

**CHAPTER 114
SUBDIVISION AND LAND DEVELOPMENT**

**ARTICLE I
GENERAL PROVISIONS**

- § 114.1. Short title.
- § 114.2. Grant of power and territorial limits of regulations.
- § 114.3. Objectives.
- § 114.4. Compliance required.
- § 114.5. Applicability of provisions.
- § 114.6. Interpretation.
- § 114.7. Effects of changes in the CODE.
- § 114.8. Amendment procedure.

**ARTICLE II
DEFINITIONS AND WORD USAGE**

- § 114.9. Word usage.
- § 114.10. Definitions.

**ARTICLE III
ADMINISTRATION**

- § 114.11. Preapplication conference.
- § 114.12. Submission, review and approval of PRELIMINARY APPLICATION.
- § 114.13. Submission, review and approval of FINAL APPLICATION.
- § 114.14. Modifications and exceptions.
- § 114.15. Fees for PRELIMINARY APPLICATIONS, FINAL APPLICATIONS, revised applications and updating TOWNSHIP maps.
- § 114.16. Recording of FINAL PLAT.

§ 114.17. Release of PERFORMANCE SECURITY of DEVELOPER.

§ 114.18. Acceptance of PUBLIC IMPROVEMENTS.

§ 114.19. Remedies to effect completion of required IMPROVEMENTS.

**ARTICLE IV
APPLICATION CONTENT**

§ 114.20. Preapplication conference.

§ 114.21. Preliminary application.

§ 114.22. Final application.

§ 114.23. Request for release of PERFORMANCE SECURITY.

§ 114.24. Request for partial release of PERFORMANCE SECURITY.

§ 114.25. Request for acceptance of PUBLIC IMPROVEMENTS.

**ARTICLE V
REQUIRED IMPROVEMENTS**

§ 114.26. Monuments.

§ 114.27. PUBLIC and PRIVATE IMPROVEMENTS.

§ 114.28. Utilities.

**ARTICLE VI
DESIGN STANDARDS**

§ 114.29. Application of standards.

§ 114.30. General standards.

§ 114.31. STREETS.

§ 114.32. Standards for STREET intersections.

§ 114.33. Standards for traffic capacity of STREETS, intersections and driveways.

§ 114.34. Standards for sidewalks.

- § 114.35. **Standards for sanitary sewers.**
- § 114.36. **Standards for storm sewers.**
- § 114.37. **Standards for electric, telephone, cable television and water utilities.**
- § 114.38. **Standards for monuments.**
- § 114.39. **Standards for STREET lights.**
- § 114.40. **STREET signs.**
- § 114.41. **Standards for LOTS.**
- § 114.42. **Standards for miscellaneous items.**
- § 114.43. **Standards for DEVELOPMENT in the IDENTIFIED FLOODPLAIN area.**

**ARTICLE VII
VIOLATIONS AND PENALTIES**

- § 114.44. **Enforcement Remedies.**
- § 114.45. **Preventive Remedies.**
- § 114.46. **Appeals.**

**ARTICLE VIII
CERTIFICATIONS AND APPROVALS**

- § 114.47. **Provisions.**
- § 114.48. **Owner's adoption.**
- § 114.49. **Corporation adoption.**
- § 114.50. **Townhouse and garden apartment adoption.**
- § 114.51. **Individual acknowledgement.**
- § 114.52. **Corporation acknowledgement.**
- § 114.53. **Title clauses.**
- § 114.54. **Surveyor's certification.**

- § 114.55. **Municipal engineer's certification.**
- § 114.56. **Municipal stipulations.**
- § 114.57. **Municipal approval.**
- § 114.58. **Allegheny County Department of Economic Development . [Amended 5-1-06 by Ord. No. 1953]**
- § 114.59. **Proof of recording.**

ARTICLE IX
ILLUSTRATIONS
[Added 10-1-07 by Ord. No. 1977]

[**HISTORY:** Adopted by the Board of Commissioners of the Township of Upper St. Clair, 10-7-91 by Ord. No. 1512. Amendments noted where applicable.]

GENERAL REFERENCES

Planning - See Charter, Art. XV.
Definitions and rules of interpretation - See Ch. 3.
Planning Commission - See Ch. 15, Art. VII.
Department of Planning and Community Development - See Ch. 21.
Department of Engineering - See Ch. 21.
Building construction - See Ch. 51.
Procedures and specifications for public improvements - See Ch. 99.
Real estate transfer tax - See Ch. 118, Art. I.
Zoning - See Ch. 130.

**ARTICLE I
GENERAL PROVISIONS**

§ 114.1. Short title.

This chapter shall be known as and referred to as the "Upper St. Clair SUBDIVISION and LAND DEVELOPMENT CODE."

§ 114.2. Grant of power and territorial limits of regulations.

114.2.1. Governing body, planning agency authority for SUBDIVISIONS and LAND DEVELOPMENTS. The MPC gives governing bodies of municipalities authority to regulate SUBDIVISIONS and LAND DEVELOPMENTS within the municipality by enacting a SUBDIVISION and LAND DEVELOPMENT ordinance. This chapter requires that all PLATS of land to be subdivided or developed lying within the TOWNSHIP shall be submitted to the PLANNING COMMISSION for review and to the BOARD OF COMMISSIONERS for approval. All powers granted herein to the BOARD OF COMMISSIONERS or the PLANNING COMMISSION shall be exercised in accordance with the provisions of this chapter.

114.2.2. ZONING CODE control of PLANNED DEVELOPMENTS. In the case of any DEVELOPMENT governed by the Planned Developments Article of the ZONING CODE,¹ however, the applicable provisions of this chapter shall be as modified by the ZONING CODE, and the procedures which shall be followed in the approval of any PLAT and the rights and duties of the parties thereto shall be governed by the ZONING CODE.

114.2.3. Control of Conditional Uses. In the case of any LAND DEVELOPMENT also requiring Conditional Use Approval pursuant to Chapter 130, requirements of both Chapter 130 and Chapter 114 must be met.

114.2.4. County planning review. Upon adoption of this chapter in accordance with the MPC, applications for DEVELOPMENT located within the TOWNSHIP shall be forwarded to the ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT for review and report together with such fee as may be required to cover the costs of the review and report which fee shall be paid by the applicant, provided that the TOWNSHIP shall not approve such applications until the county report is received or until the expiration of thirty (30) days from the date the application was forwarded to the COUNTY.

§ 114.3. Objectives.

¹ Editor's Note: See Ch. 130, Zoning, Art. VI.

In the enactment of this chapter, the BOARD OF COMMISSIONERS proposes to accomplish the following objectives of promoting the health, safety, morals, convenience, order, prosperity or welfare of the present and future inhabitants of the TOWNSHIP:

114.3.1. Standards for DEVELOPERS. To set up a standard set of regulations to guide DEVELOPERS, architects, landscape architects, land planners and engineers in SUBDIVISION and LAND DEVELOPMENT.

114.3.2. Protection of LOT purchasers and regional governments. To provide protection for the LOT purchasers and regional governments and to consider regional needs in the installation of proper utilities and improvements by the DEVELOPER.

114.3.3. Light and air control. To provide adequate light and air by controlling lot size and preventing, on one hand, excessive concentration of population and LOT DEVELOPMENT and, on the other hand, excessive and wasteful scattering of population.

114.3.4. Protection of environment and reduction of costs. To protect the environment of the TOWNSHIP and reduce the maintenance costs of PUBLIC IMPROVEMENTS by promoting efficient DEVELOPMENT, maintaining minimum standards and regulating DEVELOPMENT in IDENTIFIED FLOODPLAIN AREAS.

114.3.5. Safety. To secure safety from fire, FLOOD and other dangers.

114.3.6. General regional needs. To make adequate provision for transportation, water flowage, water supply, drainage, sanitation, educational opportunities, recreation, protection of the tax base, securing economy in governmental expenditures and the protection of both urban and nonurban regional needs.

§ 114.4. Compliance required.

No SUBDIVISION or LAND DEVELOPMENT of any LOT, tract or parcel of land shall be made and no PUBLIC IMPROVEMENTS or other improvements in connection therewith shall be laid out, 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 chapter.

§ 114.5. Applicability of provisions.

No LOT in a SUBDIVISION or LAND DEVELOPMENT may be sold, no permit to erect, alter, repair or occupy any building on land in any SUBDIVISION or LAND DEVELOPMENT may be issued and no building may be erected in any SUBDIVISION or LAND DEVELOPMENT unless and until the provisions of this chapter have been carried out.

§ 114.6. Interpretation.

Where any provision of this ORDINANCE imposes restrictions different from those imposed by any other ordinance, rule, or regulation, or other provision of law, the most restrictive provision or that provision imposing the higher standards shall govern.

§ 114.7. Effects of changes in the CODE.

Changes in the SUBDIVISION and LAND DEVELOPMENT CODE, ZONING CODE, or other governing ordinance or plan, shall affect the approval of PRELIMINARY or FINAL APPLICATIONS as provided by Section 508(4) of the MPC.

§ 114.8. Amendment procedure.

114.8.1. Hearing and Notice. The BOARD OF COMMISSIONERS may, from time to time, amend this chapter by appropriate action taken after a PUBLIC HEARING held pursuant to PUBLIC NOTICE which PUBLIC NOTICE shall include a brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the TOWNSHIP where copies of the proposed amendment may be secured or examined without charge or obtained for a charge not greater than the cost thereof. Unless the proposed amendment shall have been prepared by the PLANNING COMMISSION, the BOARD OF COMMISSIONERS shall submit the amendment to the PLANNING COMMISSION for recommendations at least thirty (30) days prior to the date fixed for the PUBLIC HEARING on such proposed amendment. At least thirty (30) days prior to the hearing on the amendment, the TOWNSHIP shall submit the proposed amendment to the ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT for recommendation.

114.8.2. Copy. Within thirty (30) days after the adoption the BOARD OF COMMISSIONERS shall forward a copy of any amendment to this chapter to the ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT.

114.8.3. Publication, Advertisement and Availability of Ordinance. The TOWNSHIP MANAGER or his designated representative shall publish the proposed amendment once in one newspaper of general circulation within the TOWNSHIP not more than sixty (60) days nor less than seven (7) days prior to passage. Publication shall include notice of the time and place of the meeting at which passage shall be considered and shall include either the full text of the amendment or the title and brief summary prepared by the TOWNSHIP Attorney and setting forth all the provisions in reasonable detail. If the full text is not included, a copy thereof shall be supplied to such newspaper of general circulation. **[Amended 5-01-06 by Ord. No. 1953]**

ARTICLE II
DEFINITIONS AND WORD USAGE

§ 114.9. Word usage.

114.9.1. Word usage. For the purpose of this chapter, words used in the present tense include the future tense; and the term "shall" is always mandatory. The singular always includes the plural and the plural includes the singular.

§ 114.10. Definitions.

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

114.10.1. ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT - The Allegheny COUNTY Planning Department. [**Amended 5-1-06 by Ord. No. 1953**]

114.10.2. APPLICATION, FINAL - The APPLICATION FOR DEVELOPMENT submitted in compliance with §§ 114.13. and 114.22.

114.10.3. APPLICATION FOR DEVELOPMENT - Every application, whether preliminary or final, required to be filed and approved prior to start of construction or DEVELOPMENT of any SUBDIVISION or LAND DEVELOPMENT.

114.10.4. APPLICATION, PRELIMINARY - The APPLICATION FOR DEVELOPMENT submitted in compliance with §§ 114.12. and 114.21.

114.10.5. BOARD OF COMMISSIONERS - The BOARD OF COMMISSIONERS of the TOWNSHIP.

114.10.6. BUILDING CODE - The TOWNSHIP BUILDING CODE.²

114.10.7. BUILDING LINE, FRONT - A line parallel to the front lot line, a distance from the front lot line in accordance with the front yard or perimeter setback requirements of the ZONING CODE.

114.10.8. CARTWAY - That portion of the STREET RIGHT-OF-WAY surfaced for vehicular use.

114.10.9. CODE - The CODE of the TOWNSHIP as adopted and amended by the BOARD OF COMMISSIONERS. The CODE contains all TOWNSHIP ordinances of a general and permanent nature, including the Administrative Code.

² Editor's Note: See Ch. 51, Building Construction.

114.10.10. CONSTRUCTION - The construction, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a building or structure, including the placement of mobile homes.

114.10.11. COUNTY - Allegheny County, Pennsylvania.

114.10.12. CUL-DE-SAC- A short STREET having one (1) end open to traffic and being permanently terminated by a vehicle turnaround.

114.10.13. DEVELOPER - Any landowner, agent of such landowner or tenant SUBDIVISION of land or LAND DEVELOPMENT.

114.10.14. DEVELOPMENT - Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations and the SUBDIVISION of land.

114.10.15. EASEMENT - A grant by the property owner of the use of a strip of land by the public, a corporation or persons for specified purposes.

114.10.16. ENVIRONMENTAL IMPACT STATEMENT - A statement prepared by qualified experts of an assessment of the impact of a SUBDIVISION or LAND DEVELOPMENT on (1) the natural environment, i.e., geology, topography, soils, hydrology, vegetation, wildlife, WETLANDS, and air quality; and (2) the manmade and cultural environment, i.e. LOT USE, utilities, traffic impact, population, economics, services, historic assets, hazardous materials, and general character of the neighborhood. The assessment of traffic impact must include a complete traffic study prepared by a professional traffic engineer identifying the impact of the proposed DEVELOPMENT on existing traffic and circulation patterns and proposing solutions to problems which may arise as a consequence of the proposed DEVELOPMENT. An ENVIRONMENTAL IMPACT STATEMENT is required whether or not the proposed DEVELOPMENT area contains WETLANDS. **[Amended 5-1-06 by Ord. No. 1953]**

114.10.17. FEE - A fee paid by a DEVELOPER to the TOWNSHIP for the use of the TOWNSHIP, to defray the cost of processing the APPLICATION FOR DEVELOPMENT and enforcing the provisions of the CODE. The applicable fees are established in Chapter 57 of the CODE. The fee for SUBDIVISION and LAND DEVELOPMENT is in addition to other fees as required by the TOWNSHIP CODE, such as fees for PUBLIC IMPROVEMENTS.

114.10.18. FIS - Flood Insurance Study with the accompanying Flood Boundary - Floodway Map prepared for the TOWNSHIP by the Federal Insurance Administration, dated September 15, 1983, and March 15, 1984, respectively and modified effective April 17, 1989.

114.10.19. FLOOD - A temporary inundation of normally dry land areas.

114.10.20. FLOOD, ONE-HUNDRED YEAR - A FLOOD that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one-percent chance of occurring each year, although the flood may occur in any year).

114.10.21. FLOODPLAIN AREA, IDENTIFIED - The IDENTIFIED FLOODPLAIN AREA specifically identified in Chapter 130 of the CODE of the TOWNSHIP as being inundated by the ONE-HUNDRED-YEAR FLOOD. Included would be areas identified as Floodway (FW), Flood-Fringe (FF) and General Floodplain (FA).

114.10.22. IMPROVEMENTS. See PRIVATE IMPROVEMENTS, PUBLIC IMPROVEMENTS.

114.10.23. LAND DEVELOPMENT - any of the following activities:

114.10.23.1. The improvement of one LOT or two or more contiguous LOTS, tracts or parcels of land for any purpose involving:

114.10.23.1.1. 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; or

114.10.23.1.2. 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.

114.10.23.2. A SUBDIVISION of land;

114.10.23.3. LAND DEVELOPMENT shall not include:

114.10.23.3.1. 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 intended to be a condominium; or

114.10.23.3.2. the addition of an accessory BUILDING, including farm BUILDINGS, on a LOT or LOTS subordinate to an existing principal BUILDING.

114.10.24. LAND DEVELOPMENT, SIMPLE – A LAND DEVELOPMENT involving a revision in a previously recorded plan approved by the TOWNSHIP which has minimal site and traffic impact, does not create any increase in the number of lots, does not involve any new STREETS or EASEMENTS of access, does not adversely affect the DEVELOPMENT of the remainder of the parcel or adjoining property, and

which is not in conflict with any provisions of this Chapter or the ZONING CODE.
[Added 10-1-07 by Ord. No. 1977]

114.10.25. LOS - Level of service as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

114.10.26. LOT - A portion of a SUBDIVISION or other parcel of land intended as a unit for the transfer of ownership or for DEVELOPMENT, but not including any part of a STREET.

114.10.27 LOT, DOUBLE FRONTAGE – A LOT having LOT lines which extend along two non-intersecting STREETS. **[Amended 10-1-07 by Ord. No. 1977]**

114.10.28 LOT, NONCONFORMING – A LOT which fails to meet the requirements of this Chapter regarding size, shape or area, but was lawfully existing prior to the effective date of adoption or amendment of this Chapter. **[Added 10-1-07 by Ord. No. 1977]**

114.10.29 LOT, UNBUILDABLE – Any existing LOT that does not meet the current requirements set forth in the TOWNSHIP CODE, excluding NONCONFORMING LOTS. **[Added 10-1-07 by Ord. No. 1977]**

114.10.30. MPC - The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. 10101 et seq., as it may be amended.

114.10.31. ORDINANCE (or "this ordinance") - The Upper St. Clair SUBDIVISION and LAND DEVELOPMENT CODE.

114.10.32. PERIMETER SETBACK - The distance from any exterior LOT line of the entire proposed planned development site to a line parallel thereto at a distance from the LOT line in accordance with the requirements set forth in the zoning district in which the planned development site is located.

114.10.33. PLANNING COMMISSION - The TOWNSHIP Planning Commission

114.10.34. PLANNING COMMISSION FILING DEADLINE: 4:00 P.M. on the eleventh (11th) TOWNSHIP working day prior to the regular meeting of the PLANNING COMMISSION. **[Added 5-1-06 by Ord. No. 1953]**

114.10.35. PLAT - The map or plan of a SUBDIVISION, whether preliminary or final.

114.10.36. PLAT, FINAL - The map or site plan of the proposed SUBDIVISION or LAND DEVELOPMENT, in accurate, final form for recording on sheets not to exceed 24" by 36", including the border, as required by the Allegheny County Department of Real Estate. **[Amended 5-1-06 by Ord. No. 1953; 7-7-08 by Ord. No. 2000]**

114.10.37. PLAT, PRELIMINARY - The PLAT, on sheets not to exceed 24” by 36”, including the border, submitted as part of the PRELIMINARY APPLICATION FOR DEVELOPMENT. **[Amended 5-1-06 by Ord. No. 1953]**

114.10.38. PRIVATE IMPROVEMENTS - All STREETS, sidewalks, walkways, landscaping, driveways, parking areas, STREET lights, STREET signs, gutters, curbs, sewers, waterlines and other utilities or related facilities, to be operated and maintained by a private entity, but which must be constructed in accordance with the PUBLIC AND PRIVATE IMPROVEMENTS CODES or, when not specified by the PUBLIC AND PRIVATE IMPROVEMENTS CODES, plans approved by the TOWNSHIP. **[Amended 9-5-95 by Ord. No. 1682; 5-1-06 by Ord. No. 1953]**

114.10.39. PUBLIC - Owned, operated or controlled by a Federal, State or local government agency.

114.10.40. PUBLIC HEARING - The formal meeting held subsequent to PUBLIC NOTICE by the BOARD OF COMMISSIONERS intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

114.10.41. PUBLIC IMPROVEMENTS - All STREETS, sidewalks, walk-ways, STREET lights, STREET signs, gutters, curbs, sewers, waterlines and other utilities or facilities to be dedicated to or maintained by a PUBLIC agency, or any such existing facilities accepted by a PUBLIC agency.

114.10.42. PUBLIC AND PRIVATE IMPROVEMENTS CODE - The PUBLIC AND PRIVATE IMPROVEMENTS CODE of the TOWNSHIP, as amended.³
[Amended 5-1-06 by Ord. No. 1953; 10-1-07 by Ord. No. 1977]

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

114.10.44. RIGHT-OF-WAY -The area dedicated to the USE of either a private STREET or other private purposes for the USE of owners, residents or visitors of a LAND DEVELOPMENT or LOT or accepted by the TOWNSHIP, COUNTY or Commonwealth for a public STREET or other public purpose.

114.10.45. RIGHT-OF-WAY, PRIVATE – The area dedicated to the USE of a PRIVATE STREET or other private purposes for the USE of owners, residents or visitors of a PLANNED DEVELOPMENT or LOT. **[Added 10-1-07 by Ord. No. 1977]**

³ Editor’s Note: See Ch. 99, Public Improvements: Procedures and Specifications.

114.10.46 RIGHT-OF-WAY, PUBLIC – The area dedicated to and accepted by the TOWNSHIP, county or commonwealth for a PUBLIC STREET or other PUBLIC purpose. **[Added 10-1-07 by Ord. No. 1977]**

114.10.47. SECURITY, MAINTENANCE - Method for DEVELOPER to secure structural integrity and functioning of PUBLIC IMPROVEMENTS in accordance with the design and specifications depicted on the FINAL APPLICATION, for a period of time following the date of acceptance by the BOARD OF COMMISSIONERS of dedication of such PUBLIC IMPROVEMENTS. MAINTENANCE SECURITY shall be in the form of a maintenance⁴ bond, an escrow account, letter of credit or such other security as may be acceptable to the TOWNSHIP.

114.10.48. SECURITY, PERFORMANCE - Method for DEVELOPER'S guarantee of proper installation of PRIVATE and PUBLIC IMPROVEMENTS specified in the FINAL APPLICATION. Such SECURITY shall be made in the form of a performance bond, an escrow account, letter of credit or such other security as may be acceptable to the TOWNSHIP.

114.10.49. STREET - An avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic whether public or private but not including driveways, parking areas or walkways. STREET includes the entire RIGHT-OF-WAY. All STREETS are classified in accordance with the latest comprehensive plan of the TOWNSHIP and are defined as follows:

114.10.49.1. PRINCIPAL ARTERIAL STREET - High volume STREET with significant intraurban traffic, primarily intersected by MINOR ARTERIALS and COLLECTORS. Adjacent land uses are residential, commercial and industrial. Design speeds are 40 to 60 miles per hour with average daily traffic volume greater than 20,000 vehicles.

114.10.49.2. MINOR ARTERIAL STREET - STREET used primarily for intra-municipal travel which acts as a connection between PRINCIPAL ARTERIALS and is intersected by COLLECTOR STREETS. Adjacent land uses include commercial, residential and industrial. Design speeds are 30 to 50 miles per hour with average daily traffic volumes generally in the range of 5,000 to 20,000 vehicles.

114.10.49.3. COLLECTOR STREET - STREET which serves to gather traffic from all types of local STREETS and distribute vehicles between ARTERIAL and LOCAL STREETS. Adjacent land uses are commercial and residential. Design speeds are 25 to 40 miles per hour with average daily traffic volumes in generally the range of 1,500 to 10,000 vehicles.

⁴ Editor's Note: The term "performance" has been corrected to "maintenance".

114.10.49.4. LOCAL INDUSTRIAL STREET - STREET which serves primarily industrial land uses and connects industrial driveways to provide access to COLLECTORS or ARTERIALS. Design speeds are 25 to 30 miles per hour. Average daily traffic volumes are generally less than 2,000 vehicles per day.

114.10.49.5. LOCAL COMMERCIAL STREET - STREET which serves primarily commercial and multi-family land uses and connects commercial driveways to provide access to COLLECTORS or ARTERIALS. Design speeds are 25 to 30 miles per hour. Average daily traffic volumes are generally less than 2,000 vehicles per day.

114.10.49.6. LOCAL RESIDENTIAL STREET - STREET which serves primarily residential land uses and connects residential driveways to provide access to COLLECTORS or ARTERIALS. Design speeds are 25 to 30 miles per hour except that the design speed for CUL-DE-SACS of 800 feet or less is 15 to 25 miles per hour. Average daily traffic volumes are generally less than 2,000 vehicles per day.

114.10.50 STREET, PRIVATE – A STREET, including the entire PRIVATE RIGHT-OF-WAY, which is intended for private USE and is a PRIVATE IMPROVEMEMENT. **[Added 10-1-07 by Ord. No. 1977]**

114.10.51 STREET, PUBLIC – A STREET, including the entire PUBLIC RIGHT-OF-WAY, which has been dedicated or devoted to PUBLIC USE by legal mapping, USE or other lawful means. **[Added 10-1-07 by Ord. No. 1977]**

114.10.52. STRUCTURE - Any man-made object having an ascertainable stationary location on or in LOTS or water, whether or not affixed to the LOT. A "STRUCTURE" includes but is not limited to buildings, garages, carports, fences, signs, walls, etc.

114.10.53. SUBDIVISION - The division or redivision of a LOT, tract or parcel of land by any means into two (2) or more LOTS, tracts, parcels or other divisions of land, including changes in existing LOT lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or LOT DEVELOPMENT; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new STREET or EASEMENT of access or residential dwellings, shall be exempted.

114.10.54. SUBDIVISION, SIMPLE - A SUBDIVISION involving resubdivision of a previously recorded plan approved by the TOWNSHIP, or UNBUILDABLE LOT where the LOTS have different zoning districts, which does not create any increase in the number of lots, does not involve any new STREET or EASEMENT of access or the extension or creation of any PUBLIC or PRIVATE IMPROVEMENTS, which does not adversely affect the DEVELOPMENT of the remainder of the parcel or adjoining property, and which is not in conflict with any provisions of this Chapter or the ZONING CODE. **[Amended 10-1-07 by Ord. No. 1977]**

114.10.55. SURVEY - A precise legal description of a LOT and the graphic delineation of precise LOT boundaries; LOT dimensions and areas; all EASEMENTS and public and private RIGHTS-OF-WAY; and north point and graphic scale, affecting the LOT, prepared by a professional land surveyor licensed and registered in the Commonwealth of Pennsylvania. The linear closure accuracy shall be 1:10,000. The SURVEY shall be drawn on sheets of twenty-four by thirty-six (24 by 36) inches. More than one (1) sheet may be used for a larger tract but the same must be indexed.

114.10.56. TOWNSHIP - Upper St. Clair Township, a home-rule municipality, Allegheny County, Pennsylvania.

114.10.57 TOWNSHIP ATTORNEY – The licensed attorney duly appointed as the TOWNSHIP’s legal counsel in accordance with Section C-701 of the TOWNSHIP’s Charter. **[Added 10-1-07 by Ord. No. 1977]**

114.10.58. TOWNSHIP ENGINEER - A professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the TOWNSHIP ENGINEER as provided by Section 21.3.3 of the CODE or a professional engineer licensed as such in the Commonwealth of Pennsylvania and utilized by the TOWNSHIP to advise the regularly appointed TOWNSHIP ENGINEER.

114.10.59. TOWNSHIP MANAGER - The Manager of the TOWNSHIP, duly appointed as set forth in Section 29.1 of the CODE and in accordance with §§C-601 and C-603 of the Home Rule Charter. **[Amended 10-1-07 by Ord. No. 1977]**

114.10.60 TOWNSHIP TRAFFIC ENGINEER – A professional engineer licensed as such in the Commonwealth of Pennsylvania and duly appointed as the TOWNSHIP TRAFFIC ENGINEER or a professional engineer licensed as such in the Commonwealth of Pennsylvania and utilized by the TOWNSHIP to advise the regularly appointed TOWNSHIP TRAFFIC ENGINEER. **[Added 10-1-07 by Ord. No. 1977]**

114.10.61. USE - An activity, business or purpose for which any lot or structure is utilized.

114.10.62. WETLANDS - Any area declared by the appropriate State or Federal agency to be a WETLAND.

114.10.63. ZONING CODE - The Zoning CODE of the TOWNSHIP, as amended.⁵

⁵ Editor’s note: See Ch. 130, Zoning.

**ARTICLE III
ADMINISTRATION**

§ 114.11. Preapplication conference.

Before submission of a PRELIMINARY APPLICATION for SUBDIVISION or LAND DEVELOPMENT approval, the DEVELOPER shall have meetings with the proper administrative officials of the TOWNSHIP and with the PLANNING COMMISSION to determine the feasibility, suitability and the timing of the application process. Subsequent to meeting with administrative officials and not later than one (1) week before the regular meeting of the PLANNING COMMISSION, the DEVELOPER shall submit a written request for a preapplication conference with the PLANNING COMMISSION, as required in Section 114.20. This step is intended so that the DEVELOPER may obtain information and guidance from the TOWNSHIP personnel before entering into binding commitments or incurring substantial expenses of site plan preparation. **[Amended 5-1-06 by Ord. No. 1953]**

§ 114.12. Submission, review and approval of PRELIMINARY APPLICATION.

114.12.1. Submission.

114.12.1.1. The PRELIMINARY APPLICATION for SUBDIVISION or LAND DEVELOPMENT approval as required in Section 114.21 shall be submitted to the TOWNSHIP by the DEVELOPER on the PLANNING COMMISSION FILING DEADLINE. **[Amended 5-1-06 by Ord. No. 1953]**.

114.12.1.2. Where LAND DEVELOPMENT also requires conditional use approval under the ZONING CODE, a unified PRELIMINARY APPLICATION for LAND DEVELOPMENT/conditional use approval shall be filed.

114.12.1.3. Missing materials are cause for judging a PRELIMINARY APPLICATION incomplete. Such PRELIMINARY APPLICATION shall not be accepted for processing but shall be held, except for the FEE which shall be returned to the DEVELOPER within five (5) TOWNSHIP working days following receipt together with a letter stating the deficiencies in the PRELIMINARY APPLICATION and the fact that the PRELIMINARY APPLICATION was not accepted. The DEVELOPER may reapply, submitting the FEE and missing material to the TOWNSHIP on any subsequent filing date.

114.12.2. PLANNING COMMISSION meeting and recommendation.

114.12.2.1. At the first regular meeting of the PLANNING COMMISSION after submission of the PRELIMINARY APPLICATION, the PLANNING COMMISSION shall hold a public meeting on the consideration of the PRELIMINARY APPLICATION for a SUBDIVISION or LAND DEVELOPMENT.

114.12.2.2. Within forty-five (45) days of the filing of the PRELIMINARY APPLICATION, the PLANNING COMMISSION shall make a written recommendation to the BOARD OF COMMISSIONERS for approval or disapproval of the PRELIMINARY APPLICATION. In said recommendation the PLANNING COMMISSION shall set forth with particularity the reasons for its recommendations.

114.12.3. Approval or disapproval by BOARD OF COMMISSIONERS.

114.12.3.1. Where a unified PRELIMINARY APPLICATION for LAND DEVELOPMENT/conditional use approval has been filed, the BOARD OF COMMISSIONERS shall hold a PUBLIC HEARING as required by the ZONING CODE prior to approval or disapproval action.

114.12.3.2. Within ninety (90) days of the filing of the PRELIMINARY APPLICATION for SUBDIVISION or LAND DEVELOPMENT approval, the BOARD OF COMMISSIONERS shall either approve or disapprove the PRELIMINARY APPLICATION. Failure of the PRELIMINARY APPLICATION to comply with Articles IV and VI of this SUBDIVISION and LAND DEVELOPMENT CODE shall be cause for tabling the PRELIMINARY APPLICATION without the consent of the DEVELOPER. **[Amended 7-6-92 by Ord. No. 1544]**

114.12.3.3. A letter indicating approval or disapproval shall be forwarded to the DEVELOPER (applicant) by certified mail, return receipt requested, within fifteen (15) days of the decision. If the PRELIMINARY APPLICATION is not approved, the BOARD OF COMMISSIONERS shall specify the defects found in the PRELIMINARY APPLICATION and describe the requirements which have not been met and shall cite the provisions of the CODE or the laws of the Commonwealth of Pennsylvania relied upon.

114.12.3.4. Conditional Approval. The PRELIMINARY APPLICATION may be approved subject to certain conditions, which conditions shall be accepted by the applicant. In such event the BOARD OF COMMISSIONERS shall cause a letter evidencing its approval of the PRELIMINARY APPLICATION subject to certain conditions to be submitted to the applicant within fifteen (15) days of its decision. Failure of the applicant to deliver to the TOWNSHIP written acceptance of such conditions within fifteen (15) days of applicant's receipt of the TOWNSHIP'S letter stipulating conditions shall result in an automatic rescission of such approval.

§ 114.13. Submission, review and approval of FINAL APPLICATION.

114.13.1. General procedure.

114.13.1.1. After the PRELIMINARY APPLICATION for a SUBDIVISION or LAND DEVELOPMENT has been approved by the BOARD OF COMMISSIONERS, the DEVELOPER may proceed with the FINAL APPLICATION either by filing a FINAL APPLICATION without requesting FINAL PLAT approval and completing the PUBLIC and PRIVATE IMPROVEMENTS before FINAL PLAT approval is requested or by filing a FINAL APPLICATION, including a request for FINAL PLAT approval, before the PUBLIC and PRIVATE IMPROVEMENTS are completed, together with the posting of PERFORMANCE SECURITY with the TOWNSHIP.

114.13.1.2. Where the LAND DEVELOPMENT also requires conditional use approval under the provisions of the ZONING CODE, a unified FINAL APPLICATION for LAND DEVELOPMENT/conditional use approval shall be filed. If no PUBLIC or PRIVATE IMPROVEMENTS are required, the DEVELOPER may file the joint FINAL APPLICATION for LAND DEVELOPMENT/conditional use together with the unified PRELIMINARY APPLICATION for LAND DEVELOPMENT/ conditional use.

114.13.2. Procedure for FINAL APPLICATION submission not including FINAL PLAT approval.

114.13.2.1. Submission.

114.13.2.1.1. The DEVELOPER shall file the FINAL APPLICATION, as required in Section 114.22, with the TOWNSHIP on the PLANNING COMMISSION FILING DEADLINE. **[Amended 9-5-95 by Ord. No. 1682; 5-1-06 by Ord. No. 1953]**

114.13.2.1.2. For the purposes of this subsection, the FINAL PLAT as required in Subsection 114.22.5. shall be omitted from the FINAL APPLICATION.

114.13.2.1.3. Missing materials are cause for judging a FINAL APPLICATION incomplete. Such FINAL APPLICATION shall not be accepted for processing but shall be held, except for the FEE which shall be returned to the DEVELOPER within five (5) TOWNSHIP working days following receipt together with a letter stating the deficiencies in the FINAL APPLICATION and the fact that the FINAL APPLICATION was not accepted. The DEVELOPER may reapply, submitting the FEE and missing material to the TOWNSHIP on any subsequent filing date.

114.13.2.2. PLANNING COMMISSION meeting and approval or disapproval.

114.13.2.2.1. The PLANNING COMMISSION shall, within thirty (30) days of the filing of a FINAL APPLICATION pursuant to this section,

approve or disapprove the FINAL APPLICATION, not including the FINAL PLAT.

114.13.2.2.2. A letter indicating approval or disapproval of the FINAL APPLICATION shall be forwarded to the DEVELOPER, by certified mail, return receipt requested, within fifteen (15) days of the decision. If the FINAL APPLICATION is not approved, the PLANNING COMMISSION shall specify the defects found in the FINAL APPLICATION and describe the requirements which have not been met and shall cite the provisions of the CODE or laws of the Commonwealth of Pennsylvania relied upon.

114.13.2.3. CONSTRUCTION of PUBLIC and PRIVATE IMPROVEMENTS. If the DEVELOPER'S FINAL APPLICATION, not including FINAL PLAT, is approved and the DEVELOPER has obtained all other permits required under the CODE, the DEVELOPER may proceed to construct the PUBLIC and PRIVATE IMPROVEMENTS and other LOT improvements as indicated in the DEVELOPER'S FINAL APPLICATION seventy-two (72) hours after the DEVELOPER has notified the TOWNSHIP ENGINEER by certified mail.

114.13.3. FINAL PLAT approval after completion of PUBLIC and PRIVATE IMPROVEMENTS.

114.13.3.1. Notification of completion of PUBLIC and PRIVATE IMPROVEMENTS and submission of FINAL PLAT. After the DEVELOPER has completed the PUBLIC and PRIVATE IMPROVEMENTS indicated in the DEVELOPER'S FINAL APPLICATION, the DEVELOPER shall notify the TOWNSHIP, in writing, of such completion; and the DEVELOPER shall submit to the TOWNSHIP, together with the notification of the completion of the PUBLIC IMPROVEMENTS, the FINAL PLAT as required in Section 114.22.5., for FINAL PLAT approval, a mylar and four (4) prints of the as-built plans for the PUBLIC and PRIVATE IMPROVEMENTS in accordance with the requirements of the TOWNSHIP ENGINEER. The datum shall tie into the State Plane Coordinate System. **[Amended 7-7-08 by Ord. No. 2000; 3-2-09 by Ord. No. 2017]**

114.13.3.2. Inspection of PUBLIC and PRIVATE IMPROVEMENTS and FINAL PLAT. Within ten (10) days after the receipt of the submission under Section 114.13.3.1, the BOARD OF COMMISSIONERS shall authorize the TOWNSHIP ENGINEER to inspect the PUBLIC and PRIVATE IMPROVEMENTS and the FINAL PLAT and indicate to the BOARD OF COMMISSIONERS whether the PUBLIC IMPROVEMENTS comply with the PUBLIC AND PRIVATE IMPROVEMENTS CODES and whether the FINAL PLAT complies with this chapter. Said inspection shall be completed within thirty (30) days of the receipt of the submission required under Section 114.13.3.1. **[Amended 5-1-06 by Ord. No. 1953]**

114.13.3.3. Approval or disapproval of FINAL PLAT by BOARD OF COMMISSIONERS.

114.13.3.3.1. Within thirty (30) days after submission of the FINAL PLAT under Section 114.13.3.1. above, the BOARD OF COMMISSIONERS shall either approve or disapprove the FINAL PLAT.

114.13.3.3.2. A letter indicating approval or disapproval shall be forwarded to the DEVELOPER (applicant) by certified mail, return receipt requested, within fifteen (15) days of the decision. If the FINAL PLAT is not approved, the BOARD OF COMMISSIONERS shall specify the defects found in the FINAL PLAT and describe the requirements which have not been met and cite the provisions of the TOWNSHIP CODE or the laws of the Commonwealth of Pennsylvania relied upon.

114.13.4. Procedure for FINAL APPLICATION approval, including FINAL PLAT approval.

114.13.4.1. Submission.

114.13.4.1.1. The FINAL APPLICATION for SUBDIVISION or LAND DEVELOPMENT approval as required in Section 114.22. shall be submitted to the TOWNSHIP by the DEVELOPER on or before the PLANNING COMMISSION FILING DEADLINE. **[Amended 9-5-95 by Ord. No. 1682; 6-1-06 by Ord. No. 1953]**

114.13.4.1.2. Missing materials are cause for judging a FINAL APPLICATION incomplete. Such FINAL APPLICATION shall not be accepted for processing but shall be held, except for the FEE which shall be returned to the DEVELOPER within five (5) TOWNSHIP working days following receipt together with a letter stating the deficiencies in the FINAL APPLICATION and the fact that the FINAL APPLICATION was not accepted. The DEVELOPER may reapply, submitting the FEE and missing material to the TOWNSHIP on any subsequent filing date.

114.13.4.2. PLANNING COMMISSION meeting. At the first regular meeting of the PLANNING COMMISSION after submission of the FINAL APPLICATION, the PLANNING COMMISSION shall hold a public meeting on the consideration of the FINAL APPLICATION for a SUBDIVISION.

114.13.4.3. PLANNING COMMISSION recommendation. Within thirty (30) days of the filing of the FINAL APPLICATION, the PLANNING COMMISSION shall make a written recommendation to the BOARD OF COMMISSIONERS for approval or disapproval of the FINAL APPLICATION.

114.13.4.4. Approval or disapproval by BOARD OF COMMISSIONERS.

114.13.4.4.1. Within thirty (30) days after the PLANNING COMMISSION has forwarded its recommendation to the BOARD OF COMMISSIONERS, the BOARD OF COMMISSIONERS shall either approve or disapprove the FINAL APPLICATION. Failure of the FINAL APPLICATION to comply with Articles IV and VI of this SUBDIVISION and LAND DEVELOPMENT CODE shall be cause for tabling the FINAL APPLICATION without the consent of the DEVELOPER. **[Amended 7-6-92 by Ord. No. 1544]**

114.13.4.4.2. A letter indicating approval or disapproval shall be forwarded to the DEVELOPER (applicant) by certified mail, return receipt requested, within fifteen (15) days of the decision. If the FINAL APPLICATION is not approved, the BOARD OF COMMISSIONERS shall specify the defects found in the FINAL APPLICATION and describe the requirements which have been met and shall cite the provisions of the CODE or the laws of the Commonwealth of Pennsylvania relied upon.

114.13.4.5. Minor shifts in LOT lines. The TOWNSHIP MANAGER shall have the authority to approve minor shifts in LOT lines in the SUBDIVISION or LAND DEVELOPMENT where no new LOTS are created and no PUBLIC or PRIVATE IMPROVEMENTS are necessary, upon the request of the DEVELOPER, after the FINAL APPLICATION has been approved but prior to release of the FINAL PLAT for recording.

114.13.4.6. Completion of PUBLIC and PRIVATE IMPROVEMENTS or deposit of PERFORMANCE SECURITY required.

114.13.4.6.1. No PLAT shall be finally approved unless the PUBLIC and PRIVATE IMPROVEMENTS as required by this chapter and the PUBLIC AND PRIVATE IMPROVEMENTS CODES have been installed. **[Amended 5-1-06 by Ord. No. 1953]**

114.13.4.6.2. In lieu of the completion of and PUBLIC and PRIVATE IMPROVEMENTS required as a condition for the approval of a FINAL PLAT, the DEVELOPER shall provide for the deposit with the TOWNSHIP, PERFORMANCE SECURITY in an amount determined by the TOWNSHIP ENGINEER to be equal to one hundred and ten percent (110%) of the costs of the PUBLIC and PRIVATE IMPROVEMENTS required, estimated as of ninety (90) days following the date scheduled for completion by the DEVELOPER.

114.13.4.6.3. Annually, the TOWNSHIP may adjust the amount of the PERFORMANCE SECURITY by comparing the actual cost of the

PUBLIC and PRIVATE IMPROVEMENTS which have been completed and the estimated cost for the completion of the remaining PUBLIC and PRIVATE IMPROVEMENTS as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the TOWNSHIP may require the DEVELOPER to post additional PERFORMANCE SECURITY in order to assure that the PERFORMANCE SECURITY equals said 110%. Any additional PERFORMANCE SECURITY shall be posted by the DEVELOPER in accordance with this subsection.

114.13.4.6.4. The amount of PERFORMANCE SECURITY shall be based upon an estimate of the cost of completion of the required PUBLIC and PRIVATE IMPROVEMENTS, submitted by a DEVELOPER and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The TOWNSHIP, upon the recommendation of the TOWNSHIP ENGINEER, may refuse to accept such estimate for good cause shown. If the DEVELOPER and the TOWNSHIP are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the TOWNSHIP and the DEVELOPER. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the TOWNSHIP and the DEVELOPER.

114.13.4.6.5. If the DEVELOPER requires more than one (1) year from the date of posting of the PERFORMANCE SECURITY to complete such required IMPROVEMENTS, the amount of SECURITY may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of PERFORMANCE SECURITY.

114.13.4.6.6. The PERFORMANCE SECURITY shall provide for and secure to the public the completion of such improvements on or before the date fixed in the formal action of approval by the BOARD OF COMMISSIONERS. If no such date is fixed at such time, the PERFORMANCE SECURITY shall provide for completion within twenty-four (24) months of the date of formal action of approval.

114.13.5. Stage approval.

114.13.5.1. In the case where DEVELOPMENT of a SUBDIVISION or LAND DEVELOPMENT is projected over a period of years, the TOWNSHIP authorizes submission of FINAL APPLICATIONS by section or stages of DEVELOPMENT, subject to such requirements or guarantees as to PUBLIC and PRIVATE IMPROVEMENTS future sections or stages of DEVELOPMENT as

are essential for the protection of any finally approved section of the SUBDIVISION or LAND DEVELOPMENT; provided, however, that future sections or stages must conform to the PRELIMINARY APPLICATION as previously approved by the TOWNSHIP.

114.13.5.2. The schedule for submission of FINAL APPLICATIONS for such sections or stages shall be set in the decision of the BOARD OF COMMISSIONERS granting PRELIMINARY PLAN approval. Requests for extensions of time for the filing of such FINAL APPLICATIONS from the schedule set forth by the BOARD OF COMMISSIONERS may be granted by the TOWNSHIP MANAGER upon written request submitted by the DEVELOPER prior to the expiration of the time period from which the extension is sought.

114.13.5.3. Any stage that does not comply with the PRELIMINARY APPLICATION will require complete resubmission of the PRELIMINARY APPLICATION in accordance with § 114.12. of this Chapter.

114.13.6. Conditional Approval. The FINAL APPLICATION may be approved subject to certain conditions, which conditions shall be accepted by applicant. In such event the BOARD OF COMMISSIONERS shall cause a letter, evidencing its approval of the FINAL APPLICATION subject to certain conditions, to be submitted to the applicant within fifteen (15) days of its decision. Failure of applicant to deliver to the TOWNSHIP written acceptance of such conditions within fifteen (15) days of applicant's receipt of the TOWNSHIP'S letter stipulating conditions shall result in automatic rescission of such approval.

§ 114.14. Modifications and exceptions.

114.14.1. Small SUBDIVISIONS and LAND DEVELOPMENTS and SIMPLE SUBDIVISIONS.

114.14.1.1. In the case of a small SUBDIVISION or LAND DEVELOPMENT of minor importance situated in a locality where conditions are well defined, the TOWNSHIP MANAGER may exempt the DEVELOPER from complying with some of the requirements pertaining to the preparation of the APPLICATION FOR DEVELOPMENT.

114.14.1.2. In the case of a SIMPLE SUBDIVISION and/or SIMPLE LAND DEVELOPMENT, the TOWNSHIP MANAGER may exempt the DEVELOPER from complying with some of the requirements pertaining to the APPLICATION FOR DEVELOPMENT and the TOWNSHIP MANAGER may approve or deny the FINAL PLAT, subject to the recommendation of the TOWNSHIP ENGINEER. **[Amended 10-1-07 by Ord. No. 1977]**

114.14.1.3. SIMPLE SUBDIVISIONS involving previously recorded plans and/or SIMPLE LAND DEVELOPMENTS involving LAND DEVELOPMENTS

previously approved by the TOWNSHIP must meet the standards for PUBLIC and PRIVATE IMPROVEMENTS that were in effect at the time that the plan was previously approved. [Amended 10-1-07 by Ord. No. 1977]

114.14.2. Hardship engendered by exceptional topography or other physical conditions.

In any particular case where the DEVELOPER can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this chapter would cause practical difficulty or exceptional and undue hardship, the BOARD OF COMMISSIONERS may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of this chapter or the desirable general development of the neighborhood and the community in accordance with any comprehensive plan. Any modification thus granted shall be entered in the minutes of the BOARD OF COMMISSIONERS, setting forth the reasons which, in the opinion of the BOARD OF COMMISSIONERS, justified the modification.

114.14.3. Other hardships.

When, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, the BOARD OF COMMISSIONERS may make such reasonable exceptions thereto as will not be contrary to the public interest and may permit the sale of a lot, issuance of a permit or erection of a building, subject to conditions necessary to assure adequate PUBLIC and PRIVATE IMPROVEMENTS.

114.14.4. Written record.

All requests for relief under this Section shall be made in writing and shall accompany the PRELIMINARY APPLICATION. The request shall state in full the grounds and facts of unreasonableness or hardship upon which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary. The BOARD OF COMMISSIONERS shall cause to be kept a written record of all action on all requests for modifications.

§ 114.15. Fees for PRELIMINARY APPLICATIONS, FINAL APPLICATIONS, revised applications and updating TOWNSHIP maps.

FEES for PRELIMINARY APPLICATIONS, FINAL APPLICATIONS, revised applications, and updating TOWNSHIP maps shall be tendered to the TOWNSHIP in accordance with the schedule in Chapter 57 of the CODE, entitled FEES. All application FEES shall be paid prior to release of the FINAL PLAT for recording. FEES for updating TOWNSHIP maps shall be paid upon notice.

§ 114.16. Recording of FINAL PLAT.

114.16.1. Time for recording.

114.16.1.1. Within ninety (90) days after the date of the approval of the FINAL PLAT, or ninety (90) days after the date of delivery of an approved PLAT following completion of conditions imposed for such approval, whichever is later, the DEVELOPER shall record or cause to be recorded the original copy of the FINAL PLAT in the office of the recorder of deeds (Department of Real Estate) of Allegheny County. Upon written request by the DEVELOPER, the BOARD OF COMMISSIONERS may grant an extension of time for recording, which extension shall be reflected on the FINAL PLAT. **[Amended 5-1-06 by Ord. No. 1953; 7-7-08 by Ord. No. 2000; 3-2-09 by Ord. No. 2017]**

114.16.1.2. All FINAL PLATS must bear the signature and seal of the ALLEGHENY COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT prior to recording. **[Amended 7-6-99 by Ord. No. 1807; 5-1-06 by Ord. No. 1953]**

114.16.2. Filing plans and profiles. Upon the completion of the required IMPROVEMENTS in a SUBDIVISION, a request for release of PERFORMANCE SECURITY, including plans and profiles of the IMPROVEMENTS, as constructed, shall be filed with the TOWNSHIP as required in Section 114.23.

114.16.3. Completion and acceptance. After an approved FINAL PLAT shall have been officially recorded, the STREETS, parks and other IMPROVEMENTS shown thereon shall be considered to be a part of the official plan of the TOWNSHIP. However, said STREETS, parks and other IMPROVEMENTS shall not be considered to have been finally accepted as part of the PUBLIC IMPROVEMENTS of the TOWNSHIP until the dedication thereof has been finally accepted by an ordinance of the TOWNSHIP.

114.16.4. No PUBLIC IMPROVEMENTS deemed accepted until action by ordinance. Until final acceptance by ordinance duly enacted, no property or other PUBLIC IMPROVEMENT shown on the FINAL PLAT shall be deemed a part of the PUBLIC IMPROVEMENTS of the TOWNSHIP, but on the contrary the same shall be deemed to be private STREETS, parks or PRIVATE IMPROVEMENTS until and unless the same have been accepted in accordance with law. No PUBLIC IMPROVEMENT shall be accepted by the TOWNSHIP unless completed in accordance with the PUBLIC AND PRIVATE IMPROVEMENTS CODES. **[Amended 5-1-06 by Ord. No. 1953]**

114.16.5. DEVELOPER shall reimburse TOWNSHIP for the reasonable and necessary expense incurred in updating the TOWNSHIP maps. Such reimbursement shall be based upon the schedule as set forth in the CODE, entitled "Fees".

114.16.6. The DEVELOPER shall deliver to the TOWNSHIP a reproducible mylar and four (4) copies of the FINAL PLAT as recorded with the plan book and page number

indicated. The Township will not issue building permits or authorize construction until receipt of the aforesaid. [Added 3-2-09 by Ord. No. 2017]

§ 114.17. Release of PERFORMANCE SECURITY of DEVELOPER.

114.17.1. Notification by DEVELOPER; inspection. When the DEVELOPER has completed all of the necessary and appropriate required IMPROVEMENTS, the DEVELOPER shall notify the TOWNSHIP, in writing, by certified or registered mail, of the completion of the required IMPROVEMENTS and shall send a copy thereof to the TOWNSHIP ENGINEER. The TOWNSHIP MANAGER or designated representative shall, within ten (10) days after receipt of such notice, direct and authorize the TOWNSHIP ENGINEER to inspect all of the required IMPROVEMENTS. The TOWNSHIP ENGINEER shall, thereupon, file a report in writing with the TOWNSHIP MANAGER and shall promptly mail a copy of the same to the DEVELOPER by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the TOWNSHIP ENGINEER of the aforesaid authorization from the TOWNSHIP MANAGER. Said report shall be detailed and shall indicate approval or rejection of the required IMPROVEMENTS, either in whole or in part. If the TOWNSHIP ENGINEER rejects any of the required IMPROVEMENTS, said report shall contain a statement of reasons for such nonapproval or rejection.

114.17.2. TOWNSHIP'S notification to DEVELOPER. The TOWNSHIP MANAGER shall notify the DEVELOPER, within fifteen (15) days of receipt of the TOWNSHIP ENGINEER'S report, in writing, by certified or registered mail, of the action of the TOWNSHIP with relation thereto.

114.17.3. Failure of the TOWNSHIP to comply. If the TOWNSHIP MANAGER or the TOWNSHIP ENGINEER fails to comply with the time limitation provisions contained herein, all required IMPROVEMENTS will be deemed to have been approved and the DEVELOPER shall be released from all liability, pursuant to its PERFORMANCE SECURITY.

114.17.4. Completion of rejected required IMPROVEMENTS. If any portion of the required IMPROVEMENTS shall not be approved or shall be rejected by the TOWNSHIP, the DEVELOPER shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

114.17.5. No limitation of DEVELOPER'S rights. Nothing herein, however, shall be construed to be in a limitation of the DEVELOPER'S right to contest or question, by legal proceedings or otherwise, any determination of the TOWNSHIP MANAGER or the TOWNSHIP ENGINEER.

114.17.6. DEVELOPER shall reimburse TOWNSHIP for the reasonable and necessary expense incurred for the inspection of the required IMPROVEMENTS. Such reimbursement shall be based upon the schedule set forth in Chapter 57 of the CODE

entitled "Fees." Inspection expenses are subject to appeal in accordance with Section 510(g) of the MPC.

114.17.7. Partial Release of PERFORMANCE SECURITY. As the work of installing the required IMPROVEMENTS proceeds, the DEVELOPER may request the TOWNSHIP to release or authorize the release of such portions of the PERFORMANCE SECURITY fairly representing the amount of the work completed. The same procedure shall be followed for a partial release of PERFORMANCE SECURITY as for a final release of PERFORMANCE SECURITY except that correspondence may be by regular mail and the TOWNSHIP must act upon the request within twenty (20) TOWNSHIP working days of the receipt of the request. The TOWNSHIP may, prior to final release at the time of completion and certification by the TOWNSHIP ENGINEER, require retention of ten (10) percent of the estimated cost of the required IMPROVEMENTS.

114.17.8. When required IMPROVEMENTS are PUBLIC IMPROVEMENTS, the TOWNSHIP may require retention of fifteen (15) percent of the estimated cost of the PUBLIC IMPROVEMENTS until the required MAINTENANCE SECURITY is presented to the TOWNSHIP.

§ 114.18. Acceptance of PUBLIC IMPROVEMENTS.

Upon completion of the inspection and approval of the PUBLIC IMPROVEMENTS, the DEVELOPER shall request the TOWNSHIP, in writing, to accept the dedication of the PUBLIC IMPROVEMENTS. If the PUBLIC IMPROVEMENTS request is received by the TOWNSHIP more than ten (10) days before the next regular meeting of the BOARD OF COMMISSIONERS and upon posting of a MAINTENANCE SECURITY for a term not to exceed eighteen (18) months from the date of acceptance of dedication, the BOARD OF COMMISSIONERS shall enact an ordinance accepting the PUBLIC IMPROVEMENTS as part of the TOWNSHIP'S public facilities. The amount of the MAINTENANCE SECURITY aforesaid shall be fifteen percent (15%) of the actual cost of the installation of such PUBLIC IMPROVEMENTS. [Amended 7-7-08 by Ord. No. 2000; 3-2-09 by Ord. No. 2017]

§ 114.19. Remedies to effect completion of required IMPROVEMENTS.

114.19.1. TOWNSHIP remedies. In the event that IMPROVEMENTS which may be required have not been installed as provided in the PUBLIC AND PRIVATE IMPROVEMENTS CODES or in accordance with the approved FINAL PLAT or the approved FINAL APPLICATION by the completion date established at the time of such approval or if no such completion date has been established, within twenty-four (24) months of the FINAL PLAT approval, the TOWNSHIP MANAGER shall take the remedies provided under the MPC to effect completion of the required IMPROVEMENTS. [Amended 5-1-06 by Ord. No. 1953]

114.19.2. Installation by TOWNSHIP; use of PERFORMANCE SECURITY proceeds. If proceeds of the PERFORMANCE SECURITY are insufficient to pay the cost of installing or making repairs or corrections to all the required IMPROVEMENTS

covered by the SECURITY, the TOWNSHIP may, at its option, install part of the IMPROVEMENTS in all or part of the SUBDIVISION or LAND DEVELOPMENT and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the IMPROVEMENTS. All of the proceeds, whether resulting from the PERFORMANCE SECURITY or from any legal or equitable action brought against the DEVELOPER, or both, shall be used solely for the installation of the IMPROVEMENTS covered by the PERFORMANCE SECURITY and not for any other municipal purpose.

ARTICLE IV
APPLICATION CONTENT

§ 114.20. Preapplication conference - The written request for a preapplication conference with the PLANNING COMMISSION shall include the following:

114.20.1. Letter identifying the property, the name of the property owner, and the nature of the proposed project.

114.20.2. Sketch plan, recommended but optional.

§ 114.21. Preliminary application - The PRELIMINARY APPLICATION for a SUBDIVISION or LAND DEVELOPMENT shall include the following:

114.21.1. Application form, seventeen (17) copies, as prescribed by the TOWNSHIP. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.2. PRELIMINARY APPLICATION FEE.

114.21.3. If applicant is other than the landowner, seventeen (17) copies of landowner's authorization for applicant to apply and nature of APPLICANT'S interest in the SITE. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.4. PRELIMINARY PLAT - Seventeen (17) copies, based upon the TOWNSHIP'S official planimetric and topographic map when available. A PRELIMINARY PLAT shall include the following: **[Amended 5-1-06 by Ord. No. 1953]**

114.21.4.1. A boundary and topographical SURVEY of the total proposed SUBDIVISION or LAND DEVELOPMENT including adjacent land within one hundred (100) feet of the proposed SUBDIVISION or LAND DEVELOPMENT, at a scale of one inch equals fifty feet (1" = 50'). If the DEVELOPER intends to develop a tract of land in stages, the PRELIMINARY PLAT must include the total tract. [NOTE: The approval of the PRELIMINARY PLAT shall be for all the land intended to be subdivided and shall serve as a master plan for the area. See Article III. § 114.13.5.]

114.21.4.2. The proposed name of the SUBDIVISION or LAND DEVELOPMENT.

114.21.4.3. The name and address of the registered engineer who prepared the PLAT and the registered surveyor who did the SURVEY shown on the PLAT.

114.21.4.4. The proposed STREET layout in the SUBDIVISION or LAND DEVELOPMENT showing horizontal and vertical alignment in the form of

horizontal centerline and vertical profiles with geometric data. The geometric data shall be based on graphical scales and is not required to be coordinated with base survey lines.

114.21.4.5. The layout of LOTS (showing scaled dimensions), LOT numbers and the area of LOTS in square feet.

114.21.4.6. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semipublic or community purposes.

114.21.4.7. The legend and notes.

114.21.4.8. FRONT BUILDING LINES and PERIMETER SETBACKS.

114.21.4.9. The graphic scale, North point and date.

114.21.4.10. A location map showing the SUBDIVISION or LAND DEVELOPMENT name and location; major existing thoroughfares related to the SUBDIVISION or LAND DEVELOPMENT, including the distance therefrom; title, graphic scale and North point. The source of the location map shall be the Township Zoning Map. **[Amended 9-5-95 by Ord. No. 1682]**

114.21.4.11. Existing and proposed contours of an interval of elevation not greater than two (2) feet except ten (10) feet where slope exceeds forty (40) percent.

114.21.4.12. Existing STREETS and RIGHTS-OF-WAY on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.

114.21.4.13. Existing and proposed EASEMENTS, locations, widths and purposes.

114.21.4.14. Existing and proposed PUBLIC and PRIVATE IMPROVEMENTS; utilities including water, gas, electric, telephone, and cable television; fire hydrants and street lights. Proposed utilities may be shown by means of a typical STREET cross-section with a note that the proposed utilities will be extended within the STREET to serve all LOTS.

114.21.4.15. Existing structures and the existing platting of land on or within one hundred (100) feet of the site shall be shown.

114.21.4.16. Areas within IDENTIFIED FLOODPLAIN AREAS.

114.21.4.17. Tabulation of site data, including total acreage of land to be subdivided, the number of residential LOTS, typical LOT size, the acreage of the

SUBDIVISION or LAND DEVELOPMENT and the acreage in the proposed recreation areas.

114.21.4.18. Existing watercourses, WETLANDS and other significant natural features.

114.21.4.19. The names and addresses of the DEVELOPER and of the landowner.

114.21.4.20. The location of any existing gas and oil wells.

114.21.4.21. Zoning district boundaries.

114.21.4.22. Names of owners of any adjoining properties not in recorded plans.

114.21.4.23. If the application is a unified PRELIMINARY APPLICATION for LAND DEVELOPMENT/conditional use, the PRELIMINARY PLAT shall include all additional information for a plan for conditional use approval as required by the ZONING CODE.

114.21.5. Seventeen (17) copies of a slope map of the proposed SUBDIVISION or LAND DEVELOPMENT, showing existing topography of the site and the area to be disturbed by the proposed DEVELOPMENT with the following slope categories: 0-25%, 26-40%, and greater than 40%. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.6. Preliminary STREET profiles, three (3) copies. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.7. The existing and proposed deed restrictions and covenants, three (3) copies. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.8. General subsurface conditions, seventeen (17) copies. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.9. If the SUBDIVISION or LAND DEVELOPMENT consists of more than twelve (12) lots, or if it consists of property zoned R-LI, Low Intensity Residential District, an ENVIRONMENTAL IMPACT STATEMENT, seventeen (17) copies and traffic study three (3) copies. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.10. Completed Sewage Facilities Planning Module with any required fees to comply with the planning requirements of the Pennsylvania Sewage Facilities Act, PL 1535 as amended, and the Clean Streams Law, PL 1987, as amended or a letter from the Pennsylvania Department of Environmental Protection or Allegheny County Health Department stating that a sewage facilities planning module is not required, three (3) copies. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.11. Evidence that the PUBLIC utility which holds the Certificate of Public Convenience for the TOWNSHIP from the Pennsylvania Public Utility Commission has agreed to provide an adequate water supply, three (3) copies.

114.21.12. Development or phasing schedule, seventeen (17) copies, if completion in phases is anticipated. **[Amended 5-1-06 by Ord. No. 1953]**

114.21.13. If the application is a unified PRELIMINARY APPLICATION for LAND DEVELOPMENT/conditional use, the application shall include all materials as required by the ZONING CODE.

§ 114.22. Final application - The FINAL APPLICATION shall include the following:

114.22.1. The FINAL APPLICATION need only contain information relevant to that part of the SUBDIVISION or LAND DEVELOPMENT described in the PRELIMINARY APPLICATION for which final approval is sought. See Article III, § 114.13.5.

114.22.2. Application form, seventeen (17) copies, as prescribed by the TOWNSHIP. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.3. FINAL APPLICATION FEE and Escrow. **[Amended 7-7-08 by Ord. No. 2000]**

114.22.4. If applicant is other than the landowner, seventeen (17) copies of landowner's authorization for applicant to apply and nature of APPLICANT'S interest in the SITE. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.5. FINAL PLAT, a mylar and seventeen (17) copies. The FINAL PLAT may include only that part of the area described in the PRELIMINARY PLAT of the SUBDIVISION or LAND DEVELOPMENT for which final approval is sought. The FINAL PLAT shall delineate the following: **[Amended 5-1-06 by Ord. No. 1953]**

114.22.5.1. Accurate boundary lines, with dimensions and bearings.

114.22.5.2. Accurate locations of all existing and recorded STREETS intersecting the boundaries of the tract of land described in the FINAL PLAT.

114.22.5.3. STREET names and RIGHT-OF-WAY widths.

114.22.5.4. Complete curve data for all curves included in the FINAL PLAT.

114.22.5.5. STREET lines with accurate dimensions and bearings.

114.22.5.6. LOT numbers, bearings, dimensions, and areas.

114.22.5.7. EASEMENTS for PUBLIC IMPROVEMENTS and public purposes with distances, bearings, and/or tie-in dimensions and any limitations on such EASEMENTS.

114.22.5.8. Location, type, and size of all monuments in accordance with the standards and requirements of §114.38. State Plane Coordinates shall be provided for all subdivisions of three (3) LOTS or more.

114.22.5.9. The name of the SUBDIVISION or LAND DEVELOPMENT.

114.22.5.10. The names and addresses of the DEVELOPER and the landowner.

114.22.5.11. The North point, graphic scale and date.

114.22.5.12. All certifications and clauses as required in Article VIII. Also, when the site is located in any watershed where a required tap control plan of the Pennsylvania Department of Environmental Protection is in effect, the clause relative to sanitary sewage shall be included. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.5.13. FRONT BUILDING LINES and PERIMETER SETBACKS.

114.22.5.14. Location map showing the SUBDIVISION or LAND DEVELOPMENT name and location; major existing thoroughfares related to the SUBDIVISION or LAND DEVELOPMENT, including the distance therefrom title, graphic scale and North point.

114.22.5.15. A statement of modifications granted to ZONING CODE or SUBDIVISION and LAND DEVELOPMENT CODE requirements by the BOARD OF COMMISSIONERS, and variances granted to ZONING CODE requirements by the Zoning Hearing Board.

114.22.5.16. Lowest floor elevation, including basement, on all lots in any IDENTIFIED FLOODPLAIN AREA as established in the ZONING CODE, in accordance with the requirements of the BUILDING CODE.

114.22.5.17. If the application is a unified FINAL APPLICATION for LAND DEVELOPMENT/conditional use, the FINAL PLAT shall include all additional information for a final DEVELOPMENT plan for a planned development as required by the ZONING CODE.

114.22.5.18. PLATS which require access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945, known as the "State Highway Law", before driveway access to a State highway is permitted.

114.22.6. The PRELIMINARY PLAT as approved by the BOARD OF COMMISSIONERS, seventeen (17) copies. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.7. Plans for PUBLIC and PRIVATE IMPROVEMENTS, seventeen (17) copies unless otherwise noted, prepared by a registered engineer or surveyor, on sheets of twenty-four by thirty-six inches (24 x 36"), to scale of one inch equals fifty feet (1" = 50') horizontal and one inch equals ten feet (1" = 10') vertical. If more than one (1) sheet is used they shall be indexed and show the following: **[Amended 5-1-06 by Ord. No. 1953]**

114.22.7.1. Conformity with the design standards established in Article VI of this chapter and the PUBLIC AND PRIVATE IMPROVEMENTS CODES. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.7.2. A plan and three (3) copies of a profile of each STREET at least two hundred (200) feet beyond the end of the area being developed. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.7.3. Three (3) copies of at least three (3) cross sections at intervals not to exceed one hundred (100) feet and extending fifty (50) feet each side of the STREET center line or twenty-five (25) feet outside of the STREET RIGHT-OF-WAY, whichever is greater **[Amended 5-1-06 by Ord. No. 1953]**

114.22.7.4. All existing and proposed sanitary sewers, storm sewers, manholes, inlets and endwalls within and immediately adjacent to the site.

114.22.7.5. By plan, all pipe sizes, distances, bearings and/or tie in dimensions as well as top and flowline elevations of all manholes, inlets, endwalls.

114.22.7.6. By profile, all pipe sizes, distances and grades as well as top and flowline elevations of manholes, inlets, endwalls.

114.22.7.7. Easements for PUBLIC IMPROVEMENTS.

114.22.7.8. Location of each proposed wye (both storm and sanitary) including a station for each wye as measured from the downstream manhole.

114.22.7.9. All construction details for storm water detention facilities, including but not limited to intake and discharge control structures, storage pipes and chambers, existing and proposed topography and cross sections for storage ponds.

114.22.7.10. By plan, locations of all existing and proposed utilities including but not limited to gas, water, electric, telephone, cable TV, fire hydrants and street lights.

114.22.7.11. Location, type, and size of all traffic control devices such as signs and pavement markings.

114.22.8. Final grading plan, seventeen (17) copies, which shall show existing structures to be demolished or removed, ground cover to be removed, existing and proposed ground contours at intervals of not less than two (2) feet, except ten (10) feet where slope exceeds forty (40) percent. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.9. Final covenants and restrictions applicable to the SUBDIVISION or LAND DEVELOPMENT, three (3) copies. **[Amended 5-1-06 by Ord. No. 1953]**

114.22.10. When a Part II permit issued by the Pennsylvania Department of Environment Resources is required for sewage facilities construction, three (3) copies of a completed Part II permit application with any required fees to comply with requirements of the Pennsylvania Sewage Facilities Act, PL 1535 as amended and the Clean Streams Law, PL 1987, as amended.

114.22.11. Traffic Study - The TOWNSHIP may require a traffic study for developments or changes in uses generating less than 75 additional vehicles during peak hours in cases where known traffic deficiencies exist in the area of the proposed development or change in use was incorporated as part of a previous traffic study.

114.22.11.1. Traffic Study Scope - Prior to beginning a traffic impact study, the applicant shall submit a proposed scope of services to the TOWNSHIP for review and approval. The traffic study shall include the following if appropriate as determined by the TOWNSHIP:

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

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

114.22.11.1.2.1. Roadway network and traffic control

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

114.22.11.1.2.3. Planned roadway improvements by others

114.22.11.1.2.4. Intersection levels of services

114.22.11.1.2.5. Other measures of roadway adequacy, i.e. lane widths, traffic signal warrants, vehicle studies, etc.

114.22.11.1.3. Projected site generated traffic volumes in terms of:

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

114.22.11.1.3.2. Approach/departure distribution including method of determination

114.22.11.1.3.3. Site traffic volumes on roadway

114.22.11.1.4. An analysis of future traffic conditions including:

114.22.11.1.4.1. Future design year, or years with phasing, combines traffic volumes (site traffic plus future roadway traffic)

114.22.11.1.4.2. Intersection levels of service

114.22.11.1.4.3. A pavement analysis of roadways which are projected to experience significant increases in ADT volumes off-site

114.22.11.1.4.4. Other measures of roadway adequacy, i.e., lane width, traffic signal warrants, vehicle delay studies, etc.

114.22.11.1.4.5. When access is onto a state road, the analysis of future conditions shall be consistent with PENNDOT requirements.

114.22.11.1.5. A description of future levels of service and their compliance with standard for traffic capacity of STREETS, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows: All reference to levels of service (LOS) shall be as defined by the Highway Capacity Manual, Special Report 209, published by Transportation Research Board.

114.22.11.1.5.1. Traffic capacity LOS shall be based upon a future design year, which coincides with completion of the development.

114.22.11.1.5.2. Unsignalized intersections or driveways which intersect STREETS shall be designed for LOS C or better for each traffic movement unless otherwise specified by the TOWNSHIP.

114.22.11.1.5.3. Signalized intersections shall be designed for LOS C or better. Existing intersections impacted by development traffic shall maintain a minimum LOS D or, if future

base LOS is E or F, then degradation in delays shall be mitigated. A future design year analysis without development shall be completed for comparison purposes.

114.22.11.1.5.4. STREETS shall be designed for a minimum LOS C.

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

114.22.11.1.6.1. Access plan including analysis of required sight distances using geometric conditions and traffic control.

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

114.22.11.1.7. Traffic Circulation Mitigating Action Plan shall include:

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

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

[Added 5-1-06 by Ord. No. 1953]

114.22.12. When a Highway Occupancy Permit is required, a copy of the application to the appropriate entity and two (2) copies of the plans must be submitted to the TOWNSHIP at the time of application for final approval. **[Added 5-1-06 by Ord. No. 1953]**

§ 114.23. Request for release of PERFORMANCE SECURITY - The request for release of PERFORMANCE SECURITY for installation of required IMPROVEMENTS shall be by a letter from the DEVELOPER, sent by certified or registered mail to the TOWNSHIP MANAGER with a copy to the TOWNSHIP ENGINEER and by delivery to the TOWNSHIP MANAGER of the following:

114.23.1. One (1) mylar and four (4) prints of the plans and profiles of the IMPROVEMENTS certified to be as-built by the designing engineer. Datum shall tie into the State Plane Coordinate System.

114.23.2. Mylar and four (4) prints of the recorded plan.

114.23.3⁶. Application for Grading Certificate under Chapter 71 of the Code where a grading permit was required.

§ 114.24. Request for partial release of PERFORMANCE SECURITY. The request for a partial release of PERFORMANCE SECURITY for installation of required IMPROVEMENTS shall include the following:

114.24.1. Letter to the Township Manager with a copy to the Township Engineer.

114.24.2. Documentation of the quantity of work completed.

§ 114.25. Request for acceptance of PUBLIC IMPROVEMENTS - The request for acceptance of PUBLIC IMPROVEMENTS shall include the following:

114.25.1. Letter to the TOWNSHIP MANAGER.

114.25.2. Easement and RIGHT-OF-WAY agreements for all PUBLIC IMPROVEMENTS not dedicated on the recorded plan.

114.25.3 Video inspection and rating for each newly constructed sanitary sewer segment shall be conducted one year following acceptance as required by Chapter 99 of the CODE entitled "PUBLIC AND PRIVATE IMPROVEMENTS." **[Added 7-7-08 by Ord. No. 2000; Amended 3-2-09 by Ord. No. 2017]**

114.25.4. Fee for acceptance of PUBLIC IMPROVEMENTS, for inspections by the TOWNSHIP and for updating TOWNSHIP maps as provided in Chapter 57 of the CODE entitled "Fees".

114.25.5. MAINTENANCE SECURITY.

⁶ Editor's Note: Subsection 114.23.3 is renumbered by adoption of Ord. No. 2017 on 3-2-09.

**ARTICLE V
REQUIRED IMPROVEMENTS**

§ 114.26. Monuments.

Monuments shall be placed in all SUBDIVISIONS and LAND DEVELOPMENTS in accordance with the requirements of §114.38 of this Chapter and Chapter 99 of the CODE entitled PUBLIC IMPROVEMENTS.

§ 114.27. PUBLIC and PRIVATE IMPROVEMENTS.

All of the PUBLIC and PRIVATE IMPROVEMENTS, as listed in the definitions herein, shall be provided in each new SUBDIVISION and LAND DEVELOPMENT in accordance with the requirements of the PUBLIC AND PRIVATE IMPROVEMENTS CODES. [Amended 5-1-06 by Ord. No. 1953]

§ 114.28. Utilities.

114.28.1. Every LOT in a SUBDIVISION or LAND DEVELOPMENT must have a water distribution system which connects to the PUBLIC water distribution system in accordance with the specifications of the PUBLIC franchisee granted jurisdiction in the Township of Upper St. Clair by the Public Utilities Commission of the Commonwealth of Pennsylvania to supply PUBLIC water to the citizens of Upper St. Clair Township and §114.37.4 of this Chapter'; no private water systems will be permitted in any SUBDIVISION or LAND DEVELOPMENT, such as wells, springs.

114.28.2. A gas distribution system shall be required in accordance with the laws of the Commonwealth of Pennsylvania unless the energy supply is to be all electric.

114.28.3. An underground electric distribution system shall be required for all extensions of new service, subject to the laws of the Commonwealth of Pennsylvania and §114.37.2 of this Chapter except where DEVELOPMENT is in the IDENTIFIED FLOOD PLAIN AREA.

114.28.4. A telephone distribution system shall be required in accordance with the laws of the Commonwealth of Pennsylvania and §114.37.1 of this Chapter.

114.28.5. A cable television distribution system to each residential LOT, to provide service to each residential unit in the plan, shall be required as a PUBLIC IMPROVEMENT in accordance with §114.37.3 and §114.27 of this Chapter.

**ARTICLE VI
DESIGN STANDARDS**

§ 114.29. Application of standards.

114.29.1. Any APPLICATION FOR DEVELOPMENT shall conform to the principles and standards of design set forth in this Article.

114.29.2. In reviewing any APPLICATION FOR DEVELOPMENT, the PLANNING COMMISSION and the BOARD OF COMMISSIONERS shall refer the APPLICATION FOR DEVELOPMENT to the TOWNSHIP ENGINEER for a recommendation concerning technical compliance with the CODE.

114.29.3. The standards specified in this chapter are minimum design requirements.

§ 114.30. General standards.

114.30.1. RIGHTS-OF-WAY; reserve areas for EASEMENTS. DEVELOPERS must:

114.30.1.1. Provide adequate rights-of-way and paving for all STREETS.

114.30.1.2. Reserve areas and EASEMENTS for facilities normally required in residential sections.

114.30.1.3. Reserve EASEMENTS for PUBLIC IMPROVEMENTS in those areas which are not joined to the existing PUBLIC IMPROVEMENTS of the TOWNSHIP.

114.30.2. Adequacy of areas for community facilities. Areas provided or reserved for community facilities shall be adequate to provide for building sites, landscaping and off-STREET parking, as required by the ZONING ORDINANCE.

114.30.3. Open space and preservation of natural features. Provisions should be made by the DEVELOPER for suitable open spaces. Due consideration shall be given to the preservation of natural features, including large trees, groves, waterways, WETLANDS, historic points and other community assets.

114.30.4. The plan shall be designed to maximize positive impacts and minimize or mitigate negative impacts of the plan on the environment and of the environment on the plan, as identified in the ENVIRONMENTAL IMPACT STATEMENT.

114.30.5. Any proposed CONSTRUCTION or DEVELOPMENT in a WETLAND must have a WETLANDS Permit under applicable State and Federal laws prior to ZONING APPROVAL.

§ 114.31. STREETS.

114.31.1. General arrangement.

114.31.1.1. STREETS shall be arranged in relation to both existing and planned STREETS and located so as to allow proper DEVELOPMENT of the surrounding properties.

114.31.1.2. New STREETS shall be designed to provide a continuous network with multiple intersections with existing STREETS.

114.31.1.3. Local STREETS shall be laid out so as to discourage their USE as COLLECTOR STREETS or ARTERIAL STREETS.

114.31.1.4. New STREETS must provide more than one intersection with existing STREETS if the projected Average Daily Traffic Volume of the total development and any contiguous properties which will access through the development exceeds 2,000.

114.31.1.5. STREETS must be arranged to provide access to all lots located in the Township directly from the Township of Upper St. Clair in order to facilitate delivery of public services. **[Added 7-6-92 by Ord. No. 1544]**

114.31.2. Dead-end STREETS. Dead-end STREETS shall be prohibited except as stubs to permit future STREET extensions into adjoining tracts or when designed as CUL-DE-SACS.

114.31.3. Half STREETS. Half STREETS shall be prohibited except to complete an existing half STREET.

114.31.4. CUL-DE-SACS. CUL-DE-SACS are permitted with a maximum length of 800 feet. The grade on the turn-around portion of the CUL-DE-SAC must not exceed 6%.

114.31.5. STREET classification

114.31.5.1. The functional classification of STREETS is as specified in the current Comprehensive Plan of the TOWNSHIP, adopted by the TOWNSHIP, for future conditions.

114.31.5.2. The functional classification of any STREET which is not specified in the current Comprehensive Plan of the TOWNSHIP, adopted by the TOWNSHIP, shall be determined by the TOWNSHIP ENGINEER consistent with the definitions for the STREET classification system.

114.31.6. RIGHTS-OF-WAY - RIGHTS-OF-WAY for all STREETS shall be as follows:

<u>Street Classification</u>	<u>Right-of-Way Width (Feet)</u>
PRINCIPAL ARTERIAL	As determined by PennDOT
MINOR ARTERIAL	As determined by PennDOT
COLLECTOR	60 feet
LOCAL (INDUSTRIAL, COMMERCIAL & RESIDENTIAL)	50 feet

114.31.7. Technical standards for new STREETS and reconstruction of existing STREETS

114.31.7.1. Design speed - The TOWNSHIP ENGINEER shall determine the design speed to be utilized. After the design speed is determined, the following requirements shall be utilized.

114.31.7.2. Minimum centerline radius of horizontal curves with superelevation ($e_{max} = 0.04$ ft/ft) - The following minimum horizontal curves shall be provided for each design speed: **[Amended 5-1-06 by Ord. No. 1953]**

<u>Design Speed (mph)</u>	<u>Curvature on Centerline (Feet)</u>
25	205
30	300
35	420
40	565
45	730
50	930

[Amended 5-1-06 by Ord. No. 1953]

114.31.7.3. Reverse horizontal curves - A minimum tangent length of 75 feet must be provided between reverse curves when no superelevation is used. If superelevation is required, a tangent must be provided such that a smooth superelevation transition is provided.

114.31.7.4. Minimum vertical curve length - The following minimum K values shall be used to compute the minimum curve length. Curve length equals the algebraic difference of the tangent grades times the K value:

<u>Design Speed (mph)</u>	<u>K-Value</u>	
	<u>Crest</u>	<u>Sag</u>
25	12	26
30	19	37
35	29	49

40	44	64
45	61	79
50	84	96
55	114	115

[Amended 5-01-06 by Ord. No. 1953]

114.31.7.5. Center-line grades - No center line grade on any STREET shall be less than 1% or greater than 12%, except as approved by the TOWNSHIP after review and comments by the TOWNSHIP ENGINEER.

114.31.8. Oil or gas wells - STREETS shall be laid out so that no oil or gas well, active or plugged, falls within the RIGHT-OF-WAY.

§ 114.32 Standards for STREET intersections.

114.32.1. Curves. All curves at intersections shall be a minimum radius of twenty-five (25) feet unless the angle of the intersection requires a larger radius as determined by the TOWNSHIP after review and comment by the TOWNSHIP ENGINEER.

114.32.2. Restrictions on multiple intersections. Multiple intersections of more than four (4) STREETS are not permitted.

114.32.3. Intersection angles. Maximum STREET intersection angles shall not be less than sixty degrees(60).

114.32.4. Intersection spacing. The following minimum spacing requirements shall be provided from centerline to centerline of intersections based on the intersecting STREET with the highest level of classification:

<u>Classification</u>	<u>Minimum Spacing Between Intersections</u>
ARTERIAL	1,000 feet
COLLECTOR	300 feet
LOCAL	200 feet

§ 114.33. Standards for traffic capacity of STREETS, intersections and driveways.

New STREETS, new intersections, and new driveways which intersect existing STREETS shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be as defined by the Highway Capacity Manual, Special Report 209, published by the Transportation Research Board.

114.33.1. Traffic capacity LOS shall be based upon a future design year which coincides with completion of the development.

114.33.2. Unsignalized intersections or driveways which intersect STREETS shall be designed for LOS E or better for each traffic movement.

114.33.3. Signalized intersections shall be designed for LOS C or better. Existing intersections impacted by DEVELOPMENT traffic shall maintain a minimum LOS E. If an existing LOS F is present, the average delay for LOS F must not be degraded.

114.33.4. STREETS shall be designed for a minimum LOS C.

§ 114.34. Standards for sidewalks.

114.34.1. Sidewalks. In every SUBDIVISION or LAND DEVELOPMENT, the DEVELOPER shall provide sidewalks for public use. **[Amended 9-5-95 by Ord. No. 1682]**

114.34.2. Location. Sidewalks shall be located in the RIGHT-OF-WAY along both sides of all LOCAL STREETS and where required by the ZONING CODE. **[Amended 5-1-06 by Ord. No. 1953]**

114.34.3. Grade. The TOWNSHIP shall approve grades for sidewalks, which may be different from the grade established for the STREET.

114.34.4. Design. Sidewalks shall be designed and constructed in accordance with the standards of the PUBLIC AND PRIVATE IMPROVEMENTS CODES. **[Amended 5-1-06 by Ord. No. 1953]**

114.34.5. Standards across driveways. The grades and paving of sidewalks shall be continuous across driveways except where heavy traffic volume dictates special treatment, as determined by the TOWNSHIP.

114.34.6. Exceptions. In granting modifications, consideration shall be given to safety and continuity of pedestrian circulation.

§ 114.35. Standards for sanitary sewers.

114.35.1. Sewers required. In every SUBDIVISION of land into LOTS or LAND DEVELOPMENT in the TOWNSHIP, the DEVELOPER shall provide for sanitary sewers which shall be connected to the TOWNSHIP sanitary sewer system. A point of connection to the sanitary sewer shall be provided for each LOT. Sanitary sewers shall be extended to the perimeter of the SUBDIVISION or LAND DEVELOPMENT to allow service to adjacent properties.

114.35.2. Submission to Commonwealth of Pennsylvania. The DEVELOPER shall cause to be prepared an application and plans and specifications for sanitary sewers for submission to the Commonwealth of Pennsylvania. The application to the

Commonwealth of Pennsylvania, along with the fee prescribed by the Commonwealth of Pennsylvania, and the plans and specifications shall be submitted to the TOWNSHIP ENGINEER for transmission to the Commonwealth of Pennsylvania. If approval is required by the Commonwealth of Pennsylvania, no FINAL PLAT shall be released for recording and no work shall be done in connection with the construction of sanitary sewers unless and until a permit is granted by the Commonwealth of Pennsylvania.

§ 114.36. Standards for storm sewers.

114.36.1. Location and size.

114.36.1.1. Where practicable, storm sewers shall be located in the RIGHT-OF-WAY at the edge of the cartway or curb or centered along LOT lines and shall be of sufficient size at all times to receive the water from the STREET as well as any adjoining property where said water must necessarily drain through the plan.

114.36.1.2. Storm sewer facilities shall be provided by the DEVELOPER for every LOT in the SUBDIVISION or LAND DEVELOPMENT as described herein:

114.36.1.2.1. The objective of this requirement is to provide a point of connection for all roof drains, driveway drains, foundation drains and french drains in order to prevent the discharge of water from these sources onto rear yards, front yards and streets.

114.36.1.2.2. In the event that a storm sewer from the street drainage system abuts or traverses a lot, a point of connection to the storm sewer shall be provided for each lot.

114.36.1.2.3. When a standard storm sewer from the street drainage system is not accessible to one (1) or more lots, a storm sewer shall be provided for those lots. These storm sewers shall be in the street rights-of-way for high side lots and in easements to be provided in the rear yards for low side lots.

114.36.1.2.4. This storm sewer system shall be designed and sized to accommodate the area being served but in no case shall be less than eight-inch diameter pipe with adequate cleanout and maintenance appurtenances provided as required by the TOWNSHIP PUBLIC AND PRIVATE IMPROVEMENTS CODES. The design shall be subject to the approval of the TOWNSHIP ENGINEER. **[Amended 5-1-06 by Ord. No. 1953]**

114.36.1.3. Exemption from preparing a stormwater management plan. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.3.1. The following types of subdivisions and land developments may be exempted from submitting a stormwater management plan upon the recommendation of the TOWNSHIP ENGINEER and verification that there is no evidence of downstream flooding. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.3.1.1. One that results in the increase of less than 5,000 square feet of impervious surface area and is located within a watershed or subwatershed that is no greater than 100 acres and discharges into any waterway(s) of this Commonwealth. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.3.1.2. One that results in the increase of less than 1,500 square feet of impervious surface area and lies in an upland area of the Township. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.3.2. Required Documentation **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.3.2.1. The following documents shall be submitted prior to receiving a stormwater management plan exemption. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.3.2.1.1. Pre-development and post-development calculation plans indicating the amount of increased impervious area for the land development. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.3.2.1.2. If the subdivision or land development lies within the floodplain of a FEMA delineated blue line stream as shown on the USGS map, a copy of the approved Pennsylvania Department of Environmental Protection stream encroachment permit and all supporting calculations. **[Added 7-6-99 by Ord. No. 1807; Amended 5-1-06 by Ord. No. 1953]**

114.36.1.3.2.1.3. If the subdivision or land development discharges its runoff into a floodway of natural or man made swale or ditch that is not a blue line stream on the USGS map, and is located upstream of a known area of continuous flooding, the calculations showing that the increase in the peak water surface elevation at the point of flooding does not increase. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4. No Harm Analysis **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4.1. A No Harm Analysis shall be prepared when it is desired to exceed the otherwise applicable subarea release rate percentage. An independent engineering analysis shall be prepared to demonstrate that other reasonable options exist to protect downstream areas from harmful runoff impacts. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4.2. The No Harm Analysis shall be prepared by a registered engineer, who is experienced in hydrology and hydraulics, in accordance with the following procedure: **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4.2.1. Compute the pre-development and post-development peak rate of runoff for the subarea in which the development site is located for the 2-year, 10-year, 25-year and 100-year design storms, using the Soil Cover Complex Method (SCS, TR-55). **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4.2.2. Using the same method of calculation, determine the pre-development and post-development peak flow rate at the points of interest identified in Section 114.36.1.4.2.1. For determining the contributing flow of subareas (other than that in which the development is located at a point of interest, the applicant shall use the existing conditions runoff hydrograph for that subarea prepared for the watershed plan. Copies of this information may be obtained from the Allegheny County Department of Economic Development. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4.2.3. When the computed post-development discharges for the 2-year, 10-year, 25-year, and 100-year storm at all designated points of interest do not exceed the computed pre-development discharges at the same points, then the applicant shall have demonstrated, within reasonable limits, that no harm or adverse affects will occur downstream. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4.2.4. Computed post-development discharges may exceed computed pre-development discharges at a designated point of interest, provided that the applicant can demonstrate that the potential for flooding is not increased at that point of interest. **[Added 7-6-99 by Ord. No. 1807]**

114.36.1.4.3. The No Harm Analysis shall be submitted to the TOWNSHIP ENGINEER for review and approval. **[Added 7-6-99 by Ord. No. 1807]**

14.36.2. Storm Sewer Fund

114.36.2.1. A special fund, designated as the "Storm Sewer Fund," shall be used for the purpose of providing proper drainage facilities to natural watersheds and to provide for clearing of obstructions and limitations in existing watersheds.

114.36.2.2. A storm sewer connection fee shall be levied, which fee shall be paid to the TOWNSHIP before any plan is accepted for recording or when any construction is authorized in the plan pursuant to Article III, § 114.13.2, of this chapter. The storm sewer connecting fee shall be tendered to the TOWNSHIP to be deposited in the Storm Sewer Fund in accordance with the schedule in Chapter 57 of the CODE entitled "Fees."

114.36.2.3. The above storm sewer connection fee shall be in addition to all other costs incurred by the DEVELOPER in providing necessary storm sewers within the plan submitted for final approval.

114.36.3. Conformity to Frye Study. Storm sewers shall conform to the requirements prescribed in the report of M. E. Frye and Associates, Inc., on Existing Storm Sewers, Storm Drainage Problems and Storm Sewer Extensions, dated April 1957, and prepared for the TOWNSHIP.

114.36.4. Conformity to PUBLIC AND PRIVATE IMPROVEMENTS CODES. Storm sewer systems and the appurtenances thereto shall be constructed in accordance with the PUBLIC AND PRIVATE IMPROVEMENTS CODES and under the supervision of the TOWNSHIP ENGINEER. **[Amended 5-1-06 by Ord. No. 1953]**

114.36.5. Bridges and culverts. Bridges and culverts shall be designed to support the expected loads and to carry expected flows and be constructed for the full width of the right-of-way where deemed necessary by the TOWNSHIP ENGINEER.

114.36.6. Conformity to the Pennsylvania Stormwater Management Act. Until stormwater management plans are completed and regulations adopted by the Township pursuant to the Pennsylvania Stormwater Management Act, the proposed plan shall demonstrate conformity with the Stormwater Management Act, in that the rate of stormwater runoff shall be no greater after development than before or no harm shall be caused by any increase in the rate of runoff.

§ 114.37. Standards for electric, telephone, cable television and water utilities.

114.37.1. Telephone lines. All telephone lines and wires shall be installed underground in any SUBDIVISION or LAND DEVELOPMENT which consists of five (5) or more LOTS. The design standards for such underground telephone lines shall be in accordance with the laws of the Commonwealth of Pennsylvania.

114.37.2. Electric lines. All electric lines and wires shall be installed underground in any SUBDIVISION or LAND DEVELOPMENT which consists of five (5) or more LOTS. The design standards for such underground electric lines shall be in accordance with the laws of the Commonwealth of Pennsylvania.

114.37.3. Cable television lines. All cable television lines and wires shall be installed underground in any SUBDIVISION or LAND DEVELOPMENT which consists of five (5) or more LOTS. The design standards for such underground cable television lines shall be in accordance with the laws of the Commonwealth of Pennsylvania and Federal laws. Cable shall be installed at a minimum depth of one (1) foot.

114.37.4. Waterlines. All waterlines and the distribution system therefor shall be installed underground in accordance with the specifications of the public franchisee granted jurisdiction in the Township of Upper St. Clair by the Public Utilities Commission of the Commonwealth of Pennsylvania to supply water to the citizens of Upper St. Clair Township.

§ 114.38. Standards for monuments.

114.38.1. Location - At least two monuments shall be placed on each STREET in SUBDIVISIONS.

114.38.2. The STREET monuments shall be placed in the STREET RIGHT-OF-WAY, five feet off the RIGHT-OF-WAY line, at the beginning and ends of tangent sections.

114.38.3. Additional monuments on line shall be placed for sighting when topographic conditions require.

114.38.4. Monuments shall be constructed in accordance with the standards of the PUBLIC AND PRIVATE IMPROVEMENTS CODES. [Amended 5-1-06 by Ord. No. 1953]

§ 114.39. Standards for STREET lights.

114.39.1. Location. STREET lights are required at all intersections of STREETS.

114.39.2. Design. STREET lights shall be installed to the standards of the PUBLIC AND PRIVATE IMPROVEMENTS CODES. [Amended 5-1-06 by Ord. No. 1953]

114.39.3. Cost. The DEVELOPER shall be responsible for lighting of STREETS until the STREETS are accepted by the TOWNSHIP.

114.39.4. Modifications. In the event that the TOWNSHIP waives the installation of a STREET light, the DEVELOPER shall still install appropriate underground conduit with pull wires for future use.

§ 114.40. STREET signs.

The DEVELOPER shall pay for placement as follows of STREET signs, of the type approved by the TOWNSHIP in compliance with the PUBLIC AND PRIVATE IMPROVEMENTS CODES. [Amended 5-1-06 by Ord. No. 1953]

114.40.1. For intersections of LOCAL RESIDENTIAL STREETS with STREETS of a higher classification, STREET name signs shall be placed at least on diagonally opposite corners so that they will be on the far right-hand side of the intersection for traffic on the STREET of higher classification.

114.40.2. Signs naming both STREETS should be erected at each location.

114.40.3. For the intersections of LOCAL RESIDENTIAL STREETS, a single sign naming both STREETS, at a single location on the intersection.

114.40.4. Signs should be mounted with their faces parallel to the STREET they name, as close to the corner as practical with the nearest part of the sign not less than one foot, and preferably two feet, back from both curb lines.

114.40.5. Signs should be not less than seven feet above the top of the curb with one immediately above the other in a crossed position.

114.40.6. At the intersection of a CUL-DE-SAC with another STREET, the name of the CUL-DE-SAC only shall be placed on the sign.

114.40.7. At the intersection of two LOCAL RESIDENTIAL STREETS where one STREET terminates at the intersection, the sign shall be placed opposite the terminating STREET.

§ 114.41. Standards for LOTS.

114.41.1. LOTS. LOT area and width shall conform to the ZONING CODE.

114.41.2. BUILDING LINES. The FRONT BUILDING LINE and PERIMETER SETBACK LINE as required in the ZONING CODE shall be considered a minimum and shall be adhered to unless variances are granted by the Zoning Hearing Board or modifications by the BOARD OF COMMISSIONERS.

114.41.3. Side LOT lines. Side LOT lines shall be substantially at right angles or radial to STREETS. See Article IX, Illustration §114.1. [Amended 10-1-07 by Ord. No. 1977]

114.41.4. LOT arrangement. The LOT arrangement and design shall be such that all LOTS will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding DEVELOPMENT.

114.41.5. Access to ARTERIAL and COLLECTOR STREETS. Where a SUBDIVISION or LAND DEVELOPMENT abuts an ARTERIAL or COLLECTOR STREET, the plan shall be designed to minimize the number of access points. LOTS fronting directly on existing or proposed ARTERIAL STREETS or COLLECTOR STREETS shall be avoided. ACCESS to such LOTS shall be from LOCAL STREETS wherever possible.

114.41.6. DOUBLE FRONTAGE LOTS. DOUBLE FRONTAGE LOTS shall be avoided except where essential to provide separation of residential DEVELOPMENT from traffic arteries or to overcome specific disadvantages of topography and orientation.

114.41.7. Remnant parcels. No remnants of land shall exist after subdividing; all portions of a PLAN shall be incorporated into existing or proposed LOTS unless special usage is applied as part of a LAND DEVELOPMENT proposal.

114.41.8. Access. All LOTS shall be capable of having access meeting the requirements for driveways as set forth in the PUBLIC AND PRIVATE IMPROVEMENTS CODES. **[Amended 5-1-06 by Ord. No. 1953]**

114.41.9. Access from Upper St. Clair. All LOTS in the Township of Upper St. Clair must front along a STREET in the Township of Upper St. Clair. **[Added 7-6-92 by Ord. No. 1544]**

§ 114.42. Standards for miscellaneous items.

114.42.1. Utility EASEMENTS. All utility EASEMENTS shall be a minimum of twenty (20) feet in width and placed so as to service the LOT involved with the least practical difficulty to the LOT owners and the TOWNSHIP. EASEMENTS must be included which provide access for maintenance of utilities. All EASEMENTS shall be dedicated for municipal purposes. **[Amended 5-1-06 by Ord. No. 1953]**

114.42.2. Reserved areas. Reserved strips surrounding the properties or areas reserved for any special purpose which shall make any area unprofitable for regular or special assessments or which may revert to unintended nuisance areas are not permitted.

114.42.3. STREET names. The DEVELOPER may choose STREET names, subject to the approval of the TOWNSHIP. No STREET, other than an extension, may be given the name of an existing STREET in the TOWNSHIP.

114.42.4. Fire hydrants. Fire hydrants shall be installed in each SUBDIVISION and LAND DEVELOPMENT in accordance with the standards of the PUBLIC AND PRIVATE IMPROVEMENTS CODES. **[Amended 5-1-06 by Ord. No. 1953]**

114.42.5. Grading. The proposed grading shall be in conformance with Chapter 71 of the CODE entitled Grading.

114.42.6. **[Added 9-5-95 by Ord. No. 1682]** Undermined Areas. No LAND DEVELOPMENT involving CONSTRUCTION and no SUBDIVISION of land intended to create LOTS for CONSTRUCTION shall be approved on a tract or LOT that has been undermined at shallow depths or in an area where there is evidence of past subsidence unless the DEVELOPER demonstrates that the proposed SUBDIVISION or LAND DEVELOPMENT will be safe and will not create hazards for adjacent properties. Evidence of safety shall be one of the following:

114.42.6.1. If the tract or LOT, or any portion thereof, upon which the LAND DEVELOPMENT or SUBDIVISION is proposed has been undermined and has one-hundred (100) feet or less of overburden, geotechnical reports addressing the risk of subsidence shall be prepared by a professional geotechnical engineer demonstrating that all public and private improvements, and proposed CONSTRUCTION, are in areas where normal construction methods can be employed or, if this is not the case, an option shall be provided as to what corrective measures must be taken.

114.42.6.2. If the tract or LOT, or any portion thereof, upon which the LAND DEVELOPMENT or SUBDIVISION is proposed has been undermined at a depth exceeding one hundred (100) feet of overburden, a geotechnical report, as described in Section 114.42.6.1., shall be prepared where there is evidence of past occurrences of subsidence in the general vicinity or an assessment of general subsurface conditions of the tract or LOT indicates a risk of subsidence.

§ 114.43. Standards for DEVELOPMENT in the IDENTIFIED FLOOD-PLAIN area.

In addition to the other requirements of this chapter, DEVELOPMENT in any IDENTIFIED FLOODPLAIN AREA shall comply with the following:

114.43.1. Within any FW (Floodway Zoning District), as established in the ZONING CODE, the following provisions shall apply:

114.43.1.1. Any new CONSTRUCTION, DEVELOPMENT, USE, activity or encroachment that would cause any increase in FLOOD heights shall be prohibited.

114.43.1.2. No new CONSTRUCTION or DEVELOPMENT shall be allowed unless a permit is obtained from the Department of Environmental Resources, Bureau of Dams and Waterway Management.

114.43.2. Within any floodway area of any FA (General Floodplain Zoning District), as established in the ZONING CODE, any new CONSTRUCTION and/or

DEVELOPMENT that would cause any increase in FLOOD heights shall be prohibited. Only those USES and/or activities provided for in the Floodway Zoning District (FW) shall be permitted in any floodway area.

114.43.3. Drainage. Storm drainage facilities shall be designed to convey the flow of stormwater runoff in a safe and efficient manner. The system shall ensure proper drainage along STREETS and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.

114.43.4. Water and sanitary sewer facilities and systems.

114.43.4.1. All new or replacement water and sanitary sewer facilities and systems shall be located, designed and constructed to minimize or eliminate FLOOD damages and the infiltration of floodwaters.

114.43.4.2. Sanitary sewer facilities and systems shall be designed to prevent the discharge of untreated sewage into floodwaters.

114.43.4.3. No part of any on-site sewage system shall be located within any IDENTIFIED FLOODPLAIN AREA, except in strict compliance with all state and local regulations for such systems. If any such system is permitted, it shall be located so as to avoid impairment to it or contamination from it during a FLOOD.

114.43.5. Other utilities. All other utilities, such as gaslines and electrical, telephone and cable television systems shall be located, elevated (where possible) and constructed to minimize the chance of impairment during a FLOOD.

114.43.6. STREETS. The finished elevation of all new STREETS shall be no less than one and one-half (1 1/2) feet above the ONE-HUNDRED-YEAR-FLOOD elevation.

114.43.7. Each LOT within any IDENTIFIED FLOODPLAIN AREA, as established in the ZONING CODE, intended for residential STRUCTURES shall be capable of providing a building site with a lowest floor elevation (including basement) at least one and one-half (1 1/2) feet above the ONE-HUNDRED-YEAR FLOOD elevation as defined in the FIS.

**ARTICLE VII
VIOLATIONS AND PENALTIES**

§ 114.44. Enforcement Remedies.

Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the TOWNSHIP, pay penalties as prescribed in Chapter 5 of the CODE. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice (the District Justice having initial jurisdiction in such proceedings pursuant to the laws of the Commonwealth of Pennsylvania). If the defendant neither pays nor timely appeals the judgment, the TOWNSHIP may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

§ 114.45. Preventive Remedies.

The TOWNSHIP may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a SUBDIVISION of real property in violation of any provision of this ORDINANCE.

§ 114.46. Appeals

Appeals from any action or decision under this chapter shall proceed in accordance with the MPC.

**ARTICLE VIII
CERTIFICATIONS AND APPROVALS**

§ 114.47. PROVISIONS.

The certificates stated below shall be inscribed with black waterproof India ink or varitype on the FINAL PLAT, exactly as stated, and shall be properly signed with black waterproof India ink and attested to when the plan is submitted for approval by the TOWNSHIP.

For all certifications requiring a SEAL, the seal block with the correct title shall be placed along the bottom of the plan for recording. [Added 5-1-06 by Ord. No. 1953]

§ 114.48. OWNER’S ADOPTION.

KNOW ALL MEN BY THESE PRESENTS, THAT (I or we) (name of individual owner) of the (City, Borough, Township, Municipality) of _____, of the County of _____, Commonwealth of Pennsylvania, for (myself, ourselves), (my, our) heirs, executors, administrators and assigns, do hereby adopt this plan as (my, our) (plan of lots, land development) of (my, our) County, Pennsylvania, and for diverse advantages accruing to (me, us), do hereby dedicate forever, for public use for highway purposes all slope areas and all drives, roads, streets, lanes, ways, and other public highways shown upon the plan, with the same force and effect as if the same had been through legal proceedings, and in consideration of the approval of said plan, any future acceptance of said plan, and future acceptance of said public highways by the Commonwealth of Pennsylvania, County of Allegheny, and Township of Upper St. Clair, (I, we) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Allegheny and Township of Upper St. Clair, their successors or assigns from any liability for damages arising and to arise from any appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon (name of owner) (my, our) heirs, executors, administrators and assigns and purchasers of (lots, units) in this plan.

IN WITNESS WHEREOF, (I, we) hereunto set (my, our) hand and seal this _____ day of _____ 20_____.

ATTEST:

Notary Public

Owner

§ 114.49. CORPORATION ADOPTION.

KNOW ALL MEN BY THESE PRESENTS; that the (name of corporation), a corporation incorporated under the laws of the Commonwealth of Pennsylvania, by virtue of a resolution by the Board of Directors, thereof, does hereby adopt this plan as its (Plan of Lots, Land Development) or its property situate in the Township of Upper St. Clair, Allegheny County, Pennsylvania, and for public use for highway purposes, all slope areas and all drives, roads, streets, lanes and ways and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings, and in consideration of the approval of said plan, and any future acceptance of said public highways by the Commonwealth of Pennsylvania, County of Allegheny, and Township of Upper St. Clair.

(Name of corporation), hereby covenants and agrees to and by these presents does release and forever discharge said Commonwealth of Pennsylvania, County of Allegheny and Township of Upper St. Clair, their successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon (name of corporation), its successors and assigns and purchasers of (lots, units) in this plan.

IN WITNESS WHEREOF, the said corporation has causes its corporate seal to be affixed by the hand of its president and same to be attested by its secretary this _____ day of _____ 20____.

ATTEST:

NAME OF CORPORATION

(SEAL)

President

Secretary

§ 114.50. TOWNHOUSE AND GARDEN APARTMENT ADOPTION.

KNOW ALL MEN BY THESE PRESENTS, THAT (I, we) (name of owner/developer) of the (City, Borough, Municipality) of _____, of the County of _____, Commonwealth of Pennsylvania, for (myself, ourselves), (my, our) heirs, executors, administrators and assigns, do hereby adopt this plan as (my, our) (Plan of Lots, Land Development) or (my, our) property, situated in the Township of Upper St. Clair, Allegheny County, Pennsylvania, and for diverse advantages accruing to (me, us), do hereby dedicate forever, for public use for highway purposes all slope areas and drives, roads, street, lanes, ways and other public highways shown upon the plan, with the same force and effect as if the same had been through legal proceedings, and in consideration of the approval of said plan, any future acceptance of said public highways by the Commonwealth of Pennsylvania, County of Allegheny, and Township of Upper St. Clair, (I, we) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Allegheny and Township of Upper St. Clair, their successors of assigns from any liability for damages arising and to arise from any appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be dining upon (name of owner) (my, our) heirs, executors, administrators and assigns and purchasers of (lots, units) in this plan.

(I or we) (owner/developer) also hereby agree to record a survey of final construction for each lot with the Office of the Allegheny County Department of Real Estate prior to any conveyance of any part thereof.

IN WITNESS, (I, we) hereunto set (my, our) hand and seal this _____ day of _____ 20____.

ATTEST:

Notary Public

Owner/Developer

[Amended 7-7-08 by Ord. No. 2000]

114.53.2. Title Clause (Having Mortgage of Encumbrance).

114.53.2.1. (I, we) (name of owner) owners of the (name of plan), do hereby certify that the title of this property is in the name of _____ as recorded in Deed Book Volume _____, page _____, Allegheny County Department of Real Estate.

Witness Owner

[Amended 7-7-08 by Ord. No. 2000]

114.53.2.2. (I, we) (name of mortgagee) mortgage of the property embraced in this (name of plan), do hereby consent to the recording of said plan in the Department of Real Estate Office of Allegheny County, Pennsylvania, and to the dedications and covenants appearing hereon.

Witness Mortgagee

[Amended 7-7-08 by Ord. No. 2000]

§ 114.54. SURVEYOR’S CERTIFICATION.

I, _____, a Professional Land Surveyor of the Commonwealth of Pennsylvania, do hereby certify, to the best of my knowledge, information and belief, that this plan correctly represents the lots, lands, streets and highways as surveyed and plotted by me for the owners or agents.

Date (SEAL) Registration Number (Signature of Surveyor)

§ 114.55. MUNICIPAL ENGINEER’S CERTIFICATION.

I, _____, a Registered Professional Engineer, the Township Engineer of the Township of Upper St. Clair, a Home Rule Community, do hereby certify that this Subdivision Plan meets all the engineering and design requirements of the Township Subdivision and Zoning Ordinance except as departures have been authorized by the approval authority.

Date Reg. No. (SEAL) Signature

§ 114.56. MUNICIPAL STIPULATIONS. (Private Streets and Utilities).

The Board of Commissioners of the Township of Upper St. Clair hereby gives public notice that in approving this plan for recording purposes only, the Township of Upper St. Clair assumes no obligations, legal or otherwise, expressed or implied, either to accept said streets in said plan, or to construct sewers therein or to install any other such services ordinarily installed in Township streets or roads.

Township Manager/Secretary (SEAL) President, Board of Commissioners

[Amended 5-1-06 by Ord. No. 1953]

(If you combine Sections 114.56. and 114.57.1., then only one pair of signatures are required.)

§ 114.57. MUNICIPAL APPROVAL.

114.57.1. Board of Commissioners.

Approved by the Board of Commissioners of the Township of Upper St. Clair this _____ day of _____, 20_____.

Township Manager/Secretary (SEAL) President, Board of Commissioners

In accordance with Section 513.(a) of the Pennsylvania Municipalities Planning Code, the fully executed mylar is released for recording this _____ day of _____, 20___. The recording deadline is _____ [date 90 days from date of release]

Released by: _____
Township Manager/Secretary

[Amended 5-1-06 by Ord. No. 1953]

114.57.2. Township Manager for SIMPLE SUBDIVISIONS only.

Approval by the Township Manager of the Township of Upper St. Clair under authority granted by the Board of Commissioners in Chapter 114 of the Code of the Township this _____ day of _____, 20_____.

Township Manager/Secretary (SEAL)

ARTICLE IX
ILLUSTRATIONS

Illustration 114.1 – Side LOT lines not substantially at right angles or radial to STREETS, hence prohibited. See Exhibit A attached hereto. **[Added 10-1-07 by Ord. No. 1977]**

ILLUSTRATION 114.1.

Side LOT lines not substantially at right angles or radial to STREETS, hence prohibited.

