

ARTICLE I
General Provisions

§ 188-100. Title.

- A. This Chapter shall be known and may be cited as the “Township of Moon Subdivision of Land Ordinance” or just the “subdivision regulations.”

§ 188-101. Authority.

- A. This Chapter is adopted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.

§ 188-102. Purpose.

- A. The purpose of these subdivision regulations is to regulate certain land subdivision, consolidation and 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 rights-of-way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities.
- B. These subdivision regulations are made in accordance with the community development objectives set forth in Chapter 208, Zoning, and the Moon Township Comprehensive Plan and are intended to achieve the following goals:
- (1) To promote, protect and facilitate:
 - (a) The public health, safety and general welfare.
 - (b) Coordinated and practical community development.
 - (c) Proper density of population.
 - (d) Civil defense.
 - (e) Use of renewable energy resources.
 - (f) Disaster evacuation.
 - (g) Energy-conserving building design.

- (h) The provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements.
- (2) To prevent one (1) or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

§ 188-103. Plan and approval required.

- A. A subdivision plat, consolidation plat or land development plan approved in accordance with this Chapter shall be required for:
 - (1) Any land development, as defined by this Chapter, other than those excluded by § 188-105.
 - (2) Any subdivision, as defined by this Chapter.
 - (3) The consolidation, as defined by this Chapter, of two (2) or more lots, tracts or parcels of land for the purpose of one (1) development or re-subdivision.
 - (4) Any development in which the developer an/or landowner proposes or intends to construct streets or any other public improvement to be dedicated to the Township for public use.

§ 188-104. Compliance required.

- A. 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.
- B. 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.

§ 188-105. Exclusions.

- A. The following types of land developments are hereby excluded from the provisions of this Chapter governing land developments as defined herein:
 - (1) The conversion of an existing single-family dwelling or two-family dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.

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

§ 188-106. Definitions and word usage.

- A. 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.
- B. Definitions. As used in this Chapter, the following words or terms shall have the meanings indicated:

ACCESSORY STRUCTURE -- A detached subordinate structure, the use of which is clearly incidental to the principal structure or principal use of the land.

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

APPLICANT -- A landowner or developer who has filed an application for a subdivision or land development, including his or her heirs, successors and assigns.

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

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 “plan” must be based on actual field measurements made during or after construction.

BOARD OF SUPERVISORS -- The Board of Supervisors of the Township of Moon, Allegheny County, Pennsylvania.

BUFFERYARD -- A 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 Chapter 208, Zoning.

BUILDABLE AREA -- The area (acreage or square footage) of a parcel available for development based upon sensitive natural resource criteria and evaluation.

BUILDABLE AREA ANALYSIS -- The process by which sensitive natural resources are inventoried and net buildable area is calculated.

BUILDING -- Any structure used or intended for supporting or sheltering any use or occupancy.

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 sub-divider 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 at a distance there from which is equal to the depth of the front yard required by Chapter 208, Zoning, for the zoning district in which the lot is located.

CARTWAY -- That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders and berms.

CLEAR SIGHT TRIANGLE -- An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye which is assumed to be three and seventy-five hundredths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway specified in Appendix A of this Chapter,¹ intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision.

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.

COLLECTOR ROAD -- A public street which, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads.

¹ Editor's Note: Said Appendix is included at the end of this Chapter.

COMMON AMENITIES -- Features of a subdivision or land development, other than private improvements, as defined herein, which are required by this Chapter or Chapter 208, Zoning, which are shared in common by the residents or occupants of a subdivision or land development and for which a completion bond may be required to guarantee the installation of such features in compliance with this Chapter or Chapter 208, Zoning, including but not limited to such features as landscaping, bufferyards, parking areas, loading areas and similar facilities.

COMPREHENSIVE PLAN -- The community master plan created for the purposes of guiding community development and is known as the Comprehensive Plan of the Township of Moon.

COMPREHENSIVE TRANSPORTATION NETWORK -- The Township's interconnected system of collector and arterial roads.

COMPLETION BOND -- Surety, in a form acceptable to the Township, in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from an approved surety company which guarantees the satisfactory completion of improvements required by this Chapter.

CONSOLIDATION -- The act of combining two (2) or more lots, tracts or parcels of land for the purpose of rezoning and/or simple subdivision purposes.

CONSTRUCTION STANDARD DETAILS -- The Township's accepted methods, materials and practices for building and site improvements prepared by the Township Engineer, as may be amended from time to time. Copies of the current Construction Standard Details are on file in the offices of the Township Manager and the Township Engineer.

COUNTY -- Allegheny County, Pennsylvania.

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.

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

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

DWELLING -- Any building designed or used as permanent living quarters for one (1) or more families, not including hotels, motels or lodging or boarding houses.

- (a) MULTI-FAMILY -- A separate, detached building designed for or occupied exclusively as a residence by three (3) 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.
- (b) SINGLE-FAMILY -- A separate, detached building designed for or occupied exclusively as a residence by one (1) family.
- (c) TWO-FAMILY -- A separate, detached building designed for or occupied exclusively as a residence by two (2) families.
- (d) QUAD-PLEX -- A detached building divided by two (2) common party walls into four (4) distinct and separate dwelling units where each dwelling unit has direct access to the outdoors.

DWELLING UNIT -- One (1) 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 (1) family.

EASEMENT -- A grant of one (1) or more of the property rights by the property owner to and for the use by the public, a corporation or another person or entity.

ENGINEER -- A professional engineer licensed as such in the Commonwealth of Pennsylvania.

FAMILY -- One (1) or more persons related by blood, marriage or adoption or no more than three (3) 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.

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.²

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 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

²Editor’s Note: The current fee resolutions are on file in the Township Offices.

Regulations for final plat approval and in a form acceptable for recording in the office of the Allegheny County Recorder of Deeds.

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.

FLOOR AREA -- The total number of square feet of floor space within the exterior walls of a building, not including space in cellars or basements.

FLOOR AREA RATIO (FAR) -- The gross area of all buildings on a lot divided by the total lot area.

FRONT YARD -- See “yard, front.”

FRONTAGE -- The length of a property line bordering a public right-of-way that is open to vehicular traffic.

GRADE -- The slope of a road, street, or other public way specified in percentage terms

INFRASTRUCTURE DEMAND STATEMENT -- A summary, submitted by an engineer, describing the projected demand created by a land development on the Townships existing public traffic, sanitary sewer and water systems.

LAND DEVELOPMENT -- Any of the following activities:

- (1) The improvement of one (1) lot or two (2) contiguous lots, tracts or parcels of land for any purpose involving:
 - (a) A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
 - (b) The division or allocation of land or space, whether initially or cumulatively, between, or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (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 subclause, 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, MAJOR -- A land development with any of the following conditions:

- (1) A single-family residential development that creates five (5) or more new lots.
- (2) All multi-family residential development.
- (3) A non-residential development with more than five-thousand (5,000) square feet of new gross floor area.
- (4) All planned residential and planned non-residential developments in accordance with Chapter 208, Zoning.
- (5) All subdivisions and developments that constitute conditional uses or uses by special exceptions in accordance with Chapter 208, Zoning.

LAND DEVELOPMENT, MINOR -- A single-family residential development that creates two (2) to four (4) lots or a non-residential development with five-thousand (5,000) square feet or less of new gross floor area.

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 landscape architect licensed as such in the Commonwealth of Pennsylvania.

LANDSCAPING -- Acting with the purpose of meeting specific criteria regarding uses of outside space, including ground cover, buffers, and shade trees.

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.

LOT DEPTH -- The mean horizontal distance between the front and rear lot lines.

LOT, DOUBLE-FRONTAGE -- See “double-frontage lot.”

LOT, FLAG -- See “flag lot.”

LOT OF RECORD -- A lot that is part of a subdivision plat duly recorded in the office of the Allegheny County Recorder of Deeds identified in those records by plan book volume and page number.

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

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.

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 TRANSPORTATION AUTHORITY (MTA) -- The overseeing and jurisdictional body of the Township that plans and constructs transportation improvements within the Township’s Transportation Overlay District.

MUNICIPALITIES PLANNING CODE -- The authorizing statute known as Pennsylvania Municipalities Planning Code Act 247 of 1968, as amended.

NATURAL RESOURCE CONSERVATION SERVICE (NRCS) -- The United States Department of Agriculture Natural Resource Conservation Service

NEW CONSTRUCTION -- An activity for which the “start of construction or improvement” commenced on or after the effective date of this Ordinance.

NON-RESIDENTIAL 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 DATE OF FILING -- The date of the regular Planning Commission meeting at which an application submitted for approval under this Chapter is accepted by the Planning Commission as complete in content and properly filed in accordance with the requirements of this Chapter.

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.

ORDINANCE -- All references to “Chapter” or “this Chapter” refer to the Township of Moon Subdivision of Land Ordinance, unless otherwise noted.

OVERLAY DISTRICT -- A zoning district that encompasses one (1) or more underlying zoning districts and that imposes additional requirements or provisions above that required by the underlying zoning district(s).

PLANNED DEVELOPMENT -- A development of land controlled by one (1) landowner to be developed as a single entity for a number of dwelling units or a combination of residential and non-residential uses in accordance with the provisions of the Township’s Planned Residential and Non-Residential Development Ordinances.

- (a) RESIDENTIAL DEVELOPMENT -- An area at least ten (10) acres in size controlled by one (1) landowner to be developed as a single entity for a number of residential dwelling units or a combination of residential and non-residential uses in accordance with the provisions of Chapter 208, Zoning, Planned Residential Development Ordinance.
- (b) NON-RESIDENTIAL DEVELOPMENT -- An area of land at least ten (10) acres in size controlled by one (1) landowner to be developed as a single entity for a combination of non-residential uses in accordance with the provisions of Chapter 208, Zoning, Planned Non-Residential Development Ordinance.

PLANNING COMMISSION -- The Moon Township Planning Commission.

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.³

³ Editor’s Note: See 53 P.S. ~ 10201 et seq.

PLANNING DIRECTOR -- The person appointed by the Township Manager to be the administrative head of the Planning Department.

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 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.

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.

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.

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' for which plans and specifications shall comply with the Township's Construction Standard Details.

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 or maintained by the Township for which plans and specifications must comply with the Township's Construction Standard Details or other public entity.

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."⁴

PUBLIC NOTICE -- Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the public hearing.

⁴ Editor's Note: See 65 P.S. ~ 275 et seq.

The first publication shall be not more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the public hearing.

REAR YARD -- See “yard, rear.”

REMAND -- To give back, or to not accept.

RIGHT-OF-WAY -- A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary storm sewer main, shade trees, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every 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. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, the maker of the plat on which such right-of-way is established shall dedicate shade trees, or any other use involving maintenance by a public agency to public use.

ROAD RIGHT-OF-WAY WIDTH -- The distance between property lines measured at a right angle to the centerline of the street.

SETBACK -- The distance between a building and the street line nearest to the building.

SIDE YARD -- See “yard, side.”

SIGN -- Any structure or device used to attract attention by work or graphic display. Specific signage types are defined in Chapter 208, Zoning.

SIMPLE SUBDIVISION -- The process of consolidating existing lots; or revising lot lines of an existing plat without creating new parcels, buildings or public improvements; or revisions of easements and/or right-of-ways.

SITE CONDITIONS REPORT -- Summary of existing conditions regarding a particular lot or lots.

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

- (a) ARTERIAL -- A public street which serves large volumes of high-speed and long distance traffic as identified by the Township’s Comprehensive Transportation Network.
- (b) COLLECTOR -- A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

- (c) CUL-DE-SAC -- A short street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.
- (d) LOCAL -- A public street designed to provide access to abutting lots and to discourage through traffic.
- (e) PRIVATE -- A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A "private street" provides access to several lots or parcels which do not have access to a public street and which require access to a public street through the private street. (See also "driveway, private.")
- (f) PUBLIC -- A street, including the entire public right-of-way, which has been dedicated to and accepted by the Township, county or state which has been devoted to public use by legal mapping, use or other means.
- (g) SERVICE -- A short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

STREET TREE -- A tree planted in the front yard twelve (12) feet from the front property line and whose use is intended, in conjunction with other street trees, to create a tree-lined street.

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 (1) 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.

SUBDIVISION -- The division or re-division of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees 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 ten (10) acres not involving any new street or easement of access or any residential dwelling units shall be exempted.

SUBDIVISION ORDINANCE -- The Moon Township Subdivision of Land Ordinance

No. , enacted _____, as amended and replaced by Ordinance No. ____, adopted _____, 200_.

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 six (6) months or less, including but not limited to construction or land sales trailers, tents, bleachers, air-supported structures, seasonal displays and similar structures.

TOWNSHIP -- The Township of Moon, Allegheny County, Pennsylvania.

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.

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.

WATERCOURSE -- A drainage channel, creek, drain, river or stream.

YARD -- An open space adjacent to a lot line, open and unobstructed from the ground to the sky, except as otherwise provided herein.

- (a) **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.
- (b) **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.
- (c) **SIDE** -- A yard between the building and the adjacent side line of the lot extending from the front yard to the rear yard.

ZONING HEARING BOARD -- The Zoning Hearing Board of Moon Township, Allegheny County, Pennsylvania.

ZONING ORDINANCE -- The Moon Township Zoning Ordinance No. 191, enacted September 24, 1974, revised Ordinance No. 345, adopted October 17, 1990, as amended and replaced by Ordinance No. ____, adopted _____, 200_.

Article II
Approvals and Applications

§ 188-200. Approvals overview.

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

- (1) Simple subdivision.
- (2) Minor land development.
- (3) Major land development.

§ 188-201. 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 or buildings or public improvements.
- (2) Revisions of easements and/or of right-of-ways.
- (3) Consolidation of existing lots.

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.
- (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. In addition, the Planning Director may require a topographical survey in accordance with § 188-302 to be submitted as part of the final application in simple subdivisions where warranted by physical conditions.

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 (§ 188-314).
- (2) Written confirmation of Zoning Hearing Board approval of all variances (§ 188-319).

§ 188-202. 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 development that creates two (2) to four (4) lots.
- (2) A non-residential development with five-thousand (5,000) square feet or less of new gross floor area.

B. Recommendations and approvals.

- (1) The Planning Commission shall make recommendations to the Board of Supervisors regarding minor land developments.
- (2) The Board of Supervisors shall be responsible for approving or denying minor land developments. When necessary for the protection of public welfare, persons and property, the Board of Supervisors may conditionally approve a minor land development subject to compliance with provisions and standards defined in this Chapter; Chapter 208, Zoning; and any additional requirements deemed necessary. The conditions of approval shall be specified, in writing, in the notice of approval required by § 188-206 Subsection A(11)(c).
- (3) 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.

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 § 188-205 Subsection A for suggestions regarding a sketch plan conference.
- (2) A pre-application conference is recommended with the Planning Commission prior to the submission of a final application. Refer to § 188-205 Subsection B for the

requirements of a pre-application conference and § 188-320 for the recommendations for a pre-application conference.

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 (§ 188-312) if the permitted or conditional use is expected to generate an average of one-hundred (100) or more trips during the adjacent roadways' peak hours of usage.
- (2) Final plat (§ 188-314).
- (3) Building elevation drawings (§ 188-309).
- (3) (4) Erosion and sedimentation control plan (§ 188-317).
- (5) Covenants and restrictions (§ 188-318).
- (6) Written confirmation of Zoning Hearing Board approval of all variances (§ 188-319).

§ 188-203. 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 development that creates five (5) or more lots.
- (2) All multi-family residential development.
- (3) A non-residential development with more than five thousand (5,000) square feet of new gross floor area.
- (4) All planned residential and planned non-residential developments in accordance with Chapter 208, Zoning.
- (5) All subdivisions and land developments that constitute conditional uses or uses by special exception in accordance with Chapter 208, Zoning.

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. When necessary for the protection of public welfare, persons and property, the Board of Supervisors may conditionally approve a major land development subject to compliance with the provisions and standards defined in this Chapter; Chapter 208, Zoning; and any additional requirements deemed necessary. The conditions of approval shall be specified, in writing, in the notice of approval required by § 188-206 Subsection B(10)(b).

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 § 188-205 Subsection A for suggestions regarding a sketch plan conference.
- (2) A pre-application conference is recommended with the Planning Commission prior to the submission of a preliminary application. Refer to § 188-205 Subsection B for the requirements of a pre-application conference and § 188-320 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 (§ 188-301).
- (2) Topographical survey (§ 188-302).
- (3) Preliminary slope stability investigation (§ 188-303).
- (4) Comprehensive slope stability investigation (§ 188-304).
 - (a) Completion of a comprehensive investigation shall be dependent upon the results of the preliminary steep slope investigation.
- (5) Site conditions report (§ 188-305).
- (6) Phase one environmental assessment (§ 188-306).
- (7) Buildable area analysis (Chapter 208, Article III).

- (8) Land development plan (§ 188-308).
 - (9) Building elevation drawings (§ 188-309).
 - (10) Conceptual landscape plan (§ 188-3010).
 - (11) Stormwater management statement (§ 188-311).
 - (12) Traffic impact study (§ 188-312) if the permitted or conditional use is expected to generate an average of one hundred (100) or more trips during the adjacent roadways' peak hours of usage.
 - (13) Infrastructure demand statement (§ 188-313).
- 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 (§ 188-301 through § 188-301).
 - (2) Final plat (§ 188-314).
 - (4) (3) Construction plans for public improvements (§ 188-315).
 - (4) Stormwater management plan (§ 188-316).
 - (5) Erosion and sedimentation control plan (§ 188-317).
 - (6) Completion bond (§ 188-209).
 - (7) Covenants and restrictions (§ 188-318).
 - (8) Written confirmation of Zoning Hearing Board approval of all variances (§ 188-319).

§ 188-204. Approvals and applications summary.

- A. Table 1: Approvals and Applications Summary shall serve as the general reference as related to the requirements of all proposed 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 Articles II and III of this Chapter.

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A. Table 1: Approvals and applications summary

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§ 188-205. Pre-application conference.

- A. 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.
- B. 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 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.

188-206. Application procedures.

- A. Preliminary application.
 - (1) A preliminary application shall be submitted at least fourteen (14) calendar days prior to the Planning Commission's next regular monthly meeting.
 - (2) The applicant shall file fourteen (14) copies of the preliminary application for a land development to the Township using forms provided by the Township.
 - (3) Six (6) full-scale, copies eight (8) half-scale copies and one (1) 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.
 - (4) Four (4) paper copies and one (1) electronic copy of all reports are required as part of the application. (Refer to § 188-204). The electronic file shall be in a Township-compatible format.
 - (5) A preliminary application shall not be considered to be complete and properly filed unless and until all items required by § 188-203 Subsection D, including the application filing fee, have been received by the filing date.
 - (6) Within five (5) calendar days of receipt, the Planning Director shall submit one (1) copy of the application to the Allegheny County planning agency or its designee for review and comment. Additionally, copies of the application shall be distributed to each member of Planning Commission and the Township Engineer for their review.
 - (7) At Planning Commission's request, copies of the application may also be referred to any other appropriate review agency.

- (8) The Planning Director shall review the application for completeness in accordance with the requirements of § 188-203. 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.
- (9) If the Planning Director determines that there are deficiencies in the application submission, the Planning Director shall return the application to the applicant for resubmission, subject to compliance with the time deadline for filing for the Planning Commission's next regular monthly meeting.
- (10) Planning Commission action.
 - (a) The date of the Planning Commission first regular meeting at which the preliminary application is accepted as complete and properly filed shall be the official date of filing of the preliminary application and shall represent the beginning of the ninety (90) calendar day review period for the Township to review and take action on the preliminary application. However, if the first regular meeting occurs more than thirty (30) calendar days from the date when the application is filed or the matter is remanded, the ninety (90) calendar day period shall be measured from the thirtieth (30th) calendar day following the date the application has been filed.
 - (b) Within thirty (30) calendar days of the official date of filing of a 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 thirty (30) calendar days has passed from the date of referral to the Township Engineer.
 - (c) Within sixty (60) calendar days of the official date of filing of the 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.
- (11) Board of Supervisors action.
 - (a) Within ninety (90) calendar days of the official date of filing of a preliminary application, the Board of Supervisors shall approve, approve with conditions or disapprove the preliminary application at a public meeting. 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.

- (b) 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 designee or unless thirty (30) calendar days from the date of referral have passed.
- (c) A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail to the address indicated on the application within fifteen (15) calendar days following the decision. If the preliminary application is not approved, the Board of Supervisors shall specify the defects found in the preliminary application and, in each case, shall cite the requirements of this Chapter that the applicant has not met.
- (d) The applicant shall accept or reject the conditions attached to the preliminary approval by giving written notice to the Planning Director within thirty (30) calendar days of the date of the public meeting of the Board of Supervisors at which preliminary approval is granted. 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 thirty (30) calendar days, the Township shall automatically rescind the preliminary approval without written notice to the applicant.

(12) Expiration of preliminary plan approval.

- (a) Preliminary approval shall expire within five (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 at least thirty (30) calendar days prior to any prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods, upon the Board of Supervisor's finding that such extension is warranted.
- (b) In the case of a phased development calling for the installation of public improvements beyond the five (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.

B. Final application.

- (1) 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:
 - (a) A final application, including final plat approval, together with surety to guarantee proper installation of required improvements in the plan.
 - (b) A final application without final plat approval, whereupon required improvements are installed prior to a request for final plat approval.
- (2) In either case, fourteen (14) calendar days prior to the regular monthly Planning Commission meeting, the applicant shall file fourteen (14) copies of the final application to the Township, using a form provided by the Township. In addition, one (1) copy of the approved preliminary plan shall accompany the final application.
- (3) Six (6) full-scale, copies eight (8) half-scale copies and one (1) 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.
- (4) Four (4) paper copies and one (1) electronic copy of all reports are required as part of the application. (Refer to § 188-204). The electronic file shall be in a Township-compatible format.
- (5) A final application shall not be considered to be complete and properly filed unless and until all items required by § 188-203 Subsection E, including the application filing fee, have been received by the filing date.
- (6) Within five (5) calendar days of receipt, the Planning Director shall submit one (1) copy of the application to the Allegheny 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.
- (7) The Planning Director shall review the application for completeness in accordance with the requirements of § 188-203 Subsection E. 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.
- (8) If the Planning Director determines that the deficiencies are substantial enough to warrant resubmission, the Planning Director shall return the application to the applicant for resubmission, subject to compliance with the time deadline for filing for the next regular meeting of the Planning Commission.

(9) Planning commission action.

- (a) The date of the Planning Commission meeting at which the final application is accepted as complete and properly filed shall be the official date of filing of the final application and shall represent the beginning of the ninety (90) calendar day review period for the Township to review and take action on the final application.
- (b) Within thirty (30) calendar days of the official date of filing of a final application, the Township Engineer shall submit a written report to the Planning Commission which states whether the application complies with the requirements of this Chapter and that 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 report of the Township Engineer has been received or thirty (30) calendar days from the date of referral to the Township Engineer has passed.
- (c) Within sixty (60) calendar days of the official date of filing of the 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.

(10) Board of Supervisors action.

- (a) Within ninety (90) calendar days of the official date of filing of the final application, the Board of Supervisors shall approve, approve with conditions or disapprove the final application at a public meeting. The Planning Commission's recommendation and the Planning Commission minutes containing the report of the Township Engineer shall be made a part of the record at that meeting.
- (b) A letter indicating approval, approval with conditions or disapproval shall be sent to the applicant by regular mail within fifteen (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.
- (c) If the Board of Supervisors determines that certain conditions are warranted to be attached to final approval to protect public welfare, persons and property and 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 § 188-206 Subsection B(10)b.

- (d) The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the Planning Director or executing the development agreement required by § 188-210 within thirty (30) days of the date of the public meeting of the Board of Supervisors at which final approval is granted. 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 thirty (30) days, final approval shall automatically be rescinded without written notice to the applicant.

(11) Final plat approval after completion of improvements.

- (a) 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 (3) copies of the final plat, as required by § 188-313, with the notice of completion. Within ten (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.
- (b) Within thirty (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's 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.
- (c) Within forty-five (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 § 188-601 through §188-604, and shall be further subject to the posting of the maintenance bond required by § 188-605.
- (d) Within ninety (90) calendar days of the submission of the final plat, the Board of Supervisors shall approve, approve with conditions or disapprove the final plat for recording purposes at a public meeting. The Township Engineer's written report shall be made a part of the record at that meeting. A letter indicating approval, approval with conditions or disapproval shall be sent to the developer and/or landowner by regular mail within fifteen (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.

(12) Phased approval.

- (a) 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 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.
- (b) 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 § 188-203 Subsection D.

§ 188-207. Mediation.

- A. The Township may offer the mediation option as an aid in completing the proceedings authorized by this Article. Mediation shall supplement, not replace, the defined procedures in this Article 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.
- B. 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:
 - (1) Funding mediation.
 - (2) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision procedures and demonstrated skills in mediation.
 - (3) Completing mediation, including time limits for such completion.
 - (4) Suspending time limits otherwise authorized in this Chapter or in the Municipalities Planning Code 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.
 - (5) Identifying all parties and affording them the opportunity to participate.

- (6) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
 - (7) 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.
- C. 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.

§ 188-208. Approval resolution.

- A. 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 obtaining a satisfactory completion bond. The final plat shall not be signed nor recorded until the completion bond and development agreement are executed. The resolution shall expire and be deemed to be revoked if the completion bond and development agreement are not executed within ninety (90) calendar days, unless the Board of Supervisors grants a written extension. Such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer and/or landowner.

§ 188-209. Completion bond.

- A. In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a completion bond, as defined by this Chapter, in favor of the Township, in an amount equal to one hundred and ten percent (110%) of the cost of completion of the improvements estimated as of ninety (90) calendar days following the date scheduled for completion by the developer and/or landowner. Annually, the Township may adjust the amount of the completion bond by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90th) 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 bond equals said one hundred and ten percent (110%). The developer and/or landowner in accordance with this Section shall post any additional security.
- B. The amount of the completion bond required shall be based upon an estimate of the cost of completion of the required improvements and the cost of the as-built plans, submitted by an applicant or 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 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.

C. If the party posting the completion bond requires more than one (1) year from the date of posting of the completion bond to complete the required improvements, the amount of the completion bond may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of the completion bond or to an amount not exceeding one hundred and ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above procedure.

§ 188-210. Development agreement.

A. Prior to a developer and/or landowner beginning construction of a subdivision or/and land development, the Board of Supervisors shall require that the developer and/or landowner 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.

§ 188-211. Supplemental approvals.

A. 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.

§ 188-212. Final plat.

A. Upon approval of a final plat by the Township, the developer and/or landowner shall, within ninety (90) calendar days of such final approval or the date the approval of the Board of Supervisors is noted on the plat, whichever is later, record such plat in the office of the Allegheny County Recorder of Deeds. The Allegheny County Recorder of Deeds shall not accept any plat for recording, unless such plat officially noted the approval of the Planning Commission and Board of Supervisors and the review of the Allegheny County planning agency or its designee.

- B. In the event that the plan has not been recorded within the required ninety (90) calendar days, the Chairman of the Board of Supervisors and the Chairman of the Planning Commission 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 previously granted approval and that all requirements of this Chapter regarding posting of a complete plan is submitted for reinstatement of approval within ninety (90) calendar days following the expiration of the original ninety (90) calendar days from the date of final approval.
- A. C. Any request for final approval, which is submitted after one hundred eighty (180) calendar days from the date of the original granting of final approval, shall be required to resubmit an application for final approval in conformance with the requirements of § 188-11 Subsection.
- D. Upon recording of the final plat in the office of the Allegheny County Recorder of Deeds, the developer and/or landowner shall deliver to the Township two (2) paper prints of the final plat as recorded. In addition to the two (2) paper prints, the applicant must submit one (1) mylar and one (1) copy of the final plat in an electronic format compatible with the Township's geographic information system (GIS).
- E. 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
- F. Said deposit shall be returned to the applicant when the Township receives the two (2) signed and recorded paper prints of the final plat, the one (1) mylar and the one (1) electronic copy, or when the applicant has officially withdrawn the application.

⁵ Editor's Note: The current deposit resolution is on file in the Township offices.

Article III
Application Requirements

§ 188-300. Requirements overview.

- A. Based upon the application submission requirements specified in Article III 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 § 188-301 through § 188-318. § 188-301 through §188-312 generally applies to preliminary applications. § 188-313 through § 188-318 generally applies to final applications.

§ 188-301. Preliminary plat.

- A. A preliminary plat, containing the following information, shall be provided to the Township:
- (1) 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.
 - (2) The proposed name of the subdivision or land development.
 - (3) 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.
 - (4) 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.
 - (5) The names of all adjoining property owners.
 - (6) The proposed street layout in the subdivision indicating whether the streets are proposed to be public or private.
 - (7) 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.
 - (8) Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semipublic or community purposes, if any.
 - (9) A legend of symbols, lines and appropriate explanatory notes.
 - (10) Front yard, side yard and rear yard bufferyard lines

- (11) Zoning classification of the area to be developed and/or subdivided.
- (12) The graphic scale, north arrow and application date.
- (13) Existing and proposed easements including locations, widths and purpose.
- (14) A location map showing the subdivision name and location; major existing thoroughfares related to the subdivision, including the distance there from. The location map shall also include a title, graphic scale and north arrow.
- (15) Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.
- (16) 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.
- (17) Proposed public improvements. The size of each should be shown and the location of or distance to each existing utility indicated.
- (18) The existing platting 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 two-hundred (200) feet of the site shall be shown.
- (19) Existing watercourses, wetlands and other significant natural features, including tree lines.
- (20) Areas subject to periodic flooding, as identified on the current Official Map for the Township issued by the Federal Insurance Administration.

§ 188-302. Topographical survey.

- A. Contours shall be illustrated at intervals of elevation of not more than five (5) feet where the slope is greater than ten percent (10%) and at intervals of not more than two (2) feet where the slope is ten percent (10%) or less.

§ 188-303. Preliminary slope stability investigation.

- A. 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 with respect to cut and fill slope construction. It should be an aid to developing conceptual site grading and development plans. Adequate test borings extending to sufficient depths to evaluate general subsurface conditions at the site should be performed. All borings should extend at least to bedrock surface; sufficient borings should procure adequate rock cores to evaluate anticipated deep cuts for site development.

- B. Standard penetration tests (SPTs) should be conducted in all test borings at no greater than three (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.
- C. Groundwater encountered in each test boring should be recorded during drilling operations and twenty-four (24) hours after completing each boring.
- D. 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 § 188-302.
- E. 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.
- F. A written report prepared and signed by the professional geo-technical engineer licensed in the Commonwealth of Pennsylvania performing the preliminary 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 § 188-303 Subsection D. The report should also include preliminary geo-technical engineering recommendations regarding apparent limitations/constraints on grading for land development, including apparent stable grades for proposed cut slopes and fill embankments. 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.

- G. The amount of buildable area as defined in this Chapter and Chapter 208, Zoning may be adjusted pending upon the results of the preliminary slope stability investigation and pending Township approval.

§ 188-304. Comprehensive slope stability investigation.

- A. 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. 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 eight (8) feet or greater in height and will be graded to a slope steeper than four (4) horizontal to one (1) vertical (4:1). Sufficient borings should be located in cut slope areas supporting roads or structures, or that is greater than six (6) feet in height and will be graded to a slope steeper than four and one-half (4.5) horizontal to one (1) vertical (4.5:1). The borings should extend at least to bedrock surface, but must also extend to a depth of at least five (5) feet beyond the anticipated cut depth.
- B. Standard penetration tests (SPTs) should be conducted in all test borings at no greater than three (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.
- C. Groundwater encountered in each test boring should be recorded during drilling operations twenty-four (24) hours after completing each boring.
- D. 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 § 188-302) that includes existing contours and proposed site grading contours.
- E. 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; types and descriptions of geomaterials encountered; comments or

notes regarding voids, boulders, obstructions, or any other unusual subsurface conditions encountered.

- F. A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative slope stability 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 analysis must be based on a method accepted by the geo-technical engineering community, and that has been published in an accepted engineering text book, journal, or proceedings. 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 $FS \geq 1.5$, 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.
- G. The written report, prepared and signed by the professional engineer performing the slope stability 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 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 D. With respect to slope stability, the report should also include 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 generally be reviewed by the Township Engineer and shall provide a summary recommendation to the Planning Director and the Planning Commission.

§ 188-305. Site conditions report.

- A. The applicant shall describe the following existing characteristics about the site proposed for development:
- (1) Total site acreage.
 - (2) Existing zoning district(s), land use(s) and covenants.

- (3) 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
- (4) Relationship of proposed subdivision 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.
- (5) 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.
- (6) 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.
- (7) A copy of the option agreement or certificate of title shall be submitted as evidence of the applicant's interest in the property.

§ 188-306. Phase one environmental assessment (reserved).

§ 188-307. Buildable area analysis.

- A. A buildable area analysis shall be provided in accordance with Article III of Chapter 208, Zoning.

§ 188-308. Land development plan.

- A. A land development plan shall be provided to the Township, containing the following information.
 - (1) Drawing scale.
 - (2) North arrow.
 - (3) The proposed use, location, area, height and bulk of all proposed structures and dimensions of all yards.
 - (4) Preliminary building floor plan(s) including square footage of development, types of rooms, door locations, window locations and service area(s).

- (5) The layout of parking areas and a computation of the number of parking spaces and fire lanes to be provided in accordance with Chapter 208, Zoning.
- (6) Location, size and specifications for private improvements such as curbs, sidewalks, driveways, parking areas, landscaping strips or planters, wheelstops and the like.
- (7) Street plan indicating street right-of-ways and cartway widths, curbs, sidewalks and connections to existing streets.
- (8) Location and specifications for lighting of parking areas and walkways.
- (9) If lots in the plan are to be sold or rented, lot lines (scale dimensions) lot widths, lot areas in square feet and setback lines from adjacent streets.
- (10) Preliminary locations of sanitary sewer, water and gas lines and their connection(s) to existing systems.
- (11) Storm drainage structures, including storm sewers, culverts, inlets, easements, diversion terraces, debris collection basins, etc.
- (12) Grading to show existing contours to remain, new contours and contours to be altered at two (2) foot intervals.
- (13) 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.
- (14) Divisions of the property into the several phases for development, indicating the boundaries of each phase and the net residential density and number of dwelling units in each phase.
- (15) Dates of preparation and revisions to the plan.
- (16) Evidence of preparation by a registered architect, landscape architect or engineer. A review of the plan may require additional investigation and reports for approval.

§ 188-309. Building elevation drawings.

- A. Building elevation drawings shall be provided to the Township, containing the following information. A plan drawn to scale showing:
 - (1) Preliminary front, rear and side perspectives of all proposed buildings including building's architectural features, exterior building materials, colors and/or finishes,

- (2) 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.
- (3) Spot elevations designating the existing and proposed grading.

§ 188-310. Conceptual landscape plan.

- A. A conceptual landscape plan shall be provided to the Township, containing the following
 - (1) Drawing scale.
 - (2) North arrow.
 - (3) Approximate location and spacing of all proposed plant material with typical dimensions by species.
 - (4) Botanical and common names of all plant species.
 - (5) Indication of plant size to be installed by species.
 - (6) Quantities of species.

§ 188-311. Stormwater management statement.

- A. A stormwater management statement shall be provided to the Township and shall contain the following information.
 - (1) Total square footage of pervious and impervious surface of proposed development.
 - (2) Preliminary calculations of needed stormwater detention and or retention quantities.
 - (3) 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.
 - (4) Methods, standards and rates of release to be used in the design of stormwater management facilities.
- B. The maintenance of the stormwater facility shall be outlined and the responsible party shall be identified.

§ 188-312. Traffic impact study.

- A. Any land development or subdivision, or change in use, which will generate, on the average, one hundred (100) trips in addition to the adjacent roadways' peak hour volumes 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 studies of similar uses acceptable by the Township.
- B. The Township may require a traffic impact study for developments or changes in uses generating less than one-hundred (100) trips in addition to the adjacent roadways' 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 development or change in use was incorporated as part of a previously approved traffic impact study.
- C. Traffic impact study scope. Prior to beginning a traffic impact study, the applicant shall submit a proposed scope of services to the Planning Director for review and approval. The traffic impact study shall include the following if appropriate as determined by the Township:
 - (1) A brief description of the proposed project in terms of land use and magnitude.
 - (2) An inventory and analysis of existing roadway and traffic conditions in the site environs including:
 - (a) Roadway network and traffic control.
 - (b) Existing traffic volumes in terms of peak hours and average daily traffic (ADT).
 - (c) Planned roadway improvements by others.
 - (d) Intersection levels of service.
 - (e) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.
 - (3) Proposed site-generated traffic volumes in terms of:
 - (a) Peak hours and ADT (by development phase if required).
 - (b) Arrival/departure distribution including method of determination.
 - (c) Site traffic volumes on study roadways.
 - (4) An analysis of future traffic conditions including:

- (a) 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.
 - (b) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to ten (10) years beyond the expected opening year of the development or change in use.
 - (c) 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.
 - (d) Intersection levels of service.
 - (e) A pavement analysis or roadways which are projected to experience significant increase in ADT volumes off-site.
 - (f) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.
 - (g) When access is onto a state road, the analysis of future conditions shall be consistent with PennDOT requirements.
- (5) 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.
- (a) Traffic capacity LOS shall be based upon future design year analysis.
 - (b) 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.
 - (c) 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.
 - (d) 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.

- (6) A description and analysis of the proposed access plan and site plan including:
 - (a) Access plan including analysis of required sight distances using PennDOT criteria and description of access roadway, location, geometric conditions and traffic control.
 - (b) On-site circulation plan showing parking locations and dimension, loading access circulation roadway and traffic control.
- (7) Traffic circulation mitigating action plan shall include:
 - (a) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
 - (b) Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.
- D. Traffic control devices. Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign at or near the site, the developer and/or landowner shall be responsible for contributing the pro rata share of the cost of all said devices and signs attributable to the proposed development.
- E. Other traffic improvements. Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study identifies the need for additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements, the developer and/or landowner shall be responsible for contributing the pro rata share of the cost of all said improvements attributable to the proposed development.

§ 188-313. Infrastructure demand statement.

- A. The infrastructure demand statement shall be submitted to the Township, containing the following information:
 - (1) Pre-development data for overall Township demand.
 - (a) Estimated gallons of sanitary sewage created per average day.
 - (b) Estimated gallons of potable water consumed/utilized per average day.
 - (c) Estimated number of school age children.
 - (d) Estimated total residents and/or employees.

- (2) Post-development data for overall Township demand.
 - (a) Estimated gallons of sanitary sewage created per average day.
 - (b) Estimated gallons of potable water consumed/utilized per average day.
 - (c) Estimated number of school age children.
 - (d) Estimated total residents and/or employees.

§ 188-314. Final plat.

- A. The final plat shall be provided to the Township in an accurate and final form appropriate for recording. The final plat shall clearly delineate the following:
 - (1) Accurate boundary lines, with dimensions and bearings.
 - (2) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat.
 - (3) Street names.
 - (4) Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines, which join these curves that are non-radial or non-tangential, should be so noted.
 - (5) Street lines with accurate dimensions in feet and hundredths of feet, with angles to the nearest one (1) minute' of street and lot lines.
 - (6) Lot numbers, house numbers as provided by the Township and lot dimensions.
 - (7) Easements for public improvements and any limitations on such easements.
 - (8) Accurate dimensions of any property to be reserved for public, semipublic or community use.
 - (9) Location, type and size of all monuments and lot markers in accordance with the standards and requirements of § 188-400 of this Chapter and an indication of whether they were found or set.
 - (10) The name of the subdivision or land development.
 - (11) The names and addresses of the developer and, if the developer is not the landowner, the names and addresses of the landowner.
 - (12) The north arrow, graphic scale and date.

- (13) Certification and seal by a registered engineer or surveyor to the effect that:
 - (α) 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.
 - (b) All surveying requirements of this Chapter have been fully complied with indicated thereon actually exist and their location, size and material are correctly
- (14) Certification and seal by a registered professional engineer regarding compliance with all engineering requirements of this Chapter.
- (15) Certification of the dedication of streets and other property.
- (16) Approvals.
 - (a) For simple subdivisions, a place on the plat for approval by the Board of Supervisors, the Township Engineer, the Allegheny County planning agency or its designee and the Municipal Authority Manager.
 - (b) For all other approvals, place on the plat for approval by the Board of Supervisors, the Township Engineer, the Allegheny County planning agency or its designee and the Municipal Authority Manager.
- (17) Final building lines.
- (18) 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 Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).⁶

§ 188-315. Construction plans for public improvements.

- A. Construction plans for public improvements prepared by a registered engineer drawn on sheets measuring twenty-four by thirty-six (24 x 36) inches, containing the following:
 - (1) Conformity with the design standards specified in Chapter 188 Article V, Design Standards, and the Township's Construction Standard Details.
 - (2) Plans in profile of each street in the plan and the intersection of each street in the plan for at least two-hundred (200) feet beyond the limits of the plan.

⁶ Editor's Note: See 36 P.S. ~ 670-101 et seq.

- (3) At least three (3) cross sections at intervals not to exceed one-hundred (100) feet and extending fifty (50) feet on each side of the street center line or twenty-five (25) feet outside of the street right-of-way, whichever is greater.
- (4) All drainage easements over private property.
- (5) The location of all necessary sewers, manholes and catch basins.
- (6) The top and invert elevation of each inlet and manhole, together with the grade, size and material of each sewer line.
- (7) 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.
- (8) All pipe sizes and distances shown by plan and profile.
- (9) The location of each sanitary sewer wye as proposed for installation.
- (10) Areas set aside for underground utilities.

§ 188-316. Stormwater management plan.

- A. A plan to scale and computations, prepared in accordance with Chapter 180, Stormwater Management.

§ 188-317. Erosion and sedimentation control plan.

- A. 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.

§ 188-318. Covenants and restrictions.

- A. Documentation of all governing roles and responsibilities shall be provided to the Township.

§ 188-319. Zoning hearing board approval of variances.

- A. Any applications that propose lot consolidations, lot revisions and/or land development that requires variances in accordance with Chapter 208, Zoning, the applicant shall provide written confirmation of the Zoning Hearing Board's approval of such variances.

§ 188-320. 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 one inch equals one hundred feet (1" = 100') with notations, containing the following information shall be provided to the Township.
 - (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 eighteen (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 feature 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 one hundred (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 include the following:
 - (a) Quantity of residential dwelling units and/or square footage of non-residential 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 twelve (12) inches or more, slopes greater than fifteen percent (15%), 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.

- (1) A narrative or list outlining the general palette of building materials and processes in accordance with the current Moon Township Building Code shall be provided to the Township.

ARTICLE IV
Required Improvements

§ 188-400. Survey markers.

- A. Permanent concrete or durable stone monuments thirty-six by four (36 x 4) inches with an eighteen (18) inch iron pin projecting one-fourth (1/4) inch above the ground shall be set at all 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.

§ 188-401. Utilities.

A. Utilities

- (1) Each lot shall be served by public water and public sanitary sewers and the developer and/or landowner shall be responsible for entering into a developer's and/or landowner's agreement with the Moon Township Municipal Authority or its assigns 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 in accordance with the Design Standards of this Article and the Township Construction Standard Details. If required by § 188-507, 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 agencies' specifications and locations in accordance with the Township's Construction Standard Details. All installations shall be made prior to the paving of the street.

§ 188-402. Streets.

- A. Each single-family and two-family residential lot shall have frontage on a public street, as defined by this Chapter. The developer and/or landowner shall construct the street in

accordance with Article V, Design Standards and the Township's Construction Standard Details, unless an exception or modification to this requirement is granted in accordance with the provisions of Article III, Application Requirements. All multi-family and non-residential lots shall have access to a public street by means of a Township-approved right-of-way.

§ 188-403. Sidewalks.

- A. Purpose. The Township seeks to insure that adequate provision of sidewalks and multi-purpose 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, multi-purpose 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.
- B. 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 Township's Construction Standard Details 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:
 - (1) All major land developments.
 - (2) All existing non-residential development additions or expansions to structures where the addition or expansion results in an increase of more than twenty-five percent (25%) value of the structure.
- C. For each phase of construction within an approved minor 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 buildout. 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.
- D. Multi-purpose trails in lieu of sidewalk construction. Multi-purpose trails may be proposed as a substitute for required sidewalks when:
 - (1) The trail being proposed is designed for joint use by bicyclist and pedestrians.
 - (2) The trails being proposed provide users equal or greater safety from vehicles.

- (3) The trails being proposed provides equal or greater opportunities for pedestrian circulations.
 - (4) 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.
 - (5) All multi-purpose trails shall be constructed in accordance with the standards set forth in the Township standard details.
- E. 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 (1) or more of the following conditions exist:
- (1) 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.
 - (2) Where the District Engineer of PennDOT recommends in writing that no sidewalk be constructed and the Township agrees.
 - (3) 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, Solicitor or Manager) exists which make it impractical or not feasible to construct a sidewalk.
 - (4) 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.
- F. 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.
- G. 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 five (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 be become funds of the account. In the event that the Township does not expend the funds within the five (5) year

time frame, it shall return the same to the developer and/or landowner plus all interest earned.

§ 188-404. Street lighting.

A. For the public's safety and convenience, the developer and/or landowner shall install street lighting of the following types approved by the Township and on poles prescribed by the Township on all public and private streets:

(1) On arterial and collector streets:

(a) Duquesne Light Standard HPS cobra head high-pressure sodium vapor fixtures.

(2) On local streets:

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

(3) On trails located within the Greenways and Trail Zoning Overlay.

(a) Reserved.

B. The developer and/or landowner shall install lighting in accordance with the Township Construction Standard Details. The developer and/or landowner shall assume the cost of the lights, poles and installation.

§ 188-405. Street signs.

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

ARTICLE V
Design Standards

§ 188-500. Compliance required.

- A. All applications for subdivision and land development shall conform to the standards set forth in this Article. The standards specified in this Article are minimum design requirements.

§ 188-501. Review.

- A. The Township Engineer shall review all applications for technical compliance with these Design Standards and the Township's Construction Standard Details. The Township Engineer shall provide a written report containing his or her review as required by Article VI, Inspection and Acceptance of Improvements.

§ 188-502. Land development.

- A. Slope of land.
 - (1) No land shall be graded, cut or filled except in compliance with the requirements of the Chapter 88, Erosion and Sediment Control, and the buildable area analysis requirements defined by Article III of Chapter 208, Zoning.
- B. Stripping of topsoil.
 - (1) 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 Chapter 88, Erosion and Sediment Control.
- C. Major excavation, grading and filling.
 - (1) 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 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.

- (2) 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:
 - (a) The existing contours of the lot(s).
 - (b) Proposed contours of the lot(s) after completion of the excavation, cuts, grading and filling.
- (3) The grading plan shall be at a scale of one inch to fifty feet (1"=50') or larger. The plan's contour interval shall be as follows:
 - (a) Not more than five (5) foot intervals where the slope will be greater than ten percent (>10%)
 - (b) Not more than two (2) foot intervals where the slope will be equal to or less than ten percent (>10%).
- (4) The Township Engineer shall not approve any plan in which any such excavation, grading, cutting and filling will result in a slope exceeding two (2) feet of horizontal distance for each vertical rise of one (1) foot (2:1) between adjoining lots or tracts of land, except where adequate provision is made to prevent slides and erosion. Such an exception may be approved if the Township's Zoning Hearing Board has granted a variance prior to construction.

D. Planting and cutting of trees; removal of debris.

- (1) Planting and cutting of trees shall comply with the vegetation preservation and landscaping provisions of Chapter 208, Zoning.
- (2) At the request of the Planning Commission 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 towards streets or adjacent lots to prevent washing and erosion.
- (3) 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.

E. Flood-prone areas.

- (1) Land identified as flood-prone on maps issued by the Federal Insurance Administration shall be subject to the regulations of the National Flood Insurance Program and shall comply with Chapter 108, Flood Damage Prevention.

§ 188-503. Streets.

A. Layout.

- (1) 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.
 - (a) Local streets shall be laid out so as to discourage through traffic.
 - (b) Collector streets should be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets.

B. Intersections.

- (1) Intersections involving the crossing of more than two (2) streets shall be prohibited. Right angle intersections shall be used whenever practical, but in no case shall the angle of intersection be less than sixty degrees (60°). Street offsets of less than one hundred-fifty (150) feet shall not be permitted.

C. Topography.

- (1) 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.

D. Grading.

- (1) The shoulders shall be graded to the full width of the right-of-way, and provisions shall be made for protection of slopes beyond the right-of-way.

E. Street grades.

- (1) Minimum and maximum grades shall be provided on all streets in accordance with the design standards specified in the Street Design Standards of this Chapter, unless a modification is granted under § 188-700 of this Chapter.
- (2) Grades shall be measured along the center of the street.
- (3) Vertical curves shall be used in changes of grade exceeding one percent (1%) and should be designed in accordance with the Street Design Standards of this Chapter.
- (4) Within fifty (50) feet of all sides of an intersection, no grades shall exceed the design standards specified in the Street Design Standards of this Chapter. The grade of actual intersections shall not exceed one percent (1%) in any direction.

F. Right-of-way and cartway paving widths.

- (1) Minimum right-of-way and cartway paving widths shall be provided in accordance with the design standards specified in the Street Design Standards of this Chapter. All streets shall be paved in accordance with Township's Construction Standard Details.

G. Additional right-of-way and cartway paving widths.

- (1) The Township may request additional right-of-way and cartway paving widths where necessary for public safety and convenience, for the roadway expansion for parking in commercial and residential areas and for existing roads that do not comply with current standards. The land development plan's approval, however, shall not be conditioned upon dedication of the additional right-of-way.

H. Cul-de-sacs.

- (1) The Township will not approve a cul-de-sac when a through street is practical. A cul-de-sac shall not be more than nine hundred (900) feet in length without providing an intermediate turnaround every nine hundred (900) feet, unless the Township Engineer waives a modification or exception to this requirement. 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 A.⁷

I. Temporary turnarounds.

- (1) 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 sixty (60) feet and the outer paving radius of the temporary turnaround shall be twenty-five (25) feet.

J. Visibility.

- (1) No fence, hedges, shrubbery, walls, planting (other than trees and grass) or similar obstructions shall be located within the right-of-way; no such obstruction shall obscure visibility at any intersection.
- (2) A clear sight triangle, as defined by this Chapter, shall be maintained free of any obstructions at intersections. The sides of the clear sight triangle shall be measured along the center line of the intersecting streets and shall meet the minimum standards specified and illustrated in Appendix A.⁸

⁷ Editor's Note: Said Appendix is included at the end of this Chapter.

⁸ Editor's Note: Said Appendix is included at the end of this Chapter.

K. Street names.

- (1) All new street names shall be approved by the Township Police Chief and Fire Marshal. Names of new streets shall be sufficiently different in sound and spelling from names of existing Township streets so as not to cause confusion.
- (2) A street that is planned as a continuation of an existing street shall bear the same name.

L. Entrance islands.

- (1) 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's 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 agreement for the development, deposit a minimum of five thousand dollars (\$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 ninety percent (90%) of the lots in the development have been built upon.

§ 188-504. Service streets.

- A. Service streets, as defined by this Chapter, shall not be permitted in residential developments but may be provided in all non-residential developments where needed for loading, unloading or secondary access. Service streets shall meet the minimum design standards specified in this Chapter.

§ 188-505. Easements.

- A. Easements for sanitary sewers, waterlines and access to stormwater management facilities dedicated to the Township shall be required to have a minimum width of twenty (20) feet. Where a subdivision 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 twenty (20) feet.
- B. Easements for shallow buried utilities, such as cable television, telephone, electric or gas distribution facilities, shall be a minimum of five (5) feet to fifteen (15) feet, as required by the Township Engineer.

§ 188-506. Lots.

The following standards shall apply to all proposed subdivided or developed lots in accordance with this Chapter:

A. Lot Area.

- (1) Minimum lot areas shall conform to the requirements of Article II of Chapter 208, Zoning.

B. Frontage.

- (1) All subdivided lots shall have frontage along and primary access from the right-of-way of a public street. Lot frontage widths shall conform to the requirements of Article II, Chapter 208, Zoning. For lots on cul-de-sac, turnarounds or curves, the minimum lot width shall be determined at the minimum required front building line.

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 (1) 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 (1) frontage; or where
- (2) A reverse-frontage lot is required to minimize or eliminate substandard access to arterial or collector roads in accordance with Chapter 184, Driveway Permits.

D. Side lot lines.

- (1) Whenever practicable, the side lines of a lot shall be at right angles or radial to the right-of-way lines of streets.

E. Building lines.

- (1) Building lines of lots shall conform to the minimum requirements of Article II of Chapter 208, Zoning, and shall be shown on the final plat and land development plan.

F. Grading.

- (1) 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.

G. Driveways.

- (1) 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 slag or crushed aggregate at least two (2) inches thick for a distance of

thirty (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's Construction Standard Details.

- (2) All other driveways shall be paved in accordance with the Township's Construction Standard Details and/or the Pennsylvania Department of Transportation (PennDOT) Design Manual, Part 2.
- (3) No driveway shall have a slope of more than twelve percent (12%). Driveways may extend from the right-of-way line of the street to the cartway of the street, but shall not change the grade or contour of the street right-of-way. 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.

H. Accessibility.

- (1) Every lot shall be accessible to emergency and public safety vehicles.

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.

§ 188-507. Stormwater management.

- A. Stormwater management facilities shall be provided for all subdivisions and land developments in accordance with the requirements of Chapter 180, Stormwater Management. Unless specifically exempted by Chapter 180, Stormwater Management, a stormwater management plan shall be approved by the Township prior to the commencement of any earth-disturbing activity.

§ 188-508. Drainage facilities.

A. Size and grade.

- (1) Storm drains shall be adequate for the anticipated runoff when the land development is fully developed. The minimum diameter of storm sewers shall be fifteen (15) inches, and the minimum grade shall be one percent (1%), unless approved by the Township Engineer.

B. Manholes.

- (1) For pipe sizes of twenty-four (24) inch diameter or less, manholes shall be spaced at a maximum of four hundred (400) feet; for pipe sizes larger than twenty-four (24) inches diameter, the maximum distances between manholes shall be six hundred (600) feet.
- (2) Manholes shall be installed at all points of abrupt changes in alignment and grade.
- (3) Inlets may be substituted for manholes where practical.
- (4) Manholes shall not be permitted to be constructed at a depth below finished grade greater than fifteen (15) feet.

C. Inlets.

- (1) A developer and/or landowner shall install inlet types shown in the Township's Construction Standard Details. Inlets shall be placed on the tangent and not on the curved portions of street intersections.
- (2) A developer and/or landowner shall not be permitted to construct inlets at a depth greater than seven (7) feet below finished grade.

D. Castings.

- (1) Manholes and inlet castings shall be installed as indicated in the Township's Construction Standard Details.

E. Stormwater roof drains.

- (1) Stormwater roof drains shall be discharged into an on-lot detention sump. The sump's size and design shall comply with the Township's Construction Standard Details.

F. Unnatural drainage.

- (1) 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 adjacent property owners' approval in writing. The Township's approval of plans does not authorize or sanction drainage affecting adjoining properties.

G. Watercourses.

- (1) 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, is obtained from the Board of Supervisors.
- (2) A permit must be obtained from the Pennsylvania Department of Environmental Protection (DEP) for construction or changes in a watercourse that drains an area of more than three hundred-twenty (320) acres.

H. Bridges and culverts.

- (1) All bridges and culverts shall be designed to support expected loads and to carry expected flows and shall be constructed to the full width of the right-of-way. Bridges and culverts shall be designed to meet current standards of the Pennsylvania Department of Transportation (PennDOT).

§ 188-509. Sanitary sewers.

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.
- (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 right-of-way shall be inspected by the Township.

B. Minimum size and grade.

- (1) The minimum diameter of sanitary sewers shall be eight (8) inches and the minimum grade shall be five-tenths percent (0.5%).

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, except for garages that are accessory to a residential dwelling unit and may be connected to the dwelling unit's lateral.

§ 188-510. Water system.

A. Water mains.

- (1) All water mains shall have a minimum diameter of six (6) inches, unless written approval is obtained from the Township Engineer and reviewed by the Board of Supervisors.
- (2) 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.

B. Installation.

- (1) 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.
- (2) All water mains and house connections shall be made prior to the paving of the street and shall be thoroughly tamped.
- (3) The Township shall inspect all street crossings within the public right-of-way.

C. Hydrants, gate valves and meters.

- (1) Fire hydrants, gate valves and meters shall be of the type and design required by the Township.
- (2) Fire hydrants shall be located at accessible points and located to give adequate fire protection as outlined by the Board of Underwriters.
- (3) Gate valves shall be located as directed by the Township Engineer.

§ 188-511. Testing.

- A. 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.

§ 188-512. Historic Design Standards (reserved).

ARTICLE VI
Inspection and Acceptance of Improvements

§ 188-600. Progress inspections.

- A. The developer and/or landowner shall notify the Planning Director at least seventy-two (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 a Township-designated Inspector at least seventy-two (72) hours prior to the time that the following required progress inspections are desired:
- (1) Inspection of subgrade of streets prior to laying of base.
 - (2) Inspection of base as it is being constructed and prior to final paving of streets.
 - (3) Inspection of paving of streets while they are being constructed.
 - (4) Inspection on installation of storm sewers and drainage facilities as they are being constructed.
 - (5) Inspection of all utilities street crossings within the public right-of-way.
 - (6) All grading being performed according to Chapter 88, Erosion and Sediment Control.
- B. A Township-designated Inspector shall prepare a written report of all inspections in duplicate on forms provided by the Township. One (1) copy shall be retained by the Township and one (1) copy shall be retained by the Township Engineer.

§ 188-601. Notice of completion.

- A. 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 rerecorded 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 bond.
- B. When the developer and/or landowner has completed the required public improvements in a plan, the developer and/or landowner shall notify the Township, in writing, by certified or registered mail. Within ten (10) days of the receipt of such notification, the Township

Engineer shall inspect the public improvements in the plan to determine compliance with Article V, Design Standards, and the Township's Construction Standard Details.

- C. Upon completion of the public improvements in a land development plan, the developer and/or landowner shall file paper copies as well as electronic-based as-built plans and profiles of the public improvements, as constructed, to the Township within ten (10) days of the mailing of the notice of completion. Three (3) paper copies of the as-built plans shall be folded into a final size of eight and one-half by eleven inches (8 ½" x 11"). One (1) set of mylar as-built plans shall also be supplied to the Township. The electronic file of the as-built plans shall be provided in a format compatible with the Township's geographical information system (GIS) unless otherwise specified by the Planning Director, Building Inspector or Township Engineer.

§ 188-602. Final inspection.

- A. Township Engineer's report. The Township Engineer shall perform a final inspection of the public improvements in the plan.
 - (1) Within forty (40) days of receiving the notice of completion, the Township Engineer shall file a report, in writing, with the Board of Supervisors indicating approval or rejection of the improvements, either in whole or in part, and, in the case of rejection, shall provide a statement of the reasons for such rejection. The Township Engineer shall promptly mail a copy of said report to the developer and/or landowner by certified or registered mail.
- B. Notification of developer and/or landowner by the Board of Supervisors.
 - (1) The Board of Supervisors shall notify the developer and/or landowner, within fifteen (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 improvements.
- C. Failure of Township to comply.
 - (1) If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained in this Article, all public improvements will be deemed to have been approved and the developer and/or landowner shall be released from all liability pursuant to the completion bond posted with the Township.
- D. Completion of rejected public improvements.
 - (1) If any portion of the 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 completion, the same procedure of notification, inspection and approval as outlined in this Article shall be followed.

E. Developer's rights.

- (1) Nothing in this Article, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board of Supervisors or the Township Engineer.

§ 188-603. Release of completion bond.

- A. Upon approval of all of the public improvements in the plan, the developer and/or landowner shall be released from any liability pursuant to the completion bond posted to guarantee the proper installation of those improvements.
- B. From time to time, during the installation of the public improvements, the developer and/or landowner may request partial release of the completion bond 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 forty-five (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.
- C. 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 ten percent (10%) of the estimated cost of such improvements until such time as all improvements have been installed and the completion bond is released in its entirety.

§ 188-604. Acceptance of public improvements.

- A. 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 thirty (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.
- B. At the regular meeting, the Board of Supervisors shall enact an ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the maintenance bond required by § 188-605.
- C. 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 an ordinance of the Township, duly enacted and advertised in accordance with law.

§ 188-605. Maintenance bond.

- A. 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 bond, 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 Article V, the Township's Construction Standard Details and the specifications of the final plat defined by § 188-314.
- B. The term of the maintenance bond shall be for a period of eighteen (18) months from the date of the acceptance of the public improvements by the Board of Supervisors. The amount of the maintenance bond shall be fifteen percent (15%) of the actual cost of installation of the public improvements.

§ 188-606. Enforcement.

- A. In the event that the 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 bond, the Board of Supervisors shall have the power to enforce the completion bond by appropriate legal and equitable remedies provided by the laws of the Commonwealth of Pennsylvania. If proceeds from the completion bond are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such completion bond, 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 bond 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 bond and not for any other municipal purpose.

§ 188-607. Private improvements.

- A. Approval of private improvements or common amenities, as defined by this Chapter, for which a completion bond has been required and final release of that completion bond shall only indicate compliance with the specifications shown on the approved plan. Such approval and release of the completion bond 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. A maintenance bond shall not be required to be posted for private improvements or common amenities upon release of the completion bond.

ARTICLE VII
Modifications

§ 188-700. Hardship.

- A. 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.

§ 188-701. Equal or better specifications.

- A. 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.

§ 188-702. Procedure.

- A. Any request for a modification or exception to this Chapter authorized by this Article shall be submitted in writing by the applicant as part of the application for approval of a preliminary or final application, stating the specific requirements of this Chapter that are to be modified and the reasons and justification for the request.
- B. 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.
- C. 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.
- D. 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.

ARTICLE VIII
Administration

§ 188-800. Fees.

A. Application filing fees.

- (1) The Board of Supervisors shall, from time to time, establish application filing fees by resolution.⁹ The application filing fees shall cover the administrative costs associated with processing an application for approval of a subdivision or land development.

B. Application review fees.

- (1) In addition to the application filing fee required by Subsection A 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 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.
- (2) In the event that the applicant disputes the amount of any such review fees, the applicant shall, within fourteen (14) days of the applicant receipt of the bill, 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.
- (3) 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 § 188-801, provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultant whose fees are being disputed.

C. Inspection fees.

- (1) 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

⁹Editor's Note: The current fee resolution is on file in the Township offices

with the ordinary and customary fees charged by the Township Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants.

§ 188-801. Disputes.

- A. In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the 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.
- B. If within twenty (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.
- C. The professional engineer so appointed shall hear such evidence and review such documentation, as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- D. In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the 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 five (5) years.
- E. 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 one thousand dollars (\$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 (1/2) of the fee of the appointed professional engineer.

§ 188-802. Amendment procedure.

- A. 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 thirty (30) days prior to the date fixed for the public hearing on the amendments.

§ 188-803. Appeals.

- A. 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 thirty (30) days of the date of entry of the decision of the Board of Supervisors.

§ 188-804. Remedies.

- A. 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.
- 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 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:
 - (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.

- C. 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.

§ 188-805. Enforcement remedies.

- A. 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 five hundred dollars (\$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 (1) such violation until the fifth (5th) 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.
- B. 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.

§ 188-806. More restrictive provisions to govern.

- A. 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.
- B. 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.

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