

**City of Monongahela • Washington County, PA**

**SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

City of Monongahela  
Pennsylvania



BILL NO. 4-2010  
INTRODUCED October 13, 2010  
ORDINANCE NO. 4-2010  
ADOPTED November 10, 2010

AN ORDINANCE OF THE CITY OF MONONGAHELA, COUNTY OF WASHINGTON, PENNSYLVANIA AND THE COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE ZONING AND SUBDIVISION AND LAND DEVELOPMENT ORDINANCES.

An Ordinance adopting a revised and restated code for the zoning, subdivision and land development of properties within the City of Monongahela, Washington County, PA to consolidate, amend and repeal the current ordinance and those resolutions inconsistent with the revised and restated codes for zoning, subdivision and land development, effective immediately.

ADOPTED AND RESOLVED By the Council of the City of Monongahela this 10th day of November 2010.

A handwritten signature in cursive script, appearing to read "Bob Kepri", is written over a horizontal line.

Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Carole Foglia", is written over a horizontal line.

City Clerk

## **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

Enacted November 10, 2010

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Thomas Caudill  
Ken Kulak  
Daryl Miller  
Claudia Williams

### **City of Monongahela Mayor**

Robert Kepics

### **City of Monongahela Planning Commission**

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Ken Kulak  
Joan Langan  
Keith Lester  
Mona Rae Williams

### **City of Monongahela SALDO Steering Committee**

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### **Funding and Technical Assistance**

Funding was provided by a Pennsylvania Department of Community and Economic Development (DCED) Land Use Planning and Technical Assistance Program (LUPTAP) grant, Local Government Academy (LGA) Multi-Municipal Planning Grant, and a Redevelopment Authority of the County of Washington (RACW) Community Development Block Grant.

This Ordinance was prepared on behalf of the City of Monongahela by:



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**§ 100. Short Title.**

**§ 100.1** This Chapter shall be known and may be cited as the “City of Monongahela Subdivision and Land Development Ordinance.”

**§ 101. Grant of Power.**

**§ 101.1** This Chapter is enacted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

**§ 102. Purpose and Intent.**

**§ 102.1** The purpose of this Chapter is to regulate all subdivision, resubdivision, consolidation and land development activities in the City by providing for a uniform method for the submission of preliminary and final plats to ensure: 1) the proper layout or arrangement of land and buildings; 2) the proper design of streets to accommodate projected traffic and facilitate fire protection; 3) the provision of adequate easements or rights of way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities; and 4) the proper design of land developments in accordance with the requirements of this Chapter and the City of Monongahela Zoning Ordinance.

**§ 102.2** These Subdivision and Land Development Regulations are made in accordance with the community development objectives set forth in the City of Monongahela Zoning Ordinance and the City of Monongahela and Borough of New Eagle Joint Comprehensive Plan and are intended to achieve the following goals:

- (A) To promote, protect and facilitate one (1) 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 recreation, open space and harmonious design; 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 (1) 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.

**§ 103. Authority.**

**§ 103.1 Authority of Monongahela City Council.** The Council of the City of Monongahela is vested by law with the control of the subdivision of land and land development within the city limits by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. City Council shall retain the authority to approve all subdivision plans and land development plans as required herein.

**§ 103.2 Authority of the City Planning Commission.** The City Planning Commission is hereby designated by the Council as an agency which shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Council, and, when provided by ordinance, make other recommendations.

**§ 103.3 Authority of the Plan Review Board.** The Plan Review Board is hereby designated by the Council as an agency which shall review and have the authority to approve land development construction plans for the issuance of building and zoning permits for all improvements other than single-family residential use.

(A) The Plan Review Board shall consist of the City Zoning Officer, the City Engineer, and the City Building Official.

(B) The Zoning Officer, in his discretion, may request the City Planning Commission or any other City official or agency to review the application and make recommendations thereof.

**§ 104. Application of Regulations.**

**§ 104.1 Subdivision Control.** No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this Chapter. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded; and until the improvements required by the Council in connection herewith have been either constructed or guaranteed as herein provided in Section 306, et. seq.

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**§ 104.2 Land Development Control.**

- (A) Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Council.
- (B) Land development plans shall indicate the location of each structure and clearly define each commercial or noncommercial structure and / or residential unit and shall indicate public easements, common areas and improvements, all easements appurtenant to the each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

**§ 105. Interpretation and Conflicts.**

**§ 105.1 Interpretation.** In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.

**§ 105.2 Conflict with Public and Private Provisions.**

- (A) **Public Provisions.** Where any provision of this Chapter imposes restriction different from those imposed by any other provision of this Chapter or any other ordinance, rule or regulation, or other provision of law, the provisions that are more restrictive or impose higher standards shall control.
- (B) **Private Provisions.** This Chapter is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided however that where these regulations are more restrictive or impose higher standards they shall control. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the provisions of these regulations, then such private provisions shall be operative and supplemental to these regulations.

**§ 106. Applicability of Regulations.**

**§ 106.1 Approval Required.** Approval in accordance with this Chapter shall be required for:

- (A) Any land development, as defined by this Chapter.
- (B) Any subdivision, as defined by this Chapter.

**§ 106.2 Compliance Required.**

- (A) No lot in a subdivision or land development may be leased, transferred or sold and no permit to erect, alter, repair or occupy any building or use any land in any subdivision or land development may be issued unless and until such subdivision or land development shall have been approved and properly recorded and until such public and/or private improvements as required by this Chapter shall have been constructed or guaranteed, as provided for by this Chapter.
- (B) The description by metes and bounds in an instrument of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this Chapter.

**§ 106.3 Compliance with other Codes and Regulations.**

- (A) In addition to complying with the provisions of this Chapter, all subdivisions and land developments within the City shall comply with all applicable municipal ordinances as amended or adopted from time to time including without limitation the Zoning Ordinance.
- (B) Compliance with applicable City, County, State and Federal ordinances and regulations shall be a requirement for any approval under the provisions of this Chapter.
- (C) Any violation of applicable City, County, State and Federal ordinances, statutes regulations or permits shall be deemed a violation of this Chapter and shall be subject to enforcement procedures authorized by this Chapter.

**§ 107. Repeals.**

**§ 107.1** The current Subdivision and Land Development Ordinance of the City of Monongahela Code is hereby repealed in its entirety and this Ordinance substituted thereof.

**§ 108. Severability.**

**§ 108.1** Should any article, section, subsection, paragraph, clause, phrase or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect have no effect on the remaining provisions of this Chapter or any the provisions of the City of Monongahela Subdivision and Land Development Ordinance, as amended.

**§ 109. Effective Date.**

**§ 109.1** This Chapter shall become effective immediately upon enactment by the Council of the City of Monongahela. Ordained and enacted by the Council of the City of Monongahela, PA this 10<sup>th</sup> day of November, 2010.

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**§ 200. Interpretations.**

**§ 200.1** All words used in this Chapter shall carry their customary definitions as provided in the most recent edition of Webster's Collegiate Dictionary, except where specifically defined herein. The word "person" includes a corporation, association, partnership or individual. The words "shall" and "will" are mandatory; the word "may" is permissive. Words used in the present tense include the future tense. Words in the masculine gender shall include the feminine gender. The singular number shall include the plural, and the plural shall include the singular.

**§ 201. Definitions.**

**§ 201.1** As used in this Chapter, the following terms shall have the meanings indicated:

**AMENITIES BOND:** Surety, in a form acceptable to the City that includes cash, a certified check, a letter of credit or a corporate performance bond from a Pennsylvania licensed surety company which guarantees the satisfactory completion of those private improvements in a subdivision or land development plan which are required by this Chapter or are voluntarily proposed by the developer.

**APPLICANT:** A landowner or developer who has filed an application for a subdivision or land development, including his heirs, successors and assigns.

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

**APPOINTING AUTHORITY:** The Mayor of the City of Monongahela.

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

**ARCHITECT:** A professional architect licensed as such by the Commonwealth of Pennsylvania.

**BASE FLOOD:** The flood that has a 1-percent probability of being equaled or exceeded in any given year (also referred to as the 100-year flood).

**BEST MANAGEMENT PRACTICES:** Methods, measures or practices and facilities to prevent or reduce surface runoff and/or water pollution, including but not limited to, structural and non-structural stormwater management practices and facilities and operation and maintenance procedures.

**BLOCK:** An area, divided into lots, and usually bounded by streets.

**BUFFER AREA:** A strip of land which is planted and maintained in shrubs, bushes, trees, grass, or other ground cover material and within which no structure or building shall be authorized except a wall or fence which meets municipal requirements.

**BUILDING:** Any structure having enclosed walls and a roof and requiring a permanent location on the land, including but not limited to, all mobile homes and trailers.

**BUILDING CODE OFFICIAL:** A construction code official, or the building code official's designee, who manages, supervises and administers the building code enforcement activities (relating to certification category specifications). Duties include but are not limited to: management of building code enforcement activities; supervision of building inspectors or plan examiners; authorizing issuance of certificates of occupancy; issuance of building permits, violation notices and orders to vacate; and the initiation of prosecutions.

**CARTWAY:** That portion of the street right-of-way that is surfaced for vehicular use, excluding shoulders, sidewalks, and curbs.

**CHAPTER:** All references to "this Chapter" refer to the City of Monongahela Subdivision and Land Development Ordinance.

**CITY:** Of or referring to the City of Monongahela, Washington County, Pennsylvania.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections, defined by lines of sight between points at a given distance from the intersections of center lines of streets. *Please refer to Figure 1 in Appendix B.*

**CODE (THE CITY OF MONOGNAHELA CODE):** The codified ordinances of the City.

**COMMON OPEN SPACE:** A parcel or parcels of land or an area of water, or a combination of land and water within a development site and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**CONSOLIDATION:** The combination of two (2) or more lots, tracts or parcels of land into one (1) lot, tract or parcel for the purpose of sale, lease or development of a building or lot.

**COUNCIL:** The City Council of Monongahela, Washington County, Pennsylvania.

**COUNTY:** The County of Washington, Pennsylvania.

**COUNTY PLANNING COMMISSION:** The Planning Commission of the County of Washington, or its successor department or agency.

**CROSSWALK:** A publicly or privately owned right-of-way for pedestrian use extending from one curb to the opposite curb across a public or private street cartway.

**CUL-DE-SAC:** A street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround, including a court or dead-end street.

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

**CUT:** An excavation; the difference in vertical elevation between a point on the surface of the original ground and a point of lower elevation on the finished grade; material removed in excavation.

**DAM:** Any artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water, or a structure for highway, railroad or other purposes which may impound water.

**DETENTION:** The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by temporary storage.

**DETENTION BASIN:** An impoundment designed to collect and retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely shortly after any given rainfall event and are dry until the next rainfall event.

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

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations, and the subdivision of land.

**DEVELOPMENT AGREEMENT:** A written agreement between the Developer and the City setting forth the Developer's obligations pursuant to applicable City ordinances.

**DEVELOPMENT OF REGIONAL SIGNIFICANT AND IMPACT:** Any land development that, because of its character, magnitude, or location will have substantial effect upon the health, safety, or welfare of citizens in more than one municipality.

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

**DOUBLE FRONTAGE LOT:** A lot having two (2) or more of its non-adjointing property lines abutting a street or streets, usually having front and rear street frontage.

**DRAINAGE:** The removal of surface water or groundwater from the land by drains, grading or other means, such as retention or detention basins, including control of runoff to minimize erosion and sedimentation during and after construction or development and means necessary for water supply preservation or prevention or alleviation of flooding.

**DRAINAGE FACILITY:** Any ditch, gutter, culvert, storm sewer or other structure designed, intended or constructed for the purpose of carrying, diverting or controlling surface water or groundwater.

**DRAINAGE EASEMENT:** A right granted by a landowner to a grantee allowing the use of a private land for stormwater management purposes.

**DRIVEWAY:** An impervious surface for vehicular access to a building, garage, parking facility or other vehicular facility, lot or parcel of land.

**DRIVEWAY, PRIVATE:** A private vehicular passageway providing access between a street and a private parking area or private garage

**DWELLING:** Any building or portion thereof which is designed for and/or occupied in whole or in part as a home or residence for one (1) or more persons; it shall not be deemed to include hotels, boarding or rooming houses, institutional homes or residence clubs.

**DWELLING, ONE FAMILY:** A detached building occupied by one (1) family only.

**DWELLING, TWO FAMILY:** A detached building occupied by two (2) families only, independently of each other, including two (2) dwelling units, one above the other or attached side to side, each having a separate entrance.

**DWELLING, MULTI-FAMILY:** A building containing three (3) or more separate dwelling units.

**DWELLING UNIT:** One (1) or more rooms arranged for the use of one (1) family living together as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

**EASEMENT:** A public or private right of use over the property of another.

**ENGINEER:** A professional engineer licensed as such by the Commonwealth of Pennsylvania.

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

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

**FEE:** The required charge, which shall be payable to the City, established from time to time by resolution of the Commission collected to defray the costs of processing an application, reviewing an application or inspecting the installation of improvements.

**FEMA:** Federal Emergency Management Agency

**FILL:** Any act by which earth, sand, gravel, rock or any other material is placed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, including the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher elevation on the finished grade; the material used to make a fill.

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

**FLOOD:** A general but temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other waters of this Commonwealth.

**FLOOD INSURANCE RATE MAP (FIRM):** A map of the municipality on which FEMA has delineated both the special flood hazard areas and the flood risk premium zones applicable to the City.

**FLOODPLAIN:** The lands adjoining a river or stream that have been, or may be expected to be, inundated by floodwaters in a 100-year frequency flood.

**FLOOD PRONE AREA:** Any land area susceptible to being inundated by floodwater from any source.

**FLOODWAY:** The channel of a watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from the stream to 50 feet from the top of the bank of the stream.

**FRONT BUILDING LINE:** A line parallel to the front lot line, at a distance measured perpendicular therefrom as prescribed in the Zoning Ordinance for a required yard. Where there is no required yard then the lot line shall be the front building line. *See Figure 2-1 in Appendix B.*

**GRADE, NEW OR FINISHED:** The resulting level of the ground after final grading where there is a cut, and after normal settlement where there is a fill.

**GRADING AND DRAINAGE PLAN:** A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface draining facilities, described by grades, contours and topography.

**IMPROVEMENT BOND:** Surety, in a form acceptable to the City Solicitor, in the form of cash, a certified check or irrevocable letter of credit from a federally- or Commonwealth-chartered lending institution, a corporate performance bond or a labor-and-material payment bond from a surety company authorized to conduct business in the Commonwealth, which guarantees the satisfactory completion of improvements required by this Chapter.

**IMPROVEMENTS:** Those physical changes to the land necessary to produce usable land and desirable lots from raw acreage including, but not limited to: grading; paving; curbs and gutters; stormwater sewers; improvements to existing watercourses; sidewalks; cross walks; street signs; monuments; water supply and water distribution systems and facilities; on-site sanitary sewage treatment facilities, and/or sanitary sewerage collection systems, and possibly sanitary sewage treatment plant facilities and construction; and demolition of structures.

**INSPECTOR:** The Municipal Engineer or his/her authorized representative assigned by the City to make any or all necessary inspections of the work performed and materials furnished by the developer or the contractors selected to install the improvements required by this Chapter.

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

- (1) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:

- (a) A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively; A single non-residential building on a lot or lots regardless of the number of occupants or tenure; or
  - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- (2) A subdivision of land.
- (3) Development in accordance with Section 503(1.1) of the Pennsylvania Municipalities Planning Code.
- (4) “Land development” does not include development which involves:
- (a) The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - (b) The addition of an accessory building, including farm building, on a lot or lots subordinate to an existing principal building; or,
  - (c) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

**LAND DEVELOPMENT PLAN:** A plan which encompasses a proposed land development, which, in addition to a plat of a 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, if any. The land development plan shall include all of the written and graphic information required by this Chapter.

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

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

**LOT AREA:** The total horizontal area contained within the property lines of a lot, as defined in the deed or as shown on an approved subdivision plan. For the purposes of compliance with minimum lot area requirements, the following shall be excluded: Any area used for gas, oil, natural gas, electric, water or communications; or, any area within a street or other transportation right-of-way, existing or proposed; or, any area within a permanent drainage easement.

**LOT AREA PER DWELLING UNIT:** The quotient obtained by dividing the total lot area by the total number of dwelling units to be located on such lot calculated to the nearest whole number.

**LOT, BUILDABLE AREA OF:** The portion of a lot bounded by required yards as set forth in *Figure 2-B of Appendix B*.

**LOT, CORNER:** A lot at the junction of and abutting two or more intersecting streets, where the interior angle of intersection is less than one hundred and thirty-five (135) degrees. A lot abutting a curved street or streets shall be considered a corner lot if the tangents to the curve at the points of intersection of the lot lines with the street intersect at an interior angle of less than one hundred and thirty-five (135) degrees. Each yard abutting a street shall be considered a front yard. If a lot is adjacent to two intersecting streets, then a front yard shall be provided adjacent to each of those streets. Every corner lot shall include one rear yard, which shall be identified as the yard opposite the front yard as determined by the Zoning Officer.

**LOT DEPTH:** The horizontal distance between the front lot line and the rear lot line measured along the median between said lines. *See Figure 2-1 in Appendix B*.

**LOT, FLAG:** A lot which has less than the minimum required lot width at the public street frontage, but which provides the minimum required lot width at a distance from the lot frontage, usually in excess of the minimum required setback, and which lot includes a strip of land in fee simple ownership for access to the public street to the buildable area of the lot which lies behind another property which fronts on the public street. Flag lots shall have a minimum frontage on a public street of fifty (50') feet.

**LOT FRONTAGE:** The portion of the lot which abuts the street measured along the front lot line.

**LOT, INTERIOR:** A lot where the side property lines do not abut a street.

**LOT, MINIMUM WIDTH:** The horizontal distance between side lot lines measured at the building set-back line. *See Figure 2-1 in Appendix B*.

**LOT, NONCONFORMING:** A lot of record at the time of the adoption of this Chapter, which by reason of area or dimension, does not conform to the requirements of this Chapter.

**LOT OF RECORD:** A lot described in a deed or shown on a plan of lots which has been recorded in the office of the Recorder of Deeds of Washington County, Pennsylvania.

**LOT, REVERSE FRONTAGE:** A lot extending between and having frontage on an arterial street and a local access street, and with vehicular access solely from the latter.

**LOT, THROUGH:** An interior lot in which the front line and rear line abut upon streets. Where a single lot under individual ownership extends from a street to a street, the widest street shall be deemed the street upon which the property fronts.

**LOT LINE, FRONT:** The lot line abutting the street; in case of lots abutting more than one (1) street, a choice of either street is optional with the owner. Before a lot can be considered to abut a street, it must have at least fifteen (15) feet of frontage on said street. *See Figure 2-1 in Appendix B.*

**LOT LINE, REAR:** A lot line which is opposite and most distant from the front lot line or, a line at least twenty (20) feet in length within the lot, parallel to and at a maximum distance from the front lot line. *See Figure 2-1 in Appendix B.*

**LOT LINE, SIDE:** Any lot boundary line which is not a front lot line or a rear lot line. *See Figure 2-1 in Appendix B.*

**MAJOR SUBDIVISION:** Any subdivision not classified as a minor subdivision.

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

**MINOR SUBDIVISION:** The subdivision of land into not more than two (2) parcels located on an existing improved street that does not involve the installation of improvements as required by this Chapter; extension of utilities; frontage on an arterial or collector street; adverse effect to the development of the remaining parcel; adverse effect to adjoining properties; and conflict with the City of Monongahela & Borough of New Eagle Joint Comprehensive Plan, Zoning Ordinance (Chapter XXVII), any portion of this Chapter or other State, County or City ordinances, laws or regulations.

**MOBILE HOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which

arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILE HOME LOT:** A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection thereon of a single mobile home.

**MOBILE HOME PARK:** A parcel or contiguous parcels of land which have been so designated and improved that they contain two or more mobile homes and/or mobile home lots for the placement thereon of mobile homes.

**MONUMENT:** A concrete, stone, or other permanent object placed to designate boundary lines, corners of property and rights-of-way of streets and utilities, for the purpose of reference in land and property survey.

**MUNICIPAL AUTHORITY:** A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the “Municipalities Authority Act of 1945.”

**MUNICIPAL ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed to serve as the engineer for the City.

**MUNICIPAL SOLICITOR:** The attorney appointed by Council to serve as legal counsel for the City.

**OFFICIAL FILING DATE:** Upon the determination that an application is complete, the date in which the 90 day review period commences. That date shall be either the date of the first regular planning commission meeting following the determination that the application is complete, or thirty (30) days after that determination, whichever comes first.

**OWNER:** The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the owner, or other persons having a proprietary interest in the land shall be deemed to be an owner for the purpose of this Chapter.

**PARCEL:** A tract of land which is recorded in a plan of subdivision or any other tract of land described in a deed or legal instrument pursuant to the laws of the Commonwealth which is intended to be used as a unit for development or transfer of ownership.

**PENNSYLVANIA MUNICIPALITIES PLANNING CODE (MPC):** Act of 1968, P.L. 805, No. 247 as reenacted and amended.

**PERSON:** An individual, partnership, corporation or other legally recognized entity.

**PLAN REVIEW BOARD:** An agency having the authority to approve land development construction plans and applications for the issuance of building and zoning permits.

**PLANNING COMMISSION:** City of Monongahela Planning Commission.

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

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

**PLAT, PRELIMINARY:** A tentative map or plan of a subdivision or land development (and including all required supplementary data), in lesser detail than a final plat, showing approximate proposed street and lot layout as a basis for consideration prior to preparation of a final plat.

**PLAT OF RECORD:** the copy of the final plat which contains the required original endorsements and which has been recorded with the County Recorder of Deeds.

**PRELIMINARY APPLICATION:** The written and graphic materials specified by this Chapter to be submitted to the City in order to obtain preliminary approval of a proposed subdivision or land development.

**PRIVATE IMPROVEMENTS:** All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, landscaping and other facilities to be owned, maintained or operated by a private entity such as an individual, partnership, corporation or homeowners' association and constructed in accordance with this Chapter.

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

**PROPERTY:** The land, building, all improvements thereon, and all easements, rights and appurtenances belonging thereto, which are subject to the provisions of this Chapter.

**PUBLIC GROUNDS:** Includes:

- (1) Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- (2) Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and,
- (3) Publicly owned or operated scenic and historic sites.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by the City Council or the City Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with this Chapter.

**PUBLIC IMPROVEMENTS:** All roads, streets, walkways, gutters, stormwater management facilities, curbs, sewers, landscaping and other facilities to be dedicated to or maintained by the City for which plans, specifications and construction shall comply with this Chapter.

**PUBLIC MEETING:** A forum held pursuant to notice under 65 Pa. C.S. CH. 7, (relating to open meetings).

**PUBLIC NOTICE:** Notice published once each week for two (2) successive weeks in a newspaper of general circulation in the City. Such notice shall state the time and place of the public hearing and the particular nature of the matter to be considered at the public hearing. The first publication shall be not more than thirty (30) days and the second notice shall not be fewer than seven (7) days from the date of the public hearing.

**RECORDED INSTRUMENT:** A plat, declaration or other instrument duly recorded in the Office of the Recorder of Deeds of Washington County in accordance with the provisions of this Chapter.

**RECORDER:** The Recorder of Deeds of Washington County.

**RESUBDIVISION:** Any subdivision or transfer of land, laid out on a plan which has been approved by the Council which changes or proposes to change property lines and/or public right-of-way not in strict accordance with approved plan.

**RIGHT-OF-WAY:** An easement for public or private use, usually granting the right to cross over the land of another and/or to install utilities such as sewer or water lines or communication systems.

**RIGHT-OF-WAY, STREET:** The total extent of land reserved or dedicated as a street, for public or private purposes.

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

**SEDIMENTATION:** The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity. Once this matter is deposited, or remains suspended in water, it is usually referred to as “sediment.”

**SETBACK (BUILDING SETBACK LINE):** The line within a property defining the required minimum distance between any structure and the ultimate adjacent right-of-way, and the line defining side and rear yards where required.

**SEWAGE DISPOSAL SYSTEM, ONSITE:** A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

**SEWAGE DISPOSAL SYSTEM, PUBLIC:** A sanitary sewage collection method in which sewage is carried from the site by a system of pipes to a central treatment and disposal plant.

**SHOULDER:** The portion of a roadway (cartway) between the curb or gutter and the travelway intended for emergency and parking use.

**SIGHT DISTANCE:** The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Section 605.5(D) of this Chapter.

**SITE:** One (1) or more lots, tracts or parcels which are under single ownership and control and are proposed as a unit for development purposes.

**SLOPE:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed as a ratio based upon the horizontal distance for each unit of rise or fall or as a percentage based on the vertical difference in feet per one hundred feet (100') of horizontal distance.

**SOIL EROSION AND SEDIMENT CONTROL PLAN:** A plan for controlling erosion and sediment during construction which shall provide for all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

**SPECIAL FLOOD HAZARD AREA (SFHA):** An area subject to inundation by the base flood, designated zones A, A1 – 30, AE, AH, AO, V, V1 – 30, or VE on the Flood Insurance Rate Map.

**STATE:** The Commonwealth of Pennsylvania.

**STREET:** Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

**STREET, ARTERIAL:** A public street intended for high volume traffic use. Arterial streets carry both regional through traffic and local traffic and collects/distributes traffic primarily from other arterial and collector streets. Arterial streets typically carry Average Weekday Daily Traffic (AWDT) volumes of greater than 8,000 vehicles per day.

**STREET, COLLECTOR:** A public street designed to provide access from local streets, as well as abutting lots, for distribution of traffic to arterial streets and other collector streets. Collector streets are intended to provide access for lower speed traffic and lower traffic volumes and typically carry AWDT volumes in the range of 3,000 to 7,999 vehicles per day.

**STREET, LOCAL:** A public street designed to provide low speed traffic access to abutting lots, with connections to collector streets and other local streets. Through traffic is discouraged. AWDT volumes are typically less than 3,000 vehicles per day.

**STREET, PRIVATE:** A street, including the entire private right-of-way, which is privately owned and maintained. 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.

**STREET, PUBLIC:** A street including the entire public right-of-way, which has been dedicated to and accepted by the City, the County or the Commonwealth for public use.

**STREET, SERVICE:** 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.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**SUBDIVISION:** The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETED:** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the MPC) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SURVEYOR:** A professional land surveyor licensed as such by the Commonwealth of Pennsylvania.

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

**WATERCOURSE:** A permanent stream, intermittent stream, river, brook, creek, channel or ditch which carries water, whether natural or man-made.

**ZONING OFFICER:** The Zoning Officer of the City of Monongahela.

**ZONING ORDINANCE:** Chapter XXVII of the Codified Ordinances of the City of Monongahela, also known as the City of Monongahela Zoning Ordinance, as amended.

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**§ 300. General Procedure.**

**§ 300.1 Classification of Subdivision.** Whenever any subdivision of land or land development is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development.

**§ 300.2 Pre-Application Consultation.** Prior to filing an application for approval of a subdivision or land development within the City, the owner or his authorized agent shall meet with the City Engineer for an official classification of his proposed subdivision or land development. The City Engineer shall determine whether the proposal shall be classified as a minor subdivision, a major subdivision or a land development. At this time, the City Engineer shall advise the owner or his authorized agent as to which of the procedures contained herein must be followed.

**§ 300.3 Official Filing Date.**

(A) For the purpose of these regulations, the official filing date shall be the date of the regular meeting of the City Planning Commission next following the date the application and plans are received in the City building. Provided, that should said regular meeting occur more than thirty (30) days following the submission of the application, the official filing date shall be the thirtieth (30<sup>th</sup>) day following the day the application has been submitted.

(B) Upon receipt of an application for subdivision or land development approval, the City Engineer shall affix the application both the date of submittal and the official filing date.

**§ 300.4 Washington County Planning Commission Review.** All plans shall be submitted to, and reviewed by, the Washington County Planning Commission in accordance with its current rules and regulations. The City shall forward to the applicant a copy of any report of the County Planning Commission.

**§ 301. Fee Schedule.**

**§ 301.1** All filing, inspection and engineering fees shall be submitted to the City.

**§ 301.2 Plan Filing Fee.** A filing fee shall accompany the preliminary plan. No application shall be accepted or acted upon unless payment is made to the City. The Council shall create by resolution a schedule of fees to be paid to the applicant to defray the cost of administering and processing of plans. The schedule of fees may be changed from time to time by resolution of Council.

**§ 301.3 Inspection and Engineering Fees.**

**(A)** The applicant shall pay the appropriate fees as fixed from time to time by separate resolution of the Council for the following services:

- (1)** Reviewing the engineering details of the plan
- (2)** Inspecting the layouts of the site for conformance to the survey and plan
- (3)** Reviewing the results of the soils tests
- (4)** Preparing the cost estimates of required improvements
- (5)** Inspecting required improvements during installation
- (6)** Final inspection on completion of installation of required improvements

**(B)** An applicant shall, by filing a plan, be then obligated to pay the fees herein provided. The engineering fees required to be paid by § 301.2 shall be promptly submitted to the City by the applicant upon the submission of bills thereof to the applicant from time to time by the Council.

**(C)** In the event the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date notify the City that such fees are disputed, in which case the City shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

**(D)** In the event that the City and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the

fees shall be recalculated and recertified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the City and the applicant or developers. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the City and the applicant or developer.

**§ 302. Minor Subdivision Procedure.**

**§ 302.1** Minor subdivision plans shall be initiated and submitted for review in the form of a final plan as specified in § 402 *et. seq.* and shall be otherwise reviewed in accordance with the procedures and standards of § 303 *et. seq.*

**§ 302.2 Additional Subdivision.** Any additional subdivision within two (2) years of a tract from which a minor subdivision has already been formed shall be deemed to be a major subdivision and shall follow the procedure applying thereto.

**§ 303. Major Subdivision and Land Development Procedure.**

**§ 303.1 Sketch Plan.** Applicants are strongly urged to discuss possible development sites with the Planning Commission prior to submission of a preliminary plan. A sketch plan shall be presented for review not less than ten (10) days prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of a subdivision or land development plan with the Council. Sketch plans should include those items listed in § 400.2.

**§ 303.2 Preliminary Plan.**

**(A) Submission of Preliminary Plans.**

(1) The preliminary plan and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Chapter. It is the responsibility of the applicant to coordinate his or her plans with the respective private and public service agencies.

(2) The application form shall be accompanied by the requisite fee as set forth in § 301 *et. seq.* of this Chapter and by not less than three (3) copies of all required material and not less than nine (9) prints of the preliminary plan of the subdivision or development.

- (3) The applicant shall forward one (1) copy of the preliminary plan prints and one (1) copy of the required material to the Washington County Planning Commission and for review and comment as per Section 502 (b) of the Pennsylvania Municipalities Code.
- (4) The applicant shall forward the remaining copies of the preliminary plan prints and required materials to the Planning Commission and to any other such agencies as he or she deems appropriate for review and comment.
- (5) When applicable, the application form shall be accompanied by a Sewage Facilities Planning Module, as required by the Pennsylvania Department of Environmental Protection.

**(B) Review of Preliminary Plans.**

- (1) In cases where the subdivision or land development adjoins an existing proposed State highway or has proposed streets entering on to State highways, the applicant shall submit the plan to the Pennsylvania Department of Transportation for review and comment.
- (2) The Planning Commission will consider the plan to determine if it meets the standards set forth in this Chapter as well as the Zoning Ordinance (Chapter XXVII, as reenacted and amended).
- (3) The Planning Commission shall act on the preliminary plan within sixty (60) days of the official filing date, but in any event shall act on the plan in time for Council to render its decision within ninety (90) days from the official filing date. In the event that any modification from this Chapter is requested by the applicant or is deemed necessary for approval, the modification and reasons for its necessity shall be entered into the records of the Council.

**(C) Planning Commission Recommendation.**

- (1) The Planning Commission shall recommend whether the preliminary plan shall be approved, approved with modifications, or disapproved, and shall notify the Council in writing thereof, including, if disapproved, a statement of reasons for such action by means of the minutes of the meeting.
- (2) In making its recommendation, the Planning Commission shall consider the recommendations and comments of the Plan

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Review Board, the City Engineer, other applicable City staff, the City Sanitary Engineer, the Washington County Planning Commission, interested residents, and the recommendations of any agency or agencies from which a review was requested under the provisions of § 303.2 (A).

**(D) City Engineer Review.** All plans shall be reviewed by the City Engineer, which approval shall precede the transmission of such plans to the Council.

**(E) Resubmission of Preliminary Plans.** A revised plan submitted after disapproval shall be considered and processed as a new plan submission.

**(F) Approval of Preliminary Plans.**

- (1)** The Council shall act on the preliminary plan within ninety (90) days of the official filing date. Failure to do so shall be deemed an approval. Before acting on a preliminary plan, the Council may hold a hearing thereon after public notice.
- (2)** The Council shall notify the applicant of its decision to approve, approve with modifications, or disapprove the preliminary plan in writing. Such notice shall be given to the applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is approved with modifications or disapproved, the Council shall specify in its notice the conditions or modifications which must be met and / or the defects found in the plan, and the requirements which have not been met, including specified reference to provisions in any statute or ordinance which have not been fulfilled.
- (3)** Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the character and intensity of development, the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the applicant to the general scheme submitted, and permits the applicant to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan.

**(G) Conditional Approval.**

- (1) If Council determines that certain conditions are warranted to be attached to preliminary approval to protect the public interest and guarantee compliance with the requirements of the Chapter or other Chapters of the Code, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 303.2 (F) of this Chapter.
- (2) If the applicant fails to give written notice to the City regarding acceptance or rejection of the conditions attached to preliminary approval or execute the development agreement within the required thirty (30) days, preliminary approval shall automatically be rescinded without written notice to the applicant.

**(H) Expiration of Preliminary Approval.**

- (1) Preliminary approval shall expire one (1) year from the date of the grant of preliminary approval by Council, unless a written extension is submitted to Council at least thirty (30) days prior to the prevailing expiration date.
- (2) Extensions may be granted for one (1) or more six (6) month period(s) upon a finding by Council that such extension is warranted for reasonable cause and not due to the applicant's own negligence or inaction.
- (3) In the case of a phased development, calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the preliminary application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. The applicant shall update the schedule on or before the anniversary of preliminary approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by Council in its sole discretion.

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**§ 303.3 Final Plan.****(A) Submission of Final Plans.**

- (1) After the applicant has received official notification from the Council that the preliminary plan has been approved, he must submit a final plan in accordance with the provisions of Section 509 of the Pennsylvania Municipalities Planning Code.
- (2) The final plan shall conform in all respects with the approved preliminary plan. If it does not, the plan submitted shall be considered a revised preliminary plan and shall be forwarded by the City Engineer to the Planning Commission for review and recommendation as a preliminary plan.
- (3) The applicant must submit with the final plan a guarantee for the installation of improvements that meets the requirements of § 306 of this Chapter.
- (4) The application form shall be accompanied by the requisite inspection and engineering fees as set forth in § 301.2 of this Chapter.
- (5) Documented approval of the Sewage Facilities Planning Module by the Pennsylvania Department of Environmental Protection shall be a part of the requisite materials accompanying the final plan submission.
- (6) The applicant shall submit a reproducible original of the plans, nine (9) prints of the final subdivision or land development plans, and at least three (3) copies of all other required information.
- (7) Upon receipt of the final plan, the applicant shall forward the original plans and five (5) copies of the plans and one (1) copy of all other materials to the Planning Commission for review and recommendation; one (1) copy of the plan and one (1) copy of all other material to the Washington County Conservation District for review and comments; one (1) copy of the plan and one (1) copy of all other material to the Washington County Planning Commission; one (1) copy of the plan to the City Engineer; and copies to such other agencies as may be deemed appropriate by the City, County, and / or State.

**(B) Review of Final Plans.**

- (1) The Planning Commission will review the plan and requisite materials for compliance with the approved preliminary plan and for conformance to the requirements of this Chapter.
- (2) The Planning Commission shall act on the final plan within sixty (60) days of the official filing date.

**(C) Planning Commission Recommendation.**

- (1) The Planning Commission shall recommend whether the final plan shall be approved, approved with modifications, or disapproved, and shall notify the Council in writing thereof, including, if approved with modifications or disapproved, a statement of reasons for such action by means of the minutes of the meeting.
- (2) In making its recommendation, the Planning Commission shall consider the recommendations of the City Engineer and staff, the City Sanitary Engineer, the Washington County Planning Commission, the Washington County Conservation District, the Pennsylvania Department of Transportation, the Pennsylvania Department of Environmental Protection, and the recommendations of any agency or agencies from which a review was requested under § 303.2 (A) (4).

**(D) City Engineer Review.** All plans shall be reviewed by the City Engineer, which approval shall precede the transmission of such plans to Council.

**(E) Resubmission of Final Plans.** A revised final plan submitted after disapproval shall be considered and processed as a new plan submission.

**(F) Approval of Final Plans.**

- (1) Council will not take official action to approval a final plan unless it is accompanied by a guarantee for the installation of improvements which meet the requirements of § 306 of this Chapter.
- (2) Council shall take action within ninety (90) calendar days from the official filing date of the final plan. Failure to do so shall be deemed an approval.

- (3) Council shall notify the applicant in writing of its decision to approve, approve with conditions, or disapprove, the final plan. Such notice shall be given to the applicant in person or mailed to him at this last known address not later than fifteen (15) days following the decision. If the final plan is disapproved, the Council shall specify the defects found in the plan and the requirements which have not been met, including specific reference to the provisions of any statute or ordinance which have not been fulfilled.

**(G) Conditional Approval.**

- (1) If Council determines that certain conditions are warranted to be attached to final approval to protect the public interest and guarantee compliance with the requirements of the Chapter or other Chapters of the Code, the conditions of approval shall be specified, in writing, in the notice of conditional approval required by § 303.2 (F) of this Chapter.
- (2) The applicant shall accept or reject the conditions attached to final approval by giving notice to the City within ninety (90) days of the date of the meeting of Council at which final approval is granted.
- (3) If the applicant fails to give written notice to the City regarding acceptance or rejection of the conditions attached to final approval or execute the development agreement within the required thirty (30) days, final approval shall automatically be rescinded without written notice to the applicant.

**(H) Phased Approval.**

- (1) In the case where development of a major subdivision is projected over a period of years, the City 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.
- (2) All sections or phases shall conform to the preliminary application as previously approved by the City. 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 shall require complete resubmission of the preliminary application in accordance with this Chapter.

**§ 304. Indication of Approval.**

**§ 304.1** When requested by the applicant, in order to facilitate financing, Council shall furnish the developer with a signed copy of a resolution, indicating approval of the final plan contingent upon the developer obtaining financial security pursuant to this Chapter, executing the development agreement and meeting all of its obligations.

**§ 304.2** The plan shall not be signed by Council nor recorded until the development agreement is executed and the cash deposit or irrevocable letter of credit and amenities bond, if required, are submitted.

**§ 304.3** The resolution shall expire and be deemed revoked if the development agreement and financial security as set forth herein are not executed and received by the City within ninety (90) days of the date of the resolution, unless a written extension is granted by Council.

**§ 305. Development Agreement.**

**§ 305.1** Prior to Council's action granting final approval of a subdivision or land development, the applicant shall execute a development agreement. The development agreement shall include the following:

(A) Submission of cash deposit or an irrevocable letter of credit, § 306.1 (A) of this Chapter.

(B) Indemnification, § 306.1 (B) of this Chapter.

(C) Submission of an amenities bond, if required, § 306.2 (A) of this Chapter.

(D) Any other provisions or conditions that may be required by the City.

**§ 305.2** The development agreement shall be in a form acceptable to the municipal solicitor and in addition to the above shall contain any conditions attached to final approval of the subdivision or land development.

**§ 306. Guarantees.**

**§ 306.1 Public Improvements.**

(A) **Submission of Cash Deposit or Irrevocable Letter of Credit.** As part of the development agreement, the applicant shall submit a cash deposit or irrevocable letter of credit as defined by this Chapter, to the City. The cash deposit or irrevocable letter of credit shall be based upon a written estimate of the cost of completion of the required improvements, prepared by the municipal engineer and certified by such engineer to be a fair and reasonable estimate of

such and shall be in an amount equal to one hundred and ten percent (110%) of the cost of completion, engineering, and inspection of the public improvements.

- (1) Cash Deposit. The cash deposit shall be submitted to the City.
- (2) Irrevocable Letter of Credit. The irrevocable letter of credit shall be payable to the City and shall be issued by a commercial bank organized under the Pennsylvania Banking Code of 1965 or the National Banking Act, having its principal place of business in the Commonwealth of Pennsylvania, and having unimpaired capital and surplus of at least one hundred (100) times the face amount of the letter of credit.
- (3) Use of Cash Deposit or Irrevocable Letter of Credit. The City shall hold the cash deposit or irrevocable letter of credit until applied to the payment of costs of the improvements or returned to the applicant in the manner hereinafter provided.
  - (a) When and as the improvements shall have been constructed and the total cost thereof has been ascertained, or any partial or progress payment has become due or payable, as determined by the municipal engineer, the cash deposit or irrevocable letter of credit or an appropriate portion thereof shall be applied by the City to the payment of the cost of the improvements in such a manner and order as the City shall determine.
  - (b) After the completion of the improvements and the payment of entire cost thereof, if any excess remains in the cash deposit the same shall be refunded by the City to the applicant. If however, any deficiency exists between the amount of said cash deposit or irrevocable letter of credit and the actual total cost of the improvements after the application of said cash deposit or irrevocable letter of credit as aforesaid, the City shall send the applicant a written statement showing the manner of the application of said cash deposit or irrevocable letter of credit and the amount of such deficiency, whereupon the applicant shall promptly pay to the City the amount of such deficiency, as shown on said statements.
- (4) Additional remedies to Effect Completion of Improvements. In the event that any improvements that may be required have not been installed as provided in this Chapter or in accord with the approved final plan, the City may enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security, are insufficient to pay the cost of installing or making repairs or corrections to all of the improvements covered by that security, the City may, at its

option, install 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 improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other City purpose.

**(B) Indemnification.** The development agreement shall contain the statement that the applicant has released, discharged, indemnified and held harmless forever, and does hereby release, discharge, indemnify and hold harmless forever the City, its officials, employees, successors, and assigns, of and from any and all loss, claims, demands, manner of action, or causes of action for damage to the respective properties of the applicant. The development agreement shall also contain a release of damages by the applicant, releasing the City from claims for damages arising from construction of the street improvements and the installation of storm sewers and sanitary sewers and other public improvements.

**(C) Date of Completion.** A written and agreed to determination shall be made to establish a reasonable date when the public improvements shall be completed.

**§ 306.2 Private Improvements**

**(A) Posting of Amenities Bond and Cash Deposit.** As a condition for final approval of a subdivision or a land development plan, the applicant shall submit an amenities bond as defined by this Chapter, in favor of the City, in an amount equal to one hundred percent (100%) and a cash deposit of ten percent (10%) of the cost for completion of private improvements. All improvements shall be constructed in accordance with the standards contained in this Chapter and any applicable City codes, ordinances, or regulations. Until the amenities bond and cash deposit are submitted and the final plat is approved by Council there shall be no grading of any type in the subdivision or land development, no construction of public or private improvements and no structures placed on or within the subdivision or land development. The process for estimating the cost for completion of improvements shall be as follows:

**(1) Determination of Cost of Completion.** In all subdivisions and land developments where private improvements are required by the City or voluntarily provided by the applicant, an amenities bond and cash deposit shall be required. The estimate of the

cost of the completion of the required private improvements shall be prepared by the applicant's engineer and shall be certified by such engineer to be a fair and reasonable estimate of such costs. The City, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant and the City are unable to agree upon an estimate, the estimate shall be recalculated and re-certified by another engineer chosen mutually by the City and the applicant. The estimate certified by the third party engineer shall be presumed fair and reasonable, and shall be the final estimate. In the event that the third party engineer is chosen, fees for the services of the said engineer shall be paid equally by the applicant and the City.

- (2) Time for Completion of Improvements. If more than one (1) year from the date of posting of the amenities bond and cash deposit is required to complete the necessary improvements, the amount of the amenities bond shall be increased by an additional ten percent (10%) for a one-year period beyond the first anniversary date from posting the amenities bond or to an amount not exceeding one hundred and ten percent (110%) of the cost of completing the required private improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure, whichever is the greater amount.
  - (3) Completion by the City. If the private improvements are not completed within two (2) years of the posting of the amenities bond and cash deposit, the City shall use the cash deposit to complete the private improvements. If the cash deposit is not sufficient to complete the private improvements, the City shall take the necessary actions to enforce the amenities bond by appropriate legal and equitable remedies provided by the Laws of the Commonwealth of Pennsylvania.
- (B) Date of Completion. A written and agreed to determination shall be made to establish a reasonable date when the private improvements should be completed after the municipal improvements are completed.

**§ 307. Inspection and Acceptance of Improvements.**

**§ 307.1 Progress Inspections.**

- (A) At the time each improvement is to be installed and upon its completion, the developer shall notify Council so that adequate inspection can be made.
- (B) The developer shall request the inspections by the City at least twenty-four (24) hours in advance.
- (C) The inspection will be made by the City Engineer.
- (D) All costs of undertaking the inspection will be borne by the developer.

**§ 307.2 Notice of Completion.**

- (A) When the developer has completed the required improvements in an approved subdivision or land development plan, the developer shall make a request, in writing, to the City for a final inspection.

**§ 307.3 Filing of As-Built Plans.**

- (A) Upon completion of the improvements in a plan, “as built” plans and profiles of the improvements, as constructed, shall be filed with the City by the developer within ten (10) days of the mailing of the notice of completion.
- (B) One print of each “as-built” drawing shall be submitted.
- (C) “As-built” plans and profiles shall be marked “as-built” and shall contain the final grade of all sanitary sewer systems and storm sewer systems.

**§ 307.4 Final Inspection.**

- (A) Within thirty (30) days of receiving a written notice of completion from the developer and the as-built plans, the City Engineer shall perform a final inspection of the improvements to determine compliance with the Design Standards of Part VI of this Chapter and all applicable requirements of Chapter XXVII, Zoning.
- (B) If all features of the approved plan have been constructed and the required as-built plans have been received, the City Engineer shall issue in writing a certification of completion.
- (C) If deficiencies are found, the City Engineer shall issue a written notice to the developer. The developer shall proceed to make the required corrections or additions and, upon completion shall follow

the same procedures of notification, inspection and approval outlined in § 307.2 and § 307.4 of this Chapter.

**§ 308. Recording of Final Plan.**

**§ 308.1** Upon approval of the final plan, the applicant shall prepare one (1) transparent reproduction of the original final plan on appropriate material and no less than four (4) prints thereof which shall be submitted to the City not later than thirty (30) days after approval. These plans, upon satisfaction of all conditions attached to the approval, will be signed by Council. A copy of the signed final plan shall be recorded in the office of the Washington County Recorder of Deeds within ninety (90) days after approval of the final plan or the approval of Council shall be null and void. The final plan must be recorded before proceeding with the sale of lots or construction of buildings.

**§ 308.2** Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the applicant as hereinafter provided. The approval of the final plan shall not impose any duty upon Council or City concerning maintenance or improvements by ordinance or resolution.

**§ 308.3** The applicant shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner, and the City shall assume no responsibility for improvement or maintenance thereof; which fact shall be noted on the final plan.

**§ 309. Expiration of Final Approval of a Land Development Plan.**

**§ 309.1** If construction of a land development which has been granted final approval, and for which a development agreement and/or amenities bond and cash deposit have been submitted, is not initiated and diligently pursued within one (1) year of the date of final approval, final approval shall expire immediately; provided, however, that the Council may grant a reasonable extension, if the developer presents satisfactory evidence that difficulties have prevented the work from being initiated and/or diligently pursued and the request for an extension is submitted, in writing, prior to the date of expiration after an approval.

**§ 309.2** Any construction that occurs after expiration of final approval shall constitute a violation of this Chapter and shall be subject to the enforcement remedies of Part IX of this Chapter.

**§ 400. Sketch Plan.**

**§ 400.1** A sketch plan may be submitted by the applicant as a basis for informal discussion with the Planning Commission, which may comment upon such sketch plan, but no approval, approval with modifications, or disapproval shall be given.

**§ 400.2** Data furnished in a sketch plan shall be at the discretion of the applicant. For fullest utility, it is suggested that a sketch should include the following information:

- (A) Tract boundaries
- (B) Location within the City
- (C) North arrow
- (D) Streets on and adjacent to the tract
- (E) Significant topographical physical features, including floodplains, if any
- (F) Proposed general street layout
- (G) Proposed general lot layout, including location of proposed open space and other preservation areas
- (H) A subdivision sketch plan need not be to scale nor are precise dimensions required

**§ 401. Preliminary Plan.**

**§ 401.1** A preliminary plan for any minor or major subdivision or land development shall meet the following specifications and include the following items. Maps and data may be on separate sheets or combined on one sheet depending on the size and complexity of the proposed development.

- (A) The proposed name of the subdivision or land development, including the words “preliminary subdivision” or “preliminary land development plan”.
- (B) Evidence of ownership or in the case where the developer is other than the landowner, the landowner’s authorization for the developer to apply and nature of developer’s interest in the site.

- (C) Preparation of a subdivision or land development by the appropriate professional who is “allowed” to prepare the plan (engineer, surveyor, landscape architect or architect) registered in the Commonwealth of Pennsylvania to perform the work and authorized to sign and seal the plan evidenced by the name, address, seal and signature of the professional on the plans and drawings.
- (D) The name and address of the developer and landowner.
- (E) Date of preparation. All revisions shall be noted and dated.
- (F) Location map, at a scale of four hundred (400) feet to one (1) inch, showing the relationship of the site to be subdivided or developed to adjoining property, to major streets, municipal boundaries and streams within 1,000 feet of any part of the property proposed to be developed, and including a title and graphic scale.
- (G) Scale of one inch equals one hundred feet (1” = 100 ft) or greater.
- (H) North arrow, written scale and graphic scale.
- (I) A boundary and topographical survey of all lots which include the site of the proposed subdivision or land development with bearings and distances, identification of all corner markers, lot area, municipal boundaries, easements, public and private rights-of-way, within two hundred (200) feet of the proposed subdivision or land development, prepared by a surveyor. If the developer intends to develop a tract of land in phases, the preliminary plan shall include the total tract.
- (J) Existing and proposed contours at vertical intervals of two (2) feet if the general slope is less than ten percent (10%) and at intervals of five (5) feet if the general slope is greater than ten percent (10%). Dashed lines shall be used to indicate existing contours and solid lines shall be used to indicate proposed contours.
- (K) Utilizing existing records and data, show existing adjacent land uses and lot lines within two hundred (200) feet of the proposed development including existing platting of adjacent land, names of owners of any adjoining properties not in recorded plats, existing zoning, the location of all public and private streets, drives, or lanes, railroads, utilities, towers, easements, embankments, walls, streams and watercourses, buildings and other structures, fences, walls, fire hydrants, storm drainage structures, and other significant natural or man-made features.

- (L) Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks, and other pertinent data including jurisdiction of ownership and maintenance responsibility and proposed street names.
- (M) The type, ownership and approximate locations of existing and proposed easements, including widths, ownership, and purposes.
- (N) Existing and proposed public and private improvements; utilities including water, gas, electric, telephone and cable television; fire hydrants; oil and gas wells; and street lights. Proposed utilities may be shown by a means of a typical street cross-section with a note that the proposed utilities will be extended within the street to serve all lots.
- (O) All areas within identified floodplain areas including flood fringe, floodway and general floodplain areas. If any proposed construction or development is located within or adjacent to, any identified flood-prone area, the following information shall be submitted:
  - (1) A plan which accurately delineates the area which is subject to flooding, the location of the proposed construction, the location of any other flood-prone development or structures, and the location of any existing or proposed stream improvements or protective works, information concerning the one hundred (100) year flood elevations, descriptions of uplift forces, associated with the one hundred (100) year flood, size of structures, location and elevations of streets, water supply and sanitary sewage facilities, soil types and flood-proofing measures.
  - (2) A document certified by a registered professional engineer or architect that the proposed construction has been adequately designed against flood damage and that the plans for the development of the site adhere to the regulations set forth in Chapter VIII of the City Code, the Monongahela Floodplain Ordinance, as re-enacted and amended in 1995. Such statement shall include a description of the type and extent of flood-proofing measures that have been incorporated into the design of the structure.
- (P) Existing watercourses, wetlands and other significant natural features.
- (Q) Potentially hazardous features, including quarry sites, surface and subsurface mines, undermined areas, underground fires, solid waste

disposal sites, contaminated areas, and landslide-prone areas. Show approximate location and cite source information.

- (R) Significant cultural features, including cemeteries; burial sites; archeological sites; and historic buildings, structures, plaques, markers or monuments. Show approximate location and cite source information.
- (S) For subdivisions, the proposed layout of lots (showing scaled dimensions), lot numbers, lot area, front yard and perimeter yard.
- (T) For land development, proposed building locations, dimensions, approximate finished floor elevations, and gross floor area, proposed parking lots and parking lot layout, curbs, wheel stops, driveways, internal circulation, sidewalks, walkways, pedestrian and bicycle paths, buffer areas, landscaped areas, proposed structures, and required yards and indications of compliance with requirements of this Chapter. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
- (U) A copy of any existing or proposed covenants, deed restrictions, which are applicable to the property.
- (V) Schedule of zoning district requirements, including area and bulk regulations, density, lot coverage, impervious surface, building and yard requirements.
- (W) Tabulation of site data, including but not limited to the following:
  - (1) Total site area.
  - (2) Proposed use of land and area for residential and nonresidential uses.
  - (3) Proposed residential density and number of dwelling units and building types.
  - (4) Area of land proposed to be dedicated for street right-of-way, recreation open space, common area, common open space.
  - (5) If the plan is to be completed in phases, the proposed sequence of development with projected time schedule for completion of each of the several phases.
  - (6) Total existing and proposed parking spaces and accessible parking spaces and basis for parking requirement calculations.

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- (7) Lot coverage and impervious surface coverage.
  - (8) Typical lot size.
  - (X) A letter from the applicant specifically requesting any waivers or modifications of subdivision and land development regulations, variances or modifications of zoning requirements or modifications of other regulations and citing the reasons for the same.
  - (Y) The methods, placement and screening of solid waste disposal and storage facilities.
  - (Z) Proposals for the disposition of stormwater and sanitary waste consistent with the requirements of this Chapter.
  - (AA) When on-lot water supply is proposed, the location of all well sites shall be shown.
  - (BB) 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 Protection governing erosion control, or any successor regulations thereto.
  - (CC) 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).
  - (DD) Block for signatures of the City Planning Commission and date of recommendation, as per example in Appendix A.
  - (EE) Block for signatures of Council and date of approval, as per example in Appendix A.

**§ 402. Final Plan.**

**§ 402.1** Final plans shall be on sheets twenty-four (24) inches by thirty-six (36) inches. Where necessary to avoid sheets larger than the size prescribed, final plans shall be drawn in two (2) or more sections. The plan shall be drawn and annotated in accordance with the regulations set forth herein. The final plan shall be at a scale of not more than one hundred (100) feet to one (1) inch.

**§ 402.2** The final plan shall include or be accompanied by the following:

- (A) Title block, placed in the lower right hand corner and containing the following information:
- (1) The name and location of the subdivision or land development.
  - (2) The name, and plan book volume and page numbers of any previously recorded plans.
  - (3) Name, address, and phone number of the owner of record and the developer.
  - (4) Source of title of land as shown by the books of the County Recorder.
  - (5) Name, address, and phone number of the firm that prepared the plans, and the name, seal, and registration number of the surveyor or engineer who prepared the plan.
  - (6) Sheet number, north arrow, and graphic scale.
- (B) Tract boundaries, right-of-way lines of streets, easements, and other right-of-way lines. Tract boundaries shall be determined by field survey only and shall be balanced and closed.
- (C) Complete curve data for all curves included in the final plan, including radius, arc length, chord bearing, and chord distance.
- (D) Location, elevation, type and size of all monuments and lot line markers. State whether found, set or proposed.
- (E) Approved street names and street right-of-way widths.
- (F) Lot numbers, lot dimensions, lot areas in square feet, and building setback lines.

- (G) Tabulation of area data, including lots, parcels, units, areas dedicated for right-of-way, etc. and total plan area.
- (H) Tax map identification numbers.
- (I) House numbers.
- (J) Easements and right-of-way for all public and private improvements, including widths, purposes, and limitations, if any.
- (K) Accurate dimensions, acreage, and purpose of any property to be reserved as public or common open space or recreation open space.
- (L) Platting of adjacent property and the names of the adjacent property owners.
- (M) Site location map, prepared in accordance with § 401.1 (F) of this Chapter.
- (N) Lowest floor elevation, including basement, on all lots in any identified floodplain area and based upon most recent National Geodetic Vertical Datum.
- (O) Notation on the plan of any modifications or waivers granted to the requirements of this Chapter and of any variances or modifications to the requirements of the Zoning Ordinance [Chapter XXVII].
- (P) Other notations on the plan as required by this Chapter or the preliminary approval.
- (Q) Delineation of all public improvements being dedicated by the plan.
- (R) 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).
- (S) Certification by a surveyor that the plan represents an actual survey, and that all monuments shown thereon exist and their location, size and material are correctly shown.
- (T) A statement of acknowledgement in legal form, executed by a Notary Public and signed by the landowner of the property, to the effect that the subdivision or land development shown on the final plan is the act and deed of the landowner, that he is the owner or beneficial owner of the property shown on the survey and plans, and that she desires the same to be recorded as such.

- (U) An appropriate statement signed by owner unequivocally indicating his intention either:

  - (1) To dedicate for public use all streets, roads, easements and rights-of-way so intended and designated; or,
  - (2) To reserve as private any streets, roads, easements or rights-of-way intended not to be dedicated for public use
- (V) An approval block providing for the signatures of the Planning Commission and Council and the date of approval, as per example in Appendix A.
- (W) In addition to the information for a final plan, land development plans shall include the following information:

  - (1) Building location, floor elevation, and height.
  - (2) Parking areas, parking lot striping, roads and access drives, vehicular and pedestrian circulation features (directional flow by arrows), loading areas, sidewalks, walkways, walking and pedestrian paths, landscaping and buffer yards.
  - (3) Stormwater management facilities.
- (X) If applicable, a landscaping plan that includes the following:

  - (1) All pertinent information regarding the general site layout, existing man-made and natural features on the site, proposed grading, existing vegetation to be retained and other conditions affecting proposed landscaping.
  - (2) Names, sizes at times of planting, quantities, and approximate location of all proposed plant materials. Planting beds shall be shown by a clearly delineated border outline.
  - (3) Proposed buffering, screening, walls and fences, and elevations.
- (Y) Lighting plan.
- (Z) The developer shall submit certified copies of all permits and approvals required by applicable Federal and State laws and County codes and regulations, including without limitation the following:

  - (1) County Conservation District approvals and permits.

- (2) Federal Aviation Administration and PennDOT Bureau of Aviation approvals where required.
- (3) Pennsylvania Department of Environmental Protection approved Planning Module, sewage facilities permits, general permit, wetland encroachment permits, stream encroachment/obstruction permits, etc.
- (4) County and Commonwealth of Pennsylvania permits for any proposed streets or driveways.
- (5) Appropriate sewer authority: an executed sewer service agreement.
- (6) Appropriate water authority or company: an executed water service agreement.
- (7) Appropriate utility and transmission companies: approval of development around right-of-way and easements.
- (8) Appropriate railroad company: approval of any proposed grade crossings, rail extensions or alterations.
- (9) Any other necessary approvals.

**§ 402.3 Improvement and Construction Plan.**

- (A) An improvement and construction plan shall be included and shall show the following:
- (1) Subdivision name or identifying title.
  - (2) North arrow, graphic scale, and date.
  - (3) Name of the owner of record, the applicant, telephone numbers, and e-mail address.
  - (4) Name and seal of the registered professional engineer or surveyor responsible for the plan.
  - (5) Centerline of streets with bearings, distances, curve data, sight distances, and stations corresponding to the profile.
  - (6) Right-of-way and curb lines of streets with radii at intersections.
  - (7) Beginning and end of proposed construction of streets.

- (8) Tie-ins by courses and distances to intersection of all public roads with their names and widths.
- (9) Location of all monuments with reference to them.
- (10) Property lines and ownership of abutting properties.
- (11) Location and size of all drainage structures, public utilities, street name signs, and shade trees.
- (12) Location and size of storm and/or sanitary sewer lines with stations corresponding to the profile.
- (13) Location of storm and/or sanitary sewer manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.
- (14) Property lines and ownership, with details of easements where required.
- (15) Beginning and end of proposed construction of storm and / or sanitary sewer.
- (16) Location of storm and / or sanitary sewer laterals, Ys, and utilities.
- (17) Profile of existing ground surface along center line of street.
- (18) Proposed centerline grade of streets with percent of grade on tangents and elevations at fifty (50) feet intervals, including grades at intersections, control points, etc.
- (19) Vertical curve data of streets, including length and elevations and sight distances required by Engineer.
- (20) Profile of existing ground surface with elevations at top of manholes or inlets.
- (21) Profile of storm drain or sewer, showing size of pipe, grade, cradle (if any), manhole or inlet locations, elevations at flow line.

(B) The above items depicted in the improvement and construction plan(s) shall be at one of the following scales:

Horizontal	Vertical
50' / inch	5' / inch or 10' / inch
40' / inch	4' / inch
100' / inch	10' / inch

- § 402.4** Final grading plan and final soil erosion and sedimentation control plan with a narrative consistent with Chapter 44 of the “Soil Erosion and Sedimentation Control Manual,” as amended, of the Pennsylvania Department of Environmental Protection, as approved by the County Conservation District.
- § 402.5** Final calculations for design and location of storm drainage facilities in accordance with City guidelines.
- § 402.6** A proposed traffic warning and regulatory control signage plan, prepared in accordance with PennDOT Engineering Study Requirements and Publication 236.
- § 402.7** A copy of final deed restrictions or protective covenants.
- § 402.8** A copy of any and all proposed written easements or deeds to be granted including, but not limited to, storm drainage easements, recreation easements, and sanitary sewer easements.
- § 402.9** Written agreement of applicant in a form approved by Council including an agreement to construct in form and substance agreeable to the City required improvements including but not limited to streets, curbs, sidewalks, and storm drainage facilities.
- § 402.10** If required, a highway occupancy permit or review and written approval by the Pennsylvania Department of Transportation.
- § 402.11** Approval by the City Council of street names.
- § 402.12** Plans of bridges or other improvements shall contain sufficient information to provide complete working plans for the proposed construction.

**§ 402.13** Typical cross-section of streets depicting:

- (A) Right-of-way width and location and width of paving.
- (B) Type, thickness, and crown of paving
- (C) Type and size of curb.
- (D) Grading of sidewalk area.
- (E) Location, width, and type and thickness of sidewalks.
- (F) Typical location of sewers and utilities with sizes.

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**§ 500. General Requirements.**

**§ 500.1** All of the required improvements specified in this Chapter shall be constructed and installed by the developer at no expense to the City and in accordance with all applicable City, County and State regulations. The final plat shall not be approved until final detailed design of the improvements is approved and the improvements are installed or security to City Council is provided.

**§ 500.2 Streets.** Streets shall be brought to the grades and dimensions drawn on plans, profiles, and cross-sections submitted by the applicant and approved by the City Engineer. The applicant must install the required utilities and provide, where necessary, adequate subsurface drainage for the streets. The street shall be designed and constructed to the standards set forth in Part VI of this Chapter.

**§ 500.3 Sidewalks.**

**(A)** Convenient and safe pedestrian circulation shall be provided through a system of sidewalks between parking areas and buildings and to public transportation (where appropriate) and adjacent residential neighborhoods.

**(B) New Streets.** Sidewalks shall be provided along both sides of any new public or private street and constructed according to standards set forth in § 609 Sidewalks of this Chapter and any other applicable City codes.

**(C) Existing Streets.** Sidewalks shall be provided along any existing public or private street that abuts or is contained within all land developments and major subdivisions and shall be constructed according to standards set forth in § 609 Sidewalks of this Chapter and any other applicable City codes.

**(1)** Sidewalks shall also be required along existing streets abutting minor subdivisions where there are existing sidewalks on at least one adjacent property.

**(2)** The requirement of sidewalks along existing streets may be waived at the discretion of Council, based upon an evaluation of the current sidewalk network, or lack thereof, and the likelihood of future sidewalk extensions within the surrounding neighborhood.

**§ 500.4 Sewers.**

- (A) **Public Sewer Systems.** When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to Council. Where required, Pennsylvania Department of Environmental Protection (PA DEP) Planning Module approval shall also be obtained for final plan approval.
- (B) **Private Sewer Systems.** When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to Council from the PA DEP certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the City.
- (C) **On-lot Sewage Disposal.** In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided as approved by the PA DEP, and the City or authority or other public body responsible for the collection, conveyance, and treatment of sanitary sewage.
- (D) **Capped Sewer System.** Where the sanitary sewer system is not yet accessible, but is planned for extension to the subdivision or development, the applicant shall install new sewer lines, including lateral connections, in order to provide service to each lot. The sewer mains shall be suitably capped at the limits of the subdivision and laterals shall be capped at the street right-of-way line when not extended to houses or other structures. When laterals are extended to houses or other structures, the internal plumbing system shall be constructed to accommodate them as well as any septic system required. At such time as any planned construction of extensions to the existing sanitary sewer system is under contract, the applicant may reduce the size of any required septic system drain fields or septic tank by fifty (50) percent.

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**§ 500.5 Water.**

- (A) **Provision of Water System.** The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the PA DEP with satisfactory provision for the maintenance thereof; except that, when such municipal or community water supply system is not available, each lot in a subdivision shall be capable of being provided with an individual water supply system in accordance with minimum standards approved by the PA DEP.
- (B) **Public Water Systems.** If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, applicants shall present evidence to the City Council that the subdivision is to be supplied by a certified public utility, a bona fide cooperate association of lot owners, or by a municipal corporation, authority, or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable.
- (C) **Plans.** The plans for installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply agency to which the subdivision or land development will be connected shall be submitted to Council. Upon the completion of the water supply system, one (1) copy of each of the plans for such system shall be filed with the City.
- (D) **Fire Hydrants.** Fire hydrants shall be provided as part of any public water supply system. The City Fire Marshall shall be consulted to determine the location of any proposed fire hydrants.

**§ 500.6 Stormwater Facilities.** Every subdivision or land development which will affect stormwater runoff characteristics shall include facilities for the management of runoff, in accordance with the standards set forth in Part VII of this Chapter.

**§ 500.7 Steep Slopes.** No alteration, disturbance, or construction of any type shall be approved or initiated, and no application for final approval shall be approved for sites having any portion of their area proposed for development on or within fifty (50) feet of any steep slope until any other applicable Federal, State, County, or City regulations have been satisfied.

**§ 500.8 Open Space and Natural Features.** Where the applicant is offering for dedication, or is required by ordinance to establish a reservation of open space or preserve natural features, pursuant to §602 Natural Features, et. seq. of this Chapter, a “limit of work” may be required, which will confine excavation, earth-moving procedures, and other changes to the landscape to ensure preservation and prevent despoliation of the character of the area.

**§ 500.9 Utilities.**

- (A) Easements for utilities shall have a minimum width of twenty (20) feet.
- (B) To the fullest extent possible, easements for public utilities shall be centered on or adjacent to rear or side lot lines.
- (C) Telephone, electric, television cable, fiber optic, and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities and in accordance with plans approved by Council and the applicable utility company. Underground installation of the utility distribution and service lines shall be completed prior to the street paving and gutter, curbing and sidewalk installation.

**§ 501. Monuments and Markers.**

**§ 501.1** Monuments shall be of concrete or stone at least six (6) inches by six (6) inches by thirty (30) inches and marked on top with a copper or brass dowel. They shall be set at the interstecion of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or brass thirty (30) inches by three-fourths (3/4) inch diameter and set at all points where lines or lines and curves intersect.

**§ 501.2** Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person responsible for the removal.

**§ 502. Other Improvements.**

**§ 502.1** Shade trees shall be provided as specified in § 610.4 of this Chapter.

**§ 502.2** Street name signs conforming to City specifications shall be provided and installed by the developer at all street intersections as specified in § 607 of this Chapter.

**§ 502.3** Other improvements to promote public safety and health as requested by Council as a condition of approval.

**§ 600. Application.**

**§ 600.1** The Council and Planning Commission will apply the following principles, standards, and requirements in evaluating plans for proposed subdivision and land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, and morals and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the applicant may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with objectives of this Chapter.

**§ 601. Land Requirements.**

**§ 601.1** Land shall be suited to the purposes for which it is to be subdivided or developed

**§ 601.2** Land which is unsuitable for development because of hazards to life, safety, health, or property shall not be subdivided or developed until such hazards have been eliminated or unless adequate safeguards against such hazards are provided for in the subdivision or land development plan. Land included as having unsuitable characteristics would be the following:

(A) Land subject to flooding or which has a high ground water table

(B) Land which, if developed, will create or aggravate a flooding condition upon other land

(C) Land subject to subsidence

(D) Land subject to underground fires

(E) Land which, because of topography or means of access, is considered hazardous by the Council

(F) Land which is subject to ground pollution or contamination

**§ 601.3** Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously

**§ 601.4** Proposed land uses shall conform to the Chapter XXVII, the City of Monongahela Zoning Ordinance

**§ 602. Natural Features.**

**§ 602.1** For the purpose of this section, the term “natural features” shall mean such vegetation, soils, surface streams, ponds and wetlands, planting, specimen plants, trees and topography which exist on the site proposed to be developed prior to any development activity.

**§ 602.2 Preservation Required.** Existing natural features such as trees, steep slopes, watercourses and historic sites shall be preserved as a conservation measure except to the extent that their removal or modification is functionally related to the harmonious design of the subdivision or land development.

(A) All subdivisions and land developments shall be laid out in such a manner as to minimize the removal of healthy trees and shrubs on the site. Special consideration shall be given to all specimen trees.

(B) In cases where natural features that exist and will be retained on site duplicate the planting requirements of § 610 Landscaping, et. seq., any and all of such requirements may be waived by the City.

**§ 602.3 Topography.** The natural terrain of all proposed subdivisions and land developments will be retained wherever possible. Cut and fill should be kept to a minimum necessary to achieve acceptable street grades, parking areas or building sites where no feasible alternative exists or where it will be used to enhance the site, such as berms or swales, which add visual interest or perform a function such as drainage or screening.

**§ 602.4 Floodplain Areas.** This Chapter shall be subject to all the terms, conditions and provisions of the Monongahela Floodplain Ordinance [Chapter VIII]. (Ord. 1-1988, 8/10/1988, § 512).

(A) If any part of the site is located within a 100-year high- or moderate-risk floodplain, as defined herein, development shall be permitted only on portions of the site that are not in the floodplain, or that have been previously developed, or that are in a non-conveyance area of a river where compensatory storage is used in accordance with a FEMA-approved mitigation plan.

(B) Previously developed portions in the floodplain must be developed according to National Flood Insurance Program (NFIP) requirements. If development includes construction of any critical facility, as described above, the critical facility must be designed and built so as to be protected and operable during a 500-year event, as defined by FEMA.

**§ 602.5 Wetlands and Watercourses.** All development affecting wetlands and watercourses shall conform to state and federal wetland regulations.

**§ 602.6 Mature Woodlands and Other Woodlands.**

- (A) It shall be incumbent upon the applicant to demonstrate that vegetation removal is avoided and minimized to the maximum degree possible by showing that no alternative layouts or alternative clearings or grading plan would reduce the loss of mature trees, tree masses or woodlands. This alternatives analysis shall consist of alternative layout sketches and accompanying written rationale.
- (B) If greater than twenty-five percent (25%) of the existing trees on a site with a trunk diameter of six (6) inches DBH or greater are destroyed because of street alignment, building placement, parking area location, grading or otherwise, then replacement of those trees over the twenty-five-percent (25%) threshold shall be required as follows:
- (1) The replacement trees may be selected from the recommended lists in § 612.1 (F) Recommended Plant Materials. Unless otherwise specified by the City, preference shall be given to replacement trees identical to those removed or other native species.
  - (2) Such new trees shall be planted in addition to the trees required under § 610.4 Street Trees. If requested by the applicant, and at the discretion of the City, a number of trees as determined by the City may be planted on lands owned by the City in lieu of the development site.
  - (3) The replacement trees shall be shown:
    - (a) On a landscape plan with a separate plant schedule for replacement trees; and/or
    - (b) If applicable, on a schedule of trees to be contributed to the City.
  - (4) A maximum of twenty percent (20%) of the required trees may be replaced as shrubs at a ratio of ten (10) shrubs per required tree. Refer to § 612.1 (F) Recommended Plant Materials for sizes and types of trees and shrubs recommended.
  - (5) Replacement trees shall not be all the same species or size. The range of size classes for replacement shall be variable and non-uniform. No more than ten percent (10%) of understory trees shall be less than three (3) caliper inches, and no less than ten percent (10%) shall be larger than three and one-half (3 ½) caliper inches. No more than ten percent (10%) of canopy trees shall be less than four (4) caliper inches, and no less than ten

percent (10%) shall be larger than four and one half (4 ½) caliper inches.

**§ 602.7 Protection of Topsoil.** No topsoil shall be removed from the site or used as soil without the written permission of Monongahela City Council. Topsoil must be removed from the areas of construction and stored separately. Upon completion of the construction or project phase, the topsoil must be redistributed uniformly on the disturbed areas of the site. All disturbed areas of the site shall be stabilized as follows:

- (A) Slopes ten percent (10%) or less: by seeding or planting.
- (B) Slopes ten percent (10%) to twenty percent (20%): by sodding or planting
- (C) Slopes twenty percent (20%) to twenty-five percent (25%): by planting of groundcover.
- (D) Slopes exceeding twenty-five (25%): by utilization of riprap.

**§ 603. Blocks and Lots.**

**§ 603.1 Blocks.**

- (A) The length, width, shape and design of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, to the land use and/or zoning requirements of the City, the topography of the land being subdivided, and the requirements for safe and convenient vehicular and pedestrian circulation.
- (B) Unless the topography of the land being subdivided or the existing pattern of development in the immediately adjacent area shall be otherwise than herein required, the following minimum standards for the design and size of blocks and lots shall prevail:
  - (1) Blocks shall not exceed sixteen hundred (1,600) feet in length, nor be less than five hundred (500) feet in length.
  - (2) Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between intersecting streets for such two (2) tier design.
- (C) Crosswalks or interior pedestrian walks shall be required in blocks exceeding one thousand (1,000) feet in length to provide for pedestrian circulation or access to community facilities. Such walks shall be paved for width of not less than four (4) feet, shall be

located on easement not less than ten (10) feet in width, and shall, insofar as possible, be located in the center of any such block.

- (D) Blocks for commercial and industrial areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, railroad access right-of-way and utilities shall be provided as necessary.

### **§ 603.2 Lots.**

- (A) Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
- (B) Lots shall, in general, front on a street which has already been dedicated to the City, or which the applicant proposes to dedicate to the City in connection with approval of the final plan. In commercial or industrial subdivisions or land developments where access is proposed to be provided by private streets within the subdivision or land development, this requirement may be waived by Council.
- (C) The City shall assign house numbers to each lot within a subdivision.
- (D) Minimum lot sizes shall be in accordance with the City of Monongahela Zoning Ordinance.
- (E) Remnants of land, smaller than required for a lot, shall not be permitted within any subdivision. Such remnants shall be incorporated in existing or proposed lots, or dedicate to public use if acceptable to Council.
- (F) Double frontage lots are prohibited except in accordance with § 603.2 (B) (2) herein.
- (G) No residential lots shall be created which front upon an arterial or collector street, as defined in this Chapter.

### **§ 604. Street System**

- § 604.1** Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the City and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments

- § 604.2** Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted, or filed as prescribed by law

- § 604.3** Streets shall be related to the topography so as to produce usable lots and acceptable grades
- § 604.4** Access shall be given to all lots and portions of the tract in the subdivision or land development and to adjacent unsubdivided territory unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development and shall be improved to City specifications. Reserve strips and land-locked areas shall not be created
- § 604.5** Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic, and where possible, arterial streets shall be designed for use by through traffic
- § 604.6** Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street or a highway designated as a limited access highway by the appropriate highway authorities, provisions shall be made for marginal access streets at a distance acceptable for the appropriate use of the land between the arterial street or limited access highway and the marginal access streets. Council may also require rear service areas, double frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets and separation of local and through traffic
- § 604.7** Half or partial streets will not be permitted in new subdivisions or land development except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured
- § 604.8** Wherever a tract to be subdivided to be subdivided or developed borders an existing half or partial street, the entire street shall be shown on the plan.
- § 604.9** Dead-end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts, or when designed as cul-de-sacs
- § 604.10** New reserve strips, including those controlling access to streets, shall be forbidden
- § 604.11** Where adjoining areas are not subdivided, the arrangement of streets in a proposed subdivision or land development shall be made to provide for the proper projection of streets into the unsubdivided land

- § **604.12** No street shall be laid out or opened which extends to or crosses any boundary between the City and any other municipality except with the specific approval of Council and upon such conditions as Council may impose. If the street is proposed to serve a commercial area, an industrial area, or a residential area of fifty (50) dwelling units or more located in another municipality, the street shall not be approved unless the area is also served by a street in the other municipality and unless the relevant traffic facilities of the City are adequate to handle the anticipated volume
- § **604.13** It is the policy of this City that all subdivided lands shall have immediate access to a public street. Because of unique property configuration and location, this City recognizes the need for limited exceptions to the foregoing general policy.
- § **604.14** No subdivision will be approved on a private street or road if more than two (2) lots will front on such private street or road.
- § **604.15** All streets shall have a uniform width through their respective lengths except where otherwise required by Council.

## § **605. Street Design**

### § **605.1 Street Classifications**

- (A) Three (3) functional classifications are hereby established for the streets and roads in the City:
- (1) **Arterial.** This classification includes highways which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are usually five (5) miles or greater. Generally, these highways should accommodate operating speeds of thirty-five (35) to fifty-five (55) miles per hour (mph).
  - (2) **Collector.** This classification is intended to include those highways that connect local access highways to arterial highways. They may serve intra-county and intra-city traffic. They may serve as traffic corridors connecting residential areas with industrial, commercial, shopping, and other services. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of thirty-five (35) miles per hour (mph).
  - (3) **Local Access.** This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and

roads should be designed for operating speeds of twenty-five (25) miles per hour (mph) or under.

**§ 605.2 Right-of-Way Widths.**

(A) Minimum widths for each type of public street shall be as follows:

Table 6-1: Minimum Widths		
Type of Street	Right-of-Way Width	Cartway Width
Arterial	80' – 120'	46'
Collector	50'	30'
Local Access	50'	22'

(B) Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Chapter, sufficient additional width for right-of-way shall be provided and dedicated to the meet the foregoing standards.

(C) Additional right-of-way and cartway widths may be required by Council to promote public safety and convenience when special conditions require it and to provide parking space in areas of intensive use.

**§ 605.3 Cul-de-sac Streets.**

(A) Cul-de-sac streets will not be recommended for approval, when in the opinion of the Planning Commission, a through street is more practicable.

(B) Cul-de-sac streets, whether permanent or temporary, shall have an outside curb radius of not less than forty (40) feet and a right-of-way radius of not less than fifty (50) feet. The maximum grade of the turnaround portion of the cul-de-sac shall be five percent (5%).

(C) Unless future extension is clearly impracticable or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the

street into the adjoining tract. At such time as such a street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.

- (D) Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the City Engineer. His / her recommendations will be given to Council who shall have final authority over this matter.
- (E) Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed six hundred (600) feet in length.

#### **§ 605.4 Street Alignment.**

- (A) Whenever street lines are deflected by more than five (5) degrees, connection shall be made by horizontal curves.
- (B) The minimum radius at the centerline for horizontal curves on collector and arterial streets shall be three hundred (300) feet, and for local streets the minimum radius shall be one hundred (100) feet.
- (C) On local access streets, the minimum tangent between reverse curves shall be at least one hundred (100) feet; on collector and arterial streets, the minimum tangent shall be at least two hundred-fifty (250) feet.
- (D) Minimum vertical sight distance measured four (4) feet above grade shall be three hundred (300) feet for collector and arterial streets and on hundred (100) feet for local access streets.

#### **§ 605.5 Street Grades.**

- (A) The minimum grade on all streets shall be one (1) percent.
- (B) The maximum grade on collector or arterial streets shall be seven (7) percent and on local access streets twelve (12) percent.
- (C) Vertical curves shall be used in changes of grade exceeding one (1) percent and shall provide proper distances as specified herein above.

#### **§ 605.6 Street Intersections.**

- (A) Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet as measured from centerline to centerline.

- (B)** The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be not less than one hundred fifty (150) feet unless the streets are directly opposite each other.
- (C)** Intersections of more than two (2) streets at one (1) point shall be avoided. Where this proves impossible, such intersections shall be designed with extreme care for both pedestrian and vehicular safety.
- (D)** Streets shall be all laid out to intersect as nearly as possible at right angles. Local streets shall not intersect collector or arterial streets at an angle of less than seventy-five (75) degrees. The intersection of two (2) local streets shall not be at an angle of less than sixty (60) degrees.
- (E)** Minimum curve radius at the intersection of two (2) local streets shall be at least twenty (20) feet; and minimum curve radius at an intersection of a local street and a collector or arterial street shall be at least twenty-five (25) feet.
- (F)** Intersections shall be designed with a flat grade wherever practical. Where the grade of any street at the approach to an intersection exceeds seven (7) percent, a leveling area shall be provided having a grade of not greater than four (4) percent for a distance of twenty-five (25) feet measured from the nearest right-of-way line of the intersecting street.
- (G)** No fences, hedges, shrubbery, walls, planting, or other obstructions, except for trees and grass shall be located within the right-of-way. A clear-sight triangle, in accordance with Appendix B, shall be provided and maintained at all intersections, as measured in all directions from the point of intersection.

**§ 605.7 Pavement Design.**

(A) All components of the pavement structure shall be designed and constructed in accordance with the Pennsylvania Department of Transportation Specifications, Form 408.

(B) Minimum Requirements. The following shall be considered to be minimum standards for street construction in the City of Monongahela:

Alternates		Type	Local Access Streets	Arterial and Collector Streets
Rigid Pavement		Plain Cement Concrete Subbase	6" 6"	6" 6"
Flexible Pavements	Surface Base Subbase	ID-2 Bituminous	2" 5" 6" (if regular)	2" 6" 6" (if regular)
	Surface Base Subbase	ID-2 Crushed Aggregate (regular or dense grade)	3" 6" 6" (if regular)	3" 10" 9" (if regular)
	Surface Base Subbase	I-2 Modified Stone Aggregate	3" 8" 6" (if regular)	3" 10" 9" (if regular)

**§ 606. Curbs.**

**§ 606.1** Curbs shall be provided on all streets and parking lots located within multi-family and apartment building developments.

**§ 606.2** Curbs shall also be required on new streets in subdivisions or land developments in which the average lot width of interior lots at the required building setback is one hundred (100) feet or less.

**§ 606.3** Curbs may also be required in any subdivision in which the lot areas or lot widths exceed the above minimum, when the centerline street grade of any street exceeds three (3) percent. In such cases, curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion.

**§ 606.4** Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.

§ 606.5 Curb ramps designed in accordance with the most recent revisions to the Americans with Disabilities Act (ADA) guidelines shall be provided at all locations where sidewalks cross roadways. To help visually impaired people negotiate the change between curb and street when a ramp is present, surface material changes are required on the ramps. Curb ramps can be perpendicular to the curb, parallel to the curb, a combination of parallel and perpendicular, or built-up beyond the curb line.

§ 606.6 The requirement of curbs may be waived at the discretion of Council.

§ 607. Street Names and Signs.

§ 607.1 All new streets shall be named with a name which is approved by the Council and which may not be confused with an existing street name.

§ 607.2 If a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.

§ 607.3 Any subdivider or developer shall be required to provide and to install street name, regulatory and warning signs of the type approved by the City on such streets and in such places as the City shall designate street name signs approved by the City shall be required at all intersections.

§ 608. Driveways and Alleys.

§ 608.1 Driveways.

(A) Driveways shall be located no less than forty (40) feet from any street intersection (measured from the intersection of the ultimate right-of-way lines).

(B) Sight distance requirements for all residential and non-residential driveways shall be in accordance with PennDOT Chapter 441.

(C) Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications as described herein. A corner lot created by a proposed street and an existing street shall gain access to the proposed street.

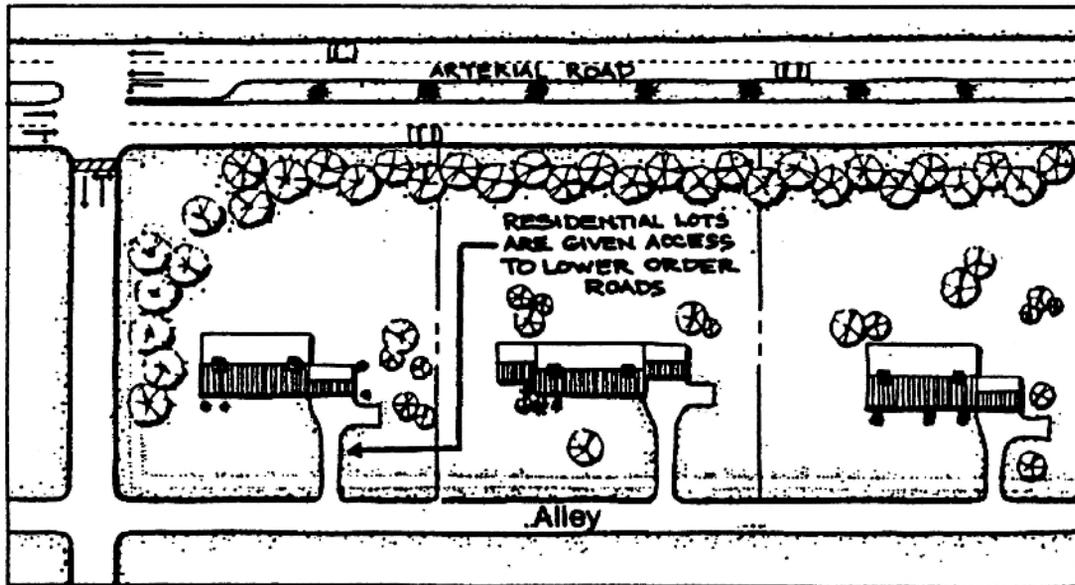
(D) All driveways serving single-family dwellings shall be at least five (5) feet from any side or rear lot line.

- (E) All driveways serving single-family dwellings shall be a minimum of eight (8) feet in width with a grade not to exceed fifteen percent (15%).
- (F) Maximum change in grade at any location on the driveway shall not exceed eight percent (8%). Driveways shall be designed so as to provide a stopping space not to exceed a four percent (4%) grade from the edge of the cartway to a point twenty (20) feet behind the right-of-way line.

**§ 608.2 Alleys.**

- (A) Where alleys and service streets are permitted in residential developments, they shall have a minimum right-of-way width of twenty-five (25) feet and shall be curbed, where required, and paved for a width of at least twelve (12) feet. No part of any dwelling, garage (except as noted below), or other structure may be located within twenty (20) feet of the center line of a public alley or service street or within the applicable setback dimension prescribed in Chapter XXVII, the City of Monongahela Zoning Ordinance, whichever is greater. Off-street parking with or without garages, may be situated adjacent to the alley when deemed by the City to be consistent with the overall neighborhood character and development.
- (B) Alleys and service streets serving commercial and industrial establishments and multi-family developments are encouraged any may be required if the City deems it necessary. Such alleys shall have a paved cartway of at least twenty (20) feet and right-of-way width of thirty (30) feet. Where necessary, corners shall have a radius of twenty (20) feet or a triangle using the chord of a 15-foot radius, cut back to permit safe use by large vehicles.
- (C) If it is impossible for an alley to go through a block, the alley shall be provided with a turnaround at its closed end having a radius of not less than twenty-five (25) feet. The design of such shall be approved by the City Engineer.
- (D) Paving shall be the same as that required for street paving. Where alleys intersect other roads, such intersections shall be consistent with the standards for road intersections.
- (E) Alleys shall strive to achieve the design coherence of the surrounding neighborhood and should follow the example put forth in Figure 5-1.

**Figure 6-1: Sample Alley Configuration with arterial road located at front of properties and driveway access located to the rear along the alley.**



**§ 609. Sidewalks.**

- § 609.1** Minimum sidewalk width shall be four (4) feet.
- § 609.2** Passing spaces having a minimum width of five (5) feet and length of five (5) feet shall be provided at a maximum interval of one hundred (100) feet. This width is needed for wheelchair users to pass one another or to turn around. A clear line-of-sight shall be maintained between passing spaces.
- § 609.3** Sidewalks shall be located in line with existing sidewalks on adjacent lots or, where none exists, shall be located in line with existing sidewalks within the Zoning District that contains the lot(s).
- § 609.4** When sidewalk grades exceed five percent (5%), landing areas should be provided at one hundred (100) foot intervals and should be at least five (5) feet by five (5) feet to allow enough space for a wheelchair to stop without blocking the flow of other pedestrians. The slope of landing areas should not exceed two percent (2%) in any direction.
- § 609.5** Sidewalk surfaces shall be firm, stable, and slip resistant when dry. Acceptable surface materials include concrete, unit pavers, asphalt, stone and brick. Materials and material placement shall not result in any significant variation in surface elevation.

**§ 609.6** Sidewalks shall be constructed in accordance with Pennsylvania Department of Transportation specifications and City construction codes and standards.

**§ 610. Landscaping.**

**§ 610.1** The locations, dimensions and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture and sunlight.

**§ 610.2** Plantings should be selected and located where they will not create or contribute to conditions hazardous to the public's safety. Such locations include but shall not be limited to public street rights-of-way; sidewalks; underground and above ground utilities; and sight triangle areas required for unobstructed view at street intersections. A clear sight triangle shall be maintained at all points where private vehicular accessways intersect public streets.

**§ 610.3** All plant material used shall, at the time of planting, meet the minimum size requirements as stated in § 612.1 (F) Recommended Plant Materials.

**§ 610.4 Street Trees.**

**(A)** Street trees shall be planted for any subdivision or land development where suitable street trees as defined in § 612.1 (F) Recommended Plant Materials do not exist, as part of the design and construction of:

- (1)** New streets.
- (2)** New sidewalks or pedestrian ways.
- (3)** Existing streets, sidewalks, pedestrian ways, highways, bicycle trails or pathways when they abut or lie within the subdivision or land development.
- (4)** Access driveways to residential developments having more than four dwelling units.
- (5)** Renovations to or widening of existing streets or sidewalks.

**(B)** The number of street trees required shall be determined based on twenty-five (25) feet on center for each side of the street, except along primary streets where they may be up to fifty (50) feet on center spacing. Informal groupings of more closely spaced plants which reflect the natural character of the site are encouraged. Required street trees which are not planted on the property shall be placed at the direction of the City.

- (C) Street trees shall be planted a minimum distance of five feet outside and parallel to the right-of-way line, unless otherwise approved by the City. Trees located at intersections shall respect the sight triangle.

**§ 610.5 Off-Street Parking Areas.**

- (A) All off-street parking areas shall conform to the regulations set forth in Chapter XXVII, the City of Monongahela Zoning Ordinance.
- (B) Off-street parking lots shall be located to the side or rear of buildings and shall not be located within the front yard.
- (C) Internal spaces between buildings and parking areas shall have a landscaped buffer of a minimum width of fifteen (15) feet. All plant material used shall, at the time of planting, meet the minimum requirements as stated in § 612.1 (F) Recommended Plant Materials.
- (D) Landscaping shall include a minimum of one (1) tree per of fifteen (15) parking spaces, and all planting islands within a parking lot shall be surfaced in lawn or ground cover planting.
- (E) The placement of lighting standards shall be coordinated with the landscape design to avoid conflicts and to avoid blocking of the lighting by the landscaping. Parking lot lighting shall meet the standards as set forth in Chapter XXVII, the City of Monongahela Zoning Ordinance
- (F) As an alternative to § 610.5 (C) and § 610.5 (D) above, designs incorporating biofiltration or other best management practices may be submitted for consideration, subject to rejection in favor of the traditional designs of § 610.5 (C) and § 610.5 (D).

**§ 610.6 Drainage Area and Detention Basins.** Whenever a detention or retention basin is provided, such basin shall conform to the following landscaping requirements:

- (A) The basin shall be so designed that the plantings in and adjacent to it shall not have a negative effect on the hydrological function of the basin.
- (B) All continuously flowing natural watercourses shall be maintained in their natural state except that the removal of debris and correction of severe erosion shall be required.
- (C) Intermittent streams shall be maintained essentially at their existing alignments and gradients except that they may be improved by minor regrading, subject to the approval of the City Engineer, and shall either be planted and stabilized in vegetative cover or provided with erosion preventive improvements such as riverstone or riprap.

(D) Drainage ways and detention and retention basins should be compatible with the adjacent land use. Creative grading and innovative basin forms shall be utilized wherever physically possible. Where basins adjoin existing woodlands, it is recommended that plantings be selected to blend with the natural surroundings.

**(E) Basin Floors.**

(1) Floors dry most of the year shall be landscaped in one or combination of the following:

- (a) Seeded or sodded lawn.
- (b) Seeded in low-maintenance wildflowers and meadow grasses.
- (c) All-season groundcover.

(2) Basin floors, portions of a floor or channels which are wet most of the year shall be landscaped in one or a combination of the following:

- (a) Wet habitat grasses and ground covers.
- (b) Seeded in wildflower mix suitable for wet areas.

**§ 610.7 Basin Perimeter Plantings.** There shall be a minimum of one shade tree for each fifty (50) linear feet of basin perimeter. To promote diversity, up to fifty percent (50%) of the shade trees may be substituted with an option of two (2) flowering trees, one (1) evergreen tree or ten (10) shrubs for every shade tree. Plantings shall be at least ten (10) feet from the toe of the berm.

**§ 610.8 Service, Loading, Trash Disposal Areas, Outdoor Displays, Material Storage, Transformers and Mechanical Equipment.** All service, utility, delivery, loading and outdoor storage and trash disposal areas shall be screened from all residential districts, public streets, parking lots and pedestrian walkways. Screening shall be by the use of fences, walls, berms or a combination of these. Screening shall be installed and maintained at a height that effectively blocks the view but shall not be less than six (6) feet. The screening shall have exterior plantings at minimum intervals of ten (10) feet. See § 612.1 (F) Recommended Plant Materials for recommended plant types.

**§ 610.9 Individual Lot Landscaping Requirements.** In addition to the landscape requirements outlined herein, each individual building lot or dwelling unit shall provide the following unless an equivalent number of existing trees are present on the lot:

(A) Each single-family detached dwelling is encouraged where possible to have deciduous or evergreen trees as listed in § 612.1 (F) Recommended Plant Materials.

(B) Each multifamily dwelling unit shall have one deciduous or evergreen tree as listed in § 612.1 (F) Recommended Plant Materials.

(C) Each building lot in all other districts shall provide one deciduous or evergreen tree as listed in § 612.1 (F) Recommended Plant Materials per five thousand (5,000) square feet of gross floor area of building.

**§ 611. Lot Grading for Subdivisions and Land Developments.**

**§ 611.1** Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum two (2) percent slopes away from structures shall be required.

**§ 611.2** Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural watercourse. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one (1) percent nor more than four (4) percent. The swales shall be sodded, planted, or lined as required. A grading and draining plan shall be required for all subdivisions and land developments, except minor subdivisions.

**§ 611.3** No final grading shall be permitted with a cut face steeper in slopes than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:

(A) The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control to that effect is submitted to the City Engineer and approved by him. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

(B) A concrete or stone masonry wall constructed according to sound engineering standards for which plans are submitted to the City Engineer for review and approval is provided.

**§ 611.4** No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:

(A) The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining properties, streets, alleys, or buildings

(B) A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control,

certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the City Engineer

(C) A wall is constructed to support the face of the fill

**§ 611.5** The top or bottom edge of slope shall be a minimum of three (3) feet from property or right-of-way lines of streets or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one (1) horizontal to one (1) vertical and five (5) feet or more in height, shall be protected by a protective fence no less than three (3) feet in height approved by the City Engineer.

**§ 611.6** All lots must be kept free of any debris or nuisances whatsoever.

**§ 612. Recommended Plant Materials.**

**§ 612.1** The following are recommended plant materials which are provided as guidance to the landowner or applicant. Tables 6-3 and 6-4 include those tree species considered to be well adapted to southwestern Pennsylvania and the City of Monongahela. All trees listed may be used in rear and side yard buffers. Trees marked with an asterisk (\*) have characteristics making them suitable for use as street trees or in buffers along streets. Subsection F (5) provides a list of native trees and shrubs. Indigenous to the region, they are hardy and well-adapted to the climate and soils. All are commercially available, some as several varieties. The use of native plant materials is encouraged to promote the preservation of native landscape diversity. This approach maintains the natural character unique to this region and protects the associated wildlife habitat. These native materials are especially suitable in buffer plantings. The City will permit other planting types than those specified on the following tables if the species are hardy to the area, are not subject to blight or disease, and are of the same general character and growth habit as those listed below or subject to the approval of the City Engineer or other designated professional.

(A) Canopy trees; minimum three-and-one-half-(3 ½ ) inch caliper (see Table 6-3).

(B) Small understory trees: minimum two-and-one-half (2 ½) inches in caliper or eight (8) feet in height (see Table 6-4).

(C) Evergreen trees for buffers; minimum height of eight (8) feet; not for use as street trees; may be used for buffers along streets, if a minimum width of ten (10) feet is available (see Table 6-5).

(D) Any locally grown shrubs with a minimum height of three feet that are free of insects, pests and disease, in conformity with the

standards of the American Association of Nurserymen and which are either native or well-adapted to southeastern Pennsylvania may be planted in buffers or other landscape areas.

**(E) Native plant materials.**

- (1) Deciduous shade trees:** minimum one-and-one-half-inch caliper (see Table 6-6).
- (2) Shrubs and small trees:** shrubs, thirty-six (36) -inch minimum height; small trees, minimum eight (8) -foot height and two (2) to two and one half (2 ½) inches in caliper (see Table 6-7).
- (3) Evergreen trees:** minimum height, eight (8) feet (see Table 6-8).

**(F) Vegetation Not Suitable for Landscape.**

- (1) Vegetation listed in Table 6-9 shall not be installed as landscape material because they are invasive or prone to pests and disease:**

Table 6-3: Canopy Trees	
Scientific Name	Common Name
<i>*Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Betula nigra</i>	River birch
<i>*Celtis occidentalis</i>	Hackberry
<i>Cladrastis lutea</i>	Yellow wood
<i>*Corylus colurna</i>	Turkish filbert
<i>Fagus grandifolia</i>	American beech
<i>*Fraxinus americana</i>	White ash
<i>*Fraxinus pennsylvanica var. lanceolata</i>	Green ash "Marshall's seedless"
<i>*Ginkgo biloba (male only)</i>	Ginkgo
<i>*Gleditsia triacanthos var. inermis</i>	Thornless honey locust
<i>Gymnocladus dioicus</i>	Kentucky coffee tree
<i>*Koelrueteria paniculata</i>	Goldenrain tree

Table 6-3: Canopy Trees	
Scientific Name	Common Name
<i>*Liquidambar styraciflua</i>	Sweetgum
<i>*Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Ostrya virginiana</i>	Hop hornbeam
<i>*Phellodendron amurense</i>	Amur corktree
<i>*Platanus acerifolia cv. Bloodgood</i>	Bloodgood London plane-tree
<i>*Quercus acutissima</i>	Sawtooth oak
<i>*Quercus alba</i>	White oak
<i>*Quercus bicolor</i>	Swamp white oak
<i>*Quercus coccinea</i>	Scarlet oak
<i>*Quercus macrocarpa</i>	Bur oak
<i>*Quercus palustris</i>	Pin oak
<i>*Quercus phellos</i>	Willow oak
<i>*Quercus rober</i>	English oak
<i>Quercus rubra (borealis)</i>	Red oak
<i>*Sophora japonica</i>	Japanese pagodatree
<i>Taxodium distichum</i>	Baldcypress
<i>*Tilia cordata</i>	Littleleaf linden
<i>*Tilia x euchlora</i>	Crimean linden
<i>*Ulmus americana libertas</i>	American liberty elm
<i>*Ulmus parviflora</i>	Chinese lacebark elm
<i>*Zelkova serrata</i>	Japanese zelkova

Table 6-4: Small Understory Trees			
Scientific Name	Common Name	Scientific Name	Common Name
<i>*Acer campestre</i>	Hedge maple	<i>*Eucommia ulmoides</i>	Hardy rubber tree
<i>*Acer ginnala</i>	Amur maple	<i>Magnolia soulangeana</i>	Saucer magnolia
<i>Amelanchier canadensis</i>	Shadblow serviceberry	<i>Magnolia stellata</i>	Star magnolia
<i>Amelanchier laevis</i>	Allegheny Serviceberry	<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Carpinus betulus</i>	European hornbeam	<i>*Malus floribunda</i>	Japanese flowering crapapple
<i>Carpinus caroliniana</i>	American hornbeam	<i>*Malus cv. Donald Wyman</i>	Donald Wyman crabapple
<i>Chionanthus virginicus</i>	White fringetree	<i>*Malus cv. Centurian</i>	Centurian crab apple
<i>Cornus florida</i>	Flowering dogwood	<i>Metasequoia glyptostroboides</i>	Dawn redwood
<i>Cornus kousa</i>	Kousa dogwood	<i>Oxydendrum arboreum</i>	Sourwood
<i>Cornus mas</i>	Cornelian cherry	<i>*Prunus sargentii</i>	Sargent cherry
<i>Cotinus coggygria</i>	Smoke tree	<i>*Prunus yedoensis</i>	Yoshino cherry
<i>*Crataegus phaenopyrum</i>	Washington hawthorn	<i>Styrax japonica</i>	Japanese snowbell tree
<i>*Crataegus toba</i>	Toba hawthorn	<i>*Syringa reticulata</i>	Lilac
<i>*Crataegus viridis cv. winter king</i>	Winter king hawthorn		

Table 6-5: Evergreen Trees	
Scientific Name	Common Name
<i>Cedrus atlantica</i>	Atlas cedar
<i>Chamaecyparis obtusa</i>	Hinoki cedar
<i>Chamaecyparis pisifera</i>	Sawara false cypress
<i>Ilex opaca</i>	American holly
<i>Picea abies</i>	Norway spruce
<i>Picea omorika</i>	Siberian spruce
<i>Picea orientalis</i>	Oriental spruce
<i>Pinus bungeana</i>	Lace Bark pine
<i>Pinus strobus</i>	White pine
<i>Pinus thunbergii</i>	Japanese black pine
<i>Pseudotsuga menziesii</i>	Douglas fir
<i>Taxus cuspidata var. capitata</i>	Japanese yew
<i>Thuja occidentalis cv. nigra</i>	Dark green arborvitae
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Tsuga caroliniana</i>	Carolina hemlock

Table 6-6: Deciduous Shade Trees	
Scientific Name	Common Name
<i>Acer rubrum</i>	Red maple
<i>Acer saccharum</i>	Sugar maple
<i>Carya ovata</i>	Shagbark hickory
<i>Fagus grandifolia</i>	American beech
<i>Fraxinus americana</i>	White ash
<i>Fraxinus pennsylvanica</i>	Green ash
<i>Liquidambar styraciflua</i>	Sweet gum
<i>Liriodendron tulipifera</i>	Tulip tree
<i>Nyssa sylvatica</i>	Black gum
<i>Platanus occidentalis</i>	American sycamore
<i>Quercus alba</i>	White oak
<i>Quercus borealis</i>	Northern red oak
<i>Quercus coccinea</i>	Scarlet oak
<i>Quercus palustris</i>	Pin oak
<i>Quercus velutina</i>	Black oak
<i>Tilia Americana</i>	Basswood, American linden

Table 6-7: Shrubs and Small Trees	
Scientific Name	Common Name
<i>Amelanchier canadensis</i>	Downy shadbush
<i>Amelanchier laevis</i>	Smooth serviceberry
<i>Cercis canadensis</i>	Redbud
<i>Cornus florida</i>	Flowering dogwood
<i>Cornus alternifolia</i>	Alternate leaf dogwood
<i>Cornus amomum</i>	Silky dogwood
<i>Hamamelis virginiana</i>	Common witch hazel
<i>Ilex glabra</i>	Inkberry
<i>Ilex verticillata</i>	Winterberry
<i>Magnolia virginiana</i>	Sweetbay magnolia
<i>Myrica pennsylvanica</i>	Northern Bayberry (semievergreen)
<i>Rhododendron maximum</i>	Rhododendron
<i>Sambucas canadensis</i>	Elderberry
<i>Vaccinium corymbosum</i>	Highbush blueberry
<i>Viburnum acerifolium</i>	Mapleleaf viburnum
<i>Viburnum dentatum</i>	Arrowwood
<i>Viburnum prunifolium</i>	Blackhaw

Table 6-8: Evergreen Trees	
Scientific Name	Common Name
<i>Ilex opaca</i>	American holly
<i>Pinus strobus</i>	Eastern white pine
<i>Tsuga canadensis</i>	Canadian hemlock
<i>Juniperus virginiana</i>	Eastern red cedar

Table 6-9: Vegetation Not Suitable for Landscape	
Scientific Name	Common Name
<i>Acer platanoides</i>	Norway maple
<i>Acer pseudoplatanus</i>	Sycamore maple
<i>Acer saccharinum</i>	Silver maple
<i>Lonicera japonica</i>	Japanese honeysuckle
<i>Pyrus calleryana</i>	Callery pear
<i>Polygonum cuspidatum</i>	Japanese knotweed
<i>Populus spp.</i>	Poplars
<i>Puerarie thunbergiana</i>	Kudzu
<i>Ulmus pumila</i>	Siberian elm

**§ 700. Purpose.**

**§ 700.1** The purpose of these standards is to minimize stormwater impacts from development activities and to promote the health, safety and welfare within the City through provisions designed to:

- (A) Meet water quality requirements under State law, including regulations at Title 25, Chapter 93 of the Pennsylvania Code;
- (B) Manage accelerated runoff and erosion and sedimentation problems close to their source by regulating activities that cause these problems;
- (C) Preserve the natural drainage systems as much as possible;
- (D) Maintain groundwater recharge to prevent degradation of surface and groundwater quality and to otherwise protect water resources;
- (E) Maintain existing flows and quality of streams and watercourses within individual watersheds;
- (F) Preserve and restore the flood-carrying capacity of streams and prevent scour and erosion of stream banks and streambeds;
- (G) Manage stormwater impacts close to the runoff source, with a minimum of structures and a maximum use of natural processes;
- (H) Provide procedures, performance standards, and design criteria for stormwater planning and management;
- (I) Provide for proper operation and maintenance of all temporary or permanent stormwater facilities and Best Management Practices (BMP's) that are constructed and implemented; and
- (J) Provide standards to meet National Pollutant Discharge Elimination System (NPDES) permit requirements.

**§ 701. Authority.**

**§ 701.1** The City is empowered to regulate these activities by the authority of the following acts:

- (A) The Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.
- (B) The Pennsylvania Stormwater Management Act, Act of October 4, 1978, P.L. 864, No. 167 as amended.

**§ 702. Applicability.**

**§ 702.1** All regulated activities and all activities that may affect stormwater runoff, including land development or earth disturbance, are subject to these regulations. Where this Chapter does not include provisions for a particular technique or method, the design and construction shall be in accordance with the Pennsylvania Stormwater Management Manual, Urban Drainage Design, or any other manual of practice for stormwater conveyance and management.

**§ 703. General Requirements**

**§ 703.1** For all regulated activities, unless preparation of a SWM Site Plan is specifically exempted in § 705, Exemptions:

(A) Preparation and implementation of an approved SWM Site Plan is required.

(B) No regulated activities shall commence until the City issues written approval of an SWM Site Plan, which demonstrates compliance with the requirements of this Ordinance.

(C) For all regulated activities, implementation of the volume controls in § 707, Volume Controls, is required.

(D) SWM Site Plans approved by the City, in accordance with § 716, Authorization to Construct and Term of Validity, shall be on site throughout the duration of the regulated activity.

**§ 703.2** For all regulated earth disturbance activities, erosion and sediment control BMPs shall be designed, implemented, operated, and maintained during the regulated earth disturbance activities (e.g., during construction) to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code and the Clean Streams Law. Various BMPs and their design standards are listed in the Erosion and Sediment Pollution Control Program Manual (E&S Manual), No. 363-2134-008 (April 15, 2000), as amended and updated.

**§ 703.3** The City may, after consultation with DEP, approve measures for meeting the state water quality requirements other than those in this Ordinance, provided that they meet the minimum requirements of, and do not conflict with, state law including, but not limited to, the Clean Streams Law.

**§ 703.4** Impervious areas:

- (A) The measurement of impervious areas shall include all of the impervious areas in the total proposed development even if development is to take place in stages.
- (B) For development taking place in stages, the entire development plan must be used in determining conformance with this Ordinance.
- (C) For projects that add impervious area to a parcel, the total impervious area on the parcel is subject to the requirements of this Ordinance.

**§ 703.5** Stormwater flows, other than those flowing into a natural watercourse, onto adjacent property shall not be created, increased, decreased, relocated, or otherwise altered without written notification of the adjacent property owner(s). Such stormwater flows shall be subject to the requirements of this Ordinance.

**§ 703.6** All regulated activities shall include such measures as necessary to:

- (A) Protect health, safety, and property;
- (B) Meet the water quality goals of this Ordinance by implementing measures to:
  - (1) Minimize disturbance to floodplains, wetlands, and wooded areas.
  - (2) Maintain or extend riparian buffers.
  - (3) Avoid erosive flow conditions in natural flow pathways.
  - (4) Minimize thermal impacts to waters of this Commonwealth.
  - (5) Disconnect impervious surfaces by directing runoff to pervious areas, wherever possible.
- (C) To the maximum extent practicable, incorporate the techniques for Low Impact Development Practices described in the Pennsylvania Stormwater Best Management Practices Manual (BMP Manual).

**§ 703.7** The design of all facilities over karst shall include an evaluation of measures to minimize adverse effects.

**§ 703.8** Infiltration BMPs should be spread out, made as shallow as practicable, and located to maximize use of natural on-site infiltration features while still meeting the other requirements of this Ordinance.

- § 703.9** Storage facilities should completely drain both the volume control and rate control capacities over a period of time not less than twenty-four (24) and not more than seventy-two (72) hours from the end of the design storm.
- § 703.10** The design storm intensities to be used in the analysis of peak rates of discharge should be obtained from the Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, U.S. Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), National Weather Service, Hydrometeorological Design Studies Center, Silver Spring, Maryland. NOAA's Atlas 14 can be accessed at: <http://hdsc.nws.noaa.gov/hdsc/pfds/>. For areas less than five (5) acres, Pennsylvania Department of Transportation (PennDOT) Desing Manual 2 methodology may be utilized.
- § 703.11** For all regulated activities, SWM BMPs shall be designed, implemented, operated, and maintained to meet the purposes and requirements of this Ordinance and to meet all requirements under Title 25 of the Pennsylvania Code, the Clean Streams Law, and the Storm Water Management Act.
- § 703.12** Various BMPs and their design standards are listed in the BMP Manual.
- § 703.13** Where watercourses traverse a development site, drainage easements encompassing the 100-year elevation with a minimum width of twenty (20) feet shall be provided. The terms of the easement shall prohibit excavation, the placing of fill or structures, and any alterations that may adversely affect the flow of stormwater within any portion of the easement.
- § 703.14** Any stormwater management facilities or any facilities that constitute water obstructions, e.g., culverts, bridges, outfalls, stream enclosures, etc., that are regulated by this Ordinance, that will be located in or adjacent to waters of the Commonwealth including wetlands shall be subject to approval by PA DEP under regulations at 25 PA Code Chapter 105 through the Joint Permit Application process, or, where deemed appropriate by the DEP, the General Permit process. When there is a question whether a wetland may be involved, it is the responsibility of the applicant or his or her agent to show that the land in question cannot be classified as wetlands; otherwise, approval to work in the area must be obtained from DEP.
- § 703.15** Any stormwater management facilities regulated by this Ordinance that will be located on or discharged onto State highway rights-of-ways shall be subject to approval by the PennDOT.

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**§ 704. Prohibited Discharges and Connections**

- § 704.1** Any drain or conveyance, whether on the surface or subsurface, that allows any nonstormwater discharge including sewage, process wastewater, and wash water to enter the waters of this Commonwealth is prohibited.
- § 704.2** No person shall allow, or cause to allow, discharges into surface waters of this Commonwealth which are not composed entirely of stormwater, except (1) as provided in § 704.3 below and (2) discharges allowed under a state or federal permit.
- § 704.3** The following discharges are authorized unless they are determined to be significant contributors to pollution to the waters of this Commonwealth:
- (A) Discharges from firefighting activities
  - (B) Potable water sources including water line flushing
  - (C) Irrigation drainage
  - (D) Air conditioning condensate
  - (E) Springs
  - (F) Water from crawl space pumps
  - (G) Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spill material has been removed) and where detergents are not used
  - (H) Flows from riparian habitats and wetlands
  - (I) Uncontaminated water from foundations or from footing drains
  - (J) Lawn watering
  - (K) Dechlorinated swimming pool discharges
  - (L) Uncontaminated groundwater
  - (M) Water from individual residential car washing
  - (N) Routine external building wash down (which does not use detergents or other compounds)

§ 704.4 In the event that the City or DEP determines that any of the discharges identified in § 704.3 significantly contribute to pollution of the waters of this Commonwealth, the City or DEP will notify the responsible person(s) to cease the discharge.

§ 704.5 Roof drains and sump pumps shall discharge to infiltration or vegetative BMPs and to the maximum extent practicable satisfy the criteria for DIAs.

**§ 705. Exemptions**

§ 705.1 Regulated activities that create Disconnected Impervious Areas (DIAs) smaller than one thousand (1,000) sq. ft. are exempt from the peak rate control and the SWM Site Plan preparation requirement of this Ordinance.

§ 705.2 Regulated activities that create DIAs equal to or greater than 1,000 sq. ft. and less than five thousand (5,000) sq. ft. are exempt only from the peak rate control requirement of this Ordinance.

§ 705.3 Agricultural activity is exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.

§ 705.4 Forest management and timber operations are exempt from the rate control and SWM Site Plan preparation requirements of this Ordinance provided the activities are performed according to the requirements of 25 Pa. Code 102.

§ 705.5 Exemptions from any provisions of this Ordinance shall not relieve the applicant from the requirements in § 703.2 through 703.15.

**§ 706. General Design Guidelines**

§ 706.1 Stormwater shall not be transferred from one watershed to another, unless (1) the watersheds are sub-watersheds of a common watershed which join together within the perimeter of the property; (2) the effect of the transfer does not alter the peak rate discharge onto adjacent lands; or (3) easements from the affected landowner(s) are provided.

§ 706.2 Consideration shall be given to the relationship of the subject property to the drainage pattern of the watershed. A concentrated discharge of stormwater to an adjacent property shall be within an existing watercourse or confined in an easement or returned to a pre-development flow type condition.

- § 706.3** Stormwater BMP's and recharge facilities are encouraged (e.g., rooftop storage, drywells, cisterns, recreation area ponding, diversion structures, porous pavements, holding tanks, infiltration systems, in-line storage in storm sewers, and grading patterns). They shall be located, designed, and constructed in accordance with the latest technical guidance published by PA DEP, provided they are accompanied by detailed engineering plans and performance capabilities and supporting site specific soils, geology, runoff and groundwater and infiltration rate data to verify proposed designs. Additional guidance from other sources may be accepted at the discretion of the City Engineer (a pre-application meeting is suggested).
- § 706.4** All existing and natural watercourses, channels, drainage systems and areas of surface water concentration shall be maintained in their existing condition unless an alteration is approved by the appropriate regulatory agency.
- § 706.5** The design of all stormwater management facilities shall incorporate sound engineering principles and practices. The City shall reserve the right to disapprove any design that would result in the continuation or exacerbation of a documented adverse hydrologic or hydraulic condition within the watershed, as identified in the Plan.
- § 706.6** The design and construction of multiple use stormwater detention facilities are strongly encouraged. In addition to stormwater management, facilities should, where appropriate, allow for recreational uses including ball fields, play areas, picnic grounds, etc. Consultation with the City and prior approval are required before design. Provision for permanent wet ponds with stormwater management capabilities may also be appropriate.
- (A) Multiple use basins should be constructed so that potentially dangerous conditions are not created.
- (B) Water quality basins or recharge basins that are designed for a slow release of water or other extended detention ponds are not permitted for recreational uses, unless the ponded areas are clearly separated and secure.

**§ 707. Volume Controls**

**§ 707.1** The low impact development practices provided in the BMP Manual shall be utilized for all regulated activities to the maximum extent practicable. Water volume controls shall be implemented using the Design Storm Method in Subsection (a) or the Simplified Method in Subsection (b) below. For regulated activity areas equal or less than one (1) acre that do not require hydrologic routing to design the stormwater facilities, this Ordinance establishes no preference for either methodology; therefore, the applicant may select either methodology on the basis of economic considerations, the intrinsic limitations on applicability of the analytical procedures associated with each methodology, and other factors.

**(A)** The Design Storm Method (CG-1 in the BMP Manual) is applicable to any size of regulated activity. This method requires detailed modeling based on site conditions.

**(1)** Do not increase the postdevelopment total runoff volume for all storms equal to or less than the 2-year 24-hour duration precipitation.

**(2)** For modeling purposes:

**(a)** Existing (predevelopment) nonforested pervious areas must be considered meadow or its equivalent.

**(b)** Twenty percent (20%) of existing impervious area, when present, shall be considered meadow in the model for existing conditions.

**(B)** The Simplified Method (CG-2 in the BMP Manual) provided below is independent of site conditions and should be used if the Design Storm Method is not followed. This method is not applicable to regulated activities greater than one (1) acre or for projects that require design of stormwater storage facilities. For new impervious surfaces:

**(1)** Stormwater facilities shall capture at least the first two (2) inches of runoff from all new impervious surfaces.

**(2)** At least the first one (1) inch of runoff from new impervious surfaces shall be permanently removed from the runoff flow--i.e., it shall not be released into the surface waters of this Commonwealth. Removal options include reuse, evaporation, transpiration, and infiltration.

- (3) Wherever possible, infiltration facilities should be designed to accommodate infiltration of the entire permanently removed runoff; however, in all cases at least the first half (0.5) inch of the permanently removed runoff should be infiltrated.
- (4) This method is exempt from the requirements of § 708, Rate Controls.

### **§ 708. Rate Controls**

**§ 708.1** Areas not covered by a release rate map from an approved Act 167 Stormwater Management Plan:

(A) Postdevelopment discharge rates shall not exceed the predevelopment discharge rates for the 1-, 2-, 10-, 50-, and 100-year storms. If it is shown that the peak rates of discharge indicated by the postdevelopment analysis are less than or equal to the peak rates of discharge indicated by the predevelopment analysis for 1-, 2-, 10-, 50-, and 100-year, 24-hour storms, then the requirements of this section have been met. Otherwise, the applicant shall provide additional controls as necessary to satisfy the peak rate of discharge requirement.

**§ 708.2** Areas covered by a release rate map from an approved Act 167 Stormwater Management Plan:

(A) For the 1-, 2-, 10-, 25-, and 100-year storms, the postdevelopment peak discharge rates will follow the applicable approved release rate maps. For any areas not shown on the release rate maps, the postdevelopment discharge rates shall not exceed the predevelopment discharge rates.

### **§ 709. Calculation Methodology**

**§ 709.1** All calculations shall be consistent with the guidelines set forth in the BMP Manual, as amended herein.

**§ 709.2** Stormwater runoff from all development sites shall be calculated using either the Rational Method or the NRCS Rainfall-Runoff Methodology. Methods shall be selected by the design professional based on the individual limitations and suitability of each method for a particular site.

**§ 709.3** **Rainfall Values:**

(A) Rational Method – The Pennsylvania Department of Transportation Drainage Manual, Intensity-Duration-Frequency Curves,

Publication 584, Chapter 7A, latest edition, shall be used in conjunction with the appropriate time of concentration and return period.

- (B) NRCS Rainfall-Runoff Method – The Soil Conservation Service Type II, 24-hour rainfall distribution shall be used in conjunction with rainfall depths from NOAA Atlas 14 or be consistent with the approved Act 167 Plan.

**§ 709.4 Runoff Volume:**

- (A) Rational Method – This method shall be used for calculations of the peak rate of runoff for the design of storm sewers and drainage swales but not for the design of stormwater management facilities where a full hydrograph is needed. The equation representing the Rational Method is comprised of the following (in English units):

Q = Peak flow rate, cubic feet per second (CFS)  
C = Runoff coefficient, dependent on land use / cover  
I = Design rainfall intensity, inches per hour  
A = Drainage area, acres.

- (B) NRCS Rainfall-Runoff Method – This method shall be used to estimate the change in volume due to Regulated Activities. Combining Curve Numbers for land areas proposed for development with Curve Numbers for areas unaffected by the proposed development into a single weighted curve number is NOT acceptable.

**§ 709.5 Peak Flow Rates:**

- (A) Rational Method – This method may be used for design of conveyance facilities only. Extreme caution should be used by the design professional if the watershed has more than one main drainage channel, if the watershed is divided so that hydrologic properties are significantly different in one versus the other, if the time of concentration exceeds sixty (60) minutes, or if stormwater runoff volume is an important factor. The combination of Rational Method hydrographs based on timing shall be prohibited.
- (B) NRCS Rainfall-Runoff Method – This method is recommended for design of stormwater management facilities and where stormwater runoff volume must be taken into consideration. The following provides guidance on the model applicability:

- (1) NRCS’s TR-55 – limited to 100 acres in size

(2) NRCS's TR-20 or HEC-HMS – no size limitations

(3) Other models as pre-approved by the City Engineer

§ 709.6 For comparison of peak flow rates, flows shall be rounded to a tenth of a cubic foot per second (cfs).

§ 709.7 **Runoff Coefficients:**

(A) Rational Method – Use PennDOT's Drainage Manual, Publication 584.

(B) NRCS Rainfall-Runoff Method –Curve Numbers (CN) should be rounded to tenths for use in hydrologic models as they are a design tool with statistical variability. For large sites, CN's should realistically be rounded to the nearest whole number.

(C) For the purposes of pre-development peak flow rate and volume determination, existing non-forested pervious areas conditions shall be considered as meadow (good condition).

(D) For the purposes of pre-development peak flow rate and volume determination, twenty (20) percent of existing impervious area, when present, shall be considered meadow (good condition).

§ 709.8 **Design storm:**

(A) All stormwater management facilities shall be verified by routing the proposed 2-year, 10-year, 50-year, and 100-year hydrographs through the facility using the storage indication method or modified puls method. The 24-hour design storm hydrograph shall be computed using a calculation method that produces a full hydrograph.

(B) The stormwater management and drainage system shall be designed to safely convey the post development 100-year storm event to stormwater detention facilities, for the purpose of meeting peak rate control.

(C) All structures (culvert or bridges) proposed to convey runoff under a Municipal road shall be designed to pass the 50-year design storm with a minimum 1 foot of freeboard measured below the lowest point along the top of the roadway.

**§ 709.9 Time of Concentration:**

(A) The Time of Concentration is to represent the average condition that best reflects the hydrologic response of the area. The NRCS's Time of Concentration (Tc) computational methodologies shall be used unless another method is pre-approved by the City Engineer.

**§ 709.10** Drainage areas tributary to sinkholes or closed depressions in areas underlain by limestone or carbonate geologic features shall be excluded from the modeled point of analysis defining pre-development flows. If left undisturbed during construction activities, areas draining to closed depressions may also be used to reduce peak runoff rates in the post-development analysis. New, additional contributing runoff should not be directed to existing sinkholes or closed depressions.

**§ 709.11** Where uniform flow is anticipated, the Manning's equation shall be used for hydraulic computations and to determine the capacity of open channels, pipes, and storm sewers. The Manning's equation should not be used for analysis of pipes under pressure flow or for analysis of culverts. Manning's "n" values shall be obtained from PennDOT's Drainage Manual, Publication 584. Inlet control shall be checked at all inlet boxes to ensure the headwater depth during the 10-year design event is contained below the top of grate for each inlet box.

**§ 709.12** The City may approve the use of any generally accepted full hydrograph approximation technique that shall use a total runoff volume that is consistent with the volume from a method that produces a full hydrograph.

**§ 709.13** The City has the authority to require that computed existing runoff rates be reconciled with field observations, conditions, and site history. If the designer can substantiate, through actual physical calibration, that more appropriate runoff and time of concentration values should be utilized at a particular site, then appropriate variations may be made upon review and recommendation of the City.

**§ 710. Disconnected Impervious Areas (DIAs)**

**§ 710.1 Rooftop Disconnection**

(A) When rooftop downspouts are directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the rooftop may qualify as completely or partially DIA and a portion of the impervious rooftop area may be excluded from the calculation of total impervious area.

- (B) A rooftop is considered to be completely or partially disconnected if it meets the requirements listed below:
- (1) The contributing area of rooftop to each disconnected discharge is 500 square feet or less, and
  - (2) The soil, in proximity of the roof water discharge area, is not designated as hydrologic soil group “D” or equivalent, and
  - (3) The overland flow path from roof water discharge area has a positive slope of 5% or less.
- (C) For designs that meet these requirements, the portion of the roof that may be considered disconnected depends on the length of the overland path as designated in Table 7-1: Partial Rooftop Disconnection.

Table 7-1: Partial Rooftop Disconnection	
Length of Pervious Flow Path (Feet) *	Roof Area Treated as Disconnected
Feet	Percent of contributing area
0 – 14	0
15 – 29	20
30 – 44	40
45 – 59	60
60 – 74	80
75 or more	100
* Flow path cannot include impervious surfaces and must be at least 15 feet from any impervious surfaces.	

### **§ 710.2 Pavement Disconnection**

- (A) When pavement runoff is directed to a pervious area that allows for infiltration, filtration, and increased time of concentration, the contributing pavement area may qualify as a DIA that may be excluded from the calculation of total impervious area. This applies generally only to small or narrow pavement structures such as driveways and narrow pathways through otherwise pervious areas (e.g., a walkway or bike path through a park).
- (B) Pavement is disconnected if the pavement, or area adjacent to the pavement, meets the requirements below:
- (1) The contributing flow path over impervious area is not more than 75 feet, and

- (2) The length of overland flow is greater than or equal to the contributing length, and
  - (3) The soil is not designated as hydrologic soil group “D” or equivalent, and
  - (4) The slope of the contributing impervious area is 5% or less, and
  - (5) The slope of the overland flow path is 5% or less.
- (C) If the discharge is concentrated at one or more discrete points, no more than one thousand (1,000) square feet may discharge to any one point. In addition, a gravel strip or other spreading device is required for concentrated discharges. For nonconcentrated discharges along the edge of the pavement, this requirement is waived; however, there must be a provision for the establishment of vegetation along the pavement edge and temporary stabilization of the area until vegetation becomes stabilized.

**§ 711. Plan Requirements**

**§ 711.1** The following items shall be included in the SWM Site Plan:

- (A) The City shall not approve any SWM Site Plan that is deficient in meeting the requirements of this Ordinance. At its sole discretion and in accordance with this Part, when a SWM Site Plan is found to be deficient, the City may either disapprove the submission and require a resubmission, or in the case of minor deficiencies, the City may accept submission of modifications.
- (B) Provisions for permanent access or maintenance easements for all physical SWM BMPs, such as ponds and infiltration structures, as necessary to implement the Operation and Maintenance (O&M) Plan discussed in § 711 (C) (9), below.
- (C) The SWM Site Plan shall provide the following information:
  - (1) The overall stormwater management concept for the project.
  - (2) A determination of site conditions in accordance with the BMP Manual. A detailed site evaluation shall be completed for projects proposed in areas of carbonate geology or karst topography, and other environmentally sensitive areas, such as brownfields.

- (3) Stormwater runoff design computations, and documentation as specified in this Ordinance, or as otherwise necessary to demonstrate that the maximum practicable measures have been taken to meet the requirements of this Ordinance, including the recommendations and general requirements contained in this Part.
- (4) Expected project time schedule.
- (5) A soil erosion and sediment control plan, where applicable, as prepared for and submitted to the approval authority.
- (6) The effect of the project (in terms of runoff volumes, water quality, and peak flows) on surrounding properties and aquatic features and on any existing stormwater conveyance system that may be affected by the project.
- (7) Plan and profile drawings of all SWM BMPs, including drainage structures, pipes, open channels, and swales.
- (8) SWM Site Plan shall show the locations of existing and proposed on-lot wastewater facilities and water supply wells.
- (9) The SWM Site Plan shall include an O&M Plan for all existing and proposed physical stormwater management facilities. This plan shall address long-term ownership and responsibilities for O&M as well as schedules and costs for O&M activities.

**§ 712. Plan Submission**

**§ 712.1** Four (4) copies of the SWM Site Plan shall be submitted as follows:

- (A) One (1) copy to the City.
- (B) One (1) copy to the City engineer (when applicable).
- (C) One (1) copy to the County Conservation District.
- (D) One (1) copy to the Washington County Planning Commission.

**§ 712.2** Additional copies shall be submitted as requested by the reviewing agencies.

**§ 713. Plan Review**

**§ 713.1** The SWM Site Plan shall be reviewed by a qualified professional for the City for consistency with the provisions of this Ordinance. After review, the qualified professional shall provide a written recommendation for the City to approve or disapprove the SWM Site Plan. If it is recommended to disapprove the SWM Site Plan, the qualified professional shall state the reasons for the disapproval in writing. The qualified professional also may recommend approval of the SWM Site Plan with conditions and, if so, shall provide the acceptable conditions for approval in writing. The SWM Site Plan review and recommendations shall be completed within the time allowed by the Municipalities Planning Code for reviewing subdivision plans.

**§ 713.2** The City shall notify the applicant in writing within forty-five (45) days whether the SWM Site Plan is approved or disapproved. If the SWM Site Plan involves a Subdivision and Land Development Plan, the notification period is ninety (90) days. If a longer notification period is provided by other statute, regulation, or ordinance, the applicant will be so notified by the City. If the City disapproves the SWM Site Plan, the City shall cite the reasons for disapproval in writing.

**§ 714. Modification of Plans**

**§ 714.1** A modification to a submitted SWM Site Plan that involves a change in SWM BMPs or techniques, or that involves the relocation or redesign of SWM BMPs, or that is necessary because soil or other conditions are not as stated on the SWM Site Plan as determined by the City shall require a resubmission of the modified SWM Site Plan in accordance with this Part.

**§ 715. Resubmission of Disapproved SWM Site Plans**

**§ 715.1** A disapproved SWM Site Plan may be resubmitted, with the revisions addressing the City's concerns, to the City in accordance with this Part. The applicable review fee must accompany a resubmission of a disapproved SWM Site Plan.

**§ 716. Authorization to Construct and Term of Validity**

**§ 716.1** The City's approval of an SWM Site Plan authorizes the regulated activities contained in the SWM Site Plan for a maximum term of validity of five (5) years following the date of approval. The City may specify a term of validity shorter than five (5) years in the approval for any specific SWM Site Plan. Terms of validity shall commence on the

date the City signs the approval for an SWM Site Plan. If an approved SWM Site Plan is not completed according to § 717, As-Built Plans, Complete Certificate, and Final Inspection, below, within the term of validity, then the City may consider the SWM Site Plan disapproved and may revoke any and all permits. SWM Site Plans that are considered disapproved by the City shall be resubmitted in accordance with Section B.11 of this Ordinance.

**§ 717. As-Built Plans, Completion Certificate, and Final Inspection**

- § 717.1** The developer shall be responsible for providing as-built plans of all SWM BMPs included in the approved SWM Site Plan. The as-built plans and an explanation of any discrepancies with the construction plans shall be submitted to the City.
- § 717.2** The as-built submission shall include a certification of completion signed by a qualified professional verifying that all permanent SWM BMPs have been constructed according to the approved plans and specifications. If any licensed qualified professionals contributed to the construction plans, then a licensed qualified professional must sign the completion certificate.
- § 717.3** After receipt of the completion certification by the City, the City may conduct a final inspection.

**§ 718. Responsibilities of Developers and Landowners**

- § 718.1** The City shall make the final determination on the continuing maintenance responsibilities prior to final approval of the SWM Site Plan. The City may require a dedication of such facilities as part of the requirements for approval of the SWM Site Plan. Such a requirement is not an indication that the City will accept the facilities. The City reserves the right to accept or reject the ownership and operating responsibility for any portion of the stormwater management controls.
- § 718.2** Facilities, areas, or structures used as Stormwater Management BMPs shall be enumerated as permanent real estate appurtenances and recorded as deed restrictions or conservation easements that run with the land.
- § 718.3** The O&M Plan shall be recorded as a restrictive deed covenant that runs with the land.
- § 718.4** The City may take enforcement actions against an owner for any failure to satisfy the provisions of this Part.

**§ 719. O&M Agreements**

**§ 719.1** The owner is responsible for O&M of the SWM BMPs. If the owner fails to adhere to the O&M Agreement, the City may perform the services required and charge the owner appropriate fees. Nonpayment of fees may result in a lien against the property.

**§ 720. Fees and Expenses**

**§ 720.1** The City may include all costs incurred in the review fee charged to an applicant.

**§ 720.2** The review fee may include, but not be limited to, costs for the following:

- (A) Administrative/clerical processing.
- (B) Review of the SWM Site Plan.
- (C) Attendance at meetings.
- (D) Inspections.

**§ 721. Alteration of SWM BMPs**

**§ 721.1** No person shall modify, remove, fill, landscape, or alter any SWM BMPs, facilities, areas, or structures without the written approval of the City.

**§ 722. Right-of-Entry**

**§ 722.1** Upon presentation of proper credentials, the City may enter at reasonable times upon any property within the City to inspect the condition of the stormwater structures and facilities in regard to any aspect regulated by this Ordinance.

**§ 723. Inspection**

**§ 723.1** SWM BMPs should be inspected by the landowner, or the owner's designee (including the City for dedicated and owned facilities), according to the following list of minimum frequencies:

- (A) Annually for the first five (5) years.
- (B) Once every three (3) years thereafter.

(C) During or immediately after the cessation of a 10-year or greater storm.

#### **§ 724. Enforcement**

**§ 724.1** It shall be unlawful for a person to undertake any regulated activity except as provided in an approved SWM Site Plan, unless specifically exempted in § 705, Exemptions.

**§ 724.2** It shall be unlawful to violate § 721, Alteration of BMP's, of this Ordinance.

**§ 724.3** Inspections regarding compliance with the SWM Site Plan are a responsibility of the City.

#### **§ 725. Suspension and Revocation**

**§ 725.1** Any approval or permit issued by the City pursuant to this Ordinance may be suspended or revoked for:

(A) Non-compliance with or failure to implement any provision of the approved SWM Site Plan or O&M Agreement.

(B) A violation of any provision of this Ordinance or any other applicable law, ordinance, rule, or regulation relating to the regulated activity.

(C) The creation of any condition or the commission of any act during the regulated activity which constitutes or creates a hazard, nuisance, pollution, or endangers the life or property of others.

**§ 725.2** A suspended approval may be reinstated by the City when:

(A) The City has inspected and approved the corrections to the violations that caused the suspension.

(B) The City is satisfied that the violation has been corrected.

**§ 725.3** An approval that has been revoked by the City cannot be reinstated. The applicant may apply for a new approval under the provisions of this Ordinance.

**§ 725.4** If a violation causes no immediate danger to life, public health, or property, at its sole discretion, the City may provide a limited time period for the owner to correct the violation. In these cases, the City will provide the owner, or the owner's designee, with a written notice of the violation and the time period allowed for the owner to correct the

violation. If the owner does not correct the violation within the allowed time period, the City may revoke or suspend any, or all, applicable approvals and permits pertaining to any provision of this Ordinance.

**§ 726. Penalties**

**§ 726.1** The penalties and fees set forth in § 905, Fees, of this Ordinance shall apply.

**§ 726.2** Anyone violating the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction, shall be subject to a fine of not more than five hundred dollars (\$500) for each violation, recoverable with costs. Each day that the violation continues shall be a separate offense and penalties shall be cumulative.

**§ 726.3** In addition, the City may institute injunctive, mandamus, or any other appropriate action or proceeding at law or in equity for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

**§ 727. Appeals**

**§ 727.1** Any person aggrieved by any action of the City or its designee, relevant to the provisions of this Ordinance, may appeal to the City within thirty (30) days of that action.

**§ 727.2** Any person aggrieved by any decision of the City, relevant to the provisions of this Ordinance, may appeal to the County Court of Common Pleas in the county where the activity has taken place within thirty (30) days of the City's decision.

**§ 728. Terms and Definitions**

**§ 728.1** Best Management Practice (BMP) - Activities, facilities, designs, measures, or procedures used to manage stormwater impacts from regulated activities, to meet state water quality requirements, to promote groundwater recharge, and to otherwise meet the purposes of this Ordinance. Stormwater BMPs are commonly grouped into one of two broad categories or measures: "structural" or "nonstructural." In this Ordinance, nonstructural BMPs or measures refer to operational and/or behavior-related practices that attempt to minimize the contact of pollutants with stormwater runoff whereas structural BMPs or measures are those that consist of a physical device or practice that is installed to capture and treat stormwater runoff. Structural BMPs include, but are not limited to, a wide variety of practices and devices, from large-scale

retention ponds and constructed wetlands, to small-scale underground treatment systems, infiltration facilities, filter strips, low impact design, bioretention, wet ponds, permeable paving, grassed swales, riparian or forested buffers, sand filters, detention basins, and manufactured devices. Structural stormwater BMPs are permanent appurtenances to the project site.

- § 728.2** Conservation District - A conservation district, as defined in Section 3(c) of the Conservation District Law (3 P. S. § 851(c)) that has the authority under a delegation agreement executed with DEP to administer and enforce all or a portion of the regulations promulgated under 25 Pa. Code 102.
- § 728.3** Design Storm - The magnitude and temporal distribution of precipitation from a storm event measured in probability of occurrence (e.g., a 5-year storm) and duration (e.g., 24 hours) used in the design and evaluation of stormwater management systems. Also see Return Period.
- § 728.4** Detention Volume - The volume of runoff that is captured and released into the waters of this Commonwealth at a controlled rate.
- § 728.5** Disconnected Impervious Area (DIA) - An impervious or impermeable surface that is disconnected from any stormwater drainage or conveyance system and is redirected or directed to a pervious area, which allows for infiltration, filtration, and increased time of concentration as specified in this Ordinance.
- § 728.6** Disturbed Area - An unstabilized land area where an earth disturbance activity is occurring or has occurred.
- § 728.7** Earth Disturbance Activity - A construction or other human activity which disturbs the surface of the land, including, but not limited to: clearing and grubbing; grading; excavations; embankments; road maintenance; building construction; and the moving, depositing, stockpiling, or storing of soil, rock, or earth materials.
- § 728.8** Erosion - The natural process by which the surface of the land is worn away by water, wind, or chemical action.
- § 728.9** Existing Condition - The dominant land cover during the 5-year period immediately preceding a proposed regulated activity.
- § 728.10** Hydrologic Soil Group (HSG) - Infiltration rates of soils vary widely and are affected by subsurface permeability as well as surface intake rates. Soils are classified into four HSGs (A, B, C, and D) according to their minimum infiltration rate, which is obtained for bare soil after

prolonged wetting. The NRCS defines the four groups and provides a list of most of the soils in the United States and their group classification. The soils in the area of the development site may be identified from a soil survey report that can be obtained from local NRCS offices or conservation district offices. Soils become less pervious as the HSG varies from A to D (NRCS 3,4).

- § 728.11 Karst - A type of topography or landscape characterized by surface depressions, sinkholes, rock pinnacles/uneven bedrock surface, underground drainage, and caves. Karst is formed on carbonate rocks, such as limestone or dolomite.
- § 728.12 NRCS - USDA Natural Resources Conservation Service (previously SCS).
- § 728.13 Peak Discharge - The maximum rate of stormwater runoff from a specific storm event.
- § 728.14 Project Site - The specific area of land where any regulated activities in the municipality are planned, conducted, or maintained.
- § 728.15 Qualified Professional - Any person licensed by the Pennsylvania Department of State or otherwise qualified by law to perform the work required by this Ordinance.
- § 728.16 Regulated Activities - Any earth disturbance activities or any activities that involve the alteration or development of land in a manner that may affect stormwater runoff.
- § 728.17 Regulated Earth Disturbance Activity - Activity involving earth disturbance subject to regulation under 25 Pa. Code 92, 25 Pa. Code 102, or the Clean Streams Law.
- § 728.18 Retention Volume/Removed Runoff - The volume of runoff that is captured and not released directly into the surface waters of this Commonwealth during or after a storm event.
- § 728.19 Return Period - The average interval, in years, within which a storm event of a given magnitude can be expected to occur one time. For example, the 25-year return period rainfall would be expected to occur on average once every 25 years; or stated in another way, the probability of a 25-year storm occurring in any one year is 0.04 (i.e., a 4% chance).

- § 728.20 State Water Quality Requirements - The regulatory requirements to protect, maintain, reclaim, and restore water quality under Title 25 of the Pennsylvania Code and the Clean Streams Law.
- § 728.21 Stormwater - Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.
- § 728.22 Stormwater Management Facility - Any structure, natural or man-made, that, due to its condition, design, or construction, conveys, stores, or otherwise affects stormwater runoff. Typical stormwater management facilities include, but are not limited to: detention and retention basins; open channels; storm sewers; pipes; and infiltration facilities.
- § 728.23 Stormwater Management Plan - The Act 167 Plan for managing stormwater runoff adopted by the county of Washington as required by the Act of October 4, 1978, P.L. 864, (Act 167), as amended, and known as the “Storm Water Management Act.”
- § 728.24 Stormwater Management Best Management Practices - Is abbreviated as BMPs or SWM BMPs throughout this Ordinance.
- § 728.25 Stormwater Management Site Plan - The plan prepared by the developer or his representative indicating how stormwater runoff will be managed at the development site in accordance with this Ordinance. Stormwater Management Site Plan will be designated as SWM Site Plan throughout this Ordinance.
- § 728.26 Waters of this Commonwealth – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth.
- § 728.27 Wetland - Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

**§ 729. References**

- § 729.1** Pennsylvania Department of Environmental Protection. No. 363-0300-002 (December 2006), as amended and updated. Pennsylvania Stormwater Best Management Practices Manual. Harrisburg, PA.
- § 729.2** Pennsylvania Department of Environmental Protection. No. 363-2134-008 (April 15, 2000), as amended and updated. Erosion and Sediment Pollution Control Program Manual. Harrisburg, PA.
- § 729.3** U.S. Department of Agriculture, National Resources Conservation Service (NRCS). National Engineering Handbook. Part 630: Hydrology, 1969-2001. Originally published as the National Engineering Handbook, Section 4: Hydrology. Available from the NRCS online at: <http://www.nrcs.usda.gov/>.
- § 729.4** U.S. Department of Agriculture, Natural Resources Conservation Service. 1986. Technical Release 55: Urban Hydrology for Small Watersheds, 2nd Edition. Washington, D.C.
- § 729.5** U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Weather Service, Hydrometeorological Design Studies Center. 2004-2006. Precipitation-Frequency Atlas of the United States, Atlas 14, Volume 2, Version 3.0, Silver Spring, Maryland. Internet address: <http://hdsc.nws.noaa.gov/hdsc/pfds/>.

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**§ 800. Purpose.**

**§ 800.1** The purpose of this Part is to regulate and guide the establishment of manufactured / mobile home parks in order to promote the health, safety, and general welfare of the citizens of the City of Monongahela, and to secure safety from fire, panic and other danger, and ensure that facilities are provided for transportation, parking, water, sewage, and recreation.

**§ 801. Application Procedure****§ 801.1 Submission and Review Procedure**

(A) An application for development of a tract of land for mobile home park purposes shall be made and approved, or approved as modified, before any mobile home park permit for such use shall be issued. The requirements of Part IV of this Chapter shall govern the submission, processing, and review of all applications for mobile home park development.

(B) All mobile home parks shall be required to meet the regulations set forth in Section 542 (Supplemental Regulations: Mobile Home Parks) of the Zoning Ordinance.

**§ 801.2 Content of Application**

(A) The requirements of Part IV of this Chapter shall govern the content of all applications for mobile home park development.

(B) In addition to the requirements contained in Part IV, an application for preliminary or final approval of a mobile home park shall indicate by drawings, diagrams, maps, text, affidavit, or other legal instrument, the following:

(1) The tract for which application is made is held in single and separate ownership.

(2) The placement, location, and number of mobile home lots and mobile home pads, consistent with the terms of this Chapter, on a layout map of the tract at a scale of one (1) inch equals fifty (50) feet.

(3) The location and dimension of all driveways, pedestrian ways, sidewalks, and access roads with notation as to type of impervious cover.

- (4) The location, dimension, and arrangement of all areas to be devoted to lawns, buffer strips, screen planting, and common open space, including areas for recreation.

**§ 802. Density, Dimensional, and General Layout Standards**

**§ 802.1 Area and Density Regulations.** All mobile home park lots shall conform to the density, lot size, and area standards set forth in Section 542.9, et. seq., of the Zoning Ordinance.

**§ 802.2 Site Layout**

- (A) Mobile Homes placed on individual lots are encouraged to be placed off-center on the lots so as to provide a large usable open yard space and outdoor living area in one section of the lot.
- (B) Groups or clusters of units, so placed as to create interior spaces and courtyards shall be incorporated whenever feasible.
- (C) There shall be variety in the arrangement and orientation of mobile homes, with particular attention given to topography and existing trees. Site layout shall be designed to ensure that mobile home units are offset to avoid long, uninterrupted corridors between the units.
- (D) The applicant is strongly encouraged to design the mobile home park so that many units have their long axis east-west, offering southern exposure to their longest wall and roof areas. When topographic conditions make a street layout for good solar orientation of units difficult or undesirable, lots should be laid out so that units can be oriented to the south to the greatest extent possible.

**§ 803. Street System**

**§ 803.1** With the exception of those standards specified in this Section, all standards pertaining to streets in Part VI of this Chapter shall govern the design and construction of streets in a mobile home park.

- (A) Access to any mobile home lot shall be from a street interior to the mobile home park. Where mobile home lots are created having frontage on an existing street within the City, the mobile home park street pattern shall provide reverse frontage access to an interior street within the mobile home park, and not to the existing street.
- (B) The mobile home park interior street system shall be functionally classified in terms of minor collector and local streets, as defined in

this Chapter. Street widths shall be as prescribed in Part VI of this Chapter.

- (C) All mobile home parks shall be furnished with lighting fixtures so spaced and so equipped with luminaries as will provide adequate levels of illumination throughout the park for the safe movement of vehicles and pedestrians at night.

#### **§ 804. Off-street Parking Areas and Walks**

**§ 804.1** The requirements for driveways contained in Part VI of this Chapter shall be applicable to all mobile home parks.

**§ 804.2** Off-street parking for at least two motor vehicles shall be provided on each mobile home lot. Each parking stall shall be at least nine (9) feet by eighteen (18) feet and shall have an all-weather paved surface acceptable to the City, which shall be specified in the plan.

**§ 804.3** Additional parking spaces for vehicles of non-residents shall be provided at the rate of one space for every three mobile home lots. Such parking spaces shall be provided through off-street common parking areas, and shall be in locations that are sufficiently dispersed throughout the park to serve all mobile home units, as determined by the City.

**§ 804.4** Parking is prohibited on internal roads. It shall be the duty of the owner or operator of the mobile home park to enforce this provision.

**§ 804.5** A concrete sidewalk of a minimum width of three (3) feet shall be provided to each manufactured home unit from an adjacent street;

**§ 804.6** There shall be a common sidewalk system four (4) feet wide throughout the development;

#### **§ 805. Stormwater Management**

**§ 805.1** The provisions of Part VII of this Chapter shall be applicable to all mobile home park developments.

#### **§ 806. Water Supply**

**§ 806.1** The provisions of § 500.4, et. seq., of this Chapter shall be applicable to all mobile home park developments.

**§ 807. Sewage Treatment and Disposal**

**§ 807.1** The provisions of § 500.3 et. seq., of this Chapter shall be applicable to all mobile home park developments.

**§ 808. Utility Distribution System**

**§ 808.1** All utilities shall be installed and maintained in accordance with the terms of § 500.8 et. seq., of this Chapter.

**§ 809. Common Open Space Areas**

**§ 809.1** Minimum amount of common open space

(A) At least twenty-five percent (25%) of the gross area of each mobile home park shall be set aside as common open space for the use and enjoyment of the residents of the mobile home park. Such common open space shall be substantially free of structures except for those designed for recreational purposes, and shall be in addition to those areas devoted to meeting the buffer requirements of this Chapter.

**§ 809.2** Standards for location and management

(A) Common open space areas shall be located and designed as areas easily accessible to residents and preserving natural features. Such areas shall be well-maintained and kept in good condition at all times.

**§ 810. Buffering, Screening, and Landscapes**

**§ 810.1** All mobile home park lots shall be landscaped in the following manner:

(A) Lots shall be grass except for the trailer pad, driveway, and lot shrub boundary dividers.

(B) Lots shall be either level or smooth grade.

(C) All natural drainage shall be seeded swales.

**§ 810.2** Each mobile home park shall include a ten (10) foot wide landscaped area including substantial attractive evergreen and deciduous trees around the perimeter site, except where such landscaping would obstruct safe sight distances for traffic. A planting plan for such area shall be approved by the Planning Commission as part of any application for a mobile home park development.

**§ 810.3** Such landscaped area shall not be required between adjacent mobile home park developments. This landscaped area shall be thirty-five (35) feet wide abutting existing single-family detached dwellings. The same area of land may count towards both the landscaped area and the building setback requirements.

**§ 811. Service Buildings and Facilities**

**§ 811.1 Uses and activities**

(A) Where a service building is provided, it must contain a toilet and lavatory for each sex and storage areas for occupants of the park. In addition, the applicant may provide laundry facilities, management office, repair shop, indoor recreational facilities and/or commercial uses to supply essential goods and services to park residents only. It is also recommended that the applicant provide sheltered waiting areas for transportation and a mail box area for residents.

**§ 811.2 Construction and maintenance**

(A) Construction of service buildings shall be in compliance with all applicable building codes, plumbing codes, etc., and shall be maintained in a clean, sanitary and structurally safe condition.

**§ 812. Fuel Supply and Storage**

**§ 812.1 Liquefied petroleum gas system**

(A) The design, installation, and construction of containers and pertinent equipment for the storage and handling of liquefied petroleum gasses shall conform to the Liquefied Petroleum Gas Act, Act of December 27, 1951, P.L. 1793, No. 475, as amended; and to the regulations therefore promulgated by the Pennsylvania Department of Labor and Industry, or its successor.

(B) Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures, when installed, shall be maintained in conformance with the rules and regulations of the Pennsylvania Department of Labor and Industry and shall include the following:

(1) Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at the safe location.

- (2) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- (3) All liquefied petroleum gas piping outside of the mobile home shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment or systems in mobile homes.
- (4) Vessels of at least 12 U.S. gallons and less than 60 U.S. gallons gross capacity shall be maintained in a vertical position and shall be securely, but not permanently, fastened to prevent accidental overturning. No vessel shall be placed any closer than five (5) feet to a mobile home exit and no closer than three (3) feet to any window.
- (5) No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure.
- (6) All pipe connections shall be of a flare type.

**§ 812.2 Fuel oil supply systems**

- (A) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall be installed and maintained in conformance with the rules and regulations of the authority having jurisdiction.
- (B) All piping from outside fuel storage tanks or cylinders to mobile homes shall be securely, but not permanently, fastened in place.
- (C) All fuel oil supply systems provided for mobile homes, service buildings, and other structures shall have shut-off valves located within five (5) inches of storage tanks.
- (D) All fuel storage tanks or cylinders shall be securely placed and shall not be less than five feet from any mobile home exit, and not less than three (3) feet from any window.
- (E) Storage tanks located in areas subject to traffic shall be protected against physical damage.

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**§ 813. Electrical Distribution System****§ 813.1 General requirements**

(A) Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment, and appurtenances which shall be installed and maintained in accordance with the electric power provider's specifications regulating such systems.

**§ 813.2 Power distribution lines**

(A) All power distribution lines located within the private street right of way shall be placed in conduit. Conduit specifications and minimum cover requirements shall meet or exceed be compliant with NFPA 70 National Electrical Code.

**§ 813.3 Individual electrical connections**

(A) Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, one hundred (100) amperes.

(B) The mobile home shall be connected to the outlet receptacle by an approved type of flexible cable with connectors and a male attachment plug.

(C) Where the calculated load of the mobile home is more than sixty (60) amperes, either a second outlet receptacle shall be installed or electrical service shall be provided by means of permanently installed conductors.

**§ 813.4 Required grounding**

(A) All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor run with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used an equipment ground for mobile homes or other equipment.

**§ 814. Fire Protection**

**§ 814.1** All mobile parks shall be provided with fire hydrants, as specified under the terms of § 500.4 (D) of this Chapter.

**§ 814.2** Where the water supply system does not provide at least a six (6) -inch water main, there shall be provided a two-inch frost-protected water riser within three hundred (300) feet of each mobile home or building.

**§ 814.3** Portable hand-operated fire extinguishers of a type suitable for use on oil fires and approved by the local fire prevention authority shall be kept in each service building under park control. Two (2) twelve (12)-lb. portable fire extinguishers shall be placed in each mobile home in the park, located inside the mobile home in a fixed location preferably near a door but not in close proximity to cooking facilities. It shall be the responsibility of the mobile home park operator to enforce the requirement.

**§ 814.4** The mobile home park manager shall consult periodically with the local fire prevention authority as to proper fire prevention practices, accessibility of streets, testing of fire hydrant pressure, location and operation of equipment, community education programs, and the like.

**§ 815. Solid Waste Collection and Disposal**

**§ 815.1** The storage, collection, and disposal of solid waste in any mobile home park shall be so managed as to create no health hazard, rodent harborage, insect breeding area, accident or fire hazard, or air pollution.

**§ 815.2** All mobile home parks shall be provided with solid waste collection stations at convenient but inconspicuous locations, each serving not more than fifteen (15) mobile homes, and consisting of self-closing containers, with separate containers for garbage and trash, placed on a concrete slab and accessible for truck pick-up, and completely screened from view by solid fencing.

**§ 816. Miscellaneous Structural Requirements**

**§ 816.1 General.**

- (A) Protective skirting shall be placed around the area between the ground surface and the floor level of each manufactured home;
- (B) No travel or vacation trailer or other form of temporary living unit shall be placed upon any manufactured home stand or used as a dwelling within the manufactured home park;

(C) Individual manufactured home owners may install accessory or storage sheds, extensions and additions to manufactured homes and exterior patio areas. Any such facilities so installed shall not intrude into any required minimum front, side or rear yard, and in every case, shall substantially conform in style, quality and color to the existing manufactured homes.

**§ 816.2 Additions and alterations**

(A) No permanent addition shall be built onto or become a part of any mobile home, and no plumbing or electrical alteration or repair shall be made, unless in accordance with all applicable state, county, and City, laws, Ordinances, and regulations.

**§ 816.3 Mobile home foundation**

(A) A foundation, as defined in this Chapter, with dimensions sufficient to support the intended unit shall be provided for all mobile homes. Such foundation shall be properly placed and constructed so as to be durable and adequate for the support of the maximum anticipated loads during all seasons.

**§ 816.4 Anchoring**

(A) Every mobile home placed within a mobile home park shall be anchored in accordance with the applicable requirements of the Uniform Construction Code (UCC).

**§ 816.5 Skirts**

(A) Each mobile home placed within a mobile home park shall, prior to occupancy or other use, have a skirt installed which is designed to complement the appearance of the mobile home and is coordinated with other units throughout the park.

**§ 816.6 Hitch**

(A) If a hitch or towbar is attached to a mobile home for transport purposes, it shall be removed and remain removed from the mobile home when it is placed on its mobile home pad.

**§ 817. Permits, Licenses, and Inspections**

**§ 817.1 Permits required**

- (A) It shall be unlawful for any person to construct, alter, extend, or operate a mobile home park within the City unless and until he/she obtains:
- (1) A valid permit issued by the Washington County Health Department, in the name of the operator, for a specified construction, alteration, or extension proposed;
  - (2) A permit issued by the City Zoning Officer in the name of the operator, which shall not be issued until a copy of the Health Department permit has been furnished, all permits for water supply and sewage systems shall have been obtained, and all other requirements contained herein have been complied with, and final approval of the application and been granted by City Council; and
  - (3) A building permit issued by the City for the placement of any mobile home on a mobile home lot, including the relocation of an existing mobile home from one lot to another within a mobile home park.

**§ 817.2 Annual licenses**

- (A) The operator of a mobile home park shall comply with the requirements for obtaining an annual license as set forth by the City of Monongahela. This requirement shall be noted on the plans for a mobile home park development. Periodic inspections shall be conducted by the Zoning Officer to ensure compliance with this Chapter.

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**§ 900. Waiver of Application Requirements for Certain Applications.****§ 900.1 Minor Subdivisions.**

- (A) In subdivisions which exceed the number of lots specified in the definition of minor subdivision in this Chapter but which meet all other aspects of the definition of minor subdivision, and where all adjoining property is recorded in a plan of subdivision, the Planning Commission may exempt the applicant from complying with some of the requirements of §401.1, *et. seq.* of this Chapter regarding application content. Applicants desiring to obtain a waiver of certain application requirements under the provisions of this Section shall submit a written request when submitting an application for preliminary approval.
- (B) The Planning Commission may grant a waiver of any of the application requirements of §402.1, *et. seq.* of this Chapter, 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 Washington County or Commonwealth of Pennsylvania law or regulation.

**§ 900.2 Land Developments.**

- (A) In the case of a land development which proposes the change of use of an existing building, an addition to an existing building, or the construction of a single non-residential building on which new construction is less than one thousand (1,000) square feet of gross floor area, the requirement to submit separate applications for preliminary and final approval may be waived by the Planning Commission, provided all of the applicable information required by §401.1 and §402.1, *et. seq.* of this Chapter is provided in the application for approval of the land development. If such waiver is granted, the procedure for granting combined preliminary and final approval of the land development shall follow the procedure for granting final approval of a land development as specified in § 303.3 through § 309 of this Chapter.

**§ 901. Modifications.**

- § 901.1** The City Council may grant a modification of the requirements of one (1) or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided such modification will not be contrary to the public interest and that the purpose and intent of this Chapter is observed.

§ 901.2 All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved and the minimum modification necessary.

§ 901.3 The request for modification shall be referred to the Planning Commission for advisory comments.

§ 901.4 The City Council shall keep a written record of all action on all requests for modifications.

**§ 902. Mediation Option.**

§ 902.1 The City may offer the mediation option as an aid in reaching decisions on applications for approval of subdivisions or land developments and as an alternative to appeals from such decisions. Mediation shall supplement, not replace, those procedures once they have been formally initiated. Nothing in this section shall be interpreted as expanding or limiting the City's police powers or as modifying any principle of substantive law.

§ 902.2 Participation in mediation shall be wholly voluntary. The appropriateness of mediation shall be determined by the particulars of each case and the willingness of the parties to negotiate. Council shall assure that, in each case, the mediating parties, assisted by the mediator, as appropriate, develop terms and conditions for:

(A) Funding mediation.

(B) Selecting a mediator who, at a minimum, shall have a working knowledge of municipal zoning and subdivision and land development procedures and demonstrated skills in mediation.

(C) Completing mediation, including time limits for such completion.

(D) Suspending time limits otherwise authorized in this Chapter, provided there is written consent by the mediating parties, or by Council if either is not a party to the mediation.

(E) Identifying all parties and affording them the opportunity to participate.

(F) Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.

- (G) Assuring that mediation solutions are in writing and signed by the parties, and become subject to review and approval by Council pursuant to the procedures for approval contained in this Chapter.
- (1) No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.
  - (2) Any person aggrieved by a decision of Council concerning application for approval of a subdivision or land development may appeal the decision in accordance with the procedures specified in Article X-A of the PA MPC.

**§ 903. Reconsideration.**

**§ 903.1** Any applicant aggrieved by a finding, decision, or recommendation of Council may request and receive opportunity to appear, present additional relevant information, and request consideration of the original finding, decision, or recommendation.

**§ 904. Records.**

**§ 904.1** The City shall keep a record of its findings, decisions, and recommendations relative to all subdivision and land development plans filed with it for review.

**§ 904.2** All such records shall be public records.

**§ 905. Fees.**

**§ 905.1** The City Council shall establish, by resolution, a collection procedure and Schedule of Fees to be paid by the applicant at the time of filing a sketch, preliminary and final plan.

**§ 905.2** The Schedule of Fees shall be available in the municipal office, upon request.

**§ 905.3** In the event the applicant is required to pay additional fees at the filing of the Final Plan, such fees shall be collected by the City Planning Commission Secretary prior to distributing the Final Plan. There shall be no refund or credit of any portion of the fee should the applicant fail to apply for final approval within the required period of time or if the Final Plan covers only a section of the subdivision or land development for which Preliminary Approval has been obtained.

§ 905.4 No Final Plan shall be signed and sealed by the City until all fees and charges have been paid in full.

§ 906. Penalties and Remedies.

§ 906.1 No person, partnership or corporation shall subdivide any lot, tract or parcel of land, lay out, construct, open or dedicate any street, sanitary sewer, storm sewer or water main or other improvements for public use or travel or for the common use of occupants for buildings abutting thereon, sell, lease, transfer or agree or enter into an agreement to sell any land in a subdivision or erect any building in a subdivision until:

(A) A Record Plan of such subdivision shall have been approved and properly recorded, and

(B) Improvements have been either constructed or guaranteed and all the provisions of this Chapter have been met.

§ 906.2 Any person, partnership or corporation who or which has violated any provision of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than \$500 (five hundred dollars) plus all court costs, including reasonable attorney's fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by a district justice.

§ 906.3 If the violator neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice in determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the 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 each violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation.

§ 906.4 All judgments, costs and reasonable attorney's fees collected for the violation of this Chapter shall be paid over to the City. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and judgment.

§ 906.5 In addition to other remedies, the City may institute and maintain appropriate actions by law on in equity to restrain, correct, or abate

violations, to prevent unlawful construction, to recover damages, to prevent illegal occupancy of a building, structure, or premises and to set aside and invalidate any unlawful conveyances of land.

**§ 906.6** The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferee from such penalties or from the remedies herein provided.

**§ 906.7** The City may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. Such refusal 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.

**§ 906.8** As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the City 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.

**§ 906.9** Nothing herein shall prevent the City from taking such other action as is necessary to prevent or remedy any violation.

**§ 907. Responsibility.**

**§ 907.1** The applicant shall be responsible for observing the procedures established in this Chapter and for submitting all plans and documents as may be required.

**§ 908. Conflicts.**

**§ 908.1** Whenever there is a difference between the minimum standards specified herein and those included in other official City regulations the more stringent requirements shall apply and are not hereby repealed.

**§ 908.2** All existing ordinances or parts of ordinances which are contrary to the provisions of this Chapter are hereby repealed to the extent necessary to give this Chapter full force and effect.

**Format for "Approval" Spaces.**

The following format shall be used in "Approval" spaces on Final Subdivision Plans:

Reviewed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, and found to meet the requirements for a Final Plan as stated in the City of Monongahela Subdivision and Land Development Ordinance

\_\_\_\_\_ City of Monongahela Engineer

Recommended for Approval by the City of Monongahela Planning Commission this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Secretary

Recommended for Approval by the City of Monongahela City Council this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_ Chairman

\_\_\_\_\_ Secretary

Reviewed by the Washington County Planning Commission this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

\_\_\_\_\_ Director

\_\_\_\_\_ Chairman

**OWNER'S STATEMENT**

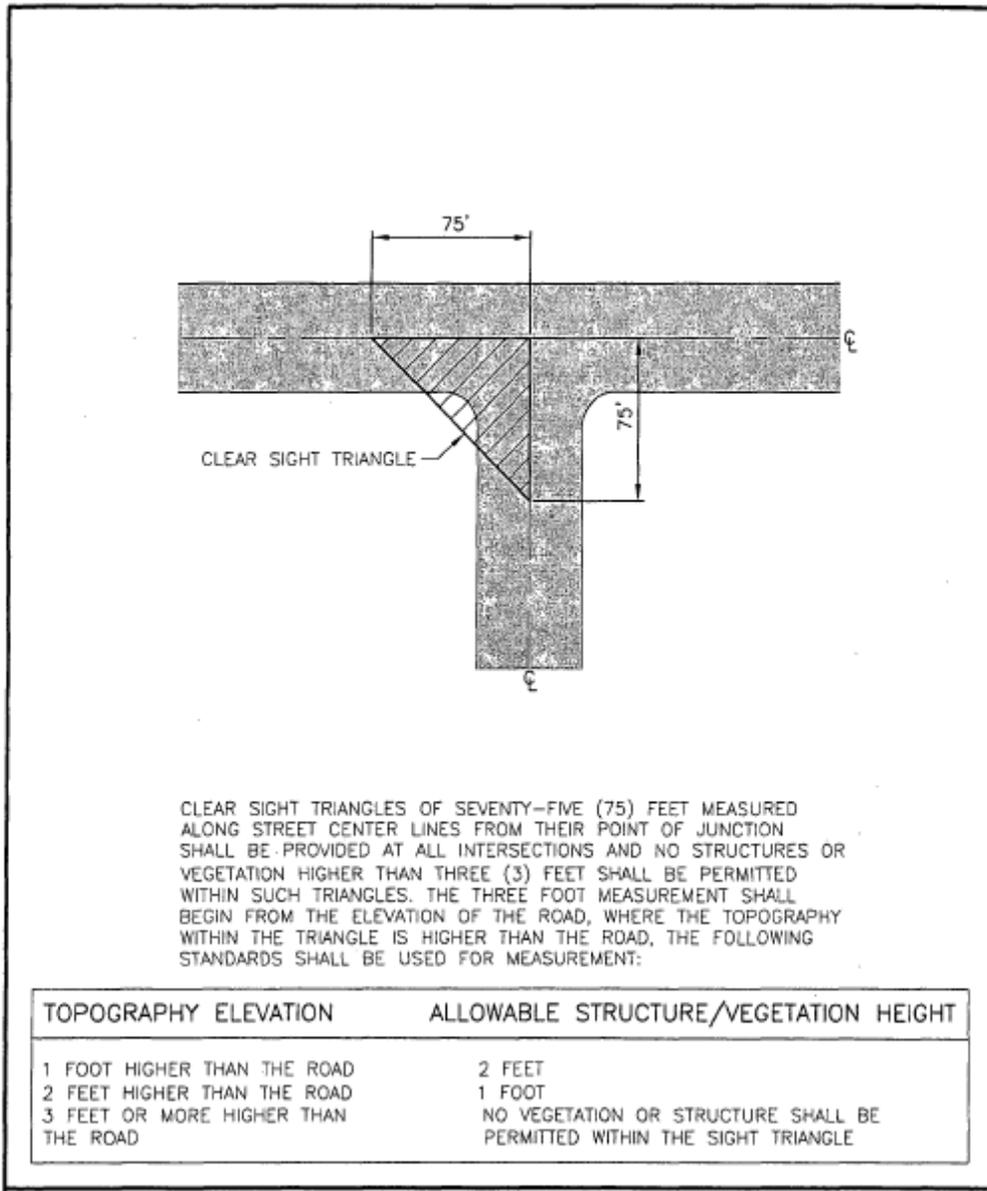
It is hereby certified that the undersigned has legal or equitable title to the land shown. All roads or streets shown hereon, if not previously dedicated, are hereby offered for public use.

\_\_\_\_\_

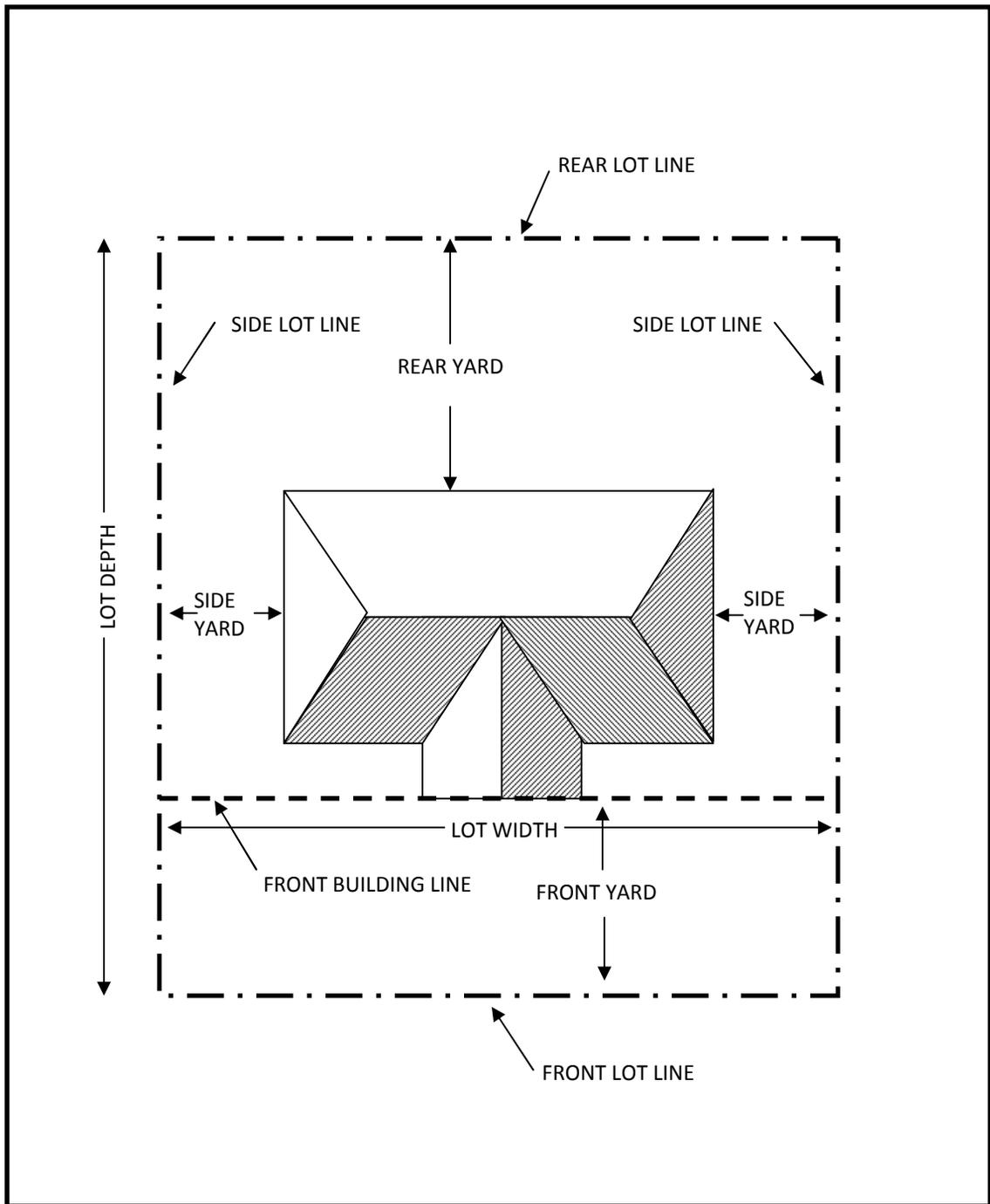
RECORDED IN PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

Note: Plan size for recording purposes shall not exceed 18" x 24."

**Figure 1. Clear Sight Triangle.**



**Figure 2-A. Lot Definitions.**



**Figure 2-B. Area and Bulk Regulations.**

