

BOROUGH OF WHITE OAK CODE

ARTICLE 1367

Site Improvement or Development Regulations

1367.01 Removal of natural growth.

1367.02 Grading, excavation and filling.

1367.03 Landslide prone areas.

CROSS REFERENCES

Major grading, excavating and filling performance standards - P. & Z. 1371.15(k)

P. & Z. 1371.15(k) Major Excavation, Grading or Filling: No major excavation, grading or filling shall be permitted which shall fail to be undertaken in such a manner as to offer reasonable protection to the neighborhood against detrimental effects, taking into consideration the physical relationship to surrounding properties and access to the site, including any nearby residential streets that may be traversed in conveying materials to and from the site.

In order to determine whether a proposed use will conform to the requirements of this section, Council may obtain a qualified consultant to testify and/or make tests to determine if a violation exists, whose cost for services shall be borne by the applicant or persons found to be in violation.

1367.01 REMOVAL OF NATURAL GROWTH.

Natural growth, trees, shrubbery, foliage, grass and other natural growth shall not be cleared or removed from land areas in excess of 3,500 square feet without first obtaining a removal of natural growth permit for the same from the Building Inspector. A permit, however, shall not be necessary where such premises are included in a grading, excavation and filling permit authorized pursuant to this Zoning Ordinance.

(a) The Building Inspector shall issue a removal of natural growth permit when satisfactory evidence has been furnished to him of the following:

(1) That the applicant is the owner of the premises involved or is acting under or on behalf of the owner, or any one of the owners, if there are more than one.

(2) That the proposed removal of natural growth is necessary for imminent development of the premises, for agricultural purposes or to improve the usefulness, appearance or safety of the premises.

(3) That adequate provisions for increased surface water drainage, as determined by the Building Inspector, are provided for in each proposal. Such additional surface water drainage shall be controlled so as to prevent any undue burden on adjacent streets or public or private lands.

(b) Any harvesting of timber, whether by select cutting or clear cutting, shall be subject to the following requirements:

(1) In the case of clear cutting, a reforestation plan shall be submitted.

(2) No processing of timber shall be permitted on the site within 500 feet of any residential dwelling.

(3) The weight of trucks, number of trips and the roads proposed to be used for hauling shall be identified. A bond shall be posted in favor of the Borough in an amount determined by the Borough Engineer to guarantee restoration of any damage to Borough streets.

(4) A plan indicating the on-site logging roads and skid roads shall be submitted to the Borough and shall be incorporated into the Erosion and Sedimentation Control Plan for the site.

(5) An Erosion and Sedimentation Control Plan shall be submitted for the site and implemented throughout the operation.

(6) The applicant shall demonstrate compliance with applicable requirements of the PA Clean Streams Act.

(c) Should the Building Inspector for any reason refuse to issue a permit for the removal of such natural growth, the matter may be appealed to the Zoning Hearing Board. The Zoning Hearing Board shall then treat the application as a request for a use by special exception and may authorize the granting of such a permit, subject to such conditions as it may then deem appropriate and necessary.

1367.02 GRADING, EXCAVATION AND FILLING.

"Grading, excavation and filling" as hereinafter used shall include all grading, excavations, removal of earth or earth fillings involving quantities in excess of twenty-five cubic yards. It shall not, however, include the movement of earth in the course of farming or agriculture. A grading, excavation and filling permit required under this section is issued at the same time as a building permit, where required, is issued under this Zoning Ordinance.

(a) Any person who desires to perform any of the activities set forth above shall complete and file an application with the Building Inspector for a grading, excavation and filling permit on the form prescribed by the Borough. A sample of this form is shown in the Appendix B to this Zoning Ordinance.

(b) The Borough Engineer in conjunction with the Building Inspector shall review the application and shall issue a grading, excavation and filling permit when satisfactory evidence has been furnished of the following:

(1) That the applicant is the owner of the premises involved or is acting under or on behalf of the owner, or any one of the owners, if there are more than one.

(2) That the proposed earth movement is to be performed according to sound engineering principles.

(3) That such earth movement will not endanger any public streets or properties or any adjacent private properties.

(4) That any changes of grade will not result in a steeper finish than 3:1 slope for fills or 2:1 slope for cuts.

(Ord. 3479. Passed 5-21-07.)

(c) Drain pipes shall be installed where deemed necessary by the Building Inspector to control surface water and to prevent erosion.

(d) All disturbed surfaces not planned to be built upon or paved within one year of the date of the permit shall be planted in grass or crown vetch or other plant material as may be approved by the Building Inspector.

(e) The Borough Engineer shall, where he deems necessary, require plans, topographical surveys or other types of design drawings for the purpose of establishing compliance with this section. The applicant shall bear the full cost of such surveys and studies.

(f) As a condition to issuance of a grading, excavation and filling permit required by this section, the applicant shall execute a development agreement with the Borough, in a form acceptable to the Borough Solicitor, containing provisions that are reasonably necessary to guarantee proper site development and/or restoration, including provisions necessary to indemnify the Borough in connection therewith.

(g) In addition to the permit, the Building Inspector shall issue a placard which shall be displayed on the premises during the time the work is in progress. This placard shall show the number of the permit, the date of its issuance and shall be signed by the Building Inspector.

(h) After the issuance of a permit by the Building Inspector, no changes of any kind shall be made to the application, permit or any of the plans, specifications or other documents submitted with the application without the written approval of the Building Inspector.

(i) All work done pursuant to such a grading, excavation and filling permit shall commence within ninety days from the date of the permit and shall be completed within one year from the date of the permit.

1367.03 LANDSLIDE PRONE AREAS.

“Landslide-prone area” as used herein shall include all areas designated by Allegheny County as Hazardous Landslide Areas and Very Hazardous Landslide Areas in the Allegheny County Soil Survey.

(a) Any site development within a designated landslide-prone area will require a written report signed and sealed by a professional engineer registered in the Commonwealth of Pennsylvania specializing in geotechnical engineering to be submitted with the grading plan.

(b) In cases where stormwater facilities are to be installed in areas of landslide-prone soils, the Borough may require special precautions such as soil tests and core boring, full-time inspectors and/or similar measures. All costs of any such measures shall be borne by the developer.

(c) Landslide-prone areas shall not be subdivided for residential purposes or developed for any other purpose until any hazard has been eliminated or adequate safeguards are provided under the development plan.

(d) Any landslide related hazard identified by said geotechnical report or the Borough Engineer shall be remedied prior to the issuance of a grading and excavation or building permit.

CROSS REFERENCES

Major grading, excavating and filling performance standards - P. & Z. 1371.15(k)

P. & Z. 1371.15(k) Major Excavation, Grading or Filling: No major excavation, grading or filling shall be permitted which shall fail to be undertaken in such a manner as to offer reasonable protection to the neighborhood against detrimental effects, taking into consideration the physical relationship to surrounding properties and access to the site, including any nearby residential streets that may be traversed in conveying materials to and from the site.

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