

**Township of North Huntingdon  
Westmoreland County**



**Subdivision and Land Development  
Ordinance**

**Ordinance #1011  
Adopted August 16, 2000  
(As amended through January 16, 2019)**

## **ARTICLE 1 GENERAL PROVISIONS**

### **101 TITLE**

This Ordinance shall be known, and may be cited as "The NORTH HUNTINGDON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE".

### **102 REPEALS**

- 102.1 Upon the adoption of these regulations according to law, the SUBDIVISION Regulations of the TOWNSHIP of North Huntingdon adopted as Ordinance #81, October 11, 1956, as amended, are hereby repealed.
- 102.2 Section 914 of Ordinance #765, the Zoning Ordinance, which includes the submission requirements for SITE PLANS shall be repealed upon the adoption of this Ordinance.

### **103 AUTHORITY AND ADMINISTRATION**

103.1 Authority. The Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53, P.S. 10101 et seq. ("MPC") enables and authorizes governing bodies of municipalities to enact a SUBDIVISION AND LAND DEVELOPMENT ORDINANCE to regulate SUBDIVISIONS and LAND DEVELOPMENTS situated within the TOWNSHIP.

103.2 ZONING ORDINANCE control of PLANNED DEVELOPMENTS. In the case of any DEVELOPMENT governed by the PLANNED ECONOMIC DEVELOPMENT and PLANNED RESIDENTIAL DEVELOPMENT provisions of the ZONING ORDINANCE, the applicable provisions of this ordinance shall be as modified by the ZONING ORDINANCE, and the procedures which shall be followed in the approval of any PLAT and the rights and duties of the parties thereto shall be governed by the ZONING ORDINANCE.

103.3 The PLANNING COMMISSION is hereby designated as the reviewing authority of and for the BOARD OF COMMISSIONERS of North Huntingdon TOWNSHIP, and is charged with the duty of making investigations, REPORTS and recommendations on the design and improvement of proposed SUBDIVISIONS and LAND DEVELOPMENTS; and shall submit such REPORTS and recommendations to the BOARD OF COMMISSIONERS for action on the APPLICATION.

### **104 PURPOSE**

- 104.1 This SUBDIVISION AND LAND DEVELOPMENT ORDINANCE is adopted for the following purposes:
- A. To assure SITES suitable for building purposes and human habitation and to provide for the harmonious development of the TOWNSHIP.
  - B. To guide the future growth and development of the TOWNSHIP in accordance with the adopted and amended COMPREHENSIVE PLAN.
  - C. To assure coordination of existing STREETS and highways with proposed STREETS or other features of the COMPREHENSIVE PLAN of the TOWNSHIP.
  - D. To assure adequate open space for traffic, recreation, light and air and for proper distribution of population, thereby creating conditions favorable to the health, safety, morals and general welfare of the citizens.
  - E. To secure equitable treatment of all LAND DEVELOPMENT and SUBDIVISION PLANS by establishing definitions, design standards, PLAN requirements and conditions of acceptance of PUBLIC IMPROVEMENTS by the TOWNSHIP.
  - F. To protect the environment of the TOWNSHIP and reduce the maintenance costs of PUBLIC IMPROVEMENTS by promoting efficient DEVELOPMENT, maintaining minimum standards and regulating DEVELOPMENT in identified FLOODPLAIN areas.

G. To make adequate provision for transportation, water flowage, water supply, DRAINAGE, sanitation, educational opportunities, recreation, protection of the tax base, securing economy in governmental expenditures and the protection of both urban and non-urban needs.

H. To provide opportunities for flexibility within the prescribed design standards consistent with the purposes of preservation of natural resources , topography and hillsides , provision of open spaces for ACTIVE and PASSIVE RECREATION assuring the integrity, stability, and beauty of the TOWNSHIP and the economic value of the land.

I. To maintain the highest level of quality DEVELOPMENT within the TOWNSHIP through the establishment of reasonable standards of design.

J. To establish provisions consistent with those authorized by the Pennsylvania MUNICIPALITIES PLANNING CODE to require DEVELOPERS to pay fees, furnish land and/or establish mitigation measures to ensure that the development provides its fair share of capital facilities needs generated by the DEVELOPMENT.

## **105 INTERPRETATION**

105.1 In the interpretation and application of this SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, the provisions shall be held to be minimum requirements, adopted for the promotion of health, safety, morals and general welfare.

105.2 Conflict with other public provisions. Where any provision of the Chapter is in conflict with any other ordinance, rule or regulation, or other provision of law, the most restrictive provision or that provision imposing the higher standards shall govern.

105.3 Liability. The review or approval of a SUBDIVISION or LAND DEVELOPMENT by the TOWNSHIP in accordance with the provisions of this Chapter shall not constitute liability upon the TOWNSHIP, its officials, or employees.

105.4 This ordinance shall not apply to any LOT or LOTS forming a part of a SUBDIVISION created and recorded prior to the enactment of this ordinance nor is it intended by these regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those inconsistent with these regulations, or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the TOWNSHIP is a party.

## **106 JURISDICTION**

106.1 The provisions of this ordinance shall apply to the area within the boundaries of NORTH HUNTINGDON TOWNSHIP, Westmoreland County, Pennsylvania.

## **107 COMPLIANCE**

107.1 No SUBDIVISION or LAND DEVELOPMENT of any LOT, or PARCEL shall be made; no STREET, sanitary SEWER, STORM SEWER, water main or other IMPROVEMENTS in connection therewith shall be laid out, constructed, opened or dedicated for PUBLIC use or travel, or for the common use of occupants of BUILDINGS ABUTTING thereon, except after approval of PLATS in accordance with the provisions of this SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.

107.2 On and after the effective date of this ordinance, no LOT or LAND in a SUBDIVISION may be sold, no permit to erect any BUILDING in a SUBDIVISION or LAND DEVELOPMENT may be issued unless and until a SUBDIVISION PLAT has been approved and recorded, and until the IMPROVEMENTS required herein in connection therewith have either been constructed or guaranteed as required by this ordinance.

107.3 Nothing in this SUBDIVISION AND LAND DEVELOPMENT ORDINANCE shall be deemed to require the approval of the BOARD OF COMMISSIONERS for the division of land for agricultural purposes in PARCELS of more than ten (10) acres, not involving any new STREET or EASEMENT of ACCESS.

## **108 COMPLIANCE WITH OTHER CODES AND REGULATIONS**

108.1 In addition to complying with the provisions of this ordinance, all SUBDIVISIONS and LAND DEVELOPMENTS within the TOWNSHIP shall comply with all applicable TOWNSHIP Ordinances as adopted or amended, as referenced herein and comply with applicable TOWNSHIP, COUNTY, STATE or Federal. Compliance with said regulations shall be a requirement for any approval under the provisions of this ORDINANCE.

108.2 Any violation of applicable TOWNSHIP, COUNTY, STATE or Federal regulations or permits shall be deemed a violation of this ORDINANCE and shall be subject to enforcement procedures authorized by this ORDINANCE.

## **109 SEVERABILITY**

109.1 Should any section or provision of this ORDINANCE be declared by a court of competent jurisdiction to be unconstitutional or invalid, such DECISION shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

## **110 ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENTS**

110.1 The TOWNSHIP BOARD OF COMMISSIONERS may from time to time amend, add to, change, or repeal in its entirety this SUBDIVISION AND LAND DEVELOPMENT ORDINANCE. Such amendments shall be enacted in conformance with Section 505 and Section 506 of the MPC.

110.2 From the time an APPLICATION for approval of a PLAT, whether preliminary or final, is duly filed as provided in the SUBDIVISION AND LAND DEVELOPMENT ORDINANCE, and while such APPLICATION is pending approval or disapproval, no change or amendment of the zoning, SUBDIVISION or other governing ordinance or plan shall affect the DECISION on such APPLICATION adversely to the APPLICANT and the APPLICANT shall be entitled to a DECISION in accordance with the provisions of the governing ordinances or PLANS as they stood at the time the APPLICATION was duly filed. In addition, when a preliminary APPLICATION has been duly approved, the APPLICANT shall be entitled to FINAL APPROVAL in accordance with the terms of the approved preliminary APPLICATION as hereinafter provided. However, if an APPLICATION is properly and finally denied, and subsequent APPLICATION shall be subject to the intervening change in governing regulations.

110.3 Where the DEVELOPER has SUBSTANTIALLY COMPLETED the required IMPROVEMENTS as depicted upon the FINAL PLAT within the aforesaid five-year limit, or any extension thereof as may be granted by the BOARD OF COMMISSIONERS, no change of municipal ordinance or plan enacted subsequent to the date of filing of the PRELIMINARY PLAT shall modify or revoke any aspect of the approved FINAL PLAT pertaining to zoning classification or density, LOT, BUILDING, street or utility location.

## **111 APPENDICES**

111.1 Attached to this ORDINANCE are appendices detailing specifications and checklists. These appendices may be changed from time to time by resolution of the BOARD OF COMMISSIONERS as conditions and accepted engineering practices warrant.

## **ARTICLE 2 DEFINITIONS**

### **201 INTERPRETATION**

For the purposes of this Ordinance, the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. The word "shall" is mandatory; the word "may" is permissive; the words "used" or "occupied" include the words "intended, designed", or "arranged to be used" or "occupied", and certain terms or words shall be interpreted as defined in 202, Definitions below.

## 202 DEFINITIONS

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

**90-DAY REVIEW PERIOD:** The period of time, established by the STATE MPC for in which the review and communication of the decision of the BOARD OF COMMISSIONERS shall be made for any APPLICATION. The 90-DAY REVIEW PERIOD commences with the OFFICIAL FILING DATE.

**ABUTTING** - Having a common border with, or being separated from such common border by an ALLEY or EASEMENT.

**ACCESS** - A means of vehicular approach or entry to or exit from a LOT, a SITE or a PARCEL.

**ACCESS POINT** - Any vehicular entrance or exit to a street. The distance between such ACCESS POINTS shall be measured from the termination of one CURB cut to the establishment of an adjacent CURB cut.

**ACTIVE RECREATION-** Recreation that requires construction of fields, courts, and other facilities or any type of recreation that substantially impacts the initial, natural state of a SITE or one which adversely impacts ENVIRONMENTALLY SENSITIVE areas.

**ALLEY** - An ALLEY is also a PRIVATE or PUBLIC STREET primarily designed to serve as secondary ACCESS to the side or rear of LOTS whose principal frontage is on some other street.

**APPLICANT** - An OWNER or DEVELOPER who has filed an APPLICATION FOR DEVELOPMENT, including his heirs, successors and assigns, as the case may be.

**APPLICATION-** The APPLICATION FOR DEVELOPMENT.

**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 the approval of a SUBDIVISION or LAND DEVELOPMENT or for the approval of a PRELIMINARY PLAN or FINAL PLAN.

**APPLICATION FOR FINAL APPROVAL** - The APPLICATION for FINAL APPROVAL of a DEVELOPMENT to be submitted by a DEVELOPER to the TOWNSHIP.

**APPLICATION FOR PRELIMINARY APPROVAL** - The APPLICATION for PRELIMINARY APPROVAL to be submitted by a DEVELOPER to the TOWNSHIP.

**ARTERIAL ROAD** - A PUBLIC ROAD intended to provide for high- speed travel between or within communities or to and from COLLECTOR ROADS. ACCESS is controlled so that only regionally significant land uses may take direct ACCESS to these streets.

**AUTHORITY** - A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164) known as the Pennsylvania "Municipalities Authorities Act of 1945".

**BICYCLE LANE** - A lane at the edge of a ROAD reserved and marked for the exclusive use of bicycles.

**BICYCLE PATH** - A pathway usually separated from the ROAD, designed specifically to satisfy the physical requirements of bicycling.

**BLOCK** - A tract of land or PARCEL entirely surrounded by PUBLIC highways, STREETS, streams, railroad RIGHTS-OF-WAY, cemeteries, public parks, shore lines of waterways or corporate boundary lines of the TOWNSHIP of North Huntingdon or a combination thereof.

**BOARD OF COMMISSIONERS-** The Board of Commissioners of the Township of North Huntingdon.

**BUILDING** - A structure or appendage to a structure intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature, which is permanently affixed to the land; has one or more floors or stories; and is bounded by either LOT LINES or yards. A BUILDING shall not include such structures

as billboards, FENCES, or structures with interior surfaces not normally accessible to human use, such as gas tanks, grain elevators, coal bunkers or similar structures. A BUILDING may accommodate more than one family and have more than one dwelling unit any may be used for residential, commercial, public, or industrial purposes.

CALIPER - A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4.5) feet above natural GRADE.

CAPPED SYSTEM - A completed water supply and/or sewerage system put in place for future use, contingent upon expansion, rather than to meet immediate DEVELOPMENT needs.

CARTWAY - That portion of a street or ALLEY intended for vehicular use. It includes the actual ROAD surface area from CURB to CURB, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no CURBS, the CARTWAY is that portion between the edges of the paved or hard surface width.

CHANGE OF USE – Any use that substantially differs from the previous use of a BUILDING or land. The North American Industry Classification System shall aid in the determination of whether a change of use is substantially different from the previous use.

CHANNEL - The bed and banks of a natural stream which convey the constant or intermittent flow of the stream.

CLEAR SIGHT TRIANGLE - A triangular-shaped land area of unobstructed vision established at STREET intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the SIGHT DISTANCE of motorists entering or leaving the intersection. This area is regulated as lines of sight between points on the STREET CENTER LINES of intersecting STREETS at a given distance from the intersection as defined by PA Motor Vehicle Code Section II.

CODE – The Code of the Township of North Huntingdon as amended.

COLLECTOR STREET - ROADS connecting residential STREETS to the ARTERIAL STREETS or providing ACCESS to NON-RESIDENTIAL USES and STREETS. COLLECTOR STREETS form barriers between neighborhoods and are designed for higher speeds and traffic volumes than are RESIDENTIAL STREETS.

COMPREHENSIVE PLAN - The overall policy guide for the physical DEVELOPMENT of the TOWNSHIP consisting of maps, charts, and textual matter in accordance with the MPC.

CONSTRUCTION - The CONSTRUCTION, reconstruction, renovation, repair, extension, expansion, alteration or relocation of a STRUCTURE, including the placement of MOBILE HOMES.

COUNTY - The COUNTY of Westmoreland, Pennsylvania.

CROSSWALKS - A RIGHT-OF-WAY, municipally authorized, which cuts across a BLOCK to furnish access for pedestrians to adjacent STREETS or properties.

CURB - A vertical or sloping edge of a ROAD, such as a Belgian Block CURB, Barrier CURB, MOUNTABLE CURB or bituminous wedge CURB.

DBH- Diameter at Base Height. The diameter of a tree's trunk at its breast height.

DECISION - Final adjudication of the ZONING HEARING BOARD by reason of jurisdiction under the ZONING ORDINANCE of the TOWNSHIP of North Huntingdon or of appeals from determinations. Decisions shall be appealable to the Court of Common Pleas of Westmoreland County.

DEDICATION - The transfer of property interests from private to PUBLIC ownership for a PUBLIC purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an EASEMENT.

DEP- The Pennsylvania Department of Environmental Protection.

DETAILED CONSTRUCTION DRAWINGS- Drawings that show a level of detail such that they may be reviewed for compliance with all codes and standards adopted and used by the TOWNSHIP or any of its representatives.

DETENTION BASIN - A basin designed to retard STORM WATER runoff by temporarily storing the runoff and releasing it at a predetermined rate. A DETENTION BASIN can be designed to drain completely after a storm event.

DETERMINATION - The final action by the ZONING OFFICER of North Huntingdon TOWNSHIP appealable to the Zoning Hearing Board.

DEVELOPED OPEN SPACE- OPEN SPACE, some of which is developed for ACTIVE RECREATIONAL uses or requiring regular maintenance of landscaping and lawns.

DEVELOPER - Any OWNER, agent of such OWNER or tenant with permission of such OWNER, who makes or causes to be made an APPLICATION FOR DEVELOPMENT.

DEVELOPMENT AGREEMENT - The agreement between the TOWNSHIP and the DEVELOPER which is required for FINAL APPROVAL of an APPLICATION FOR DEVELOPMENT and which shall state all conditions for DEVELOPMENT and shall establish the responsibilities of the parties to the agreement including PERFORMANCE GUARANTEE, sequencing, scheduling, methods of construction and provision of PUBLIC IMPROVEMENTS required prior to release of the PERFORMANCE GUARANTEE.

DEVELOPMENT - The division of a PARCEL of land into two (2) or more PARCELS; the CONSTRUCTION, reconstruction, conversion, structural alteration, relocation, or enlargement of any BUILDINGS; any use or change in use of any BUILDINGS or land; and extension of any use of land or any clearing, GRADING, or other movement of land, for which permission may be required pursuant to this ORDINANCE.

DEVELOPMENT PLAN - The provisions for DEVELOPMENT, including PLANNED RESIDENTIAL DEVELOPMENT, a PLAT of SUBDIVISION, all covenants relating to use, location and bulk of BUILDINGS and other structures, intensity of use or density of DEVELOPMENT, STREETS, ways and PARKING AREAS, OPEN SPACE and PUBLIC facilities.

DRAINAGE - The removal of surface water or groundwater from land by drains, GRADING, or other means.

DRAINAGE SYSTEM - The system through which water flows from the land, including all watercourses, waterbodies and WETLANDS.

DRIP LINE- The area covered by the overhang of a tree's branches.

DRIVEWAY- An area capable of providing or intending to provide vehicular access from a STREET to a BUILDING on a LOT.

DRY LINES - See CAPPED SYSTEM.

EASEMENT - Authorization by a LOT OWNER of the use by another and for a specified purpose of any designated part of his LOT.

ENVIRONMENTAL CONSTRAINTS - Features, natural resources, or land characteristics that are sensitive to IMPROVEMENTS and may require conservation measures or the employment of creative DEVELOPMENT techniques to prevent degradation of the environment, or may require limited DEVELOPMENT, or in certain instances may preclude DEVELOPMENT. This includes all features in the ENVIRONMENTALLY SENSITIVE OVERLAY.

ENVIRONMENTALLY SENSITIVE - Any area within a SITE that reasonably reflects areas incorporated into the ENVIRONMENTALLY SENSITIVE OVERLAY.

ENVIRONMENTALLY SENSITIVE OVERLAY- A mapped area, compiled and maintained by the Planning and Zoning Department, the boundaries of which are composed of STEEP SLOPES, WETLANDS, FLOODPLAINS, and POOR SOILS; and which is regularly updated in accordance with approved PLANS and challenges to the map per section 304.7 of this ORDINANCE.

EROSION - The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

ESCROW - A deed, a bond, money, or a piece of property delivered to a third PERSON to be held by the third PERSON and released to the grantor only upon the fulfillment of a condition.

ESSENTIAL SERVICES - Any public utility corporation or municipal authority including those providing natural gas, electricity, water sewage, telephone or cable to the citizens of North Huntingdon TOWNSHIP.

FEDERAL GOVERNMENT - The government of the United States of America.

FEE SCHEDULE- The current Township of North Huntingdon Fee Ordinance as adopted and amended.

FEMA - The Federal Emergency Management Agency.

FENCE - A fabricated barrier used to enclose an area of land, a LOT or SITE.

FILL - The depositing of land, whether submerged or not, and, gravel, earth, or other materials of any composition whatsoever, as approved by TOWNSHIP engineer.

FINANCIAL SECURITY - An irrevocable letter of credit, bond, cash deposit or ESCROW account established to guarantee the completion and maintenance of required IMPROVEMENTS. PERFORMANCE GUARANTEE and MAINTENANCE GUARANTEE are types of FINANCIAL SECURITY.

FINAL APPROVAL - The ultimate approval of a DEVELOPMENT granted by the BOARD OF COMMISSIONERS which follows PRELIMINARY APPROVAL and filing of the FINAL DEVELOPMENT PLAN, all granted in accordance with Article 3 of this ORDINANCE.

FINAL PLAN - The final map of a SUBDIVISION which is submitted for approval by the Board of Commissioners and which, if approved, will be filed with the COUNTY Recorder of Deeds or the final LAND DEVELOPMENT map officially recognized as the approved PLAN by the Board of Commissioners.

FINAL PLAT - See FINAL PLAN.

FLAG ACCESS STRIP – That portion of a FLAG LOT that provides vehicular access to the buildable portion of the LOT, which by its characteristic is narrow and less than the minimum LOT FRONTAGE requirements established within the ZONING ORDINANCE. The area contained within the FLAG ACCESS STRIP is not counted toward meeting the minimum lot size requirements of the ZONING DISTRICT.

FLAG LOT - A type of LOT (commonly flag-shaped in configuration) and often called a rear lot subdivision, in which STREET FRONTAGE is provided by a strip of land which is narrow in relation to the remainder of the LOT which extends from the main body of the lot to the street. The purpose of which is to provide for habitation or use or a rear portion of a LOT which otherwise would not meet the minimum STREET FRONTAGE requirements of the ZONING DISTRICT requirements as stated in the TOWNSHIP ZONING ORDINANCE.

FLOOD - A temporary inundation of normally dry land areas.

FLOOD PLAIN AREA - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FRONTAGE- The ABUTTING of a LOT LINE onto a STREET.

GRADE - The slope of the ground surface, SIDEWALK, or STREET specified in percentage (%) terms.

GRADING - The act of changing the natural contour of the land in any way.

GRADING PLAN - A plan to be prepared where a DEVELOPER con-templates removal, modification or destruction of existing STRUCTURES and/or GROUND COVER and which shall be submitted with an APPLICATION FOR DEVELOPMENT in accordance with this ORDINANCE or the GRADING ORDINANCE.

GROUND COVER - A planting of low-growing plants or sod that in time forms a dense mat covering the surface of the land, preventing soil from being blown or washed away.



**GUTTER** - A shallow CHANNEL usually set along a CURB or the pavement edge of a ROAD for purposes of catching and carrying runoff water.

**HIGH LEVEL PLANTING** - Consists of trees of a deciduous nature with a minimum height of six feet at planting and a CALIPER of two (2) inches at planting and trees of an evergreen nature with a minimum height of six feet at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

**IMPERVIOUS SURFACE** - The area of a LOT or SITE occupied by BUILDINGS, ROADS, parking areas, outdoor storage areas and other paved surfaces.

**IMPROVEMENT** - Any man-made, immovable item which becomes a part of, placed upon, or is affixed to, real estate and which is necessary to produce usable and desirable LOTS from raw acreage including, but not limited to, GRADING, pavement, CURB, storm and sanitary SEWERS, GUTTER, drains, and betterment to existing water courses, SIDEWALKS, STREET SIGNS, CROSSWALKS, shade trees, GROUND COVERS, sodding or seeding, STREET name SIGNS and MONUMENTS.

**INTERIOR PEDESTRIAN WALKS** - Sidewalks not ABUTTING the CARTWAY of a STREET.

**ISLAND** - A raised area in a STREET, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, SIGNS or lighting.

**LAND DEVELOPMENT** - Any of the following activities:

A. The IMPROVEMENT of one LOT or two or more contiguous LOTS, tracts or PARCELS of land for any purpose involving:

- 1) A group of two or more residential or 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
- 2) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of STREETS, COMMON AREAS, leaseholds, condominiums, BUILDING groups or other features.

B. SUBDIVISION of land.

C. The following shall not be considered a LAND DEVELOPMENT:

- 1) The conversion of an existing single-family detached 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; or
- 3) 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 exemption, 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 the initial PLANS for the expanded area have been approved by the municipality.

**LANDSCAPE PLAN** - A LANDSCAPE PLAN prepared by a landscape architect identifying each tree and shrub by size, type and scientific name, B & B or bare root, location together with a planting diagram and such other diagrams or REPORTS necessary to show method of planting, staking and mulching, grass seeding specifications and mixtures.

**LATERAL** - Pipes for utilities connecting individual BUILDINGS to larger pipes called MAINS, trunks or interceptors that usually are located in STREET RIGHTS-OF-WAY.

LIGHTING - Artificial illumination as of walks, PARKING AREAS, STRUCTURES and outdoor features. LIGHTING is defined and regulated in terms of the following characteristics:

A. Candlepower - the amount of light that will illuminate a surface one foot distant from a light source to an intensity of one foot candle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source or luminaire.

B. Cutoff - the point at which all light rays emitted by a lamp, light source or luminaire are completely eliminated (cutoff) at a specific angle above the ground.

C. Cutoff angle - the angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source, above which no light is emitted.

D. Cutoff-type luminaire - a luminaire with elements such as shields, reflectors or refractor panels which direct and cut off the light at a cutoff angle that is less than ninety degrees.

E. Foot-candle - a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

F. Glare - the brightness of a light source which causes eye discomfort.

G. Luminaire - a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.

H. Maximum permitted illumination - the maximum illumination measured in foot-candles at the interior BUFFERYARD line at ground level in accordance with the standards of the ZONING ORDINANCE.

LOT - A designated part of a SITE or a PARCEL, tract or area of land that is legally established by a plat or otherwise as permitted by law and to be used or built upon as a unit. A SITE or PARCEL may include more than one (1) LOT, but a LOT cannot include more than one (1) SITE.

LOT, CORNER - A LOT ABUTTING two or more STREETS having an angle of intersection of not more than 135 degrees.

LOT LINE - A line bounding a LOT which divides one LOT from another or from a STREET or any other PUBLIC or private space.

LOT LINE, FRONT - That boundary of a LOT which extends along an existing or dedicated PUBLIC STREET, or where no public streets exist, along a STREET.

LOT LINE, REAR - That boundary of a LOT which is most distant from, and is most nearly parallel to the FRONT LOT LINE.

LOT LINE, SIDE - Any boundary of a LOT which is not a FRONT or REAR LOT LINE.

LOT, THROUGH - LOTS having FRONTAGE on two STREETS, which are approximately parallel to one another when ABUTTING the LOT.

LOT WIDTH - The distance between the SIDE LOT LINES measured at the PUBLIC RIGHT-OF-WAY line or along the front BUILDING line of the LOT on cul-de-sacs, as determined by the prescribed FRONT YARD requirements.

LOT, ZONING - A LOT, unoccupied or occupied by a main structure, with or without accessory structures, fronting on a PUBLIC STREET or a street in a SUBDIVISION approved by the TOWNSHIP and having thereon such open areas as are required by this ordinance for one (1) of the uses permitted in the ZONING DISTRICT in which it is located.

LOW-LEVEL PLANTING -- Consists of shrubs and any other plant species that is greater than two feet in height at planting and less than six feet in height at planting. All measurements and plant quality shall be consistent with the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.

MAIN - In any system of continuous piping, the principal artery of the system to which branches may be connected.

MAINTENANCE GUARANTEE - A guarantee, in the form of FINANCIAL SECURITY, of facilities, IMPROVEMENTS or work to insure the correction of any failures of any IMPROVEMENTS required pursuant to this ORDINANCE and any other North Huntingdon TOWNSHIP regulation, or to maintain the same.

MAJOR SUBDIVISION – A major SUBDIVISION as defined in Article 3 or this ORDINANCE.

MANHOLE - An inspection chamber whose dimensions allow easy entry and exit and working room for a PERSON inside.

MARKER - A metal pipe or pin installed to delineate a specific location within a PARCEL of land or DEVELOPMENT.

MINOR SUBDIVISION - A minor SUBDIVISION as defined in Article 3 or this ORDINANCE.

MONUMENT - A concrete post installed to delineate a specific location within a parcel of land or DEVELOPMENT.

MOUNTABLE CURB - A low CURB with a flat slope designed to be crossed easily without discomfort.

MOVING LANE - Any traffic lane where traffic movement is the primary if not sole function.

MAWC - Municipal Authority of Westmoreland County.

MPC - Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247, as reenacted and amended.

NHTMA - North Huntingdon TOWNSHIP Municipal Authority.

NON-RESIDENTIAL USE - Any use other than a RESIDENTIAL USE.

NOTICE, PUBLIC - See PUBLIC NOTICE.

OCCUPANCY - The physical possession upon, on or within any LOT or STRUCTURE for a use.

OCCUPANCY PERMIT - A permit for the use or OCCUPANCY of a BUILDING, STRUCTURE or LOT indicating compliance with all provisions of the BUILDING code, ZONING ORDINANCE, and this ORDINANCE.

OFFICIAL FILING DATE –Upon the determination by the PLANNING AND ZONING DIRECTOR that an APPLICATION is complete, per standards established Article III of this ORDINANCE, the date in which the 90 DAY REVIEW PERIOD commences. That date shall be either the date of the first regular PLANNING COMMISSION meeting following the determination that the application is complete, or thirty (30) days after that determination, whichever comes first.

OFFICIAL FORM- The standard forms, as amended and altered, distributed by the TOWNSHIP or any of its representatives, requesting information associated with an APPLICATION FOR DEVELOPMENT, its approval, and post-approval requirements.

OFF-SITE - Located outside the SITE that is the subject of an APPLICATION FOR DEVELOPMENT.

OFF-SITE SEWER SERVICE - The disposal of sewage by use of a sanitary sewer system served by a central sewage treatment plant approved by the Pennsylvania Department of Environmental Resources.

OFF-LOT - Located outside the LOT that is the subject of an APPLICATION FOR DEVELOPMENT.

OFF-STREET PARKING AREA - Any area arranged, designed, used or intended for use of parking and located within the boundaries of a LOT or SITE.

ON-LOT - Located on the LOT in question.

ON-SITE - Located on the PARCEL or LOT that is the subject of an APPLICATION FOR DEVELOPMENT.

**ON-LOT SEWAGE DISPOSAL SYSTEM-** The disposal of sewage by use of septic tanks or other safe and healthful means within the confines of the LOT in which the use is located and approved by the Pennsylvania Department of Environmental Resources.

**ONE HUNDRED YEAR FLOOD -** A FLOOD that, on the average, is likely to occur once every one hundred (100) years (i.e., that has a one percent (1%) change of occurring each year, although the FLOOD may occur in any year).

**OPEN SPACE -** Land set aside for public use as recreational sites, FLOOD PLAIN AREAS, nature trails, historical sites or other areas where BUILDING is hazardous such as slide areas, undermined areas and other areas as designated by the federal, state or TOWNSHIP agencies. Also common greens, yards, or other open areas intended for the sole use of the residents and their guests provided in connection with PLANNED RESIDENTIAL DEVELOPMENTS or with residential buildings occupied by more than two (2) families per LOT. A LOT, PARCEL, or parcels of land or a body of water, portions thereof or a combination thereof within a DEVELOPMENT SITE for the use and enjoyment of residents of a DEVELOPMENT, not including STREETS, OFF-STREET PARKING areas, and areas set aside for PUBLIC FACILITIES.

**ORDINANCE -** The NORTH HUNTINGDON TOWNSHIP SUBDIVISION AND LAND DEVELOPMENT ORDINANCE adopted as Ordinance #1011, on August 16, 2000

**OWNER -** The PERSON or PERSONS having the right of legal title to, beneficial interest in, or a contractual right to purchase a LOT or PARCEL of land.

**PARCEL -** Any designated piece or tract of land located in the TOWNSHIP established by a PLAT or otherwise as permitted by law.

**PARKING SPACE -** A portion of a PARKING AREA not less than nine (9) feet wide and twenty (20) feet long, exclusive of driveways designed for the parking of only one (1) vehicle which is accessible from the street.

**PARKS AND RECREATION COMPREHENSIVE PLAN-** A detailed plan assessing the future recreation needs and plans of the TOWNSHIP written in accordance with standards defined in Section 503 of the MPC.

**PASSIVE RECREATION-** Any type of recreational activity, including hiking trails, picnic areas, etc., which does not require the substantial alteration of the natural state of a SITE or any ENVIRONMENTALLY SENSITIVE areas of the SITE.

**PAVING -** Concrete or bituminous wearing surfaces with appropriate base consistent with sound engineering practices. "PAVING" shall not include tar and chip and other similar practices.

**PERCOLATION TEST -** A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for DRAINAGE or for the use of an ON-SITE SEWAGE DISPOSAL SYSTEM.

**PERFORMANCE GUARANTEE -** A FINANCIAL SECURITY to insure that all IMPROVEMENTS, facilities, or work required by this ORDINANCE will be completed in compliance with the ORDINANCE, regulations, and the approved PLANS and specifications of a DEVELOPMENT. Such FINANCIAL SECURITY includes a deposit of cash, surety bond, certified check, negotiable securities, or irrevocable letter of credit from a bank or savings and loan institution provided by the DEVELOPER and as required in the DEVELOPMENT AGREEMENT.

**PERSON -** An individual, partnership, PUBLIC or private association or corporation, firm, trust, estate, municipality, governmental unit, PUBLIC utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**PHASING PLAN -** A PLAN showing the boundaries of each phase of DEVELOPMENT, planned dates for constructing the proposed phases, and any other required information.

**PHOTOMETRIC PLAN –** A plan showing the locations, areas, and intensity of illumination of all proposed LIGHTING on a PLAN.

**PLAN –** Drawings according to the provisions of this ORDINANCE prepared by a STATE registered surveyor, engineer or landscape architect for approval of a SUBDIVISION or a LAND DEVELOPMENT.

PLANNED DEVELOPMENT - PLANNED ECONOMIC DEVELOPMENT or PLANNED RESIDENTIAL DEVELOPMENT.

PLANNED ECONOMIC DEVELOPMENT - An area of land, controlled by a OWNER, to be developed as a single entity for commercial or industrial uses or a combination thereof, the DEVELOPMENT PLAN for which does not necessarily correspond in LOT size, bulk type of dwelling, or use, density, or intensity, LOT coverage and required open space to the regulations established in any one district under the provisions of the ZONING ORDINANCE.

PLANNED RESIDENTIAL DEVELOPMENT - An area of land, controlled by a OWNER, to be developed as an single entity for a number of dwelling units, or combination of residential and NON-RESIDENTIAL USES the DEVELOPMENT PLAN for which does not necessarily correspond in LOT size, bulk, type of dwelling, or use, density, or intensity, LOT coverage and required OPEN SPACE to the regulations established in any one district under the provisions of the ZONING ORDINANCE.

PLANNING AND ZONING DIRECTOR- The appointed Planning and Zoning Director of the Township of North Huntingdon.

PLANNING COMMISSION - The PLANNING COMMISSION of the TOWNSHIP of North Huntingdon.

PLANNING MODULE COMPONENTS (PMC) - The APPLICATION for sewage facilities planning for all LAND DEVELOPMENT requiring revision of the TOWNSHIP Comprehensive Official Sewage Facilities Plan which is submitted to the DEP, NHTMA, and the TOWNSHIP Planning Agency in compliance with PA Chapter 71 as revised and with the PA Clean Streams Law and the North Huntingdon TOWNSHIP Act 537 Official Sewage Facilities Plan

PLAT - A map, layout or PLAN of a SUBDIVISION or LAND DEVELOPMENT, whether preliminary or final, prepared in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the "Professional Engineers Registration Law".

PLAT, FINAL - The final map of a SUBDIVISION which is filed for PLANNING COMMISSION CONSIDERATION and BOARD OF COMMISSIONERS FINAL APPROVAL and, which if approved, shall be filed with the Westmoreland County Recorder of Deeds and NHTMA.

POOR SOILS- The following soil associations according to the WESTMORELAND COUNTY SOIL SURVEY:

- A. Mine Dump Series;
- B. Upshur Series;
- C. Upshur-Gilpin Series;
- D. Made Land Series.
- E. Strip Mine Spoil Series.
- F. Mine Wash Series

PRE-CONSTRUCTION CONFERENCE - A required meeting between the DEVELOPER, contractor, CONSTRUCTION inspectors and TOWNSHIP representatives prior to the initiation of CONSTRUCTION for the purposes of reviewing conditions, regulations and methods of CONSTRUCTION.

PRELIMINARY PLAN or PLAT - The preliminary map, drawing or chart indicating the proposed layout of a SUBDIVISION or LAND DEVELOPMENT which is filed for PLANNING COMMISSION consideration and preliminary approval by the BOARD OF COMMISSIONERS. A PLAN as required by and meetings the standards of Article 3 of this ORDINANCE.

PRIVATE IMPROVEMENTS - All STREETS, walkways, GUTTERS, CURBS, SEWERS, water lines and other utilities or related facilities, but not including DRIVEWAYS and PARKING AREAS, to be operated and maintained by private entity, but which must be constructed in accordance with the TOWNSHIP ordinances.

PRIVATE RIGHT-OF-WAY - The area dedicated to the use of a PRIVATE STREET or other private purposes for the use of OWNERS, residents or visitors of a PLANNED ECONOMIC DEVELOPMENT, PLANNED RESIDENTIAL DEVELOPMENT, or LOT.

PRIVATE STREET - A STREET, including the entire PRIVATE RIGHT-OF-WAY, which is intended for private use and is a PRIVATE IMPROVEMENT.

**PUBLIC** - Of or pertaining to land, BUILDINGS, structures, uses or activities owned, operated or controlled by the TOWNSHIP of North Huntingdon, the Norwin School District, or other government agencies, federal, state or local other than a detention facility.

**PUBLIC HEARING** - A formal meeting before the BOARD OF COMMISSIONERS, PLANNING COMMISSION, or ZONING HEARING BOARD held pursuant to PUBLIC NOTICE, which requires sworn testimony of all witnesses and transcribing of all testimony. The intended purpose is to inform and obtain public comment prior to taking action in accordance with the MPC (Act 247), as amended.

**PUBLIC IMPROVEMENTS** - All STREETS, walkways, GUTTERS, CURBS, SEWERS, water lines and other utilities or related facilities to be dedicated to or maintained by the PUBLIC; and, if dedicated to and maintained by the TOWNSHIP, must comply with the TOWNSHIP ordinances.

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

**PUBLIC NOTICE** - A 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 PUBLIC HEARING and the particular nature of the matter to be considered at the PUBLIC HEARING. The first publication shall be not more than thirty (30) days or less than seven (7) days from the date of the PUBLIC HEARING.

**PUBLIC OPEN SPACE** - Land designated as OPEN SPACE which is owned by the TOWNSHIP or other governmental agency and which is set aside for use by the general populace.

**PUBLIC RIGHT-OF-WAY** - The area dedicated to and accepted by the TOWNSHIP, COUNTY of the Commonwealth for a PUBLIC STREET and other PUBLIC PURPOSES.

**PUBLIC STREET** - A paved STREET, thoroughfare or highway, including the entire PUBLIC RIGHT-OF-WAY, which has been dedicated and accepted by the appropriate governmental body.

**REAR BUILDING LINE** - See BUILDING LINE, REAR.

**REAR LOT LINE** - See LOT LINE, REAR.

**REAR YARD** - See YARD, REAR.

**REPORT** - Any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a SOLICITOR to any other body, board, officer or consultant for the purpose of assisting the recipient of such REPORT in the rendering of any DECISION or determination. All REPORTS shall be deemed advisory only and shall not be binding upon the recipient, board, officer, body or agency. Any REPORT used, received or considered by the body, board, officer or agency rendering a determination or DECISION shall be made available for inspection to the APPLICANT and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RETAINING WALL** - A STRUCTURE erected between land of different elevation to protect STRUCTURES and/or to prevent the washing down or EROSION of earth from the upper slope level.

**RIGHT-OF-WAY** - Land occupied or intended to be occupied by a STREET, CROSSWALK, railroad, utility, PUBLIC facility and/or other special use.

**ROAD** - The entire right-of-way of the public street or highway.

**SECRETARY; TOWNSHIP SECRETARY** - The Secretary of North Huntingdon TOWNSHIP, Westmoreland COUNTY, Pennsylvania.

**SEDIMENTATION** - A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of EROSION.

**SEO** - The designated SEWAGE ENFORCEMENT OFFICER of North Huntingdon Township.

**SEWAGE DISPOSAL SYSTEM, ON-LOT** - An installation on an individual LOT which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of the SEO and issuance of permit and as permitted by the DEP.

**SEWER** - Any pipe conduit used to collect and carry away SEWAGE or storm water runoff from the generating source to treatment plants or receiving streams.

**SEWAGE ENFORCEMENT OFFICER (SEO)** - The North Huntingdon TOWNSHIP Sewage Enforcement Officer (SEO), certified by the Department of Environmental Protection and appointed by the BOARD OF COMMISSIONERS.

**SHOULDER** - The graded part of the RIGHT-OF-WAY that lies between the edge of the paved CARTWAY and the curbline.

**SIDEWALK** - A paved path provided for pedestrian use and usually located at the side of a ROAD or TREE LAWN within the RIGHT-OF-WAY.

**SIGHT DISTANCE** - The maximum distance of unobstructed vision in a horizontal or vertical plane from within an automobile located at any given point on a STREET.

**SIGHT TRIANGLE** - See CLEAR SIGHT TRIANGLE.

**SITE** - A PARCEL which is the subject of an APPLICATION FOR DEVELOPMENT.

**SITE AREA** - The total PARCEL area in a SITE as determined by a SURVEY prepared by a registered surveyor or Pennsylvania Registered Professional Engineer.

**SOLICITOR** - The SOLICITOR of the TOWNSHIP of North Huntingdon.

**STAFF CONFERENCE** - An initial meeting between DEVELOPERS and TOWNSHIP staff which affords both parties the opportunity to identify and prepare for the probable requirements of a DEVELOPMENT proposal prior to SUBDIVISION AND LAND DEVELOPMENT PLAN preparation and engineering.

**STEEP SLOPES** - Areas of existing topography where, in over a one-hundred-foot horizontal distance, or where the difference in elevation is over twenty (20) feet, the slope equals or exceeds twenty-five percent (25%) from the top to bottom of the break in grade.

**STORM WATER**- the runoff of water from a SITE, as generated and impacted by a SITE.

**STORM WATER DETENTION** - The slowing, dampening, or attenuating of runoff entering the natural drainage pattern or storm DRAINAGE SYSTEM by temporarily holding it in surface or subsurface area such as DETENTION BASINS, reservoirs, rooftops, streets, parking lots, or within the DRAINAGE SYSTEM itself, and releasing the water at a desired rate of discharge.

**STORM WATER MANAGEMENT or STORM WATER PLAN**- The plan for managing storm water runoff from a specific SITE.

**STORM WATER RETENTION** - The slowing, dampening, or attenuating of runoff entering the natural drainage pattern or storm DRAINAGE SYSTEM by temporarily holding it in surface or subsurface areas such as retention basins, or reservoirs and allowing the runoff to percolate into the ground.

**STORM SEWER**- A sewer that carries intercepted surface water runoff, excluding domestic sewage and industrial wastes.

**STREET** - An avenue, boulevard, ROAD, thoroughfare, highway, freeway, parkway, lane, viaduct, and any other ways used by vehicular traffic or pedestrians but; not including driveways or PARKING AREAS. A STREET shall include the following:

A. **ARTERIAL STREET** - ROADS intended to serve large volumes of traffic for long distance and high-speed travel between or within communities or to and from COLLECTORS. An ARTERIAL STREET is a MAJOR STREET.

B. COLLECTOR STREET - ROADS which carry considerable volumes of local traffic and connect RESIDENTIAL STREETS to ARTERIAL STREETS or to provide ACCESS to NON-RESIDENTIAL USES, Community Facilities and ABUTTING properties, and which has direct ACCESS limited to only NON-RESIDENTIAL USES.

C. MINOR COLLECTOR STREETS - COLLECTOR STREETS which primarily function to provide direct ACCESS to NON-RESIDENTIAL USES and which therefore carry traffic at lower speeds, connecting RESIDENTIAL STREETS and COLLECTOR STREETS.

D. RESIDENTIAL STREET - A STREET which primarily functions to provide direct ACCESS to ABUTTING RESIDENTIAL USES.

E. HALF OR PARTIAL STREET - A ROAD, generally parallel and adjacent to a property line, having a lesser right-of-way than normally required for satisfactory IMPROVEMENT and use of the STREET.

F. A MARGINAL ACCESS STREET - A local service STREET that is parallel to a higher order STREET which, for safety, provides ACCESS to ABUTTING PARCELS and separation and protection from through traffic. A MARGINAL ACCESS STREET may be designed as a RESIDENTIAL STREET or a MINOR COLLECTOR ROAD.

STREET, CUL-DE-SAC - A STREET with only one outlet and having the other end designed and constructed for the reversal of traffic movement. A cul-de-sac is a DEAD-END STREET terminating in a vehicular turnaround.

STREET, LOOP - A STREET that has its only ingress and egress at two points on the same MINOR COLLECTOR ROAD or COLLECTOR ROAD.

STREET CENTER LINE - A line which is usually at an equal distance from both street lines, or right-of-way lines.

STREET, PRIVATE - A street, including the entire private right-of-way, which is intended for private use and is a PRIVATE IMPROVEMENT.

STREET, PUBLIC - A paved STREET, including the entire right-of-way, which has been dedicated and accepted by the appropriate governmental body.

STRUCTURE - Any man-made object having an ascertainable stationary location on or in LOTS or water, whether or not affixed to the LOT. STRUCTURE includes but is not limited to BUILDINGS, garages, carports, FENCES, SIGNS, or walls. A combination of materials to form a construction for use, OCCUPANCY or ornamentation whether installed on, above, or below the surface of land or water is also a STRUCTURE.

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

SUBSTANTIALLY COMPLETED - Where, in the judgment of the TOWNSHIP ENGINEER, at least 90% (based on the cost of the required IMPROVEMENTS for which FINANCIAL SECURITY was posted pursuant to section 305.1) of those IMPROVEMENTS required as a condition for FINAL APPROVAL have been completed in accordance with the approved PLAN, so that the project will be able to be used, occupied or operated for its intended use.

SURVEY - A precise legal description of a LOT and the graphic delineation of precise LOT boundaries; LOT dimensions and areas; all EASEMENTS and PUBLIC and private RIGHTS-OF-WAY; and north point and graphic scale, affecting the LOT, prepared by a professional land Surveyor licensed and registered in the Commonwealth of Pennsylvania.

TOWNSHIP - The First Class TOWNSHIP of North Huntingdon TOWNSHIP.

TRANSPORTATION IMPACT STUDY - A study completed by a traffic engineer or planner, as required by this ORDINANCE which evaluates the impacts a DEVELOPMENT will have on the transportation system. Specifically, the study determines the amount of traffic to be generated by the DEVELOPMENT; the capacity of the existing ROAD



network and intersections to handle the increased traffic; and IMPROVEMENTS necessary to bring ROADS and intersections up to the preferred level of service to accommodate such traffic.

TREE LAWN - The area in which trees, required by the standards of this ordinance are to be planted. Unless otherwise approved, the TREE LAWN shall be located between property line of each lot and the SIDEWALK and shall be a minimum of four (4) feet wide.

TREE PRESERVATION PLAN- The plan showing all locations and information required in section 516.3 of this ORDINANCE which is used to evaluate the number of trees credited to the DEVELOPER and the corresponding number to be planted per regulations of the aforesaid section.

TRIP - A single or one-way vehicle movement to or from a property or study area. TRIPS can be added together to calculate the total number of vehicles expected to enter and leave a specific SITE over a designated period of time.

UNDEVELOPED OPEN SPACE- OPEN SPACE which is left in or restored to its natural state, including that used for PASSIVE RECREATIONAL purposes, and requiring little regular maintenance.

WESTMORELAND COUNTY SOIL SURVEY - The most recent survey utilized by the COUNTY and the Westmoreland County Conservation District.

WETLANDS - All areas regulated as wetlands by DEP or FEDERAL agencies.

WOODLANDS OVERLAY -A mapped area, maintained by the TOWNSHIP, of continuous forest coverage, which is updated using approved landscaping and TREE PRESERVATION PLANS per section 516 of this ordinance.

WWMA - Western Westmoreland Municipal Authority.

WYE - Point of connection of sanitary lateral sewer with the main collection line.

YARD - An area on a ZONING LOT which is regulated by the ZONING ORDINANCE so as to be unoccupied and unobstructed from its lowest level to the sky.

YARD, FRONT - A YARD established by the FRONT SETBACK extending along the full length of the FRONT LOT LINE between the SIDE YARDS.

YARD, REAR - A YARD established by the REAR SETBACKS extending along the full length of the REAR LOT LINE between the SIDE LOT LINES.

YARD, SIDE - A YARD established by the SIDE SETBACKS extending along the SIDE LOT LINES from the FRONT YARD to the REAR YARD.

ZONING APPROVAL - Approval under the provisions of the ZONING ORDINANCE certifying that an APPLICATION FOR DEVELOPMENT or APPLICATION for OCCUPANCY PERMIT has fulfilled the requirements of the ZONING ORDINANCE.

ZONING HEARING BOARD - The Zoning Hearing Board of North Huntingdon TOWNSHIP

ZONING OFFICER - The person delegated by the BOARD OF COMMISSIONERS to administer the ZONING ORDINANCE.

ZONING DISTRICT - An area of the TOWNSHIP in which regulations under the ZONING ORDINANCE uniformly apply.

ZONING ORDINANCE - The North Huntingdon TOWNSHIP ZONING ORDINANCE, ORDINANCE 765 as enacted and amended.

### **ARTICLE 3 – APPLICATION REQUIREMENTS**

## **301 GENERAL**

Whenever a SUBDIVISION or LAND DEVELOPMENT within the TOWNSHIP is desired, an APPLICATION shall be submitted to the PLANNING AND ZONING DIRECTOR who shall submit the APPLICATION, once it is determined complete, according to Section 303.3 (c ) of this Ordinance to the PLANNING COMMISSION with a REPORT on conformance with TOWNSHIP Ordinances. The PLANNING COMMISSION shall review and make a recommendation on the APPLICATION and submit the APPLICATION and recommendation to the BOARD of COMMISSIONERS. The BOARD of COMMISSIONERS shall take action to approve, approve with conditions or deny the APPLICATION pursuant to this ORDINANCE.

## **302 CLASSIFICATION OF APPLICATIONS:**

APPLICATIONS for SUBDIVISION or LAND DEVELOPMENT shall be classified based upon the following criteria and definition, and shall be processed according to the provisions contained within this Section.

### **302.1 MAJOR SUBDIVISIONS - A SUBDIVISION that includes either one or more of the following characteristics:**

- A. Multiple phasing of the PLAN.
- B. Containing PUBLIC IMPROVEMENTS, including one or more of the following: STREETS, STORM WATER DETENTION and STORM WATER RETENTION facilities and public utilities.
- C. Location within an area defined within the ENVIRONMENTALLY SENSITIVE OVERLAY
- D. Proposes ON-LOT SEWAGE DISPOSAL SYSTEM(S).

**302.2 MINOR SUBDIVISIONS:** A SUBDIVISION not including any of the characteristics included in the MAJOR SUBDIVISION category. In general, a MINOR SUBDIVISION involves the adjustment of LOT LINES for existing LOTS and/or the creation of new LOTS that are already serviced by a PUBLIC ROAD, public utilities, a previously approved on-LOT septic system and are not located in the ENVIRONMENTALLY SENSITIVE OVERLAY.

**302.3 MINOR LAND DEVELOPMENTS:** A SITE plan for a new non-residential DEVELOPMENT located on one (1) LOT, including a CHANGE OF USE from an existing BUILDING or land area to a NON-RESIDENTIAL USE that also affects the land area in one or more of the following ways:

- A. Additional parking requirements, not currently being met on the site;
- B. New or improved STORM WATER MANAGEMENT SYSTEMS;
- C. Change in ingress, egress or traffic circulation;
- D. Required landscaping and buffer IMPROVEMENTS necessitated by the development.

**302.4 MAJOR LAND DEVELOPMENTS:** A SITE PLAN for a new NON-RESIDENTIAL DEVELOPMENT located in two (2) lots or more, and all multi-family developments on one (1) LOT or more. Any LAND DEVELOPMENT that includes the construction of new public or PRIVATE STREETS and/or is located within an ENVIRONMENTALLY SENSITIVE AREA shall be categorized as a MAJOR LAND DEVELOPMENT

**302.5 PRELIMINARY and FINAL APPROVAL.** The APPLICANT shall be required to submit a PRELIMINARY PLAN APPLICATION for all projects categorized as MAJOR SUBDIVISIONS and MAJOR LAND DEVELOPMENTS. The APPLICANT may elect to combine the PRELIMINARY and FINAL APPROVAL procedures for one approval process by meeting submission requirements for PRELIMINARY and FINAL APPROVAL. Based upon the review of this submission, the PLANNING COMMISSION may grant FINAL APPROVAL, provided that the APPLICATION meets all the prescribed requirements of this section for granting of approval.

APPLICATIONS classified as MINOR LAND DEVELOPMENTS or MINOR SUBDIVISIONS may be granted FINAL APPROVAL without submission requirements needed for PRELIMINARY APPROVAL, with the exception that the PLANNING COMMISSION in their review of the MINOR LAND DEVELOPMENT or MINOR SUBDIVISION may require additional information of the APPLICANT before acting on FINAL APPROVAL.

**302.6 SUBMISSION REQUIREMENTS FOR APPLICATIONS PER CLASSIFICATION.** Based upon the classification of the APPLICATION, the APPLICANT Table, below, shall be used as a guide in determining application requirements:

### **Table I**

|   | <b>Minor<br/>SUBDIVISION</b> | <b>Minor LAND<br/>DEVELOPMENT</b> | <b>Major<br/>SUBDIVISION</b> | <b>Major LAND<br/>DEVELOPMENT</b> |
|---|------------------------------|-----------------------------------|------------------------------|-----------------------------------|
| <b>Sections 303.3;<br/>304.1, 304.6</b> | <b>X</b>                     | <b>X</b>                          | <b>X</b>                     | <b>X</b>                          |
| <b>Sections:<br/>304.2;304.3; 304.4</b> |                              |                                   | <b>X</b>                     | <b>X</b>                          |
| <b>Section 304.5</b>                    |                              | <b>X</b>                          |                              | <b>X</b>                          |

This table serves as a guide only. Any questions on the applicability of any of the submission requirements for a particular APPLICATION, shall be determined by the PLANNING AND ZONING DIRECTOR who should be contacted prior to the submission of the APPLICATION.

### **303.□ PRE APPLICATION MEETINGS**

#### **303.1 STAFF CONFERENCE**

Prior to submitting any APPLICATION, whether PRELIMINARY or FINAL, the APPLICANT is encouraged to attend a STAFF CONFERENCE with the PLANNING AND ZONING DIRECTOR. The purpose of the STAFF CONFERENCE is to obtain all necessary APPLICATION forms, requirements and ordinance information from the TOWNSHIP prior to the APPLICANT incurring substantial expenses of SUBDIVISION or LAND DEVELOPMENT PLAN preparation and to determine the classification of the APPLICATION, whether it be a MINOR or MAJOR SUBDIVISION or LAND DEVELOPMENT.

### **303.2 ADVISORY MEETING WITH PLANNING COMMISSION**

APPLICANTS are encouraged to discuss SUBDIVISION or LAND DEVELOPMENT PLANS with the PLANNING COMMISSION prior to the formal submission of PRELIMINARY or FINAL APPLICATIONS. Prior to submitting any APPLICATION, the DEVELOPER may participate in an ADVISORY MEETING with the PLANNING COMMISSION held during a regular meeting of the PLANNING COMMISSION. The purpose of the ADVISORY MEETING is to review the proposed DEVELOPMENT and DEVELOPMENT SITE to identify issues which should be addressed in the APPLICATION. The ADVISORY MEETING affords an opportunity to both the APPLICANT and the PLANNING COMMISSION to discuss the proposed project on an informal basis. At the ADVISORY MEETING the APPLICANT may discuss applicable regulations governing the SUBDIVISION or LAND DEVELOPMENT of the property and the feasibility and timing of the APPLICATION. THE PLANNING COMMISSION may comment upon the proposed APPLICATION. No approval or disapproval of the APPLICATION shall be given. The request for an advisory meeting shall not constitute an APPLICATION and shall not trigger the required time period review as specified in the MPC. An APPLICANT desiring to participate in an ADVISORY MEETING shall submit the official form with required information to the PLANNING DIRECTOR within two (2) weeks of the regular PLANNING COMMISSION meeting.

### **303.3 GENERAL APPLICATION SUBMISSION REQUIREMENTS AND APPLICATION PROCESSING**

A. All APPLICATIONS for a SUBDIVISION or LAND DEVELOPMENT shall be submitted on official forms prepared by the PLANNING AND ZONING DEPARTMENT.

B. All APPLICATIONS shall be submitted to the PLANNING AND ZONING OFFICE in accordance with the submission schedule as set from time to time by the PLANNING AND ZONING OFFICE. [Amended 1-16-2019 by Ord. No. 2241]

C. Upon submission, the APPLICATION shall be reviewed by the PLANNING AND ZONING DIRECTOR or his or her delegate to determine its completeness. In order for the APPLICATION to be determined to be complete and considered placed on the PLANNING COMMISSION agenda for ACCEPTANCE, it shall include: [Amended 1-16-2019 by Ord. No. 2241]

- 1) The correct number of copies of all plats and REPORTS, as referenced in this article.
- 2) Meet all requirements for submission based on the classification of the plan, as indicated in Table I, per its classification. The review of the submission requirements shall not include a review of the correctness of the PLAN, but rather a review that the required items for review have been submitted.
- 3) Include the appropriate APPLICATION fee, per the current TOWNSHIP of North Huntingdon Fee Ordinance 2164, as adopted and amended.
- 4) Include all original signatures of all property OWNERS or agents for property OWNERS involved in the APPLICATION;
- 5) Evidence of filing of all necessary permits from any regulatory agency having jurisdiction over the project.

D. OFFICIAL FILING DATE: When the PLANNING AND ZONING DIRECTOR'S initial review has determined that the APPLICATION satisfies the requirements applicable thereto and, with the exception of SUBDIVISION or LAND DEVELOPMENT approval, is in full compliance with this chapter the APPLICATION shall be accepted. Such acceptance shall establish the APPLICATION'S OFFICIAL FILING DATE and will be placed on the agenda at the next regularly scheduled PLANNING COMMISSION meeting. The 90-DAY REVIEW period shall start at the first regular meeting of the PLANNING COMMISSION. Provided that said meeting should occur more than 30 days following the OFFICIAL FILING DATE of the APPLICATION, the 90 DAY REVIEW PERIOD shall be measured from the 30<sup>th</sup> day following the day the APPLICATION has been determined to be filed.

E. If the APPLICATION is determined to be incomplete, per the standards contained in Section 303.3 (c) of this Ordinance, the APPLICANT shall be notified in writing and all submitted documents shall be returned to the APPLICANT, including the APPLICATION fee with a letter indicating the APPLICATION deficiency (s). The APPLICATION shall not be considered by the PLANNING COMMISSION until it is filed with all required components, and shall not constitute the starting of the 90 DAY REVIEW PERIOD.

F. APPLICATIONS determined to be complete shall be reviewed for compliance with all applicable TOWNSHIP Ordinance requirements by the PLANNING AND ZONING DIRECTOR, who shall also forward copies of the APPLICATION and PLANS to the TOWNSHIP ENGINEER, NHTMA and WESTMORELAND COUNTY PLANNING DEPARTMENT for their review comments. The COUNTY shall submit its review comments within thirty (30) days of receipt of the PLAN to the PLANNING AND ZONING DIRECTOR. The NHTMA and

TOWNSHIP ENGINEER shall submit review comments within fifteen (15) days of PLAN receipt to the PLANNING AND ZONING DIRECTOR.

G. The PLANNING AND ZONING DIRECTOR shall submit a REPORT to the PLANNING COMMISSION listing any review comments and questions on the APPLICATION prior to the regularly scheduled PLANNING COMMISSION meeting. A copy of this REPORT shall also be sent to the APPLICANT.

H. After presentation of the APPLICATION at its meeting by the APPLICANT, the PLANNING COMMISSION shall forward its recommendations in writing to the BOARD OF COMMISSIONERS and the APPLICANT. Any PLAN recommended with conditions shall include a listing of those conditions. In cases of a recommendation for denial, PLANNING COMMISSION shall cite reasons from the TOWNSHIP ordinances and other applicable codes.

I. The BOARD OF COMMISSIONERS shall render its DECISION to approve, approve with conditions, or deny the APPLICATION taking into consideration the recommendations of the PLANNING COMMISSION and the COUNTY Planning Department. Such DECISION shall be communicated to the APPLICANT not later than ninety (90) days after the APPLICATION is filed with the PLANNING COMMISSION.

J. The DECISION of the BOARD OF COMMISSIONERS shall be in writing and shall be communicated to the APPLICANT personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the DECISION.

K. TIME EXTENSION. If during the review of the PLAN, the PLANNING COMMISSION or the BOARD OF COMMISSIONERS desires additional time to consider the APPLICATION FOR a PRELIMINARY APPROVAL or FINAL APPROVAL, the APPLICANT may waive the ninety (90) day time limitation established by law, and grant the BOARD OF COMMISSIONERS an additional review period for a time prescribed by the APPLICANT. This extension shall be accomplished only in a signed, written agreement on the part of the APPLICANT. In the event that no such time extension is offered by the APPLICANT and it is determined that the APPLICATION does not meet requirements prescribed in this ORDINANCE, the BOARD OF COMMISSIONERS shall deny the PLAN according to procedures established herein.

L. PUBLIC HEARING. Before acting on any APPLICATION, the BOARD OF COMMISSIONERS may hold a PUBLIC HEARING after PUBLIC NOTICE.

M. Approval with Conditions. An APPLICATION may be granted PRELIMINARY APPROVAL or FINAL APPROVAL subject to specific conditions. These conditions shall be included in the written communication to the APPLICANT. In addition, such written communication shall include notification that unless the APPLICANT agrees to the conditions, then the APPLICATION is denied in accordance with this ORDINANCE. Said notification shall be mailed to the APPLICANT'S last known address within 15 days of the granting of APPROVAL with conditions by the BOARD OF COMMISSIONERS. The APPLICANT shall notify the TOWNSHIP in writing of his or her acceptance or rejection of the conditions of approval. If the APPLICANT does not so notify the TOWNSHIP within 15 days, the APPROVAL shall automatically be rescinded without written notice to the APPLICANT.

N. PLANS gaining only PRELIMINARY APPROVAL by the BOARD OF COMMISSIONERS will require FINAL APPROVAL by the BOARD OF COMMISSIONERS through the filing of an APPLICATION meeting all requirements of the ordinance for FINAL APPROVAL and satisfying any conditions attached to the PRELIMINARY APPROVAL.

O. Failure of the TOWNSHIP to render a DECISION and communicate it to the APPLICANT within the time and in the manner required herein shall be deemed a PRELIMINARY APPROVAL or a FINAL APPROVAL for all APPLICATIONS already granted a preliminary approval and for all MINOR SUBDIVISIONS AND LAND DEVELOPMENTS. Approval of the APPLICATION in terms as presented shall be assumed unless the APPLICANT has agreed in writing to an extension of time or change in the prescribed manner of the presentation of the DECISION, in which case, failure to meet the extended time or change in manner of presentation shall have like effect.

**304.1 All APPLICATIONS for SUBDIVISIONS or LAND DEVELOPMENTS** for all APPLICATIONS submitted shall adhere to the following standards and specifications. Any PLAN submitted on multiple sheets shall include these drafting standards on all sheets, as applicable.

- A. Completed and Signed APPLICATION Forms
- B. Fourteen (14) copies of the PLAN or record for a SUBDIVISION or the master PLAN for a LAND DEVELOPMENT. Three (3) copies of PLAN detail sheets and other detailed PLANS (EROSION and sedimentation; utilities; STORM WATER management; landscaping, etc.) The number of copies required may be adjusted by the PLANNING AND ZONING DIRECTOR as part of the application form.
- C. Application Fee, per TOWNSHIP FEE SCHEDULE, as amended.
- D. The PLAN shall be drawn at a scale of 1"=10' , 1"=20' , 1"=30' , 1"=40' , 1"=50' or 1"=100'
- E. Each sheet shall be numbered and shall show its relationship to the total number of sheets. Sheets shall be 24" x 36". Plats to be recorded at the Westmoreland County Courthouse shall be 18" x 24" and meet other applicable standards of the Westmoreland County Recorder's Office
- F. Dimensions shall be set in feet and decimal parts thereof, and bearings in degrees, minutes and seconds to two decimal places with the bearing placed in a counterclockwise direction around the proposed LOT or LOTS.
- G. The PLAN shall bear a legend to indicate clearly which features are existing and which are proposed.
- H. The PLAN shall include the names, COUNTY deed book references, and ZONING DISTRICT of all adjoining property OWNERS.
- I. The boundary line of the SUBDIVISION shall be shown as a heavy dashed line. The pattern of the dashed line shall be shown as one long dash followed by two short dashes. The boundary line of the PLAN shall include the entire area of all parcels involved in the PLAN.
- J. A graphic scale, north arrow and date shall be shown on all PLANS.
- K. A title block containing the proposed name of the SUBDIVISION or LAND DEVELOPMENT, the project number assigned by the firm that prepared the PLANS, the PLAN date and dates of all PLAN revisions.
- L. SITE location map, taken from a USGS quadrangle map. The location map shall be at scale and size sufficient to show clearly where the project is.
- M. The existing platting of land ABUTTING SUBDIVISION or LAND DEVELOPMENT. All existing BUILDINGS, SEWERS, water mains, fire hydrants, CULVERTS, petroleum or high-pressure gas lines and other utilities on or within 200 feet of the SITE shall be shown.
- N. EASEMENTS and locations, widths and purposes.
- O. All existing streets, on or adjacent to the tract, including name, right-of-way width and CARTWAY width shall be shown.
- P. If applicable, a notation on the plat that ACCESS to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
- Q. The location of all MONUMENTS and LOT MARKERS as regulated in section 515 of this ORDINANCE.
- R. A place on the PLAT for approval by the PLANNING COMMISSION, the BOARD OF COMMISSIONERS and review by the Westmoreland County Planning Department, and place on the PLAN for seals of the professional preparing the PLAN, the BOARD OF COMMISSIONERS, the Westmoreland County Planning Department; the Recorder of Deeds

- S. Certification by a registered Surveyor to the effect that the PLAT represents a SURVEY made by him, and that all MONUMENTS indicated thereon actually exist and their location, size and material are correctly shown. And that all engineering requirements of this ORDINANCE have been fully complied with.
- T. The name and address of the DEVELOPER and, if the DEVELOPER is not the OWNER, the name and address of the OWNER
- U. The source of the title to the land as shown on the books of the County Recorder
- V. The name, address, certification and seal of the registered engineer and/or Surveyor, or landscape architect who prepared the PLAT and the professional registered Surveyor who did the SURVEY shown on the PLAT.
- W. Schedule of ZONING DISTRICT requirements, including area and bulk regulations, BUILDING and yard requirements, and zoning of the parcel(s) to be developed and adjoining properties. FRONT SETBACKS as required by the ZONING ORDINANCE. ZONING DISTRICT for the subject tract and all adjoining properties.
- X. Variances or other zoning approvals which have been requested or have been granted by the TOWNSHIP.
- Y. A copy of the deed for the subject tract and/or an option agreement, lease-purchase agreement or other such document or instrument conveying to the APPLICANT a right of possession to or an interest in the property within the proposed SUBDIVISION or LAND DEVELOPMENT.
- Z. Utility Feasibility: REPORTS from all utilities expected to service the proposed SUBDIVISION or LAND DEVELOPMENT, which at a minimum shall include a letter as to whether the utility has the capability and facilities to serve the proposed SUBDIVISION or LAND DEVELOPMENT.
- AA. For APPLICATIONS FOR DEVELOPMENT of SITES along the municipal boundary, information pertaining to zoning in the adjacent municipality. Approval may be required by the adjoining municipality if the DEVELOPMENT is partially located in that municipality.
- BB. Digital Files. Submitted PLATS must also be submitted in a digital format such that they may be directly imported into the TOWNSHIP'S geographical information systems in a manner consistent with the standard outlined in Appendix B of this ORDINANCE.

**304.2 APPLICATION Requirements for MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS.**

In addition to the requirements stated in Section 304.1, the following submission requirements in Sections Three and Four shall apply for MAJOR SUBDIVISIONS and LAND DEVELOPMENTS:

**304.3 EXISTING CONDITIONS**

If applicable, the boundaries of the TOWNSHIP'S ENVIRONMENTALLY SENSITIVE OVERLAY and the following information within those boundaries:

- A. Contours, shown at two foot vertical intervals or ten foot intervals where slopes exceed 40%. Show existing contours with dashed lines and number clearly. State location and elevation of datum to which contour elevations refer. Datum used shall be a known, established benchmark. Contours plotted from U.S.G.S. quadrangle maps shall not be acceptable. The benchmark used shall be cited and labeled with the elevation and the northing and easting coordinates on the State Plane coordinate system.
- B. Delineation of STEEP SLOPE area(s), with categories of slope oriented as follows: (1) 25 to 40 percent; (2) over 40 percent, accurately depicted and noted on the plat.
- C. Identification of soil series as shown in the SOIL SURVEY OF WESTMORELAND COUNTY. Plot soil limit lines on the base map.
- D. If any part of the site lies within a flood plain, as indicated on a certified FEMA map, plot the floodway and 100-year flood plain boundary on the map and reference the community panel number, map name, date and map panel numbers.

- E. All WETLANDS as delineated in the ENVIRONMENTALLY SENSITIVE OVERLAY and/or otherwise classified as such by STATE or Federal Agencies.
- F. Potentially hazardous features, including quarry sites, surface and subsurface mines and undermined areas, including location of all areas of subsurface mining on the site with less than one hundred (100) feet of cover.
- G. Significant cultural features, including cemeteries, burial sites, archaeological sites, historic buildings, structures, plaques and MARKERS, or MONUMENTS.
- H. Existing surface water resources such as watercourses, streams and ponds, and other natural drainage features.

#### **304.4 PROPOSED CONDITIONS AND IMPROVEMENTS**

- A. The proposed STREET layout in the SUBDIVISION or LAND DEVELOPMENT including STREETS, ROADS, ALLEYS, DRIVEWAYS, SIDEWALKS, or other means of ACCESS located on the site. The PLAT must include name, jurisdiction of ownership, width, type and location of right-of-way, and existing grades and types of CURBS.
- B. The layout of LOTS (showing scaled dimensions), LOT numbers in sequence, and the areas of LOTS in square feet.
- C. Portions of the SITE or PARCELS proposed to be reserved for schools, parks, playgrounds or other PUBLIC, semi-public or community purposes and all proposed IMPROVEMENTS for these portions.
- D. Proposed EASEMENTS, locations, widths and purposes.
- E. Proposed PUBLIC IMPROVEMENTS. The size of each shall be shown and the locations or distances to each existing utility indicated.
- F. Tabulation of SITE data, total acreage of land to be subdivided, the number of LOTS, the acreage of individual lots, the acreage of the SUBDIVISION and the acreage of proposed OPEN SPACE and recreation areas.
- G. Four (4) sets of DETAILED CONSTRUCTION DRAWINGS for PUBLIC IMPROVEMENTS prepared by a registered Professional Engineer. Such drawings shall:
  - 1) Be drawn at a scale cited in 304.1 (D) of this ORDINANCE on sheets of twenty-four by thirty-six (24" x 36") inches. More than one (1) sheet may be used for large parcels, but each sheet shall be properly indexed.
  - 2) Be designed in conformance with the design standards established in this ordinance and in other applicable TOWNSHIP, COUNTY, STATE and Federal codes and regulations.
  - 3) Include a plan and profile of each STREET within the SITE and at least two hundred (200) feet beyond the edge of the SITE, including labels showing the SIGHT DISTANCE at each intersection.
  - 4) Contain 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.
  - 5) Complete curve data for all curves included in the PLAN.
  - 6) Indicate the location of all necessary SEWERS, MANHOLES and catch basins.
  - 7) Show DRAINAGE EASEMENTS over private property and label them as PUBLIC or private.
  - 8) Show the top and invert elevation of each inlet and MANHOLE, together with the GRADE of each SEWER line.



- 9) Show the GRADE line, material, distance and pipe size of each line in the storm DRAINAGE SYSTEM within the plan and any storm DRAINAGE SYSTEM immediately adjacent to the SITE. Show the permit number if connections are made to PADOT STORM SEWERS.
- 10) Show the location of each WYE as proposed for installation.

**304.5 ADDITIONAL ITEMS REQUIRED FOR MINOR AND MAJOR LAND DEVELOPMENTS.** The APPLICANT may request waivers from the PLANNING AND ZONING DIRECTOR for any of these requirements who may determine them to be inapplicable for submission in the APPLICATION.

- A. The location and dimensions (in square feet) of planned principal and accessory buildings, including basement area, loading and unloading areas. If the calculation of PARKING SPACES required, per the ZONING ORDINANCE is a function of square footage of the proposed use, a detailed floor plan shall be submitted.
- B. The proposed use, location, area, height, and bulk of all proposed structures and dimensions of all yards.
- C. Patterns of pedestrian and vehicular circulation on-site and on adjacent STREETS to show ingress, egress, and circulation in and out of the SITE.
- D. Provisions for OFF-STREET PARKING AREA to include the layout of parking areas and a computation of the number of PARKING SPACES to be provided.
- E. Provisions for off-street loading facilities.
- F. Proposed planting and landscaping with specific locations, sizes, species and quantities; proposed open space and buffers; and screening and fencing for storage and dumpster areas, as required by this Ordinance and the ZONING ORDINANCE.
- G. Location and specifications for lighting of parking areas and walkways, including lighting detail and a PHOTOMETRIC PLAN.
- H. Any other requirements for that specific ZONING DISTRICT, pursuant to the ZONING ORDINANCE.
- I. Location, size, and specifications for PRIVATE IMPROVEMENTS, such as curbs, SIDEWALKS, DRIVEWAYS, parking areas, fencing, signs, landscaping, planters, outdoor lighting and wheel stops.
- J. Proposed fire lanes.
- K. Location, size and specifications for PUBLIC IMPROVEMENTS
- L. Location, size and specifications for storm sewers, STORM WATER MANAGEMENT facilities, sanitary sewers, water lines, and fire hydrants.
- M. Elevation drawings for all proposed BUILDINGS.
- N. A plan drawn to scale showing the front, rear and side perspectives of proposed BUILDING(s) shall be submitted. Such plan shall include the BUILDING'S architectural features, exterior BUILDING materials, first floor elevations, the height of the BUILDING in feet, the number of stories, and the BUILDING'S relationship to the finished GRADE immediately surrounding the BUILDING.

**304.6 REPORTS AND PERMITS FOR MAJOR SUBDIVISIONS AND LAND DEVELOPMENTS**

Unless exempted by the PLANNING AND ZONING DIRECTOR, the following REPORTS and permits shall be required as part of the submission of an APPLICATION:

- A. A STORM WATER MANAGEMENT PLAN, per requirements of this Ordinance and the STORM WATER MANAGEMENT Ordinance # 820, as amended of the TOWNSHIP of North Huntingdon.
- B. An EROSION and Sedimentation Plan approved by the WESTMORELAND COUNTY CONSERVATION DISTRICT. APPLICATIONS at a minimum shall require submission of the PLANS submitted to the Conservation District with a dated letter of transmittal.

- C. ROAD and GRADING PLANS, and phasing and engineering information deemed necessary for consideration of the proposed DEVELOPMENT, if applicable.
- D. A PHASING PLAN and schedule shall be required for all DEVELOPMENTS proposed for CONSTRUCTION in stages. This schedule shall include a proposed schedule for the filing of APPLICATIONS FOR FINAL APPROVAL for each phase.
- E. ENVIRONMENTAL CONSTRAINTS STUDY which details the ENVIRONMENTALLY SENSITIVE features on the SITE and provides information on how the DEVELOPMENT is planned not to interfere with these features and/or how all applicable local, state and federal regulations are being complied with;
- F. Sewerage feasibility study, PERCOLATION TESTS and other evaluations of the SITE'S suitability for ON-SITE sewage disposal as required by Section 509.2 of this ORDINANCE.
- G. Other studies authorized by TOWNSHIP Ordinances and deemed necessary by the PLANNING AND ZONING DIRECTOR, THE TOWNSHIP ENGINEER or the PLANNING COMMISSION at the ADVISORY MEETING;
- H. Other studies required by State or COUNTY regulations or which are deemed necessary under such regulations by the PLANNING AND ZONING DIRECTOR, THE TOWNSHIP ENGINEER , or the PLANNING COMMISSION at the advisory meeting.
- I. TRANSPORTATION IMPACT STUDY (TIS): Per requirements of Section 416 of this Ordinance.
- J. Water quality and adequacy evaluations as required by Section 509.2 of this ORDINANCE.
- K. The executed AGREEMENT with the NHTMA Municipal Authority or the Municipal Authority of Westmoreland County or the LETTER OF APPROVAL from the Pennsylvania Department of Environmental Protection indicating approval of private water supplies.
- L. PLANNING MODULE COMPONENTS submission to the Department of Environmental Protection (DEP) for all sanitary SEWERS;
- M. Roadway OCCUPANCY submissions to State, COUNTY or TOWNSHIP as required to provide SITE ACCESS and service;
- N. Permits or permit submissions required by TOWNSHIP Ordinances or which are deemed necessary by the PLANNING AND ZONING DIRECTOR or PLANNING COMMISSION at the STAFF CONFERENCE or PRE-APPLICATION CONFERENCE;
- O. Permits or permit APPLICATION submissions required by Federal, STATE or COUNTY regulations or which are deemed necessary under such regulations by the PLANNING AND ZONING DIRECTOR or PLANNING COMMISSION. Such permits and APPLICATIONS include but are not limited to those required for Flood Plain Management, STORM WATER Management, Clean Streams Law Permit, NPDES (National Pollution Discharge Elimination System) permit, and DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) Planning Module permits and NHTMA permits.

### **304.7 EXEMPTIONS FOR ENVIRONMENTAL STUDIES AND WAIVER PROVISIONS**

- A. Exemptions Based On Plan Characteristics. The PLANNING AND ZONING DIRECTOR may waive the submission of an ENVIRONMENTAL CONSTRAINTS STUDY and documentation of natural features per the ENVIRONMENTALLY SENSITIVE OVERLAY for PLANS that involve a boundary line revision creating no additional lots or a LAND DEVELOPMENT involving a CHANGE OF USE. Said waiver may be granted provided that the areas of the ENVIRONMENTALLY SENSITIVE OVERLAY lying within the PLAN'S SITE are in no way adversely impacted by effects of the proposed DEVELOPMENT or SUBDIVISION.
- B. Waivers. The PLANNING AND ZONING DIRECTOR may waive APPLICATION requirements per the ENVIRONMENTALLY SENSITIVE OVERLAY based on a demonstrated degree of absence of all features constituting the OVERLAY. The APPLICANT shall provide information demonstrating the absence or the degree of absence of said features at the STAFF CONFERENCE or prior to the OFFICIAL FILING DATE of the APPLICATION. The waiver, a zoning determination, shall be final but may be appealed to the ZONING HEARING BOARD under the provisions of the ZONING ORDINANCE.
- C. Reclassification of Application Type. If the aforementioned waiver of APPLICATION requirements per the ENVIRONMENTALLY SENSITIVE OVERLAY is granted, a reclassification of a MAJOR SUBDIVISION or MAJOR LAND DEVELOPMENT as a MINOR SUBDIVISION or MINOR LAND DEVELOPMENT may be granted by the PLANNING AND ZONING DIRECTOR if no other criteria in the APPLICATION would classify the PLAN as a MAJOR SUBDIVISION or LAND DEVELOPMENT.

**304.8 ITEMS EXEMPTED FROM PLAN SUBMISSIONS WHERE APPLICANT SEEKS ONLY PRELIMINARY APPROVAL.** In the event that an APPLICANT elects only to seek PRELIMINARY APPROVAL of a SUBDIVISION or LAND DEVELOPMENT, the following items shall be exempt from the submission requirements of PLANS submitted with the intention of receiving only preliminary approval.

- A. FINAL PLAN for recording
- B. DETAILED CONSTRUCTION DRAWINGS of PUBLIC IMPROVEMENTS.
- C. Final Permits from STATE or Federal Agencies.
- D. The PLANNING COMMISSION may require additional information on all aspects of the PRELIMINARY APPLICATION in order to recommend approval of the plan and/or impose conditions on requiring more information and permit approvals in order to gain FINAL APPROVAL.

**305 POST-APPROVAL REQUIREMENTS**

**305.1 PERFORMANCE GUARANTEE AND FINANCIAL SECURITY**

A. No PLAN shall be recorded or permits issued until as a condition for the approval of a FINAL PLAT, the DEVELOPER shall provide, for deposit with the TOWNSHIP, a PERFORMANCE GUARANTEE in the form of a FINANCIAL SECURITY. The amount of the FINANCIAL SECURITY shall be sufficient to cover the costs of PUBLIC IMPROVEMENTS and common amenities including, but not limited to ROADS, STORM WATER DETENTION and/or RETENTION BASINS, and other related DRAINAGE FACILITIES, recreational facilities, open space IMPROVEMENTS, landscaping, and buffers or screen plantings which may be required, by this ORDINANCE and/or as shown on the FINAL PLAT.

B. The amount of FINANCIAL SECURITY to be posted for the completion of the PUBLIC IMPROVEMENTS shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the DEVELOPER. The amount of the FINANCIAL SECURITY shall be based on a cost estimate submitted by the DEVELOPER or be prepared by the TOWNSHIP ENGINEER at the DEVELOPER’S request. The cost estimate shall be certified as being “a fair and reasonable estimate” of the cost of PUBLIC IMPROVEMENTS.

C. The FINANCIAL SECURITY shall provide for, and secure to the PUBLIC, the completion of any PUBLIC IMPROVEMENTS as required in the FINAL APPROVAL within twenty-four (24) months of the approval, or within another time period, mutually agreed upon by the DEVELOPER and the TOWNSHIP. In those circumstances separate bonds shall provide for those PUBLIC IMPROVEMENTS with a longer time period. The amount of the FINANCIAL SECURITY may be adjusted annually in accordance with Section 509 (f) of the Municipalities Planning Code (MPC).

D. Federal or Commonwealth of Pennsylvania chartered lending institution irrevocable letters of credit and restrictive or ESCROW accounts in such lending institutions shall be deemed acceptable forms of FINANCIAL SECURITY. Such FINANCIAL SECURITY shall be posted with a bonding company or a federal or Commonwealth of Pennsylvania chartered lending institution chosen by the party posing the FINANCIAL SECURITY, provided said bonding company or lending institution is authorized to conduct business within the Commonwealth of Pennsylvania.

E. At the request of the APPLICANT, the TOWNSHIP shall furnish the APPLICANT with a signed copy of a resolution indicating approval of the APPLICANT’S FINAL PLAT contingent upon the obtaining of a satisfactory FINANCIAL SECURITY. The FINAL PLAT shall not be signed by the BOARD OF COMMISSIONERS until a satisfactory FINANCIAL SECURITY is presented.

F. The DEVELOPER shall also pay the required inspection fee, per Section 602.2 of this Ordinance, and the fee for required fire hydrants and street signs prior to the release of the PLAN for recordation.

**305.2 DEVELOPMENT AGREEMENT**

The BOARD OF COMMISSIONERS, shall require that the DEVELOPER execute a DEVELOPMENT AGREEMENT with the TOWNSHIP prepared by the TOWNSHIP SOLICITOR at the expense of the DEVELOPER. Such DEVELOPMENT AGREEMENT shall contain 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 or LAND DEVELOPMENT. Said DEVELOPMENT AGREEMENT shall be executed; the required PERFORMANCE GUARANTEE shall be posted; and all required fees shall be paid before the TOWNSHIP approves and signs the FINAL PLAT for recording purposes. No PLAN shall be signed for recording until certified copies of all permits and approvals required by applicable Federal, State, COUNTY and TOWNSHIP Codes and Regulations are received by the TOWNSHIP and the

cost estimate for completing PUBLIC IMPROVEMENTS is received by the TOWNSHIP and approved by the TOWNSHIP ENGINEER.

### **305.3 RECORDING OF PLANS**

- A. Granting of PRELIMINARY APPROVAL by the BOARD OF COMMISSIONERS shall not entitle the APPLICANT to record such PLAN at the Recorder of Deeds Office.
- B. The FINAL PLAN, as approved and signed by the President of the BOARD OF COMMISSIONERS and the TOWNSHIP SECRETARY shall be recorded in the Office of the Recorder of Deeds of Westmoreland County., within ninety (90) days of the DECISION by the BOARD OF COMMISSIONERS, except in the event that the PLAN is approved with a condition requiring a DEVELOPERS AGREEMENT and the posting of FINANCIAL SECURITY, the ninety (90) day period shall commence upon the execution of that DEVELOPERS AGREEMENT, with the date of execution of that agreement placed in the PLAN as the date of FINAL APPROVAL . The DEVELOPERS AGREEMENT and the posting of FINANCIAL SECURITY shall occur within six (6) months of the DECISION on the PLAN by the BOARD of COMMISSIONERS, unless an extension is granted by the BOARD OF COMMISSIONERS, in writing. Upon review of the FINANCIAL SECURITY by the TOWNSHIP, the BOARD OF COMMISSIONERS shall consider approval of the PLAN for recordation, the acceptance of FINANCIAL SECURITY, and execution of the DEVELOPERS AGREEMENT at its next regularly scheduled meeting. In the event that the DEVELOPERS AGREEMENT is not executed by all parties within this period, or an extension is granted, the FINAL PLAN APPROVAL shall be considered null and void. The Recorder of Deeds shall not accept any plat for recording unless such plat officially notes the approval of BOARD OF COMMISSIONERS, and review by the COUNTY. The APPLICANT shall deposit a fee of one hundred dollars (\$100) with the TOWNSHIP to insure that the TOWNSHIP receives one Mylar copy of the recorded PLAN. Upon the receipt of this recorded PLAN, the TOWNSHIP shall refund this deposit.

### **305.4 ISSUANCE OF PERMITS**

The TOWNSHIP shall not issue any permits for any construction activity for a PLAN until such time that the PLAN has been granted FINAL APPROVAL, or, if applicable, has met all conditions of FINAL APPROVAL, and, if applicable, evidence provided that the PLAN has been duly recorded at Recorder of Deeds Office of the COUNTY.

## **ARTICLE 4 STREET IMPROVEMENTS AND DEDICATION STANDARDS**

### **STREET IMPROVEMENT AND DEDICATION STANDARDS**

#### **401 GENERAL PROVISIONS**

401.1 The arrangement, character, extent, width, GRADE and location of all STREETS shall conform to the COMPREHENSIVE PLAN or OFFICIAL MAP, as adopted.

401.2 Where not shown on the COMPREHENSIVE PLAN or Official Map, the arrangement and other design standards of STREETS shall conform to the provisions found herein.

401.3 Every LOT within a SUBDIVISION shall have ACCESS to a PUBLIC STREET.

401.4 RESIDENTIAL STREETS shall be arranged so as to discourage through traffic, and provide for maximum privacy. Appropriate traffic calming measures to reduce speed on RESIDENTIAL STREETS are recommended as approved by the TOWNSHIP ENGINEER.

401.5 All STREETS shall be named. No STREET names shall be used which will duplicate or be phonetically similar with the names of existing STREETS. STREET names shall be subject to the approval of the PLANNING COMMISSION. The PLANNING COMMISSION may require review of any street name by the fire company which would service the proposed STREET and/or the United States Post Office as part of their determination.

401.6 STREETS that are extensions of or obviously in alignment with existing STREETS shall bear the names of the existing STREETS.

401.7 Any PLAN which includes encroachment within the legal RIGHT-OF- WAY of a State highway is required to obtain a State Highway Access Permit from the Pennsylvania Department of Transportation (PennDOT) Permits Office,

District 12, Uniontown, Pennsylvania, either prior to the approval of the PLAN or as a condition of receiving any permits from the TOWNSHIP.

401.8 All ROAD and STREET design and CONSTRUCTION shall comply with standards and methods established in the latest editions of the following as directed by TOWNSHIP ENGINEER:

- A. NHT Engineering Specs;
- B. PennDOT Design Manual II, January 1998;
- C. PennDOT Guidelines for Design of Local ROADS and STREETS, January 1998;
- D. PennDOT Specifications, Publication 408, 1998.

## **402 GENERAL DESIGN AND ARRANGEMENT**

402.1 In general, all STREETS shall be continuous and in alignment with existing STREETS and shall provide a convenient system to insure circulation of vehicular and pedestrian traffic. However, LOOP STREETS and CUL-DE-SAC STREETS, shall be designed so that their use by through traffic will be discouraged.

402.2 New STREETS shall be logically related to existing and planned STREETS, to topographical conditions, to PUBLIC convenience and safety, and in their appropriate relation to the proposed uses of the SITES to be served by such STREETS.

402.3 Where ABUTTING LAND is undeveloped, new SUBDIVISIONS shall make provision for the extension of rights-of-way into such ABUTTING undeveloped land by continuing the rights-of-way of proposed STREETS to the boundaries of the SITE being developed.

402.4 Where a LAND DEVELOPMENT or SUBDIVISION abuts or contains an existing or proposed COLLECTOR or ARTERIAL STREET, the PLANNING COMMISSION may require MARGINAL ACCESS STREETS, deep LOTS with rear service ALLEYS, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

402.5 Where a LAND DEVELOPMENT or SUBDIVISION abuts on or contains a railroad RIGHT-OF-WAY or limited ACCESS highway RIGHT-OF-WAY, the PLANNING COMMISSION may require a MARGINAL ACCESS STREET approximately parallel to and on each side of such RIGHT-OF-WAY, at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with due regard for the requirements of approach GRADES and future GRADE separations.

402.6 New HALF or PARTIAL STREETS will not be permitted. Wherever a PARCEL to be subdivided borders an existing HALF or PARTIAL STREET, the remaining portion of the STREET, needed to comply with required RIGHT-OF-WAY widths, shall be secured and platted within the new SUBDIVISION.

402.7 DEAD-END STREETS shall be prohibited, unless provided with a permanent or temporary cul-de-sac turnaround as specified in Section 404.2 of this ORDINANCE.

402.8 Where STREETS continue into ABUTTING municipalities, evidence of compatibility of design, particularly with regard to STREET widths, shall be submitted. The APPLICANT shall coordinate such design with both municipalities to avoid abrupt changes in CARTWAY width or in PUBLIC IMPROVEMENTS provided.

402.9 The CONSTRUCTION of STREETS, ROADS, and other rights-of-way, whether private or public, as shown on FINAL PLANS, may be approved only if they are designed to meet or exceed TOWNSHIP STREET standards including RIGHT-OF-WAY, PAVING width, DRAINAGE, CURBS and GUTTERS

402.10 All CONSTRUCTION shall proceed, as scheduled, and in conjunction with scheduled inspections by the TOWNSHIP ENGINEER or designee, pursuant to Article 6 of this ORDINANCE.

402.11 Adequate provisions for the satisfactory maintenance of all STREETS shall be made by dedication to and acceptance for maintenance by the TOWNSHIP or by other acceptable means.

402.12 All STREETS shall be graded to the GRADES shown on the STREET PROFILES AND CROSS-SECTION PLAN submitted and approved with the FINAL PLAN.

402.13 All materials used in the CONSTRUCTION of STREETS and the methods of CONSTRUCTION and DRAINAGE shall be in accordance with the applicable requirements of the latest revision of the PennDOT Specifications, Publication 408 and PennDOT Standards for Roadway CONSTRUCTION, as revised.

402.14 The typical ROAD section in Appendix A, illustrates design and dimensional standards for RESIDENTIAL STREETS. Dimensions for other types of STREETS as identified in Section 407.1 and Section 409.5 which are noted with a double asterisk (\*\*) shall meet or exceed minimum requirements of the latest revision of the PennDOT Design Manual, Part II, standard for that particular class of Roadway.

402.15 All ROADS must be installed by a PennDOT certified contractor.

#### **403 STREET ACCESS AND DRIVEWAYS**

403.1 Except for those provided for a single family home, all ACCESS and DRIVEWAYS in new SUBDIVISIONS and LAND DEVELOPMENTS shall conform to the standards and regulations of the ZONING ORDINANCE according to their respective locations and type of uses. The minimum width for one-way DRIVEWAYS shall be twelve (12) feet. The minimum width of a two-way DRIVEWAY shall be twenty four (24) feet at the opening of the STREET.

403.2 DRIVEWAYS may be provided on the SITE where necessary for convenient ACCESS to the living units, garage compounds, PARKING AREAS, service entrances of BUILDINGS, collection of refuse and all other ESSENTIAL SERVICES. DRIVEWAYS serving uses other than single family or two family homes shall enter PUBLIC STREETS at safe locations, not less than fifty feet (50') from any INTERSECTION, and in no case within the CURB radius. The maximum width of driveways measured at the STREET LOT LINE shall be twenty-four (24) feet for those used for two-way traffic and the minimum width shall be twelve (12) feet for those used for one-way traffic.

403.3 Driveways and ACCESS shall be so located, designed and constructed as to provide a reasonable SIGHT DISTANCE at INTERSECTIONS with STREETS. A stopping area, measured twenty (20) feet behind the RIGHT-OF-WAY line, shall be provided not to exceed a four percent (4%) GRADE wherever possible.

#### **404 CUL-DE-SAC STREETS**

404.1 CUL-DE-SAC STREETS are permitted which are a minimum of two hundred and fifty (250') feet in length, measured from the CENTER LINE of the intersecting STREET to the center of the CUL-DE-SAC, and where the total length from the last intersection does not exceed seven hundred (700) feet and where a turnaround, with a CARTWAY diameter of eighty (80) feet and a RIGHT-OF-WAY diameter of one hundred (100) feet, is provided. Exceptions to this requirement may be granted by the BOARD OF COMMISSIONERS upon the recommendation of the PLANNING COMMISSION, with the concurrence of the TOWNSHIP ENGINEER, subject to satisfying other performance standards of this ORDINANCE and not interfering with the public health, safety and welfare.

404.2 A temporary CUL-DE-SAC for STREETS ending at the property line of a PARCEL during PHASED CONSTRUCTION shall be designed so that the CARTWAY is widened to a fifty (50) foot width for a distance of eighty (80) feet at the turnaround. It shall be the DEVELOPER'S responsibility to remove the temporary PAVING.

404.3 When required for future extension, the turnaround RIGHT-OF-WAY shall be placed adjacent to the PARCEL boundary with sufficient width along the boundary line to permit extension of the STREET at full width.

404.4 DRAINAGE of CUL-DE-SAC STREETS shall be positive drainage and shall preferably be towards the open end.

#### **405 ALLEYS**

405.1 ALLEYS may be permitted under special circumstances in residential areas but in no case shall an ALLEY provide the only means of ACCESS to a LOT.

405.2 ALLEYS may be required in MULTI-FAMILY dwelling DEVELOPMENTS.

405.3 Where ALLEYS are permitted in residential DEVELOPMENTS, they shall have a twenty-five (20) foot minimum RIGHT-OF-WAY and shall be paved for a width of at least eighteen (16) feet and curbed where required. No part of any dwelling, garage or other STRUCTURE may be located within twenty-four (24) feet of the CENTERLINE of the RIGHT-OF-WAY of the ALLEY.

405.4 ALLEYS shall be provided for NON-RESIDENTIAL USES, except that the PLANNING COMMISSION may waive this requirement where other definite and assured provision is made for service ACCESS, which is consistent with and adequate for the uses proposed.

405.5 Where provided for NON-RESIDENTIAL USES, ALLEYS shall have a paved CARTWAY of at least twenty (20) feet and shall be curbed where required, and shall have a RIGHT-OF-WAY width of thirty (30) feet. Where necessary, corners shall have a radius of thirty (30) feet to permit safe use by large vehicles.

405.6 Dead-end ALLEYS shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end, as determined by the PLANNING COMMISSION and/or TOWNSHIP ENGINEER.

#### **406 STREET GRADES**

406.1 The entire width of the RIGHT-OF-WAY of each STREET in a proposed SUBDIVISION shall be graded and suitably prepared for the installation of PAVING, DRAINAGE STRUCTURES, CURBS, GUTTERS and SIDEWALKS in accordance with the appropriate standards for the class of STREET.

406.2 The minimum CENTERLINE STREET GRADE shall be one (1%) percent, but STREETS constructed at this GRADE shall be closely monitored and strict attention paid to CONSTRUCTION techniques to avoid ponding. Where topographical conditions permit, GRADES in excess of one (1%) percent shall be used.

406.3 No STREET GRADE shall exceed the following with due allowance for reasonable vertical curves:

|  |     |
|--|-----|
| EXPRESSWAYS and ARTERIAL STREETS                           | 7%  |
| COLLECTOR STREETS  | 10% |
| MINOR COLLECTOR STREETS,<br>RESIDENTIAL STREETS and ALLEYS | 12% |

Any modification request on the above standards shall only be considered if it is required to satisfy other performance standards contained in this ORDINANCE.

406.4 The CENTER LINE GRADE on the CUL-DE-SAC turning area shall not exceed eight (8%) percent

406.5 Vertical curves shall be used in all changes of GRADES. The minimum vertical curve shall be one hundred-fifty (150) feet in length for ARTERIAL STREETS, one hundred (100) feet in length for COLLECTOR STREETS and fifty (50) feet in length for MINOR COLLECTOR STREETS and RESIDENTIAL STREETS. Vertical curves shall be increased twenty (20) feet in length for each one percent (1%) of GRADE change exceeding three percent (3%).

406.6 Where the GRADE of the STREET is above or below the GRADE of the ABUTTING PARCELS slopes shall be constructed in a manner approved by the TOWNSHIP ENGINEER and shall be sufficient to support the STREET or the ABUTTING land. Slopes shall be maximum 3:1 ratio.

406.7 Where the GRADE of the STREET is three (3) feet or more above the GRADE of the ABUTTING PARCEL, guide rails shall be built to protect travel as required by the TOWNSHIP ENGINEER.

#### **407 STREET ALIGNMENT**

|  |        |
|--|--------|
| 407.1 Horizontal curvatures shall accommodate the following minimum design speeds: |        |
| EXPRESSWAYS and ARTERIAL STREETS   | 55 mph |
| COLLECTOR STREETS  | 45 mph |

|   |        |
|---|--------|
| MINOR COLLECTOR STREETS                                   | 35 mph |
| RESIDENTIAL STREETS AND other STREETS (less than 500 ft.) | 25 mph |

407.2 Visibility Requirements:

A. Minimum vertical visibility (measured 4 1/2 feet eye level to tail-lights 18" above ground level).

|   |      |
|---|------|
| ARTERIAL STREETS                                    | 500' |
| COLLECTOR STREETS                                   | 300' |
| MINOR COLLECTOR STREETS                             | 200' |
| RESIDENTIAL STREETS and STREETS (less than 500 ft.) | 200' |

B. Minimum horizontal visibility, measured on STREET CENTER LINE, shall be:

|                                  |      |
|----------------------------------|------|
| EXPRESSWAYS and ARTERIAL STREETS | 550' |
| COLLECTOR STREETS                | 350' |
| All Other ROADS and STREETS      | 100' |

407.3 A tangent shall be required between curves; however, a long radius curve shall be preferred in all cases to a series of curves and tangents. A minimum tangent of one hundred (100) feet shall be required between reverse curves.

407.4 Super-elevation (commonly known as "banking a curve") shall be required when curve radii are less than six hundred (600) feet on COLLECTOR STREETS, and shall be designed in accordance with PennDOT Design Criteria applicable to the class of Roadway.

**408 INTERSECTIONS**

408.1 STREETS shall be designed so as to intersect as nearly as possible at right angles, and no STREET shall intersect any other STREET at an angle less than seventy-five (75) degrees.

408.2 STREET CENTER LINES of STREETS opening into opposite sides of another STREET shall either intersect or be separated from each other by more than 200 feet.

408.3 New INTERSECTIONS of more than two STREETS shall not be permitted.

408.4 Leveling areas. Where the GRADE of any street at the approach of an INTERSECTION exceeds five percent (5%), a leveling area shall be provided, with a transition GRADE not to exceed two percent (2%) for a distance of fifty (50) feet from the nearest RIGHT-OF-WAY of the INTERSECTION.

408.5 The planting of trees or other plantings, or the location of STRUCTURES exceeding thirty (30) inches in height that would obstruct the CLEAR SIGHT TRIANGLE shall be prohibited, and a PUBLIC right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs the CLEAR SIGHT TRIANGLE

408.6 TURNING LANES. Deceleration, turning, or merging lane may be required by the TOWNSHIP along existing and proposed STREETS owned and operated by the TOWNSHIP that directly abut the DEVELOPMENT, as recommended by the TRANSPORTATION IMPACT STUDY.

A. Deceleration lanes shall be designed to the following standards:

- 1) The lane width shall be the same as the required width of the Roadway MOVING LANES.
- 2) The lane shall provide the full required lane width for its full length. It shall be tapered.



3) The minimum lane length shall be as follows:

| Design Speed<br>of ROAD | Minimum Deceleration<br>Lane Length |
|-------------------------|-------------------------------------|
| 30 mph                  | 250 feet                            |
| 40 mph                  | 370 feet                            |
| 50 mph                  | 500 feet                            |

408.7 Corner CURB radii shall be according to the following schedule of minimum lengths: MINOR COLLECTOR STREETS and RESIDENTIAL STREETS, 15 feet; COLLECTOR STREETS, 35 feet; and ARTERIAL STREETS, 55 feet. Where STREETS of different categories intersect, the requirements for the one of higher category shall hold.

408.8 The RIGHT-OF-WAY line for corner CURBS shall be an arc concentric with the CURB line with radius of a minimum of twenty- five (25) feet.

408.9 CLEAR SIGHT TRIANGLE. Whenever a proposed STREET intersects an existing or proposed STREET of higher order in the STREET hierarchy, the STREET of lower order shall be made a stop STREET. The STREET of lower order shall also be designed to provide a minimum corner SIGHT DISTANCE as specified in this ORDINANCE.

**409 RIGHTS-OF-WAY**

409.1 The RIGHT-OF-WAY shall be measured from LOT LINE to LOT LINE and shall be sufficiently wide to contain the CARTWAY, CURBS, SHOULDERS, SIDEWALKS, graded areas, utilities, and shade trees (if they are placed within the RIGHT-OF-WAY).

409.2 The RIGHT-OF-WAY of each STREET in a proposed LAND DEVELOPMENT or SUBDIVISION shall be graded and there shall be installed PAVING, DRAINAGE STRUCTURES, CURBS and GUTTERS, and pedestrian pathways in accordance with the standards outlined in these SUBDIVISION and LAND DEVELOPMENT Regulations and in strict accordance with all TOWNSHIP specifications.

409.3 The RIGHT-OF-WAY width of a new STREET that is a continuation of an existing STREET shall in no case be continued at a width less than that of the existing STREET.

409.4 In review of the requirements of the RIGHT-OF-WAY requirements for a SUBDIVISION, the PLANNING COMMISSION and the TOWNSHIP ENGINEER shall consider ROAD classification and DEVELOPMENT projections as indicated by the COMPREHENSIVE PLAN and the DEVELOPMENT PLAN for all phases of the proposed DEVELOPMENT.

**409.5 STREET PAVING AND RIGHT-OF-WAY MINIMUM STANDARDS**

| STREET<br>Classification  | Minimum<br>CARTWAY<br>PAVING<br>WIDTH<br>(with curbing) | Required SIDEWALK<br>or graded Area<br>Width | Total<br>Width<br>RIGHT OF WAY |
|---------------------------|---|--|--------------------------------|
| ALLEYS                    | 16'   | Graded Area On Each Side                     | 20'                            |
| RESIDENTIAL STREETS       | 26'   | SIDEWALK each side**                         | 50'                            |
| MINOR COLLECTOR<br>STREET | 26'   | SIDEWALK each side**                         | 50'                            |
| COLLECTOR STREET          | 30'   | SIDEWALK each side**                         | 60'                            |
| ARTERIAL STREET           | 30'   | SIDEWALK each side**                         | 90'                            |

\*\* Unless otherwise waived per standards of this ORDINANCE.

409.6 Additional RIGHT-OF-WAY and CARTWAY widths may be requested by the Board of Commissioners for the following purposes:

- A. To promote PUBLIC safety and convenience.
- B. To provide PARKING AREAS in areas of high density residential DEVELOPMENT.
- C. To provide slope rights whenever topography is such that additional RIGHT-OF-WAY is needed to provide adequate earth slopes. Such slopes shall not be in excess of two to one except as provided in section 507 of this ORDINANCE.

#### **410 CURBS AND GUTTERS**

410.1 Curbing shall be required for the purposes of DRAINAGE, safety, and delineation and protection of pavement edge.

410.2 CURB requirements shall vary according to STREET hierarchy and intensity of DEVELOPMENT.

410.3 CURBING may be required:

- A. For storm water management;
- B. To stabilize pavement edge;
- C. To delineate PARKING AREAS;
- D. Ten (10) feet on each side of DRAINAGE inlets;
- E. At INTERSECTIONS;
- F. At corners;
- G. At tight radii; and

410.4 Where curbing is not required, an edge definition and stabilization shall be furnished for safety reasons and to prevent pavement unraveling.

410.5 Where curbing is required, this requirement may be waived and SHOULDERS and/or DRAINAGE swales used when it can be shown that the conditions described in section 411.1 of this ORDINANCE are met.

410.6 In DEVELOPMENTS for NON-RESIDENTIAL USES concrete CURBS shall be required.

410.7 Where CURBS exist on ABUTTING PARCELS, their extension will shall be required throughout the proposed SUBDIVISION.

410.8 CURBS may be of the wall type or may be combined with GUTTERS built of concrete or bituminous concrete. CURBS, combined curbs and GUTTERS, and graded GUTTERS shall be constructed in accordance with the specifications and standards as adopted by the TOWNSHIP and as stated in the ADA.

410.9 Prior to the application of the finished wearing surface, CURB cuts shall be in place and approved by the TOWNSHIP, for each LOT in the SUBDIVISION.

#### **411 SHOULDERS AND EMBANKMENTS**

411.1 SHOULDERS and/or DRAINAGE swales shall be required instead of CURBS when:

- A. SHOULDERS are required by state law;
- B. Soil, topography or potential environmental impacts from excess of stormwater make the use of SHOULDERS and/or DRAINAGE swales preferable; or
- C. It is in the best interest of the community to serve its rural character by using SHOULDERS and/or DRAINAGE swales instead of CURBS.

411.2 SHOULDER requirements shall vary according to STREET hierarchy and intensity of DEVELOPMENT.

411.3 SHOULDERS shall measure a minimum of four (4) feet in width on each side for all STREETS and shall be located within the RIGHT-OF-WAY. SHOULDERS of greater width shall be required as deemed necessary by the TOWNSHIP ENGINEER.

411.4 The width of swales shall be determined by SITE-specific conditions and hydraulic capacity requirements.

411.5 SHOULDERS shall consist of stabilized turf or other material acceptable to the TOWNSHIP ENGINEER.

411.6 The entire SHOULDER area shall be uniformly and thoroughly compacted by rolling and must be level with the top of the ROAD surface as directed by the TOWNSHIP ENGINEER.

411.7 Embankments at the sides of STREETS and cross sections of DRAINAGE swales shall not exceed the maximum slope established in section 507 of this ORDINANCE except as recommended in the SITE geotechnical investigation REPORT. The TOWNSHIP ENGINEER may require more rigid standards where conditions warrant.

## **412 STREET LIGHTS**

412.1 STREET LIGHTING shall be required for all LAND DEVELOPMENTS and NON-RESIDENTIAL USES and for all MULTI-FAMILY DEVELOPMENTS based upon the standards of this section.

412.2 STREET LIGHTING shall be required in all MAJOR SUBDIVISIONS with proposed new STREETS at proposed intersections with any COLLECTOR ROAD or ARTERIAL ROAD and at any PLAN entrance. The TOWNSHIP ENGINEER shall recommend additional STREET LIGHTING in areas of the PLAN deemed necessary for public safety. The DEVELOPER may submit an alternate plan for lighting the plan with methods other than STREET LIGHTS, which shall be reviewed by the TOWNSHIP ENGINEER.

412.3 Where required, the DEVELOPER shall install or cause to be installed, at the DEVELOPERS expense, STREET LIGHTING serviced by underground conduits in accordance with a plan approved by the TOWNSHIP ENGINEER, the PLANNING COMMISSION, and the BOARD OF COMMISSIONERS. The DEVELOPER shall be responsible for all costs involved in LIGHTING the STREETS until such time that the STREET(S) are accepted as PUBLIC STREETS of the TOWNSHIP.

412.5 Within LAND DEVELOPMENTS, STREET LIGHTING shall be generally installed at intersections, along SIDEWALKS and at entryways, between BUILDINGS, and in PARKING AREAS as required in the TOWNSHIP ZONING ORDINANCE and at all other areas determined to be hazardous by the BOARD OF COMMISSIONERS on the advice of the TOWNSHIP ENGINEER.

412.6 The maximum spacing of STREET LIGHTING shall be two hundred (200) feet.

412.7 The maximum height of STREET LIGHTING shall not exceed the maximum height permitted in the ZONING ORDINANCE or 25 feet, whichever is less.

412.8 LIGHTING shall be installed in accordance with PennDOT standards.

412.9 The shielding of LIGHTING shall provide proper LIGHTING without hazard to drivers or nuisance to residents, and the design of LIGHTING standards shall be of a type appropriate to the DEVELOPMENT and the TOWNSHIP.

412. 10 Style, type, shielding and manufacturer of STREET LIGHTING shall be subject to the approval of the PLANNING COMMISSION on the advice of the TOWNSHIP ENGINEER. STREET LIGHTING shall be high pressure sodium with photoelectric cell unless otherwise directed by the PLANNING COMMISSION.

412.11 Details of the pole shall be submitted with the plan and shall be of a decorative variety as determined by the PLANNING COMMISSION.

#### **413 STREET SIGNS AND PLAN IDENTIFICATION SIGNS**

413.1 A street sign having a name plate shall be installed by the TOWNSHIP at every STREET intersection and shall conform to CONSTRUCTION standards approved by the TOWNSHIP. Costs for such street sign(s) shall be paid to the TOWNSHIP as part of the DEVELOPERS AGREEMENT.

413.2 Permanent STREET SIGNS shall be white reflectorized lettering on blue background with colors, style, and size to match existing STREET SIGNS in North Huntingdon TOWNSHIP.

413.3 The DEVELOPER shall submit any proposed plan identification sign to be located at the entrance(s) of residential PLANS with the APPLICATION. No sign shall be located within the right-of-way, unless otherwise approved by the TOWNSHIP. The proposed sign shall include detail on size, location and building materials and shall be approved by the TOWNSHIP as part of the PLAN review process.

#### **414 SIDEWALKS**

414.1 SIDEWALKS shall be required to be CONSTRUCTED in all MAJOR SUBDIVISIONS and MAJOR LAND DEVELOPMENTS involving the construction of new PUBLIC STREETS, unless otherwise waived by the BOARD OF COMMISSIONERS under the provisions of Section 414.7 of this ORDINANCE.

414.2 SIDEWALKS shall be four (4) feet wide and 5 inches deep. Concrete is to be PA DOT Class A or better and broom-finished. The SIDEWALK is to be placed on 5 inches of 2-b for stone base. Scored CONSTRUCTION joints are to be every 5 feet with expansion joints every 20 feet. CONSTRUCTION and materials are to conform to the Typical Sidewalk Detail of North Huntingdon TOWNSHIP as found in Appendix A.

414.3 Unless an alternative installation plan is proposed by the DEVELOPER, and approved by the BOARD OF COMMISSIONERS as part of the DEVELOPMENT AGREEMENT, SIDEWALKS within residential SUBDIVISIONS shall be installed at the time of the construction of home on that lot. The DEVELOPER shall be responsible for bonding all SIDEWALKS pursuant to provisions on this ORDINANCE and the Pennsylvania MPC. Within LAND DEVELOPMENTS, SIDEWALKS shall be installed prior to the issuance of the OCCUPANCY PERMIT..

414.4 SIDEWALKS installed along COUNTY or STATE ROADS shall meet the specifications established by the COUNTY or STATE.

414.5 The GRADES and PAVING of the SIDEWALKS shall be continuous across driveways except in NON-RESIDENTIAL USE AREAS and high density residential DEVELOPMENTS and in certain other cases where heavy traffic volume dictates special treatment. In NON-RESIDENTIAL areas, a concrete apron should be installed to the RIGHT-OF-WAY line where the concrete SIDEWALKS intersect.

414.6 The alignment and gradient of SIDEWALKS shall be coordinated with the GRADING PLAN to prevent the passage of concentrated surface water on or across the walk; limit excessive slopes; and prevent the pocketing of surface water.

414.7 When one of the following conditions exist making the installation of SIDEWALKS unnecessary or impractical, the DEVELOPER shall so demonstrate those condition(s) and request in writing to the BOARD OF COMMISSIONERS that this requirement be waived in whole or in part. Approval or denial of the request shall be made by the BOARD OF COMMISSIONERS in writing, pursuant to the provisions of Article VII of this ORDINANCE. Financial consideration of the costs of the construction of the proposed SIDEWALKS shall not be considered by the BOARD as a reason for waiving this requirement.

- A. Ninety (90%) percent of the LOTS within all phases of the PLAN are greater than twenty-five thousand (25,000) square feet and have frontages on a public street of greater than one hundred (100') feet;
- B. The SUBDIVISION PLAN has only one STREET which is a CUL-DE-SAC.
- C. The slope of any BLOCK within a PLAN is greater than eight (8%) percent (intersection to intersection) . Unless other conditions exist, the waiver would only apply to that BLOCK.

D. The SUBDIVISION PLAN is less than ten (10) acres including all phases of the PLAN.

414.8 Within MULTI-FAMILY DEVELOPMENTS and other NON-RESIDENTIAL DEVELOPMENTS, SIDEWALKS shall be installed along all new streets, whether private or public and within the site to provide for safe pedestrian circulation to the BUILDING(S) and PARKING area(s).

414.9 SIDEWALKS ABUTTING angle PARKING AREAS shall be a minimum of five (5) feet in width to prevent car overhang from restricting pedestrian movement along the SIDEWALK.

414.10 All SIDEWALKS shall be designed and constructed in accordance with Federal specifications for handicapped accessibility.

#### **415 BIKEWAYS**

415.1 BICYCLE LANES, when proposed, shall be placed in the outside lane of a ROAD, adjacent to the CURB or SHOULDER. When on- STREET parking is permitted, the BICYCLE LANE shall be between the parking lane and the outer lane of moving vehicles. Lanes shall be delineated with markings, preferably striping. Raised reflectors or CURBS shall not be used.

415.2 Dimensions and construction specifications of BICYCLE LANES shall be determined by the estimated number and type of users and the location and purpose of the BICYCLE LANE. A minimum 8-foot paved width should be provided for two-way bicycle traffic and a 5-foot width for one-way traffic.

A. Choice of surface materials, including bituminous mixes, concrete, gravel, soil cement, stabilized earth and wood planking, shall depend on use and users of the path.

B. Gradients of BICYCLE LANES should generally not exceed a GRADE of five percent (5%), except for short distances.

415.3 BICYCLE LANES. Lanes shall be four (4) feet wide, or wide enough to allow safe passage of bicycles and motorists.

415.4 DRAINAGE grates. Bicycle-safe DRAINAGE grates shall be used in the CONSTRUCTION of all RESIDENTIAL STREETS. The specifications for bicycle-safe DRAINAGE grates are found in Appendix A.

#### **416 TRANSPORTATION IMPACT STUDY**

416.1 SUBDIVISIONS containing a minimum of fifty (50) lots and all MAJOR LAND DEVELOPMENTS with either fifty (50) or more units or those DEVELOPMENTS generating 500 or more TRIPS, according to the latest edition of Trip Generation, published by the Institute of Transportation Engineers, shall require the submission of a TRANSPORTATION IMPACT STUDY per requirements of this Section. The PLANNING COMMISSION may require submission of a modified study containing parts of the following requirements for any proposed DEVELOPMENT not meeting the above thresholds. The PLANNING AND ZONING DIRECTOR, at the advise of the TOWNSHIP ENGINEER may waive certain provisions of this TIS where those provisions would not be applicable. It is recommended that the DEVELOPER discuss the TIS as part of the PRE-SUBMISSION application process, outlined in Article III of this ORDINANCE.

416.2 The TRANSPORTATION IMPACT STUDY (TIS) shall be prepared by a certified professional engineer, experienced in traffic engineering studies, licensed in the Commonwealth of Pennsylvania. All costs of the TIS shall be borne by the property OWNER or APPLICANT.

416.3 Applicability. Use of the TIS may include the following:

A. Assist the TOWNSHIP and the APPLICANT in understanding the traffic related impacts at the SITE ingress, egress, and general circulation on the study area, and to thus minimize those impacts through efficient SITE level design of such circulation;

B. To consider any alternate or additional ingress or egress and general circulation patterns as conditions of approval based on the TIS;

C. To consider impacts along perimeter ROADS and intersections to assist the TOWNSHIP in future transportation planning and capital planning requirements;

D. The TOWNSHIP shall not use the TIS to require transportation IMPROVEMENT which are not on or adjacent to the proposed site. Such requirements, as governed by Section V-A of the MUNICIPALITIES PLANNING CODE, are distinct and separate from the applicability and intent of the requirements of this section.

416.4 TIS Elements: The APPLICANT shall submit a detailed description of the highway network and major intersections within one-half mile of the SITE. Said network may be limited to PRIMARY and SECONDARY ARTERIOLES and COLLECTOR STREETS and shall include the following conditions both on the SITE and within such radius. Both existing and applicable projections shall be shown for each of the following:

- A. TRIPS generated by the proposed DEVELOPMENT at all peak hours (weekday, morning and evening peak hours and one Saturday peak hour) during which the proposed use would be in operation.
- B. Description of the existing traffic conditions and volumes (weekday, morning and evening peak hours and one Saturday peak hour) during which the proposed use would be in operation.
- C. Traffic signals and signage, and other traffic control devices.
- D. Public Transportation Services
- E. RIGHTS-OF-WAY and DRIVEWAY widths, including CARTWAY and SHOULDER widths, vertical grades, horizontal curvatures, obstructions, sight distance, posted speed limits, signage or other notable features.
- F. Ingress and egress traffic movement on the SITE.
- G. Changes to the highway network.
- H. Determination of street service level.
- I. Determination of intersection service levels for intersection (s) generating more than 100 TRIPS in any peak hour
- J. Traffic accident history and location of accidents for five (5) years preceding APPLICATION date
- K. Proposed and existing pedestrian circulation
- L. Traffic IMPROVEMENTS, planned or recommended (e.g., additional traffic lanes, traffic signal, traffic signage, etc)
- M. The anticipated stages of construction and the anticipated completion date of the proposed SUBDIVISION or LAND DEVELOPMENT

416.5 TIS Standards. The TIS shall adhere to the following standards:

- A. Estimation of TRIP generation. TRIP generation per 416.4 (A) shall be estimated using any one of the following three methods: analogy; TRIP distribution model or surrogate data. Whatever method is used, TRIP distribution shall be estimated and analyzed for the horizon year and a ten-year projection (both with and without DEVELOPMENT) Consideration should be given to whether inbound and outbound TRIPS will have similar distribution.
- B. Transportation impact of the DEVELOPMENT using ratios and methodology contained in the current edition of the Manual of the Institute of Traffic Engineers
- C. Levels of Service as parts H and I of Section 416.4 of this ORDINANCE shall be defined using a method similar to those described in the current Highway Capacity Manual
- D. Estimates and projections of street service level, TRIP generation, etc. shall conform to the estimated dates of major phases in the construction of the proposed PLAN
- E. All applicable elements mentioned in Section 416.4 shall be denoted on a map which shall conform to the applicable drafting standards of Article III of this ORDINANCE.

416.6 Additional Requirements.

- A. The TIS shall be submitted with the APPLICATION and reviewed by the TOWNSHIP ENGINEER or his designee. All costs of this review shall be invoiced to the APPLICANT per standards contained in the MUNICIPALITIES PLANNING CODE. A copy should also be forwarded to the Pennsylvania Department of Transportation if STREETS under their jurisdiction are in the study area and to the Westmoreland County Planning Department if streets under the jurisdiction of the COUNTY are in the study area.
- B. The PLANNING DIRECTOR or the PLANNING COMMISSION may require further details similar to those mentioned in Section 4 of this Article for areas of special concern within a one (1) mile radius of the SITE for very large DEVELOPMENTS. Said areas may include those identified in the COMPREHENSIVE PLAN in need of IMPROVEMENT or having identified traffic problems.

#### **417 Waiver of Road Construction Standards for Private Streets Serving No More than Three Lots**

At the request of the APPLICANT, the BOARD OF COMMISSIONERS may waive all or part of the construction standards, specified in this ORDINANCE for proposed PRIVATE STREETS in SUBDIVISIONS serving no more than (3) lots, provided:

- A. The APPLICANT submits a hardship request, pursuant to Section 701 of this ORDINANCE;
- B. The standards of the proposed PRIVATE STREET shall be reviewed by the TOWNSHIP ENGINEER, for adequacy in providing for safe vehicular access, relationship to the PUBLIC STREET where the PARCEL is located, utility easements and emergency services. The TOWNSHIP ENGINEER shall have the authority to recommend stricter standards than proposed by the APPLICANT to meet these objectives.
- C. The APPLICANT shall be required to cause to be recorded in the Westmoreland County's Recorders Office a declaration of covenants, restrictions and EASEMENTS in a form acceptable to the TOWNSHIP solicitor which shall at the minimum provide:
  - 1) Reciprocal EASEMENTS for use of said PRIVATE STREET by each OWNER of a LOT served by such STREET;
  - 2) A declaration that the TOWNSHIP has no responsibility for the maintenance of such PRIVATE STREET;
  - 3) Maintenance of the PRIVATE STREET to be paid by the OWNERS of the LOTS served. Maintenance shall include: normal surface repair; reconstruction; drainage; snow and ice control; and any and all other costs which may be associated with said STREET;
  - 4) A provision that if the PRIVATE STREET is offered to the TOWNSHIP for dedication in the future, the STREET will first be brought up to TOWNSHIP specifications, including width for a dedicated STREET as required by this ORDINANCE, at the expense of the owners of the lots served by said road.

## **ARTICLE 5 DESIGN AND IMPROVEMENTS STANDARDS**

### **501 RELATIONSHIP TO ZONING ORDINANCE**

501.1 Proposed DEVELOPMENTS and SUBDIVISIONS shall comply with all applicable provisions of the TOWNSHIP ZONING ORDINANCE.

### **502 LAND, BLOCK AND LOT REQUIREMENTS**

#### **502.1 LAND**

- A. Land and all SITES proposed for DEVELOPMENT; shall be suited for the purpose for which it is to be developed,
- B. Those areas of SITES having STEEP SLOPES or POOR SOILS shall not be subdivided or developed unless such deficiencies can be avoided or eliminated, subject to standards provided in Section 507 of this ORDINANCE.
- C. Those area of SITES having land subject to flooding as shown on the official FEMA Flood Insurance Maps for North Huntingdon TOWNSHIP shall not be subdivided unless such deficiencies can be avoided or eliminated in accordance with Section 505 of this ORDINANCE.

#### **502.2 BLOCKS**

- A. BLOCKS shall have a maximum length of twelve hundred (1,200) feet and, as far as practicable, a minimum length of five hundred (500) feet. In design of BLOCKS longer than eight hundred (800) feet, special consideration should be given to the requirements for satisfactory fire protection as per Section 508.1 of this Ordinance and include traffic calming measures.
- B. INTERIOR PEDESTRIAN WALKS may be required in BLOCKS more than eight hundred (800) feet long. The RIGHT-OF-WAY of such walks shall not be less than fifteen (15) feet in width with a minimum paved SIDEWALK width of five (5) feet. A greater width may be required as necessary to facilitate pedestrian circulation. Interior walks shall be maintained by the ABUTTING property OWNERS in the same manner as SIDEWALKS on PUBLIC or PRIVATE STREETS, or by a community association or other similar OWNER.
- C. Residential BLOCKS shall be of sufficient depth to accommodate two (2) tiers of LOTS, except where THROUGH LOTS are permitted to border an ARTERIAL STREET or COLLECTOR STREET, railroad, watercourse or other natural barrier.
- D. Where a SUBDIVISION abuts an ARTERIAL STREET or COLLECTOR STREET, the greater dimension of the BLOCKS shall front along such ROAD and/or a STREET or other arrangements made to minimize the number of points of ACCESS shall be implemented. Such ACCESS shall comply with the provisions of this ORDINANCE and other applicable codes of the TOWNSHIP. The purpose of this provision is to reduce the number of STREETS intersecting and taking ACCESS from major highways and to increase the distance between such intersections.
- E. THROUGH LOTS shall be avoided except where essential to provide separation of residential DEVELOPMENT from traffic arteries or to overcome specific disadvantages of topography and orientation. A BUFFER ZONE, across which there shall be no right of ACCESS, shall be provided along the line of LOTS ABUTTING such ARTERIAL or other disadvantageous use. THROUGH lots, when permitted, shall clearly designate the primary ACCESS POINT on the plat.
- F. SIDE LOT LINES shall be substantially at right angles or radial to STREET RIGHT-OF-WAY lines.
- G. No remnants of land, not meeting LOT size and frontage requirements of the ZONING ORDINANCE for the applicable ZONING DISTRICT shall exist after subdividing. All portions of a PLAN shall be incorporated into existing or proposed LOTS unless special usage is applied as part of a LAND DEVELOPMENT proposal. Any areas reserved for a special purpose, which may revert to an unintended nuisance area, shall not be permitted. Remnant land areas shall be distinguished on the PLAT from BUFFER ZONES or OPEN SPACE established by the ZONING ORDINANCE.



H. The LOT LINES of all CORNER LOTS located at the intersection of the RIGHT-OF-WAY of two STREETS or of an ALLEY and a STREET, shall have a curve with a minimum radius of twenty-five (25) feet joining the two (2) intersecting RIGHT-OF-WAY lines.

I. LOTS for NON-RESIDENTIAL USES shall be of such size and shape as may be suitable for their prospective use and to provide sufficient space for OFF-STREET PARKING and loading, and water supply and sanitary SEWAGE disposal (if either or both are to be provided by individual ON-LOT facilities). The minimum LOT dimensions shall be in accordance with the ZONING ORDINANCE.

502.3 LOTS. LOT dimensions and areas shall not be less than specified by provisions of the ZONING ORDINANCE and shall further conform to the following requirement designed to abate health hazards:

A. Where either or both water supply and sanitary disposal are provided by individual ON-LOT facilities, the APPLICANT shall be required to have such tests made as are necessary to determine the adequacy of the proposed facilities in relation to the proposed LOT size and existing GRADE and soil conditions. In all such cases, certification by DEP that the proposed facilities will be adequate. Said certification shall be a prerequisite to FINAL APPROVAL of the PLAN.

B. Lots shall be laid out and graded to provide positive DRAINAGE away from BUILDINGS and water wells.

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

D. Minimum BUILDING SETBACKS shall be controlled by the ZONING ORDINANCE and shall be shown on the PLAT.

E. Every LOT shall abut on a PUBLIC STREET.

F. LOTS fronting directly on existing or proposed ARTERIAL STREETS or COLLECTOR STREETS shall be avoided. ACCESS to such LOTS shall be from service or MARGINAL ACCESS ROADS, wherever possible.

G. In cases where LOTS have FRONTAGE along two or more STREETS, the minimum SETBACK requirements along each STREET shall be equal to the FRONT SETBACK requirements for the ZONING DISTRICT in which the LOT is located.

H. FLAG LOTS: Purpose. It is recognized that property owners and land planners should have full opportunity for subdivision of land and at the same time avoid certain subdivision restrictions such as FRONTAGE schedules that mitigate against legitimate use of rear acreage, that are consistent with objectives expressed in the adopted COMPREHENSIVE PLAN encouraging infill development and reducing negative impacts of sprawl. It is the intent of these regulations to permit utilization of some parcels of land that have been restricted by other land use standards.

1) A FLAG LOT shall have a minimum lot area equal to that of the zone within which it is located, not including the FLAG ACCESS STRIP.

2) Only one FLAG LOT may be created per SUBDIVISION as a matter of right, provided all standards of this section are in compliance

3) The PARCEL of land that includes the FLAG LOT shall have no ability to be further subdivided according to the minimum lot size requirements of the zone in which the parcel is located.

4) The FLAG ACCESS STRIP shall be a minimum of 25 feet for its entire length from the STREET to the flag portion of the lot.

5) No FLAG LOT ACCESS STRIP shall be more than four hundred (400) feet long as measured from the center line of its connection with the PUBLIC STREET and the point/line where the FLAG LOT is contiguous to the access strip.

6) FLAG LOTS shall not be permitted within a proposed new SUBDIVISION containing five (5) or more LOTS.

7) The TOWNSHIP shall not be responsible for the maintenance of the FLAG ACCESS STRIP portion of the created FLAG LOT. The owner shall assume all responsibility and liability for normal surface repair, reconstruction, snow and ice control and any other costs associated with such access provided within this area of the LOT

### **503 EASEMENTS**

503.1 EASEMENTS with a minimum width of twenty (20) feet shall be provided as necessary for storm DRAINAGE STRUCTURES, swales, sanitary SEWERS and other utilities from the center of said pipe or swale.

503.2 To the fullest extent possible, EASEMENTS shall be located adjacent to REAR LOT LINES or SIDE LOT LINES.

503.3 The DEVELOPER shall properly GRADE, provide fencing (when deemed necessary by the TOWNSHIP ENGINEER), and stabilize the slopes of open ditches and drainage swales.

503.4 Where a SITE is traversed by a watercourse, there shall be provided a DRAINAGE EASEMENT or RIGHT-OF-WAY conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural or man-made DRAINAGE, as determined by the TOWNSHIP ENGINEER, or as may be required or directed by DEP.

503.5 Where STORM WATER or surface water will be gathered within the SUBDIVISION or LAND DEVELOPMENT and discharged or drained in volume over lands within or beyond the boundaries of the SUBDIVISION or LAND DEVELOPMENT before discharging into an existing stream or STORM WATER management structure, the APPLICANT or OWNER shall reserve or obtain EASEMENTS over all lands affected. Such EASEMENTS shall be adequate for such discharge of DRAINAGE and for the carrying such water off-site, and for the maintenance, repair, and reconstruction of the EASEMENT, including provisions for the right of passage by vehicles, machinery and other equipment for such purposes. Such EASEMENTS shall be of sufficient width, as determined by the TOWNSHIP ENGINEER for such passage and work. The OWNER shall convey such EASEMENTS upon demand and at no cost to the TOWNSHIP.

503.6 The EASEMENTS at the rear of LOTS facing on curvilinear streets should consist of straight lines with a minimum number of points of deflection.

503.7 RIGHTS-OF-WAY or EASEMENTS for any purpose whatsoever shall be described in the deed, and such RIGHTS-OF-WAY or EASEMENTS shall be shown on the approved PLAN.

503.8 The APPLICANT shall provide a method of physically delineating pedestrian EASEMENTS across private LOTS. Such method may include shrubbery, trees, MARKERS, or other method acceptable to the Board of Commissioners.

503.9 For a TOWNSHIP maintained and owned DETENTION FACILITY, the APPLICANT shall convey the PARCEL of land on which the DETENTION FACILITY lies to the TOWNSHIP and shall indicate said dedication on the PLAT.

### **504 IMPACT REGULATIONS, MANDATORY LAND DEDICATION REQUIREMENTS AND FEE IN LIEU THEREOF [Repealed and replaced 2-20-2002 by Ord. No. 1051]**

504.1 The following definitions shall apply for purposes of this section:

- A. Active Recreation – Baseball/Softball fields, tennis courts, basketball courts, play grounds, and other similar facilities which offer the ability to play an active sport and constructed in conformance with national standards including those of the National Recreation and Parks Administration.
- B. Multi-Family - Dwelling units other than single-family, including but not limited to duplex, mobile homes in mobile home parks, condominium or group unit development and high and low -rise apartment buildings as defined in the Zoning Ordinance.
- C. Recreation Capital Improvement Program – A capital improvements program used to guide the allocation of land to be developed or funds received in lieu of mandatory land dedication, said plan being included in the Comprehensive Parks, Recreation and Open Space Plan, as amended from time to time by the Township.

- D. Recreation Service Area – The service radius of existing or proposed Township parks and recreation facilities as defined by the National Recreation and Parks Administration Standards as outlined in Section 504.18 of this ordinance.
- E. Single Family Dwelling Unit – Single family dwelling units as defined in the Zoning Ordinance.
- 504.2 The provisions and requirements of this section shall, apply to all FINAL LAND DEVELOPMENTS and FINAL SUBDIVISIONS which would, upon buildout, result in the creation of three (3) or more dwelling units.
- 504.3 The DEVELOPER shall dedicate land to be used for purposes of recreation and open space at a per unit amount for multifamily units as specified in Section 504.17 of this ordinance , which may be amended in the future by resolution of the Township Board of Commissioners.
- 504.4 The DEVELOPER shall dedicate land to be used for purposes of recreation and open space at a per unit amount for single family units as specified in 504.17 of this ordinance.
- 504.5 Land offered for dedication shall meet the following criteria:
- A. The land shall be physically and legally accessible to all residents of the proposed DEVELOPMENT, within the recreation service area of the DEVELOPMENT. The land, with the approval of the Board of Commissioners, may be land provided for use by all residents of the Township. Said land shall be centrally located and dedicated for the purpose of a community center or similar centralized recreational function as recommended by the Comprehensive Parks, Recreation, and Open Space Plan.
  - B. No more than 25% of the land offered for dedication shall be located within the ENVIRONMENTALLY SENSITIVE OVERLAY.
  - C. No more than 50% of the land offered for dedication may possess more than 5% slope.
  - D. At least 50% of land offered for dedication shall be developed as active recreation with at least two types of active recreational opportunities offered. Additional facilities may be required by the Board of Commissioners. The Board shall apply national standards including those of the National Recreation and Parks Administration to determine the needs of the assumed population of new developments and shall require corresponding facilities accordingly.
  - E. All playing fields and associated structures shall be set back at least 30 feet from all property lines.
  - F. A trail system, if accepted by the Township Board of Commissioners, may substitute for one of the required active recreation types.
  - G. Land offered for dedication shall, where possible, be situated such that the parcel abuts adjacent open space and recreational facilities thus creating an integrated network of open space, trails and recreational areas.
  - H. Land offered for dedication shall possess at least 100 feet of FRONTAGE along a PUBLIC STREET.
  - I. The minimum total acreage of continuous tracts of land to be offered shall be equal to the minimum lot size, per the Zoning Ordinance, in the District in which the plan is located.
- 504.6 The Township incorporates all rights granted in Section 705(f) of the Municipalities Planning Code regarding the maintenance of common open space including the right of the Township to maintain property which the owner or homeowner’s association fails to maintain and to file liens against all properties having an interest in said association.
- 504.7 The dedication of land to the Township shall be a general warranty deed. In lieu thereof, the Township Board of Commissioners, at its discretion, may require the creation of a homeowners’ association or similar entity charged with the maintenance of the facilities. The Board of Commissioners may also grant the DEVELOPER permission to retain ownership. In all cases, ownership by any entity other than the Township, shall require deed restrictions requiring the maintenance of the approved facilities on the SITE. The Township shall be a party to an agreement providing for the enforcement of the aforesaid restrictions.
- 504.8 The DEVELOPER may pay a fee in lieu of land dedication at a set per unit amount for multifamily units as specified in Section 504.17 of this ordinance.
- 504.9 The DEVELOPER may pay a fee in lieu of land dedication at a per unit amount for single-family units as specified in Section 504.17 of this ordinance.
- 504.10 The fee in lieu paid by the DEVELOPER shall be offered in the form of cash, bond cashier’s or certified check, or held in an escrow account payable upon FINAL APPROVAL of a PLAN. Payment of said funds shall be a

condition of FINAL APPROVAL, the DEVELOPER may elect to place a note on the PLAN which states that the issuance of a building permit for each LOT or dwelling unit is conditioned upon the payment of the fee in lieu amount specified in this ordinance at the time of FINAL APPROVAL.

- 504.11 All such fees collected shall, upon receipt by the Township, be deposited in an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which funds were collected.
- 504.12 Upon request of any person who paid a fee under this subsection, the Township shall refund such fee, plus interest accumulated thereon from the date of payment, if the Township had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.
- 504.13 Use of Fees Collected. The Township shall use fees collected within the recreation service area from which funds were collected for the purpose of purchasing land or constructing or purchasing any equipment, structures, courts, fields or other recreational facilities. All improvements or purchases shall be associated with facilities accessible to the residents of the DEVELOPMENT. Fees collected may also be used for facilities accessible and designed for use by all residents of the Township. Said facilities shall be centrally located and dedicated for the purpose of a community center or similar centralized recreation function as recommended by the Comprehensive Parks, Recreation, and Open Space Plan.
- 504.14 The allocation of all fees collected shall be based upon recommendations of the Comprehensive Parks, Recreation, and Open Space Plan as well as the Recreation Capital Improvements Program.
- 504.15 The DEVELOPER may offer, in lieu of both land dedication requirements and associated fees in lieu thereof, to pay for 75% of the required fee to be deposited in an interest bearing account for the purpose of repairing or upgrading existing equipment noted in the Comprehensive Parks, Recreation, and Open Space Plan as in need of improvement. Said funds may only be used for equipment repair and upgrades in public parks in the recreational planning area in which the associated PLAN is proposed. The decision of accepting the offer of such funds rests solely with the Board of Commissioners based on current needs and recommendations from the Comprehensive Parks, Recreation, and Open Space Plan as well as the Recreation Capital Improvements Program.
- 504.16 Exemptions. The following are exempt from the mandatory land dedication requirements of this section:
  - A. Group Residence and Group Care Facilities as defined in the Zoning Ordinance.
- 504.17 Calculation of Mandatory Land Dedication and Fee in Lieu Thereof:
  - A. Land dedication required by single family dwelling units shall be .026 acres per dwelling unit.
  - B. Land dedication required by multi-family dwelling units shall be .020 acres per dwelling unit.
  - C. Fee in lieu of land required by single family dwelling units shall be calculated as follows: \$11,540 (estimated fair market value per acre) x .026 acres per unit + \$200 per unit (assessed for improvements to public park lands)=\$500 (fee per unit)
- 504.18 Recreation Service Areas. Chart 504-1 shall define the radius of existing and proposed parks and recreation facilities based on their size and usage. Indian Lake Park shall be categorized as a special activity per the said chart with a service area radius of three (3) miles.

**Chart 504-1**

| <b>Park Classification</b> | <b>Definition</b> | <b>Facilities</b> | <b>Min. Size (acres)</b> | <b>Service Area Radius (miles)</b> | <b>Acreage Requirement per 1,000 population</b> |
|----------------------------|-------------------|-------------------|--------------------------|------------------------------------|---|
|                            |                   |                   |                          |                                    |   |

|                  |   |   |        |     | (acres) |
|------------------|---|---|--------|-----|---------|
| Neighborhood     | Walk to park; intense recreational activities; 100% developed   | Playfields, playgrounds, tot lots, multi-purpose hardcourts, recreation center, picnicking  | 0.25-5 | 0.5 | 2.0     |
| Community        | Drive to park; intense recreational activities; max. 80% developed  | Same as neighborhood plus swimming pool, lit playfields and single-use hardcourts, multipurpose building, community center  | 20     | 3   | 2.0     |
| Metropolitan     | Drive to park; primarily resource based activities with some intense recreational activities; max 40% developed | Water resource-oriented, unlit playfields, playgrounds, picnicking, hiking/biking/walking trails, nature center, amphitheater, group camping, swimming beaches, boating areas | 100    | 12  | 5.0     |
| Regional         | Drive to park; natural areas with some resource based activities; max. 20% developed                            | Water resources-oriented, conservation areas (flood control/management), beaches, nature study, group camping, rustic areas, bridle trails, picnicking                        | 250    | 30  | 20.0    |
| Preserve         | Lands dedicated to the preservation of natural resources and wildlife management                                | Hunting areas and general open space  | 250    | 25  | N/A     |
| Special Activity | Specialized recreational facilities   | Arboreta, historical sites, sports complexes, golf courses and trails   | N/A    | N/A | N/A     |

## 505 FLOOD PLAINS

505.1 In addition to the requirements of this Ordinance, all DEVELOPMENT in FLOODPLAIN areas shall comply with the standards of the TOWNSHIP ZONING ORDINANCE (Section 812), the North Huntingdon TOWNSHIP FLOOD PLAIN Management Ordinance, Chapter 80 of the CODE and other applicable regulations of the TOWNSHIP, COUNTY, State and Federal codes and statutes.

505.2 No new CONSTRUCTION or DEVELOPMENT shall be allowed in a FLOOD PLAIN unless a permit is obtained from DEP, Bureau of Dams and Waterway Management, and unless a special permit has been obtained from North Huntingdon TOWNSHIP in compliance with the Floodplain Management Ordinance, Chapter 80 of the CODE.

## 506 MINED LAND AREAS

506.1 The DEVELOPER shall certify by note on the PLAN that any proposed BUILDING or STRUCTURE OR STREET of any type is not within any SUB SURFACE MINED AREA with less than one-hundred (100') feet of overburden according to official mining maps produced by the Bureau of Mines. No CONSTRUCTION of any BUILDING or STRUCTURE or STREET of any type may be initiated on or within these areas until a GEOTECHNICAL investigation, as specified herein, has been completed and the REPORT with recommendations has been approved by the TOWNSHIP ENGINEER.

506.2 Prior to the initiation of the CONSTRUCTION of any STRUCTURE or BUILDING or STREET in areas identified in Section 506.1, a project geotechnical engineer shall be retained and a detailed geotechnical investigation and SUBSIDENCE RISK ASSESSMENT REPORT prepared by a Pennsylvania licensed Professional Engineer qualified in the field of mined land reclamation shall be submitted and approved as a part of the APPLICATION FOR PRELIMINARY APPROVAL. The REPORT shall include an evaluation of the potential SITE engineering and structural modifications which would minimize any hazards of CONSTRUCTION on the SITE.

506.3 The geotechnical investigation for areas of past subsurface mining activity shall include a core borings as recommended by the TOWNSHIP ENGINEER. The DEVELOPER shall submit a Mine SUBSIDENCE RISK

ASSESSMENT REPORT which identifies and recommends the most suitable CONSTRUCTION location and practices for the proposed DEVELOPMENT of the SITE.

506.4 A mine subsidence risk assessment report for subsurface mined areas shall include a detailed evaluation of the integrity and nature of the overburden and the risk of subsidence, which may occur naturally or may be caused by the loading of the overburden. The REPORT shall include a review of the proposed CONSTRUCTION and shall recommend specific CONSTRUCTION and SITE DEVELOPMENT procedures for the proposed SITE DEVELOPMENT that shall be required as part of the site development and/or conditions imposed on the issuance of any building permit by the TOWNSHIP.

506.5 A mine subsidence risk assessment report for surface mined areas shall include a detailed evaluation of the character and stability of the material used to fill the mine excavation and the risk of potential settlement which may be caused by the loading of said material by proposed STRUCTURES. The REPORT shall include a review of the proposed CONSTRUCTION and shall recommend specific CONSTRUCTION and SITE DEVELOPMENT procedures for the proposed SITE DEVELOPMENT.

506.6 The geotechnical investigation for all previously mined land shall accurately locate and map all known mine features whether on or off the development site, within three hundred (300) feet of proposed STRUCTURES. Such mapping shall include the known limits of the mine, and any surface features resulting from mining activity such as mine waste dump areas, seepage areas and WETLANDS.

506.7 The geotechnical investigation shall identify any environmental problems associated with the previously mined land such as subsidence, acid run-off, residual ponding, disturbed DRAINAGE patterns, unstable spoils piles or decreased water quality which may affect CONSTRUCTION occupation or environmental integrity of the SITE.

506.8 The APPLICATION FOR PRELIMINARY APPROVAL shall include the geotechnical investigation, a mine subsidence risk assessment report, all approvals for necessary permits or APPLICATIONS for such permits and a statement of the ways in which the proposed DEVELOPMENT avoids or eliminates potential hazards of the previously mined site which shall be certified by a Pennsylvania registered Professional Engineer having a specialty in this area of practice.

506.9 All PLANS for STRUCTURES and IMPROVEMENTS on the SITE submitted with the APPLICATION FOR DEVELOPMENT shall clearly delineate the limits of previous mining activity and the limits of the area susceptible to potential subsidence or settlement. All such delineation shall be clearly labeled as to effect, limitations, and existing conditions.

506.10 No FINAL APPROVAL shall be granted until the DEVELOPER proves to the satisfaction of the TOWNSHIP ENGINEER and the BOARD OF COMMISSIONERS that:

- A. No known hazard will result from the proposed DEVELOPMENT.
- B. All modifications recommended in the SUBSIDENCE RISK ASSESSMENT REPORT have been incorporated into the DEVELOPMENT proposal.
- C. All necessary permits and approvals have been granted and evidence of such has been presented by the DEVELOPER.
- D. Any continuing negative effects of past mining activities will be eliminated by the proposed IMPROVEMENTS.
- E. All current Federal, STATE, COUNTY, or TOWNSHIP standards for environmental and water quality shall be equaled or exceeded by the proposed DEVELOPMENT of the SITE.

## **507 STEEP SLOPES AND POOR SOILS**

507.1 No alteration, disturbance or CONSTRUCTION of any type shall be approved or initiated, and no APPLICATION FOR FINAL APPROVAL shall be approved for SITES having any portion of their area proposed for DEVELOPMENT on or within fifty (50) feet of any STEEP SLOPE or any area of slope over 15% with POOR SOILS until the provisions of the ZONING ORDINANCE and any other applicable Federal, State, COUNTY, or TOWNSHIP regulations have been satisfied.

507.2 No FINAL APPROVAL of the APPLICATION FOR DEVELOPMENT shall be given until all required STATE and COUNTY and SEDIMENTATION and EROSION control permits have been issued and submitted to the TOWNSHIP.

507.3 The DEVELOPER shall clearly delineate all STEEP SLOPE area(s) and slopes greater than 15% with POOR SOILS, as part of the ENVIRONMENTAL CONSTRAINTS STUDY and on certified SURVEY maps submitted with all APPLICATIONS FOR DEVELOPMENT. If no POOR SOILS areas or slopes of 25% or greater exist, the DEVELOPER shall certify the non-existence of such features.

507.4 No BUILDING SITES shall be designated or improved in POOR SOILS or STEEP SLOPE areas except as permitted by this ORDINANCE.

507.5 When DEVELOPMENT activity, as defined in areas identified in 507.3, is proposed, a geotechnical investigation and report shall be required to assess the short and long-term stability of the SITE and the possible effects on neighboring properties of developing the proposed SITE in the proposed manner. These areas and the proposed DEVELOPMENT shall be investigated and documented in a statement by a registered Professional Engineer prior to FINAL APPROVAL. This slope investigation shall determine the engineering characteristics and physical properties of the slopes, soil deposits and underlying rock strata, which are proposed for use in structural foundations. Materials used for earthwork construction shall be similarly evaluated.

507.6 A geotechnical investigation report prepared by or under the direction of a professional engineer, experienced in soil and foundation engineering, shall be submitted for SITE PLANS located in potentially ENVIRONMENTALLY SENSITIVE areas and for such other sites where special soil or water conditions are deemed by the TOWNSHIP ENGINEER to be potentially hazardous. The required soils REPORT must be prepared in accordance with this ORDINANCE and other applicable State, or COUNTY regulations.

507.7 The SITE geotechnical investigation should include, but not be limited to, the following detailed factual information, analysis, and recommendations:

- A. Surface Features - Surface contours, old CONSTRUCTION, rock outcrops (if any), watercourses, ditches, ponds, wooded areas, filled-in areas, and old slide areas.
- B. Hydrologic Features - The presence of seepage zones, depth to groundwater, and the possible fluctuations with the seasons.
- C. Subsurface Features
  - 1) A plotted, horizontal and vertical record of the stratification of the soil and rock deposits.
  - 2) Information on the relative density of granular soils in the different strata and on the consistency of cohesive soils.
  - 3) Information on subsurface geologic features and past mining activity including depth of overburden.
- D. Exploration Methods - Physical explorations can be carried out by several methods. Field explorations should follow the applicable standards or the procedures and practices recommended by the American Society for Testing and Materials (ASTM). It is generally sufficient to secure soil samples at intervals of five feet in depth or at changes in the material. The intervals should be determined by such conditions as the soils encountered and/or the type of STRUCTURE.
- E. The spacing and depths of borings should also be based on SITE conditions and proposed construction. Maximum spacing between borings should not exceed 250 to 300 feet. One boring for every 6,000 to 10,000 square feet of BUILDING area should be a minimum for a high-rise structure, and a minimum of one boring per STRUCTURE is recommended for single-family residences.
- F. Groundwater Measurements – Information is required on groundwater elevations, including depth of permanent and perched water tables. Water levels should be determined on completing the boring and again, approximately 24 hours later.

G. Classifications and Descriptions - Direct observation of soils samples from various depths and locations will be required for correlation with the known geology of the area. Classification and description of soils will be done by the Unified Classification System (ASTM Specification D2487), and by the Visual Manual Identification Procedure (ASTM Specifications D2488).

H. Laboratory Testing - The laboratory testing program should be dependent upon the characteristics of the soils and the anticipated geotechnical problems analysis.

I. The recommendations of all such investigations and REPORTS of POOR SOILS, STEEP SLOPES and other identified soil or water condition hazards shall be reviewed by the TOWNSHIP ENGINEER. Incorporation of said recommendations may be required as conditions for PRELIMINARY APPROVAL and/or FINAL APPROVAL.

J. All PUBLIC and PRIVATE ROADS, bridges, utilities and other facilities shall be located, designed and constructed to avoid POOR SOILS and STEEP SLOPE areas or to withstand any anticipated soil or rock movement.

K. ROAD and utility alignments and GRADES shall minimize cuts and fills.

L. Hazardous slope conditions that may be present on a SITE must be corrected prior to completion of the DEVELOPMENT.

M. Cut and FILL Slopes

N. General. The setbacks and other restrictions specified by this section are minimum and may be increased by the TOWNSHIP on the recommendation of the ZONING OFFICER or by the recommendation of a civil engineer, geotechnical engineer, or engineering geologist with the approval of the TOWNSHIP ENGINEER, if necessary for safety and stability or to prevent damage of ABUTTING properties from SEDIMENTATION, or EROSION or to provide ACCESS for slope maintenance and DRAINAGE. RETAINING WALLS may be used to reduce the required SETBACKS when approved by the ZONING OFFICER.

O. Setbacks from Property Lines. The tops of cuts and toes of FILL slopes shall be set back from the outer boundaries of the area to be disturbed including slope return areas and EASEMENTS.

#### 507.8 DRAINAGE AND TERRACING

A. DRAINAGE FACILITIES and terracing shall conform to the provisions of DEP regulations, DEP EROSION and SEDIMENTATION Control Handbook, and STORM WATER MANAGEMENT Ordinance provision of this section.

B. Subsurface DRAINAGE. Cut and FILL slopes shall be provided with subsurface DRAINAGE as necessary for stability. All runoff calculations shall be provided for review by the TOWNSHIP ENGINEER.

C. Disposal. All DRAINAGE FACILITIES shall be designed to carry waters to the nearest practicable DRAINAGE way approved by the TOWNSHIP ENGINEER and/or other appropriate jurisdiction as a safe place to deposit such waters. EROSION of ground in the area of discharge shall be prevented by installation of stilling basin, energy dissipaters or other approved devices at the outfall of storm pipes.

#### 507.9 EROSION CONTROL

A. Slopes. The faces of cut and FILL slopes shall be prepared and maintained to control against EROSION. All such slopes shall be protected in compliance with Westmoreland Conservation District regulations.

B. Temporary EROSION control devices or methods shall be employed prior to and during site construction.

C. Permanent EROSION control procedures or devices shall be established and approved prior to the release of any guarantees or securities.

#### 507.10 SANITARY REGULATIONS



A. ON-SITE soil absorption and SEWAGE disposal systems or any part thereof shall be prohibited in POOR SOILS or STEEP SLOPE areas, as regulated by the Department of Environmental Protection (DEP).

B. ON-SITE soil absorption and SEWAGE disposal systems (septic tanks, absorption fields, and seepage beds and pits) shall require permit approvals before any part of any such system shall be installed within fifty (50) feet of POOR SOILS or STEEP SLOPE areas. The APPLICATION shall include a map delineating the topography and the boundaries of regulated slopes and shall be in conformance with all PA DEP and COUNTY regulations.

#### 507.11 VEGETATION

All existing vegetation on STEEP SLOPES shall be preserved in its natural condition. Where slope alteration necessitates disturbance of existing vegetation, both temporary and long-term vegetation shall be established within sixty (60) days of the initial disturbance. The TOWNSHIP ENGINEER may extend this time limit at the request of the developer on the recommendation of the TOWNSHIP Engineer if such extension shall not contribute to increased potential for landslide activity, EROSION or lowside SEDIMENTATION or sediment pollution to a waterway.

#### 507.12 ADMINISTRATION AND INSPECTION

A. Operations or activities that increase loads, reduce slope support or otherwise cause instability are prohibited in these areas.

B. The licensed professional engineer who prepared the soils geotechnical REPORT shall review the preliminary and final DEVELOPMENT PLAN for compliance with recommendations expressed in the REPORT.

C. Inspections shall be performed at critical stages of the work. Such inspections shall be at the expense of the DEVELOPER. The OWNER must notify the TOWNSHIP of the need for inspection at each of the following stages:

- 1) Initial Inspection - When work is ready to begin, but before any GRADING or brush removal is started.
- 2) Toe Inspection - After the natural ground is exposed a prepared to receive FILL, but before any FILL is placed.
- 3) Excavation Inspection - After the excavation is started, but before the vertical depth of the excavation exceeds 10 feet.
- 4) FILL Inspection - After the FILL emplacement is started, but before the vertical height of the lifts exceeds 10 feet. Structural fills shall be inspected more regularly by the ON-SITE inspector according to a schedule determined by the TOWNSHIP ENGINEER.
- 5) Drainage Device Inspection - After forms and pipes are in place, but before any concrete is poured.
- 6) Rough GRADING - When all rough GRADING has been completed. This inspection may be called for at the completion of the rough GRADING.
- 7) Final - When all work has been completed, including installation of all DRAINAGE STRUCTURES and other protective devices, and the GRADING PLAN and required REPORTS have been submitted.
- 8) "Certified record" drawings or "as-built" drawings showing all completed work, including the topography, and all STRUCTURES AND IMPROVEMENTS within one-hundred (100) feet of the STEEP SLOPES shall be provided to the TOWNSHIP prior to the issuance of any OCCUPANCY PERMITS and prior to the release of all guarantees and securities of the DEVELOPER by the TOWNSHIP. Said drawings must consist of two (2) sets of reproducible plans labeled as "Record Plans." Said drawings must be submitted in a digital format such that they may be directly imported into the TOWNSHIP'S geographical information system in a manner consistent with the standard outlined in Appendix B of this ORDINANCE.

## 508 WATER

### 508.1 PUBLIC WATER SUPPLY

- A. If water within a SUBDIVISION or LAND DEVELOPMENT is to be provided by means other than by private wells owned and maintained by the individual OWNERS of LOTS within the SUBDIVISION, the DEVELOPER shall present evidence to the PLANNING COMMISSION that the SUBDIVISION or DEVELOPMENT is to be supplied by a certified public utility, a bona fide cooperative association of LOT OWNERS, or by a municipal corporation, AUTHORITY or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission (PUC) or an APPLICATION for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.
- B. Where an approved PUBLIC water system is within one thousand (1,000) feet from the SUBDIVISION or LAND DEVELOPMENT, all necessary MAINS and LATERALS for connection from the LOTS to the system, as shown on the PRELIMINARY PLAN and FINAL PLANS, shall be installed by the DEVELOPER.
- C. The DEVELOPER shall construct water MAINS in such a manner as to make adequate water service available to each principle BUILDING or dwelling unit within the SUBDIVISION or LAND DEVELOPMENT. The entire system shall be designed in accordance with the requirements and standards of the TOWNSHIP and MAWC and shall be subject to its approval. The water supply must comply with the regulations and standards of DEP.
- D. MAINS must be sized to provide for adequate pressure and supply for the anticipated demands of the SUBDIVISION or LAND DEVELOPMENT and to meet the minimum requirements for fire protection established by the American Insurance Association and the National Board of Fire Underwriters. Minimum MAIN sizes shall be in accordance with the requirements of the MAWC.
- E. If adequate source of supply is available, fire hydrants shall be installed at a maximum spacing so that properties to be built upon shall be within six hundred (600) linear feet of the fire hydrant. A fire hydrant shall be located at the entrance of each cul-de-sac of 500 feet in length. If adequate supply is not available, fire hydrant connections shall be provided for future installation. Review and approval by the appropriate TOWNSHIP fire prevention official shall be required in order to insure that adequate fire protection is provided and shall be at the expense of the DEVELOPER. The TOWNSHIP shall identify fire hydrant locations, and fees for these hydrants shall be paid by the DEVELOPER prior to the recordation of the PLAN.
- F. All water MAINS proposed to be installed in or along RIGHTS-OF-WAY shall be located in accordance with MAWC regulations.
- G. Water MAINS shall be extended to the SUBDIVISION or LAND DEVELOPMENT boundary when required by the PLANNING COMMISSION.
- H. All water line design and CONSTRUCTION shall be reviewed and approved by the MAWC Engineer.
- I. If a PUBLIC water supply system is to be provided to the SITE within a six-year period as indicated in the MAWC Water Master Plan, the North Huntingdon TOWNSHIP Capital IMPROVEMENTS Program, or other official document; the TOWNSHIP may require installation of a CAPPED SYSTEM, or DRY LINES (MAINS only), within the ROAD RIGHT-OF-WAY; or the TOWNSHIP may require a payment in lieu of the IMPROVEMENT.
- J. Average daily residential demand shall be computed in accordance with the housing unit type and size data.
- K. NON-RESIDENTIAL demand shall be computed in accordance with use and size data.
- L. The entire cost of all work shall be borne by the DEVELOPER, except if approved for the difference in the cost of PUBLIC facilities required for the proposed use and the cost of more adequate PUBLIC FACILITIES requested by the TOWNSHIP that will permit additional service for other areas.

### 508.2 PRIVATE WATER SUPPLY

- A. Where PUBLIC water is not accessible, or cannot be extended to the SITE, the DEVELOPER shall furnish water for all new SUBDIVISIONS and by the LOT OWNER on an individual LOT basis.
- B. In all cases where the water supply is from a well, the OWNER shall obtain a certificate that he has complied with the applicable STATE and COUNTY health regulations and shall submit such certificate and copies of well logs from adjacent wells to the PLANNING COMMISSION. This certificate will be a prerequisite to the FINAL APPROVAL or issuance of a BUILDING permit for any and all BUILDINGS erected under approval of this Ordinance.
- C. Individual private wells shall be located a horizontal distance of at least twenty-five (25) feet from property lines, approximately one hundred (100) feet from all tile disposal fields and other SEWAGE disposal facilities; ten (10) feet from all PVC or cast iron sewer lines; thirty (30) feet from any vitrified sewer tile lines; and shall not be located within any FLOODPLAIN.
- D. As a precaution against seepage, a water-tight seal shall be provided around the pump mounting.
- E. All abandoned wells shall be sealed in a manner that will render them water-tight in accordance with DEP regulations.
- F. In all cases where it has been determined that individual water supplied from private wells is not feasible, a PUBLIC water distribution system will be required.
- G. Where no PUBLIC water supply is available to the SUBDIVISION, the BOARD OF COMMISSIONERS shall require the DEVELOPER to obtain from the proper health officer, certificates of approval as to the quality and adequacy of the water supply proposed to be utilized by the DEVELOPMENT.

**509 SANITARY SEWERS**

**509.1 PUBLIC SANITARY SEWERS**

- A. No sanitary SEWAGE facility shall be constructed until plans and specifications have been submitted to DEP and approved in accordance with existing laws and until such plans and specifications have been approved by the North Huntingdon Township Municipal Authority and AUTHORITY Engineer.
- B. All sanitary sewers must be designed and constructed in accordance with DEP regulations and shall meet the standards contained in the following:
  - 1) DEP Bureau of Water Quality Management Sewerage Manual, Publication No. 1, latest edition.
  - 2) NHTMA Manual of procedures and requirements for the construction of sanitary sewers.
- C. Where an approved sanitary sewer system is within one thousand (1,000) feet of the SUBDIVISION or LAND DEVELOPMENT, all necessary MAINS and LATERALS for connection from the LOTS to the system, shall be shown on the PRELIMINARY PLAN and FINAL PLAN, and shall be installed by the DEVELOPER, subject to review and approval by the DEP and the NHTMA.
- D. The NHTMA should be contacted prior to the submission of an APPLICATION proposing sanitary sewerage systems.
- E. If no such existing sanitary sewer facilities are available, but will become available within ten (10) years, according to the Capital IMPROVEMENTS Plan for the North Huntingdon TOWNSHIP Municipal Authority (NHTMA), the DEVELOPER shall install sewer lines, including LATERAL connections, which will provide service to each LOT when connection with the PUBLIC sanitary sewer system is made. The new sewer lines shall be suitably capped at the limits of the SUBDIVISION and the LATERALS shall extend from the new sewer line and be capped at the RIGHT-OF-WAY line. The sewer installation shall include CONSTRUCTION within RIGHT-OF-WAY or EASEMENTS to bring the new sewer to the future connection with the TOWNSHIP sanitary sewer system.

F. All capped PUBLIC sanitary sewer lines and LATERALS shall be tested for leaks and other deficiencies prior to connection to the PUBLIC sewage system. The DEVELOPER shall deposit funds in ESCROW, or furnish bonds or other security to meet the cost of such testing.

G. When capped sewers and LATERALS are required, ON-SITE disposal facilities shall also be provided, in accordance with the provisions of this ordinance (Section 510.2).

H. The DEVELOPER shall make the connection to the TOWNSHIP sanitary sewage facility for all dwellings within sixty (60) days after notification in writing that such connections are authorized. ESCROW funds or other guarantee of completion shall be established and remain in effect until permanent connection is made to the system. The amount of such security shall be determined by the NHTMA but shall be no greater than 110% of the cost of such connection as estimated by the NHTMA ENGINEER.

I. The DEVELOPER shall prepare PLANNING MODULE COMPONENTS (PMC) including PLANS and specifications for sanitary sewers, for submission to the DEP. The PMC, along with any required fees, shall be submitted to the TOWNSHIP for transmission to the appropriate agencies. No APPLICATION FOR FINAL APPROVAL shall be approved and no work shall be done in connection with the SUBDIVISION until a permit is granted and submitted to the TOWNSHIP.

J. A full-time NHTMA approved inspector shall be required during the entire CONSTRUCTION period for all lines and LATERALS intended for immediate or future connection to the PUBLIC wastewater treatment system.

#### 509.2 PRIVATE SEWAGE DISPOSAL SYSTEMS

A. If PUBLIC sewer facilities are not available, the DEVELOPER shall provide for private sewage disposal in conformance with TOWNSHIP and DEP specifications prior to the approval of any APPLICATION FOR DEVELOPMENT.

B. All sewage disposal systems must be designed and constructed in accordance with STATE DEP regulations and shall meet the standards contained in the DEP Bureau of Water Quality Management Sewerage Manual, Publication No. 1, latest edition

C. If PUBLIC sewer facilities are not available, the DEVELOPER shall install an individual ON-LOT SEWAGE DISPOSAL SYSTEMS for each LOT.

D. All PLANS and specifications for ON-LOT SEWAGE DISPOSAL SYSTEMS, private sanitary SEWERS, sewage pumping stations, and sewage treatment plants shall be submitted to and approved by the SEWER ENFORCEMENT OFFICER, the DEP, and other regulatory agencies prior to the FINAL APPROVAL of any PLAT.

E. Where the SUBDIVISION or LAND DEVELOPMENT will be served by ON-LOT sewage disposal systems, the PLANNING COMMISSION shall require the DEVELOPER to submit PERCOLATION TESTS and a sanitary feasibility REPORT prepared by a Pennsylvania Licensed Professional Engineer in accordance with the methods and procedures set forth by the Department of Environmental Resources DEP

F. A written REPORT from DEP shall be submitted to the PLANNING COMMISSION indicating the suitability of all LOTS for ON-LOT sewage disposal. The location of the ON-LOT sewage system and the well, and the measured distance between them, must be shown on the PLAN prior to the issuance of a BUILDING PERMIT and shall be reviewed and approved by the SEWER ENFORCEMENT OFFICER.

G. The DEVELOPER shall provide each OWNER or occupant of a dwelling unit with ON-LOT facilities with a PLAN of the system and an instruction manual for the use, operation, and maintenance of the system.

H. Existing ON-LOT systems shall be shown on any PLAN. The PLANNING COMMISSION shall review the existing ON-LOT sewage disposal system for any LOT being made smaller through a SUBDIVISION and may require any additional REPORTS as necessary to verify the ability of the ON-LOT sewage disposal system to function on the smaller LOT.

I. When PUBLIC sanitary sewage is available or becomes available all DEVELOPMENTS shall be required to connect to the PUBLIC system. Initial CONSTRUCTION and IMPROVEMENTS to the proposed

DEVELOPMENT. SITE shall include all connectors needed to facilitate the eventual connection to the PUBLIC sanitary sewage system, as required in Section 510.1.2 of this ORDINANCE.

J. A full-time TOWNSHIP (or municipal AUTHORITY, as applicable) appointed inspector shall be required during the entire CONSTRUCTION period for all lines and LATERALS intended for immediate or future connection to the PUBLIC wastewater treatment system. Said inspection shall be in compliance with this ORDINANCE. A final inspection shall be conducted by the Sewage Enforcement Officer (SEO) appointed by the TOWNSHIP, if applicable.

## **510 UTILITIES**

510.1 Every LOT in a SUBDIVISION shall be capable of being served by a gas distribution system, electric distribution system, cable television and a telephone distribution system constructed and connected in accordance with the laws of the Commonwealth of Pennsylvania, the TOWNSHIP and appropriate PUBLIC utility, where concerned. Letters shall be provided certifying ability for each LOT to be served by such utilities.

510.2 The gas distribution system may be waived if the energy supply is to be all-electric.

510.3 All utility lines including, but not limited to, electric, natural gas, street light supply, cable TV, and telephone shall be placed underground, except where it is demonstrated to the satisfaction of the PLANNING COMMISSION that the underground installation required herein is not feasible because of the physical condition of the lands involved.

510.4 A cable television conduit to provide LATERAL connection between trunk lines and each residential unit in the PLAN shall be required as a PUBLIC IMPROVEMENT. The design standards for such underground cable television lines shall be in accordance with the laws of the Commonwealth of Pennsylvania or, in lieu thereof, the standards shall comply with those for telephone lines or electric lines as they may reasonably apply.

510.5 Where practicable, all utilities shall be located within the STREET RIGHT-OF-WAY, but not under the CARTWAY or SIDEWALKS, otherwise EASEMENTS or RIGHTS-OF-WAY across private property of sufficient width for installation and maintenance shall be provided.

510.6 All utility EASEMENTS shall be a minimum of twenty (20) feet and placed so as to service the LOT involved with the least practical difficulty to the LOT OWNERS and the TOWNSHIP, and all EASEMENTS shall be dedicated for municipal purposes.

510.7 LOTS that abut existing EASEMENTS or PUBLIC RIGHTS-OF-WAY where overhead electric or telephone distribution supply lines and service connections have previously been installed may be supplied with electric and telephone service from those overhead lines, but the service connections from the utilities' overhead lines shall be installed underground. In the case of existing overhead utilities, should a ROAD widening, or an extension of service, or other such condition occur as a result of the SUBDIVISION and necessitate the replacement or relocation of such utilities, such replacement or relocation shall be underground.

510.8 Where overhead lines are permitted as the exception, the placement and alignment of poles shall be designed to lessen the visual impact of overhead lines. Alignments and pole locations shall be carefully routed to avoid locations along horizons; clearing swaths through treed areas shall be avoided by selective cutting and a staggered alignment; trees shall be planted in open areas and at key locations to minimize the view of the poles and the alignments; and alignments shall follow REAR LOT LINES and other alignments.

510.9 Year-round screening of landscaping of any utility apparatus appearing above the surface of the ground, other than utility poles, shall be required.

510.10 FINAL PLANS shall be coordinated with required tree planting, and "as-built" PLANS shall show locations of all utilities and all STREET trees.

## **511 OFF-STREET PARKING**

511.1 OFF-STREET PARKING AREAS shall be provided in accordance with the requirements and standards of the ZONING ORDINANCE.

511.2 OFF-STREET PARKING AREAS in NON-RESIDENTIAL USE districts shall be located to the side and rear of BUILDINGS wherever possible.

511.3 PARKING AREAS for all commercial uses and MULTI-FAMILY DEVELOPMENTS, shall be paved with a bituminous surface, such as asphalt or concrete. Gravel surfaces are not acceptable.

511.4 Pedestrian CROSSWALKS and refuge ISLANDS shall be provided at intervals not exceeding two hundred (200) feet along the length of each PARKING AREA.

511.5 The minimum width of ISLANDS shall be 10'.

511.6 PARKING AREAS shall be designed to permit each vehicle to proceed to and from the PARKING SPACE provided for it without requiring the moving of any other vehicle.

511.7 ACCESS shall be designed so as to allow vehicles to enter a PUBLIC STREET in a forward direction. Parking aisles or drives shall be designed to as to provide safe and efficient means of vehicular ACCESS to a street in a manner which will least interfere with traffic movements. No driveway entering a PUBLIC STREET at the CURB shall exceed a width of twenty-five (25) feet.

511.8 The edge of any PARKING AREA shall not be closer than 10' to the outside wall of the nearest BUILDING.

511.9 All dead-end PARKING AREAS shall be designed to provide sufficient area for backing and turning movements from the end PARKING SPACES of the PARKING AREA.

511.10 No less than a 5' foot radius of curvature shall be permitted for CURB lines in a PARKING AREA.

511.11 The layout of every PARKING AREA shall be such as to permit safe and efficient internal circulation in accordance with standards, including truck traffic where applicable.

511.12 Every OFF-STREET PARKING AREA shall include sufficient stacking space to accommodate entering and exiting vehicles without overflowing into adjacent STREETS.

511.13 All PARKING SPACES shall be marked so that individual spaces are identifiable.

511.14 All OFF-STREET PARKING AREAS in a commercial, industrial, or MULTI-FAMILY DEVELOPMENT shall be suitably illuminated for night use. Any lighting used to illuminate off-street parking areas shall be directed away from property in a residential area. All luminaries shall have a total cutoff angle no greater than 90 degrees from the vertical. Lighting standards shall conform to those in the ZONING ORDINANCE.

511.15 All Off-Street Parking Areas shall meet landscaping requirements of this ORDINANCE and the ZONING ORDINANCE.

511.16 All public parking shall conform to requirements of the Americans with Disabilities Act..

## **512 OFF-STREET LOADING FACILITIES**

All loading facilities shall conform to the standards and regulations of the ZONING ORDINANCE, Section 819, and shall be designed to minimize conflicts with pedestrian and with passenger automobile circulation.

## **513 STORM WATER MANAGEMENT**

513.1 The DEVELOPER shall construct and/or install such DRAINAGE STRUCTURES as necessary to:

A. Prevent EROSION damage and to carry off or to detain and control the rate of release of surface waters in compliance with the TOWNSHIP STORM WATER MANAGEMENT Ordinance.

B. Encourage all run-off control measures to percolate the STORM WATER into the ground to aid in the recharge of ground waters. This may include constructing several smaller stormwater retention/recharge areas in lieu of one large facility.

- C. Carry surface water to the nearest adequate STREET, STORM DRAIN, DETENTION BASIN, and natural watercourse or drainage facility.
- D. Take surface water from the bottom of vertical grades, to lead water away from springs, and to avoid excessive use of cross GUTTERS at STREET intersections and elsewhere.
- E. Handle the anticipated peak discharge from the SITE and also the existing run-off being contributed from all land at a higher elevation in the same watershed.
- F. Maintains the adequacy of the natural stream CHANNEL. Accelerated bank EROSION shall be prevented by controlling the rate and velocity of run-off discharge to these water courses, so as to avoid increasing occurrence of stream bank overflow.
- G. Preserve the adequacy of existing CULVERTS, and bridges by suppressing the new FLOOD peaks created by new LAND DEVELOPMENT.
- H. Design and build facilities for STORM WATER quality and quantity.
- I. Encourage the construction of stormwater facilities that blend into the natural landscape of the site.

513.2 Retention of existing watercourses and natural drainage features:

- A. Whenever a watercourse, stream, or intermittent stream is located within a DEVELOPMENT site, it shall remain open in its natural state and location and shall not be piped, unless a DEP permit is obtained and in accordance with TOWNSHIP approval.
- B. The existing points of natural DRAINAGE discharge onto adjacent property shall not be altered without the written approval of the affected OWNERS and the approval of the TOWNSHIP ENGINEER.
- C. No storm water run-off or natural DRAINAGE shall be so diverted as to overload existing drainage facilities, or create flooding or the need for additional DRAINAGE structures on other private properties or PUBLIC lands.

### 513.3 STORM WATER MANAGEMENT PLAN

The STORM WATER MANAGEMENT PLAN included in the APPLICATION FOR FINAL APPROVAL shall include all information required by and consistent with the standards of the TOWNSHIP STORM WATER MANAGEMENT Ordinance #820 as enacted and amended, conformance with the Pennsylvania STORM WATER MANAGEMENT Act (Act 167), Turtle Creek and Youghiogheny Watershed Ordinances, and other STATE, COUNTY and TOWNSHIP regulations may also be applicable. The STORM WATER MANAGEMENT PLAN must be approved by the Westmoreland County Conservation District. The TOWNSHIP ENGINEER and the Westmoreland County Conservation District shall review the STORM WATER MANAGEMENT PLAN. The APPLICATION shall not be approved by the BOARD OF COMMISSIONERS if the TOWNSHIP ENGINEER and the Westmoreland County Conservation District does not approve the STORM WATER MANAGEMENT PLAN. The TOWNSHIP ENGINEER shall present a REPORT to the BOARD OF COMMISSIONERS stating the deficiencies with the STORM WATER MANAGEMENT PLAN and those reasons shall be a basis for denial of the APPLICATION FOR DEVELOPMENT.

## 514 EROSION and SEDIMENTATION

### 514.1 EROSION and SEDIMENTATION CONTROLS

- A. GRADING and EROSION and SEDIMENTATION control procedures and STRUCTURES shall comply with all applicable regulations and all required approvals including the approval of the Westmoreland County Conservation District shall be granted prior to FINAL APPROVAL of the proposed SUBDIVISION or LAND DEVELOPMENT.
- B. The following shall apply to all SUBDIVISION and LAND DEVELOPMENTS in the TOWNSHIP:
  - 1) Pennsylvania STORM WATER MANAGEMENT Act Guidelines (P.L. 864, Act 167.)
  - 2) PA DEP Soil EROSION and SEDIMENTATION Control Manual, latest edition.
  - 3) Turtle Creek Watershed Act 167 STORM WATER MANAGEMENT Plan prepared for Allegheny County and Westmoreland County.
  - 4) STORM WATER MANAGEMENT Ordinance # 820, as amended.
  - 5) NPDES regulations and permits;

### 514.2 GENERAL PROVISIONS AND COMPLIANCE

- A. No changes shall be made to the contour of the SITE, and no GRADING, excavating, removal or destruction of the topsoil, trees or other vegetative cover of the SITE, shall be commenced until such time as a PLAN for minimizing EROSION and SEDIMENTATION as been processed, and reviewed by the PLANNING COMMISSION, the Westmoreland COUNTY Conservation District and the BOARD OF COMMISSIONERS, and soil and EROSION approval received.
- B. Approval by the Board of Commissioners of all PRELIMINARY PLANS and/or FINAL PLANS does not relieve the DEVELOPER of his obligation to execute the EROSION and SEDIMENTATION control measures as contained in this section.
- C. All sites with greater than five (5) acres of disturbance or deemed ENVIRONMENTALLY SENSITIVE by the TOWNSHIP ENGINEER and/or the WESTMORELAND CONSERVATION DISTRICT shall require a pre-construction meeting between the TOWNSHIP, the WESTMORELAND CONSERVATION DISTRICT, the property owner and the excavator.
- D. FINAL APPROVAL of PLANS and specifications by the WESTMORELAND CONSERVATION DISTRICT for the control of EROSION and SEDIMENTATION shall be concurrent with the approval of the PLANS of SUBDIVISION or LAND DEVELOPMENT, and become a part thereof. FINAL PLANS for



minimizing EROSION and SEDIMENTATION as approved, will be incorporated in the DEVELOPMENT AGREEMENT and PERFORMANCE GUARANTEE, as required by the TOWNSHIP.

E. At the time a BUILDING PERMIT is applied for, a review shall be conducted by the TOWNSHIP ENGINEER to insure conformance with the PLAN as approved. During CONSTRUCTION, further consultative technical assistance may be required to insure compliance with the provisions of this ORDINANCE.

F. During the DEVELOPMENT phase, the TOWNSHIP ENGINEER shall inspect the DEVELOPMENT SITE and enforce compliance with the approved EROSION and SEDIMENTATION control PLANS.

G. EROSION and SEDIMENTATION controls shall be provided both during and after CONSTRUCTION in accordance with the provisions in this ORDINANCE.

H. Proposed EROSION and SEDIMENTATION controls should be submitted with the STORM WATER MANAGEMENT PLAN as part of the APPLICANT'S PRELIMINARY PLAN.

I. No work shall commence on any subsequent phase until the preceding phase has been inspected and considered stabilized and approved. If there are deficiencies in any phase, the TOWNSHIP ENGINEER shall issue a written description of the required corrections and establish the time by which they shall be made.

#### 514.3 GENERAL PERFORMANCE STANDARDS

A. Measures used to control EROSION and reduce SEDIMENTATION shall, as a minimum, meet the standards and specifications of the Westmoreland County Conservation District.

B. The following measures to minimize EROSION and SEDIMENTATION shall be included, where applicable, in the EROSION and SEDIMENTATION control plan:

- 1) Stripping of vegetation, GRADING or other DEVELOPMENT shall be done in a way that will minimize EROSION in compliance with the TOWNSHIP ZONING ORDINANCE, and the STORM WATER MANAGEMENT Ordinance.
- 2) The DEVELOPMENT PLAN shall preserve salient natural features, keep FILL operations to a minimum, and ensure conformity with topography so as to create the least EROSION potential and adequately handle the volume and velocity of surface water run-off.
- 3) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- 4) The disturbed area and the duration of temporary exposure shall be kept to a practical minimum, but shall not exceed the time limits established in the DEP Soil Erosion and Sedimentation Control Manual, latest edition.
- 5) Disturbed soils shall be permanently stabilized as quickly as practical, but within a time not to exceed twenty (20) days.
- 6) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during DEVELOPMENT.
- 7) The permanent vegetation and mechanical EROSION control and DRAINAGE shall be installed as soon as practical in the DEVELOPMENT.
- 8) Provisions shall be made to accommodate effectively the increased run-off caused by changed soil and surface conditions during and after DEVELOPMENT within the SITE. Where necessary, the rate of surface water run-off will be mechanically retarded.
- 9) Sediment in the run-off water shall be trapped until the disturbed area is stabilized by the use of sediment traps, sediment basins, or similar measures. Maintenance of these items is the responsibility of the DEVELOPER until all construction of PUBLIC IMPROVEMENTS on the SITE is completed and the entire SITE is stabilized to seventy (70) percent of GROUNDCOVER at which point the DEVELOPER shall remove said traps and basins.

#### 514.4 SITE GRADING

In order to provide more suitable SITES for BUILDING and other uses, improve surface DRAINAGE, and control EROSION, the following requirements shall be met:

- A. All SITES and LOTS, shall be graded to provide proper DRAINAGE away from BUILDINGS and dispose of it without ponding, and all land within a DEVELOPMENT shall be graded to drain and dispose of surface water without ponding, except where ponding (DETENTION BASINS and RETENTION BASINS) is part of the STORM WATER MANAGEMENT plan for the site.
- B. Concentration of surface water run-off shall be permitted only in swales, watercourses, or DETENTION BASINS. Subject to the approval of the TOWNSHIP ENGINEER, swales shall be sodded, utilize jute matting, or other similar measures to insure proper growth of the GROUND COVER.
- C. GRADING shall in no case be done in such a way as to divert water onto the property of another OWNER.
- D. During GRADING operations, necessary measures for dust control must be exercised.
- E. GRADING equipment will not be allowed to cross live streams. Provisions shall be made for the installation of temporary CULVERTS or bridges.
- F. Tire cleaning areas shall be provided at each point of ACCESS on the DEVELOPMENT SITE.
- G. EROSION controls shall be installed prior to the mass grading of the site

#### 514.5 EXCAVATIONS and FILLS

- A. No excavation shall be made with a face steeper than two (2) horizontal to one (1) vertical, except under the following conditions:
  - 1) A concrete, timber, masonry or other approved RETAINING WALL constructed in accordance with approved standards is provided to support the face of the excavation.
  - 2) A soils (geotechnical) engineering REPORT documents soil stability for the proposed slopes in excess of 2:1 on this site and the TOWNSHIP ENGINEER approves the proposed slopes and the proposed method of CONSTRUCTION.
- B. Edges of slopes shall be a minimum of five (5) feet from property lines or RIGHT-OF-WAY lines of STREETS or as directed by the TOWNSHIP ENGINEER in order to permit the normal rounding of the edge without encroaching on the ABUTTING property.
- C. Adequate provisions shall be made to prevent surface water from damaging the CUT face of excavations and the sloping surfaces of FILLS.
- D. CUT and FILL shall not endanger adjoining property.
- E. FILL shall be placed and compacted so as to minimize sliding or EROSION of the soil.
- F. FILLS shall not encroach on natural watercourses or constructed CHANNELS.
- G. FILLS ABUTTING natural watercourses or constructed CHANNELS shall have suitable protection against EROSION during periods of flooding.

## 514.6 RESPONSIBILITY

- A. Whenever SEDIMENTATION is caused by stripping of vegetation, GRADING or other DEVELOPMENT, it shall be the responsibility of the DEVELOPER causing such SEDIMENTATION to remove it from all affected surfaces, DRAINAGE SYSTEMS and watercourses ON-SITE and OFF-SITE, and to repair any damage at his expense as quickly as possible.
- B. It is the responsibility of the DEVELOPER doing any work on or across a stream, watercourse, or swale, or upon the FLOODPLAIN or RIGHT-OF-WAY during the period of the work, to return it to its original or equal condition after such activity is completed.
- C. The DEVELOPER shall not block, impede the flow of, alter, construct any structure, deposit any material, or perform any work which will affect normal or flood flow in any stream or watercourse without having obtained prior approval from the TOWNSHIP and/or DEP, whichever is applicable.
- D. The DEVELOPER who makes any surface changes shall be required to:
- 1) Collect ON-SITE surface run-off and control it to a point of discharge into the natural watercourse of the DRAINAGE area.
  - 2) Handle existing OFF-SITE run-off through his DEVELOPMENT by designing it to adequately handle all upstream run-off.
  - 3) Provide and install at his expense, in accordance with TOWNSHIP requirements, all DRAINAGE and EROSION control IMPROVEMENTS (temporary and permanent) as required by the approved EROSION and SEDIMENTATION Control Plan and the approved STORM WATER MANAGEMENT Plan.

## 515 MONUMENTS AND MARKERS

515.1 Permanent reference MONUMENTS or MARKERS shall be located at the boundary corners of each SITE or SUBDIVISION according to the following standards:

- A. A minimum of two (2) or one third of the number of points of intersection, whichever is greater, shall be concrete MONUMENTS at least four (4) inches square at the top, six (6) inches square at the bottom and at least 30 inches in length. Any fraction resulting from computing the required number of reference MARKERS shall be raised to the next whole number. All exterior BOUNDARY CORNERS shall be marked with concrete monuments.
- B. The remaining intersection points shall be located with solid metal pins of at least 5/8 inch diameter with a minimum length of thirty (30) inches.

515.2 All LOT corners shall be located with solid metal pins of at least five-eighths inch diameter with a minimum length of thirty inches. Prior to the issuance of an OCCUPANCY PERMIT, it shall be the responsibility of the property owner to install the metal property pins.

515.3 MONUMENTS and MARKERS shall be placed so that the scored or marked point shall coincide exactly with the intersection of lines to be marked, and shall be set so that the top of the MONUMENT or MARKER is level with the surface of the surrounding ground as finally graded.

The MONUMENTS and pins as required shall be shown on the FINAL PLAT with the distance between them and with sufficient curve data plainly marked. If such MONUMENTS have not been set at the time the FINAL PLAT is submitted to the TOWNSHIP a certified check, payable to the TOWNSHIP shall be deposited with the TOWNSHIP. The amount of the check shall be sufficient to cover the cost of setting the required MONUMENTS and pins as estimated by the TOWNSHIP. If the MONUMENTS and pins have not been set within thirty days after the expiration of the street maintenance bond, the MONUMENTS will be set by the TOWNSHIP and the check forfeited.

## 516 STREET TREES, LANDSCAPING, AND TREE PRESERVATION

516.1 STATEMENT OF PURPOSE AND SUMMARY OF REQUIREMENTS, GENERAL PROVISIONS.

- A. The TOWNSHIP institutes the provisions of this Section for the following purposes and in order to:
- 1) Enhance the aesthetic quality and character of new SUBDIVISIONS and LAND DEVELOPMENTS;
  - 2) Preserve existing natural resources through innovative design;
  - 3) Enhance the general health and safety of the public by protecting ENVIRONMENTALLY SENSITIVE AREAS and replacing valuable natural resources such as trees and other vegetation in such areas;
  - 4) Provide for effective buffer areas between SUBDIVISIONS and where desirable, between LAND DEVELOPMENTS and between different ZONING DISTRICTS;
  - 5) Retard glare, heat and pollution;
  - 6) Stimulate air purification and oxygen regeneration;
  - 7) Prevent soil erosion.
- B. ZONING ORDINANCE. Landscaping requirements per the ZONING ORDINANCE which are stricter than those of this Section shall supercede lesser requirements of this Section. Said requirements shall be included in the LANDSCAPING PLAN and approved, bonded, and regulated per the regulations of this Section.

516.3 TREE PLANTING QUANTITIES FOR SUBDIVISIONS

A. MAJOR SUBDIVISIONS. For all MAJOR SUBDIVISIONS involving the CONSTRUCTION of new STREETS, trees shall be required at the following rates and standards:

- 1) Trees shall be required to be planted on a TREE LAWN within the RIGHT-OF-WAY along all new STREETS, for all MAJOR SUBDIVISIONS, according to the specifications detailed below:
  - (a) Trees shall be spaced to permit the healthy growth of each tree. In no instance shall large trees, as listed in Section 516.3(D)(1) of this ORDINANCE, be closer than fifty (50) feet from each other and shall be planted on alternate sides of the STREET . As an alternate to planting larger trees, small flowering trees, per section 516.3(D)(2) of this ORDINANCE may be planted twenty five (25) feet apart.
  - (b) Street trees shall be planted according to the specifications detail as indicated in Appendix A. Street trees shall be planted within a four (4) foot TREE LAWN between the property line of each lot and the SIDEWALK, unless otherwise provided for in section (c) below. At intersections, trees shall be located no closer than fifty (50) feet from the intersection of the curbs. In the event that SIDEWALKS are waived under the provisions of this ORDINANCE, STREET TREES shall be planted no further than seven (7) feet from the edge of the RIGHT-OF-WAY.
  - (c) Street trees shall be planted so as not to interfere with SIDEWALKS, EASEMENTS, or UTILITY LINES. In order to accomplish the objectives of this section, the DEVELOPER may propose an alternate design for the planting of required trees and installation of SIDEWALKS that includes those requirements as well as the required CARTWAY and CURBING within the area of the required RIGHT-OF-WAY. Alternate plans must be reviewed by the utility companies and authorities serving the DEVELOPMENT, with written approval by same. The TOWNSHIP ENGINEER shall review such plans and make a recommendation to the BOARD OF COMMISSINERS.
  - (d) Size, type and quality standards. Street trees shall be a minimum of two (2) inches in CALIPER. Trees shall meet the general specifications for height and spread in relationship to CALIPER for shade trees as stated in the American Standard for Nursery Stock by the American Association of Nurserymen.
  - (e) The TOWNSHIP shall exercise powers authorized by the First Class Township Code of the Commonwealth of Pennsylvania to establish maintenance responsibilities for TREES located within PUBLIC RIGHTS-OF-WAY.

B. Additional Tree Planting Requirements and/or Tree Preservation.

- 1) Including the required planting of STREET TREES, the SITE must have a total tree coverage of five percent (5%) of the total site area as measured by the standards contained in this section.
- 2) All new tree planting shall meet the species and CALIPER standards of this Section. The DEVELOPER shall calculate the projected tree coverage for the SITE based upon the area of the DRIP LINE of all newly planted trees at maturity and the existing total area of DRIP LINE of trees to be credited per section 516.3 of this ORDINANCE.

3) Due consideration should be given to planting new trees in the following locations based upon the characteristics of the site, in the following order of priority:

- (a) On hillsides within the PLAN either on lots or in designated OPEN SPACES or buffer areas ;
- (b) Along existing streams as buffer;
- (c) On portions of proposed lots;
- (d) In designated recreation areas, active or passive;
- (e) In DETENTION POND areas as a buffer, not in embankments or near outlet structures

4) In meeting the requirements of this section, the DEVELOPER may utilize covenants to assure tree planting on locations within the PLAN owned by individual property owners. These covenants shall be indicated on the recorded PLAN. Tree planting areas owned by either the developer or a homeowners association shall be indicated on the recorded PLAN.

C. Credit for Preservation of Existing Tree Stands and Individual Trees. DEVELOPERS are strongly encouraged to preserve existing TREES on the site. The amount of new tree planting may be reduced by the BOARD OF COMMISSIONERS upon recommendation of the PLANNING COMMISSION provided existing trees are preserved on the SITE according to the following requirements:

1) In order to qualify for credit for the preservation of trees, the developer shall submit a TREE PRESERVATION PLAN demonstrating the relationship of tree preservation on the SITE to the five (5%) percent requirement of total tree coverage with said exclusions. The PLANNING COMMISSION through a SITE visitation and/or review of the TOWNSHIP WOODLANDS OVERLAY will perform the review of this PLAN. The DEVELOPER is encouraged to consult with the TOWNSHIP on this plan prior to submission of an APPLICATION. The PLANNING COMMISSION may require submission of this plan by a licensed landscape architect for larger developments. The TREE PRESERVATION PLAN shall include, at a minimum:

- (a) Location of existing trees requested to be credited.
- (b) Species of existing trees requested to be credited.
- (c) Determination of percentage of trees in any cluster (one acre or more) that have a CALIPER have of 6" dbh or greater as a percentage of the entire cluster.
- (d) Designation of any individual trees, not in a cluster (less than one acre) than have a dbh of 6" or greater.
- (e) The total acreage of site coverage of all preserved trees that can be counted toward meeting the 5% requirement, according to standards contained in this section.

2) The following shall not be counted toward meeting the five percent (5%) tree coverage requirement cited in this section.

- (a) Trees located on STEEP SLOPES as regulated by Section 507 of this ORDINANCE.
- (b) Identified diseased trees.
- (c) Clusters of trees that have a majority of trees with less than 6" CALIPER dbh.
- (d) Individual trees with less than 6" CALIPER dbh.

D. APPROVED STREET TREES AND PLANT MATERIALS. The following plant materials are approved for use with the TOWNSHIP provided the specific SITE is suitable. The DEVELOPER may propose alternate species, subject to the approval of the TOWNSHIP.

- 1) Large Trees.
  - a) Fraxinus americana - White Ash
  - b) Fraxinus pennsylvania lanceolata - Green Ash
  - c) Gleditsia tricanthos inermis - Thornless Honey locust
  - d) Liquidambar styraciflua - Sweet Gum
  - e) Liriodendron tulipera - Tulip Tree.
  - f) Phellodendron amurense - Amur Cork Tree
  - g) Plantanus acerifolia - London Plane Tree
  - h) Quercus alba - White Oak
  - i) Quercus coccinea - Scarlet Oak
  - j) Quercus phellos - Willow Oak
  - k) Robina pseadocacia inermis - Thornless Black Locust
  - l) Tilia - Linden

m) Zelkova serrate - Japanese Zelkova

2) Small Trees

- a) Acer ginnala - Amur Maple
- b) Cornus florida - Flowering Dogwood
- c) Crataegus phaenopyrum - Washington Hawthorn
- d) Gingko biloba - Gingko (male only)
- e) Prunus kwanzan - Kwanzan Cherry
- f) Sophora Japonica - Japanese Pagodatree

E. The WOODLANDS OVERLAY. The APPLICANT and the TOWNSHIP may utilize the WOODLANDS OVERLAY in the development and evaluation of proposed TREE PRESERVATION PLAN.

516.4 LANDSCAPING REQUIREMENTS FOR LAND DEVELOPMENTS

A Purpose and Applicability. The standards contained in this section are intended to improve the appearance of LAND DEVELOPMENTS as well as prevent EROSION, improve STORM WATER management, enhance visual character, and improve the natural environment. All landscaping, screening and BUFFER ZONE plantings required by this ORDINANCE shall be in addition to those included in the ZONING ORDINANCE. In particular, any required planting shall meet the plant size requirements of the applicable sections of the ZONING ORDINANCE. However, the DEVELOPER may establish to the satisfaction of the BOARD OF COMMISSIONERS that plants of smaller size will equal or exceed the performance of required plants both at the time of planting and within three (3) years of planting.

B LAND DEVELOPMENT Requirements. All LAND DEVELOPMENTS shall include at a minimum ten (10%) of the total SITE AREA in landscaping IMPROVEMENTS. This requirement is in addition to other stated requirements contained in this ORDINANCE and the ZONING ORDINANCE. Description of proposed landscaping shall be provided in the landscaping plan as submitted in the APPLICATION FOR DEVELOPMENT. The LANDSCAPE PLAN shall be of sufficient detail to list the type of the proposed planting, the size of the planting at planting and maturity and the number of plants and calculations that satisfy requirements of this Section.

C Landscaping shall be used in all open areas not covered by BUILDINGS, required parking areas, SIDEWALKS or other IMPERVIOUS SURFACES. Landscaping shall be a mixture of HIGH-LEVEL PLANTING, LOW-LEVEL PLANTING and GROUND COVER, which shall be of a type, size and placement compatible with the LAND DEVELOPMENT and the surrounding land uses.

D OFF-STREET PARKING AREAS. Parking lots for more than five (5) cars shall require additional landscaped area equal to an aggregate minimum of five percent (5%) of the total paved area of the parking LOT. Such landscaping shall be in addition to that required in this Section and in the ZONING ORDINANCE. In parking lots designed to accommodate rows of parked vehicles, a ten (10) foot wide raised landscaping island shall be provided along every other row of parking spaces. No more than twenty (20) parking spaces or 180 feet shall be permitted in a continuous row without being interrupted by a ten (10) foot wide raised separation to provide areas for landscaping per provisions of this ORDINANCE.

E Unless where a stricter requirement is required by the ZONING ORDINANCE, a landscape periphery shall be provided at a depth of five (5) feet along all public RIGHTS-OF-WAY, as measured from the property line, for all LAND DEVELOPMENTS in the TOWNSHIP, and shall be considered a part of the ten percent (10%) of required landscaping area for LAND DEVELOPMENTS.

F Within the SITE AREA, landscaping shall be required for the following areas: the side and rear perimeters of the site; the BUILDING perimeter; parking lots; dumpsters; screening areas adjacent to residentially zoned properties and STORM WATER DETENTION and STORM WATER RETENTION FACILITIES, and loading docks and shall be considered a part of the ten percent (10%) of required landscaping area for LAND DEVELOPMENTS.

G The location and size of landscaped plantings shall not adversely affect SIGHT DISTANCE. Consideration shall be given to future growth potential of all planted materials in reviewing SIGHT DISTANCE issues.

H HIGH-LEVEL PLANTING shall be required at the rate of one (1) per 1,000 square feet of total landscaping. LOW-LEVEL PLANTING shall be required at the rate of one (1) per 200 square feet of total landscaping. HIGH-

LEVEL PLANTING and LOW-LEVEL PLANTING may be grouped. All other areas fulfilling the landscape area requirements of this Section and the ZONING ORDINANCE shall contain GROUND COVER.

#### 516.5 INSTALLATION OF REQUIRED LANDSCAPING IMPROVEMENTS AND BONDING

- A. In order to minimize any potential conflict with housing construction activity, STREET TREES may be planted at the same time any required SIDEWALKS are installed according to provisions of Section 414 of this ORDINANCE.
- B. Seasonal Constraints. In lieu of planting due to seasonal constraints, the DEVELOPER shall be required to submit to the TOWNSHIP an agreement signed by the purchaser at the time of settlement. Said agreement shall indicate the following:
  - 1) The locations and types of proposed vegetation on the submitted and approved LANDSCAPE PLAN shall be planted when weather permits or within six months of the signing of the agreement.
  - 2) The purchaser grants the DEVELOPER the right to plant trees or other agreed upon vegetation as indicated on the LANDSCAPE PLAN.
- C. The TOWNSHIP may require the DEVELOPER or OWNER to deposit with the TOWNSHIP a sum of money in the form of cash, certified check, letter of credit or bond equal to a minimum of fifteen (15%) percent of the total landscape costs to cover the cost of replacing, purchasing, planting and maintaining all dead, dying, defective or diseased plant material within the guaranteed period of 18 months.
  - A. Installation. Plant materials must be installed consistent with standards of the American Standards for Nursery Stock published by the American Association of Nurserymen, Inc., Washington, D.C.
  - B. The TOWNSHIP shall make a final inspection for acceptance at the end of the guaranty period of 18 months. This inspection will be performed when plant materials are in full leaf, May 1<sup>st</sup> through November 15<sup>th</sup>. All ESCROW funds will be released upon acceptance following the end of the guaranty period.
  - C. Conditions of Occupancy. The completion of all requirements of this Section or a guaranty thereof shall be instituted before the issuance of an occupancy permit as described in the Zoning Ordinance. In the event that all of the required landscaping improvements cannot be installed at the time of request for an OCCUPANCY PERMIT due to the loss of the planting season, a temporary OCCUPANCY PERMIT may be granted for a period not longer than nine months to allow for landscaping IMPROVEMENTS to be installed during the next planting season.
  - D. Maintenance. Maintenance of landscaped areas within approved LAND DEVELOPMENTS is the ongoing responsibility of the property OWNER. Required landscaping must be continuously maintained in a healthy manner. Plants that die must be replaced with a similar or acceptable substitute. Failure to maintain required landscaping shall result in an enforcement action by the Code Enforcement Officer as a violation of this chapter, and shall be subject to the penalties as prescribed in Article 7 of this ORDINANCE.

#### 516.6 MODIFICATIONS

- A. At the request of the DEVELOPER and the recommendation of the PLANNING COMMISSION, the BOARD OF COMMISSIONERS may modify or waive the landscaping standards of this Section where one or more of the following conditions occur:
  - 1) There are special considerations of SITE design and/or topography.
  - 2) There is existing healthy vegetation that is sufficient to meet the requirements. Existing vegetation shall be used to meet all or part of the requirements of this section wherever possible.
  - 3) There is a unique relationship to other properties.
  - 4) Landscaping would interfere with utilities, RIGHTS-OF-WAY, EASEMENTS, sight distance or other vegetation.

### ARTICLE 6 CONSTRUCTION, INSPECTION AND ACCEPTANCE OF IMPROVEMENTS

## **601 PRE-CONSTRUCTION CONFERENCE**

After FINAL APPROVAL has been granted by the BOARD OF COMMISSIONERS but before the start of CONSTRUCTION, a PRE-CONSTRUCTION CONFERENCE shall be held at the TOWNSHIP Offices. Those required to be in attendance at this meeting are the TOWNSHIP ZONING OFFICER, TOWNSHIP ENGINEER, TOWNSHIP ROAD Superintendent, the DEVELOPER, the WESTMORELAND CONSERVATION DISTRICT and the prime contractor and construction inspectors.

## **602 PROGRESS INSPECTIONS**

602.1 The BOARD OF COMMISSIONERS shall appoint one or more qualified inspectors at the DEVELOPER'S expense, to enforce the provisions of this ORDINANCE and the accompanying design standards and IMPROVEMENT specifications.

602.2 Fees for inspection of required IMPROVEMENTS. The COMMISSIONERS shall establish, by resolution, a schedule of fees for the TOWNSHIP'S inspection of IMPROVEMENTS required under the provisions of this Chapter, including but not limited to the payment of fees charged by the TOWNSHIP'S professional consultants for their inspection. Such resolution shall be duly recorded in the Resolution Book of the TOWNSHIP, and such FEE SCHEDULE shall be reproduced and made available upon request at the TOWNSHIP BUILDING. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the COMMISSIONERS. The release, in whole or in part, of any FINANCIAL SECURITY posted in connection with such IMPROVEMENTS and, if applicable, the acceptance of such IMPROVEMENTS by the TOWNSHIP shall be contingent upon the payment of the proper fees as established by the resolution and the FEE SCHEDULE. The DEVELOPER shall provide the TOWNSHIP a sum equal to two (2%) percent of the total bonded amount of PUBLIC IMPROVEMENTS as a deposit for inspection fees. In the event that the total inspection fees incurred are less than the deposited amount, according to the aforementioned fee schedule, the difference shall be returned to the DEVELOPER. In the event that the inspection fees exceed the deposited amount, according to the aforementioned fee schedule, the additional sum shall be invoiced to the developer, with contingency that the bonding shall not be released until final payment is made to the TOWNSHIP.

The TOWNSHIP reserves the right to require inspections of PRIVATE IMPROVEMENTS that impact the public, health, safety and welfare and are approved as part of a LAND DEVELOPMENT SITE PLAN. Any such costs for those inspections shall be borne by the DEVELOPER who shall pay such fees prior to the issuance of any OCCUPANCY PERMIT.

602.3 In the event the APPLICANT disputes the amount of any such expense in connection with the inspection of IMPROVEMENTS, the APPLICANT shall, within ten (10) working days of the billing date, 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 inspection expenses.

602.4 Dispute resolution. If within 20 days from the date of billing, the TOWNSHIP and the APPLICANT cannot agree on the amount of expenses which are reasonable and necessary, then the APPLICANT and the TOWNSHIP shall follow the procedure for dispute resolution set forth in MPC section 510(g).

602.5 Criteria for fees. Review and inspection fees shall be reasonable and in accordance with the ordinary and customary charges by the TOWNSHIP ENGINEER or consultant for similar services in the TOWNSHIP, 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.

602.6 Notification. The DEVELOPER shall notify the PLANNING AND ZONING DEPARTMENT 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 shall notify the Inspector at least seventy two (72) hours prior to the time that the following required progress inspections are desired:

- A. Inspection of the sub-GRADE of streets prior to laying of the base;
- B. Inspection of the base as it is being constructed and prior to final PAVING of streets;
- C. Inspection of street PAVING during construction;



D. Inspection of the installation of storm sewers and drainage facilities as they are being constructed and prior to final PAVING of streets;

E. Inspection of all utilities and street crossings within the public right-of-way;

F. All grading being performed.

The INSPECTOR shall prepare a written REPORT of all inspections in duplicate on OFFICIAL FORMS provided by the TOWNSHIP. The TOWNSHIP shall retain one (1) copy, one (1) copy shall be retained by the TOWNSHIP ENGINEER, and one (1) copy shall be forwarded to the DEVELOPER.

### **603 TESTING**

All construction materials, whether for public or PRIVATE IMPROVEMENTS, shall be tested by a qualified independent testing laboratory, unless notified by the TOWNSHIP ENGINEER. The costs for such tests shall be borne by the DEVELOPER.

### **604 FINAL INSPECTION AND APPROVAL**

604.1 When the DEVELOPER has completed all of the necessary and appropriate PUBLIC IMPROVEMENTS, the DEVELOPER shall notify the TOWNSHIP, in writing, by certified or registered mail, of the completion of the PUBLIC IMPROVEMENTS and shall send a copy thereof to the TOWNSHIP and the TOWNSHIP'S ENGINEER. The BOARD OF COMMISSIONERS shall, within ten (10) days after receipt of such notice, direct and authorize the TOWNSHIP ENGINEER to inspect all of the PUBLIC IMPROVEMENTS. The TOWNSHIP ENGINEER shall, thereupon file a REPORT in writing, with the BOARD OF COMMISSIONERS, and shall promptly mail a copy of such REPORT to the DEVELOPER by certified or registered mail. The REPORT shall be made and mailed within thirty (30) days after receipt by the TOWNSHIP ENGINEER of the aforesaid authorization from the BOARD OF COMMISSIONERS. Said REPORT shall be detailed and shall indicate approval or rejection of said PUBLIC IMPROVEMENTS, either in whole or in part. If said PUBLIC IMPROVEMENTS, or any part thereof, shall not be approved or shall be rejected by the TOWNSHIP ENGINEER, said REPORT shall contain a statement of reasons for such non-approval or rejection.

604.2 The BOARD OF COMMISSIONERS shall notify the DEVELOPER, within 15 days of receipt of the TOWNSHIP ENGINEER'S REPORT, in writing, by certified or registered mail, of the action of the BOARD OF COMMISSIONERS with relation thereto.

604.3 If the BOARD OF COMMISSIONERS or the TOWNSHIP ENGINEER fails to comply with the time limitation provisions contained herein, all PUBLIC IMPROVEMENTS will be deemed to have been approved and the DEVELOPER shall be released from all liability, pursuant to its security.

604.4 Completion of rejected PUBLIC IMPROVEMENTS. If any of the PUBLIC IMPROVEMENTS shall not be approved by the BOARD OF COMMISSIONERS, the DEVELOPER shall proceed to complete the PUBLIC IMPROVEMENTS or rectify any deficiencies and, upon completion, the same procedure of notification, as outlined herein, shall be followed.

604.5 No limitation of DEVELOPER'S rights. Nothing herein, 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 COMMISSIONERS or the TOWNSHIP ENGINEER.

### **605 ACCEPTANCE OF PUBLIC IMPROVEMENTS**

605.1 No property or PUBLIC IMPROVEMENT shown on a FINAL PLAT shall be considered to have been accepted by the TOWNSHIP until a formal DEDICATION thereof has been officially accepted by adoption of an ORDINANCE of the TOWNSHIP, duly enacted and advertised in accordance with the Law.

605.2 Upon completion of the final inspection and approval of the PUBLIC IMPROVEMENTS, the DEVELOPER shall request in writing that the BOARD OF COMMISSIONERS formally accept the DEDICATION of the PUBLIC IMPROVEMENTS. The request for acceptance shall be accompanied by a legal description of all rights-of-way and property, to be dedicated to the public. The ACCEPTANCE OF PUBLIC IMPROVEMENTS request shall be received

by the TOWNSHIP no more than ten (10) days before the next regular meeting of the BOARD OF COMMISSIONERS in order to be scheduled for that meeting. Upon approval of the PUBLIC IMPROVEMENTS and the DEVELOPER posting a MAINTENANCE GUARANTEE as defined in Section 609 and the BOARD OF COMMISSIONERS shall enact an ordinance accepting the PUBLIC IMPROVEMENTS as part of the TOWNSHIP'S PUBLIC FACILITIES.

605.3 Prior to the acceptance of the PUBLIC IMPROVEMENTS, and the return of any remaining APPLICATION and review fees, the DEVELOPER shall submit to the TOWNSHIP the following:

A. Written REPORT certified by the TOWNSHIP ENGINEER that all required PUBLIC IMPROVEMENTS are completed according to specifications including ROADS, SIDEWALKS, utilities and STORM WATER MANAGEMENT facilities. The written REPORT is to include boundary designations of STREETS and EASEMENTS.

B. Evidence certified by the TOWNSHIP ZONING OFFICER that all permanent STREET SIGNS and other SIGNS required by this ordinance, the DEVELOPMENT AGREEMENT or any other applicable code have been installed.

C. Two sets of As-built drawings of completed IMPROVEMENTS, clearly labeled as such by a Professional Engineer or Land Surveyor, to the Board of Commissioners and to the Western Westmoreland Municipal Authority, North Huntingdon TOWNSHIP Municipal Authority, and the Municipal Authority of Westmoreland County. Said drawings must be submitted in a digital format such that they may be directly imported into the TOWNSHIP's geographical information systems in a manner consistent with the standard outlined in Appendix B of this ORDINANCE.

D. Certification of CONSTRUCTION costs.

E. MAINTENANCE GUARANTEE for ROAD IMPROVEMENTS, utility extensions, STORM WATER facilities and other PUBLIC IMPROVEMENTS pursuant to Section 609.

F. MAINTENANCE GUARANTEE for water line extensions and other structures to the Western Westmoreland Municipal Authority.

G. A written request that the TOWNSHIP and the NHTMA accept the IMPROVEMENTS.

H. MAINTENANCE GUARANTEE for sewer line extensions, structures, and ancillary equipment.

## **606 RELEASE OF PERFORMANCE GUARANTEE**

606.1 Upon approval of the PUBLIC IMPROVEMENTS in the PLAN, the DEVELOPER shall be released from any liability pursuant to the FINANCIAL SECURITY posted to guarantee the proper installation of the PUBLIC IMPROVEMENTS.

606.2 From time to time, during the installation of the PUBLIC IMPROVEMENTS, the DEVELOPER may request partial release of the FINANCIAL SECURITY. Any such request shall be in writing and shall be addressed to the BOARD OF COMMISSIONERS. The BOARD OF COMMISSIONERS 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 ORDINANCE and the APPROVED PLAT.

606.3 Upon such certification by the TOWNSHIP ENGINEER, the BOARD OF COMMISSIONERS shall authorize release of all or a portion of the FINANCIAL SECURITY in an amount as estimated by the TOWNSHIP ENGINEER which fairly represents the value of the PUBLIC IMPROVEMENTS completed. The BOARD OF COMMISSIONERS may require retention of ten percent (10%) of the estimated cost of such PUBLIC IMPROVEMENTS until such time as all PUBLIC IMPROVEMENTS have been installed and the FINANCIAL SECURITY is released in its entirety.

## **607 POSTING OF MAINTENANCE GUARANTEE**

The BOARD OF COMMISSIONERS shall require a MAINTENANCE GUARANTEE when accepting the DEDICATION of PUBLIC IMPROVEMENTS. The purpose of the MAINTENANCE GUARANTEE is to secure the structural integrity of the PUBLIC IMPROVEMENTS and to guarantee the proper functioning of those

IMPROVEMENTS in accordance with the Article 4 and Article 5 of this ORDINANCE. The amount of the MAINTENANCE GUARANTEE aforesaid shall be fifteen percent (15%) of the actual cost of the installation of such IMPROVEMENTS for a term not to exceed eighteen (18) months from the date of the ACCEPTANCE OF PUBLIC IMPROVEMENTS AND DEDICATION.

#### **608 REMEDIES TO EFFECT COMPLETION OF PUBLIC IMPROVEMENTS**

608.1 TOWNSHIP remedies. In the event that PUBLIC IMPROVEMENTS, which have been required have not been installed as provided in this ORDINANCE within 24 months, or additional time period as mutually agreed upon by the TOWNSHIP and the DEVELOPER, of the FINAL PLAT approval, the BOARD OF COMMISSIONERS shall enforce remedies provided under the laws of the Commonwealth of Pennsylvania to effect completion of the PUBLIC IMPROVEMENTS.

608.2 Installation by the TOWNSHIP; use of security proceeds. If proceeds of the FINANCIAL SECURITY are insufficient to pay the cost of installing or making repairs or corrections to all the PUBLIC IMPROVEMENTS covered by the FINANCIAL SECURITY, the BOARD OF COMMISSIONERS may install all or part of the PUBLIC IMPROVEMENTS in all or part of the SUBDIVISION or LAND DEVELOPMENT and may institute appropriate legal or equitable actions to recover the monies necessary to complete the remainder of the PUBLIC IMPROVEMENTS. All of the proceeds, whether resulting from the FINANCIAL SECURITY or from any legal or equitable action brought against the DEVELOPER, or both, shall be used solely for the installation of the PUBLIC IMPROVEMENTS covered by the FINANCIAL SECURITY and not for any other municipal purpose.

### **ARTICLE 7 MODIFICATIONS AND ENFORCEMENT**

#### **701 MODIFICATIONS**

701.1 If any mandatory provisions of this ORDINANCE are shown by the APPLICANT, to the satisfaction of the BOARD OF COMMISSIONERS to be unreasonable, to cause undue hardship, or that an alternate standard can provide equal or better results, the BOARD OF COMMISSIONERS may grant a modification to that provision. A modification may be granted provided it will not be contrary to PUBLIC interest and provided the purpose and intent of this ORDINANCE is maintained.

701.2 All requests for modification shall be in writing and signed by the APPLICANT. The request shall fully state the reasons and grounds for why the provision(s) is unreasonable or the hardship imposed, and shall discuss the minimum modification necessary.

701.3 It is not sufficient proof of hardship to show that greater profit would result if the modification were granted. Furthermore, a hardship cannot be claimed by one who purchases with or without knowledge of restrictions; it must be from the APPLICATION of this ORDINANCE; it must be suffered directly by the property in question; and evidence of a modification granted under similar circumstances shall not be considered.

701.4 The BOARD OF COMMISSIONERS shall consider modification requests that are necessary to meet objectives of this ORDINANCE and the COMPREHENSIVE PLAN, that encourage flexibility and creativity in design of PLANS to protect ENVIRONMENTALLY SENSITIVE AREAS, and otherwise are consistent with the objectives of this ORDINANCE and the COMPREHENSIVE PLAN

701.5 The BOARD OF COMMISSIONERS shall request an advisory opinion from the PLANNING COMMISSION and from the TOWNSHIP Engineer on the modification request.

701.6 In granting modifications, the BOARD OF COMMISSIONERS may impose such conditions as will, in its judgement, secure substantially the objectives of the standards or requirements so modified.

701.7 The TOWNSHIP shall keep a written record of all requests for modifications.

701.8 If a modification is granted it shall be referenced in the conditions of approval of the PLAN, and shall apply only to that PLAN.

701.9 The written request for a modification shall be included in the APPLICATION FOR DEVELOPMENT. Such request shall cite the section(s) of the ORDINANCE to be modified, the extent of modification and the reasons for the modification.

701.10 Any modification thus granted shall be entered in the minutes of the BOARD OF COMMISSIONERS setting forth the reasons which, in the opinion of the BOARD OF COMMISSIONERS justified the modification.

## **702 VIOLATIONS AND PENALTIES**

702.1 Any person, partnership or corporation who or which has violated the provisions of this ORDINANCE shall, upon being found liable therefor in a civil enforcement proceeding commenced by the TOWNSHIP, pay a judgement of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the TOWNSHIP as a result thereof. No judgement shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor appeals the judgment in a timely manner, the TOWNSHIP may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determines that there has been a violation or further determines that there was a good faith basis for the person, partnership or corporation violating the ORDINANCE to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

702.2 The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

702.3 The OWNER or tenant of any STRUCTURE or premises or land or LOT or part thereof, or any agent, architect, attorney, banker, builder, contractor or other PERSON who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

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

702.5 Nothing herein shall prevent the TOWNSHIP from taking such other legal action as is necessary to prevent or remedy any violation.