

Chapter 22

Subdivision and Land Development

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Part 1

General Provisions

§22-101. Title.

This Chapter shall be known and may be cited as the “~~Township of Moon Subdivision and Land Development Ordinance~~” or just the “~~subdivision regulations~~.” (Ord. 542, 12/18/2002; as amended by A.O.)

§22-102. Authority.

This Chapter is adopted in accordance with the authority granted to ~~municipalities the Township~~ to regulate ~~subdivision subdivisions~~ and land ~~development developments~~ by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-103. ~~Purpose~~ **Purposes and Objectives.**

1. The purpose of ~~these subdivision regulations~~ this Chapter is to regulate certain ~~land~~ subdivision, consolidation and land development activities in the Township by providing ~~for~~ a uniform method for the submission of preliminary and final plats to ensure the proper layout or arrangement of land; the proper design of streets to accommodate projected traffic and facilitate fire protection; and the provision of adequate easements or right-of-ways, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities. The provisions of this Chapter are also intended to achieve the following purposes:

A. To promote and protect the public health, safety and welfare of the residents and businesses of the Township and of the public generally.

B. To encourage and facilitate orderly community growth and development in accordance with the Zoning Ordinance [Chapter 27], the Township’s Comprehensive Plan and Official Map Ordinance [Chapter 14].

C. To provide adequate light, air, amenities and access to private property.

D. To guide development in order to provide adequate community facilities and utilities.

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

F. To ensure the provision of public improvements which are necessary and appropriate for development and which are coordinated with nearby areas.

2. ~~These subdivision regulations are made~~ This Chapter is promulgated in accordance with ~~and in furtherance~~ of the community development objectives set forth in the Zoning Ordinance [Chapter 27] and the ~~Moon Township~~ Comprehensive Plan.

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

~~(1) To encourage new development that is well-designed, of high quality and suited to the natural conditions of its site.~~

~~(2) To encourage the coordinated growth of communities; compact, efficient, and economic patterns of development; and to avoid excessive public costs of scattered development.~~

~~(3) To prevent development which may be hazardous because of the physical character of land and to protect and preserve valued natural, historic, and cultural features of the environment.~~

~~(4) To ensure the provision of public improvements which are necessary and appropriate for the development, and which are coordinated with nearby areas.~~

~~(5) To provide flexibility in standards and requirements so that the design of development can be fitted to the character of its site and to the community in which it is located.~~

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

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-104. Plan and Approval Required.

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

A. Any land development, as defined by this Chapter;

B. Any subdivision, as defined by this Chapter; and

C. Any development in which the developer and/or landowner proposes or intends to construct streets or any other public improvement to be dedicated to the Township for public use.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-105. Compliance Required.

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

~~2. The description by metes and bounds in an instrument, of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this Chapter.~~

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

provisions of the Moon Township Code of Ordinances and other Township ordinances, resolutions and regulations, and all other applicable Federal, State, County laws, statutes, ordinances, resolutions and regulations.

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

3. Real estate transfer documents or other documents used for selling or transferring property cannot by themselves effectuate a subdivision or land development of property unless the seller or transferor first complies with the requirements of this Chapter and all other provisions of the Moon Township Code of Ordinances and other Township ordinances, resolutions and regulations.

4. All applications must comply with the provisions of the Zoning Ordinance [Chapter 27]. The plan shall be designed and developed in accordance with any and all conditions which have been imposed upon the grant of a special exception, variance or conditional use approval by the Zoning Hearing Board or Board of Supervisors, as applicable.

5. All applications must comply with applicable provisions of the Construction Code [Chapter 5, Part 1]. Where provisions of this Chapter conflict with provisions of the Construction Code [Chapter 5, Part 1], the more stringent provision(s) shall be applied. Approval of the subdivision or land development plan by the Township will not guarantee full compliance with the Construction Code [Chapter 5, Part 1] upon application for permits or in the future.

(Ord. 542, 12/18/2002; as amended by A.O.)

~~§22-106. — [Reserved]~~

§22-106. Interpretation.

For the purpose of this Chapter certain terms and words used herein shall be interpreted or defined as follows:

- A. The word "lot" includes the word "plot" or "parcel."
- B. Words used in the present tense shall include the future.
- C. Words used in the singular imply the plural.
- D. The masculine gender includes the feminine and neuter genders.
- E. The word "person" includes a corporation, partnership, association and/or an individual as well as an association of individuals.
- F. The words "shall" and "will" are always mandatory; the word "may" is permissive.
- G. References to codes, ordinances, resolutions, plans, maps, governmental bodies, commissions, agencies or officials are to codes, ordinances, resolutions,

plans, maps, governmental bodies, commissions, agencies or officials of the Township as in effect or office from time to time including amendments thereto or revisions or successors thereof, unless the text indicates another reference is intended.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-107. Definitions and Word Usage.¹ [A.O.]

— 1. *Interpretation.* The word “person” includes a corporation, association, partnership or individual. The words “shall” and “will” are mandatory; the word “may” is permissive. The word “building” includes structure or any part thereof. Words used in the present tense include the future tense.

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

Unless otherwise stated, the following words, terms and phases shall have the meanings indicated in this Section; provided, that any terms or words not defined herein shall be interpreted consistent with the definitions and meanings referenced in the Zoning Ordinance [Chapter 27]:

Accessory structure—a detached subordinate building or structure, the use of which is clearly incidental to that of the principal structure or principal use of the land and which is located on the same lot as occupied by the principal structure or use. [A.O.]

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

Active recreation—baseball/softball fields, tennis courts, basketball courts, play grounds and other similar facilities which offer the ability to play an active sport and constructed in conformance with natural standards including those of the National Recreation and Parks Administration. [Ord. 589]

Administratively complete application—an application that has been submitted to the Township along with all documents, exhibits, plans and fees required by this Chapter and any other Township ordinances, resolutions and/or regulations and has been declared by the Planning Director as a completed application and therefore officially received for review. [A.O.]

Agent—any person, other than a landowner or developer, who, acting for the landowner or developer, submits to the Township subdivision and/or land development plans for the purpose of obtaining approval thereof. [A.O.]

Agricultural purposes—the use of land exclusively as a bonafide agricultural operation by the owner or tenant including, but not limited to, farming, silviculture, viticulture, fish culture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce and equipment for housing and feeding the animals and housing the equipment, provided that the operation of the accessory use is clearly incidental and

¹Editor’s Note: see also the general definitions contained in Chapter 1, Part 1 of this Code.

subordinate to the agricultural activity. [A.O.]

Allegheny County Health Department (ACHD)—the Allegheny County Health Department or any agency successor thereto. [A.O.]

Applicant—a landowner or developer who has filed an application for a subdivision or land development, including his or her heirs, successors and assigns. [A.O.]

Application for development—every application, whether preliminary, tentative or final, required to be filed and approved prior to the start of construction or development including, but not limited to, an application for a building permit zoning and occupancy permit, conditional use, special exception, for the approval of a subdivision plat or plan or for the approval of a land development plan. [A.O.]

As-built plan—a plan showing the actual plan location of easements, curbs, paving, catch basins, manholes, storm and sanitary sewers, wye-branches, waterlines, drainage channels, guardrails and retaining walls and the surface and flow line elevations of storm and sanitary sewers at every catch basin and manhole. The “as-built plan” must be based on actual field measurements made during or after construction and it shall be prepared, sealed and certified by the licensed design professional of record. [A.O.]

Board of Supervisors—the Board of Supervisors of the Township of Moon, Allegheny County, Pennsylvania. [A.O.]

Bufferyard—landscaped area of a certain depth which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes or other natural landscaping material and shall consist of a mix of types and sizes of plant material in accordance with the requirements of the Zoning Ordinance [Chapter 27]. [A.O.]

Buildable area—the area (acreage or square footage) of a parcel available for development based upon sensitive natural resource environmental performance standards criteria and evaluation, as further set forth in Chapter 27, Part 4B of the Zoning Ordinance [Chapter 27, Part 4B]. [A.O.]

Building—any structure used occupied or intended for supporting or sheltering any use or occupancy. [A.O.]

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

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

~~Building inspector—the Township Engineer or any other authorized representative assigned by the Board of Supervisors to make any or all necessary inspections of the work performed and materials furnished by the subdivider or developer or their contractors selected to install the improvements required by this Chapter.~~

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

is located. [A.O.]

Building setback line—a line parallel to a lot line, defining the yard required by the Zoning Ordinance [Chapter 27]. [A.O.]

Cartway—that portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders and berms, as required by this Chapter or the Township Standard Details. [A.O.]

Clear sight triangle—an area of unobstructed vision at the intersection of two streets, or the intersection of a driveway with a street, measured at the height of a driver's eye which is assumed to be 3.75 feet above the road surface, between points at a given distance from the intersection of the center lines of the two streets, or of a street and driveway, as specified in Appendix 22-B of this Chapter, intended to allow the operators of vehicles approaching simultaneously to see each other in time to ~~prevent a collision~~ anticipate and avoid potential collisions. [A.O.]

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

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

Community sewage system—a sewage disposal system, other than a public sewer system, which provides sewage disposal for two or more units of occupancy which shall comply with all applicable regulations of the DEP, ACHD, and all other regulatory agencies. [A.O.]

Community water system—a water supply system, other than a public water system, which provides potable water for two or more units of occupancy which shall comply with all applicable regulations of this DEP, ACHD, and all other regulatory agencies. [A.O.]

Completion security—security required to be posted as a condition to final plan approval, by and in accordance with the requirements of this Chapter, all Township ordinances and the Municipalities Planning Code, in order to assure completion of improvements required by this Chapter. Also known as “performance security.” [A.O.]

Comprehensive Parks, Recreation and Open Space Plan—the Comprehensive Parks, Recreation and Open Space Plan of the Township, as amended, from time to time. [A.O.]

~~Comprehensive Plan~~—~~the community master plan created for the purposes of guiding community development and known as the Comprehensive Plan of the Township of Moon, as amended.~~ [A.O.]

Comprehensive transportation network—the Township's interconnected system

of collector and arterial ~~roads~~ streets. [A.O.]

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

Consolidation—the combination of two or more lots, tracts or parcels of land for any purpose, including sale or lease of a building or lot. A consolidation shall be generally referred to as a subdivision under the provisions of this Chapter. [A.O.]

Cottage home land development—same as definition in Zoning Ordinance [Chapter 27]. [A.O.]

County—Allegheny County, Pennsylvania.

County planning agency—the Allegheny County Department of Economic Development or its successor. [A.O.]

Covenant—an obligation defined by law or agreement, the violation of which can be restrained by court action; these are usually stated in the deed or other recorded document. [A.O.]

Cul-de-sac—see “street.” [A.O.]

Curb—the raised edge of pavement, or other similar constructed improvement, along a street in the Township intended to confine surface water to the pavement of a street and to protect the abutting land from vehicular traffic. [A.O.]

Dedication—the deliberate appropriation of land by its owner for general public use. [A.O.]

Department of Environmental Protection (DEP)—the Department of Environmental Protection of the Commonwealth of Pennsylvania or any agency successor thereto. [A.O.]

Department of Transportation (PennDOT)—the Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto. [A.O.]

Design speed—the speed used for the design of streets. [A.O.]

Developer—any landowner or agent of such landowner or tenant with the permission of such landowner who ~~proposes~~; makes or causes to be made a subdivision of land or a land development. Any reference to “developer” in this Chapter shall include the landowner. [A.O.]

Double-frontage lot—a lot having two or more of its nonadjoining property lines abutting on a street or streets, usually having front and rear street frontage.

Driveway, private—a private vehicular access route serving only one parcel or lot which provides access to a public street or private street, but which does not provide access to any other lot or parcel under separate ownership. [A.O.]

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

(1) ~~Multi-family~~—a separate, detached building designed for or occupied exclusively as a residence by three or more families. The term “multi-family dwelling” shall be understood to include apartment houses, townhouses and all other family dwellings of similar character, where apartments or suites are occupied and used as a separate complete housekeeping unit, but shall not include hotels or motels.

~~(2) *Single-family*—a separate, detached building designed for or occupied exclusively as a residence by one family.~~

~~(3) *Two-family*—a separate, detached building designed for or occupied exclusively as a residence by two families.~~

~~(4) *Quadplex*—a detached building divided by two common party walls into four distinct and separate dwelling units where each dwelling unit has direct access to the outdoors.~~

Dwelling—as defined in the Zoning Ordinance [Chapter 27].

(1) *Multi-family dwelling*—as defined in the Zoning Ordinance [Chapter 27].

(2) *Single-family dwelling*—as defined in the Zoning Ordinance [Chapter 27].

(3) *Two-family dwelling*—as defined in the Zoning Ordinance [Chapter 27].

(4) *Quadplex*—as defined in the Zoning Ordinance [Chapter 27].

[A.O.]

~~*Dwelling unit*—one or more rooms for living purposes, together with separate cooking and sanitary facilities, which is accessible from the outdoors, either directly or through an entrance hall shared with other dwelling units, and which is used or intended to be used by one family.~~

Dwelling unit—as defined in the Zoning Ordinance [Chapter 27]. [A.O.]

~~*Easement*—grant by a property owner for the use, for a specific purpose or purposes, of a strip of land by the general public, a corporation or a certain person or persons a right-of-way for utility or similar purposes located outside the street right-of-way, as required by this Chapter and/or the Township Construction Standard Details. An easement shall not be considered to be separate and distinct from the lot or parcel burdened by the easement for purposes of this Chapter or and the Zoning Ordinance [Chapter 27]. [A.O.]~~

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

~~*Environmental Advisory Council*—the Environmental Advisory Council of the Township of Moon. [A.O.]~~

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

~~*Family*—one or more persons related by blood, marriage or adoption or no more than three unrelated individuals occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boardinghouse, lodging house, club, fraternity or hotel.~~

Family—as defined in the Zoning Ordinance [Chapter 27]. [A.O.]

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

~~*Final application*—the written and graphic materials specified by this Chapter~~

to be submitted to the Township in order to obtain final approval of a proposed subdivision or land development plan.

Final plan—same as “final plat.” [A.O.]

Final plat—the map or plan of a proposed subdivision or land development containing all the information required by this Chapter and the Allegheny County Subdivision Regulations and Land Development Ordinance for final plat approval and in a form acceptable for recording in the ~~office of the Allegheny County Recorder of Deeds~~ Allegheny County Department of Real Estate. For purposes of PRD application, the term “final plat” shall include a PRD final plan, provided that the Zoning Ordinance [Chapter 27] shall govern any conflict between this Chapter and the Zoning Ordinance [Chapter 27] for purposes of a PRD. [A.O.]

Flag lot—a lot that has less frontage on a public street with a panhandle as an access corridor and whereas the lot is located behind a lot with normally required street frontage.

Front building line—see “building line, front.” [A.O.]

Front lot line—see “lot line, front.” [A.O.]

Front yard—see “yard.”

Frontage—the length of a property line bordering a public or private street right-of-way that is open to vehicular traffic. [A.O.]

Grade—the slope of a road, street, or other public way specified expressed in percentage terms which indicates the rate of change of elevation. [A.O.]

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

Grading Ordinance—Chapter 9, Part 1, of the Moon Township Code of Ordinances, Grading, as amended. [A.O.]

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

Hammerhead—an area at the end of a dead-end street where the cartway branches in two directions, providing sufficient space for vehicles to execute three point turning maneuvers without entering adjacent properties or the driveways of any lots abutting the street. [A.O.]

Homeowners association—an unincorporated association or not-for-profit corporation whose membership consists of the lot owners of a residential development. A homeowners association shall also include a condominium unit owners association. All such associations shall comply with the requirements for unit owners associations contained in the Pennsylvania Uniform Condominium Act, 68 Pa.C.S. §3101 et seq. [A.O.]

Impervious surface—a surface which resists the entrance or passing through of water or other liquids and prevents the percolation of water into the ground. [A.O.]

Improvement construction plan—a complete and exact subdivision and/or land development plan, the sole purpose of which is to permit the construction of only those improvements required by this Chapter, as an alternative to guaranteeing

the completion of those improvements by completion security. [A.O.]

Improvements—pavements, curbs, gutters sidewalks, water mains, sanitary sewers, storm sewers, stormwater management facilities, grading, street signs, plantings and other items for the welfare of the property owners and the public. [A.O.]

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

~~Land development~~—any of the following activities:

~~(1) The improvement of one lot or two contiguous lots, tracts or parcels of land for any purpose involving:~~

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

~~(b) The division or allocation of land or space, whether initially or cumulatively, between, or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.~~

~~(2) A subdivision of land.~~

~~(3) Land development shall not include:~~

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

~~(b) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.~~

~~(c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this clause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.~~

Land development—

(1) Any of the following activities:

(a) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

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.

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.

(b) A subdivision of land.

(c) Development in accordance with §503(1.1) of the MPC, 53 P.S. §10503(1.1), as amended.

(2) As used in this definition, the term “improvement” shall include, but not be limited to:

(a) Construction of a new principal building.

(b) Construction of an addition to an existing building.

(c) A change in the use of an existing building or lot resulting in an increase in the area of the lot covered by a building and/or an impervious surface.

(d) Construction, reconstruction, and/or renovation of an existing principal building the cost of which is equal to or greater than 40 percent of the fair market value of the subject property as established by the current Allegheny County property assessment records.

[A.O.]

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

(1) A ~~single-family, or two-family residential~~ land development of ~~single-family dwelling(s) and/or two-family dwelling(s)~~ that creates five or more new lots; [A.O.]

(2) ~~All multi-family residential~~ Any land development containing multi-family dwelling(s); [A.O.]

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

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

(5) All subdivisions and land developments that ~~also constitute~~ contain a use classified as a conditional ~~uses~~ use or ~~uses~~ use by special ~~exceptions~~ exception ~~in accordance with~~ under the Zoning Ordinance [Chapter 27]; [A.O.]

(6) All mobile home parks;

(7) All cottage home land developments; or [A.O.]

(8) A subdivision and/or land development that does not qualify as a minor land development or simple subdivision under this Chapter. [A.O.]

Land development, minor—a ~~single-family, or two-family residential~~ land development with any of the following characteristics:

(1) A land development of single-family dwelling(s) and/or two-family dwelling(s) that creates two to four lots;

(2) A nonresidential land development with 5,000 square feet or less of new gross floor area; or

(3) A nonresidential subdivision that creates two to four lots.

[A.O.]

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

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

Landscape architect—a professional landscape architect licensed as such in the Commonwealth of Pennsylvania. [A.O.]

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

Lease parcel—a lot, tract or parcel of land divided or redivided from the parent lot, tract or parcel by lease. [A.O.]

Location map—a map showing the site with relation to adjoining areas. [A.O.]

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

Lot area—~~the horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare~~ area of a lot measured on a horizontal plane bounded by all lot lines of the subject lot, exclusive of any area within a street right-of-way. [A.O.]

Lot depth—the mean horizontal distance between the front lot line and the rear lot lines line. [A.O.]

Lot, double-frontage—see “double-frontage lot.”

Lot, flag—see “flag lot.”

Lot line—a boundary line of a lot, which may be used to describe such lot and often used in description of a contiguous lot. [A.O.]

Lot line, front—a lot line separating the lot from the street. [A.O.]

Lot line, rear—the lot line not intersecting a front lot line that is most distant from and most closely parallel to the front lot line. A lot bounded by only three lot lines will not have a rear lot line. [A.O.]

Lot line, side—any lot line which is not a front lot line or a rear lot line. [A.O.]

Lot of record—a lot that is part of a subdivision plat duly recorded in the office of the Allegheny County ~~Recorder of Deeds~~ Department of Real Estate identified

in those records by plan book volume and page number or other similar approved recording citation. [A.O.]

Lot width—the mean horizontal distance across the lot, between the side lot lines, measured at the front building setback line unless otherwise stated. [A.O.]

Maintenance security—financial security required to be posted as a condition to the Township’s acceptance of dedication of public improvements following completion, by and in accordance with the requirements of this Chapter and the Municipalities Planning Code. [A.O.]

Major land development—see “land development, major.” [A.O.]

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

Minor land development—see “land development, minor.” [A.O.]

Mobile home—a transportable, single-family dwelling intended for permanent occupancy, contained in one unit, or in two units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. [A.O.]

Mobile home lot—a parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home, which is leased by the park owner to the occupants of the mobile home erected on the lot. [A.O.]

Mobile home park—a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use, consisting of two or more mobile home lots. [A.O.]

Modification— see “waiver.” [A.O.]

~~Moon Township Municipal Authority (MTMA)—the overseeing and jurisdictional body of the Township’s public sewer and water systems and whose functions include service, distribution and administration.~~

Moon Township Municipal Authority (MTMA)—the Moon Township Municipal Authority or any successor entity thereto. [A.O.]

~~Moon Transportation Authority (MTA)—the overseeing and jurisdictional body of the Township that plans and constructs transportation improvements within the Township’s Transportation Overlay District.~~

Moon Transportation Authority (MTA)—the Moon Transportation Authority or any successor entity thereto. [A.O.]

~~Municipalities Planning Code (MPC)—the authorizing statute known as Pennsylvania Municipalities Planning Code Act 247 of 1968, 53 P.S. §10101 *et seq.*, as amended and reenacted.~~ [A.O.]

Natural Resource Conservation Service (NRCS)—the United States Department of Agriculture, Natural Resource Conservation Service (formerly known as the Soil Conservation Service) or any successor agency thereto.

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

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

Occupant—a resident or tenant on a temporary or permanent basis.

~~*Official Map*—the map established by the Board of Supervisors pursuant to law illustrating streets, highways, parks, drainage systems and right-of-ways lines laid out, adopted, and established by law, and any amendments or additions to adopted by the Board of Supervisors resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of approved plats.~~

Official Map Ordinance—Chapter 14 of the Moon Township Code of Ordinances, Official Map, as amended. [A.O.]

~~*Ordinance*—all references to “this Chapter” refer to the Township of Moon Subdivision and Land Development Ordinance, *Ord. 542*, as amended, as codified as Chapter 22 of the Township of Moon Code of Ordinances, this Chapter.~~

Owner—same as “landowner.” [A.O.]

Performance security—see “completion security.” [A.O.]

Person—unless otherwise specified, person shall mean both the singular or plural, male or female, firm, business, partnership, association, limited liability company or corporation, or any other legal entity. [A.O.]

~~*Planned development*—a development of land controlled by one landowner to be developed as a single entity for a number of dwelling units or a combination of residential and nonresidential uses in accordance with the provisions of Part 13, “Planned Residential Development” and Part 14, “Planned Nonresidential Development,” of the Zoning Ordinance [Chapter 27].~~

~~*Planned nonresidential development (PNRD)*—an area of land at least 10 acres in size a development of land controlled by one landowner to be developed as a single entity for a combination of nonresidential uses in accordance with the provisions of Part 14, “Planned Nonresidential Development,” of, and limited residential uses, in accordance with the Zoning Ordinance [Chapter 27]. [A.O.]~~

~~*Planned residential development (PRD)*—an area at least 10 acres in size controlled a development of land controlled by one landowner to be developed as a single entity for a number of residential dwelling units or a combination of residential and nonresidential uses in accordance with the provisions of Part 13, “Planned Residential Development,” of the Zoning Ordinance [Chapter 27]. [A.O.]~~

Planning Commission—the Moon Township Planning Commission. [A.O.]

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

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

Planning Director—the Planning Director of the Township, the authorized designee of the Township Manager and/or the authorized designee of the Board of

Supervisors. [A.O.]

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

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

Preliminary plan—same as “preliminary plat.” [A.O.]

Preliminary plat—the map or plan of a proposed subdivision or land development which contains all of the information required by this Chapter for approval of a preliminary application. For purposes of a PRD application, the term “preliminary plat” shall include a PRD tentative plan, provided that the Zoning Ordinance [Chapter 27] shall govern any conflict between this Chapter and the Zoning Ordinance [Chapter 27] for purposes of a PRD. [A.O.]

Principal building or structure—the building(s) or structure(s) on a lot in which the principal use or uses are conducted.

~~*Principal use*—the primary or predominant use of any lot or structure.~~

Principal use—the main use of land or structures as distinguished from a subordinate or accessory use. [A.O.]

Private—owned, operated or controlled by an individual, group of individuals, association or corporation, ~~not for profit~~, and restricted to members who meet certain qualifications and their guests. [A.O.]

Private improvements—all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, and other facilities ~~not~~ to be owned, maintained, or operated by ~~the Township~~ a private entity as an individual, corporation or homeowners association for which plans and specifications ~~shall~~ must comply with the ~~requirements~~ provisions of this Chapter, ~~and the Zoning Ordinance [Chapter 27], the Township Construction Standard Details and other Township ordinances and regulations.~~ [A.O.]

Professional consultants—persons who provide expert or professional advice including, but not limited to, architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects and/or planners. [A.O.]

~~*Public hearing*—a formal meeting held pursuant to public notice by the Board of Supervisors or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.~~

Public improvements—all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to and accepted by or maintained by the Township or other public entity for which plans and specifications must comply with this Chapter, the Township ~~Construction Standard Details or other public entity and which the Township has agreed to accept in the development agreement by §22-211 of this Chapter and all other Township ordinances and regulations.~~ [A.O.]

~~*Public meeting*—a forum held pursuant to notice under the Act of July 3, 1986, P.L. 388, No. 84, known as the “Sunshine Act,” 53 P.S. §271 et seq.~~

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

Public sewer system—a municipal sanitary sewer system approved and permitted by DEP and owned by a municipality or a municipal authority. [A.O.]

Public water system—a municipal water supply system approved and permitted by DEP and owned by a municipality or municipal authority, or a water supply system owned by a public utility and operated in accordance with a certificate of public convenience granted by the Pennsylvania Public Utility Commission. [A.O.]

Rear lot line—see “lot line, rear.” [A.O.]

Rear yard—see “yard.”

~~Recreation capital improvements program~~—a capital improvement program used to guide the allocation of land to be developed or funds received in lieu of mandatory land dedication, said plan program being included in the Comprehensive Parks, Recreation, and Open Space Plan, ~~as amended from time to time by the Township.~~ [A.O.]

~~Recreation service area~~—the service radius of existing ~~of or~~ proposed Township parks and recreation facilities as defined by National Recreation and Parks Administration Standards as outlined in Table 22-2 of this Chapter. [A.O.]

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

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

Right-of-way—land set aside for use as a street, alley or other means of travel. [A.O.]

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

Side lot line—see “lot line, side.” [A.O.]

Side yard—see “yard.”

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

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

Simple subdivision—the process of consolidating a subdivision which consolidates existing lots or ~~revising~~ revises lot lines of an existing plat without creating new ~~parcels~~ lots, buildings or public improvements; or revisions of easements and/or ~~right-of-ways~~ rights-of-way. [A.O.]

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

Sketch plan—an informal plan, not necessarily to exact scale, indicating salient existing features of a tract and its surroundings, with the general layout of a proposal prepared in accordance with §22-321.C of this Chapter. [A.O.]

Standard Details—see “Township Standard Details.” [A.O.]

Stormwater Management Ordinance (SWMO)—Chapter 23 of the Moon Township Code of Ordinances, Stormwater, as amended. [A.O.]

Street—~~a way designed for circulation of vehicular traffic, a strip of land, including the entire right-of-way and cartway, whether designated as a street, utilized as a means of vehicular travel for more than one lot. Street includes highway, throughway, thoroughfare, parkway, boulevard, road, avenue, lane, place or the like alley, viaduct and any other ways used or intended to be used by vehicular traffic whether public or private; however, “street” shall not include a driveway.~~ [A.O.]

(1) *Arterial street*—~~a public street which serves large volumes of high-speed and long distance traffic. Streets classified as “arterial” in the Township are Beaver Valley Expressway, a street which is used primarily for fast or heavy traffic including, but not limited to, all streets classified as main or secondary highways by PennDOT. The arterial streets in the Township shall include, but not be limited to: Interstate 376, Business Route 60 Loop 376 (SR 3160), Beaver Grade Road, University Boulevard, Brodhead Road, Flaugherty Run Road, Hassam Road, Ewings Mill Road, Maple Street Extension, Montour Run Road, Stoops Ferry Road and Thorn Run Road.~~ [A.O.]

(2) *Collector street*—~~a public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets. Streets classified as “collector” in the Township are~~ The collector streets in the Township shall include, but not be limited to: Ewing Road, Hookstown Grade Road, Montour Street Extension, Moon Clinton Road, Shafer Road, Sharon Road, Spring Run Road, Spring Run Road Extension, Boggs School Road, Corapolis Heights Road, Corapolis-Imperial Road, Hirschinger Road, Patton-Chaplin-Stoker Drives, Cherrington Parkway, Rosemont Drive, Thorn Run Road Extension and Rouser/Marshall Roads. [A.O.]

(3) *Cul-de-sac*—~~a short street having one end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.~~ [A.O.]

(4) *Local street*—~~a public street other than an arterial street or collector street designed to provide access to abutting lots and to discourage through traffic.~~ [A.O.]

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

(6) *Public street*—a street, including the entire ~~public~~ right-of-way, which has been dedicated to and accepted by the Township, County or State ~~which~~ and has been devoted to public use by legal mapping, use or other means. [A.O.]

(7) *Service street*—a short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation, as determined by the Township Engineer. [A.O.]

Street right-of-way—a strip of land occupied or intended to be occupied primarily as a right-of way for vehicular travel meeting the design standards of Part 5 of this Chapter and the Township ~~Construction~~ Standard Details. The street right-of-way may also be occupied by crosswalks, sidewalks, shade trees, and utilities laid out in accordance with Part 5 of this Chapter and the Township ~~Construction~~ Standard Details. Every street right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels for purposes of this Chapter or the Zoning Ordinance [Chapter 27]. [A.O.]

Street right-of-way line—a line defining the edge of a street right-of-way and separating the street from abutting property or lots. Also known as the “street line” and/or “right-of-way line.” [A.O.]

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

Street tree—a tree planted in the front yard 12 feet from the front ~~property~~ lot line and whose use is intended, in conjunction with other street trees, to create a tree-lined street. [A.O.]

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

~~*Structure*—anything constructed or erected, where the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including buildings, additions to buildings, carports, garages, porches and other building features, but not including sidewalks, drives, fences and patios.~~

Structure—any man-made object having an ascertainable stationary location on or in land or water, whether or not it is affixed to the land. The term “structure” includes, but is not limited to, buildings, gazebos, storage sheds or containers, portable storage units, free-standing posts, communications equipment structure, communications towers, pillars, and similar objects. [A.O.]

Subdivision—the division, ~~or re-division or consolidation~~ of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land; including changes in existing lot lines; for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees ~~or,~~

transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling, ~~units~~ shall be exempted. [A.O.]

~~*Subdivision and Land Development Ordinance (SALDO)*~~ ~~the Township of Moon Subdivision and Land Development Ordinance, Ord. 360, 12/11/1991, as amended, and as replaced by Ord. 542, 12/18/2002, as amended, this Chapter, as amended, which is identified as Chapter 22 of the Moon Township Code of Ordinances, Subdivision and Land Development.~~ [A.O.]

~~*Subdivision, simple*~~—see “simple subdivision.” [A.O.]

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

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

~~*Topographic survey*~~—a map showing ground elevations by contour lines and the location of important natural, man-made and other features. [A.O.]

~~*Township*~~—the Township of Moon, located in Allegheny County, Pennsylvania. [A.O.]

~~*Township Engineer*~~—a registered professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors to serve as the engineer for the Township.

~~*Township Engineer*~~—the Engineer of the Township duly appointed by the Board of Supervisors pursuant to the requirements of Article XII of the Second Class Township Code, 53 P.S. §§66201–66203, as amended, and/or his authorized designee. [A.O.]

~~*Township Manager*~~—the Manager of the Township duly appointed by the Board of Supervisors, his authorized designee and/or the authorized designee of the Board of Supervisors. [A.O.]

~~*Township Solicitor*~~—the Solicitor of the Township duly appointed by the Board of Supervisors pursuant to the requirements of Article XI of the Second Class Township Code, 53 P.S. §§66101–66103, as amended, and/or his authorized designee. [A.O.]

~~*Township Construction Standard Details*~~—the Township’s accepted methods, materials, designs, details, and practices for ~~building and site construction, repair, and replacement of certain private improvements and public improvements~~ prepared by the Township Engineer and as approved by the Board of Supervisors by resolution, as may be amended from time to time. Copies of the current ~~Construction Township~~ Standard Details are on file in the ~~offices~~ office of the Township Manager ~~and the Township Engineer.~~ [A.O.]

~~*Township Traffic Engineer*~~—a professional engineer licensed as such in the Commonwealth of Pennsylvania that has verifiable experience in traffic engineering and is certified as a Professional Traffic Operations Engineer (PTOE), duly retained and/or designated by the Board of Supervisors, and/or the authorized designee of the Township Manager, to serve as the Traffic Engineer of the

Township. [A.O.]

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

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

Unmanned—a facility that is not physically occupied by persons on a regular basis and the operation and control of which is not performed by persons physically located on the site of the facility. [A.O.]

Utility service provider—an entity that provides utility service(s) to a property or use including, but not limited to, the provider(s) of sanitary sewage, water, stormwater conveyance and management, telephone, electricity, natural gas, cable television and internet services. [A.O.]

Waiver—the grant of an exception or modification to the requirements of one or more provisions of this Chapter which, in the opinion of the Board of Supervisors, will not be detrimental to the general welfare or impair the intent of such requirements of this Chapter. [A.O.]

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

Wetlands—those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil condition. Wetlands include, but are not limited to, swamps, bogs and similar areas. Wetlands shall be identified by a person appropriately qualified and trained to delineate wetlands, using the current delineation manual and other protocols and guidance required by the DEP, the U.S. Environmental Protection Agency, and/or the Army Corps of Engineers. [A.O.]

Yard—an open space adjacent to a lot line, open and unobstructed from the ground to the sky, except as otherwise provided herein. Typical yard configurations are illustrated in Appendix 22-B or the Zoning Ordinance [Chapter 27].

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

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

(3) *Side*—a yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard.

(1) *Front yard*—see definition in Zoning Ordinance [Chapter 27].

(2) *Rear yard*—see definition in Zoning Ordinance [Chapter 27].

(3) *Side yard*—see definition in Zoning Ordinance [Chapter 27].

[A.O.]

~~Zoning Hearing Board~~—the Zoning Hearing Board of Moon Township,

~~Allegheny County, Pennsylvania:~~

~~Zoning Ordinance—Ord. 543, 12/18/2002 as amended, and codified as Chapter 27 of the Township of Moon Township Code of Ordinances, Zoning, as amended. [A.O.]~~

(*Ord. 542*, 12/18/2002; as amended by *Ord. 589*, 9/25/2003, §1; by *Ord. 605*, 9/6/2006, §1; and by A.O.

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

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

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

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-202. Simple Subdivision.

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

A. *Applicability.*

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

B. *Recommendations and Approvals.*

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

(2) The Board of Supervisors shall be responsible for approving or denying simple subdivisions. The Board of Supervisors may approve a simple subdivision subject to certain conditions, including, but not limited to: compliance with the provisions and standards defined in this Chapter, the Zoning Ordinance [Chapter 27] and any other applicable Township ordinances and regulations; and any additional requirements deemed reasonably necessary. The decision of the Board of Supervisors shall be communicated to the applicant in writing in the manner required by §22-207.2.J(3). [A.O.]

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

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

D. *Final Application.* The contents of a final application for a simple

subdivision shall include the following:

(1) Final plat (see §22-315). [A.O.]

(2) Written confirmation of any required Zoning Hearing Board approval ~~of all variances~~ (see §22-320). [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-203. Minor Land Development.

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

A. *Applicability.*

(1) A ~~single-family residential~~ land development of single-family dwelling(s) and/or two-family dwelling(s) that creates two to four lots. [A.O.]

(2) A nonresidential land development with 5,000 square feet or less of new gross floor area. [A.O.]

(3) A nonresidential subdivision that creates two to four lots.

B. *Recommendations and Approvals.*

(1) The Planning Director shall ~~approve~~ be responsible for approving or denying all minor land developments that propose a nonresidential addition or enlargement of an existing building which: (a) is less than 10 percent of the gross floor area of the existing building; and (b) comprises no more than 1,000 square feet in area. ~~When necessary for the protection of public welfare, persons and property,~~ The Planning Director may conditionally approve a minor land development subject to certain conditions including, but not limited to: compliance with provisions and standards defined in this Chapter, the Zoning Ordinance [Chapter 27], ~~other and any other applicable Township ordinances and regulations of the Township;~~ and any additional requirements deemed reasonably necessary. ~~The conditions of approval shall be specified, in writing, in a notice of approval~~ Planning Director's decision shall be communicated to the applicant in writing in a manner similar to that required by §22-207.2.J(3). All minor land developments approved by the Planning Director under this subsection shall not require the recommendation and/or approval of the Planning Commission or Board of Supervisors, however all such minor land developments shall otherwise comply with all other regulations in this Chapter applicable to minor land developments. [A.O.]

(2) The Planning Commission shall make recommendations to the Board of Supervisors regarding minor land developments, except as specified in subparagraph (1) ~~of this Section~~ above. [A.O.]

(3) The Board of Supervisors shall be responsible for approving or denying minor land developments, except as specified in subparagraph (1) ~~of this Section~~ above. ~~When necessary for the protection of public welfare, persons and property,~~ The Board of Supervisors may ~~conditionally~~ approve a minor land development subject to certain conditions including, but not limited to: compliance with provisions and standards defined in this Chapter, the Zoning Ordinance [Chapter 27], ~~other and any other applicable Township ordinances~~

and regulations of the Township; and any additional requirements deemed reasonably necessary. ~~The conditions of approval shall be specified, in writing, in the notice of approval decision of the Board of Supervisors shall be communicated to the applicant in writing in the manner required by §22-207.2.J(3).~~ [A.O.]

(4) In the case of minor land developments, as defined by this Chapter, only a final application ~~and filing fee~~ shall be required, provided that all requirements for submission of a final application are met pursuant to this Chapter. [A.O.]

[Ord. 556]

C. *Conferences.*

(1) A voluntary sketch plan conference is recommended with the Planning Director and/or Township Engineer prior to a pre-application conference with the Planning Commission. Refer to §§22-206 and 22-321 for suggestions regarding a sketch plan conference. [A.O.]

(2) A pre-application conference is recommended with the Planning Commission prior to the submission of a final application, with the exception of those minor land developments under the jurisdiction of the Planning Director pursuant to §22-203.B(1). Refer to §22-206 for the requirements of a pre-application conference and §22-321 for the recommendations for a pre-application conference. [A.O.]

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

(1) Traffic impact study as required by §22-313. ~~if the permitted or conditional use is expected to generate an average of 100 or more trips during the adjacent roadways peak hours of usage.~~ [A.O.]

(2) Final plat (see §22-315). [A.O.]

(3) Building elevation drawings (see §22-310). [A.O.]

(4) Erosion and sedimentation control plan (see §22-318). [A.O.]

(5) Final landscape plan (see §22-311.2). [A.O.]

(6) Covenants and restrictions (see §22-319). [A.O.]

(7) Written confirmation of any required Zoning Hearing Board approval ~~of all variances~~ (see §22-320). [A.O.]

(8) Land development plan (see §22-309). [A.O.]

(9) Stormwater management plan (see §22-317). [A.O.]

(Ord. 542, 12/18/2002; as amended by Ord. 556, 9/25/2003, §§1, 2; and by A.O.)

§22-204. Major Land Development.

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

A. *Applicability.*

(1) ~~A single-family residential land development of single-family dwelling(s) and/or two-family dwelling(s)~~ that creates five or more lots. [A.O.]

(2) All multi-family residential development.

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

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

(5) All subdivisions and land developments that ~~constitute~~ contain a use classified as a conditional-uses use or-uses use by special exception ~~in accordance with~~ under the Zoning Ordinance [Chapter 27]. [A.O.]

(6) All mobile home parks.

(7) All cottage home land developments. [A.O.]

(8) A subdivision and/or land development that does not qualify as a minor land development or simple subdivision under this Chapter. [A.O.]

B. *Recommendations and Approvals.*

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

(2) The Board of Supervisors shall be responsible for approving or denying major land developments. The Board of Supervisors may ~~conditionally~~ approve a major land development subject to certain conditions including, but not limited to: compliance with the provisions and standards defined in this Chapter, the Zoning Ordinance [Chapter 27] and any other applicable Township ordinances and regulations; and any additional requirements deemed reasonably necessary. ~~The conditions of approval shall be specified, in writing, in the notice of approval decision of the Board of Supervisors shall be communicated to the applicant in writing in the manner required by §22-207.2.J(3).~~

C. *Conferences.*

(1) A voluntary sketch plan conference is recommended with the Planning Director prior to a pre-application conference with the Planning Commission. Refer to §§22-206 and 22-321 for suggestions regarding a sketch plan conference. [A.O.]

(2) A pre-application conference is recommended with the Planning Commission prior to the submission of a preliminary application. Refer to §22-206 for the requirements of a pre-application conference and §22-321 for the recommendations for a pre-application conference.

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

(1) Preliminary plat (see §22-302). [A.O.]

(2) Topographical survey (see §22-303). [A.O.]

(3) ~~Preliminary slope stability~~ geotechnical investigation (see §22-304).

[A.O.]

- (4) Site conditions report (see §22-306). [A.O.]
- (5) Phase one environmental site assessment (see §22-307). [A.O.]
- (6) Land development plan (see §22-309). [A.O.]
- (7) Conceptual landscape plan (see §22-311.1). [A.O.]
- (8) Stormwater management statement (see §22-312). [A.O.]
- (9) Traffic impact study (see §22-313) ~~if the permitted or conditional use is expected to generate an average of 100 or more trips during the adjacent roadways peak hours of usage.~~ [A.O.]
- (10) Infrastructure demand statement (see §22-314). [A.O.]
- (11) Environmental performance standards analysis (see §22-308). [A.O.]
- (12) Building elevation drawings (see §22-310). [A.O.]

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

- (1) Approved preliminary plat and supporting reports (see §§22-302 through 22-314). [A.O.]
- (2) Final plat (see §22-315). [A.O.]
- (3) Construction plans for public improvements (see §22-316). [A.O.]
- (4) Stormwater management plan (see §22-317). [A.O.]
- (5) ~~Comprehensive slope stability geotechnical~~ investigation (see §22-305). [A.O.]

~~(a) Completion of a comprehensive investigation shall be dependent upon the results of the preliminary steep slope investigation.~~

- (6) Erosion and sedimentation control plan (see §22-318). [A.O.]
- (7) Building elevation drawings (see §22-310). [A.O.]
- (8) Final landscape plan (see §22-311.2). [A.O.]

~~(9) Completion security (§22-210).~~

- (9) Covenants and restrictions (see §22-319). [A.O.]
- (10) Written confirmation of any required Zoning Hearing Board approval ~~of all variances~~ (see §22-320). [A.O.]

(*Ord. 542, 12/18/2002; as amended by Ord. 556, 9/25/2003, §3; and by A.O.*)

§22-205. Approvals and Applications Summary.

Table 22-1, Approvals and Applications Summary, shall serve as the general reference ~~as related to the requirements of all proposed~~ for subdivision and land development applications and approvals ~~for subdivision or land development~~ within the Township. The specific submission requirements for each type of approval and application shall be as defined in this Chapter, particularly in this Part and Part 3 of this Chapter.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-206. Pre-application Conference.

1. A voluntary sketch plan conference with the Planning Director is recommended prior to the pre-application conference. The sketch plan conference requires no formal application or fee.

2. Prior to filing an application for preliminary approval, a prospective applicant may appear before the Planning Commission for a pre-application conference to discuss the applicable regulations governing subdivision and/or land development of the property and the feasibility and timing of the application. The pre-application conference is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation. See §22-321 for the recommended materials to be submitted for a pre-application conference.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-207. Application Procedures.

1. Preliminary Application.

A. A preliminary application shall be submitted at least 14 calendar days prior to the Planning Commission's next regular monthly meeting.

B. The applicant shall file 14 copies of the preliminary application ~~for a land development~~ to the Township using forms provided by the Township. [A.O.]

C. Six full-scale copies, eight half-scale copies (with a minimum scale of 1 inch equals 200 feet) and one electronic file of all plans, maps and drawings are required as part of the ~~subdivision~~ application. The electronic file shall be in a Township-compatible format. [A.O.]

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

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

F. The Planning Director shall review the application to determine whether all materials required by §22-204 have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Planning Director shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met and returning the applicant's application fee and deposit. [A.O.]

G. Within 5 calendar days of receipt of an administratively complete application, the Planning Director shall submit one copy of the application to the Allegheny following entities and individuals for review: the MTA; the County planning agency or its designee; the Environmental Advisory Council; ~~and Transportation Authority for review and comment. Additionally, copies of the~~

~~application shall be distributed to each member of the Planning Commission; and the Township Engineer for their review; and any other appropriate Township personnel or professional consultants. [A.O.]~~

~~H. At the Planning Commission's request, copies of the application may also be referred to any other appropriate review agencies. The Planning Director shall provide one copy of an administratively complete application and any materials submitted therewith to the Planning Commission by no later than the Friday prior to the date of the regular monthly meeting of the Planning Commission. [A.O.]~~

~~I. *Township Staff and Professional Consultant Reviews.*~~

~~(1) The Planning Director and any other Township personnel or professional consultant, as directed by the Planning Director, shall review the application to determine if it is in compliance with this Chapter, the Zoning Ordinance [Chapter 27], applicable Township ordinances, the Township Comprehensive Plan and the Township planning objectives. The Planning Director shall prepare a written report of his findings and recommendations, which he shall provide to the Board of Supervisors, Township Manager, Township Engineer, Planning Commission and any other appropriate Township personnel or professional consultant. The other Township personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Planning Director.~~

~~(2) The Township Engineer shall review the application documents to determine compliance with this Chapter, the Stormwater Management Ordinance [Chapter 23], and any other applicable Township ordinances and regulations, Township Standard Details and sound engineering practices. The Township Engineer shall prepare a written report of his findings and recommendations, which the Planning Director shall provide to the Board of Supervisors, Township Manager, the Planning Commission, and any other appropriate Township personnel or professional consultant.~~

[A.O.]

~~I. *Planning Commission Action.*~~

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

~~(2) Within 30 calendar days of the Planning Director's transmission of a complete preliminary application, the Township Engineer shall submit a written report to the Township's Planning Director and Planning Commission which states whether the application complies with the requirements of this Chapter. The report shall be included in the minutes of the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the Township Engineer's report has been received or 30 calendar days have passed from the date of referral to the Township Engineer.~~

~~(3) Within 60 calendar days of the date of filing of an administratively complete application, the Planning Commission shall make a written recommendation to the Board of Supervisors for approval, approval with~~

conditions or disapproval of the preliminary application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter that the applicant has not met.

J. Planning Commission Review and Recommendation.

(1) The Planning Commission shall review the preliminary application and associated documents and forward its recommendation to the Board of Supervisors.

(2) If the plan is deemed to have outstanding comments or unaddressed concerns, the applicant shall resubmit revised drawings, supporting reports, documents and other similar material for review by the Township staff, professional consultants and the Planning Commission.

[A.O.]

K. Board of Supervisors Action.

(1) The Board of Supervisors shall act upon the preliminary application ~~not no~~ later than 90 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application; provided, that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application, said 90-day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission ~~and the Planning Commission minutes containing the report of the Township Engineer~~ shall be made a part of the record at the said Board of Supervisors meeting. [A.O.]

(2) The Board of Supervisors shall not act on a preliminary application unless the Township has received written review of the application by the ~~Allegheny County~~ planning agency or ~~their~~ its designee, or unless 30 calendar days ~~from the date of referral have passed~~ have passed since the date of referral to the County planning agency. [A.O.]

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

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

accepted by the applicant. [A.O.]

(5) Approval of a preliminary plan application shall only constitute authorization to proceed with preparation and filing of a final plan application once all conditions of approval have been addressed and complied with in a manner acceptable to the Township. [A.O.]

L. Expiration of Preliminary Plan Approval.

(1) Preliminary approval shall expire within 5 years after being granted by the Board of Supervisors, unless the applicant requests and the Board of Supervisors grant a written extension prior to the preliminary approval's expiration. The applicant shall submit a request for extension, in writing, to the ~~Board of Supervisors~~ Planning Director at least 30 calendar days prior to any prevailing expiration date. Extensions may be granted for one or more 6-month periods, upon the Board of Supervisors finding that such extension is warranted. [A.O.]

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

M. Post-Preliminary Application Approval Options. After a preliminary application has been approved by the Board of Supervisors, the applicant may proceed by filing either of the following types of applications:

(1) A final application, pursuant to §22-207.2, where the applicant intends to provide the Township with performance security to guarantee proper installation of required improvements in the plan; or

(2) An improvement construction plan application, pursuant to §22-210, where the applicant desires to construct the improvements required by this Chapter before final application approval in lieu of posting performance security with the Township.

[A.O.]

2. Final Application.

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

~~(1) A final application, including final plat approval, together with performance security to guarantee proper installation of required improvements in the plan.~~

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

A. A final application shall be submitted at least 14 calendar days prior to the

Planning Commission's next regular monthly meeting. [A.O.]

~~B. In either case, 14 calendar days prior to the regular monthly Planning Commission meeting, The applicant shall file 14 copies of the final application to the Township, using a form provided by the Township. In addition, one copy of the approved preliminary plan shall accompany the final application. [A.O.]~~

~~C. Six full-scale copies, eight half-scale copies (with a minimum scale of 1 inch equals 200 feet) and one electronic file of all plans, maps and drawings are required as part of the application-subdivision. The electronic file shall be in a Township-compatible format. [A.O.]~~

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

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

~~F. The Planning Director shall review the application-for-completeness-in accordance-with-the-requirements-of to determine whether all materials required by §22-204 have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Planning Director shall reject the application as being administratively incomplete and. If an application is found to be incomplete, the application shall be remanded, the Planning Director shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met and returning the applicant's application fee and deposit. [A.O.]~~

~~G. Within 5 calendar days of receipt, tThe Planning Director shall submit one copy of the administratively complete application to the Allegheny following entities and individuals for review:~~

~~(1) Within 5 calendar days of receipt, to the County planning agency or its designee for review and comment. Additionally, copies of the application shall be distributed to; each member of the Planning Commission and; the Township Engineer for their review. Reports shall also, be distributed to all appropriate review staff and Township consultants; and any other appropriate Township personnel or professional consultants; and~~

~~(2) To the Planning Commission by no later than the Friday prior to the date of the regular meeting of the Planning Commission.~~

[A.O.]

~~H. Township Staff and Professional Consultant Reviews.~~

~~(1) The Planning Director and any other Township personnel or professional consultant, as directed by the Planning Director, shall review the application to determine if it is in compliance with this Chapter, the Zoning Ordinance [Chapter 27], applicable Township ordinances, the Township Comprehensive Plan and the Township planning objectives. The Planning Director shall prepare a written report of his findings and recommendations, which he shall provide to the Board of Supervisors, Township Manager, Township Engineer, Planning Commission and any other appropriate~~

Township personnel or professional consultant. The other Township personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Planning Director.

(2) The Township Engineer shall review the application documents to determine compliance with this Chapter, the Stormwater Management Ordinance [Chapter 23], and any other applicable Township ordinances and regulations, Township Standard Details and sound engineering practices. The Township Engineer shall prepare a written report of his findings and recommendations, which the Planning Director shall provide to the Board of Supervisors, Township Manager, the Planning Commission, and any other appropriate Township personnel or professional consultant.

~~H. *Planning Commission Action.*~~

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

~~(2) Within 30 calendar days of the Planning Director's transmission of a complete final application, the Township Engineer shall submit a written report to the Township's Planning Director and Planning Commission which states whether the application complies with the requirements of this Chapter. The report shall be included in the minutes of the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the Township Engineer's report has been received or 30 calendar days has passed from the date of referral to the Township Engineer.~~

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

I. *Planning Commission Review and Recommendation.*

(1) The Planning Commission shall review the final application and associated documents and forward its recommendation to the Board of Supervisors.

(2) If the plan is deemed to have outstanding comments or unaddressed concerns, the applicant shall resubmit revised drawings, supporting reports, documents and other similar material for review by the Township staff, professional consultants and the Township Planning Commission.

[A.O.]

J. *Board of Supervisors Action.*

(1) The Board of Supervisors shall act upon the final application ~~not~~ no later than 90 days following the regular meeting of the Planning Commission next following the date of filing of an administratively complete application; provided, that should the next said Planning Commission meeting occur more than 30 days following the filing of an administratively complete application,

said 90- day period shall be measured from the thirtieth day following the date of filing of the administratively complete application. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Township Engineer shall be made apart of the record at the said Board of Supervisors meeting. [A.O.]

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

~~(2) The Board of Supervisors shall not act on a final application unless the Township has received written review of the application by the County planning agency or its designee, or unless at least 30 calendar days have passed since the date of referral to the County planning agency. [A.O.]~~

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

~~(3) A letter indicating approval, approval with conditions or disapproval shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address within 15 calendar days following the Board of Supervisors decision. If the final application is not approved in terms as filed, the Board of Supervisors shall specify the defects found in the final plan application and cite the requirements of this Chapter or other Township ordinances or statutes that the applicant has not met, in accordance with the MPC. [A.O.]~~

~~(4) The applicant shall accept or reject the conditions attached to the final approval either by giving written notice to the Planning Director or executing the development agreement required by §22-212 within 30 days of the date of the public meeting of the Board of Supervisors at which final approval is granted decision. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to final approval within the required 30 calendar days, final approval shall automatically be rescinded without written notice to the applicant then the conditions shall be deemed accepted by the applicant. [A.O.]~~

~~J. *Final Plat Approval after Completion of Improvements.*~~

~~(1) Upon completion of the improvements contained in the final application, the developer and/or landowner shall notify the Township, in writing, of the completion and, shall submit three copies of the final plat, as required by §22-315, with the notice of completion. Within 10 calendar days of the receipt of the notice of completion and submission of the final plat, the Board of Supervisors shall authorize the Township Engineer to inspect the improvements and review the final plat to determine whether the final plat is in conformance with the previously approved final application and all applicable requirements of this Chapter and whether the proper officers of the~~

Township can affix their signatures to the final plat for recording purposes.

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

~~(3) Within 45 calendar days of receipt of the notice of completion of improvements, the Board of Supervisors shall notify the developer and/or landowner, in writing, by certified or registered mail, of the approval or rejection of the improvements. Acceptance of the improvements shall be in accordance with the requirements of §§22-602 through 22-605, and shall be further subject to the posting of the maintenance security required by §22-606, if the same are to be public improvements dedicated and accepted by the Township.~~

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

K. *Phased Approval.*

(1) In the case where development of a subdivision or land development is projected over a period of years, the Township authorizes submission of final applications by sections or phases of development, subject to such requirements or guarantees for private or public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.

(2) All sections or phases must conform to the preliminary application as previously approved by the Township. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the preliminary application will require complete resubmission of the preliminary application in accordance with §22-204.D.

(Ord. 542, 12/18/2002; as amended by A.O.

§22-208. — Mediation.

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

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

— A. Funding mediation:

— B. Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation:

— C. Completing mediation, including time limits for such completion:

— D. Suspending time limits otherwise authorized in this Chapter or in the Municipalities Planning Code, 53 P.S. §10101 *et seq.*, provided that there is written consent by the mediating parties and by an applicant or the Board of Supervisors if either is not a party to the mediation:

— E. Identifying all parties and affording them the opportunity to participate

— F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public:

— G. Assuring that mediated solutions are in writing and signed by the parties, and become subject, to review and approval by the appropriate decision making body pursuant to the authorized procedures set forth in this Chapter:

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

(*Ord. 542, 12/18/2002*)

§22-208. Combined Preliminary and Final Approval.

Unless otherwise provided by the Zoning Ordinance [Chapter 27] or the MPC, a developer may request simultaneous preliminary and final approval of a subdivision or land development application provided that all applicable application requirements of §§22-204.D and 22-204.E are satisfied in a manner acceptable to the Planning Director.

(*Ord. 542, 12/18/2002; as amended by A.O.*)

§22-209. — Approval Resolution.

— When requested by the developer and/or landowner, in order to facilitate financing, the Board of Supervisors shall furnish the developer and/or landowner with a signed copy of a resolution indicating approval of the final plat contingent upon the developer and/or landowner providing satisfactory completion authority. The final plat shall not be signed nor recorded until the completion security and development agreement are

~~executed and all other conditions of final approval are met
(Ord. 542, 12/18/2002)~~

§22-209. Modifications and Waivers.

1. Application Requirements. Any request for a waiver or modification of a provision of this Chapter shall be submitted in writing as part of an application for preliminary or final approval. The written request shall include:

A. The specific Section of this Chapter which is requested to be waived or modified.

B. The justification for the modification or waiver, stating in full the grounds and facts of unreasonableness or hardship on which the request is based.

C. Provisions proposed as an alternate to the requirements.

D. A plan prepared at least to the minimum standards of a sketch plan (see §22-321.C), if determined necessary by the Planning Director.

E. Appropriate filing fee and deposit.

2. Application Procedure.

A. An application for a modification or waiver shall be filed with the Planning Director, on forms as prescribed by the Township, as part of an application for preliminary or final plan approval and at least 14 calendar days prior to the regular monthly meeting of the Planning Commission. The application shall not be considered administratively complete and properly filed unless or until all items required by subsection .1 above, including the application fee and deposit, have been received by the filing date.

B. The Planning Director shall review the application to determine whether all materials required by subsection .1 above and any other relevant Township ordinances have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Planning Director shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met and returning the applicant's application fee and deposit.

C. Within 5 days of receipt of an administratively complete application, the Planning Director shall submit one copy of the application and any materials submitted therewith to the following entities for review: the Township Engineer; the County planning agency or its designee; and any other appropriate Township personnel or professional consultants.

D. The Planning Director shall provide one copy of an administratively complete application and any materials submitted therewith to the Planning Commission by no later than the Friday prior to the date of the regular monthly meeting of the Planning Commission.

3. Township Staff Review.

A. The Planning Director and any other Township personnel or professional consultant, as directed by the Planning Director, shall review the application documents to determine if they are in compliance with this Chapter, the Zoning

Ordinance [Chapter 27], and any other applicable Township ordinances or regulations. The Planning Director shall prepare a written report of his findings and recommendations which he shall provide to the Board of Supervisors, Township Manager, Township Engineer, Planning Commission and any other appropriate Township personnel and professional consultant. The other Township personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Planning Director.

B. The Township Engineer shall review the application documents to determine compliance with this Chapter, the Stormwater Management Ordinance [Chapter 23], and any other applicable Township ordinances and regulations, Township Standard Details and sound engineering practices. The Township Engineer shall prepare a written report of his findings and recommendations, which the Planning Director shall provide to the Board of Supervisors, Township Manager, the Planning Commission, and any other appropriate Township personnel or professional consultant.

4. Planning Commission Review and Recommendation.

A. The Planning Commission may review the application and associated documents and forward its recommendation to the Board of Supervisors.

B. If the application is deemed to have outstanding comments or unaddressed concerns, the applicant shall resubmit revised drawings, supporting reports, documents and other similar material for review by the Township staff, professional consultants and the Planning Commission.

5. Board of Supervisors Action.

A. The Board of Supervisors may approve a modification or waiver application if the applicant proves all of the following:

(1) The literal enforcement of the subject section(s) of this Chapter will exact undue hardship because of peculiar conditions pertaining to the land in question.

(2) The waiver or modification of the subject section(s) of this Chapter will not be contrary to the public interest.

(3) The purpose and intent of this Chapter is observed.

(4) An alternative proposal will allow for equal or better results and represents the minimum modification necessary.

B. In approving a modification or waiver application, the Board of Supervisors may, in its sole discretion, impose such reasonable conditions as it deems necessary to secure the objectives and purposes of this Chapter and to protect the public interest. When a modification or waiver is granted, a statement of the approved modification or waiver shall be provided on the final plan.

C. A letter indicating approval, approval with conditions or disapproval shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address.

(Ord. 542, 12/18/2002; as amended by A.O.

§22-210. Improvement Construction Plan.

1. Application. After an applicant has received official notification that the preliminary plan has been approved, the applicant may file an application for approval of an improvement construction plan in lieu of posting performance security with the Township to guarantee the construction of the improvements required by this Chapter. No construction may proceed until approval of the improvement construction plan is granted.

2. Application Requirements. All improvement construction plan applications shall include the following:

A. Six full-scale copies, eight half-scale copies (with a minimum scale of 1 inch equals 200 feet) and one electronic file of the improvement construction plan. The electronic file shall be in a Township compatible format.

B. Four paper copies and one electronic copy of all reports, notifications and certificates which are not provided on the improvement construction plan. The electronic file shall be in a Township compatible format.

C. Four paper copies and one electronic copy of a detailed narrative describing the proposed project and what action is being requested from the Township. The electronic file shall be in a Township compatible format.

D. A completed application form and supplemental documents.

E. The appropriate filing fee and deposit.

3. Plan Requirements. All improvement construction plans shall be prepared in conformance with the provisions of §22-204.E of this Chapter.

4. Application Procedure.

A. An application for approval of an improvement construction plan shall be filed with the Planning Director, on forms as prescribed by the Township, at least 14 calendar days prior to the date of the regular monthly workshop meeting of the Board of Supervisors. The application shall not be considered complete and properly filed unless or until all items required by subsection .2 and .3 above, including the application fee and deposit, have been received by the filing date.

B. The Planning Director shall review the application to determine whether all materials required by subsections .2 and .3 above and any other relevant Township ordinances have been submitted by the applicant. If all such materials have not been submitted by the applicant, then the Planning Director shall reject the application as being administratively incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter that have not been met and returning the applicant's application fee and deposit.

C. Within 5 days of receipt of an administratively complete application, the Planning Director shall submit one copy of the application and any materials submitted therewith to the following entities for review: the Township Engineer; and any Township employee or professional consultant deemed necessary by the Planning Director.

D. The improvement construction plan may be submitted in phases or sections as shown on the approved preliminary plan and phasing schedule

pursuant to §22-207.1.L of this Chapter.

5. *Township Staff Review.*

A. The Planning Director and any other Township personnel or professional consultant, as directed by the Planning Director, shall review the improvement construction plan application documents to determine if they are in compliance with this Chapter, the Zoning Ordinance [Chapter 27], and any other applicable Township ordinances or regulations. The Planning Director shall prepare a written report of his findings and recommendations, which he shall provide to the Board of Supervisors, Township Manager, Township Engineer, and any other appropriate Township personnel or professional consultant. The other Township personnel and professional consultants shall provide comments and recommendations, including written findings, when directed by the Planning Director.

B. The Township Engineer shall review the application documents to determine compliance with this Chapter, the Township Stormwater Management Ordinance [Chapter 23], and any other applicable Township ordinances and regulations, Township Standard Details and sound engineering practices. The Township Engineer shall prepare a written report of his findings and recommendations, which the Planning Director shall provide to the Board of Supervisors, Township Manager, and any other appropriate Township personnel or professional consultant.

6. *Board of Supervisors Action.*

A. The Board of Supervisors shall act upon the improvement construction plan application no later than 90 days following the regular monthly workshop meeting of the Board of Supervisors next following the date of filing of an administratively complete application; provided, that should the next said Board of Supervisors workshop meeting occur more than 30 days following the filing of an administratively complete application, said 90-day period shall be measured from the 30th day following the date of filing of the administratively complete application.

B. A letter indicating approval, approval with conditions or disapproval shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address within 15 calendar days following the Board of Supervisors decision. If the improvement construction plan application is not approved in terms as filed, the Board of Supervisors shall specify the defects found in the improvement construction plan application and cite the requirements of this Chapter or other Township ordinances or statutes that the applicant has not met, in accordance with the MPC.

C. The applicant shall accept or reject the conditions attached to the improvement construction plan approval by giving written notice to the Planning Director within 30 calendar days of the date of the Board of Supervisors decision. If the applicant fails to give written notice to the Planning Director regarding acceptance or rejection of the conditions attached to the improvement construction plan approval within the required 30 calendar days, then the conditions shall be deemed accepted by the applicant.

D. If the Board of Supervisors approves the improvement construction plan application subject to certain conditions, then the developer shall not commence

construction of the improvements until all such conditions are addressed and complied with in a manner acceptable to the Township and he has received the necessary Township authorization to commence construction.

7. *Improvement Construction Plan Certificate and Construction Authorization.* After the Board's approval of the improvement construction plan and the required changes, if any, are made, the applicant shall proceed to prepare four copies of plans which shall be printed in black ink on either (i) durable paper and/or (ii) transparent polyester film. These plans shall be certified in the following manner:

A. Improvement construction plans shall be presented to the Board of Supervisors for the signature of the Chairman, or his designee, as attested by the Township Secretary.

B. Approval and certification of an improvement construction plan shall not constitute final plan approval of the proposal, nor shall this plan be recorded with the Allegheny County Department of Real Estate, but shall, when combined with the necessary municipal and/or Commonwealth approvals and permits, grant the authority to install the improvements required as part of this Chapter.

C. Following the Township's certification of the improvement construction plan, two copies of the plan will be retained by the Township, one copy retained by the Township Engineer, and the remaining copy will be available to the firm which prepared the plan.

D. Improvement construction plan approval will be effective for a 5-year period from the date of the Board of Supervisors approval of the preliminary plan. Construction must be completed and a final plan application must be submitted within 5 years of the preliminary plan approval or else the preliminary plan and improvement construction plan approvals will become null and void.

8. *Completion of Improvements.* Upon completion of the improvements required by this Chapter, the applicant may proceed to submit a final application which shall include notice of approval of the public improvements by the governmental entity which is to accept any such public improvement.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-211. ~~Completion-Performance Security.~~ [A.O.]

~~1. In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall post a completion security, as defined by this Chapter, in favor of the Township, in an amount equal to 110 percent of the cost of completion of the improvements estimated as of 90 calendar days following the date scheduled for completion by the developer and/or landowner. Prior to the granting of final approval, the developer shall either complete all improvements required by this Chapter or deliver to the Township performance security in the amount of 110 percent of the cost to complete all improvements required by this Chapter, estimated as of 90 days following the date scheduled for completion by the developer. Annually, the Township may adjust the amount of the completion performance security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth calendar day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may~~

require the developer and/or landowner to post additional security in order to assure that the completion performance security equals said 110 percent. The ~~developer and/or landowner~~ additional security shall be posted by the developer in accordance with this Section ~~shall post any additional security~~. [A.O.]

2. The amount of the completion required performance security required shall be based upon the following:

A. For public improvements, the amount of performance security shall be based on an estimate of the cost of completion of the required public improvements as shown on the final plat; and,

B. For private improvements, the amount of the performance security shall be based on an estimate of the cost of completion of the required private improvements in accordance with the requirements of this Chapter and the Township Standard Details, such that a developer that constructs private improvements at a scope, standard or detail greater than that required by this Chapter and the Township Standard Details will not be required to base the required cost estimate on the greater scope, standard or detail of such private improvements.

~~an~~ The required estimate of the cost of completion of the required improvements and the cost of the as-built plans, shall be submitted by an applicant or the developer and/or landowner and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the ~~applicant or developer or landowner~~ and the Township are unable to agree upon ~~an~~ the estimate, then the estimate shall be recalculated and re-certified by another engineer and chosen mutually by the Township and the ~~applicant or developer or landowner~~. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Township and the ~~applicant or developer or landowner~~.

[A.O.]

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

4. Form of Security. Financial security required or posted under this Chapter shall comply with, and be posted in accordance with, the Financial Security Ordinance [Chapter 1, Part 7]. [A.O.]

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

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

- ~~(2) The surety shall have a current A.M. Best's rating of no less than "A" and an underwriting capacity as stated in Best's equal to or greater than the amount of the bond written by that surety, or in the alternative be listed on the current United States Department of the Treasury's annual list of "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" as published in the Federal Register and have an underwriting capacity in said list equal to or greater than the amount of the bond written by that surety.~~
- ~~B. The following requirements shall apply to any letter of credit posted as completion security in accordance with this Chapter:~~
- ~~(1) The letter of credit shall be issued by a Federal or Commonwealth chartered lending institution having an office located within 30 miles of the boundaries of the Township at which a draft on site can be presented during regular business hours.~~
- ~~(2) The letter of credit shall have an expiration date of no earlier than 90 days after the required completion date of any improvements. The Township, at its discretion, may accept a letter of credit having an earlier expiration date, provided the letter of credit states that it will automatically be renewed for a period of at least 1 year from any present or future expiration date unless the Township receives notice in writing from the issuer at least 60 days prior to the expiration date that the issuer elects to not further extend the letter of credit and that if such notice is given the Township may draw on the letter of credit up to the amount of its unused balance on or before the relevant expiration date.~~
- ~~(3) Multiple draws on the letter of credit shall be permitted.~~
- ~~(4) Draws shall be permitted at sight at the issuer's office in a location as set forth in subparagraph (a), and by overnight mail.~~
- ~~C. All financial security tendered by an applicant pursuant to this Chapter shall be subject to review and approval by the Township's Solicitor with respect to the form, source and sufficiency of the same.~~

(Ord. 542, 12/18/2002; as amended by A.O.

§22-212. Development Agreement.

~~1. Prior to a developer and/or landowner beginning commencing grading or construction of activities related to a subdivision and/or land development, the Board of Supervisors shall require that the developer and/or landowner shall execute a development agreement with the Township, in a form acceptable to the Township Solicitor, containing provisions that are reasonably required to guarantee compliance with the conditions of approval, if any, and to guarantee the proper installation of on-site and off-site improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.~~

~~2. A standard form development agreement may be adopted from time to time by resolution of the Board of Supervisors.~~

~~3. The development agreement shall be executed, the required performance security shall be posted and all required fees shall be paid to the Township before the~~

Township Manager shall affix his or her signature and the Township seal to the final plat for recording purposes.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-213. Supplemental Approvals from Other Agencies.

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

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-214. Final Plat.

1. Upon approval of a final plat by the Township, the developer ~~and/or landowner~~ shall within 90 days of such final approval or 90 days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Allegheny County ~~Recorder of Deeds~~ Department of Real Estate. The Allegheny County ~~Recorder of Deeds~~ Department of Real Estate shall not accept any plat for recording unless such plat officially notes ~~the approval of the Planning Commission and:~~ (A) the approval of the Board of Supervisors or Planning Director, as appropriate; (B) and the review of the Allegheny County planning agency, or its designee, and the Township Planning Commission, unless otherwise provided by this Chapter; and (C) the release of the plat for recording by the Township Manager.

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

3. Any request for reinstatement of final approval which is submitted in writing more than 180 days after the date of the delivery of the approved plat signed by the Board of Supervisors shall require ~~resubmission of an~~ the developer to resubmit the final application for final approval and action thereon by the Planning Commission and the Board of Supervisors in conformance with the requirements of this Chapter in accordance with the requirements of this Chapter, except that the Board of Supervisors may waive review by the Planning Commission if the final application and final plat is the same as originally approved.

4. Prior to the release of the final plat for recording by the Township Manager, the developer shall provide the Township with a recording deposit, in an amount established from time to time by resolution of the Board of Supervisors, guaranteeing the developer's delivery to the Township of the recorded plans and other documents required by subsection .5 below.

~~5. At the time of final plat submission, the applicant shall be required to pay a recorded plan deposit in an amount determined from time to time by resolution of the~~

Board of Supervisors:

5. Upon recording of the final plat in the office of the Allegheny County Department of Real Estate, the developer shall deliver to the Township the following:

A. Two paper prints of the final plat as recorded and certified by the Allegheny County Department of Real Estate.

B. One mylar copy of the final plat as recorded and certified by the Allegheny County Department of Real Estate.

C. One electronic version/file of the final plat in a Township compatible format as required by §22-215 of this Chapter.

~~6. Said deposit shall be returned to the applicant when the Township receives the two signed and recorded paper prints of the final plat, the one mylar and the one electronic copy, or when the applicant has officially withdrawn the application.~~

6. The final plat shall be recorded with the Allegheny County Department of Real Estate and proof of such recording provided to the Township as required by subsection .5 above prior to:

A. The sale of any lots or property that is the subject of the final plat.

B. The construction of any improvements on the subject property, except as provided in §22-210 of this Chapter.

C. The release of the recording deposit referenced in subsection .4 above.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-215. Electronic Version of Plans.

1. General. Prior to the commencement of any grading or construction activities, and the Township's acceptance of the dedication of improvements, the developer shall provide the Township with one electronic version/file of the Township-approved plans in a Township compatible format.

2. Digital Document Format Standards. Where this Chapter requires the submittal of electronic version/file of plans in a Township compatible format, such plans shall comply with the following digital document format standards:

A. The digital document and data shall be in a compatible and commonly readable geographic information system (GIS) data format as subject to evolving and current technology. Typically, this is a Computer Aided Design and Drafting (CADD) file or GIS file format, e.g. ASCII or binary drawing exchange file 'dxf', Autodesk 'dwg', or Intergraph/Bentley design 'dgn' format.

B. The submitted digital document and data shall be the exact representation of the paper document or drawing, and all graphics/drawing/text shall be easily editable or modifiable for inclusion in the Township GIS system. This file shall not include any other features that make the data unusable.

C. The digital data submitter shall provide a complete list of data nomenclature such as features names, levels/layers, colors, line types/styles, and similar software specific details.

D. Separate layers/levels must exist for each distinct feature used in the data.

E. The data submitted in the digital submission shall be consistent with

ground surface measurements as shown on the hard copy of the original document and mapped digitally in 1:1 units and expressed in U.S. Survey Feet with a projection of State Plane, NAD83 Pennsylvania South (Federal Information Processing Standard 3702), as amended.

F. Often data is submitted in several digital files when dealing with large developments. These files often have cryptic names that only the developer or his professional consultant understands. This situation requires the Township to go through every file to find specific data. In order to prevent this issue, each digital file submitted to the Township must be named appropriately to reflect the information that each file contains (i.e. sewer data in CAD file should be named Sewer.dwg). The Township may permit a digital data submitter to submit a legend that identifies which files contain which pertinent information, such as storm sewer locations, sanitary sewer locations, water line locations, lot lines and edge of the cartway.

G. Any changes that are made to the construction drawings during construction and installation of the improvements shall be drawn on the digital documents and resubmitted as final as-built plans in the same standards that are listed above.

H. The Township may also require the submission of plans and other documents in a Portable Document Format (PDF).

(Ord. 542, 12/18/2002; as added by A.O.

Table 22-1: Approvals and Applications Summary	Ordinance Reference	Approvals		
		Simple Subdivision §22-202	Minor Land Development §22-203	Major Land Development §22-204
Applicability		<ul style="list-style-type: none"> Lot line revisions that do not create new parcels lots or buildings or public improvements [A.O.] Revisions of easements and/or right-of-ways Consolidation of existing lots <u>Establish the final interior as-built lot lines for attached dwellings.</u> [A.O.] 	<ul style="list-style-type: none"> Single family residential Land Development of single-family dwelling(s) and/or two-family dwelling(s) that creates two to four lots [A.O.] Nonresidential <u>land</u> development with 5,000 square feet or less of new gross floor area [A.O.] Nonresidential subdivisions that create two to four lots 	<ul style="list-style-type: none"> Single family residential Land development of single-family dwelling(s) and/or two-family dwelling(s) that creates five or more lots [A.O.] All multi-family residential development Nonresidential <u>land</u> development with more than 5,000 square feet of new gross floor area [A.O.] All planned residential developments and planned nonresidential developments in accordance with <u>Chapter 27, Zoning the Zoning Ordinance</u> [Chapter 27] [A.O.] All subdivisions and land developments that constitute <u>contain a use classified as a conditional uses use</u> or uses use by special exception in accordance with <u>under the Zoning Ordinance</u> [Chapter 27]-Chapter 27, Zoning [A.O.] All mobile home parks All cottage home <u>land</u> developments [A.O.] <u>A subdivision and/or land development that does not qualify as a minor land development or simple subdivision under this Chapter.</u> [A.O.]
Recommending Body		<ul style="list-style-type: none"> Planning Director 	<ul style="list-style-type: none"> Planning Commission 	<ul style="list-style-type: none"> Planning Commission
Approving Body		<ul style="list-style-type: none"> Board of Supervisors 	<ul style="list-style-type: none"> Board of Supervisors 	<ul style="list-style-type: none"> Board of Supervisors
Sketch Plan Pre-Application Conference(s) Recommendations				
1. Site Analysis	§22-321.A		✓	✓
2. Proposed site development data and narrative summary	§22-321.B		✓	✓
3. Sketch Plan	§22-321.C		✓	✓
4. Proposed construction types and materials	§22-321.D		✓	✓
Preliminary Application Requirements				
5. Preliminary Plat	§22-302			✓
6. Topographical Survey	§22-303			✓
7. Preliminary Slope Stability Geotechnical Analysis [A.O.]	§22-304		(Encouraged)	✓
8. Comprehensive Slope Stability Geotechnical Analysis [A.O.]	§22-305			(Pending results of Preliminary Slope Stability Analysis)
9. Site Conditions Report	§22-306			✓
10. Phase One Environmental Site Assessment	§22-307			✓
11. Environmental Performance Standards Analysis	§27-301			✓
12. Land Development Plan	§22-309		✓	✓
13. Building Elevation Drawings	§22-310		✓	✓
14. Conceptual Landscape Plan	§22-311			✓
15. Stormwater Management Statement	§22-312			✓
16. Traffic Impact Study	§22-313		(If proposed subdivision or land development is expected to generate 100 or more average peak hour trips) See §22-313	(If proposed subdivision or land development is expected to generate 100 or more average peak hour trips) See §22-313
17. Infrastructure Demand Statement (public sewer, public water, etc.)	§22-314			✓
Final Application Requirements				
18. Approved Preliminary Plat and Supporting Reports	§22-302			✓
19. Final Plat	§22-315	✓	✓	✓
20. Construction Plans for Public Improvements	§22-316			✓
21. Stormwater Management Plan	§22-317		✓	✓
22. Erosion and Sediment Control Plan	§22-318		✓	✓
23. Completion Security	§22-210			✓
23. Covenants and Restrictions	§22-319		✓	✓

Table 22-1: Approvals and Applications Summary	Ordinance Reference	Approvals		
		Simple Subdivision §22-202	Minor Land Development §22-203	Major Land Development §22-204
24. Written Confirmation of <u>any required</u> Zoning Hearing Board Approval of Variances [A.O.]	§22-320	✓	✓	✓
25. Final Landscape Plan	§22-311.2		✓	✓
26. <u>Land Development Plan</u> [A.O.]	§22-309		✓	✓

(Ord. 542, 12/18/2002; as amended by A.O.)

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

Based upon the application submission requirements specified in this Part of this Chapter, a developer ~~and/or landowner~~ shall provide the Township with plans, reports and analyses as part of the preliminary and final application submissions. The specifications, contents and requirements of these plans, reports and analyses are described in §§22-302 through 22-319. Sections 22-302 through 22-313 generally apply to preliminary applications. Sections 22-314 through 22-319 generally apply to final applications.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-302. Preliminary Plat.

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

A. A boundary survey by a surveyor and topographical survey of the total proposed subdivision by an engineer or surveyor. If the developer and/or landowner intends to develop a tract of land in phases, the preliminary plat shall include the total tract. The total plan area, in acreage, shall be stated on the plan.

B. The proposed name of the subdivision or land development.

C. The name, address, certification and seal of the registered landscape architect, engineer or surveyor who prepared the plat and the registered surveyor who completed the survey shown on the plat.

D. The names and addresses of the developer and/or landowner and, if the developer is not the landowner, the names and addresses of the landowner.

E. The names of all adjoining property owners.

F. The proposed street layout in the subdivision indicating whether the streets are proposed to be public or private.

G. The layout of lots (showing scaled dimensions), lot numbers, house numbers as provided by the Township and the area of each lots in square feet.

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

I. A legend of symbols, lines and appropriate explanatory notes.

J. Front yard, side yard and rear yard setback lines and any required bufferyards.

K. Zoning classification of the area to be developed and/or subdivided.

L. The graphic scale, north arrow and application date.

M. Existing and proposed easements and rights-of-way, including locations, widths and purpose. [A.O.]

N. A location map showing the subdivision/land development name and

location, major existing thoroughfares related to the subdivision/land development, including the distance therefrom. The location map shall also include a title, graphic scale and north arrow. [A.O.]

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

P. Existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.

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

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

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

T. Areas subject to periodic flooding, as identified on the current Flood Insurance Rate Map for the Township issued by the Federal Emergency Management Agency. [*Ord. 556*]

~~U. Declarations shall be in accordance with the applicable forms set forth in Appendix 22-A. Additional declarations may be required. [*Ord. 605*]~~

U. Certificates. All certificates shall comply with the requirements of this Chapter and Appendix 22-A and shall be in a form acceptable to the Township Engineer and Township Solicitor. [A.O.]

V. Any and all other plans, details, specifications, etc., needed to demonstrate compliance with this Chapter, and as required by the Township. [A.O.]

(*Ord. 542*, 12/18/2002; as amended by *Ord. 556*, 9/25/2003, §4; by *Ord. 605*, 9/6/2006, §2; and by A.O.)

§22-303. Topographical Survey.

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

(*Ord. 542*, 12/18/2002)

§22-304. ~~Preliminary Slope Stability~~ Geotechnical Investigation. [A.O.]

1. At a minimum, the applicant shall conduct a ~~preliminary slope stability~~ geotechnical investigation as outlined in this subsection. The intent of the preliminary investigation is to determine the general geologic and subsurface conditions at the site and their impact on development, especially with respect to limitations/constraints on site grading, including cut slope and fill embankment construction and the capacity of natural soils to support development. The preliminary investigation is not to be

considered a final, detailed, or comprehensive investigation of proposed site grading, but only a preliminary evaluation of anticipated limitations. It should be an aid to developing conceptual site grading and development plans. This investigation shall include consultation and review of existing maps such as, but not limited to: “Map of Zones Where Land Use Can Be Affected by Landsliding, Flooding, and Undermining,” Allegheny County, PA by Reginald P. Briggs and William R. Cohl 1975, USGS Map MF-685D; “Coal Resources of Allegheny County, PA,” Part 1, “Coal Crop Lines, Mined-Out Areas and Structure Contours,” compiled by Clifford H. Dodge, Mineral Resource Report 89, 1985, by PA DER; Soil Survey of Allegheny County, PA by United States Department of Agriculture Soil Conservation Service. [A.O.]

2. The following requirements are encouraged, but not required as part of the preliminary ~~slope stability~~ geotechnical investigation: [A.O.]

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

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

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

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

E. A written report prepared and signed by the professional geotechnical engineer licensed in the Commonwealth of Pennsylvania performing the preliminary geotechnical investigation shall be submitted to the Township. The report should, at a minimum, include: a description of the existing surface and subsurface site conditions; a review of the site geology and geohydrology; a discussion of any slope movements, sloughs, landslides, rock falls, or mining on or adjacent to the site, and an evaluation of their existing and/or potential impact on the site; the test boring logs and laboratory test results and the to-scale boring location plan described above in §22-304.4. The report should also include preliminary geotechnical engineering recommendations regarding apparent limitations/constraints on grading for land development, including apparent stable grades for proposed cut slopes and fill embankment. Any general measures required to provide for long-term stability including, but not limited to, drainage

requirements, benching, erosion protection, and subgrade preparation should also be discussed in the report. This preliminary investigation report will not be considered a detailed engineering evaluation of site grading. The Township Engineer shall review the report and shall provide a summary recommendation to the Planning Director and Planning Commission. [A.O.]

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

3. Pending the results of the preliminary ~~slope stability~~ geotechnical investigation, the Township's geotechnical engineer may request a comprehensive ~~slope stability~~ geotechnical investigation. [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-305. ~~Comprehensive Slope Stability~~ Geotechnical Investigation. [A.O.]

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

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

3. Groundwater encountered in each test boring should be recorded during drilling operations and 24 hours after completing each boring. [A.O.]

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

5. A suitable boring log should be provided for each boring. At minimum, the logs should include: boring designation; SPT results; depths of strata encountered; percent core recoveries and rock quality designations (RQDs) of rock cores; date boring was drilled; groundwater information (minimum 0 hour and 24 hour readings); types and

descriptions of geomaterials encountered; comments or notes regarding voids, boulders, obstructions, or any other unusual subsurface conditions encountered. [A.O.]

6. A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative ~~slope stability~~ geotechnical analysis of proposed cut slopes and fill embankments. At minimum, test boring and relevant laboratory soil or rock test results, site groundwater and surface water findings, anticipated surcharge and/or hydrostatic loads/conditions and any other factors affecting the proposed slopes should be included in the analysis. The ~~slope stability~~ geotechnical analysis must be based on a method accepted by the geotechnical engineering community, and that has been published in an accepted engineering textbook, journal, or proceeding. The analysis should ultimately provide a factor of safety (FS) against movement/failure of the proposed slope. A slope will generally be considered stable in the long term when the $FS > 1.5$, unless special circumstances, as approved by the Township, should be allowed. Various slope/embankment construction scenarios can be analyzed by the engineer, but no proposed slopes/embankments indicating a FS less than that approved will be deemed acceptable. [A.O.]

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

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-306. Site Conditions Report.

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

- A. Total site acreage.
- B. Existing zoning district(s), land use(s) and covenants.
- C. Existing land characteristics including general topographic form, site accessibility, length of public road frontage, pattern and density of vegetative cover, significant adjacent and long-range views to and from the site, hydrological patterns.

D. Relationship of the proposed subdivision and/or land development to adjoining, existing and proposed community facilities which serve or influence the site; available utilities; number of lots and acreage; business areas; playgrounds; main traffic arteries; elementary and high schools; and street improvements.

E. Reservations, if any, by the developer and/or landowner of any area designed for use as public grounds shall be suitable size and location for designated uses.

F. Land which is subject to flooding, subsidence or underground fires either shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for use which shall not endanger life or property, or further aggravate or increase existing menace.

G. A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the property.

(Ord. 542, 12/18/2002)

§22-307. Phase One Environmental Site Assessment.

1. *Purpose.* ~~A—The purpose of a phase one environmental site assessment evaluates whether a property is likely to have suffered environmental degradation is to identify conditions indicative of releases and threatened releases of hazardous substances or petroleum products on, at, in, or onto the subject property.~~ It involves nonintrusive investigative techniques to establish whether the property is likely to be contaminated and if so, to initiate the next level of environment assessment. [A.O.]

2. *Content.* An environmental site assessment, in general conformance with the guidelines established under ASTM ~~standards~~ standard E 1527-5 on environmental assessments, shall contain the following: [A.O.]

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

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

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

- A. A proposal presenting a suitable alternative that conforms to the spirit and intention of this Chapter.

B. Existing physical characteristics of the property that prevent conformance with requirements.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-308. Environmental Performance Standards Analysis.

An environmental performance standards analysis shall be provided in accordance with Part 3 of the Zoning Ordinance [Chapter 27].

(Ord. 542, 12/18/2002)

§22-309. Land Development Plan.

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

- A. Drawing scale.
- B. North arrow.
- C. The proposed use, location, area, height and bulk of all proposed structures and dimensions of all yards.
- D. Preliminary building floor plan(s) including square footage of development, types of rooms, door locations, window locations and service area(s).
- E. The layout of parking areas and a computation of the number of parking spaces and fire lanes to be provided in accordance with the Zoning Ordinance [Chapter 27], this Chapter and any other applicable Township ordinance. [A.O.]
- F. Location, size and specifications for private improvements such as curbs, sidewalks, driveways, parking areas, landscaping strips or planters, wheelstops and the like.
- G. Street plan indicating street ~~right-of-ways~~ right-of-way and cartway widths, curbs, sidewalks and connections to existing streets. [A.O.]
- H. Location and specifications for lighting of parking areas and walkways.
- I. Lot lines (scale dimensions), lot widths, lot areas in square feet and setback lines from adjacent streets.
- J. Preliminary locations of sanitary sewer, water and gas lines and their connection(s) to existing systems.
- K. Storm drainage structures, including storm sewers, culverts, inlets, easements, diversion terraces, debris collection basins, etc.
- L. Grading to show existing contours to remain, new contours and contours to be altered at 2-foot intervals.
- M. Location, size and general layout of areas to be set aside for recreational use, open space, schools or other public, semi-public or community purposes.
- N. Divisions of the property into phases for development, indicating the boundaries of each phase and the net residential density and number of dwelling units in each phase.
- O. Dates of preparation and revisions to the plan.
- P. Evidence of preparation by a registered architect, landscape architect or

engineer. A review of the plan may require additional investigation and reports for approval.

Q. Any and all other plans, details, specifications, etc., needed to demonstrate compliance with this Chapter, and as required by the Township. [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-310. Building Elevation Drawings.

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

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

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

C. Spot elevations designating the existing and proposed grading.

(Ord. 542, 12/18/2002)

§22-311. Landscape Plan.

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

A. Drawing scale.

B. North arrow.

C. Approximate location and spacing of all proposed plant material with typical dimensions by species.

D. Botanical and common names of all plant species.

E. Indication of plant size to be installed by species.

F. Quantities of species.

2. A final landscape plan shall be provided to the Township in accordance with §§27-214 and 27-215 of the Zoning Ordinance [Chapter 27].

(Ord. 542, 12/18/2002, §310)

§22-312. Stormwater Management Statement.

1. A stormwater management statement shall be provided to the Township and shall contain the following information:

A. Total square footage of pervious and impervious surface of proposed development.

B. Preliminary calculations of needed stormwater detention and/or retention quantities.

C. The approximate location and size of any proposed permanent stormwater management facilities, such as detention basins, storage tanks, sumps, outlet structures, inlets, culverts, debris collection basins, manholes, piping, permanent

swales, etc.

D. Methods, standards and rates of release to be used in the design of stormwater management facilities.

2. The maintenance of the stormwater facility shall be outlined and the responsible party shall be identified.

(Ord. 542, 12/18/2002, §311)

§22-313. — Traffic Impact Study.

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

— 2. The Township may require a traffic impact study for developments or changes in uses generating less than 100 trips in addition to the adjacent roadway's peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use. The Township may waive the study requirement for an individual development or change in use, where said a comparison of the ITE traffic generation data of development or change in use was incorporated as part of a previously approved traffic impact study is de minimus. [A.O.]

— 3. A traffic impact study shall also be completed as part of the approval process if such study is required by the Zoning Ordinance [Chapter 27] or any other applicable Township ordinance. [A.O.]

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

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

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

— (1) Roadway network and traffic control.

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

— (3) Planned roadway improvements by others.

— (4) Intersection levels of service.

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

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

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

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

— (3) Site traffic volumes on study roadways.

~~D. An analysis of future traffic conditions including:~~

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

~~(2) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to 10 years beyond the expected opening year of the development or change in use.~~

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

~~(4) Intersection levels of service.~~

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

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

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

~~E. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be defined by the *Highway Capacity Manual, Special Report 209*, published by Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.~~

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

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

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

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

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

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

~~(2) On-site circulation plan showing parking locations and dimension,~~

~~loading access circulation roadway and traffic control.~~

~~G. Traffic circulation mitigating action plan shall include:~~

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

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

~~5. Traffic control devices and other traffic improvements. Whenever, as a result of additional traffic generated by a proposed subdivision and/or land development, the traffic impact study determines the need for a traffic signal or signal(s), regulatory sign sign(s), traffic control device(s), additional traffic lanes lane(s) (including, but not limited to, acceleration, deceleration or turning) and/or other traffic improvements, to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition to approval of the final plat, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the Township, reimburse the Township for the cost of the improvements. [A.O.]~~

~~(Ord. 542, 12/18/2002; as amended by A.O.)~~

§22-313. Traffic Impact Study.

1. Traffic Impact Study Required. A traffic impact study shall be submitted to the Township pursuant to the requirements of this Section when:

A. A proposed land development or subdivision is expected to generate, on average: (1) 100 or more peak hour trips on any adjacent street; or (2) 1,000 or more average daily trips (ADT) on any adjacent street. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the Township.

B. A proposed land development or subdivision, or change in use, is expected to generate less than the trip criteria referenced in paragraph .A above, but known traffic deficiencies exist in the area of the proposed land development or subdivision, or change in use, as determined by the Township Traffic Engineer. The Township may waive the study requirement for an individual land development or subdivision, or change in use, where the ITE traffic generation data of said proposed land development or subdivision, or change in use, documents a de minimis increase in the number of trips generated.

C. In the opinion of the Township Traffic Engineer, the proposed development or change in use is expected to have a significant impact on street-related safety or traffic flow, even if the criteria of paragraph .A or .B above are not met.

D. When specifically required by the Zoning Ordinance [Chapter 27] or any other applicable Township ordinance.

2. Study Requirements.

A. When a traffic impact study is required by this Chapter or any other Township ordinance, the study shall comply with the requirements of this Section.

The study scope, study area and methodology shall be approved by the Township Traffic Engineer prior to the initiation of the study.

B. The traffic impact study shall be conducted by an engineer that has verifiable experience in traffic engineering and preparing traffic impact studies. The traffic impact study shall be prepared in accordance with: the ITE's Recommended Practice *Traffic Access and Impact Studies of Site Development*, current edition; PennDOT Publications 201, 282 and the *Policy and Procedures for Transportation Impact Studies*, current editions; and the requirements contained in this Section.

C. The full cost of completing the traffic impact study and of all reviews by the Township Traffic Engineer and other Township officials and professional consultants shall be borne by the applicant.

D. The applicant is responsible for ensuring that any submitted subdivision or development plans meet the minimum State and local standards for street geometric and land use design.

E. Upon submission of a draft study, the Township may review the data sources, methods, and findings and provide comments in written form. The applicant will then have the opportunity to incorporate the necessary revisions prior to submitting a final study.

3. Study Contents. The traffic impact study shall include the following, if appropriate as determined by the Township:

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

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

(1) Roadway network and traffic control.

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

(3) Planned roadway improvements by others.

(4) Intersection levels of service (LOS).

(5) Design and surveyed vehicle speeds.

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

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

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

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

(3) Site traffic volumes on study roadways.

D. An analysis of future traffic conditions including:

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

(2) Future design year, or years with phasing, combined traffic volumes

(site traffic plus future roadway traffic). Design year is projected to 5 years beyond the expected opening year of the development or change in use.

(3) Background traffic growth rates for study roadways shall be obtained by the Southwestern Pennsylvania Commission (SPC) and confirmed by the Township Traffic Engineer prior to use. These growth rates shall be consistent with the analysis performed for the Comprehensive Plan and any subsequent updates/revisions to the Comprehensive Plan.

(4) Intersection levels of service (LOS).

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

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

(7) When access is onto a State highway or street, the analysis of future conditions shall be consistent with PennDOT requirements.

E. A description of future levels of service (LOS) and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All references to levels of service (LOS) shall be defined by the *Highway Capacity Manual, Special Report 209*, current edition, published by the Transportation Research Board. These standards may be waived by the Township if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.

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

(2) New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement, unless a modification is recommended by the Township Traffic Engineer and approved by the Board of Supervisors pursuant to the requirements of §22-209 of this Chapter (waivers and modifications).

(3) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each traffic movement, unless a modification is recommended by the Township Traffic Engineer and approved by the Board of Supervisors pursuant to the requirements of §22-209 of this Chapter (waivers and modifications).

(4) All existing unsignalized and signalized intersections impacted by development traffic, which do not fall under the criteria of subparagraphs (2) and (3) above, shall operate at LOS D or better for each traffic movement, unless a modification is recommended by the Township Traffic Engineer and approved by the Board of Supervisors pursuant to the requirements of §22-209 of this Chapter (waivers and modifications).

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

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

(2) On-site circulation plan showing parking locations and dimension,

loading access circulation roadway and traffic control.

G. Traffic circulation mitigating action plan shall include:

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

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

4. *Final Study Report.* A final study report must be prepared to document the results of the traffic impact study and the recommended improvements to accommodate the projected traffic due to the proposed subdivision, land development, and/or change in use. Provide an executive summary, which provides a concise description of the study area, result of the traffic analysis and any recommended improvements. The presentation of data and analyses should be accomplished on schematic diagrams of the study area and the use of charts and/or tables. All sources of data and methodologies that were used in the study must be properly referenced and documented. Provide all computer output and calculations in appendices. Provide electronic Portable Document Format (PDF) copies of the report, figures, tables, appendices, as well as electronic versions of the capacity analyses.

5. *Completion of Traffic Control Devices and Other Traffic Improvements.* Whenever, as a result of additional traffic generated by a proposed land development, subdivision, and/or change in use, the traffic impact study determines the need for traffic signal(s), regulatory sign, traffic control device(s), additional traffic lane(s) (including, but not limited to, acceleration, deceleration or turning), and/or other traffic improvements, to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition of approval, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the Township, reimburse the Township for the cost of the improvements.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-314. Infrastructure Demand Statement.

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

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

- (1) Estimated gallons of sanitary sewage created per average day.
- (2) Estimated gallons of potable water consumed/utilized per average day.
- (3) Estimated number of school age children.
- (4) Estimated total residents and/or employees.

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

- (1) Estimated gallons of sanitary sewage created per average day.
- (2) Estimated gallons of potable water consumed/utilized per average day.
- (3) Estimated number of school age children.
- (4) Estimated total residents and/or employees.

(Ord. 542, 12/18/2002)

§22-315. Final Plat.

The final plat shall be provided to the Township in an accurate and final form appropriate for ~~recordings~~ recording. The final plat shall clearly delineate the following:
[A.O.]

- A. Accurate boundary lines, with dimensions and bearings.
- B. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat.
- C. Street names.
- D. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines, which join these curves that are nonradial or nontangential, should be so noted.
- E. Street lines with accurate dimensions in feet and hundredths of feet, with bearings to the nearest 1 second of street and lot lines.
- F. Lot numbers, house numbers as provided by the Township and lot dimensions.
- G. Easements for public improvements and any limitations on such easements.
- H. Accurate dimensions of any property to be reserved for public, semipublic or community use.
- I. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of §22-401 of this Chapter and an indication of whether they were found or set or are to be set.
- J. The name of the subdivision or land development.
- K. The names and addresses of the developer and, if the developer is not the landowner, the names and addresses of the landowner.
- L. The north arrow, graphic scale and date.

~~_____ M. Certification and seal by a professional land surveyor, registered in Pennsylvania to the effect that:~~

~~_____ (1) The plat represents a survey made by him or her, and that all monuments indicated thereon actually exists and their location, size and material are correctly shown.~~

~~_____ (2) All surveying requirements of this Chapter have been fully complied with indicated thereon actually exist and their location, size and material are correctly shown.~~

~~_____ N. Certification and seal by a registered professional engineer regarding compliance with all engineering requirements of this Chapter.~~

~~_____ O. Certification of the dedication of streets and other property.~~

~~_____ P. Signatures:~~

~~_____ (1) For simple subdivisions, a place on the plat for signature of the Board of Supervisors, the Township Engineer, the Allegheny County Department of~~

~~Economic Development or its designee and the Municipal Authority Manager.~~

~~(2) For all other approvals, a place on the plat for the signature of the Board of Supervisors, the Planning Commission, the Township Engineer, the Allegheny County Department of Economic Development or its designee and the Municipal Authority Manager. [Ord. 556]~~

~~(3) Refer to Appendix 22-A for all of the required certifications that must be placed on the final plat. [Ord. 556]~~

M. Certificates. All certificates shall comply with the requirements of this Chapter and Appendix 22-A and shall be in a form acceptable to the Township Engineer and Township Solicitor. [A.O.]

N. Final building lines.

O. If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation (PennDOT) under §420 of the State Highway Law, P.L. 1242, No. 428 of June 1, 1945, 36 P.S. §670.420, the County of Allegheny or other authority which may have jurisdiction over the road, and a permit issued by the Township pursuant to ~~§21-407, "Permit Required," of the Driveway Permit Ordinance, Ord. 512, 8/9/2001,~~ [Chapter 21, Part 3]. This subsection shall not be construed as relieving an applicant from the requirements of §22-105 of this Chapter. [A.O.]

P. Any and all other plans, details, specifications, etc., needed to demonstrate compliance with this Chapter and as required by the Township. [A.O.]

(Ord. 542, 12/18/2002; as amended by Ord. 556, 9/25/2003, §5; by Ord. 611, 12/6/2006, §1; and by A.O.)

§22-316. Construction Plans for Public Improvements.

1. Construction plans for public improvements prepared by ~~a registered an~~ engineer drawn on sheets measuring 24 by 36 inches, containing the following: [A.O.]

A. Conformity with the design standards specified in Part 5, "Design Standards," and the Township ~~Construction~~ Standard Details. [A.O.]

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

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

D. All drainage easements over private property.

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

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

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

- H. All pipe sizes and distances shown by plan and profile.
- I. The location of each sanitary sewer wye as proposed for installation.
- J. Areas set aside for underground utilities.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-317. Stormwater Management Plan.

A plan to scale and computations, prepared in accordance with the Stormwater Management Ordinance [Chapter 23].

(Ord. 542, 12/18/2002)

§22-318. Erosion and Sedimentation Control Plan.

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

(Ord. 542, 12/18/2002)

§22-319. Covenants and Restrictions.

~~— Documentation of all governing roles and responsibilities shall be Copies of all deeds and covenants for all lots and parcels involved in the proposed subdivision or land development shall be provided to the Township.~~

The substance of covenants, grants of easements, rights-of-way, or other restrictions that are involved in the proposed subdivision or land development, or are proposed to be imposed upon the use of the land, any common open space, buildings and structures (including proposed easements or grants for public utilities) shall be provided to the Township.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-320. Zoning Hearing Board Approval of Variances Approvals.

For any applications that propose lot consolidations, lot revisions subdivisions and/or land development developments that requires variances require approvals from the Zoning Hearing Board in accordance with the Zoning Ordinance [Chapter 27], the applicant shall provide written confirmation of the Zoning Hearing Board's approval of such variances approvals.

(Ord. 542, 12/18/2002; as amended by A.O.)

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

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

A. *Site Analysis.*

- (1) A site analysis map drawn at a scale of 1 inch equals 100 feet with

notations, containing the following information ~~shall~~ may be provided to the Township: [A.O.]

- (a) The site's existing zoning.
- (b) The site's existing land use(s).
- (c) Existing zoning for adjacent parcels.
- (d) Existing land uses for adjacent parcels.
- (e) Total acreage for the site(s).
- (f) Existing buildings, paving areas.
- (g) Significant on- and off-site views.
- (h) The names and location of soils series as identified by the Soil Survey of Allegheny County.

(I) *General Vegetative Cover*. Provide a brief description of the site's general vegetative cover (meadows, wetlands, wooded, etc.) Show the approximate location of and wooded areas. Show the number, species, size and approximate location of all trees with an 18-inch or greater diameter at breast height (dbh).

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

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

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

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

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

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

(1) Data and a narrative summary ~~shall~~ may include the following: [A.O.]

- (a) Quantity of residential dwelling units and/or square footage of nonresidential development.
- (b) Type of units or buildings.
- (c) Quantity of parking/loading spaces.
- (d) Percent building coverage.
- (e) Total site acreage.

C. *Sketch Plan*.

- (1) The sketch plan should include the following:
 - (a) Name and address of owner/applicant.
 - (b) Name and address of the professional engineer, surveyor, planner, architect, landscape architect or site designer to be responsible for preparing the plans.
 - (c) Graphic scale.
 - (d) North arrow.
 - (e) Location map.
 - (f) Existing zoning district.
 - (g) Streets on and adjacent to the lot (both existing and proposed).
 - (h) Topographic, physical and cultural features including trees with a diameter of 12 inches or more, slopes greater than 15 percent, soil types, wetlands, ponds, ditches, drains, existing and proposed right-of-ways and easements, and cultural features such as structures, foundations, walls, wells, trails and abandoned roads.
 - (i) Schematic layout indicating a general concept for proposed land conservation, building development and circulation.
 - (j) Proposed general layout of building locations, parking lots and open space, if applicable.

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

(Ord. 542, 12/18/2002; as amended by A.O.)

~~§22-322. Mobile Home Parks.~~

- ~~1. Mobile home parks shall be subject to the following express standards and criteria:

 - ~~A. The minimum site required shall be 25 acres.~~
 - ~~B. The park shall have frontage on and direct ingress/egress to a collector or arterial road.~~
 - ~~C. The lot shall be served by public water or a private community water supply approved by the Pennsylvania Department of Environmental Protection (DEP) and public sewers or a private community sewage treatment system approved by the DEP.~~
 - ~~D. Around the perimeter of the mobile home park, there shall be minimum front and rear yards of 50 feet each and minimum side yards of 30 feet each. No portion of an individual mobile home lot may extend into the required perimeter yards. Landscaping, parking and recreational facilities may project into the required perimeter yards if they are at least 20 feet from the exterior property line bounding the site.~~~~
- ~~2. Individual mobile home lots shall meet the following minimum requirements:~~

- ~~— A. Lot area - 6,000 square feet.~~
- ~~— B. Lot width - 60 feet.~~
- ~~— C. Interior yards - 25 feet from interior access roads.~~
- ~~— D. Thirty feet between parallel ends or sides of mobile homes or other principal buildings.~~
- ~~— E. Fifteen feet between mobile homes and any other accessory building.~~
- ~~— 3. Individual mobile homes shall be placed upon suitable supports to ensure that the unit will remain level and free from structural damage. Each mobile home shall be provided with an anchoring system to prevent and resist overturning or lateral movement caused by wind forces. Such anchoring shall be equivalent to or exceed NFPA Standard No. 501A-1974 (ANSI A119.3-1975).~~
- ~~— 4. Each mobile home shall be placed on a permanent foundation constructed in a manner consistent with the requirements of the Uniform Construction Code [Chapter 5, Part 1].~~
- ~~— 5. No less than 10 percent of the mobile home park shall be devoted to common facilities for passive and active recreation limited to use by the residents of the mobile home park. Such common facilities may include, but shall not be limited to, community clubs, swimming pools, tennis courts, parks, playgrounds, shelters, hiking trails, hobby areas, laundries and service buildings for resident use.~~
- ~~— 6. All property lines adjoining a residential use or zoning district shall be screened in accordance with Bufferyard 2 as defined in §27-214 and Appendix 27-B of the Zoning Ordinance [Chapter 27].~~
- ~~— 7. Sidewalks at least 3 feet in width shall be provided along at least one side of the interior street and shall be constructed in accordance with the specifications of §22-404 of this Chapter.~~
- ~~— 8. Interior streets shall be illuminated in accordance with the specifications of §22-405 of this Chapter.~~
- ~~— 9. Interior streets that are not to be dedicated to the Township shall be paved in accordance with §22-504, and shall meet the following standards:~~
- ~~— A. One-way minor streets serving fewer than 20 lots shall have a minimum paving width of 14 feet. Two-way minor streets serving fewer than 20 lots shall have a minimum paving width of 16 feet~~
- ~~— B. All other one-way streets within the mobile home park shall have a minimum paving width of 8 feet per moving lane where on-street parking is prohibited and shall have a minimum paving width of 10 feet per moving lane where on-street parking is permitted.~~
- ~~— C. All other two-way streets within the mobile home park shall have a minimum paving width of 9 feet per moving lane where on-street parking is prohibited and shall have a minimum paving width of 10 feet per moving lane where on-street parking is permitted.~~
- ~~— 10. The owner(s) and operator(s) of a mobile home park shall incorporate best management practices as outlined in the *Pennsylvania Handbook of Best Management Practices for Developing Areas* to minimize negative impacts of erosion, siltation and~~

~~surface water and groundwater contamination.~~
(~~Ord. 542, 12/18/2002~~)

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

Permanent concrete or durable stone monuments 36 x 4 inches with an 18-inch iron pin projecting ¼ inch above the ground shall be set at all major land development boundary corners, angle points of boundary, street intersections and such intermediate points as may be required. Benchmarks shall be placed on the monuments at all street intersections based on the United States Coast and Geodetic Sandy Hook Datum. All lot corners shall be staked and plainly marked with oak or metal pins, where feasible. The location of all monuments and markers shall be shown on the final plat for recording.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-402. Utilities.

1. Each lot shall be served by ~~public~~ a water supply system and ~~public~~ a sanitary sewers and the sewer system which comply with all applicable Federal, State, County, Township, DEP, ACHD and MTMA laws, statutes, ordinances, resolutions and regulations. For public water systems and public sewer systems, the developer ~~and/or landowner~~ shall be responsible for entering into ~~a developer's and/or landowner's agreement~~ the necessary agreements with the Moon Township Municipal Authority, or ~~its assigns~~ other entity responsible for the public water system and/or public sewer system, to provide such facilities in accordance with its rules and regulations.

2. The developer ~~and/or landowner~~ shall provide and construct storm sewers and drainage facilities in ~~each plan~~ the subdivision or land development in accordance with the design standards of this Chapter and the Township ~~Construction~~ Standard Details. If required by §22-508, stormwater management facilities shall be constructed in accordance with the Township ~~Construction~~ Standard Details.

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

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

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-403. Streets.

1. ~~Each single-family and two-family residential lot shall have frontage on a public street, as defined by this Chapter. All lots shall have frontage along and primary~~

~~access from the right-of-way of a public street or private street, which is constructed in accordance with the requirements of this Chapter and the Township Standard Details. The developer and/or landowner shall construct the street in accordance with Part 5 of this Chapter, “Design Standards,” and the Township Construction Standard Details, unless an exception or a modification to this requirement is granted in accordance with the provisions of Part 3, “Application Requirements.” All multi-family and nonresidential lots shall have access to a public street by means of a Township approved right-of-way the requirements of §22-209 of this Chapter.~~

2. The developer shall maintain all streets in the subdivision and/or land development in a travelable condition including, but not limited to, the prompt removal of snow and ice therefrom and the prompt repair of potholes and other similar conditions, until such time as the street(s) are accepted by the Township or other governmental entity. If a street(s) is not to be dedicated or has not been accepted, then the developer shall so maintain the street(s) until a homeowners association or other similar entity has taken over responsibility for the street(s).

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-404. Sidewalks and Trails. [A.O.]

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

~~2. *Guidelines for Requiring Sidewalks.* Sidewalks shall be constructed along all street frontages of the lot for which the development is proposed. All sidewalks shall be constructed in accordance with the standards set forth in the Township Construction Standard Details; provided, however, sidewalks along a State street shall also comply with and/or Pennsylvania Department of Transportation (PennDOT) sidewalk specifications on State roads. Sidewalks shall be required for all new construction and for renovations, additions and/or expansions to existing structures which comply with any of the following conditions: [A.O.]~~

~~——— A. All major land developments.~~

~~——— B. All existing nonresidential development additions or expansions to structures where the addition or expansion results in an increase of more than 25 percent of the existing gross floor area (GFA) of the structure minor land developments. [A.O.]~~

2. *Sidewalks.*

A. *General Requirement.* Sidewalks shall be constructed and installed in all subdivisions and land developments, with the exception of simple subdivisions and

residential minor land developments.

B. *Design Requirements.* Sidewalks shall be constructed along all street frontages of the lot for which the subdivision or land development is proposed. All sidewalks shall be constructed in accordance with the standards set forth in the Township Standard Details; provided, however, sidewalks along a State street shall also comply with Pennsylvania Department of Transportation (PennDOT) sidewalk specifications.

[A.O.]

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

4. *Trails.*

A. *Recreational trails shall be provided in all residential developments consisting of 50 or more lots and/or dwelling units.*

B. *Trails shall link internal common open space areas and peripheral open space areas, as well as nearby neighborhoods, parks and trails (existing and proposed).*

C. *Trails shall be designed and constructed in accordance with the Township Standard Details.*

D. *The trails shall be maintained by the developer and/or the homeowners association which represents the property owners in the development.*

[A.O.]

5. *Multi-purpose Trails in Lieu of Sidewalk Construction.* Multi-purpose trails may be proposed as a substitute for required sidewalks where the Board of Supervisors agrees to the substitution.

A. The trail being proposed is designed for joint use by bicyclist and pedestrians.

B. The trails being proposed provide users equal or greater safety from vehicles.

C. The trails being proposed provides equal or greater opportunities for pedestrian circulations.

D. When proposed trails are substituted for sidewalks along a public street, the proposed trails shall be available to the public. A pedestrian/access easement shall be required to be recorded for all sidewalks and multi-purpose trails.

E. All multipurpose trails shall be constructed in accordance with the standards set forth in the Township ~~Construction~~ Standard Details. [A.O.]

~~5. *Fee in Lieu of Sidewalk Construction.* Where a sidewalk is required to be constructed or rehabilitated, the Board of Supervisors may waive the requirement that~~

~~a sidewalk be constructed or rehabilitated provided that the applicant make a written request for a waiver, and further provided the applicant pays a fee in lieu of the construction or rehabilitation of the sidewalk and provided that the Township determines that one or more of the following conditions exist:~~

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

~~— B. Where the District Engineer of PennDOT recommends in writing that no sidewalk be constructed and the Township agrees.~~

~~— C. Where a combination of conditions (such as, but not limited to, topography, low pedestrian volume, low vehicular volumes, hazardous conditions, or when recommended by the Township Engineer or his or her designee) exists which make it impractical or not feasible to construct a sidewalk.~~

~~— D. For additions to existing residential neighborhoods without sidewalks where sidewalks would not be compatible with the existing landscaping, architecture, design and/or pedestrian or vehicular traffic patterns.~~

~~— 6. *Fees.* The fee amount shall be determined on a lineal foot basis of the required sidewalk being waived. The per lineal foot fee shall be designated in the Township resolution of fees schedule.~~

~~— 7. *Use of Fees.* All fees collected by the Township pursuant to these provisions shall be accounted for separately from other monies, shall be expended only for the construction or rehabilitation of sidewalks, multi-purpose bicycle and pedestrian trails or other pedestrian improvements in the same general area as the development is located as defined by the Township Engineer, and shall be expended within 5 years after the date of receipt of payment by the developer and/or landowner. These fees shall be placed in a separate interest-bearing account. Interest earned on this account shall become funds of the account. In the event that the Township does not expend the funds within the 5-year time frame, it shall return the same to the developer and/or landowner plus all interest earned.~~

6. *Fee in Lieu of Sidewalk Construction.*

A. *General.* Where a sidewalk is required to be constructed or rehabilitated, the Board of Supervisors may waive the requirement that a sidewalk be constructed or rehabilitated provided that the developer:

(1) Files a waiver application in accordance with §22-209 of this Chapter.

(2) Pays a fee in lieu of the improvement construction and/or rehabilitation to the Township in an amount equal to the cost of the required improvement construction and/or rehabilitation as approved by the Township Engineer.

B. *Applicability.* The Board of Supervisors may approve a waiver under this subsection if it determines that one or more of the following conditions exist:

(1) Where sidewalks or multi-purpose trails are scheduled to be installed as part of a Township or state project which has been funded for construction.

(2) Where the District Engineer of PennDOT recommends in writing that no sidewalk be constructed and the Township agrees with this recommendation.

(3) Where a combination of conditions (including, but not limited to, topography, low pedestrian volumes, low vehicular volumes, hazardous conditions, or when recommended by the Township Engineer) exist which make it impractical or not feasible to construct a sidewalk.

(4) For additions to existing residential neighborhoods without sidewalks, the sidewalks would not be compatible with the existing landscaping, architecture, design and/or pedestrian or vehicular traffic patterns.

C. Fee Determination. The fee amount shall be determined on a lineal foot basis of the required sidewalk being waived, the calculation of which shall be reviewed and approved by the Township Engineer.

D. Use of Fees. All fees collected by the Township pursuant to these provisions shall be deposited into a capital improvements account and utilized and expended for general Township road, traffic, stormwater management, sidewalk, trail, pedestrian access improvements and other related municipal purposes in a time period determined by the Township.

[A.O.]

(Ord. 542, 12/18/2002; as amended by Ord. 556, 9/25/2003, §7; and by A.O.)

§22-405. Street Lighting.

1. For the public's safety and convenience, the developer ~~and/or landowner~~ shall install street lighting consistent with the Township Standard Details and otherwise of the following types approved by the Township and on poles prescribed by the Township on all public and private streets. [A.O.]

A. *On Arterial and Collector Streets.*

(1) Duquesne Light Standard HPS cobra head high-pressure sodium vapor fixtures, or more current energy efficient fixture required by Duquesne Light. [A.O.]

B. *On Local Streets.*

(1) Duquesne Light Colonial design luminaries at Township approved locations.

C. On trails located within the Trails and Greenways and Trail Zoning Overlay District established by the Zoning Ordinance.

(1) Reserved.

2. The developer ~~and/or landowner~~ shall install lighting in accordance with the Township ~~Construction~~ Standard Details. The developer shall assume the cost of the lights, poles and installation. [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-406. Street Signs.

The developer ~~and/or landowner~~ shall install Township-approved street name signs at all street intersections and in accordance with the Township ~~Construction~~ Standard Details. The developer ~~and/or landowner~~ shall assume the cost of the street signs and posts.

(*Ord. 542*, 12/18/2002; as amended by A.O.

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

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

~~(Ord. 542, 12/18/2002)~~

§22-501. General.

1. *Minimum Standards.* The standards and requirements contained in Part 4 and Part 5 of this Chapter shall apply as minimum design standards for subdivision and/or land developments in the Township. The Township may require additional standards in unique situations to promote the purposes of this Chapter.

2. *Township Engineer Review.* The Township Engineer shall review all subdivision and land development applications for technical compliance with the design standards in this Chapter, the Township Standard Details, the Stormwater Management Ordinance [Chapter 23] and all other applicable Township ordinances and regulations. The Township Engineer shall provide a written report containing the review as required by this Chapter.

3. *Public Improvements.* Where the provisions of this Chapter require the developer to construct and/or improve public streets, sewers, traffic control devices and other public improvements as a result of a subdivision and/or land development, the developer shall, as a condition of final approval of the subdivision and/or land development, agree to construct these improvements at the developer's cost. As an alternative, the Board of Supervisors may waive the requirement that one or more of these improvements be constructed and/or rehabilitated provided that the developer:

A. *Files a waiver application in accordance with §22-209 of this Chapter.*

B. *Pays a fee in lieu of the improvement construction and/or rehabilitation to the Township in an amount equal to the cost of the required improvement construction and/or rehabilitation as approved by the Township Engineer.*

The fees collected by the Township pursuant to this subsection shall be deposited into a capital improvements account and utilized and expended for general Township road, traffic, stormwater management, sidewalk, trail, pedestrian access improvements and other related municipal purposes in a time period determined by the Township.

~~(Ord. 542, 12/18/2002; as amended by A.O.~~

~~§22-502. — Review.~~

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

~~(Ord. 542, 12/18/2002)~~

§22-502. [Reserved].

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-503. Land Development.

1. *Slope of Land.* No land shall be graded, cut or filled except in compliance with the requirements of the ~~Erosion and Sediment Control~~ Grading Ordinance [Chapter 9, Part 1], and the environmental performance standards ~~analysis requirements defined by Part 3 of Part 4B~~ of the Zoning Ordinance [Chapter 27]. [A.O.]

2. *Stripping of Topsoil.* No person shall strip, excavate or otherwise remove topsoil, minerals, dirt or slag for sale or for use other than on the lot from which it is taken; except in connection with the construction or alteration of a building on that lot and the excavation or grading incidental to that construction conducted in compliance with the ~~Erosion and Sediment Control~~ Grading Ordinance [Chapter 9, Part 1]. [A.O.]

3. *Major Excavation, Grading and Filling.*

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

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

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

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

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

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

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

D. The Township Engineer shall not approve any plan in which any such excavation, grading, cutting and filling will result in a slope exceeding 2 feet of horizontal distance for each vertical rise of 1 foot (2:1) between adjoining lots or tracts of land, except where adequate provision is made to prevent slides and erosion and the slope stability is verified via a geotechnical investigation report reviewed and approved by the Township geotechnical engineer.

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

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

B. At the request of the ~~Planning Commission~~ Township Engineer or Board

of Supervisors, the developer ~~and/or landowner~~ may be required to seed grass or plant an approved groundcover on all lot areas that slope toward streets or adjacent lots to prevent washing and erosion. [A.O.]

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

5. *Flood-Prone Areas.* Land identified as flood-prone on maps issued by the ~~Federal Insurance Administration~~ Emergency Management Agency shall be subject to the regulations of the National Flood Insurance Program and shall comply with the Floodplain Ordinance [Chapter 8]. [A.O.]

(*Ord. 542, 12/18/2002; as amended by Ord. 605, 9/6/2006, §3; and by A.O.*)

§22-504. Streets.

1. *Layout.*

A. Streets shall be planned to conform to the layout of existing and planned streets and so located as to allow proper development of surrounding properties.

(1) Local streets shall be laid out so as to discourage through traffic.

(2) Collector streets ~~should~~ shall be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets. [A.O.]

2. *Intersections.* Intersections involving the crossing of more than two streets shall be prohibited. Right angle intersections shall be used whenever practical, but in no case shall the angle of intersection be less than 60 degrees. Street off-sets of less than 150 feet shall not be permitted. All streets intersecting a State highway shall be subject to the review and approval of PennDOT. [A.O.]

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

4. *Grading.* ~~The shoulders shall be graded to the full width of the right-of-way, and provisions shall be made~~ The right-of-way of all streets shall be graded as shown in the Township Standard Details for protection of slopes beyond the right-of-way. [A.O.]

5. *Street Grades.*

A. Minimum and maximum longitudinal grades shall be provided on all streets in accordance with the design standards specified in ~~the street design standards~~ Appendix 22-B, Township Street Design Standards, of this Chapter, unless a modification is granted under §22-209 of this Chapter. [A.O.]

B. Grades shall be measured along the center of the street.

C. Vertical curves shall be used in changes of grade exceeding 1 percent and ~~should~~ shall be designed in accordance with the street design standards of this Chapter. [A.O.]

D. Within 50 feet of all sides of an intersection, no grades shall exceed the design standards specified in ~~the street design standards~~ Appendix 22-B, Township

Street Design Standards, of this Chapter. [A.O.]

6. *Right-of-Way and Cartway Paving Widths.* Minimum street right-of-way widths and cartway paving widths shall be provided in accordance with the design standards specified in ~~the Appendix 22-B, Township~~ Street Design Standards, of this Chapter. All streets shall be paved in accordance with the ~~Township Construction~~ Standard Details. [A.O.]

7. *Additional Right-of-Way.* The Township may require that additional right-of-way be provided consistent with ~~the Moon Appendix 22-B, Township~~ Street Design Standards, the ~~Township Construction~~ Standard Details or and/or the Moon Township Official Map Ordinance [Chapter 14]. [A.O.]

8. *Culs-de-Sac.*

A. The Township ~~will~~ shall not approve a cul-de-sac when a through street is practical. A cul-de-sac shall not be more than 900 feet in length without providing an intermediate turnaround every 900 feet, unless the ~~Township Engineer waives Board of Supervisors approve~~ a modification or exception to this requirement.

B. A cul-de-sac or intermediate turnaround shall have a minimum right-of-way radius and an outer minimum paving radius as specified ~~in the design standards~~ in Appendix 22-B, Township Street Design Standards.

C. All permanent culs-de-sac shall be designed with a snow removal easement at the terminus. The easement shall extend outward from the street right-of-way and be a minimum of 50 feet in width and 10 feet in depth. The easement shall be centered on the projected center line of the street. The final plan shall contain a note stating that the easement shall be maintained as open space and no improvements or obstructions such as driveways, mailboxes, fences or landscaping shall be permitted.

[A.O.]

9. *Temporary Turnarounds.* The Township may require a temporary turnaround where a road is constructed to an adjoining property line or where a developer and/or landowner proposes to phase street construction within a development. The right-of-way width required for a temporary turnaround shall be a minimum of 60 feet and the outer paving radius of the temporary turnaround shall be 25 feet.

10. *Visibility.*

A. No fence, hedges, shrubbery, walls, plantings or similar obstructions shall be located within the street right-of-way; no such obstruction shall obscure visibility at any intersection. [A.O.]

B. A clear sight triangle, as defined by this Chapter, shall be maintained free of any obstructions at intersections. [Ord. 605]

11. *Street Names.*

A. All new street names shall be approved by the ~~Township Police Chief and Fire Marshal~~ Planning Director. Names of new streets shall be sufficiently different in sound and spelling from names of existing Township streets so as not to cause confusion. [A.O.]

B. A street that is planned as a continuation of an existing street shall bear the same name.

12. *Entrance Islands.* No entrance island or other architectural feature shall be permitted within the right-of-way of any public street unless constructed in accordance with the Township ~~Construction~~ Standard Details. Any person, partnership or corporation that desires to construct an entrance island shall, at the execution of the ~~initial developer's and/or landowner's~~ development agreement for the development, deposit a minimum of \$5,000 to the Township. These funds shall be utilized for future maintenance of the island. Additionally, the Township shall not assume responsibility for the island's maintenance until a minimum of 90 percent of the lots in the development have been built upon. [A.O.]

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

A. The access rights over the private street to each lot utilizing the private street and a description of each lot that will have such access rights.

B. That the private street shall be constructed and maintained in accordance with the design standards and specifications of this Chapter and the Township Standard Details.

C. The method of assessing maintenance and repair costs.

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

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

[A.O.]

14. *Township Street Design Standards.* All streets shall be designed and constructed in accordance with the Township Standard Details and Appendix 22-B, Township Street Design Standards, set forth in Appendix 22-B to this Chapter. [A.O.] (*Ord. 542, 12/18/2002; as amended by Ord. 605, 9/6/2006, §§4–8; and by A.O.*)

§22-505. Service Streets.

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

(*Ord. 542, 12/18/2002; as amended by A.O.*)

§22-506. Easements.

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

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

3. ~~All easement easements~~ shall also conform to the requirements of the ~~Township's Construction~~ Township Standard Details. [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-507. Lots.

The following standards shall apply to all proposed ~~subdivided or developed~~ lots in accordance with this Chapter: [A.O.]

A. *Lot Area*. Minimum lot areas shall conform to the requirements of ~~Part 2~~ of the Zoning Ordinance [Chapter 27]. [A.O.]

B. *Frontage*. All ~~subdivided~~ lots shall have frontage along and primary access from the right-of-way of a public street or private street, which is constructed in accordance with the requirements of this Chapter and the Township Standard Details. Lot frontage widths shall conform to the requirements of ~~Part 2, of the~~ Zoning Ordinance [Chapter 27]. ~~For lots on cul-de-sac, turnarounds or curves any lot on a cul-de-sac, turnaround or curve,~~ the minimum lot width shall be determined at the minimum required front building line. [A.O.]

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

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

(2) A reverse-frontage lot is required to minimize or eliminate substandard access to an arterial or collector roads street in accordance with the Driveway ~~Permit~~ Ordinance [Chapter 21, Part 3].

D. *Side Lot Lines*.

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

(2) In order to avoid jurisdictional problems, lot lines shall, wherever feasible, follow municipal boundaries rather than cross them.

[A.O.]

E. *Building Setback Lines*. Building setback lines of lots shall conform to the minimum requirements of ~~Part 2~~ of the Zoning Ordinance [Chapter 27], and shall be shown on the final plat and land development plan. The distance to a building setback line shall be measured from the applicable lot line and shall comply with the Zoning Ordinance [Chapter 27]. Building setback lines on private streets shall be the required setback as per the Zoning Ordinance [Chapter 27]. [A.O.]

F. *Grading*. Lots shall be graded to provide drainage away from buildings and structures, and where practical, water shall be drained to the street rather than to adjoining property. The developer ~~and/or landowner~~ shall be required to provide

drains or other drainage facilities, as approved by the Township Engineer, to drain off surface water within the development. [A.O.]

G. *Driveways.*

(1) ~~For minor land developments, developers and/or landowners~~ are not required to pave driveways serving single-family and two-family dwellings; however, in lieu of paving, the driveway shall have a covering of aggregate at least 2 inches thick for a distance of 30 feet from the street's right-of-way. The area between the sidewalk and the curb or the edge of the cartway shall be concrete, as required by the Township ~~Construction~~ Standard Details. [A.O.]

(2) All other driveways shall be paved in accordance with the Driveway Ordinance [Chapter 21, Part 3], Township ~~Construction~~ Standard Details and/or the Pennsylvania Department of Transportation (PennDOT) *Design Manual*, Part 2. [A.O.]

(3) All driveways shall comply with the Driveway Ordinance [Chapter 21, Part 3]; provided, however, a driveway permit shall not be required for a driveway constructed as part of a subdivision and/or land development plan approved under this Chapter. [A.O.]

(4) No driveway shall have a slope of more than 12 percent. Driveways may extend from the right-of-way line of the street to the cartway of the street, but shall not change the grade or contour of the street right-of-way. No person shall cut into, fill or in any way alter any gutter, curbing, drainage ditch or storm sewer within the right-of-way of a street or easement for any purpose without first obtaining a permit from the ~~Building Inspector~~ Township Roadmaster. [A.O.]

~~H. *Accessibility.* Every lot shall be accessible to emergency and public safety vehicles.~~

H. *Emergency Access.*

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

(2) Fire lanes shall be provided in accordance with the requirements of the Construction Code [Chapter 5, Part 1].

[A.O.]

I. *House Numbers.*

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

(2) House numbers shall comply with ~~§72-3, Street Numbers, of Moon Township's Code of Ordinances §505.1 of the International Fire Code,~~ implemented as part of the Construction Code [Chapter 5, Part 1]. [A.O.]

J. *Lease Parcel.* A lease parcel related to an unmanned communications tower or unmanned essential services shall not be required to comply with the lot and parcel configuration requirements of this Chapter provided that the entire lease parcel is located within the Township and complies with the requirements of this Chapter. [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-508. — Stormwater Management.

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

~~(Ord. 542, 12/18/2002)~~

§22-508. Stormwater Management and Floodplain Controls.

All stormwater management, collection, conveyance, erosion control and floodplain considerations shall be accomplished in accordance with the provisions of the Stormwater Management Ordinance [Chapter 23].

A. Stormwater Management. All subdivision and/or land development applications shall include stormwater management data. The stormwater management data shall identify all proposed stormwater management facilities and supportive information as required by the Stormwater Management Ordinance [Chapter 23].

B. Floodplains.

(1) Floodplain areas shall be established and preserved as provided by the Floodplain Ordinance [Chapter 8].

(2) Whenever a floodplain is located within or along a lot, the plan shall include the boundary of the floodplain and the elevation or locational dimensions from the centerline of the watercourse, a plan note that the floodplain shall be kept free of structures, fill and other encroachments and a plan note that floor elevations for all structures adjacent to the floodplain shall be 2 feet above the 100-year flood elevation.

(3) Whenever a subdivision or land development is located within or partially within a floodplain area, all information required by the Floodplain Ordinance [Chapter 8] shall be included with the submittal of the preliminary and/or final plan.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-509. Drainage Facilities.

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

2. *Manholes.*

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

B. Manholes shall be installed at all points of abrupt changes in alignment and grade.

C. Inlets may be substituted for manholes where practical.

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

3. *Inlets.*

A. A developer ~~and/or landowner~~ shall install inlet types shown in the Township ~~Construction~~ Standard Details. Inlets shall be placed on the tangent and not on the curved portions of street intersections. [A.O.]

B. A developer ~~and/or landowner~~ shall not be permitted to construct inlets at a depth greater than 7 feet below finished grade. [A.O.]

4. *Castings.* Manholes and inlet castings shall be installed as indicated in the Township ~~Construction~~ Standard Details. [A.O.]

5. *Stormwater Roof Drains.* Stormwater roof drains shall be discharged into an on-lot detention sump. The sump's size and design shall comply with the Township ~~Construction~~ Standard Details. [A.O.]

6. *Unnatural Drainage.* Whenever site construction prevents or concentrates the natural flow of storm drainage in such a way that affects adjoining properties, the developer ~~and/or landowner~~ shall obtain the adjacent property owners' approval in writing. The Township's approval of plans does not authorize or sanction drainage affecting adjoining properties. [A.O.]

7. *Watercourses.*

A. Open watercourses shall not be permitted within the rights-of-way of streets. The stopping, filling up, confining or other interference with or changing the course of drains, ditches, streams and watercourses in the Township shall not be permitted unless ~~approval, in writing,~~ a modification is obtained from the Board of Supervisors pursuant to §22-209. [A.O.]

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

8. *Bridges and Culverts.* All bridges and culverts shall be designed to support expected loads and to carry expected flows originating on or running through the site and shall be constructed to the full width of the right-of-way. Bridges and culverts shall be designed to meet current PennDOT standards of the Pennsylvania Department of Transportation (PennDOT). [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-510. Sanitary Sewers Sewage. [A.O.]

1. *Sanitary Sewage Disposal.*

A. All sanitary sewage facilities shall comply with the applicable Federal, State, County, Township, DEP, ACHD and MTMA laws, statutes, ordinances, resolutions and regulations.

B. For each subdivision and land development, the applicant shall provide the

Township with written proof in a form acceptable to the Township that:

(1) A sanitary sewage facility planning module has been approved by the governmental agency or agencies having jurisdiction over the sanitary sewage facility (including, but not limited to, DEP, ACHD, the MTMA and/or the appropriate successor agency/entity).

(2) The sanitary sewage facility is designed in accordance with the applicable regulations of the governmental agency or agencies having jurisdiction over the sanitary sewage facility (including, but not limited to, DEP, ACHD, the MTMA and/or the appropriate successor agency/entity).

The proofs required in this subsection shall be in the form of a letter, certificate and/or permit executed by an authorized official of the governmental agency or agencies having jurisdiction over the sanitary sewage facility. The requirements of this subsection shall not apply to lot consolidation plans and lot line revision plans which do not propose new sanitary sewage facilities.

[A.O.]

2. Sanitary Sewers. [A.O.]

A. *Installation.*

(1) Installation of sanitary sewers and appurtenances shall be in accordance with the rules and regulations of the Moon Township Municipal Authority ~~or its assigns.~~ [A.O.]

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

(3) All street crossings within the public street right-of-way shall be inspected by the Township. [A.O.]

B. *Minimum Size and Grade.* The minimum diameter of sanitary sewers shall be 8 inches and the minimum grade shall be 0.5 percent.

C. *Laterals.*

(1) Lateral connections, where required, shall be installed to the right-of-way line of the street prior to road paving.

(2) Each building shall have a separate lateral connection to the public sewer system, except for garages that are accessory to a residential dwelling unit and may be connected to the dwelling unit's lateral. [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-511. Water System.

1. Water Supply. Every lot, dwelling unit, commercial or industrial building, public or semipublic building shall be provided with a potable water supply of sufficient quality, quantity and pressure to meet the applicable minimum standards of the Township, DEP, ACHD and MTMA. [A.O.]

2. *Water Mains.*

A. All water mains shall have a minimum diameter of 6 inches, ~~unless written approval is obtained from the Township Engineer and reviewed by the Board of Supervisors.~~ [A.O.]

B. All water mains shall be extended and connected to existing water mains to provide a circulatory system where required by the Township Engineer and approved by the Board of Supervisors.

3. *Installation.*

A. Installation of water mains and appurtenances shall be made in accordance with the rules and regulations of the Moon Township Municipal Authority ~~or its assigns.~~ [A.O.]

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

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

4. *Hydrants, Gate Valves and Meters.*

A. Fire hydrants, gate valves and meters shall be of the type and design required by the Township.

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

C. Gate valves shall be located as directed by the Township Engineer.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-512. Improvement Construction Material Testing. [A.O.]

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

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-513. Historic Design Standards.

[Reserved]

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-514. Recreation Impact Regulations, Mandatory Land Dedication Requirements and Fee in Lieu Thereof. [A.O.]

1. The provisions and requirements of this Section shall apply to all minor and major land developments which would, upon build-out, result in the creation of three or more dwelling units.

2. The developer shall dedicate land to be used for purposes of recreation and open space at a per unit amount as specified in subsection .14.A.

3. Land offered for dedication shall meet the following criteria:

A. The land shall be physically and legally accessible to all residents of the proposed development. The land may be an integrated part of the development, within the recreational service area of the development. The land, with the approval of the Board of Supervisors, may be land provided for use by all residents of the Township. Said land shall be centrally located and dedicated for the purpose of a community center or similar centralized recreational function as recommended

by the Comprehensive Parks, Recreation and Open Space Plan.

B. No more than 25 percent of the land offered for dedication shall be a sensitive natural resource, as listed in §27-302 of the Zoning Ordinance [Chapter 27].

C. No more than 50 percent of the land offered for dedication may possess more than 5 percent slope.

D. At least 50 percent of the land offered for dedication shall be developed as active recreation with ~~at least~~ least two types of active recreational opportunities offered. The active recreation areas must be graded to avoid any drainage problems. Additional facilities may be required by the Board of Supervisors. The Board shall apply national standards including those of the National Recreation and Parks Administration to determine the needs of the assumed population of new developments and shall require corresponding facilities accordingly. [A.O.]

E. All playing fields and associated structures shall be set back at least 30 feet from all property lines.

F. A trail system, if accepted by the ~~Township~~ Board of Supervisors, may substitute for one of the required active recreation types.

G. Land offered for dedication shall, where possible, be situated such that the ~~parcel~~ lot abuts adjacent open space and recreational facilities thus creating an integrated network of open space, trails, and recreational areas. [A.O.]

H. Land offered for dedication shall possess the required frontage ~~along a public street, per the Zoning Ordinance [Chapter 27], in the district in which the plan is located~~ pursuant to the requirements of §22-507.B. [A.O.]

I. The minimum total acreage of contiguous tracts of land to be offered shall be equal to the minimum ~~lot size~~ area, per the Zoning Ordinance [Chapter 27], in the district in which the plan is located. [A.O.]

4. The Township incorporates all rights granted in §705(f) of the Municipalities Planning Code, 53 P.S. §10705(f), regarding the maintenance of common open space including the right of the Township to maintain property which the owner ~~of or~~ homeowners association fails to maintain and to file liens against all properties having an interest in said association. [A.O.]

5. The dedication of land to the Township shall be ~~a~~ by general warranty deed ~~wherever possible~~. In lieu thereof, the ~~Township~~ Board of Supervisors, at its discretion, may require the creation of a homeowners association or similar entity charged with the maintenance of the facility. The Board of Supervisors may also grant the developer permission to retain ownership. In all cases, ownership by any entity other than the Township shall require deed restrictions, requiring the maintenance of the approved facilities on the site. The Township shall be a party to an agreement providing for the enforcement of the aforesaid restrictions. [A.O.]

6. The developer may pay a fee in lieu of land dedication at a per unit amount as specified in subsection ~~.14.B of this Chapter~~ below. [A.O.]

7. The fee in lieu paid by the developer shall be offered in the form of cash, bond, cashier's or certified check, or held in an escrow account payable upon final approval of a plan. Payment of said funds shall be a condition of final approval of the plan and its release for recordation. In lieu of payment as a condition of final approval, the

developer may elect to place a note on the plan which states that the issuance of a building permit for each lot or dwelling unit is conditioned upon the payment of the fee in lieu amount specified in this Chapter at the time of final approval.

8. All such fees collected shall, upon receipt by the Township, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the costs incurred to construct the specific recreational facilities for which the funds were collected.

9. Upon request of any persons who paid any fees under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purposes set forth in this Section within 3 years from the date such fee was paid.

10. *Use of Fees Collected.* The Township shall use fees collected within the recreation service area from which funds were collected for the purpose of purchasing land or constructing or purchasing any equipment, structures, courts, fields or other recreational facilities. All improvements or purchases shall be associated with facilities accessible to the residents of the development. Fees collected may also be used for facilities accessible and designed for use by all residents of the Township. Said facilities shall be centrally located and dedicated for the purpose of a community center or similar centralized recreational function as recommended by the Comprehensive Parks, Recreation and Open Space Plan.

11. The allocation of all fees collected shall be based upon recommendations of the Comprehensive Parks, Recreation and Open Space Plan as well as the Recreational Capital Improvements Program.

12. The developer may offer, in lieu of both land dedication requirements and associated fees in lieu thereof, to pay for 75 percent of the required fee to be deposited in an interest bearing account for the purpose of repairing or upgrading existing equipment noted in the Comprehensive Parks, Recreation and Open Space Plan as in need of improvement. Said funds may only be used for equipment repair and upgrades in public parks in the recreational planning area in which the associated plan is proposed. The decision of accepting the offer of such funds rests solely with the Board of Supervisors based on current needs and recommendations from the Comprehensive Parks, Recreation and Open Space Plan as well as the Recreation Capital Improvements Program.

13. *Exemptions.* The following are exempt from the mandatory land dedication requirements of this Section.

A. Group residence and group care facilities as defined in the Zoning Ordinance [Chapter 27].

14. *Calculation of Mandatory Land Dedication and Fee in Lieu Thereof.*

A. Land dedication required by dwelling units shall be .024 acres per dwelling unit.

B. Fee in lieu of land required by dwelling units shall be calculated as follows: \$15,000 (estimated fair market value per acre) by .024 acres per unit plus \$200 per unit (assessed for improvements to public park lands) equals \$560 (fee per unit).

15. *Recreation Service Areas.* Table 22-2 shall define the radius of existing and proposed parks and recreation facilities based on their size and usage.

(*Ord. 542, 12/18/2002; as added by Ord. 589, 6/1/2005, §2; and by A.O.*)

§22-515. Landscaping.

All subdivision and land development applications shall include provisions for landscaping in accordance with the Zoning Ordinance [Chapter 27] and other applicable Township requirements.

(*Ord. 542, 12/18/2002; as added by A.O.*)

Table 22-2

Park Classification	Definition	Facilities	Minimum Size	Service Area Radius	Acreage Requirement per 1,000 Population
			(acres)	(miles)	(acres)
Neighborhood	walk to park; intense recreational activities; 100% developed	playfields, playgrounds, tot lots, multi-purpose handcourts, recreational center, picnicking	.25-5	0.5	2.0
Community	drive to park, intense recreational activities; max. 80% developed	same as neighborhood plus swimming pool, lighted playfields and single-use handcourts, multipurpose building, community center	20	3	2.0
Metropolitan	drive to park; primarily resource based activities with some intense recreational activities; max. 40% developed	water resource-oriented, unlit playfields, playgrounds, picnicking, hiking/biking/walking trails, nature center, amphitheater, group camping, swimming beaches, boating areas	100	12	5.0
Regional	drive to park; natural areas with some resource based activities; max. 20% developed	water resource-oriented, conservation areas (flood control/management), beaches, nature study, group camping, rustic areas, bridal trails, picnicking	250	30	20.0
Preserve	lands dedicated to the preservation of natural resources and wildlife management	hunting areas and general open space	250	25	NA
Special Activity	specialized recreational facilities	arboreta, historical sites, sports complexes, golf courses and trails	NA	NA	NA

(Ord. 542, 12/18/2002; as added by Ord. 589, 6/1/2005, §2)

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

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

- A. Inspection of subgrade of streets prior to laying of base.
- B. Inspection of base as it is being constructed and prior to final paving of streets.
- C. Inspection of paving of streets while they are being constructed.
- D. Inspection on installation of storm sewers and drainage facilities as they are being constructed.
- E. Inspection of all utilities street crossings within the public right-of-way.
- F. All grading being performed according to the ~~Erosion and Sediment Control~~ requirements of the Grading Ordinance [Chapter 9, Part 1]. [A.O.]

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

3. Any deviation between the location(s) of constructed site improvements with the location(s) of existing recorded easements and rights-of-way must be reported to the Planning Director and/or Township Engineer. No construction affected by the deviation shall proceed until the Planning Director and/or Township Engineer provides a written authorization to proceed. All deviations of constructed public improvements from approved plans, easements and rights-of-way will be documented in the as-built plan and, if necessary, shall be re-recorded with the Allegheny County Department of Real Estate. All documentation of the deviation(s) shall be provided to the Township prior to the final inspection. The Township shall verify the deviations before the release of any completion security. [A.O.]

(Ord. 542, 12/18/2002; as amended by A.O.)

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

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

Township shall verify the deviations before the release of any completion security.

1. When the developer ~~and/or landowner~~ has completed the required private or public improvements in a plan, the developer ~~and/or landowner~~ shall notify the Township, in writing, by certified or registered mail. Within 10 days of the receipt of such notification, the Township Engineer shall inspect the private or public improvements in the plan to determine compliance with ~~Part 5, "Design Standards,"~~ the design standards of this Chapter and the Township Construction Standard Details.

2. Upon completion of the private or public improvements ~~in a land development plan,~~ the developer ~~and/or landowner~~ shall file paper copies, as well as ~~electronic-based~~ an electronic version in a Township compatible format, of as-built plans and profiles of the ~~private and~~ public improvements, as constructed, ~~to with~~ the Township within 10 days of the mailing of the notice of completion. Three paper copies of the as-built plans shall be folded into a final size of 8½ inches by 11 inches. One set of mylar as-built plans shall also be supplied to the Township to the extent requested by the Township. The ~~electronic file~~ version of the as-built plans shall be provided in a ~~format~~ Township compatible format as required by §22-215 of this Chapter. ~~with the Township's geographical information system (GIS) unless otherwise specified by the Planning Director, Building Inspector or Township Engineer.~~

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-603. Final Inspection.

1. ~~Township Engineer's~~ Engineer Report. When the developer has completed all of the necessary and appropriate private or public improvements, the developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors or its designee shall, within 10 days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board of Supervisors, 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 20~~ 30 days after receipt by the Township Engineer of the aforesaid authorization from the Board of Supervisors; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.

2. ~~Notification of Developer and/or Landowner by the Board of Supervisors.~~ The Board of Supervisors shall notify the developer ~~and/or landowner~~, within 15 days of receipt of the Township Engineer's report, in writing, by certified mail, of the action of the Board of Supervisors with relation to approval or rejection of the public or private improvements. The developer shall reimburse the Township for the reasonable and necessary expenses incurred for inspection of public and private improvements as set forth in a schedule adopted from time to time by resolution of the Board of Supervisors. Any dispute with respect to the amount of said charges shall be resolved in accordance with the provisions of the MPC.

~~3. Failure of Township to Comply.~~ If the Board of Supervisors or the Township

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

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

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

~~(Ord. 542, 12/18/2002; as amended by A.O.)~~

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

~~1. Upon approval of all of the private or public improvements in the plan, the developer and/or landowner shall be released from any liability pursuant to the completion security posted to guarantee the proper installation of those improvements.~~

~~2. From time to time, during the installation of the private or public improvements, the developer and/or landowner may request partial release of the completion security in an amount necessary for payment of contractors performing the work. Any such request shall be in writing and shall be addressed to the Board of Supervisors. The Board of Supervisors shall have 45 days from the receipt of such request to allow the Township Engineer to certify, in writing, that such portion of the installation of public improvements has been completed in accordance with the requirements of this Chapter and the approved final plat.~~

~~3. Upon such certification by the Township Engineer, the Board of Supervisors shall authorize release of an amount as estimated by the Township Engineer that fairly represents the value of the improvements completed. The Board of Supervisors may require retention of 10 percent of the estimated cost of such improvements until such time as all improvements have been installed and the completion security is released in its entirety.~~

~~(Ord. 542, 12/18/2002)~~

§22-604. Release of Performance Security.

1. As the work of installing the required public and private improvements proceeds, the developer may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the performance security necessary for payment to the contractor(s) performing the work. Any such request shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have 45 days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved final plat. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed. The Board of Supervisors

may, prior to final release at the time of completion and certification by the Township Engineer, require retention of 10 percent of the estimated cost of the aforesaid improvements.

2. All improvements shall be completed within 2 years unless otherwise provided in the development agreement. Upon written application signed by all parties to the performance security instrument, and in a form approved by the Township Solicitor, the Board of Supervisors may, at its discretion, extend said period by not more than 2 additional years.

(Ord. 542, 12/18/2002; as amended by A.O.)

~~§22-605. — Acceptance of Public Improvements.~~

~~— 1. Upon completion of the inspection and approval of the public improvements, the developer and/or landowner shall submit a request to the Board of Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall be submitted at least 30 days prior to the regular meeting of the Board of Supervisors and shall be accompanied by a legal description of all rights-of-way to be dedicated to the public. With respect to the request for dedication of any street, the request shall be accompanied by a proposed deed of dedication.~~

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

~~— 3. No property or public improvement shown on a final plat shall be considered to have been finally accepted by the Township until the dedication thereof has been officially accepted by adoption of a resolution of the Township.~~

(Ord. 542, 12/18/2002)

§22-605. Acceptance of Public Improvements.

1. Upon completion of the inspection and approval of proposed public improvements, the developer shall submit a request to the Board of Supervisors, in writing, to accept the dedication of the public improvements. The Township may accept said public improvements in the manner specified in the MPC, subject to the posting of the maintenance security required by §22-606 of this Chapter.

2. No property or public improvement shown on a final plat shall be considered to have been finally accepted by the Township until the dedication thereof has been officially accepted in the manner specified in the MPC and Second Class Township Code.

(Ord. 542, 12/18/2002; as amended by A.O.)

~~§22-606. — Maintenance Security.~~

~~— 1. When the Board of Supervisors accepts the dedication of all or some of the required public improvements in a plan, following their completion, the Board of Supervisors shall require the posting of a maintenance security, as defined by this Chapter, to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with the design standards of Part 5, the Township Construction Standard Details and the specifications of the final~~

plat defined by §22-315.

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

— 3. ~~Form of Security. The form of security shall be accordance with the requirements of §22-210.4 of this Chapter.~~

~~(Ord. 542, 12/18/2002)~~

§22-606. Maintenance Security.

1. As a prerequisite to release of the performance security for completion of public and private improvements pursuant to this Chapter, or as a condition to final plat approval, the developer shall provide maintenance security, guaranteeing the structural integrity, proper functioning and maintenance of the public improvements in accordance with the design standards of this Chapter, the Township Standard Details and the specifications as depicted on the approved final plat.

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

3. The form of the maintenance security shall be in accordance with the requirements of the Financial Security Ordinance [Chapter 1, Part 7].

~~(Ord. 542, 12/18/2002; as amended by A.O.~~

§22-607. Enforcement.

~~In the event that the private or public improvements required to be installed by the provisions of this Chapter are not installed in accordance with the requirements of this Chapter or the approved final plat prior to the expiration of the completion security, the Board of Supervisors shall have the power to enforce the completion security by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the completion security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such completion security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the completion security or from any legal or equitable action brought against the developer and/or landowner, or both, shall be used solely for the installation of the improvements guaranteed by such completion security and not for any other municipal purpose.~~

~~(Ord. 542, 12/18/2002)~~

§22-607. Remedies to Effect Completion of Public and Private Improvements.

In the event that the private or public improvements required to be installed by the

provisions of this Chapter are not installed in accordance with the requirements of this Chapter or the approved final plat, the Board of Supervisors shall have the power to enforce the performance security by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the performance security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such performance security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the performance security or from any legal or equitable action brought against the developer, shall be used solely for the installation of the improvements guaranteed by such performance security and not for any other Township purpose.

(Ord. 542, 12/18/2002; as amended by A.O.)

§22-608. Private Improvements.

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

(Ord. 542, 12/18/2002; as amended by A.O.)

Part 7

Modifications**§22-701. — Hardship.**

~~— In any particular case where the developer and/or landowner can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Chapter would cause practical difficulty or exceptional and undue hardship, the Board of Supervisors may 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 of the desirable general development of the neighborhood and the community in accordance with the Township's Comprehensive Plan.~~

~~(Ord. 542, 12/18/2002)~~

§22-702. — Equal or Better Specifications.

~~— When an equal or better specification is available to comply with the Township Public Improvements Code or design standards of this Chapter, the Board of Supervisors may make such reasonable modifications to such requirements of this Chapter to allow the use of the equal or better specification, upon recommendation of the Township Engineer, provided that such modification shall not be contrary to the public interest. In approving such modification, the Board of Supervisors may attach any reasonable conditions, which may be necessary to assure adequate public improvements and protect the public safety.~~

~~(Ord. 542, 12/18/2002)~~

§22-703. — Procedure.

~~— 1. Any request for a modification or exception to this Chapter authorized by this Part shall be submitted in writing by the applicant as part of the application for approval of a preliminary or final application, stating the specific requirements of this Chapter that are to be modified and the reasons and justification for the request.~~

~~— 2. The request for a modification to this Chapter shall be considered by the Board of Supervisors at a public meeting. If warranted, the Board of Supervisors may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification or exception.~~

~~— 3. If the Planning Commission has not made a recommendation on the request for modification, the Board of Supervisors may refer the request to the Planning Commission for a recommendation. If the Planning Commission has made a recommendation on the request, the recommendation shall be entered into the official record of the meeting.~~

~~— 4. The reasons relied upon by the Board of Supervisors in approving or disapproving the request shall be entered into the minutes of the meeting, and any resolution or ordinance adopted governing an application which contains a request for~~

~~a modification or exception shall include reference to the modification or exception and the reasons for approval or disapproval.~~

~~(Ord. 542, 12/18/2002)~~

Part 7**Mobile Home Parks****§22-701. General.**

Mobile home park plans are considered major land developments and applications for approval of mobile home parks shall be processed as such in accordance with Part 2 of this Chapter. The design standards shall comply with applicable Sections of this Chapter, the Zoning Ordinance [Chapter 27], the Construction Code [Chapter 5, Part 1] and all other Township ordinances.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-702. Express Standards and Criteria.

Mobile home parks shall be subject to the following express standards and criteria:

A. The minimum site required shall be 25 acres.

B. The park shall have frontage on and direct ingress/egress to a collector or arterial street.

C. Around the perimeter of the mobile home park, there shall be minimum front and rear yards of 50 feet each and minimum side yards of 30 feet each. No portion of an individual mobile home lot may extend into the required perimeter yards. Landscaping, parking and recreational facilities may project into the required perimeter yards if they are at least 20 feet from the exterior property line bounding the site.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-703. Lot and Area Requirements.

1. Around the perimeter of the mobile home park, there shall be minimum front yards and rear yards of 50 feet each and minimum side yards of 30 feet each. No portion of an individual mobile home lot may extend into the required perimeter yards. Landscaping, parking and recreational facilities may project into the required perimeter yards if they are at least 20 feet from the exterior property line bounding the site.

2. Individual mobile home lots shall meet the following minimum requirements:

A. Lot area - 6,000 square feet.

B. Lot width - 60 feet.

C. Interior yards - 25 feet from interior access roads.

D. Thirty feet between parallel ends or sides of mobile homes or other principal buildings.

E. Fifteen feet between mobile homes and any other accessory building.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-704. Water Supply.

1. Source. All mobile home parks shall be connected to and served by a public

water system or a community water system approved by the DEP. Additionally, all water supply systems shall be provided in accordance with §22-511 of this Chapter.

2. *Connection.* All mobile homes and service buildings shall be connected to and served by a public water system or a community water system approved by the DEP. Individual water riser pipes having an inside diameter of not less than $\frac{3}{4}$ inch shall be provided for each mobile home stand and shall terminate no less than 4 inches above the ground.

3. *Protection of Water Lines.* Adequate provisions shall be made to protect water service lines from damage, including a shut-off valve installed below the frost line at the curb line for each mobile home lot.

4. *Fire Hydrants.* Fire hydrants shall be installed in accordance with the provisions of this Chapter.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-705. Sewage Disposal.

1. *Approved System.* All mobile home parks shall be connected to and served by a public sewer system or a community sewage system approved by the DEP and ACHD and otherwise complies with all applicable Township ordinances.

2. *Connection.* All mobile homes and service buildings shall be connected to and served by a public sewer system or a community sewage system approved by the DEP and ACHD. Individual riser pipes having a minimum inside diameter of 4 inches shall be located on each mobile home lot and shall extend 4 inches above ground level. The sewer riser pipe shall be sealed with a securely fastened plug when the site is unoccupied. Positive surface drainage away from the plug shall be provided to ensure no infiltration of surface water will occur. All sewer lines shall be constructed with materials and by methods approved by the MTMA and DEP.

3. *Protection.* Adequate provisions shall be made to protect sanitary sewers from stormwater infiltration and damage.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-706. Stormwater, Erosion and Sedimentation, and Floodplain Controls.

All mobile home parks shall conform to the requirements of the Stormwater Management Ordinance [Chapter 23]. The owner(s) and operator(s) of a mobile home park shall incorporate best management practices as outlined in the *DEP Stormwater Best Management Practices Manual* (December 2006, as amended) to minimize negative impacts of erosion, siltation and surface water and groundwater contamination.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-707. Interior Streets and Access Drives.

1. *General.* Streets shall be provided in the park as the principal traffic way and each mobile home lot shall abut and have access to such a street.

2. *Width.* All streets and alleys within a mobile home park shall conform to the right-of-way widths and cartway widths specified in this Chapter.

3. *Construction Standards.* The cartway of all streets and alleys shall be

constructed in accordance with the requirements of this Chapter and the Township Standard Details.

4. *Sight Distance at Street Intersections.* A clear sight triangle and stopping sight distances shall be maintained in accordance with the requirements of this Chapter and the Township Standard Details.

5. *Horizontal and Vertical Alignment Requirements.* All streets shall be designed in accordance with this Chapter and the Township Standard Details.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-708. Vehicular Parking Facilities.

Off-street parking spaces shall be provided in all mobile home parks. Two spaces per dwelling unit shall be provided either on the mobile home lot or in a common, paved parking compound within 200 feet of the mobile home to be served. The spaces shall be designed in accordance with the requirements of this Chapter, the Zoning Ordinance [Chapter 27] and the Township Standard Details.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-709. Sidewalks and Curbs.

1. *Location.* All mobile home parks shall have pedestrian sidewalks and curbs along parking compounds and streets, and between mobile home units and service buildings.

2. *Construction.* Sidewalks shall comply with the requirements of this Chapter and the Township Standard Details.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-710. Lighting.

All streets, alleys and parking compounds shall be illuminated in accordance with §22-405 of this Chapter. All lighting shall be so arranged as to reflect the light away from adjoining premises and public rights-of-way.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-711. Landscaping.

All property lines adjoining a residential use or zoning district shall be screened in accordance with Bufferyard 2 as defined in §27-214 and Appendix 27-D of the Zoning Ordinance [Chapter 27].

(Ord. 542, 12/18/2002; as added by A.O.)

§22-712. Mobile Home Construction.

All mobile homes shall be constructed and installed in accordance with the Construction Code [Chapter 5, Part 1].

(Ord. 542, 12/18/2002; as added by A.O.)

Part 8

Administration**§22-801. Fees.**

~~1. *Application Filing Fees.* The Board of Supervisors shall, from time to time, establish application filing fees by resolution. The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development.~~

~~2. *Application Review Fees.*~~

~~A. In addition to the application filing fee required by subsection .1, above, the Township shall charge application review fees for costs incurred during the review of an application. Application review fees shall include reasonable and necessary charges by the Township's professional consultants or the Township Engineer or Solicitor for review and report on the application to the Township. The Board of Supervisors shall, from time to time, establish a schedule of such review fees by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township Engineer or other consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Township Engineer or other consultants to the Township when fees are not reimbursed or otherwise imposed on applicants.~~

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

~~C. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for resolution of disputes as set forth in §22-802, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultant whose fees are being disputed.~~

~~3. *Inspection Fees.*~~

~~A. The Township may prescribe that the applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. The Board of Supervisors shall, from time to time, establish the schedule of such reimbursement by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer or Solicitor or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.~~

~~(Ord. 542, 12/18/2002)~~

§22-802. Disputes.

~~— 1. In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.~~

~~— 2. If within 20 days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review said expenses and make a determination as to the amount thereof which is reasonable and necessary.~~

~~— 3. The professional engineer so appointed shall hear such evidence and review such documentation, as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.~~

~~— 4. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located or, if at the time there is no President Judge, then the senior active Judge then sitting shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any professional engineer who has been retained by or performed services for the Township or the applicant within the preceding 5 years.~~

~~— 5. The applicant shall pay the fees of the appointed professional engineer for determining the reasonable and necessary expenses, if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half of the fee of the appointed professional engineer.~~

~~(Ord. 542, 12/18/2002)~~

§22-803. — Amendment Procedure.

~~— The Board of Supervisors may, from time to time, amend this Chapter by appropriate action after a public hearing on the proposed amendments conducted pursuant to public notice. Public notice, as defined by this Chapter, shall be given which includes the date, time and place of the public hearing together with a brief summary setting forth the principal provisions of the amendments, indicating the place or places where copies of the proposed amendments may be examined. In the case of an amendment other than that prepared by the Planning Commission, the Board of Supervisors shall submit the amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on the amendments.~~

~~(Ord. 542, 12/18/2002)~~

§22-804. — Appeals.

~~— Any party aggrieved by the decision of the Board of Supervisors regarding a subdivision or land development plan may appeal such decision to the Allegheny County Court of Common Pleas within 30 days of the date of entry of the decision of the Board of Supervisors.~~

~~(Ord. 542, 12/18/2002)~~

§22-805. — Remedies:

~~— 1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or, abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.~~

~~— 2. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. The authority to deny such a permit or approval shall apply to any of the following applicants:~~

~~— A. The owner of record at the time of such violation.~~

~~— B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.~~

~~— C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.~~

~~— D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.~~

~~— 3. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.~~

~~(Ord. 542, 12/18/2002)~~

§22-806. — Enforcement Remedies:

~~— 1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all, court costs; including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall, commence or be imposed, levied or be payable until the date of the District Justice's determination of a violation. If the defendant neither pays nor appeals the judgment in the assigned time, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute as a separate violation, unless the District Justice determining that~~

~~there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter. If the District Justice believes that there was no such violation, there shall be deemed to have been only one such violation until the fifth day following the date of the District Justice's determination of the violation, and thereafter, each day that a violation continues shall constitute a separate violation.~~

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

~~(Ord. 542, 12/18/2002)~~

§22-807. — More Restrictive Provisions to Govern:

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

~~— 2. — Whenever there is a difference between a minimum standard or dimension specified in these subdivision regulations and those contained in another official regulation, resolution or ordinance of the Township, the highest standard shall apply. If a question of conflict arises between various portions of these subdivision regulations, the most restrictive term shall apply.~~

~~(Ord. 542, 12/18/2002)~~

§22-808. — Compliance Required:

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

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

~~(Ord. 542, 12/18/2002; as added by Ord. 611, 12/6/2006)~~

Part 8**Administration and Enforcement****§22-801. Fees.**

1. Application Fees and Deposits. The Board of Supervisors shall establish, from time to time by resolution, application fees and deposits to be paid by the applicant/developer at the time of filing the relevant application under this Chapter.

2. Review Fees and Expenses. The applicant/developer shall reimburse the Township for all fees and expenses incurred by the Township related to a subdivision and/or land development and/or the review of any application under this Chapter, including, but not limited to, the reasonable and necessary charges by the Township's professional consultants, the Township Engineer and/or the Township Solicitor for review and report on an application, subdivision and/or land development under this Chapter and the inspection of improvements related thereto.

3. Disputes. Any disputes as to fees and expenses shall be resolved in accordance with the MPC.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-802. Appeals.

All appeals from decisions of the Board of Supervisors in the administration of this Chapter shall be made in accordance with the provisions of the MPC.

(Ord. 542, 12/18/2002; as added by A.O.)

§22-803. Enforcement.1. Civil Enforcement Remedies.

A. Any person, partnership, or corporation who or which has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the magisterial district judge. If the defendant neither pays nor appeals the judgment in a timely manner, 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 magisterial district judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership, or corporation violating this Chapter 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 magisterial district judge, and thereafter, each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the Township Treasurer. A civil enforcement

proceeding may be initiated by the Zoning Officer without prior consent of the Board of Supervisors.

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

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

2. Preventive Remedies.

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

B. 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 consolidated or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following applicants:

(1) The owner of record at the time of such violation.

(2) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

(3) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

(4) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 542, 12/18/2002; as added by A.O.)

Appendix 22-A

Required Certifications

The certifications shown below must be placed on the plan for recording.

1. *Owners Adoption and Dedication.* Slightly different forms are required for individual owners, partnerships, and corporations. If an individual with power of attorney signs on behalf of an owner, the volume and page number in which the power of attorney is recorded must be shown. Signatures must be witnessed.

A. *To Be Used for Individual Owner or Owners.* All owners must sign, or the certification may be repeated for multiple owners.

(I/we) owner(s) or beneficial owner(s)* of the land shown on the (name of plan) hereby adopt this plan as (my/our) (plan of lots or land development) and irrevocably dedicate all streets and other property identified for dedication on the plan to the (municipality). This adoption and dedication shall be binding upon (my/our) heirs, executors, and assigns. [A.O.]

IN WITNESS OF WHICH, to this (I, We) set (My, Our) hand and seal this _____ day of _____, 20__.

ATTEST:

Notary Public

Signature of owner(s)

B. *To Be Used for Partnerships.* A general partner must sign.

The (name of partnership), (owner or beneficial owner)* of the land shown on the (name of plan) hereby adopts this plan as its (plan of lots or land development) and irrevocably dedicates all streets and other property identified for dedication on the plan to the (municipality). This adoption and dedication shall be binding upon the partnership and upon its heirs, executors, and assigns.

IN WITNESS OF WHICH, to this (I, We) set (My, Our) hand and seal this _____ day of _____, 20__.

ATTEST:

Notary Public

Signature of general partner

C. *To Be Used for Corporations.* A corporate officer must sign, and another officer must witness. The corporate seal must be affixed.

By a resolution approved on the _____ day of _____, 20__, the Board of Directors of the (name of corporation), incorporated in the State of (name of State), (owner or beneficial owners)* of the land shown on the (name of plan) adopted this plan as its (plan of lots or land development) and irrevocably dedicated all streets and other property identified for dedication on the plan to the (municipality). This adoption and dedication shall be binding upon the corporation and upon its successors and assigns. [A.O.]

(Seal)

Name of Corporation

Signature and title of officer witnessing

Signature and title of authorized officer

Date

*Note: "Landowner" is defined in the Municipalities Planning Code as "the legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land. "Developer" is defined as "any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development. An "applicant" is a landowner or developer who has filed an application for development, including his heirs, successors, and assigns," thus, the adoption and dedication clause may be executed by any person or entity who falls within the MPC definition of landowner or developer.

2. *Acknowledgment of Notary Public.* The owner's adoption and dedication must be acknowledged by a notary public. The black notary stamp must be affixed. The following certifications indicate the slightly different language that may be used to acknowledge individual, partnership, and corporate adoptions and dedications.

A. *Acknowledgment of Individual Owner's Adoption and Dedication.*

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Allegheny, personally appeared the above named (Name of owner(s)), and acknowledged the foregoing adoption and dedication to be (his, her, their) act.

Witness my hand and notarial seal this _____ day of _____, 20__.

My commission expires the _____ day of _____, 20__.

(Seal)

Notary Public

B. *Acknowledgment of Partnership Adoption and Dedication.*

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Allegheny, personally appeared the above ~~name~~ named (Name of general partner), a partner in the firm of (name of firm) and acknowledged the foregoing adoption and dedication to be the act of the partnership. [A.O.]

Witness my hand and notarial seal this _____ day of _____, 20__.

My commission expires the _____ day of _____, 20__.

(Seal)

Notary Public

C. *Acknowledgment of Corporate Adoption and Dedication.*

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Allegheny, personally appeared (name and title of officer), of the (name of corporation), who stated that (he/she) is authorized to execute the above adoption and dedication on behalf of the corporation and was present at the meeting at which the action of the corporation was taken to adopt the plan and dedicate public property contained therein to the (name of municipality).

Witness my hand and notarial seal this _____ day of _____, 20__.

My commission expires the _____ day of _____, 20__.

(Seal)

Notary Public

3. *Certification of Title and Concurrence of Mortgage Where Applicable.* The deed book volume and page numbers in which the title to all of the property contained in the plan is recorded must be noted on the plan for recording and certified by the signature of the owner. If there is no mortgage or encumbrance against the property, a statement to that effect is included. If there is a mortgage or encumbrance, the mortgagee must consent to the recording of the plan. Signatures must be witnessed.

A. *Certification of Title and No Mortgage.*

(I/we) hereby certify that the title to the property contained in the (name of subdivision or land development) is in the name of _____ and is recorded in the deed book volume _____, page _____. (I/we) further certify that there is no mortgage, lien, or other encumbrance against this property.

Witness

Owner

B. *Certification of Title with Mortgage and Consent of Mortgagee.*

(I/we) hereby certify that the title to the property contained in the (Name of subdivision or land development) is in the name of _____ and is recorded in deed book volume _____, page _____.

Witness

Owner

(Name of mortgagee), mortgagee of the property contained in the (Name of subdivision or land development) consents to the recording of said plan and to the dedications and all other matters appearing on the plan.

Witness

Name, title and mortgagee

4. *Surveyor's Certification.* Every plan for recording must be prepared by or under the supervision of a registered surveyor, who must certify the accuracy of the survey and affix his seal.

I certify that, to the best of my information, knowledge and belief the survey and plan shown hereon are correct and accurate to the standards required.

Date

Name

(Seal)

Registration number

5. *Engineer's Certification.* Where applicable, the developer's registered professional engineer must certify compliance with all engineering requirements and affix his seal.

I hereby certify that, to the best of my information, knowledge and belief the plan shown hereon is correct and accurate to the engineering standards required.

Date

Name

(Seal)

Registration number

[A.O.]

6. ~~*Municipal Township Engineer's Certification.*~~ ~~The engineer for the municipality in which the plan is located~~ The Township Engineer must certify that the plan meets the engineering and design requirements of all applicable ~~municipal Township ordinances.~~ ~~This is required whether the plan is located in a municipality which has a subdivision and land development ordinance or a municipality in which the county has approval authority.~~ ~~In the latter case, the "applicable" ordinances will not include the subdivision and land development regulations, but may include zoning, stormwater management, floodplain, grading etc.~~ [A.O.]

I certify that this plan meets all engineering and design requirements of the applicable ordinances of the (Name of municipality), except as departures have been authorized by the appropriate officials of the municipality.

Date

Name

(Seal)

Registration number

7. ~~*Municipal Township Declarations.*~~ [A.O.]
- A. ~~*No Acceptance of Dedication.*~~ A declaration must be placed on any plan that shows dedication of streets or other property to the ~~municipality Township,~~ that the dedication imposes no responsibility upon the ~~municipality Township~~ for acceptance of the dedication, or for the improvement or maintenance of any dedicated facility until the dedication is accepted by the appropriate ordinance or resolution. [A.O.]

The Board of Supervisors of the Township of Moon gives notice that, in approving this plan for recording, the Township of Moon assumes no obligation to accept the dedication of any streets, land or public facilities and has no obligation to improve or maintain such streets, land or facilities.

Township Manager/Secretary [A.O.]

~~Chairperson~~ Chairman, Board of Supervisors [A.O.]

- B. ~~*No Building Permits Without Approved Sewage Facilities.*~~ Although sewage facilities should be approved by the time of recording, this declaration clarifies that buildings may not be constructed without approval of sewage facilities. ~~The municipal Township Secretary or Manager may sign this declaration.~~ [A.O.]

The Township of Moon agrees not to issue building permits until the “Planning Module for Land Development” has been approved in accordance with the regulations of the Pennsylvania Department of Environmental Protection.

Date

Township Manager/Secretary [A.O.]

8. *Other Required Statements.*

- A. *For Plans Where Sewage Facilities Are Not Required.* If a nonbuilding waiver of sewage facilities requirements has been approved, the following statement must be placed on the plan for recording.

As of the date of this plan’s approval by the approving authority, no development of any land contained in this subdivision or land development for any purpose requiring sanitary sewage facilities is planned. No portion of this property has been approved by the municipality or the Department of Environmental Resources Protection (DEP) for the installation of sewage disposal facilities. No sewage permit will be issued for the installation, construction, connection to or use any sewage collections conveyance, treatment, or disposal system unless the municipality and the ~~DER~~ DEP have both approved sewage facilities planning for the property included in this plan in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. §750.1 *et seq.*) and regulations promulgated thereunder. Prior to the transfer of any lot or property included in this plan, any purchaser should contact appropriate officials of the municipality, which is charged with administering the Sewage Facilities Act, to determine what sewage facilities planning is required and the procedure and requirements for obtaining appropriate permits or approvals. [A.O.]

- B. *For Plans Requiring Access to State Highways.* Section 508(6) of the Municipalities Planning Code ~~required~~ requires that no plat requiring access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plat contains the following statement. [A.O.]

A highway occupancy permit is required pursuant to §420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the “State Highway Law” before driveway access to the State highway is permitted.

~~8. Required Municipal and County Review and Approval Statements~~

~~The number and wording of required review and approval statements will vary based on whether a municipal subdivision and land development ordinance has been enacted, and on whom this Chapter designates as the approval authority for subdivisions and land developments. The following situations are possible:~~

~~A. Municipal ordinance is in effect, Board of Supervisors is designated as approval authority. Municipal planning agency reviews. County planning agency reviews.~~

~~Reviewed by the Planning Commission of the Township of Moon, this _____ day of _____, 20__.~~

~~_____
Secretary _____ Chairperson~~

~~Approval by the Board of Supervisors of the Township of Moon, by resolution, this _____ day of _____, 20__.~~

~~_____
Secretary _____ Chairperson~~

~~(Seal)~~

~~Signed and noted as approved this _____ day of _____, 20__.~~

~~_____
Secretary _____ Chairperson~~

~~Reviewed by the Allegheny County Department of Economic Development on this _____ day of _____, 20__.~~

~~(Seal) _____
Director~~

9. Required Township, County and MTMA Review and Approval Statements.

A. Township Planning Commission Review Certificate.

Reviewed by the Planning Commission of the Township of Moon at its meeting on the _____ day of _____, 20__.

Township Manager/Secretary

Township Planning Director

B. Township Board of Supervisors Approval Certificate. One of the following approval certificates will be used when the Board of Supervisors has approved the plat.

(1) When Approved without Conditions:

Approved by the Board of Supervisors of the Township of Moon this _____ day of _____, 20__.

Township Manager/Secretary

Chairman, Board of Supervisors

(Seal)

(2) When Approved Subject to Compliance with Certain Conditions:

Approved by the Board of Supervisors of the Township of Moon on the _____ day of _____, 20__ subject to certain conditions referenced in the Township decision letter dated _____.

Signed and noted as approved this _____ day of _____, 20__.

Township Manager/Secretary

Chairman, Board of Supervisors

(Seal)

This plat was delivered to (Name of developer) by the Township of Moon on the _____ day of _____, 20__.

Township Manager

C. Township Planning Director Approval Certificate. One of the following approval certificates will be used, in lieu of the Board of Supervisors approval certificate, when the Township Planning Director has approved the plat in accordance with this Chapter.

(1) When Approved without Conditions:

Approved by the Planning Director of the Township of Moon this ___ day of _____, 20 __, pursuant to Chapter 22 of the Moon Township Code of Ordinances, Subdivision and Land Development, as amended.

Township Manager/Secretary

Township Planning Director

(Seal)

(2) When Approved Subject to Compliance with Certain Conditions:

Approved by the Planning Director of the Township of Moon on the ___ day of _____, 20 __ pursuant to Chapter 22 of the Moon Township Code of Ordinances, Subdivision and Land Development, as amended, and subject to certain conditions referenced in the Township decision letter dated _____.

Signed and noted as approved this _____ day of __, 20 __.

Township Manager/Secretary

Township Planning Director

(Seal)

This plat was delivered to (Name of developer) by the Township of Moon on the ___ day of _____, 20 __.

Township Manager

D. Allegheny County Planning Agency Review Certificate.

Reviewed by Allegheny County Department of Economic Development on this _____ day of _____, 20 __.

(Seal)

Director

E. MTMA Statement. The undersigned owner intending to legally bind itself and its successors and assigns, hereby grants and dedicates to the Moon Township Municipal Authority, ~~Allegheny County~~ and its successors and assigns forever the right to install, construct, operate, repair, maintain, relocate and replace all necessary facilities for sanitary sewer collection ~~on~~ and conveyance over, through and across the easements for sanitary sewers, all with the same force and effect as though said easements had been duly acquired for such purposes by condemnation, and the undersigned hereby waives any and all claims for damages for the lawful use of such easements for the aforesaid purposes. [A.O.]

Easements approved by the Moon Township Municipal Authority on this _____ day of _____, 20__.

Witness

10. *Proof of Recording.* The plan must include a signature space for the ~~recorder of deeds~~ Allegheny County of Department of Real Estate as follows: [A.O.]

Recorded in the office of the ~~Recorder of Deeds~~ Department of Real Estate of the County of Allegheny, Commonwealth of Pennsylvania, in ~~the~~ Plan Book Volume _____, page(s) _____. [A.O.]

Given under my hand and seal this _____ day of _____, 20__.

(Seal)

Recorder of Deeds Department of Real Estate [A.O.]

~~NOTE: SIMPLIFIED APPROVAL FOR ATTACHED DWELLING LOT LINES~~

~~The existing county subdivision regulations contain a provision at §504.3 which states:~~

~~Townhouse and garden apartment lot lines in cases where a plan is submitted for approval without all lot lines finalized the owner/developer shall be required to certify that he/she will record a survey of final construction for each lot with the Office of the Recorder of Deeds of Allegheny County prior to any conveyance of any part thereof. Said survey of final construction shall be signed by the owner/developer, certified as accurate by a registered surveyor and submitted to the Allegheny County Subdivision Administrator for his/her certification of compliance with original plan prior to recording.~~

~~There is a certification that accompanies the final survey that states that the survey is accurate, tells where the title to the property is recorded including the witnessed and notarized signature of the owner, a surveyor's certification, notation of the county planning agency's review or approval, and the recorder's notation.~~

~~The municipality does not review or approve these surveys of the final construction.~~

~~While this procedure may have been acceptable under the Second Class County Code, it exceeds the authority given to the county by the MPC. It was developed to address the common practice of conveying townhouse units by deed without a surveyed description of the land that was being transferred. This created problems for the county's property records.~~

~~If the original subdivision or land development plan shows the large lots on which townhouse or similar structures are to be constructed, then the division of one of those larger lots into smaller divisions is really just a resubdivision or further subdivision, which should be handled like any other subdivision plan. This would include, in municipalities which have ordinances, submission to and approval by the municipality, and review prior to recording by the county.~~

~~Therefore, the certifications contained in the former ordinance that was designed for the recording of townhouse or attached dwelling lot lines have been deleted.~~

~~(Ord. 556, 9/25/2003; as amended by A.O.~~

Appendix 22-B

Township Street Design Standards (Do not apply to County or State Roads)

	Type of Street*		
	<u>Arterial and Collector Streets [A.O.]</u>	Local Streets	Service Streets
Design speed	The design speed shall be the posted or proposed speed limit plus a maximum of 5 miles per hour, unless otherwise approved in accordance with PennDOT regulations. [A.O.]	30 mph	25 mph
Minimum right-of-way width	****62 feet	50 feet	40 feet
Cul-de-sac right-of-way radius	NA**	50 feet	45 feet***
Angle of street intersection	90°	75° to 90°	60° to 90°
Intersection tangent	100 feet	100 feet	NA
Cartway paving width (gutter to gutter)	*****	23 feet	20 feet
Cul-de-sac paving radius	NA	40 feet	40 feet
Minimum cul-de-sac length (edge of intersection to center of cul-de-sac)	NA	250 feet	250 feet
Minimum tangent street grade	1.0%	1.0%	1.0%
Maximum tangent street grade	8.0%	12.0%	12.0%
Maximum leveling grade (For 50 feet before the nearest right of way of the street being intersected)	3.0%	5.0%	5.0%
Maximum cul-de-sac grade	NA	5%	5%
Curb return radius	35 feet	25 feet	20 feet
Clear sight triangle for road streets and nonresidential driveways (main to side street) [A.O.]	*****	*****	*****
Horizontal curves			
Minimum center-line radius	275 feet	125 feet	125 feet

	Type of Street*		
	Arterial and Collector Streets [A.O.]	Local Streets	Service Streets
Desired center-line radius	510 feet	275 feet	
Vertical curve length			
Through streets and cul-de-sac (factor times algebraic difference)	20	15	15
Intersection, side street, stop condition (actual curve length in feet)	75	50	50
Sidewalk width (where required)	5 feet	5 feet	5 feet

Notes:

Superelevation to be determined by the Township Engineer.

* See definitions of streets in §22-107 of this Chapter.

**NA Not applicable.

***Comparable hammerhead design also permitted.

****Right-of-way width must include the cartway, the curb and 12 feet on each side of road.

*****As determined by a traffic study reviewed and approved by the Township Traffic Engineer.

*****As required by Pennsylvania Department of Transportation Design Manual No. 2 or publication 441.

(Ord. 605, 9/6/2006, §9; as amended by A.O.)