

**BOROUGH OF GLEN OSBORNE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 430

**AN ORDINANCE OF THE BOROUGH OF GLEN OSBORNE,
ALLEGHENY COUNTY, PENNSYLVANIA, AMENDING
AND RESTATING IN ITS ENTIRETY CHAPTER 121 OF
THE BOROUGH OF GLEN OSBORNE, CODE OF
ORDINANCES, SUBDIVISION OF LAND.**

WHEREAS, the Pennsylvania Municipalities Planning Code (“MPC”), 53 P.S. §§10101 *et seq.*, as amended, authorizes the Borough of Glen Osborne (“Borough”) to regulate subdivision and land development within the Borough; and

WHEREAS, on December 17, 1991, by Ordinance No. 4323, as amended, the Borough Council of the Borough of Glen Osborne (“Council”) did adopt a Subdivision and Land Development Ordinance (“SALDO”) for the Borough as codified under Chapter 121 of the Borough Code of Ordinances; and

WHEREAS, the Borough Solicitor in conjunction with consultants Herbert, Rowland & Grubic, Inc (“HRG”) has reviewed and prepared proposed revisions to the SALDO over the course of several months and has prepared a comprehensive amendment and restatement of the Borough SALDO (“SALDO Amendments”); and

WHEREAS, at its regular meeting held on September 27, 2023, the Borough Planning Commission reviewed and recommended the adoption of the proposed SALDO Amendments; and

WHEREAS, Borough Council has carefully reviewed the SALDO Amendments and has determined the same to be consistent with the Aleppo Sewickley and Osborne Joint Comprehensive Plan (“ASO Plan”); and

WHEREAS, on November 21, 2023, the Council held a duly advertised public hearing on the SALDO Amendments and did at that time receive and consider public comment received thereon; and

WHEREAS, the Council believes that adoption of the SALDO Amendments to be in the best interests of the public health, safety and welfare of the Borough; and

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Glen Osborne, County of Allegheny, and Commonwealth of Pennsylvania, as follows:

SECTION 1.

The Borough Council of the Borough of Glen Osborne hereby amends Chapter 121 of the Borough Code of Ordinances, Subdivision of Land, by restating it in its entirety as set forth Exhibit “A” attached hereto and incorporated herein.

SECTION 2.

The provisions of this Ordinance are severable. If any sentence, clause, or section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, or sections of this Ordinance. It is hereby declared to be the intent of the Borough Council of the Borough of Glen Osborne that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause or section not been included herein.

SECTION 3.

This Ordinance shall become effective immediately upon enactment.


SECTION 4.

All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed insofar as they may be inconsistent herewith.

DULY ENACTED AND ORDAINED this 21 day of November, 2023
by the Borough Council of the Borough of Glen Osborne, Allegheny County,
Pennsylvania.

ATTEST:

BOROUGH OF GLEN OSBORNE

By: 

President, Borough Council

EXAMINED and APPROVED this 21st day of November, 2023.



Mayor

Exhibit "A"

Borough of Glen Osborne Subdivision and Land Development Ordinance

NOVEMBER 21, 2023

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Article I. General Provisions

Section 101. Title

- A. Title. This Ordinance shall be known as the "Borough of Glen Osborne Subdivision and Land Development Ordinance." For purposes of the Code of Glen Osborne Borough, Allegheny County, Pennsylvania, this Ordinance shall be known as the "Subdivision and Land Development Ordinance" and/or the "SALDO."

Section 102. Purpose

- A. This Ordinance is adopted for the following purposes:
 - 1. To provide for the harmonious, orderly, and efficient development of the Borough.
 - 2. To assure sites suitable for building purposes and human habitation.
 - 3. To promote the health, safety, and general welfare of Borough residents.
 - 4. To coordinate the proposed development with existing development within the Borough.
 - 5. To provide for the equitable processing of subdivision and land development plans by establishing uniform procedures and standards.
 - 6. To promote adequate open spaces, proper traffic flows, recreation, light and air, and for proper distribution of population.
 - 7. To promote the sound layout and design for subdivisions and land developments.

Section 103. Authority

- A. Enabling Authority/Adoption. The Borough, in accordance with 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), enacts the following Ordinance to regulate the subdivision and development of land in the Borough of Glen Osborne, Allegheny County.

Section 104. Applicability

- A. Hereafter, no activity covered by this Chapter shall be permitted, including but not limited to subdividing as defined herein, development of land as defined herein, or improvements to land as defined herein, except in strict accordance with the requirements and procedures of this Chapter.

Section 105. Interpretation and Relationship to Other Provisions

- A. Interpretation. The provisions set forth herein shall be held to be the minimum requirements necessary to meet the stated purpose as required in this Ordinance and the general purposes of the MPC, as amended.

- B. **Conflicting Provisions.** Whenever there is a difference between the minimum standards specified herein and those included in other Borough ordinances and regulations, the more stringent requirements shall apply.
- C. **Conflict with Private Provisions.** If the requirements of this Ordinance are different from those contained within deed restrictions, covenants, or other private agreements, the requirements that are more restrictive or which impose higher standards shall govern, provided that the private provisions are otherwise lawful.

Section 106. Compliance Required

- A. Hereafter, no lot in a subdivision may be sold, no permit to erect any building upon land in a subdivision may be issued, no cuts, grading or filling permitted and no street, walkway, curbs, gutters, streetlights, fire hydrants, shade trees, sanitary sewer, storm sewer, waterline, or other improvements as may be required herein shall be laid out, constructed, opened, or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.

Section 107. Effect of Noncompliance

- A. Hereafter, except as provided in this Chapter, any plat of any subdivision, street, or development of land not approved by the Planning Commission in accordance with the provisions and procedures as set forth herein shall be null and void.

Section 108. Effect on Prior Applications or Approvals

- A. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter with the Planning Commission and while such application is pending approval or disapproval, no change or amendment in this Chapter 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, when an application is properly and finally denied, then any subsequent application shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in this Chapter or other governing ordinances or plans shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. The five-year period shall be counted from the date of the preliminary approval.

Article II. Definitions

Section 201. Word Usage

- A. Unless otherwise stated and for the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:
1. Words used in the present tense shall include the future tense.
 2. Words in the singular shall include the plural, and those in the plural shall include the singular.
 3. The words “should” and “may” are permissive. The words “shall” and “will” are mandatory and directive.
 4. The word “lot” includes the word “plot” or “parcel.”
 5. The words “person,” “subdivider,” and “owner” shall include a corporation, an unincorporated association, a partnership, or other legal entity as well as an individual.
 6. The word “structure” includes “building” and shall be construed as if followed by the phrase “or part thereof.”
 7. The word “watercourse” includes channels, creeks, ditches, dry runs, springs, and streams.
 8. The word "and" indicates that all connected items, conditions, provisions, or events shall apply.
 9. The word "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
 10. The words "either" and “or” indicate that the connected items, conditions, provisions, or events may apply singly but not in any combination.
 11. The words “Municipal,” “Municipality,” and "Borough" mean the Borough of Glen Osborne, Allegheny County, Pennsylvania.
 12. The word "County" means the County of Allegheny, Pennsylvania.
 13. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
 14. Unless otherwise specified, all distances shall be measured horizontally.
 15. Any use of the gender specific words (his, hers, him, her) shall imply both genders.
 16. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.
 17. In any case of any difference of meaning of terms and text provided this Ordinance and any similar terms and text provided in the PA Municipalities Planning Code (MPC), the MPC shall apply and take precedence.

18. When a word or phrase is not specifically defined in this Chapter, or referenced in another Ordinance, then the common meaning of the word or phrase, or the definition contained in the most current version of Webster's Dictionary, shall apply.

Section 202. General Definitions

ACCESS DRIVE – A public or private thoroughfare that affords a means of access to an abutting property, parking area, or street and that has a width in accordance with the Borough Construction Standards, Standard Details, but in no case shall be less than twenty (20) feet in width. An access drive shall not be considered a driveway.

ACCESSORY DWELLING UNIT – A residential accessory use that consists of creating living space for individuals which is attached to the principal structure via a breezeway or the like that is no longer than 30 feet and has its own bathroom facility and often includes its own kitchen area. Only one (1) accessory dwelling unit is allowed on any single lot in addition to the principal structure. Accessory dwelling units shall have a gross floor area of at least 400 square feet and shall comprise no more than 50% of the gross floor area of the principal structure on the lot that they are associated with and shall not exceed 1,200 square feet for the accessory unit.

AISLE – The portion of the parking lot devoted to providing immediate access to the parking stalls. The recommended aisle width is dependent of the parking angle.

ALLEY – A passageway open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

AMUSEMENT PARK – An establishment developed primarily for entertainment purposes and offering rides and exhibitions for a fee. See definition of “land development.”

APPLICANT – A landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

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

AS BUILT PLANS – Plans, profiles, cross-sections, and construction details showing the exact final location, elevation, grade, size, and material used in the construction of all facilities installed, to the same scale as the approved construction drawings.

AVAILABLE SEWER – A municipal sewer is considered available if:

- A. Connection is recommended and/or required in the regulations of the Borough or any municipal authority with jurisdiction by the Borough;
- B. Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Protection (PA DEP) pursuant to the “Pennsylvania Sewage Facilities Act;” or
- C. An existing municipal sewer line, with sufficient capacity, is located within 1,000 feet of the nearest point of a subdivision or land development.

BASE FLOOD – The flood which has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been prepared; for the purposes of this Ordinance, the 100-year flood.

BASE FLOOD ELEVATION – The 100-year flood elevation. within the approximated floodplain the base flood elevation shall be established as a point on the boundary of the approximate floodplain closest to the construction site in question.

BERM – A mound of soil, either natural or man-made, used to obstruct views.

BLOCK – A unit of land containing one or more lots, bounded by existing or proposed streets, waterways, railroads, public lands, or other barriers to contiguous development.

BOROUGH – The Borough of Glen Osborne, Allegheny County, Pennsylvania.

BOROUGH COUNCIL – The Borough Council of the Borough of Glen Osborne, Allegheny County, Pennsylvania.

BUILDING – A roofed structure, whether or not enclosed by walls, to be used for shelter, enclosure, or the protection of persons, goods, materials, or animals.

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

CARTWAY (ROADWAY) – The paved area of a street or alley designed for vehicular traffic use. This does not include curbs, shoulders, or surface areas outside the lane(s) of travel.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye, which is assumed to be three and three-fourths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway, as specified in this Chapter and the Zoning Ordinance, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision. Any obstruction that impedes line-of-sight should be removed upon notification from the Borough. Further, a triangular area of unobstructed vision as defined by *PennDot Publication # 70M: Guidelines for the Design of Local Roads and Streets*.

COMMON OPEN SPACE – A parcel or parcels of land or an area of water, or a combination of land and water within the development site, designed as an intended for the use or enjoyment by the public or residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities. Stormwater management facilities such as drainageways, swales, and stormwater basins shall not be considered eligible to meet common open space requirements.

COMPLETELY DRY SPACE – A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

COMPLETION BOND/FINANCIAL SECURITY – A bond in cash or any other type of financial security which may be accepted in lieu of certain improvements being made prior to approval and recording of a final plan, pursuant to §509 of the MPC, as amended. Financial security guarantees the satisfactory completion of the improvements to land in accordance with this Chapter.

CONDOMINIUM – Shall be used in accordance with the definition and concept set forth in the Uniform Condominium Act, 68 Pa.C.S.A. § 3101 et seq. (as amended).

CONSERVATION DISTRICT – The Allegheny County Conservation District.

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

CONSTRUCTION STANDARDS – The Borough of Glen Osborne Standard Construction Details, as amended.

CONTOUR – A line which joins all points of equal elevation on the ground.

COUNTY – The County of Allegheny, Pennsylvania.

COUNTY PLANNING AGENCY – The Allegheny County Department of Economic Development, Planning Division.

CROSSWALK – The part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the roadway, measured from the curbs or, in absence of curbs, from the edges of the traversable roadway; and, in the absence of a sidewalk on one side of the roadway, that part of a roadway included within the extension of the lateral lines of the existing sidewalk; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossings by liens or other markings on the surface.

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

CULVERT – Any structure not classified as a bridge and designed to convey a water course under a street or pedestrian walk. A culvert shall not be incorporated into a closed drainage system.

CURB – Concrete, asphalt concrete, or other improved boundary material usually marking the edge of a street, parking lot, or other paved area. See the Borough Construction Standards.

CUT – Any of the following:

- A. An excavation.
- B. The difference in vertical elevation between a point on the surface of original ground and a point of the final grade.
- C. The material removed in excavation.

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.

DEED – A written instrument whereby an estate in real property is conveyed.

DETENTION BASIN – An impoundment designed to collect and detain stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely in a designed period after a rainfall event, and to become dry until the next rainfall event.

DETERMINATION – The final action by an officer, body, or agency charged with the administration of any land use ordinance or applications thereunder including the Governing Body; the Zoning Hearing Board (ZHB); the Planning Agency, only if and to the extent the Planning Agency is charged with final decision on preliminary or final plans under this Ordinance.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DEVELOPER'S AGREEMENT – The agreement between the Borough and the applicant 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 financial security, sequencing, scheduling, and provision of public improvements required prior to release of guarantees.

DEVELOPMENT – See “Land Development” in this Section.

DEVELOPMENT PLAN – The provisions for development, including a planned residential development, plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, intensity of use or density of development, streets, ways, and parking facilities, common open space, and public facilities. The phrase “provisions of the development plan” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

DRIVEWAY – A private area which provides vehicular access to a parking space, garage, dwelling, or other structure.

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

DRAINAGE CONVEYANCE FACILITY – A stormwater management facility designed to convey stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

DRAINAGE EASEMENT – A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

DRAINAGEWAY – Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

EASEMENT – A grant of the specified use of a parcel of land to the public, a corporation, or a person.

ELECTRONIC NOTICE – Notice given by the Borough through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ENCROACHMENT – Any structure or activity which in any manner changes, expands, or diminishes the course, current, or cross-section of any watercourse, floodway, or body of water.

ENGINEER, PROFESSIONAL – A licensed professional engineer registered by the Commonwealth of Pennsylvania. See “Registered Professional” in this Section.

ENVIRONMENTALLY SENSITIVE AREAS – Lands, which because of their characteristics or locations, are limited with regard to development activities. Environmentally sensitive characteristics include but are not limited to steep slopes, floodplain areas, and wetlands.

EPA – The United States Environmental Protection Agency (EPA) or any agency successor thereto.

EROSION – The removal of surface materials by the action of natural elements.

EROSION AND SEDIMENTATION CONTROL PLAN – A narrative and set of plans developed to minimize accelerated erosion and prevent sedimentation damage. In accordance with the

Pennsylvania Department of Environmental Protection (PA DEP) Erosion and Sediment Pollution Control Program Manual- and applicable regulations and requirements of the Allegheny County Conservation District, these plans are prepared in conjunction with construction staging plans, detailing what erosion control measures must be in place at all times during various construction stages and phases.

ESCROW – A deed or monies delivered to a third person to be held by the third person and released to the grantor only upon the fulfillment of a condition. See also “Completion Bond/Financial Security” in this Section.

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

FEMA – The Federal Emergency Management Agency (FEMA).

FILL – Any of the following:

- A. Any act by which earth, sand, gravel, rock, or any other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom.
- B. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.
- C. The material used to make fill.
- D. The term “fill” is also to be used in accordance with the definition set forth in the Borough Grading Ordinance, Chapter 79 of the Borough Code of Ordinances.

FLOODPLAIN – As defined by the Borough of Glen Osborne Floodplain Management Ordinance (Ordinance No. 405), as amended.

FLOODPLAIN MANAGEMENT ORDINANCE (FMO) – The Borough of Glen Osborne Floodplain Management Ordinance (Ordinance No. 405), as amended.

FOOTCANDLE – A unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter (also known as a light meter).

FORM 408 – Pennsylvania Department of Transportation (PennDOT) Form 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication #408.

GEOTECHNICAL ENGINEER – A professional engineer licensed as such by the Commonwealth of Pennsylvania who has training and experience in geotechnical engineering.

GLARE – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility so as to jeopardize health, safety, or welfare.

GOVERNING BODY – The Borough Council of the Borough of Glen Osborne.

GRADE – The inclination of the land's surface from the horizontal, as it exists or as rendered by cut and/or fill activities. Street grade refers to the rate of rise and fall of a street surface, measured along the center line of the cartway.

GRADING ORDINANCE – The Grading Ordinance of the Borough of Glen Osborne, Chapter 79 of the Borough Code of Ordinances.

GRADING PLAN – A plan prepared by a registered professional which depicts all existing and proposed ground features as described by materials, grades, contours, and topography.

GRANTOR – The party in a transaction who makes a grant, i.e., one who conveys property, conveys a trust, or conveys security for an improvement.

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

GUTTER – A shallow drainage channel made of concrete or similar construction materials. Gutters are typically set along a curb or the pavement edge of a street for purposes of catching and carrying runoff water.

HEARING – See “Public Hearing” in this Section.

IMPROVEMENTS TO LAND – Physical changes to land, including but not limited to any of the following: streets, gutters, culverts, sidewalks, storm sewers, water drainage facilities, utilities (gas, electric, telephone services), water system, fire hydrants, sanitary sewers, septic tanks, street signs, streetlights, and including cuts and/or fills.

TYPES OF IMPROVEMENTS:

IMPROVEMENTS, OFF-SITE – Public improvements which are not on-site improvements and that serve the need of more than one (1) development.

IMPROVEMENTS, ON-SITE – All improvements constructed on an applicant’s property, or the improvements constructed on the abutting property, necessary for the ingress and/or egress to the applicant’s property, and required to be constructed by the applicant pursuant to regulations within this Ordinance.

IMPROVEMENTS, PRIVATE – A street, sidewalk, walkway, gutter, curb, sewer, water line, driveway, parking area, streetlight, street sign, or related facility to be operated and maintained by a private entity, and which must comply with this Ordinance and shall be in accordance with the Borough’s Construction Standards.

IMPROVEMENTS, PUBLIC – A street, sidewalk, walkway, gutter, curb, sewer, water line, streetlight, street sign, or related facility to be dedicated to or maintained by the Borough and which must comply with this Ordinance and shall be in accordance with the Borough’s Construction Standards.

LAND DEVELOPMENT – Any of the following activities:

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

- B. A subdivision of land.
- C. Land development excludes and shall not include:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-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.
 - 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 Subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.

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

LANDSCAPE ARCHITECT – A landscape architect registered by the Commonwealth of Pennsylvania. See "Registered Professional."

LANDSCAPE PLAN – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation. The requirements of a landscape plan are identified in this Ordinance.

LAND USE ORDINANCES – Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the MPC.

LATERAL – Pipes for utilities connecting individual buildings to larger pipes, mains, trunks, or interceptors that typically are located in street ROWs or easements.

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

LOT AREA – The total area within the boundary of the lot excluding any areas contained in a public street ROW.

LOT COVERAGE – The percentage of the area of a lot covered by all principal and accessory structures.

LOT LINE TYPES:

LOT LINE FRONT – A line measured along the ROW of any street frontage, whether public or private, between the side lot lines.

LOT LINE REAR – That lot line that is generally opposite to the front lot line.

LOT LINE SIDE – Any lot line that is not a front lot line or rear lot line.

LOT LINE REVISION or REDIVISION – See "Subdivision, Lot Line Revision" in this Section.

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

LOT TYPES – See the definition and diagram provided in the Borough Zoning Ordinance, as amended. Lot types include corner lots, interior lots, and through/double frontage lots.

MAILED NOTICE – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

MAIN – The principal artery of a continuous piping system to which branches may be connected.

MAINTENANCE – The upkeep necessary for efficient operation of physical properties.

MAINTENANCE GUARANTEE – A guarantee of facilities, improvements, or work to ensure the correction of any failures of any improvements required pursuant to this Ordinance.

MARKER – A metal pipe or pin of at least one-half-inch diameter (preferred 3/4 inch or 7/8 inch) and at least 24 inches in length (preferred 30 inches to 36 inches).

MEDIAN – A portion of a divided roadway separating lanes of traffic proceeding in opposite directions.

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

MINOR SUBDIVISION – See “Subdivision” in this Section.

MOBILE HOME – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used with or without a permanent foundation. The term does not include recreational vehicles or travel trailers.

MOBILE HOME PARK – A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

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

MODIFICATION – A change granted to an applicant/developer by the Borough Council to the minimum standards of this Ordinance and in accordance with §512.1 of the MPC. Said change may be granted only when the literal compliance with mandatory provisions of this Ordinance is demonstrated by the developer to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

MUNICIPAL AUTHORITY – A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the “Municipality Authorities Act of 1945.”

MUNICIPALITY – The Borough of Glen Osborne, Allegheny County, Pennsylvania.

MUNICIPALITIES PLANNING CODE (MPC) – Act of 1968, P.L. 805, No. 247, as reenacted and amended (53 P.S. §10101 et seq.).

NON-CONFORMING LOT – A lot, the area or dimension of which was lawful prior to the adoption or subsequent amendments of the Borough’s first Zoning Ordinance, but which fails

to conform to the requirements of the Zoning District in which it is located by reasons of such adoption or amendment.

NON-CONFORMING BUILDING STRUCTURE – A structure or part of a structure not complying in its design with the applicable provisions of the Borough’s first Zoning Ordinance or subsequent amendments, where such structure lawfully existed prior to the application of this Chapter or amendments to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

NON-CONFORMING USE – A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

OBSTRUCTION, WATER – Any wall, dam, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel watercourse or designated floodplain district:

- A. Which may impede, retard, or change the directions of the flow of water, either in itself or by catching or collecting debris carried by such water; or,
- B. Is placed where the flow of the water might carry the same downstream to the damage of life and property.

OPEN SPACE – See “Common Open Space” in this Section.

OWNER – See “Landowner” in this Section.

PA DEP – Pennsylvania Department of Environmental Protection.

PARCEL – See “Lot” in this Section.

PARKING SPACE – A portion of a parking area, surface, or garage, designed for the parking of one motor vehicle in accordance with the requirements of this Ordinance.

PAVING – The application of such material as will produce a dust-free, all-weather, hard surface. Concrete or asphalt surfaces consistent with the Borough Construction Standards. “Paving” shall not include tar and chip and other similar practices.

PERSONS – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that person does not include, or apply to, the Borough or to any department or agency of the Borough.

PLANNING AGENCY, COUNTY – Allegheny County Economic Development, Planning Division.

PLANNING COMMISSION – The Planning Commission of the Borough of Glen Osborne.

PLAT – The map or plan of a subdivision or land development, whether preliminary or final.

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

PLAT, PRELIMINARY – A tentative map or plan of subdivision or land development (including all required supplementary data), in lesser detail than a final plat, showing approximate

proposed street and lot layout as a basis for consideration prior to preparation of a final plat. Said plat shall be prepared by an engineer or surveyor registered in the Commonwealth of Pennsylvania.

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

PUBLIC – Owned, operated, or controlled by a government agency (Federal, State, County, or local).

PUBLIC GROUNDS – Parks, Playgrounds, or other public areas and sites for schools, sewage treatment facilities, refuse disposal, and/or other publicly owned and operated facilities.

PUBLIC HEARING – A formal meeting open to the general public held pursuant to proper public notice by the Borough Council or planning agency, intended to inform and obtain public comment prior to taking action in accordance with this Chapter.

PUBLIC IMPROVEMENTS – See “Improvements” in this Section.

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 Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 calendar days and the second publication shall not be less than seven (7) calendar days from the date of the hearing.

REGISTERED PROFESSIONAL – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.

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 recommendatory and 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.

RETENTION POND/WASTEWATER PIT – An open pit lined with water-tight material used for the storage of gas drilling wastewater, produced "briny" water, or the flow back of fracking fluids.

RIGHT-OF-WAY (ROW) – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied or occupied by a street, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, and other similar uses. A ROW grants a parcel/lot interest to the grantee and no permanent structure may be erected therein.

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

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.

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

SEWAGE FACILITIES – A system of sewage collection, conveyance, treatment, and disposal which will prevent the discharge of untreated or inadequately treated sewage or other waste into waters of this Commonwealth or otherwise provide for the safe and sanitary treatment and disposal of sewage or other waste. The term includes:

INDIVIDUAL SEWAGE SYSTEM – A system of piping, tanks, or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of this Commonwealth or by means of conveyance to another site for final disposal. The term includes:

INDIVIDUAL ONLOT SEWAGE SYSTEM – An individual sewage system which uses a system of piping, tanks, or other facilities for collecting, treating, and disposing of sewage into a soil absorption area or spray field or by retention in a retaining tank.

INDIVIDUAL SEWERAGE SYSTEM – An individual sewage system which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

COMMUNITY SEWAGE SYSTEM – A sewage facility, whether publicly or privately owned, for the collection of sewage from two or more lots, or two or more equivalent dwelling units and the treatment or disposal, or both, of the sewage on one or more of the lots or at another site.

COMMUNITY ONLOT SYSTEM – A system of piping, tanks, or other facilities serving two or more lots and collecting, treating, and disposing of sewage into a soil absorption area or retaining tank located on one or more of the lots or at another site.

COMMUNITY SEWERAGE SYSTEM – A publicly or privately-owned community sewage system which uses a method of sewage collection, conveyance, treatment, and disposal other than renovation in a soil absorption area, or retention in a retaining tank.

SIGHT TRIANGLE – See “Clear Sight Triangle” in this Section.

SIGN – A name, identification, description, display, illustration, or device which is affixed or represented directly or indirectly upon a building, structure, or land and which functions as an Accessory Use by directing attention to a product, place, activity, person, institution, or business. For specific sign type definitions, see the definitions provided in the Borough’s Zoning Ordinance, as amended.

SITE – The original tract of land which exists prior to any subdivision activity, and which is the subject of an application for development.

SITE AREA – The total area of all lots, open space, and other features contained within the boundaries of a site. The total site area is determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels. Also see “Lot Area” in this Section.

SITE LAYOUT PLAN or SITE PLAN – Preliminary or final plans for subdivision and/or land development applications which are prepared by a registered professional licensed to practice in the Commonwealth of Pennsylvania. The site plan shall be prepared in accordance with the requirements and the design standards of this Ordinance. See “Plan, Final” and

“Plan, Preliminary.” Preliminary or final site plans are distinct from the “final plat” for recording.

SKETCH PLAN – A draft plan of a proposed subdivision or other development outlining general, rather than detailed, development intentions and describing the basic parameters of a major development proposal, rather than giving full engineering details.

SLOPE – The face of an embankment or cut section or any ground whose surface makes an angle with the plane of the horizon. Slope is expressed in a percentage based upon vertical difference in feet/100 feet of horizontal distance.

SOIL 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. Percolation tests shall conform to the guidelines established by a Pennsylvania Licensed Sewage Enforcement Officer (SEO).

SOIL STABILITATION – The chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise to improve its engineering properties.

STEEP SLOPE – Any portion of any lot which has a natural or finished slope in excess of 8% and shall be subject to the steep slope regulations provided in the Borough Zoning Ordinance. Slope is calculated based upon contours at intervals of not more than two (2) feet.

STREET – All land between ROW lines, whether public or private, and whether improved or unimproved, which is intended to accommodate vehicular traffic, including an avenue, drive, boulevard, highway road, freeway, parkway, lane, viaduct, or other vehicular way. The term shall not include the word “Driveway.”

TYPES OF STREETS:

ARTERIAL – A higher capacity public street that serves large volumes of high speed and long-distance traffic.

BOROUGH – A street adopted as a public street by the Borough or having become a Borough street as legally determined.

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

LOCAL – A two-laned roadway which functions to give access to individual land parcels.

PRIVATE – A privately owned street which provides access to no more than two (2) abutting lots that are utilized for single-family detached dwellings.

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 any residential dwelling, shall be exempted.

TYPES OF SUBVISIONS:

SUBDIVISION, MAJOR – Any subdivision not classified as a minor subdivision; or is proposing the subdivision or development of three (3) or more lots; or involves a planned development, any new street, or the extension of a utility or other Borough facility.

SUBDIVISION, MINOR – A subdivision of land that involves no more than two (2) lots, provided that such subdivision does not involve a planned development, any new street, or the extension of a utility or other Borough facility. Minor subdivisions also include:

LOT CONSOLIDATION – The consolidation of two (2) or more lots into a smaller number of lots.

REVERSE SUBDIVISION – The consolidation of two (2) or more previously subdivided lots into a smaller number of lots.

LOT LINE REVISION – A subdivision that only involves the revision or adjustments of lot lines on previously recorded lots of record either for the purpose of transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional new lots.

SUBSTANTIALLY COMPLETED – Where, in the judgment of the Borough Engineer, at least 90% (based on the cost of the required Improvements for which financial security was posted pursuant to Article V of this Ordinance) 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 ROWs; and north point and graphic scale, affecting the lot, prepared by a professional land surveyor licensed and registered in the Commonwealth of Pennsylvania.

SURVEYOR – A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE – A low-lying stretch of land which gathers or carries surface water runoff.

TRAFFIC IMPACT STUDY – A study, provided in letter or report format and prepared by a professional engineer, that provides a review of existing conditions and the effects of a proposed development or land use on site access and circulation as well as new trips on roadways and intersections.

TREE PRESERVATION PLAN – A map or site plan which illustrates the general layout of proposed buildings, structures, driveways, and on-site areas on a lot or tract of land, along with the design of landscaped areas, including detail of the location, species, and trunk circumference of all legacy trees which are to be retained or removed and trees which are to be planted as replacement trees.

UNDEVELOPED LAND – Any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

UTILITY PLAN – A plan that shows all existing and proposed fire hydrants, water lines, sanitary sewer lines, storm sewer lines, gas lines, electric lines, and street lighting.

UTILITY SYSTEMS – Within the terms of this Chapter, utility systems shall be defined as gas, electric, telephone, cable TV, and/or any such service regulated by the Pennsylvania Public Utility Commission (PUC).

WAIVER – A relinquishment of a minimum standard granted to an applicant/developer by the Borough Council in accordance with §512.1 of the MPC and provided for by this Ordinance.

WATERCOURSE – A permanent stream, intermittent stream, river, brook, creek, or a channel or ditch for water, whether natural or man-made.

WATER DISTRIBUTION SYSTEM, ON-SITE – A system for supplying and distributing water to a single dwelling or other building from a source located on the same lot.

YARD – The portion of a lot between the principal building/structure and the lot line. Where the configuration of a principal building/structure or a lot makes it difficult to discern the location of yards, the Zoning Officer shall establish such yards at his/her sole discretion.

YARD, FRONT – A yard extending between side lot lines across the full lot width from the front lot line to a line parallel to the front face of the structure of the principal use of the lot.

YARD, REAR – A yard extending between the side lot lines across the full lot width from the rear lot line to a line parallel to the rear face of the structure of the principal use of the lot.

YARD, SIDE – A yard extending from the front yard line to the rear yard line parallel to the side lot line.

ZONING MAP – The Official Zoning Map delineating the Zoning Districts of the Borough of Glen Osborne, Allegheny County, Pennsylvania, together with all amendments subsequently adopted.

ZONING OFFICER – The designated official or authorized representative appointed by the Borough Council whose duty it shall be to administer this Ordinance and as identified in §614 of the Pennsylvania MPC, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. §10101 et seq., as may be amended from time to time).

ZONING ORDINANCE – The Borough of Glen Osborne Zoning Ordinance, Chapter 155 of the Borough Code of Ordinances, as amended.

ZONING AND OCCUPANCY PERMIT – A permit issued by the Zoning Officer which is required by the Borough Zoning Ordinance and/or this Ordinance prior to: the commencement of a use; the construction, reconstruction, alteration, remodeling, enlargement, movement, occupancy, or use of a building, structure, or lot; the change in use of a building, structure, or lot; any change to, or enlargement or extension of a nonconforming use; and/or the construction, reconstruction, alteration, or movement of a retaining wall.

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Article III. Application Procedures and Modifications

Section 301. Purpose

- A. The purpose of this Article is to specify the procedures for review and approval of proposed subdivisions and land developments. The three (3) types of approval include:
 - 1. Minor Subdivision Approval (Lot Line Revisions, Reverse Subdivisions, Lot Consolidations, and Subdivisions that involve two or fewer lots)
 - 2. Major Subdivision and/or Land Development Preliminary Approval
 - 3. Major Subdivision and/or Land Development Final Approval
- B. The review of an application for completeness shall not constitute a waiver of any deficiencies, irregularities, or required items not submitted.
- C. All fees for application processing, staff, and engineering review shall be paid at the time the application is submitted. The application shall be judged incomplete until all such fees, escrow deposits, and guarantees are certified as paid. The Borough Fee Schedule, as may be amended from time to time, is available on the Borough's website or by calling the Borough Secretary.
- D. All applications shall demonstrate conformance with the design standard requirements of this Ordinance found in Article IV.
- E. After the official filing of an application and while a decision is pending, no change in any zoning, subdivision, or other governing ordinance or plan shall affect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.
- F. The Borough Secretary shall forward all applications for subdivision and land development to the County Planning Agency for review. Such application may include a fee, if required by the County Planning Agency, in an amount sufficient to cover the cost of the review. The applicant shall cover the costs of the County fee. The Borough shall not approve any such application until the County Planning Agency review letter has been received or until the expiration of 30 calendar days from the date the application was forwarded to the County.

Section 302. Pre-Application Investigation

- A. Developers are urged to discuss possible development sites with the Borough of Glen Osborne Planning Commission prior to submission of the Preliminary Application. The purpose of the pre-application meeting is to afford the developer an opportunity to avail himself/herself of the advice and assistance of these offices. A second purpose is to determine if the proposed development is in general accordance with this Ordinance. The developer is encouraged to further discuss his/her proposal with PennDOT and/or utility companies as may be appropriate.

- B. A sketch plan may be prepared and presented for review and discussion at the time of the preapplication meeting. Sketch plans should include those items listed under Required Improvements, Article VII, Section 702 of this Ordinance.
- C. Such discussion and/or sketch plan review will be considered as informal meeting between the developer and the Borough of Glen Osborne Planning Commission. Submission of a sketch plan shall not constitute the formal filing of a plan.

Section 303. Minor Subdivision Approval

- A. Types of Minor Subdivisions. The following procedures are all considered to be Minor Subdivisions.
 - 1. Lot Line Revisions.
 - 2. Reverse Subdivisions.
 - 3. Lot Consolidations.
 - 4. The subdivision of one parcel into two (2) parcels.
- B. Applicability. The following procedure shall be used for all minor subdivision applications that fulfill the following requirements:
 - 1. A subdivision of a parcel into two or fewer lots.
 - 2. The subdivision does not involve a planned development.
 - 3. The subdivision does not involve any new public or private streets, or the extension of a utility, or other public improvements.
- C. Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed a major subdivision with the exception of lot line revisions or minor subdivisions.
- D. Submission Requirements. Minor subdivision applications shall submit all materials as required within Table IV-1 (Section 405) of this Ordinance.
- E. Procedures. Applications for minor subdivision shall follow the procedures listed below and shall only require final approval of the application:
 - 1. A Preliminary Application is not required, but may be submitted, at the developer's option.
 - 2. All applications shall be filed at the Borough Secretary's Office at least 21 calendar days prior to the meeting of the Planning Commission, at which it is to be considered.
 - 3. The Borough Secretary shall forward complete applications to the Borough Engineer, Borough Planning Commission, and the County Planning Agency for review.
 - 4. Upon receipt of the complete application, the Borough Engineer shall review the plans for conformance with the provisions of this Ordinance. The Borough Engineer shall submit a review letter and recommendation on the application to the Borough.

5. The Borough Planning Commission shall make a written recommendation to the Borough Council. Such recommendation shall include a recommendation for approval, approval with conditions, or denial of the application. The Borough Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for denial, shall cite the specific requirements of the SALDO or Zoning Ordinance which have not been met.
6. The Borough Council shall render its decision on the application and communicate it not later than 90 calendar days following the official filing date.
7. Actions. Taking into consideration the recommendations of the Planning Commission, Borough Engineer, and the County Planning Agency, the Borough Council shall take one of the following actions:
 - a. Approve the application.
 - b. Approve the application with conditions. An application may be granted approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinance. 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.
 - c. Deny approval of the application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
8. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
 - a. Time Extension. If the Borough Council and applicant mutually agree to additional time to consider the application for approval, the applicant shall be requested to waive the 90-day time limitation established by law and grant the Borough Council an additional review period.
9. Notice of Decision. The decision of the Borough Council 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) calendar days following the decision.

Section 304. Major Subdivisions and/or Land Development Preliminary Approval

- A. Applicability. The following procedure shall be used for all major subdivision or land development applications that fulfill the following requirements:
 1. The subdivision is not classified as a minor subdivision or is proposing the subdivision of three (3) or more lots.
 2. The proposed site improvements qualify as land development, as defined herein.
- B. Submission Requirements: Major subdivision and/or land development applications shall submit all materials as required within this Ordinance.

- C. Procedures. Applications for preliminary approval of major subdivision and/or land development shall follow the procedures listed below:
1. An application for preliminary approval shall be filed with the Borough, on forms as prescribed by the Borough, at least 21 calendar days prior to the regular meeting of the Borough Planning Commission.
 2. Upon receipt of an application, the Borough Engineer shall review the application for completeness within 14 calendar days of its receipt. If not returned within fourteen (14) calendar days of receipt, the application shall be assumed to be complete.
 - a. The Zoning Officer shall review the application to determine whether all materials as required by this Ordinance and any other relevant Borough Ordinances have been submitted by the applicant.
 - b. Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c. The review of completeness shall not include a technical review of the submitted material.
 3. The official filing date for complete preliminary approval applications shall be the date of the next regular Borough Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than 30 calendar days following the filing of the application for development, the official filing date shall be the 30th day following the day the complete application for development is filed.
 4. The Borough Secretary shall forward complete applications to the Borough Engineer, Borough Planning Commission, and the County Planning Agency for review.
 5. Upon receipt of the complete application, the Borough Engineer shall review the plans for conformance with the provisions of this Ordinance. The Borough Engineer shall submit a report and recommendation on the application to the Borough Planning Commission.
 6. The Borough Planning Commission shall make a written recommendation to the Borough Council. Such recommendation shall include a recommendation for approval, approval with conditions, or denial of the application for preliminary approval. The Borough Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for denial, shall cite the specific requirements of the SALDO or Zoning Ordinance.
 7. The Borough Council shall render its decision and communicate it not later than 90 calendar days following the official filling date.
 8. Actions. Taking into consideration the recommendations of the Borough Planning Commission, Borough Engineer, and the County Planning Agency, the Borough Council shall take one (1) of the following actions:
 - a. Approve the preliminary application.

- b. Approve the preliminary application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinance. 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.
 - c. Deny the preliminary application.
9. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
- a. Time Extension. If the Borough Council and applicant mutually agree to additional time to consider the application for preliminary approval, the applicant shall be requested to waive the 90-day time limitation established by law and grant the Borough Council an additional review period.
10. Notice of Decision. The decision of the Borough Council 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) calendar days following the decision.
- D. Within 15 calendar days of the granting of preliminary approval with conditions by the Borough Council, the applicant shall notify the Borough in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the Borough within 15 calendar days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
- E. Expiration of Preliminary Plan Approval. Preliminary plan approval shall expire after five (5) years in accordance with §508(4)(ii) of the MPC, as amended.
- F. When an application for preliminary approval has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application and the terms of Section 305 of this Ordinance. The final plat must comply with the preliminary plan as well as conditions under which the preliminary plan was approved.

Section 305. Major Subdivisions and/or Land Development Final Approval

- A. Applicability: The following procedures shall be used for all major subdivision or land development applications if the following criteria apply:
 - 1. The major subdivision or land development has previously received preliminary approval from the Borough Council.
- B. Submission Requirements. Final approval applications shall submit all materials as required within this Ordinance.

1. At the time of the final submission, the applicant shall inform the Borough in writing their intentions regarding the completion of the public improvements (see Article VII of this Ordinance).
- C. Procedures. Applications for final approval of major subdivision and/or land development shall follow the procedures listed below:
1. An application for final approval shall be filed with the Borough Secretary, on forms as prescribed by the Borough, at least 21 calendar days prior to the regular meeting of the Borough Planning Commission.
 2. Upon receipt of an application, the Borough Engineer shall review the application for completeness within 14 calendar days of its receipt. If not returned, the application shall be assumed to be complete.
 - a. The Borough Engineer shall review the application to determine whether all materials as required by this Ordinance and any other relevant Borough ordinances have been submitted by the applicant.
 - b. Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
 - c. The review of completeness shall not include a technical review of the submitted material.
 3. The official filing date for complete final approval applications shall be the date of the next regular Borough Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than 30 calendar days following the filing of the application for development, the official filing date shall be the 30th day following the day the complete application for development is filed.
 4. The Borough Secretary shall forward complete applications to the Borough Engineer, Borough Planning Commission, and Allegheny County Planning Agency for review.
 5. Upon receipt of the application, the Borough Engineer shall review the plans for conformance with the provisions of this Ordinance. The Borough Engineer shall submit a report and recommendation to the Borough.
 6. The Borough Planning Commission shall make a written recommendation to the Borough Council. Such recommendation shall include a recommendation for approval, approval with conditions, or denial of the application. The Borough Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for denial, shall cite the specific requirements of the SALDO or Zoning Ordinance.
 7. The Borough Council shall render its decision and communicate it not later than 90 calendar days following the official filling date.

8. Actions. Taking into consideration the recommendations of the Borough Planning Commission, Borough Engineer, and the County Planning Agency, the Borough Council shall take one (1) of the following actions:
 - a. Approve the final application.
 - b. Approve the Final Application with Conditions. An application may be granted preliminary approval subject to specific conditions as related to the provisions of the SALDO and/or Zoning Ordinance. 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.
 - c. Deny the final application.
 9. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a final approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
 - a. Time Extension. If the Borough Council and applicant mutually agree to additional time to consider the application for final approval, the applicant shall be requested to waive the 90-day time limitation established by law, and grant the Borough Council an additional review period.
 10. Notice of Decision. The decision of the Borough Council 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) calendar days following the decision.
- D. Within 30 calendar days of the granting of final approval with conditions by the Borough Council, the applicant shall notify the Borough in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the Borough within 30 calendar days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
 - E. No final approval shall be granted unless all required fees and deposits have been paid.
 - F. The Borough Council at its discretion may approve plans with conditions, including the pending receipt of permits from third-party agencies including, but not limited to applicable Federal, State, County, and Borough permits.
 - G. Developer's Agreement. As a condition of final approval, the Borough Council shall require that the applicant execute a development agreement with the Borough, in a form acceptable to the Borough Solicitor. Such developer's 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 financial security shall be posted, or the required public improvements shall be completed; and all required fees shall be paid before the Borough Council shall approve and sign the final plat for recording purposes.

- H. Expiration of Final Approval. Final plan approval shall expire after five (5) years of being granted by the Borough Council, unless a written extension is requested by the applicant and granted by the Borough Council. Any request for extension shall be submitted in writing to the Borough Council at least 30 calendar days prior to any prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by the Borough Council that such extension is warranted.

Section 306. Approval of Phased Subdivision and Land Development Applications

- A. Where a subdivision or land development is projected to be completed in stages over a period of years, the applicant may submit an application(s) for final approval by phase or stage of development, subject to such requirements or guarantees for public improvements in future phases or stages of development as are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
- B. All sections or future phases must conform to the preliminary application as previously approved by the Borough. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings, or streets previously approved in the preliminary application and does not comply with the application for preliminary approval will require a complete resubmission of the preliminary application in accordance with Section 304 of this Ordinance.
- C. Where the applicant has submitted an application for preliminary approval calling for the installation of improvements over a period of more than five (5) years, a schedule shall be submitted detailing deadlines within which applications for final plan approval are intended to be filed. The applicant shall update the final plan submission schedule on an annual basis. Any modification to the original schedule shall be subject to the approval of the Borough Council.

Section 307. Combined Preliminary and Final Plan Approval

- A. Provided that all requirements of Sections 304 and 305 of this Ordinance are met, an applicant may request simultaneous preliminary and final approval of any subdivision or land development application with the exception of phased subdivisions and/or land developments.

Section 308. Recording of Final Plat

- A. No final plat shall be finally approved unless:
 - 1. The improvements as required by this Ordinance have been installed in accordance with the standards set forth in Article VII.
 - 2. In lieu of the completion of any public improvements, as a condition for the approval of a final plat, the applicant shall provide, for deposit with the Borough, a financial security, pursuant to Article VI of this Ordinance.
- B. Upon approval of a final plat by the Borough Council, the developer shall, within 90 calendar days of such final approval or within 90 calendar days after the date of delivery of an approved plat signed by the Borough Council, following completion of conditions imposed for

such approval, whichever is later, record such plat with the Allegheny County Recorder of Deeds in accordance with §513 of the MPC, 53 P.S. §10513, as amended.

- C. Inspection and Engineering Fees. Upon approval of a final plat by the Borough Council, the developer shall provide inspection and engineering fees according to Borough fee resolution as updated time-to-time (the fee schedule is available on the Borough website or by calling the Borough Secretary).
- D. Upon recording of the final plat in the office of the Allegheny County Recorder of Deeds, the developer shall deliver to the Borough the following:
 - 1. One (1) digital PDF copy (in a Borough-compatible format) as recorded and certified by the Allegheny County Recorder of Deeds.
- E. The final plat shall be recorded with the Allegheny County Recorder of Deeds prior to the sale of any lots or property that is the subject of the final plat.
- F. Until final acceptance and dedication by ordinance has been duly enacted, no property or other private improvements shown on the final plat shall be deemed a part of the public improvements of the Borough. The same shall be deemed to be private streets, parks, or public improvements until and unless the same have been accepted in accordance with law. No public improvement shall be accepted by the Borough unless completed in accordance with Borough Codes and Ordinances.

Section 309. Final Plat Approval After Completion of Public Improvements

- A. The following provisions outline the process for final plat approval after completion of public improvements:
 - 1. Submission of Application. The applicant shall notify the Borough Council of the intent to complete the public improvements prior to the completion of the final plat pursuant to Article VII of this Ordinance.
 - 2. If the applicant’s application for final approval, not including final plat, is approved the applicant shall complete a developer’s agreement in accordance with Section 305.G of this Ordinance prior to the start of any construction.
 - 3. If the applicant’s application for final approval, not including final plat, is approved and the applicant has obtained all other permits required under the Borough’s Ordinances, and County, State, or Federal agencies, the applicant may proceed to construct the public improvements and other site improvements 72 hours after the pre-construction conference. The Zoning Officer shall then authorize the progress inspections in accordance with Article VI of this Ordinance.
 - 4. After the applicant has completed the public improvements indicated in the application for final approval, the applicant shall notify the Borough, in writing, of such completion; and the applicant shall submit, together with the notification of the completion of the public improvements, the original final plat, as required by this Ordinance, and ten (10) copies of final approval application and materials, along with one electronic copy, as required by this Ordinance.

5. Within ten (10) calendar days after the receipt of the submission, the Borough shall authorize the Borough Engineer to inspect the public improvements and the final plat and indicate to the Borough Council whether the public improvements comply with applicable codes and statutes and whether the final plat complies with this Ordinance.
- B. Within 30 calendar days of receiving such authorization, the Borough Engineer shall report to the Borough Council in writing, whether the completed public improvements and final plat comply with the requirements of this Ordinance. The report shall indicate approval or rejection of the improvements, whether in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.
- C. Within 45 calendar days after the submission of the notice of completion of the public improvements and the final plat in compliance with this Ordinance, the Borough Council shall either approve or disapprove the public improvements. Acceptance of the improvements shall be in accordance with Article VII of this Ordinance and shall be further subject to the posting of a maintenance guarantee required by Section 706 of this Ordinance. The Borough Council shall notify the applicant in writing by certified or registered mail of the approval or rejection of improvements.
- D. Within 90 calendar days of the submission of the final plat, the Borough Council shall either approve, approve with conditions, or disapprove the final plat for recording purposes at a public meeting. The Borough Engineer's written report shall be made a part of the record at that meeting. A letter indicating approval, approval with conditions, or disapproval shall be sent to the applicant by regular mail within fifteen (15) calendar days of the date of the decision. If the final plat is not approved, the Borough Council shall specify the defects found in the final plat and shall cite the requirements of this Ordinance, and other applicable Ordinances which have not been met. Approval of the public improvements and final plat authorizes officers of the Borough to affix their signatures to the final plat for recording purposes.

Section 310. Waiver of Modification Application and Approval Procedure

- A. Waiver and Modification Application Requirements. Any request for a waiver or modification of a provision of this Ordinance shall be submitted in writing as part of an application for preliminary or final plan approval. All requests for modification shall be signed by the applicant. The written request shall include:
 1. The specific Section of this Ordinance which is requested to be waived or modified.
 2. The justification for the waiver or modification, stating in full the grounds and facts of unreasonableness or hardship on which the request is based and shall discuss the minimum modification necessary.
 3. Provisions proposed as an alternate to the requirements.
- B. Waiver or Modification Application Procedure.
 1. An application for a waiver shall be filed with the Borough Secretary, on forms as prescribed by the Borough, as part of an application for preliminary or final plan approval and at least 21 calendar days prior to the regular meeting of the Borough

Planning Commission. The application shall not be considered complete and properly filed unless or until all items required by Section 310.A above, have been received by the filing date.

2. The Borough Engineer shall review the application to determine whether all materials required by Section 310.A above and any other relevant Borough Ordinances have been submitted by the applicant.
 3. The Borough Secretary shall submit one (1) copy of the application and any materials submitted therewith to the following entities for review: the Borough Engineer; each member of the Borough Council and Borough Planning Commission; and any other appropriate Borough personnel or professional consultant.
 4. Any revisions, supplements, or amendments to an administratively complete application shall be filed with the Zoning Officer at least 21 calendar days prior to the date of the Borough Planning Commission meeting in order to be considered at that meeting, or at least 21 calendar days prior to the date of the Borough Council meeting in order to be considered at that meeting.
- C. The Borough Engineer shall review the application documents to determine compliance with this Ordinance, any other applicable Borough regulations, and sound engineering practices. The Borough Engineer shall prepare a written report of their findings and recommendations, to the Borough Council, 30 calendar days from the official filling date.
- D. Borough Council Action. The Borough Council may approve a waiver or modification application if the applicant demonstrates the following:
1. The literal enforcement of the subject Section(s) of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question.
 2. The waiver or modification of the subject Section(s) of this Ordinance will not be contrary to the public interest.
 3. The purpose and intent of this Ordinance is observed.
 4. An alternative proposal will allow for equal or better results and represents the minimum modification necessary.
- E. In approving a waiver or modification application, the Borough Council may, in its sole discretion, impose such reasonable conditions as it deems necessary to secure the objectives and purposes of this Ordinance and to protect the public interest. When a waiver is granted with conditions, a statement of the approved waiver, including the imposed conditions, shall be provided on the final plan.
- F. A letter indicating approval, approval with conditions, or denial of the waiver or modification request shall be in writing and shall be mailed to the applicant's last known address.
- G. Modifications or waivers considered by the Borough Council under this Section shall relate only to the provisions of this Ordinance. All requests for variances of any aspect of the Zoning Ordinance shall remain within the sole jurisdiction of the ZHB.

- H. All modifications and waivers shall be listed on the cover sheet of the approved plan set as required by Section 310 of this Ordinance.

Article IV. Design Standards

Section 401. Purpose

- A. This Article sets forth the following land subdivision principles, standards, and requirements, which shall be applied by the Borough Planning Commission and Borough Council in evaluating the plans for proposed subdivisions and shall be the minimum requirements.

Section 402. General Requirements

- A. All plans shall be prepared in compliance with all applicable municipal ordinances, including Chapter 155, Zoning, in effect, and in compliance with any requirement imposed by any local, County, State, or Federal entity exercising valid regulatory authority.
- B. In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. A reservation of land for community facilities may be requested when appropriate.
- C. The subdivision of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the subdivision. The Borough may require dedicated, improved, or undedicated parcels to be provided for future access to adjacent land.
- D. Land which is unsuitable for development because of hazards to life, safety, health, or property, shall not be subdivided or developed, until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the Subdivision or Land Development Plan. Land included as having unsuitable characteristics would be the following:
 - 1. Land subject to flooding or which has a high-water table.
 - 2. Land which, if developed, will create or aggravate a flooding condition upon other land.
 - 3. Land subject to subsidence.
 - 4. Land subject to underground fires.
 - 5. Land containing significant areas of slopes greater than fifteen percent (15%).
 - 6. Land which, because of means of access is considered hazardous by the Borough.
 - 7. Land which is subject to ground pollution or contamination.
- E. Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- F. When other local regulations or State or Federal statutes impose more restrictive standards and requirements than those contained herein, the more restrictive standards shall be observed.

- G. The standards and requirements contained in this Article shall apply as minimum design standards for subdivisions and/or land developments in the Borough. The Borough may require additional standards in unique situations to promote the purposes of this Ordinance as specified in §102.
- H. Any application fee for development shall conform to the standards set forth in this Article, unless a modification or waiver is granted under the provisions of this Ordinance.

Section 403. Land Requirements and Lot Grading

- A. Land shall be subdivided only for the purposes for which the subdivision has been approved or proposed.
- B. Preservation of Natural Features. A subdivider or developer shall make every effort to preserve shade trees, other salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff. Whenever possible, the applicant shall preserve trees, scenic points, historic spots and other community assets and landmarks. All subdivisions over five acres in size shall include a comprehensive environmental analysis prepared by a qualified environmental engineer. Such environmental analysis shall include:
 - 1. A description of the project.
 - 2. A map indicating:
 - a. Limits of the following slope areas:
 - i. 0%-7%.
 - ii. 8%-15%.
 - iii. 15%-25%.
 - iv. 25%-35%
 - v. Over 35%.
 - b. All natural watercourses and wetlands.
 - c. Undermined areas with less than 100 feet overburden.
 - d. Landslide-prone areas.
 - 3. An assessment of the impact of the proposed development on those items identified in Subsection A (2) above.
 - 4. A list of steps proposed to mitigate environmental damage to the site during construction.
 - 5. Evidence that the analysis was completed by a qualified environmental engineer and that the proposed subdivision or land development is consistent with the steep slope provisions in the Borough's Zoning Ordinance.

- C. Land subject to hazards of life, health and safety shall not be subdivided until such hazards have been reviewed or corrected.
- D. All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands, or other proposed uses so that remnants and landlocked areas shall be served.
- E. Grading.
 - 1. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
 - 2. Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted, or lined as required. A Grading and Drainage Plan shall be required for all subdivisions and land developments, except minor subdivisions.
 - 3. All final grading shall require a certification from a registered professional engineer licensed in the Commonwealth of Pennsylvania experienced in soil, slope, and foundation engineering.
 - 4. No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under the following conditions:
 - a. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer licensed by the Commonwealth of Pennsylvania and experienced in soil, slope, foundation engineering, and erosion control to that effect is submitted to the Borough Engineer. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.
 - b. A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the Borough Engineer for review and written approval is provided.
 - 5. No final grading shall be permitted in fill areas which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under the following conditions:
 - a. The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys, buildings, or watercourses.
 - b. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in soil, slope, foundation engineering, and erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or

result in property damage, is submitted to and approved by the Borough Engineer.

- c. A wall is constructed to support the face of the fill.
6. The top or bottom edge of slopes shall be a minimum of three (3) feet from adjoining property and rights-of-way lines of streets in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height shall be protected by a protective fence no less than five (5) feet in height approved by the Borough Engineer.
7. All lots must be kept free of any debris or nuisances whatsoever.

Section 404. Blocks and Lots

A. Blocks.

1. The length, width, and shape of blocks shall be determined with regard to:
2. Provision of adequate sites for type of building proposed.
3. Topography.
4. Requirements for safe and convenient vehicular and pedestrian circulation and access.
5. Requirements for fire safety.
6. Street intersection requirements as outlined in §406.
7. Bulk requirements as stipulated in the Borough Zoning Ordinance.
8. Blocks shall have a maximum length of fifteen hundred (1,500) feet and, as far as practicable, a minimum length of five hundred-thirty (530) feet.
9. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major throughfare which front on an interior street.
10. In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of automobiles, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial areas.
11. Cul-de-sacs, in general, shall not exceed 400 feet in length, except where approved by the Borough, to provide future extension.

B. Lots and Building Lines.

1. The depth-to-width ratio of usable lot length shall be a maximum of two (2) to one (1). Lots greater than one (1) acre in size may increase their depth to width ratio to three (3) to one (1).

2. Every lot shall abut on a public street with the exception of suitably designed residential courts or other planned developments having acceptable means of access provided by private streets.
3. Lots fronting directly on existing or proposed arterial streets or collector streets shall be avoided. Access to such lots shall be limited to the provisions of §408.
4. 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.
5. Side lines of lots, so far as practical, shall be at right angles or radial to street lines.
6. Corner lots shall be increased in size whenever necessary so as to conform to the Borough's Zoning Ordinance, so that any structure to be placed thereon shall conform to the minimum building setback requirements.
7. Lots for nonresidential 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).
8. Building setback lines on lots and parcels. Building lines of lots or parcels from street rights-of-way (public or private) shall not be less than those required by the appropriate zoning classification under Chapter 155, Zoning, as amended, for the zoning district in which they are located.
9. Lots shall be laid out and graded to provide positive drainage away from buildings and water wells.
10. No lot remnant shall be permitted. Remnant areas are to be added to the proposed lots or dedicated for public use.
11. No residual lots shall front an arterial street.
12. Lot numbers or lettered parcels shall be assigned and approved prior to filing the final subdivision and/or land development plat.

Section 405. Streets

A. General Street Standards

1. In general, all streets shall be aligned with existing streets and shall compose a convenient system to ensure circulation of vehicular and pedestrian traffic.
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.
3. All streets intended for public use shall be paved to full cartway width. In all cases, paving materials and workmanship shall conform to any and all applicable Borough standards, including all Pennsylvania Department of Transportation Standards

adopted by the Borough. The proposed street system shall extend existing or recorded streets at the same width, but in no case at less than the required minimum width, and be so located as to allow proper development of surrounding properties.

4. Where abutting land is undeveloped, new subdivisions shall make provision for the extension of streets into such abutting undeveloped land by continuing the rights-of-way of proposed streets to the boundaries of the site being subdivided.
5. 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 shall be secured and platted within the new subdivision.
6. Dead-end streets shall be prohibited, unless provided with a permanent or temporary cul-de-sac turnaround as specified in §405 (G).
7. Where streets continue into abutting municipalities, evidence of compatibility of design, particularly with regard to street widths and curbing size and type, shall be submitted. The applicant shall coordinate such design with both municipalities to avoid abrupt changes in cartway width or in public improvements provided.
8. Where a land development abuts an arterial street or a collector street, the land development shall minimize the number of points of access.
9. Areas shall be reserved for future street usage in conjunction with the development of adjacent tracts. A sketch plan and/or other information may be required to demonstrate the feasibility of future expansion of the street system. Streets within the reserved areas shall be constructed to the full standards of this ordinance, including extensions of underground utilities, unless a waiver is granted. If a waiver to construct the cartway is granted, these areas shall be reserved for street improvements to be provided by the developer of the adjacent tract.
10. No fences, hedges, shrubbery, walls, plantings, or similar obstructions that obscure visibility shall be located within the street right-of-way. Clear sight triangle requirements set forth in any applicable Borough ordinances and per PennDOT requirements shall be met. The Borough may require sight distance easements as determined by the Borough Engineer.
11. The extension of existing streets which are presently constructed with a cartway different from current Borough standards shall be provided with a transition area, the design of which is subject to Borough approval.
12. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill banks shall not exceed a maximum of two to one (2:1) slope.
13. Streets, collector driveways, and parking compounds shall be designed to preclude or minimize the need for a guide rail. The Borough may, however, require a guide rail to be placed for protection on embankments when a barrier is indicated, as warranted in Design Manual Part 2, Highway Design, by PennDOT, as amended, or where otherwise deemed necessary.

14. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. Subdivision plans creating new streets shall provide proof of the following in a form acceptable to the Borough Engineer and Borough Zoning Officer, prior to final plan approval.
15. On-street parking. Where on-street parking is permitted, a parking lane at least ten (10) feet wide shall be added to one or both sides of the required pavement. The parking lane or lanes shall be paved to the satisfaction of Borough Engineer.
16. When any land development project requires construction within an existing or proposed street right-of-way and requires a street opening to install any below grade utility and/or stormwater facility, the contractor shall repair the street consistent with the Borough's Construction Standards.
17. The final wearing course of any proposed street shall not be installed until a commercial or industrial land development project is substantially complete. In the case of residential land development projects, the final wearing course shall not be installed until ninety percent (90%) of all residential units are complete including any future phases of the development that would require access across the street surface.
18. All catch basin inlets located in a proposed street shall be set flush with the initial wearing course elevation and shall be operational throughout all construction phases. The contractor shall install inlet grate risers at the time the final wearing course is installed.

B. Street and Right-of-Way Width

1. Minimum street right-of-way and cartway (pavement from curb face to curb face) widths shall be as follows, unless otherwise indicated by another Borough map or within the Comprehensive Plan:

TABLE IV-1. MINIMUM STREET RIGHT-OF-WAY AND CARTWAY WIDTH

Street Type	Minimum Required Width	Feet
Collector	Right-of-way	50
	Cartway	24
Minor or Local	Right-of-way	50
	Cartway	24
Permanent cul-de-sac	Right-of-way (radius)	50
	Cartway (radius)	40
Private	Right-of-way	20
	Cartway	12
Arterial	As defined by the Pennsylvania Department of Transportation	

2. Additional right-of-way and cartway widths may be required by the Planning Commission for various reasons, including but not limited to:
 - a. The type of land development;
 - b. Public safety and convenience;
 - c. Allowance for anticipated traffic volume;
 - d. The size of vehicles frequenting the development;
 - e. Parking lanes;
 - f. The loading of school buses or other public transportation;
 - g. Consistency with surrounding land development or existing subdivision street rights-of-way; and
 - h. Widening existing streets (rights-of-way) where the width does not meet the requirements of this regulation.
- C. Street grades.
 1. There shall be a minimum center-line grade of 2%.
 2. Center-line grades shall not exceed the following:
 - a. Minor street: 12%.
 - b. Connector street: 8%.
 - c. Collector street: 8%.
 - d. All street intersections: 4%.
 3. Grades shall be designed for maximum visibility.
- D. Horizontal curves. Proper sight distance must be provided with respect to horizontal alignment. Measured along the center line five feet above grade, horizontal curves shall be provided to permit the following minimum sight distances:
 1. Minor streets: 100 feet.
 2. Collector and connector streets: 200 feet.
- E. Vertical curves. Proper sight distance must be provided with respect to vertical alignment. Measured along the center line five feet above minimum sight distances:
 1. Minor streets: 100 feet.
 2. Collector and connector streets: 200 feet.
- F. Alleys. Alleys shall be prohibited in all new land developments.

- G. Cul-de-sacs. Permanent cul-de-sacs may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A cul-de-sac must have adequate turning space for vehicles, which shall include a minimum right-of-way of one hundred (100) feet, and a minimum street edge or curb radius of forty (40) feet.
- H. Street names. The developer may choose the street names subject to the review of the Borough Council, and the Post Office. No street, other than an extension, may be given a name identical or similar to another street within the Quaker Valley School District.
- I. Curbs.
 - 1. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Curbs shall also be required on new streets in all subdivisions or land developments. Curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement for curbs may be waived at the discretion of the Borough Council.
 - 2. All curbs shall be depressed at intersections and driveways to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.
 - 3. All curbs shall be Plain Cement Concrete as detailed in PennDOT Publication 72M, Standards for Roadway Construction Series. Expansion joints shall be every ten (10) feet. Asphalt wedge curbing may be permitted on a case-by-case basis by Borough Council.

Section 406. Intersections

- A. Where a proposed street intersects an existing Borough street, the proposed street shall be designed to prevent any runoff from entering the Borough right-of-way.
- B. At street intersections, there shall be a level area on the proposed street within which no grade shall exceed a maximum of eight percent (8%) for a minimum distance of 100 feet (measured from the intersection of the center lines of the streets).
- C. Street name signs shall be installed at all intersections, and their design shall be approved by the Borough and meet PennDOT standards. All signing shall identify both intersecting streets. Regulatory signs shall be installed at all locations identified by a traffic circulation study prepared by the developer. Standard traffic signs shall be approved by the Borough, meet PennDOT standards, and shall be supplied and installed in accordance with Borough regulations.
- D. Intersections involving the junction of more than two (2) streets are prohibited.
- E. The minimum distance between the center line of intersections shall be
 - 1. 1000 feet for any intersection involving an arterial street;
 - 2. 600 feet for any intersection involving a collector street;
 - 3. 250 feet for any intersection involving a local or private street;

4. Or, as otherwise specified by PennDOT publication number 70M.
- F. Right angle intersections shall be used whenever possible. Minimum street intersection angles shall be sixty (60) degrees.
- G. All curbs at intersections shall be rounded by a minimum radius of:
 1. Local Access Streets- 20 feet
 2. Marginal Access Streets- 20 feet
 3. Collector and Industrial Streets- 25 feet
 4. Thirty (30) foot radii may be used where minor streets intersect collector and/or arterial streets.
- H. The right-of-way radii at intersections shall be substantially concentric with the edge of the cartway. The Borough may require larger radii based on the largest design vehicle using the intersection.
- I. All streets intersecting a state roadway shall be subject to the approval of PennDOT.
- J. There shall be provided and maintained at all intersections a clear sight triangle. Clear sight triangles shall be indicated on all plans. No building or other obstruction that would obscure the vision of a motorist shall be permitted within these areas. The Borough may require sight distance easements as determined by the Borough Engineer.
- K. Proper safe stopping sight distance shall be provided with respect to both horizontal and vertical street alignments at all intersections. Sight distance at street intersections shall be calculated based on PennDOT Pub. 70, as amended, and approved by the Borough Engineer.

Section 407. Private Streets

- A. A private street is limited to providing access to no more than two (2) abutting lots that are utilized for single-family detached dwellings and/or agricultural operations.
- B. Private streets shall provide a minimum cartway width of 12 feet and a minimum easement or right-of-way width of 20 feet.
- C. Private streets shall not interfere with the normal traffic movement or be inconsistent with the design, maintenance, and drainage of the accessing street.
- D. Private streets shall include stormwater management facilities when required by the Borough's Stormwater Management Ordinance.
- E. The minimum street grade permitted for private streets shall be one- and one-half percent (1.5%).
- F. The maximum street grade permitted for private streets shall be fifteen percent (15%).
- G. A private street must be clearly labeled on the recording plat as a private street. The Borough shall have no express or potential liability to maintain the private street or accept dedication of the private street.

- H. Applications which propose a private street shall include an access and maintenance agreement, in a form acceptable to the Borough, which shall be recorded with the Recorder of Deeds as part of the final plan. Reference to this recorded access and maintenance agreement shall be provided in the deeds of the lots having use of the private street. This access and maintenance agreement shall establish the conditions under which the private street will be constructed and maintained.
- I. A note to this effect, similar to the following note, shall be affixed to the recording plan in a manner acceptable to the Borough: "Private Street restriction. The private street shown on this plan is strictly limited to providing access to no more than two (2) abutting residential lots and/or agricultural operations."

Section 408. Street Access

- A. Residential lots are prohibited from directly accessing onto aerial or collector streets. Access to all residential lots shall be provided by a road network that is internal to the proposed land development.
- B. All points of access to a street shall be so located, designed, and constructed as to provide an acceptable sight distance, as determined by the Borough Engineer.
- C. All lots shall be provided with direct access to a public or private right-of-way.
 - 1. Direct access to a public or private right-of-way shall not be provided through adjacent lots which otherwise would require an easement.
- D. Driveways accessing state roadways shall be approved by PennDOT.

Section 409. Sidewalks, Crosswalks, and Trails

- A. Sidewalks.
 - 1. Sidewalks shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Sidewalks shall also be required on new streets in subdivisions or land developments. The requirement of sidewalks may be waived at the discretion of the Borough Council.
 - 2. Minimum widths for sidewalks along each type of public street shall be five (5) feet and shall follow PennDOT Specifications Publication 408, as amended.
 - 3. Sidewalks shall be located with the inside edge on (1) foot from the right of way line of the abutting property, unless otherwise directed by the Borough Council.
- B. Crosswalks.
 - 1. Crosswalks may be required between streets whenever necessary to facilitate pedestrian circulation and to give access to community facilities, such as parks, playgrounds, or schools.
 - 2. Such crosswalks have a right-of-way width of not less than 10 feet and have a paved walk five feet in width.

- C. Sidewalks and crosswalks shall have a minimum gradient of 1% and maximum gradient of 10%. Handicapped access, ramp gradients, railing requirements, and treatment of pavement surfacing shall comply with applicable requirements of the Pennsylvania Department of Labor and Industry and the Americans with Disabilities Act (ADA).
- D. Trails. If a developer chooses to install trails within a proposed development, the trail shall be designed and constructed based on the following requirements:
 - 1. Trails shall be constructed in accordance with the Borough Construction Standard Details.
 - 2. Trails shall link internal common open space areas, nearby neighborhoods, parks, community facilities and elsewhere as recommended by the Planning Commission and approved by the Borough Council.
- E. Maintenance. Maintenance of all proposed sidewalks and/or trails shall be the responsibility of the adjacent property owner or homeowners' association which represents the property owners in the development. Appropriate language shall be placed on the recorded plat indicating this maintenance responsibility.

Section 410. Street Construction Specifications

- A. Stakeout. In order to assure the Borough and/or its Engineer that the street is being paved in the center of the right-of-way and in accordance with all grades that may have heretofore been approved, the contractor, developer and/or street builder must present an affidavit, signed by a Professional Land Surveyor licensed in the State of Pennsylvania, that he has established the recorded and/or legal right-of-way on the ground by a survey on the ground and has set construction stakes to the desired construction offset distance at points along the street not exceeding fifty-foot intervals and has established reference elevation on said stakes to effect the construction of the street in accordance with all plans that have been previously approved.
- B. Grading.
 - 1. All streets shall be graded to the full width of the right-of-way and the adjacent side slopes graded to blend with the natural lay of the land, or in accordance with the cross section presented, to the satisfaction of the Borough Engineer. If the topography of the ground does not permit the grading of the entire right-of-way, the finished graded area must slope from the right-of-way line toward the paving, to the satisfaction of the Borough Engineer or other designated Borough officials. When filling operations are required, all topsoil must be removed and the surface roughed up or scarified in order to assure a good bond between the filled ground and virgin ground. (If the lateral slope upon which the fill is to be made is deemed too steep for scarifying to make bond, then the virgin ground must first be benched and the fill placed upon the benches.) Drainage for any springs, wet areas, existing streams, or wet weather gullies encountered while preparing for filling operations must be approved by the Borough before filling can be commenced. Fills must be built up with six-inch layers of suitable rock-free, nonfrozen material, each layer being well compacted with an approved sheep's foot ten-ton roller or equivalent approved by the Borough, and well

crowned and drained to prevent soaking and spongy areas. Where fill materials are necessary to establish uniform grades, compacting shall be required to 95% density and shall be so certified by a qualified soils technician. No paving shall be placed in any fill area until at least two months have elapsed since the filling operation was completed. A slope of two horizontal to one vertical foot beyond the right-of-way line in cut or fill shall be required as the maximum slope, except for extraordinary situations approved by the Borough.

2. Street cross sections for all streets shall be in accordance with the standards established by the Borough or elsewhere herein. All details of the cross section, crowns, curb, pavement, subgrade, and roadside ditches shall conform to the designated cross section. (State approval shall also be obtained where necessary.)
 3. The subgrade shall be well rolled with an approved three-wheel, ten-ton minimum roller, crowned in conformance with the finished surface crown, and must be perfectly smooth, free of spongy areas as well as drained with approved subgrade drains and/or bleeders, the bleeders draining into approved dry wells (constructed at a minimum distance of three feet from the edge of paving), lateral drains, storm sewers or drop inlets. In all cases, the flow lines of the aforementioned dry wells, lateral drains, storm sewers and drop inlets must be at least 18 inches to three feet below the lowest part of the subgrade. All drainage must be constructed and in operation before any fine grading, berm construction or filling is commenced. The width of the subgrade shall include the area to be paved, plus the area of any curbs, berms, or sidewalks.
- C. Berms. Where required, built-up, rolled berms shall be constructed along each edge paving using suitable and approved material (which shall not include red dog or ashes) with a minimum width of three feet and sloping toward the paving at a minimum slope of two inches per foot, using the top of the curb for the start of the upward slope. The berm shall be constructed before the curb or base is constructed and simultaneously with the fine grading of the subgrade.
- D. Subbase.
1. The developer shall place a compacted subbase consisting of PennDOT No. 2A limestone material which shall meet the PennDOT Publication 408 specifications, as amended, placed, and spread evenly and extensively rolled in place with a three-wheel, ten-ton roller while maintaining the crown. Subbase depths shall be as required by the Borough Construction Details.
 2. Where conditions warrant, subsurface drainage systems shall be installed. Generally, this will mean that subsurface drainage must be installed in the high side of any cut, unless approved otherwise.
 3. An underlying geotextile fabric shall be required for the separation of subgrade and subbase aggregate. Geotextiles shall meet the PennDOT Publication 408 specifications, Section 212 – Geotextiles, as amended.
- E. Binder Course. The developer shall place Superpave 25mm binder course material and properly compact to a minimum thickness as required by the Borough Construction Details.

F. Asphalt Wedge Curbing.

1. Plain cement curbing shall be required unless Borough Council allows the installation of Asphalt Wedge Curbing.
2. If allowed by Borough Council, all asphalt wedge curbing shall meet the following requirements:
 - a. The asphalt wedge curbing shall be a compacted-wedge type, 12 inches wide and six (6) inches high, unless otherwise specified and approved.
 - b. The binder course portion under the wedge-type curb must be installed at the time of the binder course installation and must extend a minimum of six inches beyond the back of the curb.
 - c. The curb shall be constructed before the wearing surface is placed using Superpave binder material, depending on the overall design of the street, and shall be machine spread and machine rolled, all materials to be prepared in a plant approved by the Pennsylvania Department of Transportation. All mixing, handling, and laying must conform with Pennsylvania Department of Transportation Specifications, Publication 408, as amended.
 - d. The curb must be properly barricaded and protected from any traffic or vehicles of any kind until it has been thoroughly set up and all voids on the grass plot side have been completely backfilled, the backfill being placed with proper and approved tamping equipment in maximum four-inch layers. No traffic or vehicles of any kind will be permitted to pass over this curb except through driveway approaches.

G. Design standards.

1. Wearing course.
 - a. After placing the Superpave binder course layer, the developer shall install 9.5mm wearing course material over the entire street surface and properly compact to a minimum depth of 1 ½ inches.
 - b. After home and other construction is 90% complete, the developer shall place Superpave wearing surface course material over the entire wearing surface (including curbs) and properly compact to a minimum thickness of one inch.
 - c. All materials shall be placed and compacted using approved spreaders and rollers in compliance with Pennsylvania Department of Transportation Publication 408, as amended.

H. Concrete streets and concrete curb construction.

1. If concrete street and/or concrete curb construction is desired or required because of heaving or industrial use of street, all plans, materials, specifications, construction, and inspection of this type of street must be approved by the Borough Council and the Borough Engineer.

2. The specifications and construction must comply to Portland Cement Association Recommended Standards, latest edition, titled "Design of Concrete Pavement for City Streets" and the requirements of PennDOT Publication #72M "Standards for Roadway Construction" as they pertain to concrete pavement. The width of the streets shall be as set forth elsewhere in this chapter. A special street width for divided highways in an enlarged overall street right-of-way width shall be permitted, but each of said parallel cartways shall have a minimum width of 15 feet, including curbs. (This special street width must be approved as a special use only when unusual topography, natural conditions or traffic exist and warrant such exceptions. This use may be approved or required through special action by the Borough Council).

Section 411. Street Construction Restrictions and Standards

- A. Street construction such as filling, berming, subgrade, fine-grade construction, base construction, or surface construction cannot be commenced before May 15 and must be completed before October 15 of the same year, unless special permission is granted by the Borough Council otherwise. (It is assumed that the weather conditions between these dates will be ideal for street construction; however, if adverse weather conditions occur between these dates, the contractor or builder must abide by the judgment of the Borough Council, their agents, or assigns, in regard to permissible construction weather conditions.)
- B. Testing and repair.
 1. Prior to acceptance by the Borough, all streets shall be core bored, at locations to be determined by the Borough Engineer, by a reputable firm certified to do such work. All cores shall be tested for compliance with all applicable paving regulations and shall include, as a minimum, standard test for thickness, material gradation and compaction, and the Borough shall be furnished with three copies of a written report setting forth the test results. All costs associated therewith are to be paid by the developer or subdivider.
 2. All paving must be in complete compliance with Pennsylvania Department of Transportation Publication 408, as amended, and the Borough may subject the finished street to any additional testing set forth therein.
 3. All streets shall have a smooth, uniform, finished surface, and the developer shall replace or resurface any areas which do not meet the testing requirements or do not have a smooth, uniform appearance due to patches, spalling, poorly butted joints, etc., regardless of the results of any tests. Any replacement or resurfacing shall be made in a neat, workmanlike manner, extending the entire width of the street at right angles to the center line, the extent of the replacement or resurfacing to be determined by the Borough Engineer.
- C. Acceptance of streets.
 1. Prior to acceptance of any streets and after all street construction has been completed, the developer and/or contractor, under the direct guidance of a licensed Pennsylvania surveyor, must install concrete monuments with a minimum size of four inches in diameter, four inches square and three feet long, the center being

marked with a one-half-inch minimum brass wire or bar plug, at all intersections and points of curvature in order to amply mark the right-of-way before the construction of the street can be considered as complete and fully prepared for the Borough to accept the maintenance responsibilities.

2. The developer shall be required to furnish the Borough with a maintenance bond prior to the acceptance of any streets by the Borough. Such bonding, with a corporate surety company approved by the Borough Council, shall be in the amount of 15% of the construction value and shall be for a period of 18 months commencing with the date of acceptance of said streets by the Borough and shall specifically protect the Borough from defects of inferior materials and workmanship or damage caused by the developer, subdivider and those employed by or under contract to him. If it is necessary that the contractor must violate the weight limit of eight tons (which will be in effect simultaneously with the date of acceptance), he will be required to give the Borough a two-year maintenance bond in the amount of 100% of the construction cost, commencing on the date that the violation of the weight limit ceases. In no event can the contractor violate the weight limit without the express approval of the Borough and, if approved, not before the aforementioned two-year maintenance bond has been obtained and is in effect.

D. Monuments.

1. All streets shall be monumented, and monument locations shall be shown on the recorded plat. All angle points in the boundary of any subdivision shall be monumented. All lot corners and angle points shall be located by iron pins. All monuments and iron pins shall be placed by a Professional Land Surveyor licensed in the State of Pennsylvania so that the scored (by an indented cross in the top of the monument) point shall coincide exactly with the point of intersection of the lines being monumented.
2. Monuments and iron pins shall be set so their top is level with the finished grade of the surrounding area.

Section 412. Utilities and Easements

- A. Easements with a minimum width of twenty (20) feet (or as otherwise required) shall be provided for all stormwater facilities, drainage structures, swales, sanitary sewers, clear sight triangles, and other utilities. In the case of multiple standards or overlapping easements, the wider standards shall apply from the outside edge of the proposed utilities.
 1. Shared utility easements shall be a minimum of thirty (30) feet wide.
- B. To the fullest extent possible, easements shall be located adjacent to rear lot lines or side lot lines.
- C. Nothing shall be placed, planted, set, or put within the area of an easement that would adversely affect the function of the easement or conflict with the easement agreement. This requirement shall be noted on the final plan and shall be included in all deeds for lots which contain an easement.

- D. 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, or as required by the Borough Stormwater Ordinance.
- E. Pedestrian easements shall have a minimum width of ten (10) feet.
 - 1. 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 Borough Council.
- F. Design of all easements shall be approved by the Borough Engineer.

Section 413. Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments

- A. In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has prepared existing salient natural features and landforms intrinsic to the site shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas, and watercourses.
- B. Open Space. Where the applicant is offering for dedication, or is required by ordinance to establish a preservation of open space or preserve an area of scenic or historic importance, a "limit of work", which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of character of the area in open space.
- C. Tree Preservation. Trees having ten (10) inch caliper or above shall not be removed except those located within the proposed street right-of-way, clear site triangle, well area, sewage facility area, or within utility locations and equipment access area.
- D. Topsoil Preservation. All of the topsoil from areas where cuts and fills have been made shall be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) or more and planted in ground cover on slopes twenty percent (20%) or greater.
- E. Landscaping. For all multi-family, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers.
- F. Preserved Landscaping. When there is a conscientious effort to preserve the existing natural integrity and charact of a site and where such preservation effectuates areas of woodland and tress comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.
- G. Trees. The planning of tress within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the

discretion of the property owner or developer, but must be consistent with Chapter 135, Trees, of the Borough Code of Ordinances.

Section 414. Water Supply Systems

- A. The water supply system for the subdivision or land development shall meet the design standards and requirements of all public boards or bodies having jurisdiction.
- B. If a private water supply is permitted, it must comply with the standards and requirements of the county and the Commonwealth of Pennsylvania.
- C. If a private water supply is permitted, individual private wells shall be located at least 25 feet from the property lines and shall not be located within the floor plan of any building and also shall maintain the minimum horizontal isolation distances specified 25 PA Code § 73.13, "Standards for Sewage Disposal Facilities."

Section 415. Sanitary Sewage Facilities

- A. No application for preliminary approval of a plan of subdivision or land development shall be approved unless a completed sewage facilities planning module, as required for the proposed development, has been submitted to the Borough.
- B. No final plat shall be approved or recorded until the plans and specifications for sanitary sewage facilities have been approved and permits issued, as required by the Pennsylvania Department of Environmental Protection.
- C. All sanitary sewage facilities for the subdivision or land development shall be constructed in accordance with the design standards and requirements of all public boards or bodies having jurisdiction.
- D. When a community sanitary sewerage facility is proposed to serve a development, a point of connection to the sanitary sewer shall be provided for each lot. Sanitary sewers shall also be extended to the perimeter of the subdivision or land development to allow service to adjacent properties.
- E. Sanitary sewage plans and connections shall be consistent with Chapters 102, Sanitary Sewers, and 105, Sewers, of the Borough Code of Ordinances.

Section 416. Emergency Access

- A. All major subdivisions and land developments shall provide plans to the Borough Police Chief and Volunteer Fire Chief for recommendation and comment. The applicant shall demonstrate:
 - 1. Adequate access for emergency vehicles and emergency responders; and
 - 2. Adequate fire hydrant locations in subdivision and land developments where public water is being provided.

Section 417. Fire Hydrants

- A. In all plans where public water is provided, fire hydrants shall be installed at accessible appropriate locations to give adequate fire protection as outlined by the National Board of Fire Underwriters and as approved by the local Fire Chief.

Section 418. Monuments and Markers

- A. Monuments.
 - 1. Permanent reference monuments shall be located at the surrounding boundary corners of all subdivisions.
 - 2. Permanent reference monuments shall be accurately placed along at least one (1) side of each street at the beginning and end of all curves and at all angles.
- B. Markers.
 - 1. Markers shall be set at all lot corners and at the points where lot lines intersect curves and/or other property lines.
 - 2. All lot corners shall be located with solid metal pins of at least five-eighth inch ($\frac{5}{8}$ ") diameter with a minimum length of thirty (30) inches.
- C. All monuments and markers shall be placed by a registered engineer or surveyor so that the scored or marked point shall coincide exactly with the point of intersection of the lines being monumented or marked.
- D. The monuments and pins as required shall be shown on the final recorded plat and the "as-built" plans with the distance between them and with sufficient curve data plainly marked.

Section 419. Stormwater Management

- A. All stormwater management, collection, conveyance, erosion control and floodplain considerations shall be accomplished in accordance with the provisions of the Borough Stormwater Management Ordinance, as amended.
- B. Floodplain areas shall be established and preserved as provided by the Borough Floodplain Management Ordinance, as amended.

Section 420. Floodplain Area Regulations

- A. Purpose. The purpose of this section is:
 - 1. To regulate the subdivision or development of land within any Designated Floodplain Area in order to promote the general health, welfare, and safety of the community.
 - 2. To require that each subdivision lot or land development in flood-prone areas be provided within a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.

3. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected land within the designated floodplain districts.
- B. Abrogation and Greater Restrictions. To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall control such other provisions of this Ordinance.
 - C. Disclaimer of Municipal Liability - The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any Designated Floodplain Area shall not constitute a representation, guarantee, or warranty of any kind by the Borough of Osborne or by any official or employee thereof of the practicability or safety of the proposed use and shall create no liability upon the Borough of Osborne, its officials, employees, or agents.
 - D. Application Procedures and Requirements
 1. Pre-Application Procedures.
 - a. Prior to the preparation of any plans, it is suggested that the prospective developers consult with the Pennsylvania Department of Environmental Protection and the Borough of Glen Osborne Sewage Enforcement Officer concerning soil suitability when onsite sewage disposal facilities are proposed.
 - b. Prospective developers shall consult the Allegheny County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as result of the subdivision or development.
 2. Preliminary Plan Requirements. The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer.
 - a. Name of engineer or surveyor or other qualified person responsible for providing the information required.
 - b. A map showing the location of the proposed subdivision or land development with respect to any Designated Floodplain Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Floodplain Area or areas, proposed lot sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.
 - c. Where the subdivision or land development lies partially or completely within any Designated Floodplain Area, or where the subdivision or land development borders on a Floodplain Area, the Preliminary Plan map shall include detailed information giving the location and elevation of proposed streets, public utilities, and building sites. All such maps shall also show contours at intervals of two (2) feet or less (as required) and shall identify accurately the boundaries of the Floodplain Area.

- d. Such information as is required by this Subdivision Ordinance.
- E. Prospective developers shall consult the Allegheny County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as result of the subdivision or development.
- F. Final Plan Requirements - The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor
 - 1. All information required for the submission of the Preliminary Plan incorporating any changes requested by the Borough of Osborne.
 - 2. A map showing the exact location and elevation of all proposed buildings, structures, streets, and public utilities to be constructed within any Designated Floodplain Area. All such maps show contours at intervals of two (2) feet or-less (as required) within the Floodplain Area and shall identify accurately the boundaries of the flood-prone areas.
 - 3. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Protection, and any other Commonwealth agency, where any alteration or relocation of a stream or watercourse is proposed. In additional documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relations.
 - 4. Submission of Soil Sedimentation and Erosion Control Plan as approved by the Allegheny County Conservation District and/or the Department of Environmental Protection.

Section 421. Street Lights

- A. The Borough Council may require that any new streets and/or intersections are provided with street lighting.
 - 1. Where required, the applicant shall install, at the applicant's expense, street lighting serviced by underground conduits in accordance with a plan approved by the Borough Engineer.
 - 2. When street lighting is required, the cost of maintenance shall be the responsibility of a homeowners' association or other approved entity.
- B. Street lighting shall be installed as per the lighting plan approved by the Borough Council.
- C. The spacing of streetlights shall be based on a photometric plan that demonstrates adequate lighting is provided at grade.
- D. The maximum height of streetlights shall not exceed the maximum height permitted in the Zoning District or twenty-five (25) feet, whichever is less.

- E. The shielding of lighting shall provide proper lighting without hazard to drivers or nuisance to residents.
- F. Style, type, shielding, and manufacturer of street lighting shall be subject to the approval of the Borough Council.

Article V. Stormwater Management

Section 501. General Requirements

- A. The Borough of Glen Osborne's stormwater management standards, site plan requirements, application procedures, and operation and maintenance standards can be found in the Borough's Stormwater Management Ordinance, Ordinance No. 416, and Chapter 117 of the Borough's Code of Ordinances, as amended.

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Article VI. Financial Security

Section 601. Completion of Improvements or Financial Security

- A. No plan shall be given final approval by the Borough Council unless the public improvements required by this Ordinance have been installed in accordance with the standards set forth in Articles IV and VII of this Ordinance.
- B. In lieu of the completion of any improvements(s) required prior to, and as a condition for, final approval, the applicant shall deliver to the Borough a financial security in the amount of 110% of the cost to complete all improvements required by this Ordinance.

Section 602. Financial Security

- A. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvement(s).
 - 1. The amount of the financial security shall be sufficient to cover the costs of public improvements and common amenities including, but not limited to, streets, stormwater 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 in accordance with §509(a) of the MPC.
 - 2. The amount of financial security to be posted for the completion of the public improvements shall be equal to 110 percent of the cost of completion estimated as of 90 calendar days following the date scheduled for completion by the applicant. The amount of the financial security shall be based on a cost estimate submitted by the applicant and prepared by a registered professional engineer licensed in Pennsylvania. The cost estimate shall be certified as being “a fair and reasonable estimate” of the cost of public improvements.
 - 3. The cost estimate shall be sealed by a Professional Engineer.
 - 4. The Borough Engineer shall review the proposed cost estimate and make a recommendation to the Borough Manager or appointed representative as to acceptance and may provide an alternate estimate if deemed unacceptable.
 - 5. The amount of the financial security may be adjusted annually in accordance with §509(f) of the MPC.
- B. If the applicant and the Borough cannot agree upon a cost estimate, then the estimate shall be recalculated and recertified by another registered professional engineer chosen mutually by the applicant and the Borough. The estimate by the third engineer shall be deemed as the final estimate.
 - 1. If a third engineer is selected, the fees for services shall be evenly divided between the applicant and the Borough.

Section 603. Approval Resolution

- A. At the request of the applicant and in order to facilitate financing, the Borough 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 Borough Council and other Borough officials until a satisfactory financial security is presented. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security is not presented within 90 calendar days unless a written extension is granted by the Borough Council in accordance §509(b) of the MPC.

Section 604. Partial Release from Improvement Guarantee

- A. As the work of installing the required improvements proceeds, the applicant may request the Borough to release or authorize the release, from time-to-time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work.
- B. Any such requests must be in writing and describe the portion of the work that has been completed in accordance with the approved plat and the amount of security requested to be released.
- C. The Borough shall have 45 calendar days from receipt of such request to have the Borough] Engineer certify in writing to the Borough that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Borough shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed, or if the Borough fails to act within said 45-day period the release of funds shall be deemed approved. Notwithstanding anything to the contrary, the Borough may, prior to final release at the time of completion and certification by its appointed Engineer, require retention of ten percent (10%) of the estimated cost of improvements.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Borough, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
- E. The applicant shall reimburse the Borough for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Borough.

Section 605. Final Release from Improvement Guarantee

- A. When the applicant has completed all of the necessary and appropriate improvements, he/she shall notify the Borough, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the Borough Engineer. The Borough shall, within ten (10) calendar days after receipt of such notice, direct the Borough Engineer to inspect all of the installed improvements. See Article VII of this Ordinance with regards to the final inspection procedures.
- B. Within 30 calendar days of authorization by the Borough Council, the Borough Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.

- C. The Borough shall notify the applicant within fifteen (15) calendar days of receipt of the engineer's recommendation, in writing, by certified or registered mail, of the action by the Borough Council.
- D. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the Borough, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
- E. The applicant shall reimburse the Borough for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the Borough.
- F. Billing, Reimbursements, and Disputes. See MPC §510, as amended.

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Article VII. Required Improvements and Inspections

Section 701. General Requirements

- A. No improvements shall be installed, or work begun, unless the following has been accomplished:
 - 1. All necessary plans, profiles and specifications for the improvements have been submitted to, and approved by, the Borough.
 - 2. The completion bond/financial security has been provided.
 - 3. A fully executed developer's agreement has been submitted and signed.
 - 4. All required and applicable permits have been obtained.
- B. The developer shall notify the Borough at least 48 hours prior to beginning any installation of public improvements in an approved plan.

Section 702. Required Improvements

- A. The following improvements, as shown on the recorded plan, shall be provided by the developer in accordance with the details and/or specifications cited in Article IV of this Ordinance:
 - 1. Cartway paving
 - 2. Curbs
 - 3. Sidewalks and crosswalks
 - 4. Monuments
 - 5. Street signs
 - 6. Sanitary sewage disposal
 - 7. Water supply and fire hydrants
 - 8. Stormwater management facilities
 - 9. Erosion and sedimentation control measures
 - 10. Street trees
 - 11. Streetlights

Section 703. Inspections

- A. Once the installation of improvements has been approved, while work is in progress, the developer shall notify the Borough, at least 48 hours in advance, prior to the time that the following required progress inspections are warranted.
 - 1. Inspection of subgrade of streets prior to laying of base.
 - 2. Inspection of base prior to final paving of streets.

3. Inspection of installed water lines, sanitary sewer lines, storm sewers, and drainage facilities before they are covered.
- B. The inspector shall prepare a written report of all inspections, with a copy being submitted to the Borough for its files.
- C. The inspection of sanitary sewer installations shall be in accordance with the procedures of the applicable sanitary authority, with a copy of any notices or reports being submitted to the Borough.
- D. When it is evident that any street in a partially completed plan of lots may be extensively used by construction vehicles hauling building materials and equipment, and where such street, if completed, may be damaged during the course of construction of houses on lots abutting the right-of-way within which the street is centered, the Borough shall require the developer to complete 90% of the dwelling units prior to the final paving of the street or otherwise be responsible for damage through the posting of an additional bond, including, but not limited to, streets and other required improvements.

Section 704. Notice of Completion

- A. When the developer has completed the required public improvements in a plan, the developer shall notify the Borough, in writing, by certified or registered mail. Within ten (10) calendar days of the receipt of the notification, the Borough Council shall authorize the Borough Engineer to inspect the public improvements in the plan to determine compliance with the design standards specified in Article IV of this Ordinance.

Section 705. Final Inspection

- A. Upon authorization by the Borough Council, the Borough Engineer shall perform a final inspection of the public improvements. The procedures and timing of such inspection, notifications, and action shall follow that identified in Article VII of this Ordinance.

Section 706. Acceptance of Improvements

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

one (1) hard copy and two (2) electronic copies, one in AutoCAD format and one in pdf format.

3. A certificate or notification by the Borough Engineer or other person designated by the Borough that the improvements have been constructed in accordance with the standards established by this Ordinance and any other applicable Borough ordinances and standards.
4. The results of core boring tests for composition and thickness of paving, prepared by a qualified testing firm. The location and size of the borings shall be in accordance with PennDOT Publication 48, as amended, or as determined by the Borough Engineer.
5. A maintenance guarantee which shall be for a period of 18 months and an amount of 15% of the original construction cost of installation of the public improvement(s), as provided for in §509(k) of the MPC.

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Article VIII. Amendments, Validity, and Repealer

Section 801. Amendment Procedures

- A. The Borough Council may, from time-to-time, amend, supplement, change, modify, or repeal this Ordinance by proceeding in accordance with the MPC.
- B. Referral to the Planning Commission.
 - 1. All proposed amendments before adoption shall be referred to the Borough Planning Commission at least 30 calendar days prior to the public hearing, for recommendation and report, which shall be advisory.
- C. Referral to the County Planning Agency.
 - 1. All proposed amendments shall be referred to the Allegheny County Economic Development Department, Planning Division, at least 30 calendar days prior to the public hearing, for recommendation and comment.
 - 2. As per §304(b) of the MPC, the Borough Council may not take any action on a proposed amendment until comments are received from the Allegheny County Planning Division, or the required review period has passed.

Section 802. Validity

- A. Separability: Any Section, Subsection, or other provision of this Ordinance that is declared to be invalid by a court of competent jurisdiction shall not affect the validity of any other part of this Ordinance or the Ordinance as a whole.

Section 803. Repealer

- A. Any prior Borough ordinances or regulations or parts thereof conflicting with the provisions of this Ordinance are hereby repealed.

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Article IX. Administration, Fees, Permitting, and Enforcement

Section 901. Section 901: General Administration

- A. All provisions of this Ordinance shall be administered by the Borough Council or their officially designated representatives.

Section 902. Section 902: Fees and Costs

- A. All applications submitted for the review and approval of subdivision plans and land development plans prepared in preliminary or final form shall be accompanied by an administrative review fee and a deposit in accordance with a schedule of fees and charges established, or to be established, and adopted by resolution of the Borough Council to defray, or to help defray, any cost that may be incurred by the Borough and its professional consultants in viewing and inspecting the site of the subdivision or land development, and reviewing the application, data, and the plans submitted relative to the same.
 - 1) A deposit shall be made at the time of the application for preliminary and final subdivision or land development approval, with the Borough of Glen Osborne in order to cover the costs of engineering review and inspection of proposed improvements, legal fees, and other consultants' fees whose services are required in order to provide a comprehensive review of the subdivision or land development application.
 - 2) An administrative fee, as established by resolution of the Borough Council, and fees as charged to the Borough for activities related to the subdivision or land development application shall be deducted from the deposit as invoices are received.
 - 3) A full accounting of all expenses incurred during the review and approval of a subdivision or land development application, whether preliminary or final, shall be kept by the Borough Secretary and made available to the applicant.
 - 4) Upon completion of all improvements to the satisfaction of the Borough Engineer, and upon a full and complete release of all sureties posted relative to the improvements proposed, the remaining balance of the deposit shall be returned to the applicant upon receipt of a written request to do so.
 - 5) The schedule of fees may be amended from time to time by Borough Council.
- B. The schedule of fees and charges establishes or to be established may vary, and be regulated in accordance with the scope and complexity of the plan of subdivision and land development project, such as:
 - 1) Number of parcels or lots in a plan;
 - 2) Intensity of land development plans submitted;
 - 3) Accuracy of utility development plans;
 - 4) Applicants' plan of construction and development of the land, structures, and facilities thereon, and appurtenant thereto; and
 - 5) Number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.

- C. Where a plan of subdivision or land development for any reason has been rejected by the Borough Planning Commission and/or Borough Council, the applicant when resubmitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the Borough's schedule of fees and charges for such submittals.
- D. All administrative fees shall be made payable to the Borough of Glen Osborne. All administrative fees deducted from the original deposit are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee so charged.
- E. The applicant shall reimburse the Borough of Glen Osborne for all costs associated with the review and approval, or denial, of an application for subdivision or land development approval which exceeds the amount of the original deposit.

Section 903. Public Hearings

- A. Before acting on an application for approval, the Borough Council, or Planning Commission, may hold a public hearing, pursuant to public notice as defined by this Ordinance.

Section 904. Certificates and Approvals

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

Section 905. Section 905. Permits

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

Section 906. Disputes

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. In the event that the applicant disputes the amount of any such review fee, the applicant shall, within 45 calendar days of the billing date or the notice of withdrawal by the Borough of an amount held in escrow, notify the Borough and their consultant that the fees are disputed. In such case, the Borough shall not delay or disapprove a subdivision or land development due to the applicant's request regarding disputed fees. The applicant shall within calendar 30 days after the transmittal date of a bill for inspection services or 45 calendar days of the date of transmittal of a final bill for inspection services, notify the Borough and their professional consultant that the fees are disputed. The fee dispute process established in the MPC generally includes the following steps:
 - 1) In the event that the Borough and the applicant cannot agree on the amount of any review fees which are reasonable and necessary, then the Borough and applicant shall jointly by mutual agreement, appoint another professional consultant serving as

arbitrator to examine the disputed review fees and make a determination as to the amount thereof which are fair and reasonable within 50 calendar days.

- 2) Appropriate payments or reimbursements shall be made within 60 calendar days following the decision by the arbitrator.
- 3) If the Borough and applicant cannot agree on an independent professional consultant to serve as arbitrator within twenty (20) calendar days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located shall appoint an engineer who shall be neither the Borough Engineer or any professional engineer who has been retained by, or performed services for the Borough or applicant within the preceding five (5) years.
- 4) The fee of the appointed arbitrator shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment is less than the original bill by \$5,000 or more, the arbitrator may require part of full payment from the applicant or professional consultant. In all other cases, the consultant and Borough should each pay one-half (0.5) of the fees of the professional engineer.

Section 907. Enforcement

- A. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
- B. Preventative Remedies.
 1. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, to correct or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building.
 2. The Borough may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Ordinance. As an additional condition for the issuance of any permit or approval, the Borough may require compliance with the conditions that would have been applicable to the property at which time the applicant acquired it. This authority to deny such a permit or approval shall apply to any applicant as described in §515.1(b) of the MPC.
- B. Civil Enforcement Remedies.
 1. Any person, partnership, or corporation who or which has violated the provisions of this SALDO shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500 plus all court costs, including the reasonable attorney fees incurred by the Borough as a result thereof.
 2. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the District Justice.

3. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
4. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership, or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one (1) 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.
5. All fines collected for such violations shall be paid to the Borough.
6. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this Section.

Section 908. Remedies to Effect Completion of Public Improvements

- A. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plat, the Borough shall pursue remedies provided for in §511 of the MPC, 53 P.S. §10511, as amended.

Section 909. Appeals

- A. Any person aggrieved by a decision of the Borough Council concerning an application of approval of a subdivision of land development may appeal the decision in accordance with the procedures specified in Articles X-A of the MPC.

Section 910. Notice to School District

- A. As per §508.1 of the MPC, as amended, each month the Borough shall notify in writing the superintendent of the school district in which a plan for a residential development was finally approved by the Borough during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development, and the expected construction schedule of the development.