

BOROUGH OF WHITE OAK CODE
TITLE SEVEN
Subdivision and Land Development Regulations

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ARTICLE 1381

General Provisions

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1381.01 SHORT TITLE.

Title Seven of this Part Thirteen - Planning and Zoning Code shall be known and may be cited as the "Borough of White Oak Subdivision and Land Development Ordinance" or just the "Subdivision Regulations."

1381.02 GRANT OF POWER.

Title Seven is adopted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended (53 P.S. Sec. 10101, et seq.).

1381.03 PURPOSES.

The purposes of these Subdivision Regulations are to regulate certain land subdivision, consolidation and development activities in the Borough by providing for a uniform method for the submission of preliminary and final plats to ensure the proper layout or arrangement of land; the proper design of streets to accommodate projected traffic and facilitate fire protection; and the provision of adequate easements or rights of way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities.

1381.04 GENERAL INTENT AND COMMUNITY DEVELOPMENT OBJECTIVES.

These Subdivision Regulations are made in accordance with the community development objectives set forth in the Borough Zoning Ordinance and the Borough Comprehensive Plan and are intended to achieve the following goals:

(a) To promote, protect and facilitate one or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and

(b) To prevent one or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

1381.05 INTERPRETATION AND DEFINITIONS.

(a) Interpretation. The word "person" includes a corporation, association, partnership or individual. The words "shall" and "will" are mandatory; the word "may" is permissive. The word "building" includes structure or any part thereof. Words used in the present tense include the future tense.

(b) Definitions. As used in Title Seven, the following terms shall have the meanings indicated:

(1) "Applicant" means a landowner or developer who has filed an application for a subdivision or development, including his or her heirs, successors and assigns.

(2) "Application for development" means 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.

(3) "Borough" means the Borough of White Oak, Allegheny County, Pennsylvania.

(4) "Borough Council" means the Borough Council of the Borough of White Oak, Allegheny County, Pennsylvania.

(5) "Borough Engineer" means a professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Borough Council to serve as the engineer for the Borough.

(6) "Building line" means 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 Borough Zoning Ordinance for the zoning district in which the lot is located.

(7) "Cartway" means that portion of the street right of way which is surfaced for vehicular use.

(8) "Clear sight triangle" means an area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersection of street lines.

(9) "Completion bond" means a surety, in a form acceptable to the Borough, in the form of cash, a certified check, a letter of credit, a corporate performance bond or a labor and material payment bond from an approved surety company which guarantees the satisfactory completion of improvements required by Title Seven.

(10) "Consolidation" means the combination of two or more lots, tracts or parcels of land for the purpose of sale or lease of a building or lot.

(11) "Construction standards" means those standards prepared by the Borough Engineer dated _____, 1986, and adopted by Resolution No. _____ of Borough Council on, _____, 1986, as amended, copies of which are on file in the office of the Borough Manager.

(12) "County" means Allegheny County, Pennsylvania.

(13) "County Planning Commission" means the Allegheny County Planning Commission.

(14) "Cul de sac" means a short street having one end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

(15) "Developer" means 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.

(16) "Driveway, private" means 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.

(17) "Easement" means 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 entity.

(18) "Engineer" means a professional engineer licensed as such in the Commonwealth. The use of the word "engineer" shall not exclude the practice of topographic surveying as provided for in State law.

(19) "Fee" means the required charge established by Title Seven to defray the cost of processing an application which shall be payable to the Borough at the time an application is filed.

(20) "Final application" means the written and graphic materials specified in Title Seven to be submitted to the Borough in order to obtain final approval of a proposed subdivision or land development plan.

(21) "Final plat" means the map or plan of a proposed subdivision or land development containing all the information required by Title Seven and the Allegheny County Subdivision Regulations for final plat approval and in a form acceptable for recording in the Office of the Allegheny County Recorder of Deeds.

(22) "Inspector" means the Borough Engineer or his or any other authorized representative assigned by Council to make any or all necessary inspections of the work performed and materials furnished by the subdivider or developer or their contractors selected to install the improvements required by Title Seven.

(23) "Land development" means the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving a group of two or more buildings; or the division or allocation of land or space 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; or a subdivision of land.

(24) "Land Development Plan" means a plan which encompasses a proposed land development, which, in addition to a plat of subdivision, if required, includes: all covenants relating to the use of the land; the proposed use, location and bulk of buildings and other structures; the intensity of use or density of development; streets, ways and parking facilities; common open space and public facilities. The land development plan shall include all of the written and graphic information required by the Subdivision Regulations.

(25) "Landowner" means the legal or beneficial owner or owners of land, including the holder of an option or contract to purchase, whether or not such option or contract is subject to any condition; a lessee, if he or she is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in the land.

(26) "Lot" means a tract of land in a plan of subdivision or any other parcel of land described in a deed or legal instrument pursuant to the laws of the Commonwealth of Pennsylvania intended to be used as a unit for development or transfer of ownership.

(27) "Maintenance bond" means a surety, in a form acceptable to the Borough, in the form of cash, a certified check, a letter of credit or corporate bond from an approved surety company which guarantees the repair or maintenance of the improvements required by the Subdivision Regulations for a specified period after their completion and acceptance by the Borough.

(28) "Ordinance". All references to "Ordinance" or "this Ordinance" refer to the Borough of White Oak Subdivision and Land Development Regulations.

(29) "Planning Commission" means the White Oak Borough Planning Commission.

(30) "Plat" means a map or plan, either preliminary or final, indicating the subdivision, consolidation or redivision of land or a land development.

(31) "Preliminary application" means the written and graphic materials specified by the Subdivision Regulations to be submitted to the Borough in order to obtain preliminary approval of a proposed subdivision or land development

(32) "Preliminary plat" means the map or plan of a proposed subdivision or land development which contains all of the information required by the Subdivision Regulations for approval of a preliminary plat.

(33) "Private improvements" means all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be owned, maintained or operated by a private entity such as an individual, corporation or Homeowners Association.

(34) "Public improvements" means all roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers and other facilities to be dedicated to or maintained by the Borough for which plans and specifications must comply with the Construction Standards of the Borough.

(35) "Public notice" means notice published once each week for two successive weeks in a newspaper of general circulation in the Borough. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than thirty days or less than fourteen days from the date of the hearing.

(36) "Street" means a way designed for circulation of vehicular traffic, whether designated as a street, highway, throughway, thoroughfare, parkway, boulevard, road, avenue, lane, place or the like.

(37) "Street, arterial" means a public street which serves large volumes of local and through traffic and which collects and distributes traffic from collector streets through the region.

(38) "Street, collector" means a public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial streets.

(39) "Street, local" means a public street designed to provide access to abutting lots and to discourage through traffic.

(40) "Street, private" means a street, including the entire private right of way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have access to a public street and which require access to a public street through the private street. (See also driveway, private.)

(41) "Street, public" means a street, including the entire public right of way, which has been dedicated to and accepted by the Borough or which has been devoted to public use by legal mapping, use or other means.

(42) "Street, service" means a short street or alley, whether public or private, designed only to provide secondary access to a structure or group of structures or to parking and loading facilities accessory to the structures and which is not intended for general traffic circulation.

(43) "Structure" means any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

(44) "Subdivision" means the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines, for the purpose, whether immediate or future, of lease, transfer of ownership, or building or lot development.

(45) "Surveyor" means a registered professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

(46) "Watercourse" means a channel, creek, drain, river or stream.

(47) "Zoning Ordinance" means the White Oak Borough Zoning Ordinance No. 1420, enacted December 2, 1974, as amended.

ARTICLE 1383

Applicability of Regulations

1383.01 Approval required.

1383.02 Compliance required.

CROSS REFERENCES

Enforcement - see P. & Z. Art. 1395

1383.01 APPROVAL REQUIRED.

A subdivision plat, consolidation plat or land development plan approved in accordance with these Subdivision Regulations shall be required for:

(a) Any development consisting of single-family dwellings, two-family dwellings, townhouse units or other multi-family dwellings. The subdivision plat for such a development shall show each lot occupied or intended to be occupied by one single-family dwelling or one two-family dwelling and the lot area to be occupied by townhouse units or multi-family dwellings;

(b) Any development consisting of townhouse units or multi-family dwellings or commercial, business or industrial structures and/or buildings in which one or more units or areas will be under separate and independent ownership or lease, including, but not limited to, condominiums and the like. Plats and plans, including declaration plans, required by any statute of the Commonwealth for condominium developments may qualify as a plat or plan pursuant to these Subdivision Regulations;

(c) Any development consisting of the construction or reconstruction on a site for a business, commercial or industrial use in which one or more structures will be constructed for separate ownership or leasehold;

(d) The consolidation, as defined by Title Seven, of two or more lots, tracts or parcels of land for the purpose of one development;

(e) The subdivision, as defined by Title Seven, of any parcel, lot or tract of land in the Borough; and

(f) Any development in which the developer proposes or intends to construct streets or any other public improvement to be dedicated to the Borough for public use.

1383.02 COMPLIANCE REQUIRED.

No lot in a subdivision may be sold, no permit to erect, alter, repair or occupy any building on land in any subdivision may be issued and no building may be erected in any subdivision unless and until the provisions of Title Seven have been complied with.

ARTICLE 1385

Approval Procedure

1385.01 Preapplication conference.

1385.02 Preliminary application submission.

1385.03 Preliminary application content.

1385.04 Preliminary application approval.

- 1385.05 Final application submission.
- 1385.06 Final application content.
- 1385.07 Final application approval.
- 1385.08 Posting of completion bond.
- 1385.09 Development agreement.
- 1385.10 Approval by other agencies.
- 1385.11 Recording of final plat.
- 1385.12 Filing of copies.

CROSS REFERENCES

Approval of plats - see Municipalities Planning Code Sec. 508 (53 P.S. Sec. 10508)

Recording plats - see Municipalities Planning Code Sec. 513 (53 P.S. Sec. 10513)

Effect of plat approval on official map - see Municipalities Planning Code Sec. 514 (53 P.S. Sec. 10514)

1385.01 PREAPPLICATION CONFERENCE.

Prior to filing an application for preliminary approval, a developer may appear before the Planning Commission for a preapplication conference to discuss the applicable regulations governing subdivision and/or development of the property and the feasibility and timing of the application. The preapplication conference is voluntary and no formal application or fee is required. This opportunity is afforded to the developer to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

1385.02 PRELIMINARY APPLICATION SUBMISSION.

(a) The applicant shall file five copies of an application for preliminary approval to the Borough on a form provided by the Borough at least ten working days and no sooner than fifteen working days prior to the regular meeting of the Planning Commission. The preliminary application shall not be considered to be complete and properly filed unless and until all items required by Section 1385.03, including the application fee, have been received.

(b) Upon receipt, copies of the application shall be distributed to each member of the Planning Commission and to the Borough Engineer for review. Copies also may be referred to any other appropriate review agency at the request of the Planning Commission.

1385.03 PRELIMINARY APPLICATION CONTENT.

(a) All Applications. All applications for preliminary approval of a subdivision and/or land development shall include the following:

- (1) Completed application form supplied by the Borough;
- (2) Application filing fee, as required by Section 1395.01; and
- (3) Five copies of a preliminary plat, containing the following information:

A. A boundary survey by a registered professional surveyor and topographical survey of the total proposed subdivision by a registered engineer or registered surveyor. If the developer intends to develop a tract of land in phases, the preliminary plat must include the total tract;

B. The proposed name of the subdivision;

C. The name and address of the registered engineer or registered surveyor who prepared the plat and the registered surveyor who did the survey shown on the plat;

D. The names and addresses of the developer and, if the developer is not the landowner, the names and addresses of the landowner;

E. The proposed street layout in the subdivision;

F. The layout of lots (showing scaled dimensions), lot numbers and the area of lots in square feet;

G. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semipublic or community purposes;

H. The legend and notes;

I. Front building lines;

J. The graphic scale, north point and date;

K. A location map showing the subdivision name and location; major existing thoroughfares related to the subdivision, including the distance therefrom, title, graphic scale and north point;

L. Contours at intervals of elevation of not more than five feet where the slope is greater than ten percent (10%) and at intervals of not more than two feet where the slope is ten percent (10%) or less;

M. Existing streets and rights of way on or adjoining the site, including dedicated width, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data;

N. Existing and proposed easements, locations, widths and purposes;

O. Proposed public improvements. The size of each should be shown and the location of, or distance to, each existing utility indicated;

P. The existing platting of land adjacent to the subdivision. All existing buildings, sewers, water mains, culverts, petroleum or high-pressure gas lines and fire hydrants on or adjoining the site shall be shown;

Q. Tabulation of site data, including total acreage of land to be subdivided, the number of residential lots, typical lot size, the acreage in the subdivision and the acreage in any proposed recreation areas;

R. Existing watercourses and other significant natural features; and

S. Areas subject to periodic flooding.

(b) Additional Requirements for Certain Applications. For all applications which propose a subdivision or land development for multi-family housing or commercial or industrial purposes, the following information also shall be required to be submitted as part of the preliminary application:

(1) A geologic report by a qualified registered professional engineer regarding soil and subsurface conditions and the probable measures needed to be considered in the design of the development, the location of structures and the design of foundations, if any;

(2) A copy of a report from the U.S. Soil Conservation Service concerning soil conditions and water resources;

(3) A soil erosion and sedimentation control plan prepared by a person trained and experienced in control methods and techniques which conforms to the requirements of the Pennsylvania Clean Streams Law and Chapter 102 of the Rules and Regulations of the Pennsylvania Department of Environmental Resources governing erosion control. The plan shall be approved by the Allegheny County Conservation District;

(4) A report evaluating the impact of the development on existing off-site streets and other off-site public facilities and utilities, including, but not limited to, storm sewers, sanitary sewers, parks and schools; and

(5) Five copies of a land development plan, as defined by Title Seven, which includes the following information:

A. The zoning classification of the area to be subdivided or developed;

B. The proposed use, location, area, height and bulk of all proposed structures;

C. The layout of parking areas and a computation of the number of parking spaces to be provided;

D. Patterns of pedestrian and vehicular circulation on the site;

E. Location, size and specifications for private improvements such as curbs, sidewalks, wheelstops and the like;

F. Location and specifications for lighting of parking areas and walkways;

G. The location and types of proposed landscaping materials;

H. Dates of preparation and revisions to the plan; and

I. Evidence of preparation by a registered architect, landscape architect or engineer.

1385.04 PRELIMINARY APPLICATION APPROVAL.

(a) Planning Commission Recommendation. At the first regular meeting of the Planning Commission after the date of filing of a preliminary application, the Planning Commission shall consider the preliminary application. The Borough Engineer shall present an oral report at the Planning Commission meeting which states whether an application complies with the requirements of Title Seven and that report shall be included in the minutes at the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the report of the Engineer has been received.

Within forty-five days of the date of filing of the application, the Planning Commission shall make a written recommendation to Council for approval or disapproval of the preliminary application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of Title Seven which have not been met.

(b) Council Action. Within ninety days of the date of filing of a preliminary application, Council shall either approve or disapprove the preliminary application at a public meeting. The recommendation of the Planning Commission and the Planning Commission minutes containing the report of the Borough Engineer shall be made a part of the record at that meeting.

A letter indicating approval or disapproval shall be sent to the applicant by regular mail within fifteen days of the date of the decision. If the preliminary application is not approved, Council shall specify the defects found in the preliminary application and cite the requirements of Title Seven which have not been met.

1385.05 FINAL APPLICATION SUBMISSION.

(a) General Procedure. After a preliminary application has been approved by Council, the developer may proceed by filing either of the following types of applications:

(1) A final application without final plat approval, whereupon required improvements are installed prior to a request for final plat approval; or

(2) A final application, including final plat approval, together with surety to guarantee proper installation of required improvements in the plan.

In either case, the applicant shall submit five copies of the final application to the Borough, on a form provided by the Borough at least ten working days, but no sooner than fifteen working days, prior to the regular meeting of the Planning Commission. A copy of the approved preliminary plan shall accompany the final application. Upon receipt, copies of the application shall be distributed to the Borough Engineer, members of the Planning Commission and Council.

(b) Final Application Including Final Plat Approval. A final application shall not be considered to be complete and properly filed unless and until all items required by Section 1385.06, including the application fee, have been received.

(c) Final Applications Without Final Plat Approval. In the case of a final application which does not include final plat approval, the completion bond required by Section 1385.06(e) shall not be required; however, all other materials required to complete a final application, including the final plat required by Section 1385.06(g), shall be submitted. The application fee shall be submitted at the time of filing the initial final application and additional fees shall not be charged at the time of the request for final plat approval, if the request for final plat approval is submitted within twelve months of the date of submission of the initial final application.

1385.06 FINAL APPLICATION.

All applications for final approval of a subdivision and/or land development shall include the following:

(a) Completed application form supplied by the Borough;

(b) Application filing fee, as required by Section 1395.01;

(c) Copy of the approved preliminary plat;

(d) Construction plans for public improvements prepared by a registered engineer drawn on sheets measuring twenty-four by thirty-six inches (24" x which show the following:

(1) Conformity with the design standards specified in Article 1389 and the Borough construction standards;

(2) Plans in profile of each street in the plan and at least two hundred feet beyond the limits of the plan;

(3) At least three cross sections at intervals not to exceed one hundred feet and extending fifty feet on each side of the street centerline or twenty-five feet outside of the street right of way, whichever is greater;

(4) All drainage easements over private property;

(5) The location of all necessary sewers, manholes and catch basins;

(6) The top and invert elevation of each inlet and manhole, together with the grade of each sewer line;

(7) The grade line, distance and pipe size of each line in the storm drainage system within the plan and any storm drainage system immediately adjacent thereto;

(8) All pipe sizes and distances shown by plan and profile; and

(9) The location of each wye as proposed for installation;

(e) Completion bond to guarantee proper installation of public improvements as required by Section 1385.08;

(f) Final covenants and restrictions applicable to the plan, if any; and

(g) Final plat in accurate and final form for recording which clearly delineates the following:

(1) Accurate boundary lines, with dimensions and bearings according to the following minimum surveying standards:

Relative error of closure	1:10,000
Angular closure (Traverse with N angles)	N
Distance precision	1:15,000
Angle precision	$\pm 15''$
Position precision	± 0.20 feet

(2) Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat;

(3) Street names;

(4) Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines which join these curves that are nonradial or nontangential should be so noted;

(5) Street lines with accurate dimensions in feet and hundredths of feet, with angles to the nearest one minute of street and lot lines;

(6) Lot numbers and dimensions;

(7) Easements for public improvements and any limitations on such easements;

(8) Accurate dimensions of any property to be reserved for public, semipublic or community use;

(9) Location, type and size of all monuments and lot markers in accordance with the standards and requirements of the County Planning Commission and an indication of whether they were found or set;

(10) The name of the subdivision;

(11) The names and addresses of the developer, and, if the developer is not the landowner, the names and addresses of the landowner;

(12) The north point, graphic scale and date;

(13) Certification and seal by a registered professional engineer or registered surveyor to the effect that:

A. The plat represents a survey made by him, and that all monuments indicated thereon actually exist and their location, size and material are correctly shown; and

B. All engineering and surveying requirements of Title Seven have been fully complied with;

(14) Certification of the dedication of streets and other property;

(15) A place on the plat for approval by the Planning Commission, Council, Borough Engineer and the County Planning Commission;

(16) Final building lines; and

(17) If applicable, a notation on the plat that access to a State highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).

1385.07 FINAL APPLICATION APPROVAL.

(a) Final Applications Including Final Plat Approval.

(1) At the first regular meeting of the Planning Commission following submission of the final application, the Planning Commission shall consider the final application. The Borough Engineer shall present an oral report at the Planning Commission meeting which states whether the application complies with the requirements of Title Seven and that report shall be included in the minutes of the Planning Commission meeting. The Planning Commission shall not make a recommendation on the application until the report of the Engineer has been received.

(2) Within thirty days of the date of filing of the application, the Planning Commission shall make a recommendation, in writing, to Council for approval or disapproval of the final application. The recommendation of the Planning Commission shall provide reasons for the recommendation and, in the case of a recommendation for disapproval, shall cite the specific requirements of Title Seven which have not been met.

(3) Within thirty days of the date of the Planning Commission's recommendation, Council shall either approve or disapprove the final application at a public meeting. The Planning Commission's recommendation and the Planning Commission minutes containing the report of the Borough Engineer shall be made a part of the record at that meeting.

(4) A letter indicating approval or disapproval shall be sent to the applicant by regular mail within fifteen days of the date of the decision. If the final application is not approved, Council shall specify the defects found in the final application and cite the requirements of Title Seven which have not been met.

(b) Final Applications Without Final Plat Approval. Final applications without final plat approval shall be approved or disapproved in accordance with the procedures specified in subsection (a) hereof. If the developer's final application without final plat approval has been approved and the developer has obtained all necessary permits and approvals from the Borough and County, State or federal agencies, if any are required, the developer may proceed to construct improvements as indicated in the final application seventy-two hours after the developer has notified the Borough Manager by certified mail. The Manager shall then authorize the progress inspections required by Section 1387.01. The installation of all improvements shall be subject to the progress inspections required by Section 1387.01.

(c) Final Plat Approval After Completion of Improvements.

(1) Upon completion of the improvements contained in the final application, the developer shall notify the Borough, in writing, of the completion and shall submit five copies of the final plat, as required by Section 1385.06(g) with the notice of completion. Within ten days of the receipt of the notice of completion and submission of the final plat, Council shall authorize the Borough Engineer to inspect the improvements and review the final plat to determine whether the final plat is in conformance with the previously approved final application and all applicable requirements of Title Seven and

whether the proper officers of the Borough can affix their signatures to the final plat for recording purposes.

(2) Within thirty days of receiving such authorization, the Borough Engineer shall report to Council, in writing, whether the completed improvements comply with the requirements of Title Seven and the Borough construction standards and whether the final plat complies with all applicable requirements of Title Seven. The Engineer's report shall indicate approval or rejection of the improvements, either in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.

(3) Within forty-five days of receipt of the notice of completion of improvements, Council shall notify the developer, in writing, by certified or registered mail, of the approval or rejection of the improvements. Acceptance of the improvements shall be in accordance with the requirements of Section 1387.05 and shall be further subject to the posting of the maintenance bond required by Section 1387.06.

(4) Within forty-five days of the submission of the final plat, Council shall either approve or disapprove the final plat for recording purposes at a public meeting. The Engineer's written report shall be made a part of the record at that meeting. A letter indicating approval or disapproval shall be sent to the developer by regular mail within fifteen days of the date of the decision. If the final plat is not approved, Council shall specify the defects found in the final plat and shall cite the requirements of Title Seven which have not been met.

(d) Phased Approval. In the case where development of a subdivision or land development is projected over a period of years, the Borough authorizes submission of final applications by sections or phases of development, subject to such requirements or guarantees for public improvements in future sections or phases of the development which are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.

All sections or phases must conform to the preliminary application as previously approved by the Borough. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings or streets previously approved in the preliminary application will require complete resubmission of the preliminary application in accordance with Sections 1385.02 through 1385.04.

1385.08 POSTING OF COMPLETION BOND.

In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a completion bond, as defined by Title Seven, in favor of the Borough, in an amount equal to one hundred and ten percent (110%) of the cost of installation of the improvements as determined by the Borough Engineer or by bona fide bids from the contractor selected by the developer to install the improvements. The term of the completion bond shall be for a period of one year from the date that the completion bond is posted.

1385.09 DEVELOPMENT AGREEMENT.

Before granting final approval, Council shall require that the developer execute a development agreement with the Borough, in a form acceptable to the Borough Solicitor, containing provisions that are reasonably required to guarantee the proper installation of on-site and off-site improvements related to the subdivision and/or land development and provisions necessary to indemnify the Borough in connection therewith.

Such agreement shall be executed, the required completion bond shall be posted and all required fees shall be paid before the Borough Secretary affixes his or her signature and the Borough Seal to the final plat for recording purposes.

1385.10 APPROVAL BY OTHER AGENCIES.

Approval of final plats by Council shall not be binding if County, State or federal agencies find just cause to disapprove the development. It shall be the developer's responsibility to obtain all necessary approvals from County, State or federal agencies.

1385.11 RECORDING OF FINAL PLAT.

Upon approval of a final plat by the Borough, the developer shall, within ninety days of such final approval, record such plat in the office of the Allegheny County Recorder of Deeds.

1385.12 FILING OF COPIES.

Upon recording of the final plat in the Office of the County Recorder of Deeds, the developer shall deliver to the Borough one reproducible mylar and four paper prints of the plat as recorded.

ARTICLE 1387

Inspection and Acceptance of Improvements

1387.01 Progress inspections.

1387.02 Notice of completion.

1387.03 Filing of plans.

1387.04 Final inspection and approval.

1387.05 Acceptance of public improvements.

1387.06 Posting of maintenance bond.

1387.07 Remedies to effect completion of public improvements.

CROSS REFERENCES

Completion of improvements - see Municipalities Planning Code Sec. 509 et seq. (53 P.S. Sec. 10509 et seq.)

Required improvements - see P. & Z. Art. 1389

Design standards - see P. & Z. Art 1391

1387.01 PROGRESS INSPECTIONS.

(a) The developer shall notify the Inspector at least seventy-two hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer shall notify the Inspector at least seventy-two hours prior to the time that the following required progress inspections are desired:

- (1) Inspection of sub-grade of streets prior to laying of base;
- (2) Inspection of base prior to final paving of streets; and
- (3) Inspection on installation of water lines, sanitary sewer lines, storm sewers and drainage facilities before they are covered.

(b) The Inspector shall prepare a written report of all inspections in duplicate on forms provided by the Borough. One copy shall be retained by the Borough and one copy shall be retained by the Borough Engineer.

1387.02 NOTICE OF COMPLETION.

When the developer has completed the required public improvements in a plan, the developer shall notify the Borough, in writing, by certified or registered mail. Within ten days of the receipt of such notification, Council shall authorize the Borough Engineer to inspect the public improvements in the plan to determine compliance with the design standards specified in Article 1391 and the Borough construction standards.

1387.03 FILING OF PLANS.

Upon completion of the public improvements in a plan, "as-built" plans and profiles of the public improvements, as constructed, shall be filed with the Borough by the developer within ten days of the mailing of the notice of completion.

1387.04 FINAL INSPECTION AND APPROVAL.

(a) Borough Engineer's Report. Upon authorization by Council, the Borough Engineer shall perform a final inspection of the public improvements in the plan. Within thirty days of receiving the authorization by Council, the Engineer shall file a report, in writing, with Council indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The Engineer shall promptly mail a copy of such report to the developer by certified or registered mail.

(b) Notification of Developer by Council. Council shall notify the developer, in writing, by certified mail, of its action with relation to approval or rejection of the public improvements.

(c) Failure of Borough to Comply. If Council or the Engineer fails to comply with the time limitation provisions contained in this article, all public improvements will be deemed to have been approved and the developer shall be released from all liability pursuant to the completion bond posted with the Borough.

(d) Completion of Rejected Public Improvements. If any portion of the public improvements shall not be approved or shall be rejected by Council, the developer shall proceed to make the required corrections or additions and, upon completion, the same procedure of notification, inspection and approval, as outlined in this article, shall be followed.

(e) Developer's Rights. Nothing in this article, however, shall be construed to limit the developer's right to contest or question, by legal proceedings or otherwise, any determination of Council or the Engineer.

(f) Release of Completion Bond.

(1) Upon approval of all of the public improvements in the plan, the developer shall be released from any liability pursuant to the completion bond posted to guarantee the proper installation of those improvements.

(2) From time to time, during the installation of the public improvements, the developer may request partial release of the completion bond in an amount necessary for payment of contractors performing the work. Any such request shall be in writing and shall be addressed to Council. Council shall have forty-five days from the receipt of such request to allow the Engineer to certify, in writing, that such portion of the installation of public improvements has been completed in accordance with the requirements of Title Seven and the approved final plat.

(3) Upon such certification by the Engineer, Council shall authorize release of an amount as estimated by the Engineer which fairly represents the value of the improvements completed. Council may require retention of ten percent (10%) of the estimated cost of such improvements until such time as all improvements have been installed and the completion bond is released in its entirety.

1387.05 ACCEPTANCE OF PUBLIC IMPROVEMENTS.

(a) Upon completion of the inspection and approval of the public improvements, the developer shall submit a request to Council, in writing, to accept the dedication of the public improvements. The request for acceptance shall be submitted at least ten days prior to the regular meeting of Council. At the regular meeting, Council shall enact an ordinance accepting the public improvements as part of the Borough's public facilities, subject to the posting of the maintenance bond required by Section 1387.06.

(b) No property or public improvement shown on a final plat shall be considered to have been finally accepted by the Borough until the dedication thereof has been officially accepted by adoption of an ordinance of the Borough, duly enacted and advertised in accordance with law.

1387.06 POSTING OF MAINTENANCE BOND.

(a) When Council accepts the dedication of all or some of the required public improvements in a plan, following their completion, Council shall require the posting of a maintenance bond, as defined by Title Seven, to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with the design standards of Article 1391, the Borough construction standards and the specifications of the final plat.

(b) The term of the maintenance bond shall be for a period of eighteen months from the date of the acceptance of the public improvements by Council. The amount of the maintenance bond shall be fifteen percent (15%) of the actual cost of installation of the public improvements

1387.07 REMEDIES TO EFFECT COMPLETION OF PUBLIC IMPROVEMENTS.

In the event that the public improvements required to be installed by the provisions of Title Seven are not installed in accordance with the requirements of Title Seven or the approved final plat prior to the expiration of the completion bond, Council shall have the power to enforce the completion bond by appropriate legal and equitable remedies provided by the laws of the Commonwealth. If proceeds from the completion bond are insufficient to pay the cost of installing or making repairs or corrections to all the improvements guaranteed by such completion bond, Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the completion bond or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements guaranteed by such completion bond and not for any other municipal purpose.

ARTICLE 1389

Required Improvements

1389.01 Survey monuments, bench marks and lot pins.

1389.02 Utilities.

1389.03 Streets.

1389.04 Sidewalks.

1389.05 Street lights.

1389.06 Street signs.

CROSS REFERENCES

Completion of improvements - see Municipalities Planning Code Sec. 509 et seq. (53 P.S. Sec. 10509 et seq.)

Inspection and acceptance of improvements - see P. & Z. Art. 1387

Design standards - see P. & Z. Art. 1391

1389.01 SURVEY MONUMENTS, BENCH MARKS AND LOT PINS.

(a) Permanent concrete or durable stone monuments thirty inches by six inches shall be set at all boundary corners, angle points of boundary, street intersections and such intermediate points as may be required. Bench marks shall be placed on the monuments at all street intersections based on the U.S. Coast and Geodetic Sandy Hook Datum. All lot corners shall be staked and plainly marked with oak or metal pins, where feasible.

(b) The installation and certification shall be made by a registered surveyor prior to the approval of the subdivision. In lieu of such prior installation, the applicant shall furnish a cash deposit in the form of a certified check to guarantee the proper installation of the required monuments, bench marks and lot pins. The refundable deposit shall be in the amount of two hundred dollars (\$200.00) per required survey monument.

1389.02 UTILITIES.

(a) Each lot shall be served by public water and public sanitary sewers and the developer shall be responsible for entering into a developer's agreement with the White Oak Borough Authority or its assigns to provide such facilities in accordance with its rules and regulations.

(b) Storm sewers and drainage facilities shall be provided by the developer in each plan and shall be constructed in accordance with the design standards of Article 1391 and the Borough construction standards. If required by Section 1391.08, stormwater management facilities shall be constructed in accordance with Borough construction standards.

(c) The developer shall be responsible for contracting with private utility companies and for providing any easements required by those utility companies to guarantee that each lot shall be served by telephone, gas and/or electricity.

1389.03 STREETS.

Each lot shall have frontage on a public street, as defined by Title Seven, which is constructed in accordance with the design standards of Article 1391 and the Borough construction standards, unless an exception or modification to this requirement is granted in accordance with the provisions of Article 1393.

1389.04 SIDEWALKS.

Sidewalks shall be required to be installed under the following circumstances:

- (a) Where sidewalks exist in the same block on the same side of the street;
- (b) Along the full frontage of lots located on arterial or collector streets, as defined by Title Seven;
- (c) Within a land development plan proposed to be developed for multi-family residences; and
- (d) Within a land development plan proposed to be developed for commercial or industrial use where, in the opinion of the Planning Commission, sidewalks will be necessary for safe pedestrian circulation on the site.

Sidewalks shall be installed in accordance with the design standards of Article 1391 and the Borough construction standards.

1389.05 STREET LIGHTS.

For the safety and convenience of the public, the developer shall install street lights of a type approved by the Borough and on poles prescribed by the Borough on all public and private streets. Installation shall be in accordance with the Borough construction standards. The cost of the lights, poles and installation shall be assumed by the developer.

1389.06 STREET SIGNS.

The developer shall install street name signs, approved by the Borough, at all street intersections. The cost of the street signs and posts shall be assumed by the developer. Street signs shall be installed in accordance with the Borough construction standards.

ARTICLE 1391

Design Standards

1391.01 Applicability.

1391.02 Review by Borough Engineer.

1391.03 Site development.

1391.04 Streets.

1391.05 Service streets.

1391.06 Easements.

1391.07 Lots.

1391.08 Storm water management.

1391.09 Storm sewers and drainage facilities.

1391.10 Sanitary sewers.

1391.11 Water system.

1391.12 Testing.

CROSS REFERENCES

Excavations - see S.U. & P.S. Art. 909

Site improvement or development regulations - see P. & Z. Article 1367

1391.01 APPLICABILITY.

Any application for development shall conform to the standards set forth in this article. The standards specified in this article are minimum design requirements.

1391.02 REVIEW BY BOROUGH ENGINEER.

In reviewing any application for development, the Planning Commission and Council shall refer the application for development to the Borough Engineer for a recommendation concerning technical compliance with these design standards and the construction standards referred to in Article 1387.

1391.03 SITE DEVELOPMENT.

(a) Slope of Land.

(1) Cuts. No land shall be cut and graded so as to create a slope exceeding a vertical rise of one foot for each two feet of horizontal distance between adjoining lots, without proper erosion control approved by the Borough Engineer.

(2) Fills. No land shall be filled and graded so as to create a slope exceeding a vertical rise of one foot for each three feet of horizontal distance between adjoining lots, without proper erosion control approved by the Borough Engineer.
(Ord. 3479. Passed 5-21-07.)

(b) Stripping of Topsoil. No person shall strip, excavate or otherwise remove topsoil, dirt or slag for sale, or for use other than on the lot from which it is taken, except in connection with the construction or alteration of a building on that lot and the excavation or grading incidental to that construction.

(c) Major Excavation, Grading and Filling. Any major cuts, excavation, grading and filling which materially changes the drainage characteristics of the site and the site's relationship with surrounding properties shall not be permitted unless first approved by the Engineer. As a condition for such approval, a plot plan of the entire tract of land on which such excavation, grading and filling are to be conducted shall be submitted by the

developer to the Engineer for approval. Such plot plan shall show, in addition to any other information required by the Engineer to demonstrate compliance with the provisions of this section, the following information:

- (1) The existing contours of the site; and
- (2) Proposed contours of the site after completion of excavation, cuts, grading and filling.

The plot plan shall be at a scale of fifty feet to one inch or larger and have a contour interval of not more than five feet where the slope will be greater than ten percent (10%) and not more than two foot intervals where the slope will be less than ten percent (10%).

The Engineer shall not approve any plan in which any such excavation, grading and filling will result in a slope exceeding a vertical rise of one foot for each two feet of horizontal distance between adjoining lots or tracts of land, except where adequate provision is made to prevent slides and erosion, as approved by the Engineer.

(d) Planting and Cutting of Trees; Removal of Debris.

(1) Major shade trees should be adequately protected from injury and preserved to the extent practical.

(2) All lot areas which slope towards streets or adjacent lots may be required to be seeded with grass or planted with ground cover so as to prevent washing and erosion.

(3) During construction, the developer shall remove and dispose of all uprooted trees, stumps, brush, rubbish, unused building materials and debris promptly in the interest of public safety.

(e) Flood-prone Areas. Land which is naturally poorly drained or subject to periodic flooding shall not be used for residential development or for any uses which may involve danger to health, safety and general welfare of the community. Land identified as flood-prone on maps issued by the Federal Insurance Administration shall be subject to the regulations of the National Flood Insurance Program.

1391.04 STREETS.

(a) Layout. Streets shall be planned to conform with the layout of existing and planned streets and so located as to allow proper development of surrounding properties. Local streets shall be laid out so as to discourage through traffic. Collector streets should be designed to provide adequate flow of traffic from local streets to major community facilities and to arterial streets.

(b) Topography. Proposed streets shall be planned to conform to the contour of the land, to provide buildable lots, to have a suitable alignment and grade and to allow proper drainage.

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

(d) Street Grades. Minimum and maximum grades shall be provided on all streets in accordance with the design standards specified in Appendix I. Grades shall be measured along the center of the street. Vertical curves shall be used in changes of grade exceeding one percent (1%) and should be designed in accordance with the design standards specified in Appendix I. Intersections shall be approached on all sides by leveling grades for a distance of fifty feet within which no grades shall exceed the design standards specified in Appendix I. The grade of actual intersections shall not exceed one percent (1%) in any direction.

(e) Right of Way and Paving Widths. Minimum widths of rights of way and minimum widths of paving shall be provided in accordance with the design standards specified in Appendix I. All streets shall be paved in accordance with Borough construction standards.

(f) Additional Right of Way and Paving Widths. Additional widths and paved cartway widths may be required by the Borough where necessary for public safety and convenience, for parking in commercial and residential areas and where additional width is necessary on existing roads which do not comply with current standards.

(g) Cul-de-Sacs. A cul-de-sac will not be approved when a through street is practical and shall not be more than five hundred feet in length, unless a modification or exception to this requirement is granted under Article 1393. A Cul-de-sac shall have a minimum right-of-way radius and an outer minimum paving radius as specified in the design standards in Appendix I.

(h) Temporary Turnarounds. A temporary turnaround may be required where a road is constructed to an adjoining property line. The right-of-way width required for a temporary turnaround shall be a minimum of fifty feet and the outer paving radius of the temporary turnaround shall be twenty feet.

(i) Visibility. No fence, hedges, shrubbery, walls, planting (other than trees and grass) or similar obstructions shall be located within the right of way and no such obstruction shall obscure visibility at any intersection. A clear sight triangle, as defined by Title Seven, shall be maintained free of any obstructions at intersections so that there shall be a minimum clear sight triangle of seventy-five feet measured along the centerline from the points of intersection.

(j) Street Names. All new street names shall be approved by the Borough. Names of new streets shall be sufficiently different in sound and spelling from existing names of streets in the Borough so as not to cause confusion. A street which is planned as a continuation of an existing street shall bear the same name. Street signs shall be provided in accordance with Section 1389.06.

(k) Sidewalks. The width of sidewalks shall conform to the standards specified in Appendix I. Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exists, shall be located adjacent to the curb or, where no curb exists, within one foot of the edge of paving. Sidewalks shall be constructed in accordance with Borough construction standards.

1391.05 SERVICE STREETS.

Service streets, as defined by Title Seven, shall not be permitted in residential developments, but may be provided in commercial and industrial developments where needed for loading, unloading or secondary access. Service streets shall meet the minimum design standards specified in Appendix I.

1391.06 EASEMENTS.

Easements for sanitary sewers and water lines shall be required to have a minimum width of twenty feet. Where a subdivision is, or will be, traversed by a watercourse, there shall be provided a storm water easement or drainage right of way of a width sufficient for the purpose, but not less than twenty feet.

Easements for shallow bury utilities such as cable, telephone or gas distribution facilities shall be a minimum of five feet to fifteen feet, as required by the Borough Engineer.

1391.07 LOTS.

The following standards shall apply to all lots proposed to be subdivided or developed in accordance with Title Seven.

(a) Area. Minimum lot areas shall conform to the requirements of the Borough Zoning Ordinance.

(b) Frontage. All lots created by a subdivision shall have frontage along the right of way of a public street and the width of the frontage shall conform to the requirements of the Borough Zoning Ordinance.

(c) Double Frontage. Double frontage lots, other than corner lots, shall be avoided; however, where a double frontage lot is the only practical alternative, vehicular access shall be limited to only one street and that street shall be the street with the lower volume of traffic, if physically feasible. The final plan shall contain a notation restricting vehicular access to one frontage.

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

(e) Building Lines. Building lines of lots shall conform to the minimum requirements of the Borough Zoning Ordinance and shall be shown on the final plat.

(f) Grading. Lots shall be graded to provide drainage away from buildings and, where practical, water shall be drained to the street rather than to adjoining property. The developer shall be required to provide drains or other drainage facilities, as approved by the Engineer, to drain off surface water within the development.

(g) Driveways.

(1) Driveways serving single-family and two-family dwellings are not required to be paved; however, in lieu of paving the driveway shall have a covering of slag at least two inches thick for a distance of thirty feet from the right of way of the street. All other

driveways shall be paved in accordance with the Borough construction standards and/or the Pennsylvania Department of Transportation Design Manual, Part 2, Chapter 18.

(2) No driveway shall have a slope of more than fifteen percent (15%). Driveways may extend from the right-of-way line of the street to the cartway of the street, but shall not change the grade or contour of the street right of way, nor shall any person cut into, fill, or in any way alter any gutter, curbing, drainage ditch or storm sewer, within the right of way of a street or easement for the purpose of extending a driveway; or for any other purpose without first obtaining a permit therefor from the Building Inspector.

(3) All driveways serving lots in the C-1, C-2, I-1, I-2 and transitional zoning districts shall have a minimum width of ten (10) feet.

(h) Accessibility. Every lot shall be accessible to emergency and the public safety vehicles.

(i) House Numbers. House numbers shall be assigned by the Borough Secretary or the local Post Office, and must be posted at each house so as to be easily visible and readable from the street.

1391.08 STORM WATER MANAGEMENT.

On all properties of one acre or more which are proposed for subdivision or land development under the terms of Title Seven or any development which results in 3,000 square feet or more of new impervious surface, on-site storm water detention shall be required where post-development discharges exceed pre-development discharges and where detrimental effects may be caused downstream or on adjacent properties. All plans and computations required to evaluate the need for on-site storm water retention shall be prepared by a registered professional engineer with expertise in storm water management and shall comply with the following requirements:

(a) Design Criteria. The procedure for determining projected run-off from the site shall be as follows:

(1) Compute the pre-development discharges for the two, ten and one hundred year storms using the U.S. Soil Conservation Service (SCS) Technical Release No. 55 (TR-55), January, 1975. The computations should assume actual existing soil and land use conditions on the site, using the watershed existing land use map and the SCS Soils Classification Map for the watershed. A site plan showing the hydrological soil group and land uses, as described in Table 2.2 of TR-55, should be included in the applicant's submission.

(2) Compute the post-development discharges for the two, ten and one hundred year storms using TR-55. The computations should include all reductions proposed for on-site storm water management techniques.

(3) Compare post-development discharges to pre-development discharges. If post-development discharges are greater than pre-development discharges, on-site retention is required. The size of the retention facility shall be determined for the excess discharges for

the two, ten and one hundred year design storms so that none of the three design storm flows exceed the pre-development storm flows.

(b) Off-Site Storage. Off-site storage may be substituted for required on-site retention, provided that:

- (1) Proper legal arrangements are executed;
- (2) The off-site facility is approved by the Engineer; and
- (3) No problems are created between the development site and the off-site storage facility.

(c) No Harm Option. Where the applicant proposes to increase the pre-development maximum rate of runoff for the site, then the applicant is required to demonstrate that the proposed storm water management system will not result in any harm or adverse effects to downstream areas.

All plans and computations must be prepared and certified by a registered professional engineer with expertise in storm water management. The procedure for utilizing the no-harm option, and the information to be included, is as follows:

(1) Determine discharge control values at all "points of interest" between the proposed development site and the base of the watershed.

(2) Using the SCS TR-55 hydrograph method and the existing watershed land use and soils maps that may be obtained from Allegheny County, compute the two, ten and one hundred year storm pre-development discharge values at the point of discharge from the site and at all points of interest between the site and the base of watershed. The Engineer may identify additional points of interest where there are existing obstructions or known problems, or other points may be identified during the course of the plan review process or applicant's own engineering evaluations.

(3) Compare the pre-development discharge values computed by the applicant to the discharge values shown in available watershed studies or independent studies. If the applicant's values are plus or minus twenty percent (20%) of the comparison values, the applicant's values are acceptable and may be used for all further evaluations and comparisons. This computation establishes, for the applicant, the discharge values downstream that must not be exceeded after development.

(4) Using the SCS TR-55 method, compute the post-development discharges for the two, ten and one hundred year storms for the same locations used above. The calculations of the post-development discharges should include the proposed on and off-site storm water management controls proposed by the applicant.

When this analysis indicates that downstream improvements are feasible, the developer may make downstream improvements in lieu of providing on-site detention with the approval of Council, affected landowners and the Department of Environmental Resources (DER), if applicable.

(5) When the computed post-development discharges for the two, ten, and one hundred year storms at all points of interest do not exceed the computed pre-development discharges at the same points, then the applicant shall have demonstrated, within reasonable limits, that no harm or adverse effects will occur downstream.

1391.09 STORM SEWERS AND DRAINAGE FACILITIES.

(a) Size and Grade. Storm drains shall be adequate for the anticipated run-off when the area is fully developed. The minimum diameter of storm sewers shall be fifteen inches, and the minimum grade shall be one percent (1%), unless approved by the Borough Engineer.

(b) Manholes. For pipe sizes of twenty-four inches or less, manholes shall be spaced at a maximum of four hundred feet and for larger pipe sizes, the maximum distances between manholes shall be six hundred feet. In addition, manholes shall be installed at all points of abrupt changes in alignment and grade. Inlets may be substituted for manholes where practical.

(c) Inlets. Inlets of the type shown in the Borough construction standards shall be installed. Inlets at street intersections shall be placed on the tangent and not on the curved portions.

(d) Castings. Manholes and inlet castings shall be as indicated in the Borough construction standards.

(e) Storm Water Roof Drains. Storm water roof drains shall extend to the paved gutter and, where accessible, shall connect to the storm drainage system.

(f) Unnatural Drainage. Whenever construction stops or concentrates the natural flow of storm drainage in such a way as to affect adjoining properties, approval of the owners shall be obtained in writing. Approval of plans by the Borough does not authorize or sanction drainage affecting adjoining properties.

(g) Watercourses. Open watercourses will not be permitted within the rights of way of streets. The stopping, filling up, confining or other interference with, or changing the course of, drains, ditches, streams and watercourses in the Borough shall not be permitted unless approval in writing is obtained from Council. A permit must be obtained from the Department of Environmental Resource (DER) of the Commonwealth for construction or changes in a watercourse which drains an area of more than three hundred and twenty acres.

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

1391.10 SANITARY SEWERS.

(a) Installation. Installation of sanitary sewers and appurtenances shall be in accordance with the rules and regulations of the White Oak Borough Authority or its assigns. All

installations, including house connections, shall be made prior to the paving of the street and shall be thoroughly tamped.

(b) Minimum Size and Grade. The minimum diameter of sanitary sewers shall be eight inches and the minimum grade shall be 0.5 percent (0.5%).

(c) Laterals. Lateral connections, where required, shall be installed to the right-of-way line of the street prior to road paving. Each building shall have a separate connection to the Borough sewer, except that garages accessory to dwellings may be connected to the dwelling line.

1391.11 WATER SYSTEM.

(a) Water Mains. All water mains shall have a minimum diameter of six inches, unless written approval is obtained from the Borough Engineer and reviewed by Council. All water mains shall be extended and connected to existing water mains to provide a circulatory system where required by the Engineer and approved by Council.

(b) Installation. Installation of water mains and appurtenances shall be made in accordance with the rules and regulations of the White Oak Borough Authority or its assigns. All water mains and house connections shall be made prior to the paving of the street and shall be thoroughly tamped.

(c) Hydrants, Gate Valves and Meters. Fire hydrants, gate valves and meters shall be of the type and design required by the Borough. Fire hydrants shall be located at accessible points and located to give adequate fire protection as outlined by the Board of Underwriters. Gate valves shall be located as directed by the Engineer.

1391.12 TESTING.

All construction materials used in sewers, streets, sidewalks and other required improvements shall be tested by a qualified testing laboratory, if required by the Borough Engineer. The cost for such tests shall be borne by the developer.

ARTICLE 1393

Modifications and Exceptions

1393.01 Small subdivisions.

1393.02 Cases of physical hardship.

1393.03 Other hardships.

1393.04 Procedure for authorization.

CROSS REFERENCES

Amendments - see P. & Z. 1395.02

Appeals - see P. & Z. 1395.03

1393.01 SMALL SUBDIVISIONS.

Compliance with preliminary application procedures specified in Sections 1385.02 through 1385.04 shall not be required in the case of a subdivision or redivision or consolidation of land involving no more than two lots for the purpose of constructing single-family or two-family dwellings and where no new streets or other improvements are required, provided the plan is in strict compliance with the Borough Zoning Ordinance.

In other small subdivisions where existing conditions are well defined, Council may exempt the applicant from complying with some of the requirements of Sections 1385.03 and 1385.06 regarding application content, if warranted. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this section shall submit a written request to Council prior to submitting an application for preliminary approval. Upon recommendation by the Planning Commission, Council may grant a waiver to any of the application requirements of Sections 1385.03 and 1385.06, if warranted, provided that such waiver is not contrary to the public interest and such waiver is not in conflict with the requirements of any other applicable County or State law or regulation.

1393.02 CASES OF PHYSICAL HARDSHIP.

In any particular case where the developer can show by plan and written statement that, by reason of exceptional topographic or other physical conditions, strict compliance with any requirement of Title Seven would cause practical difficulty or exceptional and undue hardship, Council may relax such requirements to the extent deemed just and proper, so as to relieve such difficulty or hardship, provided that such relief may be granted without detriment to the public good and without impairing the intent and purpose of Title Seven of the desirable general development of the neighborhood and the community in accordance with the Borough's Comprehensive Plan.

1393.03 OTHER HARDSHIPS.

When, owing to special conditions, a literal enforcement of Title Seven would result in unnecessary hardship, Council may make such reasonable exceptions to any of the requirements of Title Seven as will not be contrary to the public interest and may approve a subdivision or land development plan subject to conditions necessary to assure adequate public improvements.

1393.04 PROCEDURE FOR AUTHORIZATION.

(a) Any request for a modification or exception of Title Seven authorized by this article shall be considered by Council at a public meeting.

(b) If warranted, Council may hold a public hearing pursuant to public notice prior to making a decision on the request for a modification or exception.

(c) If the Planning Commission has made a recommendation on the request, the recommendation shall be entered into the official record of the meeting. The reasons relied upon by Council in approving or disapproving the request shall be entered into the minutes of the meeting and any resolution or ordinance adopted governing an application which contains a request for a modification or exception shall include reference to the modification or exception and the reasons for approval or disapproval.

ARTICLE 1395

Administration and Enforcement

1395.01 Inspection and filing fees.

1395.02 Procedure for amendments.

1395.03 Appeals.

1395.04 Conflicts of laws.

1395.99 Penalty.

CROSS REFERENCES

Penalty - see Municipalities Planning Code Sec. 515 (53 P.S. Sec. 10515)

1395.01 INSPECTION AND FILING FEES.

(a) Filing Fees.

(1) In order to defray a part of the cost incurred by the Borough in reviewing plans, filing fees shall accompany the filing of each preliminary and final application. Checks shall be made payable to the Borough.

(2) Council shall establish a schedule of filing fees by resolution. The schedule of fees shall be available to the public in the Office of the Borough Manager.

(3) In the event that the developer submits a revised application, the revised application shall be accompanied by a filing fee in an amount determined by the Borough Engineer to cover the costs of review and processing the revised plan. This fee shall apply only to revisions initiated by the applicant, but shall not apply to revisions required to complete an application or revisions requested by the Planning Commission which are not required to complete an application.

(b) Inspection Fees. In order to defray a part of the costs incurred by the Borough in inspecting the installation of the improvements required by these Subdivision Regulations to ensure compliance with these Subdivision Regulations, the developer shall, at the time the original tracing of the final plat of a development is filed, present a check or money

order made payable to the Borough in an amount equal to two percent (2%) of the estimated cost of the improvements used as a basis in establishing the amount of the completion bond, as determined by the Engineer or bona fide bids by the contractor or contractors selected to install the improvements.

1395.02 PROCEDURE FOR AMENDMENTS.

Council may, from time to time, amend Title Seven by appropriate action after a public hearing on the proposed amendments conducted pursuant to public notice. Public notice, as defined by Title Seven, shall be given which includes the date, time and place of the public hearing together with a brief summary setting forth the principal provisions of the amendments, indicating the place or places where copies of the proposed amendments may be examined. In the case of an amendment other than that prepared by the Planning Commission, Council shall submit the amendment to the Planning Commission for recommendations at least forty days prior to the date fixed for the public hearing on the amendments.

1395.03 APPEALS.

Any landowner aggrieved by the decision of Council regarding a subdivision or land development plan may appeal such decision within thirty days of the date of the decision of Council to the Allegheny County Court of Common Pleas, except in the case of unified appeals which shall be submitted to the Zoning Hearing Board in accordance with Section 913.1 of the Pennsylvania Municipalities Planning Code. Any aggrieved party, other than the landowner, may appeal to the Zoning Hearing Board within thirty days of the date of Council's approval or disapproval of the plan.

1395.04 CONFLICTS OF LAWS.

Whenever any provision of these Subdivision Regulations is at variance with another lawfully adopted rule, regulation, ordinance, restriction or covenant, that which imposes the most restrictive requirement shall govern.

Whenever there is a difference between a minimum standard or dimension specified in these Subdivision Regulations and those contained in another official regulation, resolution or ordinance of the Borough, the highest standard shall apply. If a question of conflict arises between various portions of these Subdivision Regulations, the most restrictive term shall apply.

1395.99 PENALTY.

Any person who shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be sentenced to imprisonment not exceeding two years, or to pay a fine of one thousand dollars (\$1,000), or both, in the discretion of the Court. In addition, Borough Council may institute appropriate action at law or equity to restrain, correct or abate any violation of the provisions of this ordinance. Each day that any person continues to violate this ordinance shall be considered as a separate offense.

APPENDIX I
STREET DESIGN STANDARDS

TYPE OF STREET *

Arterial/ Collector

Local Streets

Service Streets

Right of Way Widths

55'

50'

40'

Cul de Sac Right of Way Radius

NA **

50'

45' ***

Angle of Street Intersection

90o

75o - 90o

60o - 90o

Cartway Paving Width (curb to curb)

32'

25-8"

22'

Cul de Sac Paving Radius

NA

40'

30'

Minimum Street Grade

1.5%

1.0%

1.0%

Maximum Street Grade

12.0%

12.0%

14.0%

Maximum Levelling Grade (for 50' before Center Line of Intersection)

3.0%

3.0%

4.0%

Curb Return Radius

30'

25'

20'

Clear Sight Triangle (Main to Side Street)

500'/30'

250'/25'

200'/25'

Horizontal Curves

Minimum Center Line Radius

300'

125'

100'

Vertical Curves

Change in Grade per 100'

4'

5'

8'

Sidewalk Width (where required)

5'

4'

4'

* See definitions of types of streets in Section 105 of this Ordinance.

** NA = Not Applicable

*** Comparable hammer-head design also permitted