

Chapter 180

SUBDIVISION AND LAND DEVELOPMENT

ARTICLE I General Provisions

- § 180-1. Short title.**
- § 180-2. Purpose.**
- § 180-3. Interpretation.**
- § 180-4. Applicability.**
- § 180-5. Authority.**
- § 180-6. Reviewing authority.**
- § 180-7. Jurisdiction.**
- § 180-8. Compliance required.**
- § 180-9. Approval.**
- § 180-10. Appendixes.**

ARTICLE II Word Usage and Definitions

- § 180-11. Word usage.**
- § 180-12. Definitions.**

ARTICLE III Procedural Requirements

- § 180-13. Introduction.**
- § 180-14. Sketch plan pre-submission.**
- § 180-15. Preliminary plans and final plans.**
- § 180-16. Time of submission.**
- § 180-17. Number of copies/other information.**
- § 180-18. Administrator.**
- § 180-19. Receipt.**
- § 180-20. Time.**
- § 180-21. Processing.**
- § 180-22. Approval, disapproval or conditional approval.**

- § 180-23. Recording of plan.**
- § 180-24. Fees and processes subject to PA Municipalities Planning Code.**

ARTICLE IV Plan Requirements

- § 180-25. Introduction.**
- § 180-26. Sketch plan.**
- § 180-27. Preliminary plan/final plan.**
- § 180-28. Traffic study.**

ARTICLE V Urban Sustainability

- § 180-29. Purpose.**
- § 180-30. Guiding principles.**

ARTICLE VI Design Standards

- § 180-31. Application of standards.**
- § 180-32. Zoning guidelines; general requirements.**
- § 180-33. Required improvements.**
- § 180-34. Landscape requirements.**
- § 180-35. Streets and driveways.**
- § 180-36. Parking areas, internal driveways and off-street loading.**
- § 180-37. Easements.**
- § 180-38. Environmental protection.**
- § 180-39. Erosion control and stormwater management.**
- § 180-40. Utilities; water and sewerage facilities.**
- § 180-41. Grading.**

**ARTICLE VII
Improvements Guarantees**

- § 180-42. Guarantee of improvements installation required.
- § 180-43. Improvements to be provided by the applicant.
- § 180-44. Development agreement.
- § 180-45. Performance guarantee.
- § 180-46. Approval of improvements.
- § 180-47. Remedies to effect completion of improvements.
- § 180-48. Maintenance guarantee.

**ARTICLE VIII
Fees**

- § 180-49. Application review and inspection fees.
- § 180-50. Waivers and modifications.

**ARTICLE IX
Miscellaneous Provisions;
Effective Date; Penalties**

- § 180-51. Conflict with other provisions.
- § 180-52. When effective.
- § 180-53. Violations and penalties; enforcement.

[HISTORY: Adopted by the Borough Council of the Borough of Edgewood 1-20-2015 by Ord. No. 1049. Amendments noted where applicable.]

GENERAL REFERENCES

Planning Commission—See Ch.45
Numbering of buildings and lots—See Ch. 99.
Uniform construction codes—See Ch. 105.

Sewers—See Ch. 165.
Zoning—See Ch. 200.

**ARTICLE I
General Provisions**

§ 180-1. Short title.

This Chapter shall be known and may be cited as the “Edgewood Borough Subdivision and Land Development Ordinance.”

§ 180-2. Purpose.

The purpose of this chapter is the promotion of the health, safety, convenience and general welfare of the present and future inhabitants of Edgewood Borough by:

- A. Guiding the future growth and development of the Borough.
- B. Providing for adequate natural light, air and privacy.
- C. Securing safety from fire, flood and other danger.
- D. Encouraging the orderly and beneficial development of all parts of the Borough.
- E. Guiding public and private policy and action in order to provide adequate and efficient transportation, water, sewage, recreation and public improvements and facilities.
- F. Establishing reasonable standards of design and procedures for land development and the

use of land.

- G. Ensuring the availability of public facilities and their capacity to serve the proposed or development.
- H. Ensuring that streets in and bordering a land development be coordinated and be of such widths and grades and in such locations as are deemed necessary to accommodate prospective traffic and facilitate fire protection and the passage of other emergency vehicles.
- I. Ensuring the adequacy of drainage facilities, including adequate easements and rights-of-way to be provided and encouraging the appropriate use and management of natural resources.
- J. Encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, including provisions authorizing the planning agency to alter site requirements and encouraging other practices which are in accordance with modern and evolving principals of site planning and development.

§ 180-3. Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

§ 180-4. Applicability.

This Chapter shall not, in general, apply to any existing lot(s) or development(s), provided that such lot(s) or development(s) were in a legally subdivided, recorded plan on the effective date of this Chapter. In cases where said lot(s) or development(s) are re-subdivided or become part of a further or new plan, such lot(s) or development(s) may require compliance with any or all of these regulations as recommended by the Borough Planning Commission and determined by the Borough Council.

§ 180-5. Authority.

The Borough Council of the Borough of Edgewood is authorized, subject to the holding of the required public hearing, to adopt rules and regulations concerning plans for land development and may approve, conditionally approve or disapprove plans of development falling within its jurisdiction.

§ 180-6. Reviewing authority.

The Borough Planning Commission is hereby designated as an advisory body to the Borough Council of Edgewood and is charged by Borough Council with the duty of making investigations, reports and recommendations on the plans, specifications and design of both improvements and the construction of proposed land developments and is hereby authorized to review and recommend to Borough Council that Council either grant approval, conditional approval or disapproval of applications for land development plan approval.

§ 180-7. Jurisdiction.

The provisions of this Chapter shall apply to all the area within the boundaries of the Borough of Edgewood, Allegheny County, Pennsylvania, excluding all land owned by the Borough of Edgewood. The use of all Borough land shall be at the discretion of the Edgewood Borough Council.

§ 180-8. Compliance required.

On or after the effective date of this Chapter, no land development of any lot, tract or parcel of land shall be made and no street, alley, sanitary sewer, storm drain, water main, gas, oil or transmission line or other improvements in connection therewith shall be laid out, constructed or dedicated for public use or travel or for the common use of the occupants of a building abutting thereon, except in direct accordance with this Chapter.

§ 180-9. Approval.

On or after the effective date of this Chapter, no development, except those heretofore recorded, may be sold, no permit to erect, alter or repair any building upon the land may be issued and no building may be erected unless and until a plan of such shall have been approved and properly recorded, until the improvements required by the Borough Council in connection therewith shall have either been constructed or guaranteed as required by this Chapter.

§ 180-10. Appendixes.¹

Attached to this Chapter are appendixes detailing specifications with respect to standards set forth in this Chapter. These appendixes may be changed from time to time by resolution of the Borough Council, as Borough conditions and accepted engineering practices warrant.

ARTICLE II
Word Usage and Definitions

§ 180-11. Word usage.

- A. Unless a contrary intention appears clearly, the following words and phrases shall have, for the purposes of this Chapter, the meanings given in the following clauses. Any word or phrase not defined specifically herein is intended to be used with its meaning in standard usage.
- B. For the purpose of this Chapter, words and phrases used herein shall be interpreted as follows:
 - (1) Words used in the present tense include the future.
 - (2) The word “person” includes a corporation, partnership, association or other legal entity as well as an individual.
 - (3) The word “lot” includes the word “plot” or “parcel.”
 - (4) The term “shall” is mandatory.

1. Editor’s Note: The Appendixes are on file in the Borough office.

- (5) The words “used” or “occupied,” as applied to any land or building, shall be construed to include the words “intended, arranged or designed to be occupied.”
- (6) Words used in the singular number shall include the plural, and the plural the singular, unless the context indicates clearly to the contrary.
- (7) The words “Edgewood Borough” or “Borough” refer to the Borough of Edgewood.
- (8) The word “Commission” and the words “Planning Commission,” refer to the Edgewood Borough Planning Commission.
- (9) The words “governing body” or “Borough Council” refer to the Edgewood Borough Council.
- (10) The words “municipal” or “municipality” refer to Edgewood Borough.
- (11) The word “Board” or the words “Zoning Hearing Board” refer to the Edgewood Borough Zoning Hearing Board.

§ 180-12. Definitions.

- A. Any definitions not herein set forth which are definitions in the Pennsylvania Municipalities Planning Code shall be defined as set forth therein.
- B. Unless otherwise specified, all terms defined in Chapter 200, Zoning, shall apply to this chapter. The following definitions shall also apply to this Chapter.

ALLEY—A public right-of-way, other than a street, ordained and accepted by the Borough Council for pedestrian and vehicular access.

ALTERATION—As applied to a building or structure means a change or rearrangement in the structural parts or in the existing facilities, or enlargement whether by extension of a side or by increasing in height or moving from one location or position to another.

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

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

BLOCK—A unit of land, usually containing lots, bounded by existing or proposed streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of development.

BUILDING LINE—A line parallel to the front lot line at a distance therefrom which is equal to the depth of the front yard required by the Zoning Ordinance [Chapter 200] for the zoning district in which the lot is located.

CARPORT—A shelter for one or more vehicles that is not enclosed fully by walls and one or more doors.

CHANNEL—A natural stream that conveys water; a ditch or open channel excavated for the flow of water.

CLEAR SIGHT TRIANGLE –A triangular shaped area of undisrupted vision at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

COMPATIBLE–When used to describe a relationship among buildings, compatible means having characteristics that are similar to the majority of existing historic buildings on the block. These characteristics include but are not limited to:

- (a) Constructed of the same original materials such as wood, brick, or stucco as existing buildings on the block, or constructed of materials that are very similar in appearance to the original materials, such as dark gray asphalt shingles to replace slate shingles, cut to the same size and shape.
- (b) Contain structural details that are similar to other buildings on the block, such as: decorative shingles, cornices and fascia, lintels over windows and doors, shape, size and placement of windows, thickness and placement of mullion in the sash of windows and shape and placement of porches and columns.

CONSERVATION DISTRICT (ACCD)–The Allegheny County Conservation District.

CONSOLIDATION–The combination of two or more lots, tracts or parcels of land for the purpose of sale or lease or a building or lot.

CUL-DE-SAC–A dead-end street having a suitable turnaround for the safe and convenient reversal of traffic movement.

CULVERT–A pipe, conduit or similar structure, including appurtenant works, which carries a stream under or through an embankment or fill.

DESIGN PROFESSIONAL–Professional with current license in the State of Pennsylvania. Typically the design professional refers to engineer, architect or landscape architect.

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

DEVELOPMENT–Any activity, construction, alteration, change in land use or similar action that affects stormwater runoff characteristics.

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

DRIVE-THROUGH SERVICE WINDOW–A customer service window located in a principal structure as an accessory to an office or retail establishment that is intended to enable customers to transact business with an employee inside the building without leaving their motor vehicles. It is presumed the motor vehicle will exit the premises immediately after the transaction of business.

EASEMENT–A grant of one or more of the property rights by the property owner to and for the use by the public, a corporation or another person or identity.

EROSION–The detachment and movement of soil or rock fragments by water, wind, ice or

gravity, including such processes as gravitational creep.

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

FENCE OR WALL—A structure that permanently or temporarily prohibits or inhibits unrestricted travel between properties or portions of properties or between the street or public right-of-way and a property.

FILL—Any act by which earth, sand, gravel, rock or any other material is deposited, placed, pushed, dumped, pulled, transported or moved to a new location, and shall include the condition resulting.

FINAL APPLICATION—The written and graphic materials specified by this Chapter to be submitted to the Borough in order to obtain final approval of a proposed subdivision or land development.

FRONTAGE—That side of a lot abutting on a street and ordinarily regarded as the front of the lot.

GARAGE, PRIVATE—An accessory building or part of a principle building used for the storage of motor vehicles or equipment or as an artist's studio or a workshop, all materials to be owned and used exclusively by the owner or tenant of the premises. No business connected directly or indirectly with motor vehicles is permitted.

GRADING—Excavation or fill or any combination thereof, and shall include the conditions resulting from any excavation or fill.

GRADING PERMIT—Any permit required under these regulations for excavation, filling and other related construction activities.

HAZARD—A danger or potential danger to the life, limb or health of the general public or an adverse effect or potential adverse effect on the safety, use or stability of property, waterways, public ways, structures, utilities and storm sewers used by the general public. "Hazard" shall also include stream pollution.

IMPERVIOUS SURFACE—Impervious surfaces are those surfaces with a coefficient of runoff greater than 0.85. All buildings, parking areas, driveways, roads, sidewalks and any areas in concrete or asphalt shall be considered "impervious surfaces" within this definition. In addition, other areas determined by a professional engineer selected by the municipality to be impervious within the meaning of this definition will also be classified as "impervious surfaces."

IMPROVEMENT—Construction of any building or structure, or an addition or enlargement thereof, any street, driveway, paved area or stormwater management facility.

INFILTRATION—The passage, movement or percolation of water into and through soil surfaces, including soil surfaces on roofs and in landscaped areas.

LAND DEVELOPMENT—The improvement, as defined herein, of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

- (a) The improvement of one lot or two or more contiguous lots, tracts, or parcels of

land for any purpose involving:

- [1] A subdivision of land (provided that, for the purpose of this Chapter, the regulations governing subdivisions are separate from those governing other types of land development.
- [2] A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenants.
- [3] The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups, or other features.

(b) Development in accordance with § 503(1.1) of the MPC.

LAND DEVELOPMENT PLAN—A plan prepared in accordance with the application requirements of this Chapter for approval of a land development, as defined herein.

LAND DISTURBANCE—Any activity involving grading, tilling, digging or filling or the stripping of vegetation, or any other activity which causes land to be exposed to the danger of erosion.

LANDSLIDE SUSCEPTIBILITY—Areas of moderate to high susceptibility to land sliding produced by the influence of natural and/or man-related activity. Plans for development within these areas must be submitted by a professional engineer or landscape architect licensed in the Commonwealth of Pennsylvania, approved by the governing body.

LOADING SPACE—An off-street space available for the loading or unloading of goods and having a direct access to a street or alley.

MONUMENT—A concrete form or metal rod used to mark a designated survey point.

MULTIFAMILY DWELLING—A residential building or portion of a building which contains three or more dwelling units, including, but not limited to, apartments and townhouses.

NATURAL STORMWATER RUNOFF REGIME—A watershed where surface configurations, runoff characteristics and defined drainage conveyances have attained the conditions of equilibrium.

NET ACRE—All ground remaining after deducting roads and community service facilities.

OUTFALL—Points or areas at which stormwater runoff leaves a site, which may include streams, storm sewers, swales or other well-defined natural or artificial drainage features, as well as areas of dispersed overland flows.

PERMEABLE PAVEMENT—Types of alternative pavement systems that allow stormwater to percolate through them and into subsurface drainage systems or the ground (e.g., permeable pavers, pervious asphalt, and pervious concrete).

PERMIT—A building permit to construct, alter or extend any development.

PRELIMINARY APPLICATION—The written and graphic materials specified by this Chapter to be submitted to the Borough in order to obtain preliminary approval of a

proposed subdivision or land development.

PUBLIC IMPROVEMENTS—Any improvement, facility or service, together with its associated public site or right-of-way necessary to provide transportation, drainage, public or private utilities, energy or similar essential services. Any or all of the following shall be considered public improvements:

- (a) Grading.
- (b) Street pavement.
- (c) Curbs and gutters.
- (d) Sidewalks.
- (e) Crosswalks.
- (f) Waterlines.
- (g) Sanitary sewer lines and appurtenances.
- (h) Storm sewer lines and drainage structures.
- (i) Curb returns.
- (j) Driveway entrances in the right-of-way.
- (k) Guide rails.
- (l) Street signs.

RETAINING WALL—A structure composed of concrete, steel or other approved building material constructed for the purpose of supporting a cut or filled embankment which would otherwise not comply with the requirements of the standards set forth in this Chapter.

RIGHT-OF-WAY—Land set aside for public use or ownership as a street, crosswalk, drainage way, utility course or other similar facility.

RUNOFF—That part of precipitation which flows over the land.

SCS—The Soil Conservation Service, United States Department of Agriculture.

SCREENING—Materials used to form a visual or partially-acoustical barrier.

SERVICE BUILDING—A structure housing sanitary, operations, office, recreational, maintenance and other facilities.

SEWER CONNECTION—Pipes, fittings and appurtenances from the drain outlet to the inlet of the corresponding sewer riser pipe of the sewer system.

SEWER RISER PIPE—That portion of the sewer lateral which extends vertically to the ground elevation and terminates at a designed point.

SITE—A lot, tract or parcel of land, or a series of lots, tracts or parcels of land which are adjoining, where grading work is continuous and performed at the same time.

SITE DISTANCE—The length of Street, measured along the centerline that is visible continuously from a point 6 inches above the pavement and along the centerline of the street.

SOILS ENGINEER—A person registered by the Commonwealth of Pennsylvania as a professional engineer and who has training and experiences in the branch of soils engineering.

SOIL SURVEY—The unpublished and operational soil survey for Allegheny County, Pennsylvania, and the accompanying text, Soil Survey Interpretations of Allegheny County, Pennsylvania, as prepared by the United States Department of Agriculture Soil Conservation Service et al. When applicable, “soil survey” shall mean the Soil Survey, Allegheny County, Pennsylvania, when this publication is completed.

STORAGE SHED—An accessory building with four sides and a roof, not exceeding 100 square feet or 8 feet in height, for storage of lawn, garden and swimming pool equipment or similar domestic items.

STORM SEWER—A system of pipes or other conducts which carries intercepted surface runoff, street water and other wash waters or drainage, but excludes domestic sewage and industrial wastes.

SUBDIVISION—The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels or other divisions of land, including immediate or future, of lease, transfer of ownership, or building or lot development.

TRACT—An area, parcel, site, piece of land or property which is the subject of a development application.

VEGETATED SWALE—A swale with vegetation designed to retain and partially treat stormwater, attenuate flooding potential and convey stormwater away from critical infrastructure.

WATER CONNECTION—All pipes, fittings and appurtenances from the water riser pipe to the sewer inlet pipe of the distribution system.

WATERCOURSE—A stream, intermittent stream, river, creek, channel, or ditch which carries water, whether natural or manmade.

WATER RISER PIPE—That portion of the water service pipe which extends vertically to the ground elevation and terminates at a designated point.

WATER SERVICE PIPE—All pipes, fittings, valves and appurtenances from the water main of the distribution system to the water outlet of the distribution system.

WATERSHED—The entire region or area drained by a river or other body of water, whether natural or artificial. A “designated watershed” is an area delineated by the Pennsylvania Department of Environmental Protection and approved by the Environmental Quality Board for which counties are required to develop watershed stormwater management plans.

WETLANDS—Any area which meets the criteria established in the 1989 Federal Manual for Identifying and Delineating Jurisdictional Wetlands as required by the PA Department of Environmental Protection (PA DEP), as may be amended or replaced.

WOODLANDS—Areas, groves or stands of mature or largely mature trees [i.e., greater than 6 inches caliper (diameter) at a height of 14 inches above the ground] covering an area greater than ¼ of an acre; or groves of mature trees [greater than 12 inches caliper (diameter) at a height of 14 inches above the ground] consisting of more than 10 individual

trees.

ARTICLE III Procedural Requirements

§ 180-13. Introduction.

The purpose of this Section is to set forth the procedures for the submission of processing and approval of minor or major land developments. Generally, the processing of these developments will follow similar steps, although the details on the specific information, drawing scale, and other details may vary. Determination shall be made by the Borough, based upon consistency with Table 180-13 and the definitions of this Chapter and the MPC. For general information, the following is provided:

- A. Replat. A lot line revision is the adjustment of one or more lot lines between two or more adjacent parcels and which does not result in the creation of any new lot.
- B. Minor land developments. This Chapter allows a streamlined process for less complicated and smaller-scale developments. Generally, these involve small developments along existing roads, changes of lot lines between adjoining properties and smaller land developments. To qualify as such, no extension of utilities or new roads may be involved except for extensions of approved private driveways for right-of-way access. A one-step process may be permitted starting with a combined preliminary and final plan. Minor land developments are also defined in Article II. All plans must be recorded or the approval is voided.
- C. Major land developments (excluding minor land developments) involve a two-stage process, using a preliminary and final plan. The purpose of the preliminary plan is to set forth the proposed development in detail. This allows for a comprehensive review of the proposed development to acquaint the applicant with any requirements that may have been missed. The final plan is the document to be officially recorded. If any deficiencies have been corrected, the final plan can be approved. After approval, the applicant has 90 calendar days to record the plan. All plans must be recorded or the approval is voided.

**Table 180-13
Land Development Type**

Land Development Type	Definition
Replat	Transfer of land between adjacent lots where no new building lot is created, including the erasure of any lot line where fewer lots are the result
Minor Land Development	New construction of no greater than 1,000 square feet gross floor area or earth disturbance area of 1 acre or less, and does not entail the conversion of a single family dwelling into two or more dwelling units
Major Land Development	New construction of greater than 1,000 square feet gross floor area or earth disturbance area of 1 acre or more and/or expected to generate 100 or more vehicle trips per day

§ 180-14. Sketch plan pre-submission.

A sketch plan/pre-submission conference is not required; however, it is highly recommended. The purpose is to acquaint the applicant with the requirements of this Chapter and to avoid unneeded processing or incorrectly prepared plans. Though no set format is required, such plans should be adequate to show the primary elements of the proposed development. Sketch plans are not considered a preliminary plan submission per Article V of the Pennsylvania Municipalities Planning Code.

§ 180-15. Preliminary plans and final plans.

Preliminary plans are required of all major land developments. Lot line revisions or minor land developments may submit a combined preliminary/final plan document.

§ 180-16. Time of submission.

All plans must be submitted at least 14 calendar days prior to the meeting of the Borough Planning Commission. The applicant is strongly encouraged to attend the Planning Commission meeting at which time the application is to be considered. Non-attendance could result in time delays.

§ 180-17. Number of copies/other information.

The Borough prefers a submission of four full size print copies and an electronic PDF file. If all copies are paper, at least twelve copies of the plan with all required exhibits and completed applications must be submitted. As an alternative, the applicant may submit four full sized copies and nine reduced size copies (11 x 17 inch format). Article IV details the required size, scale, and type of submission. The Borough may develop and include a formal application, which shall accompany all submissions.

§ 180-18. Administrator.

All plans, exhibits, applications and correspondence shall be directed to the Zoning administrator or other person designated by the Borough. The administrator is also responsible for all communications to the applicant, including notices of approval, disapproval, and conditional approval.

§ 180-19. Receipt.

The administrator shall receive submissions, provided the required submission includes the appropriate number of plan copies, all fees are paid, and the plan is submitted at least 14 calendar days before the Planning Commission meeting. Within 10 business days of receipt, the administrator, or another person so appointed by the Borough, shall review the application to determine if all required information is complete. If the application is incomplete, the administrator shall notify the applicant in writing within 1 business day of that decision. In this case, specific completion deficiencies shall be specifically identified. The application shall not be considered complete for purposes of review until all deficiencies of information are provided. If the submission is complete, the administrator shall notify the applicant and provide a receipt of completion upon the applicant's request.

§ 180-20. Time.

After receipt of a complete submission, the Borough shall approve, disapprove or conditionally approve the submission within 90 calendar days of the first meeting after determination that the submission is complete, or within such time periods as permitted by the Pennsylvania Municipalities Planning code, (whichever is greater).

§ 180-21. Processing.

All plans, whether preliminary or final, shall be processed as follows:

- A. Nine copies or PDF files shall be sent to the Borough Planning Commission. The Commission shall review the plans for compliance with this Chapter, any other pertinent regulations, and make a recommendation.
- B. The administrator shall forward one copy to Allegheny County for their review and comment. The land development shall not be approved until comments are received from that agency or the expiration of 30 calendar days from the date the application was forwarded. If the county imposes a fee for its review and report, the applicant shall pay that fee.
- C. Three copies shall be retained to record approval, disapproval or conditional approval upon, of which one copy shall be returned to the applicant.
- D. A copy shall be sent to the Borough Engineer or another professional consultant if necessary.

§ 180-22. Approval, disapproval or conditional approval.

Upon review, the Borough shall:

- A. Approve the application as submitted.
- B. Disapprove the application as submitted. If the application is disapproved, the Borough shall cite the deficiencies of the application and identify appropriate sections of this Chapter or another applicable ordinance that the application or plat did not comply with.
- C. Conditional approval. The Borough may grant the application a conditional approval. If so, it shall specify the defects found in the application and those sections of this Chapter or law involved, as appropriate, and what other conditions must be met for approval. These conditions shall be forwarded to the applicant and must be accepted by the applicant, in writing, within 15 calendar days of notice thereof. If not accepted in writing, or if rejected, the conditional approval shall be rescinded and the development disapproved.
- D. Notice of action. The Borough shall notify the applicant, in writing, by first class mail, of the decision within 15 calendar days of the decision.

§ 180-23. Recording of plan.

- A. Upon approval of the final plan, the plan shall be recorded by the applicant with Allegheny County. The final plan shall be recorded 90 calendar days after the date of the final plan approval. Should the applicant fail to record the final plan within such a period, the approval

shall be considered null and void.

- B. The applicant shall record the final plan with Allegheny County before proceeding with the sale of lots, and the Borough shall require receipt of recording before the issuance of zoning or building permits by the Borough. The applicant shall furnish the Borough with a receipt of recording within 5 business days of the recording. Failure to supply the Borough with such a receipt shall result in delay of other permits or approvals.
- C. Recording the final plan after approval shall have the effect of an irrevocable offer to dedicate all public streets and other public ways to public use, and to dedicate or reserve all park reservations, and school sites and other public service areas as provided. Approval shall not impose any duty upon the Borough concerning maintenance, acceptance, or improvement of any such dedicated streets, parks areas, or portions of improvements until the proper authorities of the Borough shall have made actual appropriation by ordinance of acceptance.

§ 180-24. Fees and processes subject to PA Municipalities Planning Code.

- A. All processes and procedures shall follow the Pennsylvania Municipalities Planning Code where not explicitly stated.
- B. Fees for the review and processing of land development plans will be charged at the time of application in accordance with the Borough fee resolution. The Borough may amend these fees from time to time by successive resolution. Fees charged for professional consultants shall be consistent with § 503(1) of the MPC.

**ARTICLE IV
Plan Requirements**

§ 180-25. Introduction.

This Article details the information that must be included on plans submitted to the Borough.

§ 180-26. Sketch plan.

- A. Sketch plans should be legibly drawn on an Allegheny County Tax Map, Borough Zoning Map, United States Geological Survey topographic map, or similar property line map.
- B. Sketch plans should include:
 - (1) Proposed development and land uses.
 - (2) Proposed public improvements.

§ 180-27. Preliminary plan/final plan.

- A. Scale. The plan shall be drawn to scale based on the following:
 - (1) If the size of lots or development area is less than 5 acres, the plan shall be drawn at 1 inch to 50 feet (1" = 50').
 - (2) If the average size of the proposed lots (not including residue) in the subdivision is 5

acres or greater, the plan shall be drawn to a scale of 1 inch equals 100 feet (1" = 100').

- (3) The Borough may accept alternative scales, if agreed to by the administrator or Planning Commission during a sketch plan submittal or pre-application conference, if the alternative will result in greater clarity of information.

B. Plan size and legibility.

- (1) The plan submitted for preliminary approval shall be a clear, legible black- or blue-line print on white paper, or suitable equivalent.
- (2) Preliminary plans shall be on sheets no larger than 24 by 36 inches. For small subdivisions, an alternate standard sheet size may be accepted. Final plans drawn in two or more sections shall be accompanied by a key diagram showing the relative location of the sections.

C. Plan information. All plans shall show or be accompanied by the following information as detailed in Table 180-27:

Table 180-27
Plan Content Requirements

Item	Complete or Not Applicable (For Administrator's Use)	Acceptable/Unacceptable (For Review/Approval Use)
Proposed development name or identifying title		
North point, scale, and County Assessment Lot Number and date		
A title/certificate block, containing the following:		
Name and address of owner of property and acknowledgment of subdivision		
Name and seal of registered design professional responsible for the plan		
Certificate of review by Allegheny County		
Certificate of review and approval by Borough		
Tract boundaries with bearings and distances and total acreage of the project		
Existing zoning districts, and any abutting zoning districts (if different from subject parcel)		
All proposed lots with size, setbacks, and dimensional standards		
Any proposed building placement (land developments)		
Proposed lighting and landscaping plans (land developments)		

Item	Complete or Not Applicable (For Administrator's Use)	Acceptable/Unacceptable (For Review/Approval Use)
Contours at vertical intervals of 2 feet (major land developments only)		
All existing watercourses, lakes or ponds, floodways, floodplains, identified wetlands and other environmentally sensitive areas		
All existing property lines, easements and rights-of-way, and the purpose for which the easements or rights-of-way have been established		
Existing or proposed buildings, sewers, water mains, culverts, wells, fire hydrants and other significant man-made features. Wells shall be marked as active, capped or abandoned		
All existing streets on or adjacent to the tract, including name, right-of-way width, and pavement width		
Location, name and width of all proposed streets, alleys, rights-of-way, and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use		
The names of owners of all abutting land		
Identify any areas where earth disturbance will occur, including estimated acreage of disturbance		
A map for the purpose of locating the site to be developed at a scale, which illustrated the location of the site as it related to at least three existing public streets		
Location of any proposed parking areas and access points to existing roads or streets		
Location of all permanent monuments and markers (final plan only)		
§ 420 Notice–PennDOT Highway Occupancy Permit information (if needed)		

D. The preliminary plan shall include therein or be accompanied by:

- (1) All required permits and related documentation from the Pennsylvania Department of Environmental Protection (PA DEP) and any other Commonwealth agency, or from the county or Borough where any alteration or relocation of a stream or watercourse is proposed.
- (2) Documentation indicating that all affected adjacent municipalities, PA DEP, the

Department of Community and Economic Development, and the Federal Insurance Administrator (flood insurance), have been notified whenever any alteration or relocation of a stream or watercourse is proposed.

- (3) Copies of the proposed deed restrictions, or private covenants, if any, shall be attached to the preliminary plan.
 - (4) Proposed cross-sections, profiles and details of any new proposed streets, sewer or waterlines, storm sewer facilities, or any other public improvement.
 - (5) Where the preliminary plan covers only a part of the applicant's entire abutting holdings, a statement on eventual development of those lands, including a sketch plan of prospective eventual street layout shall be provided.
- E. The final plan shall include therein or be accompanied by:
- (1) Construction plans including, but not limited to, typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; proposed finished centerline grade or proposed finished grade; sanitary sewer and water mains and manholes; storm sewer mains, inlet, manholes, and culverts.
 - (2) Protective covenants, if any, in form for recording.
 - (3) Proof of approvals by all appropriate public and governmental authorities or agencies where applicable including, but not limited to, occupancy permits for any planned road entrances onto existing roads or highways and permits or approvals from the Department of Environmental Protection, the Pennsylvania Department of Transportation, or other State or local agencies relating to sewage facilities, water obstructions, air quality, etc., as applicable.
 - (4) If public or community water or sewer is proposed, a letter from the agency providing said service that it can and will serve the proposed development.
- F. A grading and drainage plan, as applicable.

§ 180-28. Traffic study.

- A. The Planning Commission may require a traffic study for any land development which:
- (1) Creates 10 residential dwelling units.
 - (2) Creates 10,000 square feet or more of gross floor area of new or expanded building space.
 - (3) Any land use that can be expected to generate 750 or more vehicle trips per day or 100 or more peak hour directional trips. Peak hours shall be determined consistent with the most current edition of Trip Generation, by the Institute of Transportation Engineers.
 - (4) The Planning Commission also reserves the right to require a traffic study in any other circumstances where they believe that a land development will result in an increase of congestion along a key transportation corridor, or a significant decrease in level of service at any intersection.
- B. The need for a traffic study may be identified during preliminary plan approval, using

standard references (PennDOT or Institute of Transportation Engineers), or the applicant may choose to prepare the study prior to preliminary plan submission. Noncompliance with this Section may be regarded by the Borough as a basis to not approve a land development plan. The Borough Traffic Engineer or other designee of the Borough shall approve the traffic study scope of work for completeness.

- C. Traffic study standards. A qualified Traffic Engineer shall conduct the study. The following represents a traffic study scope of services. The Borough may waive some, or add to the requirements on a case-by-case basis:
- (1) Description of the proposed project in terms of land use type and magnitude.
 - (2) An inventory of existing conditions in the site environs to 1-mile radius.
 - (3) Roadway network and traffic control.
 - (4) Existing traffic volumes in terms of peak hours and average daily traffic.
 - (5) Planned roadway improvements by others.
 - (6) Intersection levels of service.
 - (7) Roadway levels of service (where appropriate).
 - (8) Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
 - (9) An analysis of existing traffic conditions, including:
 - (a) Intersection levels of service.
 - (b) Roadway levels of service (where appropriate).
 - (c) Other measures of roadway adequacy (i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.).
 - (10) Projected site - generated traffic volumes in terms of:
 - (a) Peak hours and average daily traffic.
 - (b) Approach/departure distribution including method of determination.
 - (c) Site traffic volumes on roadways.
 - (d) Comparison of existing zoning to proposed site generation.
 - (11) An analysis of future traffic conditions including:
 - (a) Future design year (development fully completed) combined volumes (site traffic plus future roadway traffic).
 - (b) Intersection levels of service.
 - (c) Roadway levels of service (where appropriate).
 - (d) Other measures of roadway adequacy (i.e., lane widths, traffic signals warrants, vehicle delay studies, etc.).
 - (12) A description of the recommended access plan and necessary improvements, including:

- (a) Schematic plan of access and on-site circulation.
 - (b) General description of on-site improvements required to maintain existing levels of service.
- (13) In such cases, the Commission may require completion of on-site improvements by the applicant as a condition of final approval, or an onsite fee pursuant to § 503-A.e of the Pennsylvania Municipalities Planning Code in lieu of such completion, when agreed to by Borough Council.

ARTICLE V

Urban Sustainability

§ 180-29. Purpose.

The purpose of this Article is to emphasize the importance of sustainable design and planning in Edgewood Borough's built environment and to promote public health, safety, and general welfare of Borough residents by summarizing the implementation of a number of sustainable development principles in one chapter (requirements in the applicable ordinance are referenced).

§ 180-30. Guiding principles.

- A. Energy conservation principles. Provide incentives for renewable energy (solar, wind, geothermal) [see Zoning Ordinance § 200-35C].
- B. Water conservation principles.
 - (1) Allow water storage tanks, cisterns, rain gardens, and rain barrels [see Zoning Ordinance § 200-16G].
 - (2) Protect existing trees and if trees have to be removed, plant new trees [see SALDO § 180-34C].
 - (3) Protect green open space [see SALDO § 180-38E].
- C. Green infrastructure principles.
 - (1) Increase incentives for permeable paving [see SALDO §§ 180-34B and 180-36A(10)].
 - (2) Encourage incorporation of green roofs [see Zoning Ordinance § 200-16H].
 - (3) Encourage the development of "complete streets" and bike/ped friendly zones [see SALDO § 180-36A(16)].
- D. Off-street parking principles.
 - (1) Flexibility in parking requirements through shared parking [see Zoning Ordinance § 200-42G].
 - (2) Parking incentives for permeable paving [see SALDO § 180-36A(10)].
 - (3) Recommend rain gardens, vegetated swales, and infiltration basins as part of parking lot landscaping. Minimize the use of curbs and inlets. [see SALDO § 180-36A(7)].
 - (4) Provide parking incentives for adding bike racks, electrical charging stations and

convenient parking for hybrid or alternative fuel cars [see SALDO § 180-36A(16), (17) and (18)].

(5) Reduce parking stall sizes to accommodate compact cars [see SALDO § 180-36A(4)].

E. Residential district principles (R-1A, R-1B, R-2, residential areas of T-1).

(1) Provide small front yard setbacks and encourage porches [see Zoning Ordinance §§ 200-17, 200-18, 200-19, 200-21, 200-22].

(2) Permit dwelling units in accessory structures (over garages) [see Zoning Ordinance § 200-41C].

(3) Permit no impact home based businesses [see Zoning Ordinance §§ 200-38B and 200-42A].

F. Commercial district principles (nonresidential areas of T-1, P-1, C-1, C-2).

(1) Provide an increase in lot coverage for developing buildings that are designed in conformance to a recognizable green building standard like LEED [see Zoning Ordinance, Tables 200-22B and 200-25B].

(2) Encourage preservation of existing buildings [see Zoning Ordinance § 200-39F].

G. Site design principles.

(1) Locate buildings closer to the front property line and locate parking in the rear [see Zoning Ordinance §§ 200-42 and 200-17, 200-18, 200-19, 200-21 and 200-22].

(2) Encourage planting of large shade trees [see SALDO §180-34C].

(3) Provide for bike racks [see SALDO § 180-36A(16)].

(4) Encourage native plantings [see SALDO § 180-38G(12)].

ARTICLE VI

Design Standards

§ 180-31. Application of standards.

A. The following standards, land development principles and requirements shall be applied by the Borough Council in evaluating all submitted plans.

B. The standards and requirements outlined in this article shall be considered minimum standards and requirements for the promotion of the public health, safety, and general welfare. The Borough Council reserves the right in any case to increase the requirements if conditions related to health and safety warrant; however, the applicant shall be given an opportunity to be heard on such upgrading.

C. Whenever Federal, State or other local regulations impose more restrictive standards and requirements than those outlined in this article, such other regulations shall control.

D. The standards in this article are intended to determine compliance with the general minimum plan requirements described in Article IV.

E. References to related design standards can be found in Chapter 200, Zoning.

§ 180-32. Zoning guidelines; general requirements.

The following principles of land development, general requirements and minimum standards of design shall be observed by the applicant in all instances:

- A. When only a portion of a tract is being reviewed, but where future development is possible, the applicant shall demonstrate that the remainder of the tract or parcel may be developed in conformance with existing zoning provisions and this Chapter by submitting a sketch as a condition of plan approval.
- B. Whenever possible, the applicant shall preserve trees, groves, waterways, scenic points, historic sites, buildings and other community assets and landmarks.
- C. Land developments shall be laid out so as to avoid the necessity for excessive cut or fill, as determined by the Borough Council.
- D. No building or structure shall be constructed on low-lying land which is identified as flood-prone by NFIA or is subject to annual flooding or upon land which is naturally poorly drained unless remedial measures are implemented.
- E. Proposed land developments shall be coordinated with the existing nearby neighborhood, whether or not within the Borough, so that the community as a whole may develop harmoniously through the continuation of streets, provision of landscape buffers and other techniques.
- F. Permanent monuments: Concrete monuments, cast in place or precast, shall be at least 30 inches long, have a flat top, be round or square, be at least 6 inches in diameter and be tapered such that the bottom dimensions are at least 2 inches larger than the top. The actual point may be a $\frac{3}{8}$ -inch diameter brass pin 4 inches long, a cross cut, a tack in lead or a solid brass or aluminum mark with a minimum head diameter of $1\frac{3}{8}$ inches with a ribbed shank at least 2 inches long. Monuments made of steel reinforcing rods shall be at least $\frac{3}{4}$ inch in diameter. Copper-weld monument rods shall have a minimum head diameter of $1\frac{1}{2}$ inches with a minimum shank dimension of $\frac{5}{8}$ inch. Aluminum monuments shall be $2\frac{3}{8}$ -inch diameter pipe or $\frac{3}{4}$ -inch diameter rods as manufactured by Bernsten, or an approved equivalent.

§ 180-33. Required improvements.

- A. In reviewing land development plans, the Borough Council may refer such plans to the Borough Engineer, County Planning Department and any other agencies as may be appropriate for recommendations concerning the adequacy of existing and proposed community facilities to serve the additional uses proposed by the land development.
- B. The applicant or builder shall, where specified by the Borough Council, construct and install at no expense to the Borough the streets, curbs, sidewalks, water mains, sanitary and storm sewers, streetlights, signs and shade trees, fire hydrants, monuments, lot pins, surface water detention areas, ground cover, utilities and other items specified in this Chapter. The construction and installation of such facilities and utilities shall be subject to inspection by appropriate Borough officials during the progress of the work.
- C. Areas provided or reserved for community facilities shall be adequate to provide for building sites, landscaping, off-street parking or other uses as appropriate to the use

proposed. The Borough Council reserves the right to accept or refuse offers of dedication for public use.

- D. applicants are requested to give careful consideration to the desirability of providing adequate rights-of-way and paving on existing streets and reserving areas and easements for facilities normally required in residential areas.
- E. In developments where it is impractical to reserve areas for community facilities, the applicant should consider other ways of improving community facilities within the Borough and should submit such plans, in writing, to the Borough Council.

§ 180-34. Landscape requirements.

- A. To protect and enhance its visual and natural environment, Edgewood Borough encourages abundant and carefully designed landscaping, especially the planting of shade trees that will create large canopies at maturity.
- B. The Borough also encourages the preservation of permeable surfaces to allow for rainwater to seep into the earth. One way to accomplish this is to provide planting strips along our sidewalks when we reconstruct or build new ones. Permeable paving is also recommended for sidewalks, driveways, parking lots, and streets where appropriate.
- C. Shade tree requirements.
 - (1) Open space trees. In areas of any developed lot where there are no buildings, one shade tree shall be provided for every 2,500 square feet of total lot area. This shall be in addition to trees required for street tree frontage and parking lots.
 - (2) Street trees. Shade trees shall be provided along all street frontages as follows:
 - (a) Street frontage less than 40 feet—1 tree minimum.
 - (b) Street frontage of 40 to 59 feet—2 trees minimum.
 - (c) Street frontage of 60 feet or more—at least three trees with a minimum of one tree every 30 feet.
 - (3) Parking lot trees. Off street parking areas that provide for three or more vehicles shall provide shade trees. Trees shall be uniformly distributed along the perimeter of parking areas and within the interior (in larger planting areas) in a quantity of one tree for every five parking spaces. We want to avoid planting trees in small openings in the pavement but prefer, especially in larger parking lots, groves of trees. If trees are planted singularly, they should have 300 square feet of exposed growing space. Ideally, interior tree plantings would be incorporated into rain gardens, vegetated swales, or infiltration areas.
 - (4) For every existing tree removed over 6 inches DBH for development, two new trees 2 inches in caliper in size must be planted in the new development.
 - (5) The following are required species for shade trees for parking lots, street trees and other shade tree requirements in this Chapter. There are two main categories; shade trees where no overhead utilities conflict with tree growth, and utility trees where overhead utilities call for shorter trees. The utility tree section has two parts to account for the occasional situation where wires are 25 feet or higher above ground. There are

many other varieties of trees that might be suitable. Do not provide plant material that is listed on the DCNR invasive plant list.

- (a) Shade trees. While many trees from the utility compatible category below may be used anywhere, trees in the shade tree category should be planted where no overhead utilities exist. Shade trees are the most desirable size of tree for planting, and should be used at all times in the absence of overhead wires. All the trees listed below are appropriate recommendations, but species not listed of similar size and form may be considered and approved.

Aesculus hippocastanum–Horse Chestnut
Corylus colurna (tree form)–Turkish Hazel or Turkish Filbert
Ginkgo biloba (any male variety)–Ginkgo (male example is Princeton Sentry)
Gleditsia triacanthos (any thornless, seedless, variety)–Honeylocust
Gymnocladus dioica (male variety only)–Kentucky Coffeetree
Liquidambar styraciflua–Sweetgum
Liriodendron tulipifera–Tulip Tree (open lawn or large parking island)
Nyssa sylvatica–Blackgum
Platanus x acerifolia “Bloodgood”–Bloodgood London Planetree
Quercus acutissima–Sawtooth Oak
Quercus alba–White Oak
Quercus bicolor–Swamp White Oak
Quercus macrocarpa–Bur Oak
Quercus palustris–Pin Oak
Quercus rubra–Northern Red Oak
Tilia cordata–Little Leaf Linden
Tilia tomentosa–Silver Linden (open space tree)
Ulmus–Elm (dutch elm disease resistant hybrids)
Zelkova serrata–Zelkova (“Green Vase” is not recommended in commercial areas where it may block signage)

- (b) Utility-compatible trees.

- [1] Group A (under-wire use). Group A applies to most plantings under utility lines. This is necessary because most wires are less than 25 feet above ground. Where possible, offset trees so they are not directly under the wires.

Cercis Canadensis–Eastern Redbud 15 feet–25 feet.
Cornus Florida–Flowering Dogwood 15 feet–20 feet.
Crataegus crus - galli var. “Inermis”–Thornless cockspur hawthorn 15 feet–20 feet.
Crataegus laevigata “Superba”–Crimson Cloud haw thorn (tree form) 15 feet–20 feet.
Malus var.–Crabapple (cultivars).
Syringa reticulata–Tree Lilac 15 feet–25 feet.

- [2] Group B (use only under wires 25 feet and higher). Group B applies only to utility plantings where the bottom wire is over 25 feet above ground. Where possible, offset trees so they are not directly under the wires.

Amelanchier laevis “Cumulus” or “Majestic”–Apple Serviceberry 20 feet–30

feet.

Amelanchier x grandiflora–Serviceberry (many cultivars) 20 feet–30 feet.

Betula pendula–European White Birch 20 feet–30 feet.

Pyrus calleryana–Bradford pear 30 feet–35 feet.

Prunus serrulata “Amanogawa”–Kwanzan cherry 25 feet–35 feet.

Carpinus betulus “Fastigiata”–European Hornbeam (tree form) 30 feet–40 feet.

Carpinus caroliniana–American Hornbeam (useful in full shade) 20 feet–35 feet.

Koelreuteria paniculata–Goldenrain Tree 25 feet–40 feet.

Phellodendron amurense–Amur Corktree 30 feet–40 feet.

Syringa reticulata “Summer Snow,” “Ivory Silk”–Japanese Tree lilac 20 feet–25 feet.

§ 180-35. Streets and driveways.

A. General requirements. All streets shall comply with the standards specified in Subsection B below. All new and widened portions of existing rights-of-way intended for public use shall be dedicated to the Borough. County roads shall first be offered to the County. An offer of dedication shall be placed on the recorded plan for Commonwealth roads, subject to final acceptance based on compliance with the following requirements:

- (1) The proposed street pattern shall be related to existing streets and to such County and Commonwealth road plans as have been duly adopted.
- (2) Streets shall be arranged in a manner to meet with the approval of the Borough Council, considered in relation to both existing and planned streets, and located so as to allow proper development of surrounding properties. Secondary and through streets shall be connected with such existing streets and highways to form continuations thereof. All curb breaks shall be reported to the appropriate Borough official of the district within which they occur.
- (3) Streets shall be adjusted to the contour of the land so as to produce streets of reasonable grade, alignment and drainage.
- (4) Streets shall be graded to the minimum conditions as required by the Borough Engineer. Provisions made for slopes beyond the ultimate right-of-way shall be in conformance with Borough standards as specified in Table 180-35-1 of this Chapter.
- (5) Access shall be given to all portions of the tract and to adjacent territory by streets.
- (6) New streets shall be laid out to continue existing streets at the existing right-of-way and cart way width or the minimum standards of the chapter, whichever is greatest.
- (7) Dead-end streets are prohibited.
- (8) Continuations of existing streets shall be known by the same name. Names for new streets shall not duplicate or closely resemble names of existing streets in the Borough or zip code area serving the Borough. All street names shall be approved by the Borough Council and coordinated by the applicant with the post office.
- (9) No building, structure, fence, wall or other obstruction shall be located within the

ultimate right-of-way of a street, except as allowed by the Borough Council.

- (10) Where permitted by the Borough Council, private streets shall comply with the same design standards for public streets as prescribed in this Chapter. Where a street not offered for dedication to public use is permitted, the Borough Council shall require the applicant to submit and record with the plan a copy of the agreement made with the Borough on his behalf and that of his heirs and assigns. The agreement must be signed by Borough Council and must establish conditions under which a street may be later offered for dedication. The agreement shall stipulate that:
- (a) The street shall conform to Borough standards as prescribed by this Chapter, or the owners shall include with the offer of dedication sufficient money, as estimated by the Borough Engineer, to restore the street to comply with Borough standards.
 - (b) The offer to dedicate the street shall be made only for the street as a whole.
- B. Street standards.
- (1) The following table presents the minimum standards for all streets. These standards shall apply to new streets and the renovation of existing streets controlled by the Borough. Functional street classification is based upon anticipated daily traffic volume, per the following:
- (a) Cul de sac streets—0–40 daily traffic volume.
 - (b) Minor streets—0–1,000 daily traffic volume.
 - (c) Collector streets—1,000 to 5,000 daily traffic volume.
 - (d) Arterial streets—5,000+ daily traffic volume.

Table 180-35-1
Street Standards

	Arterial	Collector	Minor		
Item			Residential	Cul-de-sac	Marginal Access
Row (feet)	80	60	50	50	40
Paving Width (feet)	*	36	26	26	24
Curbs and gutters	Yes ¹	Yes ¹	Yes ²	Yes ²	Yes ²
Sidewalks	Yes	Yes	Yes	Yes	Yes
Intersection radius (feet)	35	30	25	25	25
Maximum allowable grades (percent)	10	10	12	12	12
Minimum horizontal curve radius (feet)	³	500	300	150	150
Minimum length of tangents between horizontal curves (feet)	³	150	50	50	50

	Arterial	Collector	Minor		
Item			Residential	Cul-de-sac	Marginal Access
Minimum vertical curve length per 1% algebraic difference (feet)	³	25	20	20	20
Minimum intersection spacing (feet)	600	300	200	200	200
Minimum sight triangles (feet)	125	100	100	75	75
Minimum sight distance (feet)	600	450	300	300	300
Minimum design speed (mph)	60	40	30	30	30
Parallel parking permitted	No	No	Yes	Yes	Yes
NOTES: *As required by traffic operations, Pennsylvania Department of Transportation or County standards. ¹ Nonmountable. ² Mountable. ³ As required by the American Association of State Highway Officials standards for rural highways.					

- (2) Ultimate right-of-way. Ultimate right-of-way widths are either existing, proposed or expanded from existing rights-of-way, depending on the ultimate classification of a street as determined by the Borough Council. The following shall apply to ultimate rights-of-way:
- (a) No fences, walls or other obstruction shall be constructed within a street right-of-way, except retaining walls where necessitated by road widening and constructed by the governmental agency having jurisdiction over the road.
 - (b) The front building setback shall be the distance set forth in the applicable district of Chapter 200, Zoning, measured from the planned (ultimate) street right-of-way line (or street line, as defined in Chapter 200, Zoning).
 - (c) Additional rights-of-way and/or paving widths may be required by the Borough where it is necessary for public safety and convenience to install traffic control facilities or turning lanes and where old roads do not provide the proper width and additional dedication is necessary.
 - (d) The area between the existing right-of-way line and the ultimate right-of-way line shall be dedicated to the authority having jurisdiction over any public streets which abut or pass through any land development proposed within the Borough.
 - (e) Ultimate right-of-way widths shall be as defined in Subsection B(1) unless otherwise noted in this Chapter.
- (3) Pavement.
- (a) Paving type and specifications shall be per Borough Street specifications adopted by Borough Council by resolution and maintained by the Borough Engineer.

- (b) Road paving standards. All drawings shall be submitted on sheets stamped by a registered engineer or landscape architect for consideration. Rigid pavements are acceptable substitutes for flexible pavements on minor and collector streets. Such substitute pavement must be approved by the Borough Engineer and Borough Council. Where feasible, an approved permeable pavement is encouraged to assist in stormwater management.
- (c) Pavement restoration. Pavement restoration following trenching shall be in accordance with recommendations of the Borough Engineer.
- (4) Curbs, gutters and sidewalks. Sidewalks and curbs shall be installed along all proposed public and private streets, common driveways and common parking areas.
 - (a) Regardless of the size of land development proposal, sidewalks and curbs shall be required whenever they fill a gap in an existing network.
 - (b) Sidewalks shall be not less than 4 feet in width, although the Borough Council may require additional width where higher volumes of pedestrian traffic are anticipated.
 - (c) Sidewalks shall not extend beyond the right-of-way line of public streets or the equivalent right-of-way line of private streets unless located in legal easements guaranteeing adequate pedestrian access.
 - (d) Sidewalks shall be provided in appropriate locations to provide safe and efficient pedestrian access between parking areas and nonresidential buildings and between buildings in multi-building land developments.
 - (e) Additional sidewalks shall be required where deemed necessary by the Borough Council to provide access to schools, churches, parks, community facilities and commercial centers and to provide necessary pedestrian circulation within land development where otherwise required sidewalks would not be sufficient for public safety and convenience.
 - (f) Sidewalks shall be designed to facilitate access and use by the handicapped.
 - (g) Sidewalks shall be laterally pitched at a slope of not less than $\frac{3}{8}$ inch per foot to provide for adequate surface drainage towards the street.
 - (h) At corners and pedestrian street-crossing points, sidewalks shall be extended to the curb line with an adequate apron area for anticipated pedestrian traffic. Accessible ramps will be installed at the curb.
 - (i) Sidewalks shall not exceed a grade of 12%. Steps or a combination of steps and ramps shall be utilized to maintain the maximum grades, where necessary. A nonslip surface texture shall be used.
 - (j) The grades and paving of sidewalks shall be continuous across driveways, except in certain cases where heavy traffic volume dictates special treatment.
 - (k) The thickness and type of construction of all sidewalks, curbs and gutters shall be in accordance with the specifications adopted by Borough Council by resolution and maintained by the Borough Engineer and be consistent with the Americans with Disability Act. An approved permeable pavement is encouraged to assist in

stormwater management.

- (l) If, for any reason, an interim waiver of these requirements is made, a sufficient guaranty shall be posted for the eventual installation of these items, subject to approval by the Borough Council, upon the recommendation of the Borough Engineer and Solicitor.
- (5) Pavement and right-of-way radii at intersections.
 - (a) Road intersections shall be rounded with tangential arcs at the pavement edge (curb line) and right-of-way lines as listed below. Where two roads of different right-of-way widths intersect, the radii of curvature for the higher classification road shall apply. The pavement edge (or curb line) radius and right-of-way radius shall be concentric.
 - (b) For arterial streets, the right-of-way width at intersections should be as specified by the Pennsylvania Department of Transportation or 20 feet beyond the pavement edge, whichever is greater.
 - (c) For collector and minor streets, the right-of-way width at intersections should extend 10 feet beyond the pavement edge.
- (6) Street grades. All streets shall be graded as shown on the street profile and cross-section plans submitted by a registered engineer or landscape architect and approved as a part of the preliminary plan approval process for land development. Street grades shall comply with § 184-31 and the following:
 - (a) The minimum grade for all streets shall be 1%.
 - (b) Street grades shall be measured along the center line.
 - (c) Curve/grade combinations shall follow accepted engineering guidelines for safety and efficiency and in all cases provide for the minimum sight distance. For example, minimum-radius horizontal curves shall not be permitted in combination with maximum grades.
 - (d) At all approaches to intersections, street grades shall not exceed 5% for a minimum distance of 50 feet.
 - (e) All street grading shall be checked as built for accuracy under inspection by the Borough Engineer.
 - (f) Arterial and collector streets, where necessary, shall be super-elevated, not to exceed 6%, in compliance with accepted engineering standards.
 - (g) Roads shall be crowned 3% where not super-elevated.
- (7) Sight triangles. All street intersections under the jurisdiction of this Chapter shall be subject to the requirements of this Subsection.
 - (a) Proper sight lines shall be maintained at all intersections of streets. Clear sight triangles shall be maintained along all approaches to all intersections and shall be measured along street center lines from their point of intersection. Where streets of differing classifications intersect, the dimension for the higher classification street shall be used.

- (b) Within the area of clear sight triangles, obstructions to visibility shall not be permitted within the following ranges of height:
 - [1] From ground level and a plane 10 feet above curb level, as specified in Chapter 200, Zoning.
 - [2] Ground cover plants within the clear sight triangle area shall not exceed 2 feet in height.
 - [3] Grading within the clear sight triangle shall not obstruct the line of sight.
- (c) Exceptions may be made by the Borough Council to allow the location of the following items in the clear sight triangle as long as the sight triangle is maintained:
 - [1] Private signposts provided that the post does not exceed 1 foot square or in diameter and that the sign itself is above the minimum height limit.
 - [2] Shade trees provided that, as the tree matures, the lower branches will be kept pruned to the minimum height limit and the trunk will not inhibit sight distance.
 - [3] Existing shade trees, provided that lower branches are kept pruned to the minimum height limit and that the size, number and arrangement of trees does not impede adequate visibility. The Borough Council may require the removal of one or more trees if necessary to provide adequate visibility.
- (8) Sight distance.
 - (a) Proper sight distance shall be provided with respect to both horizontal and vertical alignments, measured at the driver's eye height of 3½ feet. An object 1 foot 0 inches off the finished road grade must be visible at the sight distances specified.
 - (b) Sight distances (minimal) shall be as defined in Table 180-35-1 above.
 - (c) Since sight distance is determined by both horizontal and vertical curvature, sight distance standards will, in all cases, usurp standards for either of these curvatures in instances where a conflict in standards might arise.
- (9) Parallel parking.
 - (a) The mandatory off-street parking requirements of Chapter 200, Zoning, will in all cases be enforced.
 - (b) Parallel parking on collector streets will be subject to approval by the Borough Council and may require landscaped, curbed street widening up to 8 feet wide.
 - (c) Parallel parking on minor streets will be subject to approval by the Borough Council.
- (10) Other street standards.
 - (a) Islands, median strips and channelization may be required in any area where traffic volumes warrant their use for safety and efficiency and may be permitted in any area at the discretion of the Borough Council. Such devices on Commonwealth roads must meet or exceed the requirements of the Pennsylvania

Department of Transportation. The Borough Council may require additional rights-of-way when such devices are used.

(b) Walls, slopes and guide rails.

- [1] Where the grade of the street is above or below the grade of the adjacent land, the applicant may be required to construct walls or slopes.
- [2] Where the grade of the street is steeper than a slope of four to one above the grade of the adjacent land, the applicant may be required to install guide rails or posts in a manner satisfactory to Pennsylvania Department of Transportation standards.

(c) Embankments. Subject to appropriate slope stability and the conditions of grading specifications, embankments at the sides of streets and cross sections of drainage ditches shall not exceed a maximum slope of 2 feet horizontally to 1 foot vertically in a cut section and 2 feet horizontally to 1 foot vertically in a fill section, or as recommended by the Borough Engineer.

(d) Driveways. The requirements for driveways shall be the standards of the Pennsylvania Department of Transportation regarding access to and occupancy of highways by driveways and local roads (67 Pa.C.S.A. § 441, as amended). Driveway access to Commonwealth highways shall be subject to the permit process of that Department. Driveway access to county roads shall be subject to the permit process of Allegheny County. Driveway access to Borough roads shall be subject to the Borough permit process. All driveways shall be subject to the standards, requirements and processing of this Subsection.

[1] Location.

- [a] Driveways shall be located so as to provide adequate sight distance at intersections with streets.
- [b] Driveways shall be located in a manner which will not cause interference to the traveling public, will not be a hazard to the free movement of normal highway traffic or cause areas of traffic congestion on the highway.
- [c] Driveways shall be located, designed and constructed in such a manner so as not to interfere with or be inconsistent with the design, maintenance and drainage of the highway. An approved permeable pavement is encouraged to assist in stormwater management.

[2] Criteria for review. The Borough Council shall use the following criteria to determine driveway access to collector roads. The Borough Council may use more restrictive criteria when required.

- [a] Driveway access for nonresidential and multifamily uses, including townhouses, shall be at least 200 feet apart.

[3] Distance from street intersections. Driveways shall be located as far from street intersections as is reasonably possible, but not less than the following distances: 100 feet.

- [4] Number of driveways (nonresidential):
- [a] Properties with frontage of 120 feet or less shall be limited to one curb cut.
 - [b] Not more than two curb cuts may be permitted for any single property, tract or lot for each street frontage.
 - [c] More than two curb cuts per street frontage may be permitted only if anticipated traffic volumes warrant more than two and when supported by a traffic study prepared by a qualified traffic engineer.
- [5] Choice of streets. When streets of different classes are involved, the driveway shall provide access to the street of lesser classification unless this requirement is waived by the Borough Council for reasons of sight distance, incompatibility of traffic, grading or drainage.
- [6] Pavement widths at curb line and grade. Driveway paving widths and grades shall be as follows:

Table 180-35-2
Driveway Widths and Maximum Grades

Land Use	Minimum Paving Width (feet)	Minimum Radius at Curb (feet)	Maximum Grade (percent)
Single-family	9	5	15
Residential:			
Townhouse courts	15 (1-way)	20	12
Multifamily	20 (2-way)	20	12
Commercial	20 (1-way)	25 or more	7

- [7] Stopping areas. All driveways shall be provided with a stopping area within which the grade shall not exceed 6%. The stopping area shall be measured as follows:
- [a] The length of the stopping area shall be a minimum of 20 feet or the length of the longest vehicle anticipated to use the driveway, whichever is greater.
 - [b] Stopping areas shall be measured from the ultimate right-of-way line for arterial and collector streets and from the edge of the paving, curb line or sidewalk of minor streets.
- [8] Clear sight triangles. Clear sight triangles shall be provided where driveways intersect streets, in compliance with the standards of Subsection B(9) above, Intersections and sight triangles. The dimensional standards shall be determined by the classification of the street which the driveway intersects.
- [9] No driveway location, classification or design shall be considered finally approved until permits have been granted by the Commonwealth and/or Borough and preliminary plan approval has been granted by the Borough

Council for the land development which the driveway(s) will serve.

- [10] No building permit shall be issued nor shall any occupancy permit be issued as to any improvement or improvements in any district in this Borough until the application for a driveway permit shall have been made, in writing, and a permit approved by the Borough authorities or other authority which may have jurisdiction over the road.

§ 180-36. Parking areas, internal driveways and off-street loading.

Parking areas and related internal driveways shall be governed by the following:

A. Parking.

- (1) Off-street parking facilities shall be provided in compliance with the parking requirements of Chapter 200, Zoning, and the regulations contained herein.
- (2) Angled or perpendicular parking shall not be permitted along public streets, except where specifically permitted by this Chapter or other ordinances. No parking areas shall be located within a public street right-of-way. Parked vehicles in off-street parking spaces shall be prevented from intruding on travel lanes, walkways, public streets or adjacent properties by means of walls, curbs, wheel stops or other appropriate means.
- (3) Parking areas shall not be located closer than 10 feet to any tract boundary line nor less than 5 feet from any ultimate right-of-way line, and as specified in the Chapter 200, Zoning.
- (4) Parking lot dimensions shall be no less than those listed in Chapter 200, Zoning unless described in this Section. All parking spaces shall be marked with all-weather paint with double parallel lines at a minimum of 6 inches apart to separate each space.
 - (a) Where vehicles may overhang a planting strip, a two-foot widening of the planting strip and consequent 2-foot reduction of parking space length may be permitted.
 - (b) In addition, up to 20% of the parking area for more than 100 vehicles may be reduced to 8 feet by 17 feet for compact cars, provided that the smaller spaces are clearly designated as compact car spaces.
 - (c) Accessible parking spaces will be 8 feet wide with a 5-foot access aisle for one or two accessible parking spaces. Van accessible parking spaces will be 8 feet wide with an 8-foot access aisle for one or two van accessible parking spaces. Accessible parking spaces shall be paved with an impervious, slip resistant surface, have a cross or running slope no greater than 2% and be connected to an accessible route to the land use proposed. Refer to the UCC/IBC for additional requirements.
- (5) No more than 20 parking spaces may be located in an uninterrupted row. If more than 20 parking spaces are located in a row, planting strips with a minimum size of 9 feet by length of a parking stall shall be located at appropriate intervals to provide shading and visual interest. Such planting strips shall contain a street tree of at least 2-inch caliper. The Borough recognizes that trees grow better when planted in larger areas of soil and would be willing to consider alternatives to mid aisle islands if the applicant

wants to cluster larger islands with clusters of trees at the end of aisles as long as the alternative achieves the goal of shading and visual interest within the overall parking lot.

- (6) Where the edge of a parking area is located close to a street, driveway or other parking area and the provisions of Subsection A(3) above do not apply, a minimum separation of 5 feet shall be provided between these features. This spacing shall consist of a raised landscaped area, preferably curbed, with screen planting in conformance with the specifications of Chapter 200, Zoning.
- (7) Where a single row of parking spaces is located between two driveways a planting strip shall be provided between the row of parking spaces and one driveway. Said strip shall have a minimum width of 5 feet. We recommend that in lieu of curbs, that wheel stops be used to allow stormwater to flow to the planting strip if the planted area serves as a vegetated swale, rain garden or infiltration basin. If curbs are used, there should be engineered openings cut in the curb to allow stormwater runoff to flow into the infiltration basin. The use of vegetated swales, rain gardens and infiltration basins are recommended for all parking lots.
- (8) Dead-end parking areas shall be discouraged when the required parking capacity can be accommodated in a layout that permits more convenient vehicular movements. However, extraneous through-traffic flow should be avoided.
 - (a) Up to 50 parking spaces may also be located in a dead-end parking area if no more-desirable alternative is feasible and sufficient backup area is provided for the end stalls.
 - (b) More than 50 parking spaces may be located in a dead-end parking area only if a turnaround area is provided at the closed end, suitable for passenger-car turning. The turnaround area may be circular, T- or Y-shape or of another configuration acceptable to the Borough Council.
- (9) No less than a 5-foot radius of curvature shall be permitted for all curb lines in all parking areas.
- (10) All automobile parking areas shall be paved and constructed in accordance with the standards established by the Borough. The Borough will consider reducing the parking requirement by 10% if a permeable pavement is used.
- (11) The layout of every parking area shall be such as to permit safe and efficient internal circulation in accordance with accepted traffic engineering principles and standards.
- (12) Entrances and exits to and from off-street parking areas shall be located so as to avoid interference with street traffic.
- (13) Every off-street parking area shall include sufficient reservoir space to accommodate entering and exiting vehicles without overflowing onto adjacent streets or service roadways.
- (14) All artificial lighting used to illuminate any parking space or spaces shall be so arranged that no direct rays from such lighting shall fall upon any neighboring property or streets. All light standards shall be located on the raised parking islands and not on the parking surface. Parking lot lights must include full cut off features to minimize

upward light dispersion, consistent with the dark skies initiative. Reduce automatic devices for all non-emergency lighting by 50% between 11:00 p.m. and 5:00 a.m.

- (15) All multifamily, commercial, office, public and industrial uses shall provide accessible parking spaces.
- (a) Accessible parking spaces should generally be located on the shortest possible route to an accessible entrance to the building. The first parking space in rows of parking near such entrances may be reserved for accessible parking. Ramps shall be provided for convenient access from parking spaces to accessible entrances and to sidewalks if a curb separates the parking from the accessible route. Such spaces shall be placed to permit severely handicapped persons to get into and out of a vehicle from either side.
 - (b) The pavement shall be marked with the international symbol of accessibility. An aboveground sign shall be clearly visible from the driveway to designate each accessible parking space.
 - (c) A minimum of one space or 2% of the total spaces required shall be provided. Fractional spaces shall be rounded upward.
- (16) Proposed development may apply to the Borough for consideration of a reduction of 5% of the parking requirements for the development if an equal number of individual bike racks (each rack accommodating two bikes) are provided for the parking spaces eliminated. This shall be treated as a permissible modification of a land development application.
- (17) Recharging stations are recommended for all parking lots. If 2% of parking is provided a recharging station (minimum one) the parking requirement may be reduced by 5%.
- (18) If priority parking is provided for hybrid or alternative fuel vehicles, the parking requirement may be reduced by 5%. When locating priority spaces, accessible spaces take precedence in terms of the most direct route.

B. Internal driveways. The following requirements apply to driveways within sites proposed for developments:

- (1) A smooth transition shall be provided between the driveway section required for access to a public street and the driveway(s) required for internal site circulation.
- (2) Main access driveways (entrance or exit) and service drives handling large trucks shall be a minimum paved width of 24 feet, with one lane in each direction.
- (3) Access driveways which are clearly secondary in importance may be reduced to 20 feet in paved width.
- (4) Driveways along nonresidential buildings shall be a minimum paved width of 24 feet, except that, where a drop-off/pickup lane is proposed, the width shall be a total of 32 feet to include both driveway aisle and drop off/pickup lane.
- (5) Parking access driveways shall be a minimum of 22 feet wide with two-way traffic flow for convenience and efficiency.
- (6) One-way driveways and/or parking at less than right angles may be permitted only when right-angled parking and two-way driveways are not feasible because of site

characteristics or they are proven by the applicant to be superior for the particular development proposal.

- (7) Entrance, exit and internal-circulation driveways shall be separated from parking-aisle driveways whenever feasible in parking areas for less than 100 spaces. Parking shall not be permitted along driveways which serve as the main entrance(s) or exit(s) to parking areas with a capacity of 100 cars or more.
- C. Off-street loading areas. In addition to off-street parking areas, off-street loading areas shall be provided for all retail businesses and wholesale and industrial uses requiring the regular delivering or shipping of goods, merchandise or equipment to the site by semitrailer truck. All loading space shall be located on the same lot as the principal use(s) it serves. Off-street loading areas shall comply with the following:
- (1) Required loading space shall be available for the loading and unloading of vehicles and shall not be used for the storage of vehicles or materials or to meet off-street parking requirements or in conducting the use.
 - (2) The location and size of loading areas shall be adequate for the safe parking of trucks, and maneuvering space shall be provided so that ingress and egress can be accomplished on the lot without backing into a public street.
 - (3) The loading spaces shall be compatible with vehicular circulation in adjacent areas based upon its location and the schedule of its use.
 - (4) Two or more establishments may use a common loading and unloading facility, upon approval of the Borough Council.

§ 180-37. Easements.

- A. Easements with a minimum width of 20 feet shall be provided as necessary for utilities.
- B. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- C. Nothing shall be permitted to be placed, planted, set or put within the area of an easement. The area shall be kept clean and green.
- D. No right-of-way or easement for any purpose whatsoever shall be recited or described in any deed unless such right-of-way has been shown on the approved plan.
- E. Natural watercourses shall be maintained as permanent easements.
- F. Stormwater outlets shall have permanent easements from headwall to center line of the stream. For storm discharge onto adjacent properties, permanent easements shall be obtained from the property owner and recorded with the Borough.
- G. Subsequent to completion of construction, all utility easements shall be rerecorded.

§ 180-38. Environmental protection.

The applicant shall determine the presence of environmental or natural features on the site and shall meet the following standards of environmental protection. Site alterations, re-grading, filling or clearing of vegetation prior to submission of plans for development in accordance with

the requirements of this Chapter shall be a violation of this Chapter.

- A. Floodplains. All such lands are identified on maps issued from time to time by the National Flood Insurance Administration (NFIA) of the United States Department of Housing and Urban Development.
- B. Slopes. In areas of slopes (i.e., those over 8%), the following standards shall apply:
 - (1) Eight percent to 15% slopes. No more than 60% of such areas shall be developed and/or re-graded or stripped of vegetation unless a Borough approved soils engineer certifies to the stability of the soils and slope. When a Borough approved soils engineer has certified the stability of the soils and slopes, the percentage of disturbance may be increased to 75%.
 - (2) Fifteen percent to 25% slopes. No more than 40% of such areas shall be developed and/or re-graded or stripped of vegetation unless a Borough approved soils engineer certifies to the stability of the soils and slope. When a Borough approved soils engineer has certified the stability of the soils and slopes, the percentage of disturbance may be increased to 55%.
 - (3) Twenty-five percent or greater slopes. No more than 20% of such areas shall be developed and/or re-graded or stripped of vegetation unless a Borough approved soils engineer certifies to the stability of the soils and slope. When a Borough approved soils engineer has certified the stability of the soils and slopes, the percentage of disturbance may be increased to 35%.
 - (4) Slopes in excess of 40% shall not be disturbed.
- C. Grading. All grading shall be performed in accordance with the requirements of § 180-41 of this Chapter.
- D. Landslide susceptibility. Plans for development in areas of moderate to high landslide susceptibility produced by the influence of natural and/or man-related activity shall be submitted by a professional engineer licensed by the Commonwealth of Pennsylvania, and whose knowledge and general profession is in the field of geotechnical engineering and/or soils land management.
- E. Woodlands. No more than 50% of any woodland, exclusive of public streets and rights-of-way, shall be cleared or developed. The remaining 50% shall be maintained as permanent open space.
- F. Ponds, watercourses, wetlands. These areas shall be maintained as permanent open space. No development shall be permitted within 80 feet of any pond or watercourse. Filing, piping or diverting shall not be permitted, except for the construction of required streets. Ponds, watercourses and wetlands may be included in the area devoted to stormwater management facilities.
- G. Buffer areas. Buffer areas consisting of a year round planted and/or constructed screen in a required open space between a property line and the improvements on a lot shall be required where the property line forms the boundary between a property zoned P-1, C-1 or C-2 when it is adjacent to property zoned R-1A, R-1B, R-2 or T-1.
 - (1) It shall be the intent of these regulations to encourage the use of well-chosen plant materials arranged in a symbiotic relationship with the buffer area site and contributing

to a pleasant visual experience through the four seasons.

- (2) It shall be the goal of these regulations to achieve effective screening at a minimum of 60% of the view from the adjoining property at a height 6 feet above the ground line.
- (3) The buffer area shall be continuous along all property lines where it is required, except for points of vehicular and pedestrian access. The provisions for a clear sight triangle at all street and driveway intersections shall apply.
- (4) Structures shall not be permitted with the required buffer area, except for an approved fence or wall.
- (5) Parking, loading, storage, vehicular circulation or any other use shall not be permitted in a required buffer area.
- (6) The property owner shall be responsible for the continuing maintenance of the buffer area. The area shall be kept free of debris, rubbish, weeds and unkempt turf grass. Dead plant material is to be replaced within 30 days of its failure to survive or if, out of normal planting time, the following season.
- (7) The Planning Commission may recommend a modification in the applicable buffer area requirements where it determines that:
 - (a) Greater buffer area is required to accomplish the purposes and intent of this Chapter.
 - (b) Changes in grade between abutting properties or if other natural features exist, decrease the depth of the buffer area as it is required by this Chapter.
- (8) A planting plan shall be submitted which includes, at a minimum, the following:
 - (a) The buffer area plan shall be prepared by and shall bear the seal of a registered landscape architect.
 - (b) The planting plan shall be prepared in an understandable scale no smaller than 1 inch equals 30 feet.
 - (c) Two enlarged sections in the same scale vertically and horizontally (minimum 1/8 inch equals 1 foot 0 inches) showing finish grades and plant materials are to be referenced and included with the submittal of the planting plan.
 - (d) The planting plan shall include a plant material schedule showing scientific and common names, specified sizes and quantities. Where appropriate, a reference key designation shall be included.
 - (e) The landscape architect is encouraged to employ land forms, screen walls, wood fencing, sculpture, noninvasive lighting, water features, site future, natural stone and boulders in a creative fashion to produce an attractive maintainable landscape within the buffer area.
- (9) The minimum width of the required buffer area shall be 10 feet measured from the property line parallel with the side and rear property lines. For C-1 districts, the Planning Commission may reduce the 10 foot buffer requirement if a wall or opaque fence is provided.

- (10) Slopes within the buffer area shall be either:
- (a) Natural, undisturbed slopes vegetated with mature indigenous species.
 - (b) Cut or fill slopes in compliance with § 180-41 (grading, excavating and fills) and planted in accordance with the intent of this Section.
- (11) Mounding of soil is encouraged where screening value is enhanced, aesthetic benefit is assured and the mound slopes comply with § 180-41.
- (12) Vegetation is required to be a compatible mixture of species providing, at maturity, an effective screen of interrupted view. The landscape architect is encouraged to use native plant species and avoid any plants identified as invasive.
- (13) Screen walls may be implemented as part of the buffer area design. The materials selected should be architecturally compatible with the neighborhood in which it is located and shall be in compliance with existing height control regulations.
- (14) Wood fencing may be an option, provided that it is in compliance with existing height control regulations and has a minimum opacity of 60%.
- (15) Chain link fencing, as fabricated or modified with the use of wood slats or vinyl inserts, shall not be acceptable and is hereby prohibited.
- (16) The following specifications shall be met for plantings in the required buffer area:
- (a) The specified plant material minimal sizes shall apply as follows:

Table 180-38
Plant Material Sizes for Buffers and Street Trees

Type	Caliper	Height
Shade trees: (balled and burlapped)	2 inches	10 feet
Evergreen trees: (balled and burlapped)	N/A	5 feet
Shrubs: (balled and burlapped or container grown)		
Deciduous		36 inches
Evergreen		30 inches

- (b) All plant materials shall comply with the standards of the plant industry issued as document ANSI Z60 by the American Association of Nurserymen.
- (c) In addition to the recommended plant materials the landscape architect may consider use of other horticultural selections which enhance the required screen plantings. These plant materials may include lower growing evergreens and deciduous shrubs, perennials, including ornamental grasses, perennials and annuals. The Borough encourages the use of native plants.
- (d) Turf grass, groundcovers and mulches are acceptable for the prevention of erosion

and foreground enrichment.

- (e) Crown vetch shall not be considered a groundcover of choice. Where its invasive qualities can be demonstrated to be not in conflict with the required buffer area plantings and its required maintenance program, the Planning Commission may consider authorizing its use.

§ 180-39. Erosion control and stormwater management.

Refer to the Allegheny County Conservation District regarding Erosion and Sedimentation Control requirements. Refer to Edgewood Borough Ordinance Chapter 175 for stormwater management requirements.

§ 180-40. Utilities; water and sewerage facilities.

A. Utilities.

- (1) No road construction shall be permitted until all underground facilities, including, but not limited to, water, gas, electric, cable television and telephone are in place.
- (2) All utilities shall be located within the street right-of-way but outside the pavement width. Otherwise, easements or rights-of-way of sufficient width for installation and maintenance shall be provided, if possible.
- (3) No utilities shall be designed to be constructed in fill.
- (4) Utilities, including service laterals, placed under the roadbed shall be installed prior to road construction.
- (5) A minimum horizontal 4-foot clearance shall be required between all parallel utilities.
- (6) Where utilities cross, an 18-inch vertical clearance and concrete casing shall be required.

B. Water facilities.

- (1) The applicant shall extend a water supply system for the purpose of providing domestic water use and fire protection.
- (2) The applicant shall connect with such supply and provide a connection for each development. All water mains shall be at least 6 inches in diameter, and fire hydrants shall be located no more than 1,000 feet apart and within 500 feet of any structure.
- (3) The applicant shall construct water mains to make water service available to each building or dwelling unit. A minimum static pressure of 35 pounds per square inch shall be provided at each structure to be connected to the water supply main.

C. Sewerage facilities.

- (1) Sanitary sewers shall be installed and connected to the existing sewer system in accordance with regulations of ALCOSAN.
- (2) All sewers shall be designed and constructed in accordance with regulations of ALCOSAN and the Pennsylvania Department of Environmental Protection. No sanitary sewer shall be constructed until plans and specifications have been submitted

to ALCOSAN and the Pennsylvania Department of Environmental Protection and approved in accordance with existing laws.

- (3) Sewer capacities should be adequate to accommodate the anticipated maximum hourly quantity of sewerage with an allowance for infiltration or other extraneous flow.
- (4) The diameter of sewers shall not exceed the diameter of the existing or proposed outlet and shall be greater than 8 inches.
- (5) All sewers shall be laid with straight alignment between manholes unless otherwise specified and approved by the Borough.
- (6) Sanitary sewers shall be located within street or alley rights-of-way unless topography dictates otherwise. When located in easements on private property, access shall be maintained to all manholes. A manhole shall be provided at each street or alley crossing.
- (7) Sewers shall be kept removed from water lines. A minimum horizontal distance of 10 feet shall be maintained between parallel waterlines and sewer lines. At points where sewers cross water mains, the sewer shall be encased in concrete for a distance of 10 feet in each direction from the crossing, measured perpendicular to the waterline.

§ 180-41. Grading.

A. Every applicant for a grading permit shall file a written application therefor with the Borough Building Inspector in a form prescribed by the Borough. Such application shall:

- (1) Describe the land on which the proposed work is to be done by lot, tract or street address or a similar description which will readily identify and definitely locate the proposed work.
- (2) Be accompanied by plans and specifications prepared, signed and sealed by a design professional, giving a reasonable description of the site and proposed soil erosion controls, if any. The Borough Council may waive the preparation or approval and signature by the design professional for residential properties only and only when it is self-evident that the proposed work is simple, is clearly shown on the plans submitted, and creates no potential nuisance to adjacent property or hazard and does not include the construction of a fill upon which a structure may be erected. All plans shall be prepared in accordance with the Pennsylvania Department of Environmental Protection Soil Erosion and Sedimentation Control Handbook. In addition, a copy of the duly prepared Soil Erosion and Sedimentation Control Plan shall be submitted to, and deemed adequate by, the Allegheny County Conservation District.
- (3) State the estimated dates for the starting and completion of grading work.
- (4) State the purpose for which the grading application is filed and the intended use of site.

B. Excavation.

- (1) Maximum slope steepness of a cut should be three horizontal to one vertical for minimizing erosion and landslide hazard. However, a governmental review agency, professional engineer or engineering geologist may recognize the types of soil on the site to be graded from the soil survey or better. Maximum slopes can then be

determined as follows:

- (a) Soils which are not or have a low probability of being landslide-prone shall have a slope no steeper than two horizontal to one vertical. All Soil Survey Map symbols except the symbols listed above denote soils of low landslide probability.
- (2) Cut slopes which are steeper than those specified above may be allowed under a grading permit, provided that one or both of the following are satisfied:
 - (a) The material in which the excavation is made is sufficiently stable to sustain a slope steeper than the slope specified above for recognized soil conditions on the site. A written statement, signed and sealed by a professional engineer, stating that the steeper slope will have sufficient stability and that risk of creating a hazard will be slight, must be submitted to the Borough.
 - (b) A retaining wall or other approved support, designed by a professional engineer and approved by the Borough, is provided to support the face of excavation.
- (3) The top or bottom edge of slopes shall generally be set back from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street.

C. Fills.

- (1) No fill should be placed over trees, stumps, trash or other material which could create a hazard. Instead, such materials may be buried in natural ground where no structures will be built or hazard created. Limbs can be chipped and mixed with the topsoil.
- (2) All fills should be compacted to provide stability of fill material and to prevent undesirable settlement or slippage.
- (3) Coal, looney, red dog, expansive slag, cinders, wood, trash, organic material or refuse shall not be placed or used for fill material unless blended with suitable soils capable of maintaining soil stability.
- (4) The top or bottom edge of slopes should generally be set back from adjacent property lines or street right-of-way lines in order to permit the normal rounding of the edge without encroaching on the abutting property or street.

D. Retaining walls.

- (1) If a retaining wall is constructed to satisfy a requirement of this Chapter, a building permit, as provided for by other municipal regulations, shall not be required. The grading permit will apply to the retaining wall, and the requirements for inspection, as stated herein, will be complied with.
- (2) The retaining wall must be constructed in accordance with sound engineering practice. The plans submitted for approval shall bear the seal of a professional engineer.
- (3) The backfilling of retaining walls and the insertion of subterranean drainage facilities shall be done strictly in accordance with the provisions of this Chapter and the appropriate municipal specifications.
- (4) In general, where a wall is replacing an exposed slope, the vertical face of the wall shall be a minimum of 3 feet back from the adjoining property.

- (a) A special exception to this requirement may be applied for and granted by the Borough if it can be satisfactorily demonstrated that such a variance is necessary to ensure normal use of the property, i.e., for a side line driveway.
- (b) The requirement of this Subsection may also be set aside when the proposed retaining wall is a joint venture between adjacent property owners and appropriate documents so stating are filed with the application for the permit.

ARTICLE VII

Improvements Guarantees

§ 180-42. Guarantee of improvements installation required.

- A. Before approving any land development plan for recording, the Borough Council must be assured by means of a proper development agreement and performance guarantee that the improvements required by this Chapter and the improvements appearing on the plan will be installed in strict accordance with the standards and specifications of this Chapter, unless:
 - (1) An applicant chooses to install all required improvements prior to construction of any building; in place of using performance guarantees, in which case, the Borough shall, as deemed necessary, require the applicant to have adequate insurance, hold harmless agreements, an escrow account to cover the costs of inspections and a professional estimate of the costs of the improvements (to be used to establish the amount of the inspections escrow).
- B. Purpose of security. The security required by this Article shall stand as security for compliance with all ordinances, other laws, covenants, stipulations, conditions and rules applicable to the land development for which it is filed.
- C. No construction of buildings or paving or sales of any individual lot or condominium unit within a land development shall take place unless: (1) there is on file, with the Borough, current duly executed and approved security, or (2) all rough grading is complete and all required public improvements, utilities, streets, drainage facilities, sewers and street lights have been completed and accepted by Borough Council.

§ 180-43. Improvements to be provided by the applicant.

- A. In all cases, the land applicant shall be responsible for the installation of all improvements required by this Chapter.
- B. The Borough Engineer or other designee shall make such inspections of the required improvements at such intervals as may be reasonably necessary to assure compliance with this Chapter. The reasonable costs of such inspection shall be borne by the land applicant, making use of an escrow account or other arrangement agreed to by the Borough.

§ 180-44. Development agreement.

- A. Development agreement required.
 - (1) All applicants proposing any land development which provides for the installation of improvements required by this Chapter or any improvements or amenities which appear

on the final plan shall be required to enter into a legally binding development agreement with Borough Council prior to recording of the final plan (or at a date agreed to by Council), unless the applicant agrees to meet § 180-29 concerning the construction of all improvements prior to the construction, of any buildings.

- (2) The development agreement shall guarantee the installation of said improvements in strict accordance with all Borough requirements.
 - (3) The final plan shall not be approved for recording prior to the execution of this agreement and the delivery of the performance guarantee.
- B. Terms of development agreement. The development agreement shall be in a form acceptable to the Borough Solicitor. The Borough Council may require that a development agreement include any of the following items, where applicable, and such additional items as are necessary to carry out this Chapter:
- (1) The construction depicted on the approved plans, listed in itemized format, including all approved streets, drainage facilities, utility lines and other improvements.
 - (2) A work schedule setting forth the beginning and ending dates of such work tied to the construction of the development and provisions to allow proper inspection by the Borough Engineer.
 - (3) The provision of a performance guarantee for completion of required improvements in compliance with § 180-45, including a detailed breakdown of the estimated costs of the Improvements, including the total amount of the performance guarantee.
 - (4) Provisions concerning the applicant's responsibilities for damage to other property, including maintenance by the applicant of public liability insurance in the minimum amounts required by Borough Council for the duration of improvements construction, with a hold harmless clause to protect the Borough from liability related to such work. A copy or other evidence of such liability coverage shall be provided to the Borough prior to such work.
 - (5) Provisions concerning measures to prevent erosion, sedimentation and water damage to the subject and adjacent properties.
 - (6) Provisions for the dedication of streets, water and sewer lines and any other easements or improvements approved to be dedicated.
 - (7) Provisions for the applicant to reimburse the Borough for all reasonable engineering costs directly related to the review, construction and inspection of the proposed development and to the review and preparation of the development agreement.
 - (8) Provisions concerning any violations of the development agreement.
 - (9) Any other lawful terms which the Borough Council may require to carry out the provisions of this Chapter.
 - (10) Signatures. The development agreement shall be signed by all responsible landowners and/or applicants.
- C. Ownership of land and guarantee.
- (1) A certificate of ownership shall be executed in the exact name in which title is held.

- (2) Change in ownership or applicant. Any conveyance of all or a substantial portion of the unimproved development or public improvements or streets of any land development or change in applicants, whether voluntary or by action of law or otherwise, shall require the prior approval of the Borough. In giving or denying said approval, the Borough shall require that such new landowner and/or applicant fully assume all applicable responsibilities under the development agreement and post all the appropriate security agreements.
- D. Utility agreements. If a development will connect into a public water or public sanitary sewage system, the applicable authority, agency or company may also require separate development agreements.

§ 180-45. Performance guarantee.

The performance guarantee for completion of required improvements shall meet the following requirements:

A. Security.

- (1) The guarantee shall be secured by the credit of any of the following:
 - (a) An irrevocable and unconditional letter of credit of a Federal or State-chartered lending institution.
 - (b) A restrictive or escrow account in a Federal or State-chartered lending institution.
 - (c) Such other financial security approved by the Borough (which approval shall not be unreasonably withheld), but not including a second or third mortgage on the unimproved lands.
- (2) Such approved security shall provide for, and secure to the public, the completion of any improvements which may be required within 1 year of the date fixed in the development schedule (§ 180-46F) for the completion of such improvements.
- (3) Such financial security shall be posted with a Federally insured or State-chartered lending institution chosen by the party posting the financial security, or such other approved entity, provided such institution or entity is authorized to conduct such business within the State.
 - (a) The Borough may require that evidence be provided that such institution or entity has sufficiently adequate and secure assets to cover the security.
 - (b) The Borough shall be the authorized signatory on any account in which the escrow funds are held.

B. Amount.

- (1) The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the applicant in the official development schedule, and within the process for increases to cover inflation as permitted by the Pennsylvania Municipalities Planning Code.
- (2) The cost of the improvements shall be established by an estimate prepared by a Design

Professional, which shall be reviewed by the Borough Engineer, within the arbitration process permitted by the Pennsylvania Municipalities Planning Code.

- (3) If the party posting the financial security requires more than 1 year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by a maximum of an additional 10% or each 1 year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding 1-year period by using the above procedure.
 - (4) Inspection fees. The amount of financial security shall also include an additional 5% of the estimated cost of completion of the work to guarantee payment of inspection fees and related engineering costs.
- C. Multi-year or multi-stage development. In the case where development is projected over a period of years, the Borough may authorize submission of final plans by phases/stage of development subject to such requirements or improvement guarantees concerning future improvements as it finds necessary for the proper functioning of each phase and for the eventual development as a whole.

§ 180-46. Approval of improvements.

- A. In general. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough to release or authorize the release, from time to time, portions of the financial security necessary for payment to the contractors performing the work.
- B. Notice by applicant of work on improvements. The applicant or his/her representative should provide a minimum of 3 days' notice to the Borough Engineer prior to beginning each major facet of construction, in order to allow the scheduling of inspections.
- C. Engineer's report.
 - (1) Within 30 days of the receipt of such request, the Borough Engineer shall submit a written report certifying which improvements have been completed in accordance with the approved plan to the Borough and mail a copy of such, by certified or registered mail, to the applicant or his/her representative at his/her last known address.
 - (2) This report shall be based on the inspections made according to the approved inspection schedule included in the development agreement and shall recommend approval or rejection of the improvements, either in whole or in part.
 - (3) If the Borough Engineer finds any or all of the improvements to be not as required, he/she shall include a statement of the reasons for recommending their rejection in the report.
- D. Decision by Borough.
 - (1) At its first regularly scheduled meeting after receiving the Engineer's report [but not later than 45 days, of the receipt of the request] the Borough shall review the Borough Engineer's report and shall authorize release of an amount as estimated by the Borough

Engineer fairly representing the value of the improvements completed.

- (2) The Borough shall be deemed to have approved the release of funds as requested if the Borough fails to act within 45 days of receipt of the applicant's request.
 - (3) Until final release (completion of all improvements), the Borough may require retention of a maximum of 10% of the cost of each completed improvement.
 - (4) The Borough shall notify the applicant in writing by certified or registered mail of the decision.
- E. Completion of unapproved improvements. The applicant shall proceed to complete any improvements not approved by the Borough and, upon completion, request approval in conformance with the procedures.
- F. Final release.
- (1) When the applicant has completed all of the necessary and appropriate improvements, the applicant shall request final release in conformance with the procedures specified in this Section. See time limitations and procedures in § 510 of the Municipalities Planning Code, 53 P.S. § 10510.
 - (2) Such final release shall include all moneys retained.
- G. Appeal. Nothing herein, however, shall be construed to limit the applicant's right to contest or question by legal proceedings or otherwise any determination of the Borough or the Borough Engineer.

§ 180-47. Remedies to effect completion of improvements.

- A. Enforcement of security.
- (1) In the event that any improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plan, or in the event of the bankruptcy of the owner or applicant, the Borough is hereby granted the power to elect to enforce any security posted under this Chapter by appropriate legal and equitable remedies.
 - (a) This may include taking all actions necessary to obtain moneys under said security, including, but not limited to, seizure of undeveloped lots, seizure of escrow funds, revocation of zoning permits and prosecution under this Chapter.
 - (2) Rate of construction. Failure of an applicant to construct streets and other public improvements reasonably at the same time or prior to the construction of the buildings served by those streets or public improvements, and at the same rate in time at which buildings are completed, shall be a violation of this Chapter and a cause for default of the security.
- B. Completion by Borough. If the proceeds of such security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements.

- C. Proceeds for installation of improvements. The proceeds from use of the security and/or from any legal or equitable action brought against the applicant shall be used solely for the installation of the improvements covered by such security.

§ 180-48. Maintenance guarantee.

- A. Maintenance guarantee required. All applicants proposing any land development which provides for the dedication of improvements required by this Chapter shall be required to provide a legally binding maintenance guarantee to the Borough prior to acceptance of dedication of the improvements by the Borough. In most cases, this guarantee will be part of the security agreement.
- B. Terms of maintenance guarantee. The maintenance guarantee shall be acceptable in legal form to the Borough Solicitor and in content to the Borough Council, and shall include all of the following:
- (1) That the applicant make any repair or reconstruction of any improvement stipulated in the maintenance agreement which is specified by the Borough if needed because of faulty construction, workmanship, or materials, prior to acceptance of such improvement by the Borough.
 - (2) That the applicant maintain at his/her own cost all improvements stipulated in the maintenance agreement, up to a maximum period of 18 months from the date of completion, except for any special purpose escrow or maintenance agreements required by the Borough.
 - (3) That the applicant post financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plan, for a maximum term of 18 months from the date of completion.
 - (4) That the applicant plow snow and maintain all streets until such time as the Borough may accept such streets.
- C. Type of security. The maintenance guarantee shall be secured by the same form of security as is permitted for the improvements guarantees.
- D. Terms. Such maintenance guarantee shall be in the form approved by the Borough Solicitor and Borough Council, payable to the Borough, to guarantee the maintenance and repair of the streets and other public improvements in the land development for 18 months from the date of completion. The applicant shall prove to the satisfaction of the Borough that there will be an acceptable system for the long-term maintenance of any stormwater detention basins.
- E. Amount. The amount of the maintenance guarantee shall be determined by the applicants engineer, conditioned upon acceptance by the Borough, but shall not exceed 15% of the actual cost of installation of such improvements.
- F. Release. After a maximum of 18 months from the date of completion of said improvements, the Borough shall release the maintenance guarantee to the applicant (or party that posted the guarantee) if all improvements are in satisfactory condition, as determined by the Borough.

ARTICLE VIII

Fees

§ 180-49. Application review and inspection fees.

- A. Application filing fees. Application filing fees shall be established from time to time, by resolution of Borough Council. The application filing fees shall cover the administrative costs, including advertising, associated with processing an application for approval of a land development and shall be payable to the Borough of Edgewood at the time of submission of the application.
- B. Application review fees.
- (1) Application review fees shall include reasonable and necessary charges by the Borough's professional consultants or the Borough Engineer for review and report on an application for approval of a land development. Such review fees shall be based on a schedule established from time to time by resolution of Borough Council. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or other consultants for similar service to the Borough, but in no event shall the fees exceed the rate or cost charged by the Borough Engineer or other consultants to the Borough when fees are not reimbursed or otherwise imposed on applicants.
 - (2) In the event that the Borough and the applicant cannot agree on the amount of review fees which are reasonable and necessary, the Borough shall follow the procedure for resolution of disputes set forth in this Chapter.
- C. Inspection fees.
- (1) The Borough may prescribe that the applicant shall reimburse the Borough for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based on a schedule established from time to time by resolution of Borough Council. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Borough Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the Borough Engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants.
 - (2) In the event that the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within 10 working days of the date of billing, notify the Borough Manager that such expenses are disputed as unreasonable or unnecessary, in which case the Borough shall not delay or disapprove a land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
 - (3) If within 20 days from the date of billing, the Borough and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and the Borough shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - (4) The professional engineer so appointed shall hear such evidence and review such

documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within 50 days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.

- (5) In the event that the Borough and the applicant cannot agree upon the professional engineer to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of Allegheny County or if at the time there be no President Judge, then the senior active judge then sitting, shall appoint such engineer, who, in that case, shall be neither the Borough Engineer or any professional engineer who has been retained by, or performed services for, the Borough or the applicant within the preceding 5 years.
- (6) The fees of the appointed professional engineer for determining the reasonable and necessary expenses 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 required in the decision is less than the original bill by \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay half of the fee of the appointed professional engineer.

§ 180-50. Waivers and modifications.

- A. Waivers to application requirements. In land development where conditions are such that certain information required by this Chapter to be submitted to complete an application is either not available, not applicable or judged to be unnecessary to properly review the application, Borough Council may waive the requirement to submit such information, provided that all other application requirements have been met.
- B. Modifications in cases of physical hardship. In any particular case where the applicant can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of this Chapter would cause practical difficulty or exceptional and undue hardship, Borough Council may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief, if granted, will not be a detriment to the public good and will not impair the intent and purpose of this Chapter or the desirable development of the immediate neighborhood.
- C. Modifications to allow equal or better specifications. When an equal or better specification is available to comply with the design standards of this Chapter, Borough Council may make such reasonable modification to such requirements of this Chapter to allow the use of the equal or better specification, provided that such modification will not be contrary to the public interest. In approving such modification, Borough Council may attach any reasonable conditions which may be necessary to assure adequate public improvements and protect the public safety.
- D. Procedure for authorizing waivers and modifications.
 - (1) Any request for a waiver or modification to any of the requirements of this Chapter shall be submitted, in writing, by the applicant as part of the application for preliminary or final approval of a land development, stating the specific requirements of this Chapter which are to be waived or modified and the reasons and justification for the

request.

- (2) The request for a waiver or modification to this Chapter shall be considered by Borough Council at a public meeting. If warranted, Borough Council may hold a public hearing, pursuant to public notice, prior to making a decision on the request for a waiver or modification.
- (3) If the Borough Planning Commission has not made a recommendation on the request for a waiver or modification, Borough Council may refer the request to the Planning Commission for a recommendation. In the case of a request for a modification to allow an equal or better specification to comply with the design standards of this Chapter, the request shall be referred to the Borough Engineer for a recommendation.
- (4) In all cases where the Planning Commission or Borough Engineer or any other review agency has made a recommendation on the request, the recommendation shall be entered onto the official record of the meeting.
- (5) The reasons relied upon by Borough Council in approving or disapproving the request shall be entered into the minutes of the meeting and any resolution adopted by Borough Council governing an application which contains a request for a waiver or modification shall include a specific reference to the waiver or modification and the reasons for approval or disapproval.
- (6) If a waiver or modification is granted by Borough Council, a notation shall be placed on the plan granted final approval, which indicates the substance of the waiver or modification granted and the date of approval by Borough Council.

ARTICLE IX

Miscellaneous Provisions; Effective Date; Penalties

§ 180-51. Conflict with other provisions.

Where a provision of this Chapter is found to be in conflict with a provision of any land use ordinance or code; applicable health, building, housing or safety regulation; or any other ordinance or resolution of the municipality existing on the effective date of this Chapter or thereafter, or any regulation issued under the authority of any such code, regulation, ordinance or resolution, the provision which establishes the more restrictive standard for the protection of the health, safety and welfare of the people shall prevail.

§ 180-52. When effective.

Pursuant to the provisions of the Pennsylvania Municipalities Planning Code, Act of July 31, 1968, P.L. 805, No. 247, as amended, the effective date of this Chapter shall be the date on which Edgewood Borough Council has formally adopted this Chapter.

§ 180-53. Violations and penalties; enforcement.

A. Preventive remedies.

- (1) In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful

construction, to recover damages and to prevent illegal occupancy of any building, structure or premises.

- (2) The description by metes and bounds in the instrument of transfer and other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- (3) The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed in violation of this Chapter. The authority to deny such permit or approval shall apply to any of the following applicants:
 - (a) The owner of record at the time of such violation.
 - (b) The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 - (c) The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
 - (d) The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- (4) As an additional condition for issuance of a permit or for the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

B. Enforcement remedies.

- (1) Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.
- (2) 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 this Chapter to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.
- (3) The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and

judgment.

- (4) Nothing contained in this § 180-44 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.