the Borough with a system of streets, alleys, detached garages, front porches and sidewalks.
- C. **Subsidence.** Land subject to subsidence or underground fires shall either be made safe for the purpose for which it is to be used, or such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- D. **Flood Prone Areas.** Portions of land which are poorly drained or subject to periodic flooding, shall not be developed or subdivided for residential occupancy or for any uses which may involve danger to health, safety, and the general welfare of the community.
- E. **Grading, Excavating and Filling.** No change shall be made in the contour of the land, no grading, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the land shall be commenced unless approved in the preliminary and final plat, and where applicable reviewed and approved by the Allegheny County

Conservation District. Such approval shall be based on the preliminary grading plan for minimizing erosion and sedimentation, controls for excessive slope areas, grading regulations, and storm drainage regulations in this Chapter, and as may be required by applicable regulatory agencies having jurisdiction thereof. In addition to following regulations established by outside agencies, the Applicant will also be required to follow the applicable Borough Ordinances pertaining to excavation and grading.

- F. Land subject to hazards of life, health and safety shall not be subdivided until such hazards have been reviewed and corrected.
- G. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands, or other proposed uses so that remnants and land-locked areas shall be avoided.

§503. EASEMENTS AND UTILITIES.

Easements with a minimum width of 20 feet shall be provided in all subdivisions and land developments for poles, wires, conduits, storm drains, sanitary sewers, gas, water and heat mains and/or other utility lines intended to service the abutting lots, tracts or parcels. Additional widths may be required if more than one utility is located in the same easement. Easements shall be centered on or adjacent to rear or side lot lines. No structures or trees shall be placed within such easements. The developer shall comply with the Pennsylvania Public Utility Commission (PUC) order of July 8, 1973, which requires electric and telephone service in residential developments to be placed under-ground. Where a subdivision is traversed by a water course, there shall be provided a drainage easement or right-of-way, conforming substantially with the line of such water course and with such width as will be adequate to preserve natural drainage and provide sufficient width for maintenance. Subdividers and land developers shall avail themselves of the facilities provided by the various authorities or public utility companies in determining the proper locations for utility line easements.

- A. Water Supply.
 - (1) All properties in subdivisions shall connect with an approved public water supply system.
 - (2) The plans for the installation of a water distribution system shall be prepared with the cooperation of the applicable public water provider and reviewed and approved by its engineer. A statement of approval from the Borough shall be submitted to the Borough Council.
 - (3) Upon completion of water distribution and supply system, one copy of the plans for the system shall be filed with the Borough Council. The plan shall also be reviewed and approved by the Department of Environmental Protection.
 - (4) Fire Hydrants. It will be the responsibility of the developer to provide all subdivisions and land developments with fire hydrants. Hydrants shall be installed with the installation of the water lines or as soon as they become available. The location of the hydrants shall be approximately every 1,000 feet and shall be subject to approval by the Borough on the final plat.

- B. Sanitary Sewage Disposal.
- (1) Each property shall connect with an approved public sewer system.
 - (2) All plats submitted for approval must show sanitary drains separated from all other drains. No stormwater shall be permitted in sanitary drains.
 - (3) All plats, designs, and data of any new sewage system or for extension for tapping into any existing system shall be submitted to the Borough of Mt. Oliver for approval and be subject to all their requirements.
 - (4) The subdivider shall contract the necessary and required sanitary sewer lines which shall, when possible, be connected to the public sewer system serving the Borough or a portion thereof.
 - (5) Subdivision of three lots or less, which are located 1,000 feet beyond the existing public system, may be exempted from these requirements by the Borough Council where individually approved septic systems are to be constructed. Said approval thereof shall be subject to Borough of Mt. Oliver recommendations and Allegheny County Health Department approval. Preliminary plans and a request for sewer service shall receive sewer authority approval prior to approval of the final plat.
 - (6) If, in the opinion, of the County Health Officer, the Borough Engineer and/or the Borough Council, factors exist which would create a public health and sanitation problem if a certain area is developed, the Board shall not, in those cases, approve the subdivision and platting of such area until such factors are corrected by an adequate sanitary sewer system.
- C. Propane. All propane installation shall be subject to prior approval of the Borough Engineer or other person designated by the Borough and the Department of Labor and Industry.

§504. BLOCKS, LOTS, PARCELS.

1. Blocks.
- A. Layout. The length, width and shape of blocks shall be determined with due regard to:
- (1) Provision of adequate sites for buildings of the type proposed.
 - (a) Any other zoning requirements.
 - (b) Topography.
 - (2) Street intersection requirements as outlined in the Streets, Intersection, section of this ordinance.
- B. Length in Residential Districts. Blocks shall have a minimum length of 500 feet and a maximum length of 1,000 feet.
- (1) Any other zoning requirements;
 - (2) In the design of blocks (fronting on minor streets) longer than 1,000 feet, special consideration shall be given to the requirements of satisfactory fire protection. Where practicable, blocks along arterial and collector streets shall not be less than 1,000 feet long.
- C. Length in Commercial and Industrial Districts. Blocks in commercial and industrial areas may vary from the elements of design detailed above, if required by the nature of the use. Any subdivision of land or land development in the commercial or

industrial districts shall take into consideration the feasibility of creating marginal or feeder roads to minimize intersections with major roads. In all cases, however, adequate provisions shall be made for off-street parking and loading areas as well as for traffic circulation and parking for employees and customers.

- D. Depth. Residential blocks including those for garden apartment, condominium or townhouse developments, shall be of sufficient depth to accommodate two tiers of lots, except:
 - (1) Where reverse frontage lots are required along a major traffic street.
 - (2) Where prevented by the size, topographical conditions or other inherent conditions of property, in which case the Mt. Oliver Borough Planning Commission may approve a single tier of lots.
- E. Lot or Parcel Numbers. Lot numbers or lettered parcels shall be assigned and approved prior to filing the final subdivision and/or land development plat.
- F. Building Setback Lines on Lots and Parcels. Building lines of lots or parcels from street rights-of-way (public or private) shall not be less than those required by the appropriate zoning classification under the Zoning Ordinance, as amended, for the zoning district in which they are located.

§505. STREETS.

A street, whether dedicated to the Borough or privately maintained, shall be defined pursuant to the definition contained in Section 202 of this Ordinance. All provisions in the Section shall be equally applicable and binding for both dedicated and privately maintained streets, where said streets serve more than one dwelling.

A. General Standards:

- (1) All streets intended for public use shall be paved to full cart way width. In all cases, paving materials and workmanship shall conform to any and all applicable Borough standards, including all Pennsylvania Department of Transportation Standards adopted by the Borough. The proposed street system shall extend existing or recorded streets at the same width, but in to case at less than the required minimum width, and be so located as to allow proper development of surrounding properties.
- (2) Where a subdivision or land development abuts an existing street of improper width or alignment, the Borough Council may require the dedication of land sufficient to widen the street, or correct the alignment.
- (3) Minor streets shall be laid out so as to discourage through traffic. Collector streets should be provided to adequately provide for the expected flow to traffic from minor streets.
- (4) Streets in and bordering a subdivision or land development shall be coordinated, and be of such widths and grades and in such locations as deemed necessary to accommodate prospective traffic, and facilitate fire protection.
- (5) Proposed streets shall be planned suitable to the contour of the land, to provide buildable lots, to have a suitable alignment and grade, and to be able to drain properly in accordance with the standards established by this or other ordinances.
- (6) Partially completed streets shall not be approved in a development plan, but

all streets shall be constructed as soon as feasible under the construction schedule in accordance with the designations under approved final plat.

- (7) Streets intended for the interior circulation of traffic in land development shall be designed so that no street providing parking spaces shall be used as a through-street. The developer shall be responsible for installing centerline markings and traffic direction and control signs on such streets.
- (8) Street name signs shall be installed by the developer at each street intersection in accordance to type of materials, design and standards established by the Borough.
- (9) Street lighting system shall be installed in all developments involving multi-family dwellings and at all intersections with existing Borough streets/roads. Street lights may also be required where a hazard exists as determined by the Borough Council.

B. Street Widths.

- (1) **Street Classification.** Three functional classifications are hereby established for the streets and roads in the Borough:
 - (a) **Arterial.** This classification includes highways which provide inter-county or inter-municipal traffic of substantial volumes where the average trip lengths are usually five miles or greater. Generally, these highways should accommodate operating speeds of 35 miles per hour.
 - (b) **Collector.** This classification is intended to include those highways which connect local access highways to arterial highways. They may serve as traffic corridors connecting residential areas with industrial, shopping and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 miles per hour.
 - (c) **Local Road.** This classification is intended to include streets and roads that provide direct access to abutting land and low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 miles per hour or under.

<u>Street Type</u>	<u>Minimum Required Width</u>	<u>Feet</u>
Collector	Right-of-Way	50
	Cart way	24
Minor or Local	Right-of-Way	50
	Cart way	20
Permanent Cul-de-sac	Right-of-way (radius)	50
	Cart way (radius)	40

- (2) Additional right-of-way and cart way widths may be required to the Borough Council for various reasons including, but not limited to:
 - (a) The type of land development.
 - (b) Public safety and convenience.
 - (c) Allowance for anticipated traffic volume.
 - (d) The size of vehicles frequenting the development.

- (e) Parking lanes.
- (f) The loading of school buses or other public transportation.

C. Street Grades. There shall be a minimum centerline grade of 2 percent. Centerline grades shall not exceed the following:

<u>Street Type</u>	<u>Grade</u>
Arterial Street	Five (5) percent
Marginal Access Streets	Twelve (12) percent
Collector Street	Eight (8) percent
All street intersections	Four (4) percent

Grades shall be designed for maximum visibility.

D. Horizontal Curves: Proper sight distance must be provided with respect to horizontal alignment. Measured along the centerline five feet above grade, horizontal curves shall be provided to permit the following minimum sight distances:

Minor Streets	One hundred (100) feet
Collector Streets	Two hundred (200) feet

E. Vertical Curves. Proper sight distance must be provided with respect to vertical alignment. Measured along the centerline five feet above minimum sight distances.

F. Intersection.

- (1) Streets shall intersect as nearly as possible at right angles. No more than two streets shall intersect at the same point. Intersections with collector streets shall be located not closer than 1,000 feet apart, measured from the centerline of the major street.
- (2) Intersections with connector streets shall be at intervals not less than 800 feet.
- (3) Intersections with minor streets shall be at intervals not less than 500 feet.
- (4) Staggered intersections shall be provided on collector streets at a minimum distance of 500 feet; on connector or minor streets at not less than 200 feet as measured from centerline to centerline along the street common to both intersections.
- (5) Intersections shall be rounded by a tangential arc with a minimum radius of:
 - (a) Twenty-five feet for intersections involving only minor streets.
 - (b) Thirty feet for all intersections involving a connector or collector street.

G. Sight Distance at Intersections and Obstructions. Embankments, fences, hedges, shrubbery, walls, planting (except for trees and grass) or other obstructions including signs, shall not be located within the right-of-way and shall not obscure any intersection. A clear sight triangle shall be maintained at intersections, so that measured along the centerline, there shall be a clear sight triangle of 75 feet

minimum, from the point of intersection. No obstruction to view will be permitted in this area above the height of 2 1/2 feet and below 10 feet.

H. Alleys.

- (1) Alleys are encouraged within residential developments to provide access for vehicles to rear, detached garages and to maintain the traditional street pattern of the Borough. The alley provides opportunities for service and delivery and eliminates the need for curb cuts which are conventional in more suburban-type development.
- (2) Alleys shall be at least 12 feet wide and paved when they are one-way or in a residential development. Two-way alleys shall be at least 20 feet wide and paved. Alleys in a nonresidential development shall be at least 22 feet wide and paved.
- (3) All buildings and structures shall be at least 10 feet from the edge of the pavement of the alley.
- (4) All alleys shall be designed and built to be through alleys connecting to existing or proposed streets.
- (5) To the greatest extent possible, all new alleys and all reconstructed alleys shall be designed and constructed to incorporate green infrastructure for stormwater management including but not limited to porous paving, permeable pavers, bioretention, and tree trenches.

I. Cul-de-sacs and Temporary Dead-end Streets.

- (1) The centerline grade on a cul-de-sac street shall not exceed 8 percent.
- (2) Dead-end streets shall be prohibited except for future access to an adjoining property or because of authorized stage development. Such streets shall be provided with a temporary, all-weather turnaround, within the subdivision or development, and the use of such turnaround shall be guaranteed to the public until such time as the street is extended. The outer paving radius shall be 40 feet. Temporary dead-end streets shall not exceed 1,000 feet in length.

J. Street Names.

- (1) Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of the existing streets.
- (2) In no case shall the name of a proposed street duplicate or be phonetically similar to an existing street name in either the Borough or the postal district in which located. The subdivider or developer shall submit the proposed street names to the Borough at the time the preliminary discussions are held and prior to filing a preliminary plat.

§506. ROAD CONSTRUCTION

Roads shall be constructed according to the adopted Construction Standards of the Borough of Mt. Oliver as established by the Borough Engineer.

§507. CALENDAR CONSTRUCTION LIMITATIONS.

1. Road construction such as filling, berming, subgrade, fine-grade construction, base

construction or surface construction cannot be commenced before April 1 and must be completed before October 31 of the same year, unless special permission is granted by the Borough Council otherwise. (It is assumed that the weather conditions between these dates will be ideal for road construction; however, if adverse weather conditions occur between these dates the contractor or builder must abide by the judgment of the Borough Council, their agents, or assigns, in regard to permissible construction weather conditions.)

2. Testing and Repair.
 - A. Prior to acceptance by the Borough, all roads shall be core bored at locations to be determined by the Borough Engineer, by a reputable firm certified to do such work. All cores shall be tested for compliance with all applicable paving regulations and shall include, as a minimum, standard test for thickness, material gradation and compaction, and the Borough shall be furnished with three copies of a written report setting forth the test results. All costs associated therewith are to be paid by the developer or subdivider.
 - B. All paving must be in complete compliance with Pennsylvania Department of Transportation, Form 408, and the Borough may subject the finished road to any additional testing set forth therein.
 - C. All roads shall have a smooth, uniform, finished surface. The developer shall replace or resurface any areas which do not meet the testing requirements or do not have a smooth, uniform appearance due to patches, spalling, poorly butted joints, etc., regardless of the results of any tests. Any replacement or resurfacing shall be made in a neat, workmanlike manner extending the entire width of the road, at right angles to the centerline, the extent of the replacement or resurfacing to be determined by the Borough Engineer.
3. Acceptance of Streets.
 - A. Prior to acceptance of any streets and after all road construction has been completed, the developer and/or contractor, under the direct guidance of a licensed Pennsylvania Surveyor, must install concrete monuments with a minimum size of four inches in diameter, four inches square and three feet long, the center being marked with a 1/2 inch minimum brass wire or bar plug, at all intersections and points of curvature in order to amply mark the right-of-way before the construction of the road can be considered as complete and fully prepared for the Borough to accept the maintenance responsibilities.
4. Monuments.
 - A. All streets shall be monumented and monument locations shall be shown on the recorded plat. All angle points in the boundary of any subdivision shall be monumented. All lot corners and angle points shall be located by iron pins. All monuments and iron pins shall be placed by a minimum licensed Pennsylvania Title Surveyor so that the scored (by an indented cross in the top of the monument) point shall coincide exactly with the point of intersection of the lines being monumented.
 - B. Monuments and iron pins shall be set so their top is level with the finished grade of the surrounding area.

§508. SIDEWALKS AND CROSSWALKS.

1. Sidewalks.
 - A. Paved sidewalks shall be provided for all new development or redevelopment.

- B. All land developments shall provide sidewalks in areas of anticipated pedestrian use, as determined by the Borough.
 - C. Sidewalks shall be constructed to at least the minimum standard as set forth in the Construction Standards of the Borough of Mt. Oliver as established by the Borough Engineer.
2. Crosswalks.
 - A. Crosswalks are required between streets whenever necessary to facilitate pedestrian circulation and to give access to community facilities, such as parks, playgrounds or schools.
 - B. Such crosswalks shall have a right-of-way width of not less than 10 feet and have a paved walk five feet in width.
 3. Handicapped access, ramp gradients, railing requirements and treatment of pavement surfacing shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry.

§509. VEGETATION.

1. Conservation. Development shall be planned so as to minimize the removal of existing trees, shrubs and ground cover and to minimize the amount of land covered by impervious surfaces. All plans shall be submitted to the Allegheny County Conservation District.
2. Noise Control. Street trees along local and collector streets in residential areas may be required as a buffer.
3. Screening. Wherever natural screening is being planted to meet a screening requirement of the Zoning Ordinance, such screen shall consist of 50 percent evergreen or evergreen-type hedges and 50 percent shrubs and deciduous trees inter-planted with a variety and size, at the time of planting, that will attain a height of at least six feet within three years.
4. Furthermore, subdivision and land development plans shall provide for such screening as follows:
 - A. Where nonresidential uses abut residential uses.
 - B. Where residential uses abut any railroad right-of-way or arterial highway.
 - C. Along the perimeter of any outdoor storage area, common utility yard or outdoor equipment area in multiple residential developments.
 - D. Elsewhere, as deemed necessary by the Planning Commission and the Borough Council.
5. Windbreaks. The use of planting rows to serve as windbreaks to control the drifting of snow across public and private roadways may be required.

§510. STREET TREES.

Street trees installed within the Borough shall be installed according to the Construction Standards for the Borough of Mt. Oliver and approved by the Mt. Oliver Borough Planning Commission.

§511. DEVELOPMENT ON PRIVATE STREETS DISCOURAGED.

1. It is the policy of this Borough that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this Borough

- recognizes the need for limited exceptions to the foregoing general policy.
2. No subdivision will be approved on a private street or road if more than two lots already front on such street or road or if after subdivision more than two lots will front on such private street or road.

§512. OPEN SPACE, LOT SITING, PLANTING AND BEAUTIFICATION FOR SUBDIVISION AND LAND DEVELOPMENTS.

1. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has preserved existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features such as, but not limited to, trees, wooded areas and watercourse.
2. Open Space. Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a “limit of work,” which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.
3. Tree Preservation. Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area, or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.
4. Topsoil Preservation. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than 10 percent and shall be stabilized by sodding on slopes 10 percent or more and planted in ground cover on slopes 20 percent or greater.
5. Landscaping. For all multifamily, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees and natural barriers.
6. Buffer Planting Requirements. Buffer yard requirements should be as specified in the Borough Zoning Ordinance.
7. Preserved Landscaping. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.
8. Trees. The planting of trees within the street right-of-way line shall not be permitted without the consent of the Borough. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer.
9. Watercourse Protection. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage.

ARTICLE 600
ADMINISTRATION

§601. FEES.

1. The Borough Council shall establish by resolution, a collection procedure and Schedule of Fees to be paid hereunder by the developer at the time of filing a preliminary plan. Said resolution shall also establish a fee for public hearings.
2. Review fees shall be assessed for each subdivision and land development preliminary and final application, based on a specific fee schedule adopted by resolution reflecting the actual costs incurred by the Borough in reviewing the plan.
3. In the event a developer initiates revisions to a plan, the revised application and plan shall be accompanied by a fee in an amount determined by the Borough, to cover the costs incurred to process and review the plan. Developer is not responsible to pay for the revisions required by the Planning Commission or Borough Council.
4. In order to defray a portion of the cost incurred by the Borough in inspecting the installation of the improvements required by this Chapter, and to ensure compliance with these regulations, the developer shall present a check or money order, made payable to the Borough, in an amount equal to two percent of the estimated cost of the improvement(s) used in the determination of the financial security, as determined by the Borough Engineer. This fee is separate from and in addition to any application fees required by the Borough. The fee shall be paid at the time of submission of the development agreement, and kept in a separate account used solely for the purposes this Section. Upon completion of all inspections and other requirements, the remainder of the funds held in this account retained by the Borough shall be returned to the developer along with an itemized statement evidencing the expenditures of the funds from the account. This fee shall be paid at the time of submission of the development agreement.
5. Said Schedule of Fees shall be posted in the municipal offices and shall be available for inspection upon request.
6. No final plan shall be approved unless and until all fees and charges are paid in full.

§602. PUBLIC HEARING.

Before acting on an application for approval, the Borough Council shall hold a public hearing thereon, pursuant to public notice, as defined by this Chapter.

§603. CERTIFICATES AND APPROVALS.

The format and wording of certificates and approvals to appear on the final tracing proposed for recording shall conform to the requirements of the Allegheny County Subdivision and Land Development Ordinance as now, or hereinafter, amended.

§604. PERMITS.

No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision or development shall be issued, and no building shall be erected in a subdivision or development, until a final plan has been approved by the Borough and properly recorded, and further, until the required improvements have been constructed or their construction guaranteed.

§605. LIABILITY FOR BOROUGH ROADS.

Where any road, public in the Borough, including the pave area, gutters, utilities and the right-of-way, is hereafter damaged in any manner whatsoever, the person or persons directly responsible for said damage, the subcontractor and/or general contractor for whom said persons or his superiors work, or with whom they have contracted, shall be jointly liable for any and all damage to said Borough roads, and shall repair said damage within 90 days of any written notification by the Borough. All repairs shall meet Borough standards and shall be subject to Borough inspection.

§606. MODIFICATIONS.

1. Where the applicant shows to the satisfaction of the Borough that the literal compliance with any mandatory provision of these regulations and causes undue hardship to the applicant because of peculiar conditions pertaining to the particular property, the Borough may grant a modification to one or more provisions of this Chapter. Such modification, however, shall not have the effect of nullifying the intent and/or purpose of this Chapter.
2. All requests for modification of any standard and/or requirement contained in this Chapter shall be made in accordance with the following procedure:
 - A. The request shall be made in writing and shall accompany the preliminary plan application. The request shall include:
 - (1) A full description of the unreasonableness or hardship on which the request is based, and any, peculiar circumstances.
 - (2) A full description of the alternative standard proposed to provide equal or better results.
 - (3) The Section(s) of this Chapter that are requested to be modified and the minimum modification necessary to relieve the hardship.
 - B. The request for modification shall be reviewed by the Planning Commission during to determine compliance with the requirements in the Modifications section of this ordinance above, and shall be recommended for action to the Borough Council.
 - C. The Borough Council, after receipt of the Planning Commission recommendation, shall complete its own review and shall grant or reject the required modification.
 - D. If the modification is granted, a note shall appear on the final plan for recordation.

- E. The Borough Council shall keep a written record of all action on all requests for modifications.

§607. DEVELOPMENT AGREEMENT.

1. As a condition of granting final plan approval, the Borough shall require that the developer execute a development agreement with the Borough in a form acceptable to the Borough Solicitor, containing provisions that are reasonably required to ensure compliance with any conditions of approval, any ordinance or regulation of the Borough and to guarantee the proper installation of onsite improvements related to the subdivision and/or land development, and provisions necessary to indemnify the Borough in connection with such subdivision and/or land development.
2. If the applicant fails to execute the development agreement within 90 days of the date of final plan approval, or fails to initiate construction within one year of the date of execution of the development agreement, final plan approval shall expire, unless the applicant/developer submits a written request for an extension prior to the expiration of the one-year period and the Borough Council grants the request in writing. In the event that final plan approval expires, the developer shall resubmit a final plan application for approval.

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ARTICLE 700
AMENDMENT AND REVIEW BY COUNTY

§701. AMENDMENTS.

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

§702. COUNTY REVIEW.

At least 30 days prior to the date of the public hearing on an amendment to this Chapter, a copy of the proposed amendment shall be forwarded to the Allegheny County Economic Development for review and recommendation and no action on the proposed amendment shall be taken by Borough Council until after at least 45 days from the date of submittal of the amendment to the County.

§703. COPY FORWARDED.

Within 30 days after adoption, the Borough Council shall forward a certified copy of any amendment to this Chapter to the Allegheny County Economic Development for their files.

§704. PUBLIC EXAMINATION.

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

§705. RIGHT TO PROCEED.

No change in this Chapter or the Zoning Ordinance shall adversely affect the applicants' right to complete any finally approved aspect of the proposed development within five years from such approval, when an approval of a subdivision plat has been approved or when an application for land development has been approved and the applicant accepts the conditions of approval.

ARTICLE 800
ENFORCEMENT REMEDIES

§801. VIOLATIONS.

Unless and until a plat has been prepared in full compliance with the provisions of this Chapter and the Pennsylvania Municipalities Planning Code (Act 247) and all amendments thereto, and the regulations adopted hereunder, any person, partnership, or corporation that is the owner or agent of the owner of any lot, tract or parcel of land shall not (i) lay out, construct, open or dedicate any street sanitary service, storm sewer, water main or other improvement for public use, travel or other purpose or for the common use or uses of occupants of buildings abutting hereon, or (ii) sell, transfer or agree to sell or enter an agreement to sell land in a subdivision or land development. Any such person, partnership or corporation, including the members of such partnership or the officers of the corporation, or the agent of any of them, responsible in law or in fact for such violation, upon being found liable hereof in a civil enforcement proceeding commenced by the Mt. Oliver Borough, must pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. Each day that a violation continue shall be a separate violation.

- A. No judgment shall commence or be imposed or payable until the Magisterial District Judge having jurisdiction determines the date of violation.
- B. If the defendant neither pays nor timely appeals the judgment, the Borough shall enforce the judgment pursuant to the rules of civil procedure.
- C. 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.
- D. Any fines or judgments collected shall be deposited in the Borough's General Fund.

§802. PREVENTATIVE 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 or to prevent illegal occupancy of a building, structure or premises. A description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- A. 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 any ordinance amendment adopted pursuant to this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:
 - (1) The owner of record at the time of such violation.
 - (2) 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.
- (3) 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.
 - (4) 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 and abate all violations noted.

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ARTICLE 900
VALIDITY AND REPEALER

§901. VALIDITY.

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

§902. REPEALER.

All resolutions, ordinances or amendments to ordinances, or parts of resolutions or ordinances inconsistent herewith, are hereby repealed as stated or deleted in their entirety in the prefatory paragraph of this ordinance amendment. Specifically, the prior subdivision ordinance shall be repealed in its entirety.

§903. THE MT. OLIVER BOROUGH ZONING ORDINANCE.

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

ARTICLE 1000
EFFECTIVE DATE

§1001. EFFECTIVE DATE.

This Chapter is ordained and enacted this ____ day of ____, ____, and shall become effective on the ____ day of ____, ____.