BOROUGH OF OSBORNE

Allegheny County, Pennsylvania

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

Number 323

December 17, 1991

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ARTICLE I

GENERAL PROVISIONS

Section 101 Short Title

This Ordinance shall be known as the "Borough of Osborne, Allegheny County, Pennsylvania Subdivision and Land Development Ordinance."

Section 102 Purpose

This Ordinance is adopted for the following purposes:

102.1 To assure sites suitable for building purposes and human habitation.

102.2 To provide for the harmonious, orderly, efficient and integrated development of the Borough.

102.3 To assure new development will be coordinated with existing Borough development.

102.4 To provide for adequate easements and rights-of-way for drainage and utilities.

102.5 To make provisions, as needed, for the reservation of land as it may be needed for public grounds.

102.6 To accommodate prospective traffic, facilitate fire protection, and make such provisions as are necessary for public safety and convenience.

102.7 To make provisions for appropriate standards for streets, storm drainage, sanitary sewers, water facilities, curbs, gutters, and such other improvements as shall be considered needed by the Borough.

102.8 To promote the sound layout and design for subdivisions and land developments.

102.9 To allow for new and flexible standards of design, where appropriate.

102.10 To secure equitable handling of all subdivision plans by providing uniform procedures and standards.

102.11 To implement the Comprehensive Plan.

Section 103 Authority

The Borough of Osborne, Allegheny County, Pennsylvania is vested by law with jurisdiction and control of the subdivision of land located within the Borough limits in accordance with Article 5, Sections 501 and 502 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended. The power to regulate and approve subdivisions and land developments is conferred upon the Osborne Borough Council.

Section 104 Jurisdiction

104.1 This Ordinance shall apply to all land situated in the Borough of Osborne, Allegheny County, Pennsylvania.

104.2 Plans for subdivisions within the Borough shall be submitted to and approved by the Borough before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances,resolutions, or regulations of the Borough.

104.3 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 improvements of rights-of-way, streets and roads, and the payment of fees and charges as established by Resolution of the Borough of Osborne, Allegheny County, Pennsylvania.

B. Land development plans shall indicate the location of each structure, shall clearly define each unit, and shall indicate public easements, common areas, and improvements, all easements appurtenant to 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.

Section 105 Municipal Responsibility and Liability

The provisions within this Ordinance are designed to fulfill the purposes cited in Section 102. The degree of protection sought by the conditions and requirements of this Ordinance for present and future residents and land owners in the Borough is considered reasonable for regulatory purposes. This Ordinance does not imply that compliance with the minimum requirements for subdivisions or land developments will be free from inconveniences, conflicts danger or damages. Therefore, this Ordinance shall not create liability on the part of the individual members of the Osborne Planning Commission, or Osborne Borough Council, or any officer, appointee or employee of the Borough for any damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Section 106 Effective Date and Repealer

This Ordinance shall become effective December 17, 1991 and shall remain in effect until modified or rescinded by Osborne Borough Council. This Ordinance shall supersede and replace all other conflicting regulations issued by the Borough previous to the approval date of this Ordinance.

Section 107 Copies

Copies of the Borough of Osborne, Allegheny County, Pennsylvania Subdivision and Land Development Ordinance shall be made available to the general public at the Office of the Borough Secretary at a fee adequate to compensate the Borough for the cost of reproduction.

ARTICLE II

DEFINITIONS

Section 201 General Interpretations

Unless otherwise expressly stated, the following terms shall, for the purpose of this Ordinance, have the meaning indicated: Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity. The words "shall" and "will" are mandatory; and the word "may" is permissive. An "agency" shall be construed to include its successors or assigns. Words not defined in this Article or the Pennsylvania Municipalities Planning Code shall have their normal meanings.

Section 202 Meaning of Words

Accessory Building: A subordinate building, the use of which is customarily incidental to that of the principal building and/or dwelling on the same lot.

Alley: A minor right-of-way, publicly owned, primarily for service access to the back and sides of abutting properties.

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

Application for Development: Every application, whether preliminary, tentative or final, required to be filed and approved prior to 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 for the approval of a land development plan.

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

Borough: The Borough of Osborne, Allegheny County, Pennsylvania.

Borough Engineer: A professional engineer licensed as such in Pennsylvania, and duly appointed as the Engineer of the Borough of Osborne, Allegheny County, Pennsylvania.

Borough Planning Commission: The Planning Commission of the Borough of Osborne, Allegheny County, Pennsylvania.

Borough Solicitor: A professional attorney licensed as such in Pennsylvania, duly appointed as the Solicitor of the Borough of Osborne, Allegheny County, Pennsylvania.

Building or Setback Line: The line within a property defining the required minimum distance between any building and the adjacent right-of-way and/or property lines.

Cartway or Roadway: The improved surface of a street or road designed for vehicular traffic.

Clear Sight Triangles: An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

Common Open Space: A parcel or parcels of land or area of water, or combination of land and water within a development site designed and intended for the use or enjoyment of residents of a development site, not including street, off-street parking areas, and areas set aside for public facilities.

Comprehensive Plan: The Borough of Osborne Comprehensive Plan, and any amendments thereto.

Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon which would normally be used by all the occupants, together with individual ownership in fee of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices and other types of space in commercial and industrial buildings or on real property.

Corner Lot: A lot, located at the intersection of two (2) or more existing or proposed street rights-of-way.

Council: The Council of the Borough of Osborne, Allegheny County, Pennsylvania.

Cul-de-sac: A street intersecting another street at one end and terminating at the other in a vehicular turn-around.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

Department of Environmental Resources (DER): The Pennsylvania Department of Environmental Resources, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such Department or Departments as may in the future succeed it.

See Ord. 334 Sect. 2

~~Designated Floodplain Areas: A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a 100 year flood, as defined and regulated by the Federal Emergency Maintenance Agency.~~

Detention Pond: An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

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.

See Ord 334 Sec. 3

~~Development: Any man-made 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 Plan: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space, and public facilities. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Double-frontage Lot: A lot with front and rear street frontage.

Drainage: The removal of surface water or ground water from land by drains, grading or other means, and includes control of runoff to minimize erosion and sedimentation during and after construction or development.

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 ground water.

Drainage Right-of-Way: The lands required for installation of storm water sewers or drainage ditches, or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

Driveway: A private vehicular passageway providing access between a street and a private parking area or private garage.

Dwelling Unit: Any structure or part thereof, designed to be occupied as living quarters as a single housekeeping unit.

Easement: A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage.

Engineer: A professional engineer licensed as such in the Commonwealth of Pennsylvania.

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

Erosion and Sediment Control Plan: A plan showing all present and proposed grades and facilities for storm water, drainage, erosion and sediment controls, and which is in accordance with Section 1011 of this Ordinance.

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

See Ord 334 Sec. 4, 5, 6

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

Floodplain: The area along a natural watercourse which may from time to time be overflowed by water therefrom, as defined and regulated by the Federal Emergency Management Agency.

Floodway: The channel of a river or other watercourses and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude, as defined and regulated by the Federal Emergency Management Agency.

Grading and Drainage Plan: A plan showing all existing ground features and proposed grading, including existing and proposed surface and subsurface drainage facilities, described by grades, contours, and topography.

Half Street: Any street and/or street right-of-way in which each half is owned and/or under the control of different persons.

Improvements: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

Land Development: Any of the following activities:

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

1. A group of two (2) or more residential or non-residential buildings, whether proposed initially or cumulatively, or a single non-residential building on a lot or lots regardless of the number of occupants or tenure; or

2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups, or other features.

Land Development: (continued)

B. A subdivision of land.

C. "Land Development" does not include development which involves:

1. The conversion of an existing single-family detached dwelling or a single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.

2. The addition of an accessory building, including farm building, on lot or lots subordinate to an existing principal building; or

3. 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.

Landowner or 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 landowner; or other person having a proprietary interest in 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 area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding space within any street rights-of-way, but including the area of any easement.

Lot, Corner: - A lot abutting upon two (2) or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred fifty (150) feet in length, either frontage may be designated as the "front" of the lot.

Lot, Double Frontage: - An interior lot which abuts streets in both the front and rear.

Lot, Interior: - A lot having side lot lines which do not abut on a street.

Lot, Minimum Width: - The distance between the side lot lines measured at the building set-back line.

Lot, Non-Conforming: - A lot of record at the time of the adoption of this Ordinance, which by reason of area of dimension, does not conform to the requirements of this Ordinance.

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 Allegheny County, Pennsylvania.

Lot, Reverse Frontage: - A lot extending between and having frontage on a arterial street and a local access street, and with vehicular access solely from the latter.

Maintenance Guarantee: - Any security, other than cash, which may be accepted by the Borough of Osborne, Allegheny County, Pennsylvania, for the maintenance of any improvements required by this Ordinance.

Major Subdivision: - Any subdivision not classified as a minor subdivision.

Marker: - A wood or metal stake placed to designate the boundary and corners of lots in the subdivision of land, for the purpose of reference in land and property survey, and to facilitate the sale of lots.

Minor Subdivision: - The subdivision of land into not more than ten (10) parcels, including the residual located on an existing improved street that does not involve:

> Installation of improvements as required by this Ordinance; extension of utilities; frontage on an arterial or collector street; adverse effect to adjoining properties; and conflict with Comprehensive Plan of the Borough of Osborne or any portion of this Ordinance, or other State, County or Municipal ordinances, laws or regulations.

See Ord 334 Sec. 7

Mobile Home: - A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit or in two (2) units or more units designed to be joined into one (1) integral unit capable again being separated for repeated towing, which arrives at a site complete and ready for occupancy, except for minor 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 section thereon of a single mobile home.

Mobile Home Park: - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

Monument: - A 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 Act of May 2, 1945 (P.L. 382, No. 1641), known as the "Municipalities Authority of Act of 1945".

Municipalities Planning Code: - Act of Assembly of July 31, 1968, P.L. 805, No. 247 as amended, Dec. 21. 1988, Act 170.

See Ord 334 Sec. 8

~~One Hundred Year Flood: - A flood that, on the average, is likely to occur once every one hundred (100) years, as defined and regulated by the Federal Emergency Management Agency.~~

PENNDOT: - Pennsylvania Department of Transportation.

Performance Guarantee: - Any security which may be in lieu of a requirement that certain improvements be made before the Borough approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Person: - An individual, partnership, corporation, or other legally recognized entity.

Plan, Final: - A complete and exact subdivision plan prepared for official recording as required by statute and this Ordinance.

Plan, Preliminary: - The preliminary drawing indicating the proposed layout of the Subdivision to be submitted to the Borough of Osborne, Allegheny County, Pennsylvania for consideration as required by this Ordinance.

Plan, Sketch: - An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision.

Plan, Soil Erosion and Sedimentation Control: - A plan for controlling erosion and sediment during construction which shall provide all steps, including scheduling, to assure erosion and sediment control during all phases of construction, including final stabilization.

Planning Code: The Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1988 and such other amendments to same as may be adopted from time to time.

Plat: - The map or plan of a subdivision or land development, whether preliminary or final.

Public Grounds: - Parks, playgrounds and other public areas, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

Public Hearing: - A formal meeting held pursuant to public notice by the Borough of Osborne, Allegheny County, Pennsylvania, or the Planning Commission of the Borough of Osborne, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

Public Meeting: - A forum held pursuant to notice under the Act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act," 53 P.S., SS. 271, et seq.

Public Notice: - Notice as required under the provisions of the Pennsylvania Municipalities Planning Code.

Regulatory Flood Elevation: - The 100 year flood elevation plus a freeboard safety factor of one and one-half (1 1/2) feet.

Reverse Frontage Lot: - A lot extending between, and having frontage on, an arterial street and a minor street, and with vehicular access solely from the latter.

Reverse Strip: - A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

Re-Subdivision: - Any subdivision or transfer of land, laid out on a plan which has been approved by the Borough of Osborne, Allegheny County, Pennsylvania which changes or proposes to change property lines and/or publics right-of-way not in strict accordance with the approved plan. (See also Subdivision Replat.)

Right-of-Way: - Land dedicated for use as a public street, alley or crosswalk, which may also be used by sewer, water, storm sewer, electric, gas, telephone and cable system(s).

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.

Secretary: - The Secretary of the Borough of Osborne, Allegheny County, Pennsylvania.

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."

Septic Tank: - A watertight tank in which raw sewage is broken down into solid, liquid, and gaseous phases to facilitate further treatment and final disposal.

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, On-Site: - 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.

Sight Distance: - The extent of unobstructed vision, in a horizontal or vertical plane, along a street, as defined in Section 802 of this Ordinance.

Slope: - The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon.

Soil Percolation Test: - A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

Street: - Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways or strips of land used or intended to be used by vehicular traffic or pedestrians whether public or private, and including the entire right-of-way. Particular types of streets are further defined as follows:

A. Local Access Streets: - Are those used primarily to provide access to abutting properties. (Also minor).

B. Collector Streets: - Are those which, in addition to giving access to abutting properties, intercept local access streets and provide routes, carrying considerable volumes of traffic to community facilities and to arterial streets. (Also major).

C. Arterial Streets: - Are those serving large volumes of comparatively high-speed and long distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.

D. Marginal Access Streets: - Are minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with the arterial street.

Street Centerline: - An imaginary line which passes through the middle of the right-of-way and the cartway simultaneously, or which is in the center of the right-of-way in cases where the cartway is not centered in the right-of-way.

Structure: - Anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, swimming pools, and other building features, but not including sidewalks, drives, fences and porches without a roof on enclosed sides.

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 division 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.

Subdivision - Major: See Major Subdivision.

Subdivision - Minor: See Minor Subdivision.

Subdivision - Replat: - The change of a lot line between two (2) abutting existing parcels not intended to create a new parcel and where such lot line change is in full compliance with this Ordinance, and the zoning ordinance and related ordinances, rules and regulations of the Borough. A replat which involves the creation of new lots or involves more than two (2) lots shall be treated as a major or minor subdivision.

Substantially Completed: - Where, in the judgment of the Borough Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted) 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 surveyor, licensed as such in the Commonwealth of Pennsylvania.

Swale: A low-lying stretch of land characterized as a depression used to carry surface water run-off.

Temporary Turn-around: - A temporary circular turn-around at the end of a road which terminates at or near the subdivision boundary bordering undeveloped land.

Top Soil: - Surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer, called the A Horizon.

Undeveloped Land: - Any lot, tract, or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

Unit: - A part of the property, structure or building designed or intended for any type of independent use, which has direct exit to a public street or way, or to an easement or right-of-way leading to a public street or way, and includes a proportionate undivided interest in the common elements, which is assigned to the property, structure or building.

Utility Plan: - A plan to show all existing and proposed fire hydrants, water and sewer lines, storm sewer lines, gas and electric lines, and street lighting.

Water Facility: - Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

Water Survey: - An inventory of the source, quantity, yield and use of groundwater and surface-water resources within the Borough.

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

ARTICLE III

PROCEDURES - MAJOR SUBDIVISION AND LAND DEVELOPMENT

Section 301 Pre-Application Investigation

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

301.2 A sketch plan may be prepared and presented for review and discussion at the same time. Sketch plans should include those items listed under Plan Requirements, Article VII, Section 701 of this Ordinance.

301.3 Such discussion and/or sketch plan review will be considered as informal between the developer and the Borough of Osborne Planning Commission. Submission of a sketch plan shall not constitute formal filing of a plan.

Section 302 Preliminary Plan Application

302.1 The Preliminary Plan and all information and procedures relating thereto shall, in all respects be in compliance with the applicable provisions of this Ordinance when submitted to the Borough. It is the responsibility of the developer to coordinate his plans pursuant to the provisions of this Ordinance with all private and public service agencies and utility companies.

302.2 Ten (10) copies of the Preliminary Plan and all required exhibits shall be received during regular office hours of the Borough Secretary at least two (2) weeks prior to the meeting of the Borough of Osborne Planning Commission.

302.3 Information to be filed with Preliminary Plans shall include those items listed under Plan Requirements, Article VII, Section 702 of this Ordinance, and shall be prepared in accordance with, and submitted with, the number of copies, as specified herein.

302.4 In cases where the subdivision fronts on an existing or proposed State Highway or has proposed streets entering on such highways, the developer shall submit the plans to the Pennsylvania Department of Transportation (PennDOT) for review and permit(s) if required.

302.5 A copy of the Preliminary Plan, with all attachments, shall be sent to the Allegheny County Planning Commission for its formal written review and comments. (See also Article VIII, Design Standards.)

302.6 The developer may wish to seek the modification to certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship to the developer. All requests for modifications shall then be reviewed and considered by the Borough Council in accordance with Section 1307 of this Ordinance.

Section 303 Approval of Preliminary Plan

303.1 Upon receipt by the Borough Secretary (and PennDOT review if required) and submission to the Allegheny County Planning Commission and Borough of Osborne Planning Commission, or after forty-five (45) days from the date of the Planning Commission meeting, whichever comes first, the ten (10) copies of the Preliminary Plan and other exhibits required for approval will be submitted to the Borough of Osborne Council. The Borough Council will review the Preliminary Plan to determine its conformance with the design standards and requirements contained in this Ordinance, and take into consideration the recommendations of the Allegheny County Planning Commission and Osborne Borough Planning Commission, the utility companies, and PENNDOT (if required).

303.2 Before acting on the Preliminary Plan, the Borough of Osborne Council may arrange for a public hearing thereon. Adequate public notice shall be given. The Borough Council shall act upon the Preliminary Plan within 90 days of the Planning Commission meeting, or the first Planning Commission meeting following the official submission to the Borough Secretary.

303.3 The decision of the governing body shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision. Failure of the governing body or agency to render a decision and communicate it to the applicant within the time in the manner required herein shall be deemed an approval of the application and terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in the manner of presentation of communication shall have like effect.

Section 304 Final Plan Application

304.1 After the developer has received official notification that the Preliminary Plan has been approved and what changes, if any, must be made if the Plan is to proceed to consideration as a Final Plan, the developer has one (1) year in which to submit a Final Plan. If the developer does not do so within the one (1) year period, the approval of the Preliminary Plan shall become null and void.

304.2 The information and number of plans to be filed with the Final Plan application shall include those items listed under Plan Requirements, Article VII, Section 703 of this Ordinance, and the submission shall be prepared in accordance with that Article and in the number of copies specified therein. The Final Plan shall be filed at the Borough Secretary's Office during regular business hours.

304.3 Assurance of completion where required shall be submitted in accordance with Article V.

304.4 The original and ten (10) copies of the Final Plan and all other exhibits required for approval shall be filed with the Borough Secretary's Office. Upon receipt by the Borough Secretary (and PENNDOT review if required) and submission to the Allegheny County Planning Commission and the Borough of Osborne Planning Commission, or after forty-five (45) days, whichever comes first, the ten (10) copies of the Final Plan and other exhibits required for approval will be submitted to the Borough of Osborne Council. The Borough Council will review the Final Plan to determine its conformance with to the design standards and requirements contained in this Ordinance, and take into consideration the recommendations of the Allegheny County Planning Commission and Borough Planning Commission, the utility companies, and PennDOT (if required).

304.5 When an extension of time is granted for the submission of a Final Plan, the Borough Council shall do one (1) of two (2) things when the Final Plan is submitted: (1) make a finding that the conditions on which its approval of the Preliminary Plan where based have not changed substantially, or (2) require changes in the Plan, prior to final approval, that will reflect any substantial changes on the site of the subdivision or in its surrounding, that have taken place since the grant of preliminary approval.

304.6 It is not necessary for the whole Plan that received preliminary approval to be submitted as a Final Plan. The Final Plan may be submitted in sections, each covering a portion of the entire proposed subdivision shown on the Preliminary Plan. In the case where development is projected over a period of years, the Borough Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.

Section 305 Approval of Final Plan

305.1 If the Borough Council finds that the Final Plan is in conformance with the Ordinance, it shall sign theFinal Plan. One (1) copy of the Final Plan will be retained for the records.

305.2 If the Borough Council finds that the Final Plan is not in conformance with this Ordinance, it shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Ordinance that is not being complied with.

305.3 The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Ordinance would result in unnecessary hardship to the developer. All requests for modification shall then be reviewed and considered by the Borough Council in accordance with Section 1307 of this Ordinance.

305.4 The Borough Council shall take final action on the Final Plan within ninety (90) days of the Planning Commission's first meeting after submission of the Final Plan. The Borough Council shall render its decision during a public meeting. The decision of the Borough Council shall be communicated to the developer in writing no later than fifteen (15) days following the date the decision was made.

305.5 No Final Plan shall receive approval by the Borough Council unless the developer shall have filed financial security with the Borough or provided other assurance acceptable to the Borough Council or shall have completed all required improvements listed in Article IX or as the Borough Council may require in the public interest.

305.6 Upon completion of the improvements in accordance with the specifications of this Ordinance or those of the local municipality, the developer shall take steps to dedicate the improvements and have the same accepted by the Borough of Osborne.

Section 306 Recording of Plan

306.1 After completion of all procedures and upon approval of the Final Plan, the Plan shall then be immediately recorded with the County Recorder of Deeds. In no case shall the Final Plan be recorded after ninety (90) days from the date of the Final Plan approval by the Borough Council. Should the developer fail to record the Final Plan within such a period the approval shall be considered null and void in accordance with Section 513 of the Pennsylvania Planning Code. Reapproval thereafter may be granted by the Borough Council, provided no changes have been made to the Final Plan.

306.2 The Final Plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, issuances of building permits or the construction of buildings.

306.3 Recording the Final Plan after approval shall have the effect of an irrevocable offer to dedicate certain streets and other public ways to public use, and to dedicate or reserve certain park reservations, and school sites and other public service areas as hereafter provided. Approval shall not impose any duty upon the Borough Council concerning maintenance or improvement of any such dedicated streets, parks, areas or portions of same until proper authorities of the Borough Council shall have made actual appropriation of the same by ordinance or resolution, or by entry, use or improvement.

306.4 The developer may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated public areas, in which event the title to such areas shall remain with the owner, and the Borough Council shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the Final Plan.

ARTICLE IV

PROCEDURES - MINOR SUBDIVISIONS AND REPLATS

Section 401 Pre-Application Investigation

401.1 The applicable provisions of the pre-application procedure for major subdivisions may be followed, but is not required.

Section 402 Preliminary Plan Application and Approval

402.1 A Preliminary Plan is not required, but may be submitted, at the developer's option.

Section 403 Final Plan Application and Approval

403.1 All applicable provisions of the Final Plan application and approval procedures (Article III) shall be followed as shall the provisions of Article VII, Plan Requirements. All applications shall be complete. All applications shall be filed at the Borough Secretary's Office at least two (2) weeks prior to the meeting of the Borough Council, at which it is to be considered. The Planning Commission shall receive notice of the filing and shall be given the opportunity to comment upon same. All requirements of Section 304 and 305 shall apply.

403.2 Replats are considered as New Minor Subdivisions.

Section 404 Recording of Plan

404.1 Minor subdivisions and replats shall be recorded in the same manner and with the same responsibilities as other subdivisions.

ARTICLE V

ASSURANCES OF COMPLETION

Section 501 General

A. Purpose: The purpose of these regulations is to provide sound subdivision and land development standards for the Borough of Osborne. Therefore, the assurances for completion, as set forth in this Article, are intended for the protection of the Borough of Osborne who will accept the public improvements required by the Ordinance.

B. Coordination: It is the intention of this Ordinance that required assurances be provided in such amounts and form as are acceptable to the Borough of Osborne, consistent with this Ordinance and the provisions of the Pennsylvania Municipalities Planning Code.

Section 502 Improvements

502.1 The developer shall, for all major subdivisions, agree to complete all improvements in accordance with these regulations or such other improvements as the Borough of Osborne may require in the public interest as a prerequisite to approval of the Final Plan.

502.2 No plan shall receive Final Plan approval by the Borough Council unless the developer shall have completed all improvements as required by these regulations or shall have filed with the Borough of Osborne appropriate surety or other assurances guaranteeing the completion of such improvements.

502.3 Upon completion of the improvements in accordance with the specifications of this Ordinance and upon final inspection of the improvements by the Borough Engineer, the developer shall take the final steps to dedicate the improvements and have the same accepted by the Borough of Osborne.

502.4 Improvements shall include, but not necessarily be limited to, the following:

A. Monuments or markers.

B. Grading, streets, curbs and sidewalks, as required.

C. Sanitary sewers, or approved on disposal systems.

D. Water Service, including fire hydrants.

E. Storm drainage, as required.

502.4 (cont.)

F. Erosion and sedimentation control measures, as required.

G. Street Lighting, where required.

H. Utility lines, underground and/or as may be directed and approved by the Borough Council.

502.5 Where grading conditions or other circumstances prohibit the placing of lot markers or street monuments at the time of submission of final plat, a cash deposit shall be made with the Borough Council in an amount sufficient to cover the installation at future date. Should installation of the above monuments and markers not be completed within three (3) months after completion date of subdivision by the subdivider, the Borough Council shall cause installation to be completed and pay for same from said cash deposits.

Section 503 Performance Assurance

503.1 An assurance of proper completion of the improvements in the subdivision shall be made by one of the following methods, or such other method as shall be satisfactory to the Council of Osborne Borough.

A. A bond, irrevocable letter of credit, restrictive or escrow account, certified check, or other security satisfactory to the Osborne Borough Council and in accordance with Section 509 of the Planning Code, which shall run or be made payable to the Borough of Osborne.

B. In the case of a bond, it shall also:

1. Be with surety satisfactory to the Osborne Borough Council.

2. Be in form, sufficiency, and execution acceptable to the Osborne Borough Council.

503.2 The amount of the assurance shall be an amount determined to equal one hundred ten percent (110%) of the cost of the required improvements in accordance with Section 509 of the Planning Code, and shall be approved by the Borough Engineer.

503.3 The bond, certified check or other securities shall specify the time for the completion of the required improvements. Such time shall be satisfactory to the Borough Engineer, but not exceed one year, except in accordance with Section 509 of the Planning Code. When the improvements have been completed and approved by the Borough Engineer, the guarantee shall be released and returned. When a portion of the required improvements has been completed and approved by the Borough Engineer, a portion of the bond, monies or security commensurate with the cost of the improvement may be released and returned and in accordance with Section 509 of the Planning Code.

503.4 In the event that cash or its equivalent is deposited as an improvement guarantee, it shall be held in an escrow fund, which may bear interest to the credit of the developer, but the developer shall pay all costs for the maintaining of such escrow fund.

503.5 The release of performance assurances shall only be made when the Borough Engineer approves, in writing, the required improvements (or an appropriate portion thereof) have been satisfactorily completed in accordance with Section 510 of the Pennsylvania Municipalities Planning Code.

503.6 Where the Borough of Osborne accepts dedication of all or some of the required improvements following completion, the Borough of Osborne may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said final security shall be of the same type as otherwise required in this section with regard to installation of such improvements and the amount of the financial security shall not exceed fifteen (15%) percent of the actual cost of installation of said improvements.

503.7 For circumstances relating to Performance Assurances not specifically delineated in the Ordinance, it is the intention of the Borough of Osborne to follow the guidelines and procedures as set forth by Sections 509 and 510 of the Pennsylvania Municipalities Planning Code.

ARTICLE VI

DEVELOPMENT STANDARDS

Section 601 General Standards

601.1 It is the policy of the Borough of Osborne that these regulations shall state minimum standards for development.

601.2 The following requirements and guiding principles for land subdivision shall be observed by all developers, and the Borough of Osborne shall consider the suitability as to location of any proposed subdivision with respect to the following:

A. Any development in areas considered by the Borough of Osborne as habitable yet subject to periodic or occasional inundation shall comply with the regulations and standards as established under Section 601 of this Ordinance and any other Federal, State or local municipal law, rule and regulation, including, but not limited to, the Floodplain Management Plan.

B. The subdivision plan shall conform to the Official Map of the Borough of Osborne if one has been adopted, and as the same shall have been amended from time to time.

C. No subdivision showing reserve strips controlling the access of public ways will be approved.

D. The following regulations and/or legislation must also be complied with:

1. Pennsylvania Sewage Facilities Act.

2. Pennsylvania Storm Water Management Act.

3. The Zoning Ordinance of Osborne Borough and other local ordinances pertaining to land use development.

4. Regulations of the Pennsylvania Department of Transportation relating, but not limited, to driveway and street openings.

5. Wetland regulations and restrictions as may be required and enforced by the appropriate agency at the time the Subdivision Plan is submitted to the Borough.

601.2 (cont.)

6. Fire protection.

7. Soil Conservation Service Regulations.

8. Allegheny County Storm Water Management Regulations.

ARTICLE VII

PLAN REQUIREMENTS

Section 701 Sketch Plan

701.1 A subdivision sketch plan may be submitted by the developer or property owner as a basis for informal discussion with the Planning Commission.

701.2 Data furnished in a sketch plan shall be at the discretion of the developer. The sketch plan need not be to scale and the precise dimensions are not required. It is suggested that the following items be included in the sketch plan presentation:

- Subdivision boundary
- North arrow
- Streets on and adjacent to the tract
- General topographical and physical features
- Proposed general street layout
- Proposed general lot layout
- Proposed easements
- Information relative to and the location of water and sanitary sewer lines in and adjacent to the proposed subdivision
- Surrounding property and the names of owners
- Name, address and telephone number of Engineer
- Existing Zoning District in which subdivision is located
- Locate trees with ten (10) inch or greater caliper.
- Floodplains.

Section 702 Preliminary Plan

702.1 A Preliminary Plan is required for major subdivisions. Copies of the Preliminary Plan drawing shall consist of an original drawn on stable plastic film and shall be in India ink. Accurate, permanent photographic reproducible reproductions in black on white or blue on white diazo prints. Ten (10) copies shall be submitted to the Borough Secretary.

702.2 The Preliminary Plan shall be drawn at a scale of not smaller than one hundred (100) feet to the inch. In unusual circumstances, other scales may be acceptable. If the Preliminary Plan is drawn in two or more sections, it shall be accompanied by a key plan showing the location of the various sections. The size of the Preliminary Plan shall be consistent with the requirements for Final Plans.

702.3 The following information shall be shown on, or included with, all Preliminary Plans when they are submitted to the Borough:

A. Proposed subdivision name, identifying title and the words "Preliminary Plan".

B. Name and address of the owner of the tract or of his agent, if any, and of the developer.

C. Date, north arrow, and graphic scale.

D. Total acreage of the tract, number of lots, proposed land use, remaining acreage of any unsubdivided land.

E. Zoning district.

F. Tract boundaries which shall show distances and bearings.

G. A key map, for the purpose of locating the site in the Borough of Osborne, showing the relation of the tract to adjoining property and streets, roads, bodies of water and Borough boundaries.

H. Contours at vertical intervals of two (2) feet for land with average natural slope of four percent (4%) or less, and vertical intervals of five (5) feet for more steeply sloping land. Locations of Bench Marks.

I. The names of all owners of all unplatted subdivisions immediately adjacent to the development, and the locations and dimensions of any streets or easements terminating adjacent to the development.

J. The locations and dimensions of all existing streets, roads, railroads, public sewers, private on-lot sanitary sewerage systems, aqueducts, water mains, and feeder lines, fire hydrants, gas, electric, communication and oil transmission lines, streams, intermittent drainage ways, swales, and other significant features within the property proposed to be subdivided, or within one hundred (100) feet of said property.

K. The location of all buildings and approximate location of all tree masses within the property.

L. A description of the existing vegetative cover as contained under "Forest and Woodland" of the Zoning Ordinance.

702.3 (cont.)

M. A full plan of the development, showing the location and size of all proposed streets, roads, alleys, utility easements, parks, playgrounds, pedestrian ways, and other public areas, sewer and water facilities; proposed lot lines and approximate dimensions of lots; lot numbers and/or block numbers in consecutive order; and all streets and other areas designed for appurtenant facilities, public use, or future public use, together with the conditions of such dedications or reservations.

N. Components for Act 537 on-lot sewage disposal system if applicable. Status of any required DER sewer system or water system permits (as applicable), including permits or approvals for system line extension.

O. Preliminary designs of sewerage and water plans. These designs may be submitted on separate sheets.

P. Typical cross-sections and centerline profiles for each proposed street shall be shown on the Preliminary Plan (see Article VIII). These profiles may be submitted as separate sheets.

Q. Preliminary designs of any bridges or culverts which may be required. These designs may be submitted as separate sheets.

R. Name, address and telephone of Surveyor and/or Engineer, where appropriate.

S. Locate all trees of ten (10) inch caliper and larger.

702.4 The following certificates, shall appear on the Preliminary Plan:

A. Approval by the Council of the Borough of Osborne.

B. Certificate for the approval of the County of Allegheny Planning Commission.

C. Certificate of approval of the Borough of Osborne Planning Commission.

702.5 Where the Preliminary Plan submitted covers only a part of the subdivider's entire holding, a sketch plan of the prospective future street system of the unsubmitted part shall be furnished; the street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.

702.6 Where on site sanitary sewerage disposal is proposed, soil evaluation and percolation tests results prepared by the approved Sewerage Enforcement Officer shall be submitted to demonstrate the ability of each lot to support on-lot sanitary sewerage disposal.

Section 703 Final Plan

703.1 A Final Plan is required for all subdivisions. The original and ten (10) prints shall be submitted.

703.2 The Final Plan original for all subdivisions shall be drawn on stable plastic film, and shall be in India ink. Accurate, permanent photographic reproductions in black will be accepted in lieu of inked drawings.

703.3 Sheet size for Final Plans shall be twenty-four by thirty-six (24 x 36) inches in size for all subdivisions.

703.4 If the size of the subdivision dictates that the Final Plan be drawn in two (2) or more sections, it shall be accompanied by a key plan showing the location of each section relative to all other sections.

703.5 The Final Plan shall be drawn at the scale as required of Preliminary Plans unless otherwise approved by the Borough Council.

703.6 The following information shall be included on Final Plans where applicable:

A. Block and lot numbers (in consecutive order).

B. Lot lines and tract boundaries with accurate bearings and distances. Distances to be to the nearest hundredth of a foot; bearings to the nearest second. Survey closure shall be 1:10,000 or less.

C. Exact acreage of entire subdivision and each individual lot. Acreage to be to the nearest hundredth acre exclusive of rights-of-way, or other public areas.

D. Building Setback lines for each street and proposed placement of each building.

E. Location of all watercourses and retention ponds, whether public or private.

F. Accurate bearings and distances to the nearest established street corners or official monuments. Reference corners shall be accurately described on the Plan.

703.6 (cont.)

G. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

H. Complete curve data for all curves included on the Plan, including radius, delta angle, tangent and arc length.

I. Street centerlines with accurate dimensions in feet and hundredths of feet, with bearings of such street centerlines.

J Street names.

K. Location and material of all permanent existing and proposed monuments and lot markers.

L. Location, size and purpose of all easements and any limitations on such easements.

M. Accurate dimensions of existing public land and of any property to be dedicated or reserved for public, semi-public or community use; and all areas to which title is reserved by the owner.

N. Source of title to the land of the subdivision and to all adjoining lots, as shown by the books of the County Recorder of Deeds and names of the owners of all adjoining unsubdivided land.

O. Any additional information required by these regulations.

703.7 The following certificates, where applicable, shall be shown on the Final Plan:

A. Certification, with Seal, by a registered professional engineer and/or registered land surveyor to the effect that the survey and plan are correct.

B. Certificate recommended for approval by the Borough of Osborne Planning Commission.

C. Certificate recommended for approval by the Council of the Borough of Osborne.

D. Certificate recommended for approval by the County of Allegheny Planning Commission.

703.7 (cont.)

E. A statement, duly acknowledged before a Notary Public, with Seal, and signed by the owner or owners of the property, to the effect that the subdivision shown on the Final Plan is the act and deed of the owner, that he/she is the owner of the property shown on the survey and plan, and that he/she desires the same to be subdivided and recorded as shown. Said statement to include an offer of dedicating of public roads, easements or other improvements as needed.

F. A certificate to provide for the recording of the Subdivision Plan.

G. A highway occupancy permit notice when so required by Section 506(6) of the Pennsylvania Municipalities Planning Code.

703.8 The following information, in addition to that shown on the Final Plan, shall be submitted to the Council for Final Plan review, when applicable:

A. Application for review or approval. (One (1) copy).

B. Approval of sanitary sewerage service and water service by the local municipal engineer, as applicable.

C. Draft of any proposed covenants to run with land. (Six (6) copies).

D. Tentative timetable for the proposed sequence of development for the subdivision, if required. (Two (2) copies).

E. A letter from the appropriate postmaster stating that the proposed names (except in the case of the extension of existing of proposed streets) do not duplicate the names of streets now in use.

F. Required assurances of completion of required improvements per Article V of this Ordinance.

G. Certificate of dedication of streets and other public property. This is the offer of dedication. (Two (2) copies).

H. Final profiles, cross sections, and specifications for street improvements, and sanitary and storm sewerage, and water distribution systems shall be shown on one (1) or more separate sheets. (Two (2) copies).

I. Performance security as required by Section 502 of this Ordinance, if applicable.

703.8 (cont.)

J. Where an on-site sanitary sewerage disposal system is proposed, a Planning Module for approval by the Pennsylvania Department of Environmental Resources and Allegheny County Department of Health shall be submitted for each proposed lot.

K. Soil Sedimentation and Erosion Plan as approved by the Soil Conservation Service and the Department of Environmental Resources.

L. Storm Water Management Plan.

M. Grading Plan.

N. Traffic Studies.

O. Upon determination by the Borough Engineer, the developer must submit soils information and proposed foundation types acceptable for each building lot within the proposed subdivision of development. The soils information must be obtained by core borings and samples and certified by a Registered Engineer knowledgeable in soil mechanics. The proposed foundation types must be submitted by a Registered Engineer knowledgeable in such structural designs. The development will be made part of any Recorded Plan.

ARTICLE VIII
DESIGN STANDARDS

Section 801 General

The design standards set forth by these regulations are intended to insure proper subdivision of land and development in the Borough of Osborne, Allegheny County, Pennsylvania. (See "TABLE A" - Page 40).

801.1 The following land subdivision principles, standards, and requirements shall be applied by the Planning Commission and the Council in evaluating the plans for proposed subdivisions and shall be considered minimum requirements.

801.2 In reviewing subdivision plans, the Planning Commission will consider the adequacy of existing or proposed community facilities to serve the additional dwelling units proposed by the subdivision. A reservation of land for community facilities may be requested when appropriate.

801.3 The subdividing of land shall be done in a manner that will not have the effect of debarring adjacent property owners from access to the streets and ways of the subdivision. The Borough of Osborne may require dedicated, improved or undedicated parcels to be provided for future access to adjacent land.

801.4 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 containing significant areas of slopes greater than fifteen percent (15%).

F. Land which, because of means of access, is considered hazardous by the Borough of Osborne.

G. Land which is subject to ground pollution or contamination.

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

801.6 Proposed land uses shall conform to the Zoning Ordinance Steep Slope Conservation District and other applicable Sections.

Section 802 Streets

802.1 Where a subdivision proposes a street as herein defined, upon completion of the construction the street will be dedicated for public use utilizing the procedure for dedication as herein defined.

802.2 Minimum street right-of-way widths and cartway widths shall be as follows:

Type of Street	Cartway Between Curbs	Width of Right-of-Way
Local Access	24 feet	50 feet
Collector	28 feet	60 feet
Marginal Access	24 feet	50 feet
Arterial	As prescribed by the Pennsylvania Department of Transportation.	

802.3 In cases where a new subdivision is planned to join the street system on an existing subdivision, the above minimum requirements shall apply except where the existing streets and rights-of-way are larger than required. In this event, the Borough of Osborne may require that the new streets and rights-of-way be as large as those in the existing subdivision. Any street or way that is planned, though not already established shall be continued at not less than its width as planned.

802.4 Provisions for additional street width (rights-of-way) may be required by the Borough of Osborne in specific cases for:

A. Public safety and convenience.

B. Parking in commercial and industrial areas and in areas of high density residential development.

C. Widening existing streets (rights-of-way) where the width does not meet with the requirements of these regulations.

802.5 General design criteria for streets shall be in accordance with specifications as set forth by the Borough of Osborne and shall comply with Pennsylvania Department of Transportation, Specification Form 408, current edition.

802.6 Dead end streets (cul-de-sacs) may be permitted when it is clear that through traffic is not essential to the street system in that district, and under existing conditions. A cul-de-sac must have adequate turning space for vehicles, which shall include a minimum right-of-way radius of one-hundred (100) feet, and a minimum road edge or curb radius of forty-five (45) feet.

802.7 Street intersections shall comply with the following requirements:

A. All curbs at intersections shall be rounded by a minimum radius of:

Local Access Streets.....20 feet
Marginal Access Streets.....20 feet
Collector and Industrial Streets.....25 feet

Thirty (30) foot radii may be used where minor streets intersect collector and/or arterial streets.

B. When fences, hedges or other plantings, structures, or hazards limit clear vision across a corner lot from a height of three feet above the finished paved area, at the centerline of the right-of-way, such structure and/or vegetation shall be removed in conjunction with the graded right-of-way to provide a sight line of one hundred-fifty (150) feet along the centerline of a collector, commercial, arterial or industrial street from the centerline intersections and one hundred-twenty (120) feet at minor street intersections. When an arterial, commercial, industrial or collector and a minor street intersect, each shall retain its respective footage requirements along the centerline to form the sight triangle. No building or structure shall be permitted in this sight triangle. Sight triangles shall be shown on the plan.

C. Where the grade of any street at the approach to an intersection exceeds two percent (2%), a leveling area shall be provided, if possible, with a transitional grade not to exceed one percent (1%) for a minimum distance of fifty (50) feet from the nearest right-of-way line of the intersection.

D. Intersections of more than two (2) streets shall be avoided.

E. Minimum street intersection angles shall be sixty (60) degrees. Right angle intersections shall be used whenever possible, except 802.9

802.7 (cont.)

F. Intersecting streets shall be separated by three hundred-fifty (350) feet or more, measured between the centerline along the centerline of the intersected street.

G. Driveways shall be at least thirty (30) feet from adjacent driveways on the same side of the street and at least fifty (50) feet from the centerline of an intersecting street. Shared driveways shall not be permitted except in instances of land development on single lots.

802.8 Horizontal curves shall be laid on all deflecting angles along the centerline of streets, and the degree of curvature shall be set to assure the proper sight distance as required by Table A.

802.9 Vertical curves shall be used in changes of grade exceeding one percent (1%), and shall be designed for maximum visibility as set forth by Table A.

802.10 In general, local access and collector streets shall not adjoin into the same side of arterial streets at intervals of less than five hundred (500) feet.

802.11 Half streets shall be prohibited. If circumstances render this impractical, adequate provisions for the concurrent dedication of the remaining half of the street must be furnished by the developer. Where there exists a half street in an adjoining subdivision, the remaining half street shall be provided in the proposed development. The use of reserve strips is prohibited.

802.12 Minor streets in a new development shall be designed to discourage through traffic. However, the provisions for the extension and continuation of streets into and from adjoining areas is required. Where a subdivision abuts or contains an existing or proposed major street, the Borough of Osborne may require reverse frontage lots or such treatments as will provide protection for abutting properties, reduction in the number of intersections with the major traffic streets, and separation of local and through traffic.

802.13 When the subdivision adjoins unsubdivided acreage, new streets or reserved rights-of-way shall be provided through to the boundary lines of the development.

802.14 Proposed streets shall be properly related to the official map of the Borough of Osborne, and shall be related logically to the topography so as to produce usable lots with reasonable grades.

802.15 Where a subdivision borders on or contains a railroad right-of-way, an arterial highway right-of-way or a stream, ravine, steep hill, or swamp, the Borough may require a street approximately parallel to and on each side of such right-of-way or other obstruction at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations, and for nonresidential uses of land, where permitted.

802.16 If the lots in a development are large enough for resubdivision, or if a portion of the tract is not subdivided, suitable access and street openings and rights-of-way for such subdivision shall be provided. Such access and/or street openings and widths of rights-of-way shall not be less than fifty (50) feet in width.

802.17 Alleys are prohibited.

TABLE A

Design Criteria for Streets
(Not to Include Intersections)

Item	Type of Street			
	Arterial	Collector	Local Access	Cul-de-Sac (1)
Maximum Grade*	6.0%	6.0%	8.0%	8.0%
Minimum Grade*	0.5%	0.5%	0.5%	0.5%
Minimum Center-line Radius	500 feet	300 feet	150 feet	150 feet
Minimum Sight Distance**	450 feet	250 feet	200 feet	200 feet
Tangent between Curves	300 feet	150 feet	100 feet	0 feet

*Grades in excess of the allowable percentage may be approved by the Borough Engineer where it is clear that it is necessary and that no traffic hazard is or will be created thereby.

**Sight Distance shall be measured along the centerline of the street between points where a driver's eye at 3' 6" in height can see an object 6" high.

(1) Please see cul-de-sac definition - a cul-de-sac is the entire street not merely the vehicular turn-around.

NOTE: All streets will conform to PENNDOT Specifications Form 408, current edition.

Section 803 Curbs and Sidewalks

803.1 Curbs

A. Curbs shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Curbs shall also be required on new streets in all subdivisions or land developments. Curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement for curbs may be waived at the discretion of the Borough Council.

B. All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs. Depression shall be in line with sidewalks where provided.

C. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, and shall follow PENNDOT Specifications Form 408, current edition. The requirement for curbs may be waived at the discretion of the Borough Council.

803.2 Sidewalks

A. Sidewalks shall be provided on all streets and parking compounds located within multi-family and apartment building developments. Sidewalks shall also be required on new streets in subdivisions or land developments. The requirement of sidewalks may be waived at the discretion of the Borough Council.

B. Minimum widths for sidewalks along each type of public street shall be five (5) feet, and shall follow PENNDOT Specifications Form 408, current edition.

C. Sidewalks shall be located with the inside edge one (1) foot from the right of way line of the abutting property, unless otherwise directed and approved by the Borough Council.

Section 804 Blocks

804.1 Blocks shall be designed to insure proper fire safety.

804.2 In general all blocks in a subdivision shall have a maximum length of fifteen hundred (1,500) feet. Blocks subdivided into lots shall be approximately two (2) lot depths in width, except lots along a major thoroughfare which front on an interior street. Block lengths shall not be less than five hundred-thirty (530) feet.

804.3 In commercial areas, the block layout shall conform, with due consideration to site conditions, to the best possible layout to serve the buying public, to permit good traffic circulation and the parking of automobiles, to make delivery and pickup efficient, and to reinforce the best design of the units in the commercial areas.

804.4 Cul-de-sacs, in general, shall not exceed four hundred (400) feet in length, except where approved by the Borough of Osborne to provide for future extension.

Section 805 Lots and Building Lines

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

805.2 Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required by the Borough of Osborne along the line of lots abutting such traffic artery or other disadvantageous use.

805.3 Side lines of lots, so far as practical, shall be at right angles or radial to street lines.

805.4 Corner lots shall be increased in size whenever necessary so as to conform to the Borough of Osborne's Zoning Ordinance or Land Development Standards so that any structure to be placed thereon shall conform to minimum building setback line requirements.

805.5 Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.

805.6 All lots shall abut by their frontage on a publicly dedicated street. Lots abutting on a private street or easement shall not be approved unless specifically permitted by the Borough Council by special resolution. All streets, public or private, must meet the design and construction standards as set forth by this Ordinance.

805.7 No lot remnants shall be permitted. Remnant areas are to be added to the proposed lots or dedicated for public use.

805.8 No residual lot shall front an arterial street.

Section 806 Lot Grading for Subdivisions and Land Developments

806.1 Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.

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

806.3 No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one 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 Borough Engineer. The statement shall state that the site has been inspected and that the deviation from the slope specified hereinbefore will not result in injury to persons or damage to property.

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

806.4 No final grading shall be permitted in fill areas which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one 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 property, streets, alleys, buildings or watercourses.

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 Borough Engineer.

C. A wall is constructed to support the face of the fill.

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

806.6 All lots must be kept free of any debris or nuisances whatsoever.

Section 807 Open Space, Lot Siting, Planting and Beautification for Subdivision and Land Developments

807.1 In order to promote the highest environmental quality possible, the degree to which the applicant of a subdivision or land development plan has prepared existing salient natural features and land forms intrinsic to the site, shall be assessed. Terms of approval of a plat may be subject to the manner in which the layout or design of the plan has preserved existing natural features, such as, but not limited to, trees, wooded areas, and watercourses.

807.2 Open Space - Where the applicant is offering for dedication, or is required by ordinance to establish a preservation of open space or preserve an area of scenic or historic importance, a "limit of work", which will confine excavation, earth moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.

807.3 Tree Preservation - Trees having ten (10) inch caliper or above shall not be removed except those located within the proposed street right-of-way, clear site triangle within the proposed building area, well area, sewage facility area, or within utility locations and equipment access areas. (See "Forest and Woodland" in the Zoning Ordinance).

807.4 Topsoil Preservation - All of the topsoil from areas where cuts and fills have been made shall be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) or more and planted in ground cover on slopes twenty percent (20%) or greater.

807.5 Landscaping - For all multi-family, apartment, office, commercial, and industrial subdivisions or land developments, a landscaping plan shall be provided and shall include sufficient plantings for the required open space, planting strips, screenings, formal gardens, shade trees, and natural barriers.

807.6 Preserved Landscaping - When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements, i.e., landscaping and buffer screening, the plan may be received in lieu of additional landscaping requirements.

807.7 Trees - The planting of trees within the street right-of-way line shall not be permitted. The planting of any trees within the private property of each residential lot shall be at the discretion of the property owner or developer, except as provided for herein.

Section 808 Easements

808.1 Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, a drainage easement may be required that conforms substantially with the water line of such watercourse, drainage way, channel, or stream and of such width as will be adequate to preserve the unimpeded flow of natural drainage, or for the purpose of widening, deepening, relocating, improving or protecting such drainage facilities.

808.2 Where necessary, adequate easements or dedications for public service utilities shall be provided for sewer, water, electric power, gas lines, storm drainage and similar services; and no structure or obstruction of any kind shall be placed or allowed to be placed where it will interfere in any way with such easements.

808.3 Utility easements, shall have a minimum width of fifteen (15) feet and be placed at the side or rear of lots whenever possible.

808.4 Easements, shall be in accordance with common practice of the local utility companies.

808.5 Design of all easements shall be approved by the Borough Engineer.

Section 809 Public Areas

809.1 The developer shall consider reserved areas for public use where required, or where topography may preclude use for proper development. Reserve areas, however, which shall make any area unprofitable for regular or special assessments or which may revert to untended nuisance areas will not be approved.

Section 810 Street Names

810.1 The developer may choose the street names subject to the review of the Borough Council, and the Post Office. No street, other than an extension, may be given a name identical or similar to another street within the Quaker Valley School District.

Section 811 Storm Water Drainage

811.1 Lots shall be laid out and graded to provide positive drainage away from buildings. The Borough of Osborne may require a Grading and Drainage Plan for individual lots indicating a buildable area within each lot, complying with the setback requirements, for which positive drainage is assured. All storm drainage facilities will be designed and constructed in compliance with the Allegheny County Storm Water Regulations.

811.2 No person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse or permit same to continue, without having obtained prior approval from the Borough of Osborne or Department of Environmental Resources.

811.3 Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. (See also Section 808). Such easements shall be coordinated with the high water line of the 100 year Floodplain.

811.4 The Borough of Osborne will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.

811.5 The subdivider or developer, and each person, corporation, or other entity which makes any surface changes shall be required to:

A. Collect on-site surface run-off and dispose of it to the point of discharge into the common natural watercourse of the drainage area, without acceleration of rate of run-off and applicable codes.

B. Design drainage facilities to handle run-off from upstream areas, assuming full development of those areas, based upon the Comprehensive Plan for the Borough of Osborne.

C. Design, construct, and/or install such drainage structures and facilities as are necessary to prevent erosion damage to the subdivision or land development, adjacent property and downstream property. Such structures and facilities shall satisfactorily convey such surface waters to the nearest practical street, storm drain, detention pond, or natural watercourse.

811.6 Storm sewers, culverts, and related installations shall be provided to permit unimpeded flow of natural water-courses, to drain all low points along streets, and to intercept storm water run-off along streets at intervals reasonably related to the extent and grade of the area drained.

811.7 Storm sewers, as required, shall be placed in a street right-of-way and or as directed by the Borough Engineer. When located in undedicated land, they shall be placed within an easement not less than fifteen (15) feet wide, as approved by the Borough Engineer, who may require additional width of easement as circumstances warrant.

811.8 Street drainage will not be permitted to cross intersections or the crown of the road.

A. Maximum spacing of street inlets shall not exceed four hundred (400) feet.

B. All street inlets shall be PENNDOT Type C or M. Inlet tops shall be cast in place reinforced concrete or precast concrete.

C. All culvert ends shall be provided with either reinforced concrete headwalls or pipe end sections. Minimum pipe size shall be fifteen (15) inch diameter. When material for storm drain systems is not specified, PENNDOT Specifications will govern.

811.9 All springs and sump pump discharges shall be collected so as not to flow in the streets.

811.10 Stormwater roof drains shall not discharge water directly over sidewalks. Drains are to be connected to storm sewer system unless otherwise permitted by the Borough.

811.11 Stabilized outlets shall be provided for footer drains, floor drains, and downspouts.

811.12 The Soils Cover Complex Method of the Soil Conservation Service of the U.S. Department of Agriculture shall be used as the primary means of estimating stormwater run-off.

811.13 The Rational Method may be used for analysis of storm sewer systems and for storm water management facilities in minor subdivisions.

811.14 The minimum design criteria shall be a ten (10) year storm. Higher frequency conditions shall be used where an overflow would endanger public or private property. Run-off calculations must include complete hydrologic and hydraulic design and analysis of all control facilities. (See "APPENDIX B")

811.15 Control Facilities

A. Permanent control measures/facilities shall be designed to assure that the maximum rate of stormwater run-off is not greater after development than prior to development for a ten (10) year storm frequency. More stringent criteria may be required in sensitive areas where storm water problems presently exist.

B. Control Facilities shall be designed to meet, as a minimum, the design standards and specifications as determined by the Borough Engineer.

1. Detention ponds may be waived by the Borough Council on the recommendation of the Borough Engineer at sites in close proximity to the major streams. This is to facilitate drainage prior to stream flooding.

2. In areas underlaid with limestone geology, ponds shall be limited to the retention (dry) type unless the developer can show a special need for a retention pond, in which case it shall have a lining. Retention ponds shall be prohibited in areas of known sinkholes unless the pond is lined. If a sinkhole develops in a pond or channel before acceptance by the Borough of Osborne, a lining shall be required.

3. Any ponds with slopes steeper than three (3) to one (1) shall be fenced with a six (6) foot fence with a type subject to the approval of the Borough of Osborne.

C. A maintenance program for control facilities must be included as part of the Grading and Drainage Plan.

1. Maintenance during development activities of a project shall be the responsibility of the contractor, developer, and owner.

811.15 (cont.)

2. Arrangement for maintenance of permanent control facilities after completion of development activities shall be made before approval of final plans is given by the Borough Council. In cases where permanent control facilities are owned by an entity, it shall be the responsibility of that entity to maintain control facilities (e.g., homeowner's association). In such cases a legally binding agreement between the owner and the Borough of Osborne shall be made providing for maintenance of all permanent erosion control facilities, including the inspection by the Borough of Osborne.

812 Contributions for Recreation Purposes

812.1 The Comprehensive Plan for the Borough of Osborne's development has recognized the need for designated recreation areas. The need must be included and be part of the development of the existing vacant land. Such facilities will be required in various sections and areas. Developers causing increases in population shall participate by setting aside lands for recreation.

812.2 A contribution for recreation purposes shall be made within all subdivisions and land development sites by the developer by designating five (5%) percent of a development site for recreation purposes to be used, owned and maintained by the owners of individual lots and/or properties in the subdivision, and/or development site. Such recreation areas shall not be the responsibility of the Borough of Osborne.

813 Floodplain Area Regulations

813.1 Purpose - The specific purposes of these special provisions are:

A. To regulate the subdivision or development of land within any Designated Floodplain Area in order to promote the general health, welfare, and safety of the community.

B. To require that each subdivision lot or land development in flood-prone areas be provided with a safe building site with adequate access; and that public facilities which serve such uses be designed and installed to preclude flood damage at the time of initial construction.

C. To prevent individuals from buying lands which are unsuitable for use because of flooding by prohibiting the improper subdivision or development of unprotected lands within the designated floodplain districts.

813.2 Abrogation and Greater Restrictions - To the extent that this Section imposes greater requirements or more complete disclosure than any other provisions of this Ordinance, in any respect, or to the extent that the provisions of this Section are more restrictive than such other provisions, it shall control such other provisions of this Ordinance.

813.3 Disclaimer of Municipal Liability - The grant of a permit or approval of a plan for any proposed subdivision or land development to be located within any Designated Floodplain Area shall not constitute a representation, guarantee, or warranty of any kind by the Borough of Osborne or by any official or employee thereof of the practicability or safety of the purposed use, and shall create no liability upon the Borough of Osborne, it's officials, employees, or agents.

813.4 Application Procedures and Requirements

A. Pre-Application Procedures

1. Prior to the preparation of any plans, it is suggested that the prospective developers consult with the Pennsylvania Department of Environmental Resources and the Borough of Osborne Sewage Enforcement Officer concerning soil suitability when on site sewage disposal facilities are proposed.

2. Prospective developers shall consult the Allegheny County Conservation District representative concerning erosion and sediment control and the effect of geologic conditions on the proposed development. At the same time, a determination should be made as to whether or not any flood hazards either exist or will be created as a result of the subdivision or development.

B. Preliminary Plan Requirements - The following information shall be required as part of the Preliminary Plan and shall be prepared by a registered engineer:

1. Name of engineer or surveyor or other qualified person responsible for providing the information required in this Section.

2. A map showing the location of the proposed subdivision or land development with respect to any designated Floodplain Area, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the Floodplain Area or areas, proposed lot sites, fills, flood or erosion protective facilities, and areas subject to special deed restrictions.

813.4 (cont.)

3. Where the subdivision or land development lies partially or completely within any Designated Floodplain Area, or where the subdivision or land development borders on a Floodplain Area, the Preliminary Plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites. All such maps shall also show contours at intervals of five (5) feet or less (as required), and shall identify accurately the boundaries of the Floodplain Area.

4. Such information as is required by this Subdivision Ordinance.

C. Final Plan Requirements - The following information shall be required as part of the Final Plan and shall be prepared by a registered engineer or surveyor.

1. All information required for the submission of the Preliminary Plan incorporating any changes requested by the Borough of Osborne.

2. A map showing the exact location and elevation of all proposed buildings, structures, roads, and public utilities to be constructed within any Designated Floodplain Area. All such maps show contours at intervals of five (5) feet or less (as required) within the Floodplain Area and shall identify accurately the boundaries of the flood-prone areas.

3. Submission of the Final Plan shall also be accompanied by all required permits and related documentation from the Department of Environmental Resources, and any other Commonwealth agency, where any alteration or relocation of a stream or watercourse is proposed. In addition, documentation shall be submitted indicating that all affected adjacent municipalities have been notified in advance of the proposed alteration or relocation. The Department of Community Affairs, and the Federal Insurance Administration shall also be notified in advance of any such proposed activity, and proof of such notification shall be submitted in advance of the Borough of Osborne Council meeting at which such Plan is to be considered.

4. Submission of Soil Sedimentation and Erosion Control Plan as approved by the Soil Sedimentation Conservation Service and the Pennsylvania Department of Environmental Resources.

813.5 Design Standards and Improvements in Designated Floodplain Areas

A. General

1. Where not prohibited by this or any other laws and ordinances, land located in any Designated Floodplain Area may be platted for development with the provision that the developer construct all buildings and structures to preclude flood damage in accordance with this and any other laws and ordinances regulating such development.

   See Ord 334 Sec. 1

2. ~~No subdivision or land development, or part thereof, shall be approved if the proposed development or improvements will individually or collectively, increase the one hundred (100) year flood elevation more than one (1) foot at any point.~~

3. Building sites for residences or any other type of dwelling or accommodation shall not be permitted in any floodway area. Sites for these uses may be permitted outside the floodway area in a Floodplain Area if the lowest floor (including basement) is elevated to the Regulatory Flood Elevation. If fill is used to raise the elevation of a site, the fill area shall extend laterally for a distance of at least fifteen (15) feet beyond the limits of the proposed structures and access shall meet the requirements of Section 813.5(C) hereinbelow.

4. Building sites for structures or other buildings other than for residential uses shall not be permitted in any floodway area. Sites for such structures or buildings outside the floodway in a Floodplain Area shall be protected as provided in Section 813.5(A)3 above. However, the Borough of Osborne may allow the subdivision or development of areas or sites for commercial and industrial uses at an elevation below the Regulatory Flood Elevation if the developer otherwise protects the area to that height or assures that the buildings or structures will be floodproofed to the Regulatory Flood Elevation.

5. If the Borough of Osborne determines that only a part of a proposed plat can be developed safely, it shall limit development to that part and shall require that development proceed consistent with this determination.

813.5 (cont.)

6. When a developer does not intend to develop the plat himself and the Borough of Osborne determines that additional controls are required to insure safe development, the Borough may require the developer to improve appropriate deed restriction on the land. Such deed restrictions shall be inserted in every deed and noted on every recorded plat.

B. Drainage Facilities

1. Storm drainage facilities shall be designed to convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets, and provide positive drainage away from buildings and on-site waste disposal sites.

2. Plans shall be subject to the approval of the Borough of Osborne. The Borough of Osborne may require a primary underground system to accommodate frequent floods and a secondary surface system to accommodate larger, less frequent floods. Drainage plans shall be consistent with local, county, and regional drainage plans. The facilities shall be designed to prevent the discharge of excess run-off onto adjacent properties.

C. Streets and Driveways - The finished elevation of proposed streets and driveways shall not be more than one (1) foot below the Regulatory Flood Elevation. Profiles and elevations of streets and driveways to determine compliance with this requirement and as required by other provisions of this Subdivision Ordinance shall be submitted with the Final Plan. Drainage openings shall be sufficient to discharge flood flows without increasing flood heights.

D. Sewer Facilities - All sanitary sewer systems located in any Designated Floodplain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

E. Water Facilities - All water systems located in any Designated Floodplain Area, whether public or private, shall be floodproofed up to the Regulatory Flood Elevation.

F. Other Utilities and Facilities - All other public or private utilities and facilities, including gas and electric, shall be elevated or floodproofed up to the Regulatory Flood Elevation.

ARTICLE IX

REQUIRED IMPROVEMENTS

Section 901 General

901.1 The construction of subdivision improvements is the responsibility of the developer insomuch as it is his property which is being developed. Adequate streets, utilities and other improvements are essential elements in the creation and preservation of stable residential, and commercial areas, and must be completed by the developer.

901.2 All of the following improvements as required by the Borough of Osborne pursuant to the authority granted in the Pennsylvania Planning Code, shall be completed in accordance with the requirements established by this Ordinance prior to final approval of the Plan, except as otherwise provided herein.

901.3 Final Plan approval, except for minor subdivisions and replats, shall not be given prior to the completion and acceptance of all subdivision improvements, except where performance guarantees are furnished as herein provided.

901.4 All the requirements in this Ordinance concerning street paving, curbing, and sidewalks shall be followed, except as may be waived by the Borough of Osborne Council.

Section 902 Improvements

902.1 Utility and street improvements shall be provided, where required, in each new subdivision as follows, except that improvements are not required in existing public streets which may be incorporated into, or be adjoined to, the subdivision.

A. Survey monumentalizing.

B. Water supply.

C. Sanitary sewage conveyance.

D. Storm sewers outside of public streets.

E. Streets, including required grading, subgrade preparation, underdrains, base and paving.

F. Subgrade drains where necessary.

902.1 (cont.)

G. Curbing on streets.

H. Sidewalks (as required).

I. Seeding between the sidewalk and curb.

J. Required utilities, street lighting, street name signs and required grading.

K. Erosion control, as needed.

ARTICLE X

CONSTRUCTION REQUIREMENTS

Section 1001 General

1001.1 The construction of improvements shall be in accordance with the requirements of this section. It is the intent of these regulations that these construction requirements shall be for the purpose of establishing a standard of quality and durability.

Section 1002 Monuments

1002.1 Survey monuments and markers shall be placed at all points as determined by the following criteria:

A. Monuments shall be concrete with a 3/8" metal dowel in the center at the top. Monument size shall be no less than 6" x 6" x 30". Where double monuments are used, the top monument shall be as described in the preceding sentence, the bottom monument shall be concrete with a 3/8" metal dowel in the center at the top. A bottom monument shall be no less than 6" x 6" x 6" in size.

B. Markers shall be ferrous metal pipe or rods, one-half (1/2) inch minimum diameter by eighteen (18) inches minimum length or may be standard manufactured steel survey markers of a similar length.

C. Monuments shall be placed so that the center point shall coincide exactly with the intersection of lines to be marked.

D. Monuments shall be placed so that they protrude approximately two (2) inches above grade in areas which are not paved, at grade if in a paved area not subject to vehicle traffic and, four (4) inches to eight (8) inches below grade if in a paved area subject to vehicle traffic. Monuments set in areas subject to traffic shall be protected with a cast iron frame and access cover of adequate design for truck traffic, or may have double monuments, one above the other, with the top monument flush with the pavement.

E. Markers shall be driven into the ground so that the top of the marker is 6" above the proposed final grade.

F. Monuments shall be set at the intersection of all lines forming angles in the boundaries of major subdivisions and at all street angle points, and at the intersection of all street centerlines.

1002.1 (cont.)

G. Markers shall be set at all lot angles and corners and at the beginning and end of all curves in lot and street lines. Curves for corner radii at the intersection need not be marked if the intersection is monumented.

H. Temporary markers shall be installed at all lot angles and corners prior to review of the Preliminary Plan.

Section 1003 Water Supply

1003.1 The developer shall contact the Borough Engineer for the specifications of a water supply system. Prior to the approval of the Preliminary Plan, the developer shall provide documentation to the Borough of Osborne Council that arrangements for the provision of the water system are proceeding satisfactorily.

1003.2 Fire hydrants shall be provided concurrently with the water supply.

1003.3 When a public water supply system is reasonably available (within five hundred (500) feet, each lot in the subdivision or land development must be served by such public water supply system. When a public water supply system is not available, each lot in the subdivision or land development application shall be capable of being provided with an individual water supply system in accordance with the minimum standards approved by the Pennsylvania Department of Environmental Resources.

Section 1004 Sanitary Sewage Conveyance

1004.1 Where required, the developer shall construct a sanitary sewer system and provide lateral connections for each lot in accordance with the specifications of the Borough of Osborne.

1004.2 The developer shall secure form the Borough of Osborne Council prior to approval of the Preliminary Plan, a letter indicating the general design, location and preliminary approval of the proposed sanitary sewer collection system. Prior to the approval of the Final Plan, the developer shall supply documentation attesting to the installation of the sanitary sewer collection system and its approval/acceptance by the Borough of Osborne. The developer may also offer an acceptable financial surety in lieu of this arrangement.

1004.3 If a development generates such additional sanitary sewer flows as to require changes to the Borough of Osborne's sanitary sewer collection system, the developer will be requested to pay a pro rata share of cost of such required improvements. The amount of such cost shall include design, inspection, legal and other associated expenses, as well as the cost of actual construction. The pro rata shall will be determined based upon that portion of the necessary improvements which are directly attributable to the proposed development. If the developer refuses to contribute the necessary pro rata amount for such required changes, such refusal may constitute grounds for the disapproval of the proposed development.

1004.4 Private Sewer Systems - When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the Borough of Osborne from the Pennsylvania Department of Environmental Resources 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 Borough of Osborne.

1004.5 On-Lot Sewage Disposal (One acre minimum lot size required) - 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. In such instances, the developer shall provide the Borough of Osborne with evidence that the Department of Environmental Resources (DER) and the Borough have provided Planning Module Approval for the provision of on-lot sewage disposal when required, in accordance with Pennsylvania Act 537.

1004.6 Capped Sewer System - Where the sanitary sewer system is not yet accessible, but is planned for extension of the subdivision or development, the subdivision shall install 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.

Section 1005 Storm Sewers

1005.1 A drainage system adequate to serve the needs of the proposed natural waterways, and overland flow will be required in new subdivisions. The developer shall construct a storm sewer system and connect the drainage system with the existing Borough of Osborne storm sewer system if one exists.

1005.2 If a development generates such additional storm drainage sewer flows as to require changes to the Borough of Osborne's storm sewer collection system, the developer will be requested to pay a pro rata share of the cost of such required improvements. The amount of such cost shall include design, inspection, legal and other associated expenses, as well as the cost of actual construction. The pro rata share will be determined based upon that portion of the necessary improvements which are directly attributable to the proposed development. If the developer refuses to contribute the necessary pro rata amount for such required changes, such refusal may constitute grounds for the disapproval of the proposed development.

1005.3 Bridges or culverts shall be designed to support and carry loads according to the requirements of the Borough Engineer, but not less than AASHTO Loading HS-20 and shall be constructed the full width of the cartway plus additional length as necessary to provide a proper installation.

1005.4 Where open watercourses are planned, adequate safety, erosion control, drainage, protection of capacity and appearance measures shall be taken by the developer to insure proper, safe, healthful disposal of storm water. All open watercourses must be approved by the Borough Engineer.

1005.5 Minimum grade of drainage courses shall be designed to create a minimum cleaning effect (velocity of two (2) feet per second). Lesser grades may be permitted by the Borough Engineer where such required grades cannot be achieved.

1005.6 Storm sewers shall have a minimum diameter of fifteen (15) inches and a minimum grade of one-half (1/2) of one percent (1%). Lesser grades may be permitted when substantiated with calculations which prove that cleaning velocities will be maintained.

1005.7 Manholes shall be spaced at three hundred (300) foot maximum intervals where pipe sizes of twenty-four (24) inches or less are used, and not over four hundred (400) feet where larger sizes are installed. Inlets may, if approved by the Borough Engineer be substituted for manholes. Manholes shall also be provided at all changes of line or grade.

1005.8 All phases of construction of open ditches, gutters, or storm sewers including width, depth, shapes, erosion control, minimum grade, size and area shall be in accordance with the requirements of these regulations and all storm drainage facilities shall be inspected and certified by the Borough Engineer.

Section 1006 Streets, Subgrade, Subdrains, Pavement, Curbs, and Sidewalks

1006.1 Streets shall be graded to the full width of the rights-of-way, surfaced, curbed (if required), and improved to the grades and dimensions shown on plans, with profiles and typical cross-sections submitted by the developer and approved by the Borough Engineer.

1006.2 Side slopes shall be graded to blend with the natural lay of the land, or in accordance with cross sections approved by the Borough Engineer. Where fill material is necessary to establish uniform grades, compacting shall be required in accordance with the Pennsylvania Department of Transformation Form 408 Specifications for embankment. A slope of two (2) horizontal feet to one (1) vertical foot beyond the rights-of-way lines in cut or fill, shall ordinarily be required.

1006.3 The subgrade shall be shaped to rough lines and elevations equal to the width of the pavement plus two (2) feet. Adequate drainage facilities shall be installed to provide for the disposition of underground seepage and the percolation of surface water. The sub-grade shall be thoroughly compacted by power rollers as required by the Borough Engineer. It shall be compacted at optimum moisture content. The finish surface shall be uniformly shaped to facilitate drainage, and any irregularities from planned grade shall be corrected prior to placing the sub-base. Where material encountered in the normal excavation has a C.B.R. value of 2.5 or less and will not develop the required stability and provide for adequate drainage, the area shall be under cut and granular material added to a depth of a least twelve (12) inches. It shall then be brought to a firm and thoroughly compacted surface as hereinbefore specified. The prepared subgrade shall be protected by the contractor to prevent undue rutting from trucks or other equipment and if such damage does occur, the sub grade shall be reshaped and compacted prior to placing the sub-base material.

1006.4 Subdrains shall be designed and installed per the specifications of the Borough Engineer.

1006.5 All pavement, base, sub-base (where required), and sidewalk shall conform to the requirements of the Borough.

1006.6 Areas between the sidewalk and curb shall be seeded.

1006.7 See Section 803 for Curb and Sidewalk Specifications.

Section 1007 Utilities

Gas, electric, television cable, telephone, etc., shall be located in subdivisions in accordance with utility companies practice and in accordance with agreements with, or as approved by, the Borough Engineer. All utilities shall be placed underground with easements in accordance with Section 808.

Section 1008 Street Trees

Street trees of a deciduous hardwood type as approved by Council, with a minimum caliper of three (3) inches shall, when provided, be planted in the front yard area, and located as near the center of the lot as possible, but at no instance shall a tree be planted closer than eight (8) feet to the sidewalk or any utility above or below the ground. The tree species shall be subject to the approval of the Borough of Osborne Council.

Section 1009 Street Lighting

Street lighting shall be approved if required by the Borough of Osborne Council in accordance with local practice.

Section 1010 Existing Natural Areas

In wooded areas, floodplains, wetlands, areas having slopes of fifteen percent (15%) or greater or where other natural conditions exist in such a manner that development would be hazardous to the safety of life and property or would cause permanent ecologic instability, the Borough of Osborne may require that the developer preserve as much of the original natural conditions as is economically feasible and ecologically practicable and may limit the amount of grading and excavating to the minimum improvement standards included herein.

Section 1011 Erosion Control

It shall be a requirement of all major subdivision that the developer shall have a Soil Erosion and Sedimentation Control Plan and/or permit, prepared in accordance with current state law (Erosion and Sedimentation Control, Chapter 12, Pennsylvania Rules and Regulations, as amended), reviewed by the Allegheny County Soil Conservation District. The Borough of Osborne may also require a like plan for minor subdivision. The Plan shall be fully implemented during the construction of the development and approved by the Allegheny County Soil Conservation District and the Pennsylvania Department of Environmental Resources.

ARTICLE XI

MOBILE HOME PARK REGULATIONS

Section 1101 Applicability

Mobile Home Parks shall be permitted in Osborne Borough subject to Borough's Zoning Regulations and Subdivision/Land Development Regulations.

1101.1 The standards sets forth under this section are intended for those Mobile Home Parks where lots within the park are for rental or lease only.

1101.2 Where it is intended by the owner or developer to offer Mobile Home lots for sale, the development shall be treated as a regular subdivision and subject to the regulations concerning same.

Section 1102 Plan Requirements

1102.1 No person, firm or corporation proposing to open a Mobile Home Park in Osborne Borough, shall proceed with any construction work on the proposed park until they have obtained from the Borough Council written approval of the preliminary plan of the proposed park, according to procedures herein outlined.

1102.2 Preliminary and final plans as required, shall comply in form and content to Article III of these regulations insofar as applicable and the standards set forth herein.

1102.3 Storm Water Management Plan - The owner shall prepare and submit for review and approval to the Borough a storm water management plan. Such plan shall indicate the proposed storm water handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water run-off on adjacent properties. Such plan shall conform with any locally adopted storm water management plan and any other applicable regulations. The plan shall be referred to the Allegheny County Soil Conservation District for review and comment prior to Plan approval.

Section 1103 Preliminary Plan

1103.1 Pre-Application Procedure - The Mobile Home Park developer shall meet with the Borough Planning Commission, prior to formal application, to discuss his plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of his purposes. The Planning Commission shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed advisable.

1103.2 Application - The developer shall then prepare and submit a preliminary plan, together with improvement plans and other supplementary material, as required.

1103.3 Commission Action - The Planning Commission shall review the park plan as submitted and submit their recommendation to the Borough Council.

Section 1104 Final Plan Approval

1104.1 Upon completion of any modifications required by the Council and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer many apply for approval of final plans.

1104.2 Review - The Borough Planning Commission shall review the final plan for conformance with the approved preliminary plans and all requirements of these rules and regulations. They shall forward the final plan to the Council together with a written statement from the Borough Secretary that appropriate bond has been posted or that improvements have been installed according to Specifications. With forty-five (45) days of receipt of complete information, the Borough Council shall approve or disapprove such plan, stating in writing its reasons for disapproval.

1104.3 Filing - Following approval, the developer shall file one (1) copy of the approved plan with the Allegheny County Recorder's Office within ninety (90) days. Should the developer fail to file such plan within said period, the approval shall be null and void.

Section 1105 Design Requirements

1105.1 Minimum Area of Tract or Park - The minimum area of the Tract or Park shall be five (5) acres. The site shall be so located that soil conditions, groundwater level, drainage and topography shall not create hazards to the property, health or safety of the occupants or adjacent property owners.

1105.2 Length of Residential Occupancy - Parks shall be designed to serve the long-term placement of Mobile Homes.

1105.3 Individual Lots - The planning and location of individual lots shall be guided by the following requirements:

A. Access - Each lot shall be directly accessible from an approved internal street without the necessity of crossing any other space.

B. Size - Each Mobile Home lot shall have a minimum lot width of sixty (60) feet and a minimum of seventy-five hundred (7500) square feet in an area.

1105.3 (cont.)

C. Yard Requirements

1. Mobile Homes shall be parked on each lot so that there will be a minimum of fifteen (15) feet between the Mobile Home, appurtenant structures, and any adjacent side or rear lot line.

2. There shall be minimum of twenty (20) feet between an individual Mobile Home, attached structure, and accessory structure, and the pavement of a part street or common parking area.

3. The setback from the right-of-way of any public street or highway shall be thirty-five (35) feet.

4. Mobile Homes shall be located a minimum of twenty (20) feet from any common building or structure.

5. Secondary entrance ways may utilize stoops, landings, patios, or awnings, which may extend a width of five (5) feet within the fifteen (15) foot yard requirements.

D. Identification - Each lot shall have a number placed on the lot in the form of a sign or directly on the Mobile Home. It shall be arranged in such a way so that it is visible from the road on which the Mobile Home or lot is fronting.

E. Skirting - The plans shall specify that skirting shall be provided on all Mobile Homes.

F. Drainage - Drainage plans shall be submitted with the preliminary plan.

1105.4 Mobile Home Stands

A. The location of each Mobile Home Stand shall be at such elevation, distance and angle in relation to the access street so that the removal of the Mobile Home is practical.

B. The size of each Mobile Home Stand shall be suitable for the general market to be served by the individual park, be sufficient to fit the dimensions of Mobile Homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms", car ports and storage structures.

1105.4 (cont.)

C. A one percent (1%) to five percent (5%) gradient longitudinal crown or cross gradient for surface drainage shall be provided.

D. Mobile Home Stands shall be either concrete pads or piers. The piers shall be set at least thirty-six (36) inches deep.

E. Each Mobile Home Stand shall provide adequate tie downs, able to withstand a wind pressure of fifteen (15) pounds per quare foot on an exposed vertical surface. Both "over-the-top and frame tie downs" shall be required. The strapping for any "over-the-top" tie downs shall be of four thousand seven hundred (4,700) tensile strength.

1105.5 Internal Street System - The internal street system in privately owned Mobile Home Parks shall be privately owned, constructed and maintained in accordance with Borough standards and as approved by the Borough Engineer.

1105.6 Street Width at Access Points - At points where general traffic enters or leaves the park, streets shall be thirty-five (35) feet in width within twenty (20) feet of the existing public street to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such free movement.

1105.7 Parking Spaces - Car parking spaces, at a minimum size of ten (10) by twenty (20) feet, shall be provided in sufficient number to meet the needs of the occupants of the property and their guests, without interference with normal movement of traffic. Such facilities shall be provided at the rate of at least two (2) parking spaces for each Mobile Home lot, located in adjacent parking bays. Required car parking spaces shall be located for convenient access to the Mobile Home Stands.

1105.8 Recreation - Recreation facilities shall be provided as follows:

A. Location

Recreation facilities generally should be provided in a central location and should be convenient to the project community center. A location adjacent to the community center is preferable for efficient construction use and maintenance of all facilities.

1105.8 (cont.)

B. Recreation Area

1. Size: Not less than eight (8%) percent of the gross area shall be devoted to recreational facilities.
2. Design: The area shall be designed appropriately for its intended use and location.

C. Equipment

1. Design: Appropriate for intended use and location.
2. Construction: Durable to withstand weather and use; firmly fixed in place where possible.

D. The recreation facilities shall be the responsibility and remain under the ownership of the Mobile Home Park and shall be maintained to be usable by the occupants of the Mobile Home Park.

1105.9 Fire

A. General - For the safety and welfare of the residents and future residents of the Mobile Home Park, the following fire regulations shall be incorporated into the park. All fire safety plans shall be approved by the local designated Fire Chief of the Borough of Osborne.

B. Fire hydrants shall hereafter be required on any new Mobile Home Park, where the extension of central water lines, whether public or private, are proposed for the Mobile Home Park development.

1. Hydrant size and type of all hydrants installed shall be of a standard size and type as specified by the Borough of Osborne.

2. Spacing - Hydrant spacing shall be adequate to serve all lots within the Mobile Home Park/Hydrants shall be arranged not more than one thousand (1,000) feet apart from one another. Where an existing hydrant is less than one thousand (1,000) feet from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.

3. Location - Hydrants shall be located with dedicated easements.

1105.9 (cont.)

4. Design - The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one (1,000) feet from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the Mobile Home Park.

C. In areas where there are no central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.

1. The Tank System - An approved underground, static water tank of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred (500) feet. In addition:

   a. The Tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.

   b. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four (24) inch square covered by either a removable type lid or a hinged type lid.

   c. Each tank shall have an approved outlet above ground, no less than four and one-half (4-1/2) inches in diameter. This outlet shall be encased in a hydrant for drafting, with at least two - two and one half (2-1/2) inch outlets.

2. The Pond System - A water pond shall be located in such a way as to serve all park lot. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the Fire Chief of the Borough, to adequately serve all park lots.

   In addition, a cyclone fence at a minimum height of six (6) feet with single strand barbed wire shall enclose the pond.

1105.10 Buffer Area

A. All Mobile Home Parks should have a fifty (50) foot buffer zone on all sides of its perimeters (boundary lines).

1. Buffer Zones shall be designed and clearly shown on the Preliminary Plan and the Final Plan as approved for recording, and the metes and bounds (or all dimensions of the Buffer Area).

B. The Buffer Area shall be maintained in its natural state and shall not have any structure erected thereon or have any use as part of or for the Park.

ARTICLE XII

LAND DEVELOPMENT STANDARDS AND REQUIREMENTS

Section 1201 Jurisdiction

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended, and as such are subject to regulation, Land developments include, but are not limited to, mobile home parks, recreational vehicle parks, apartment complexes, and shopping centers. Of these examples, mobile home parks are covered elsewhere in this Ordinance. Other types of land development will be governed by this Article. All land developments as herein defined will be required to follow the requirements as herein described for land subdivisions and will also follow the requirements as established in this Article. Land development is characterized by the fact that the development site is in a single ownership and the buildings and/or use areas are rented or leased to prospective users. There is no division of land typical of land subdivision actions, although buildings and/or use areas may be sold at the time of development or at some future time. It shall be unlawful for an applicant to construct land developments as defined herein units.

1201.1 The Final Plan has been approved by the Borough Council and recorded as established in this Ordinance.

1201.2 A valid permit from the Pennsylvania Department of Environmental Resources, where applicable, has been approved for issue to the applicant.

1201.3 A valid Occupancy Permit has been secured from the Borough of Osborne or from the Pennsylvania Department of Transportation for highway right-of-way occupancy for the purpose of constructing access facilities.

Section 1202 Procedures

In processing a land development, the three stages procedure established in this Ordinance for land subdivisions shall be used: Sketch Plan (not mandatory), Preliminary Plan, and Final Plan stages. The land development shall be processed, and submission requirements shall be as required for subdivisions. There is normally no final plat, however, the final site plan shall be recorded in the County Recorder's Office. Submission requirements where they relate to the drawing of a plat need not be observed unless the land development proposal intends to convey the land as in the case of a condominium arrangement.

Section 1203 Assurance for Completion and Maintenance of Improvements

Insofar as the land development involves the lease or rental of buildings and/or spaces on the site and site improvements (such as roads, parking areas and storm water drainage devices), which are to be privately maintained or maintained by a private (non-public) organization created by the developer - there is no need for municipal acceptance of the site improvements (roads, storm water drainage devices). However, in these instances roads and storm water drainage shall be designed and built to the standards established in this Ordinance, and the Borough Council shall ascertain that these improvements are, in fact, built to the standards. Where the developer does not intend to maintain the improvement and where a homeowner's association or similar organization will not be organized for these responsibilities, the developer will submit a plan for maintenance of such facilities. This document will be legally enforceable, and clearly establishing maintenance responsibility, it must be approved by the Borough Council.

In lieu of a plat plan, the developer shall submit a site plan. Such site plan shall be at a scale of one (1") inch to one hundred (100) feet. Where building development and parking lot development is in excess of twenty-five thousand (25,000) square feet combined topographic data at two (2) foot contour intervals shall be required. Each site plan shall through one or more, pages show:

A. Existing site conditions (topography, as needed, drainage, tree cluster, buildings, utility roads, and nearby properties).

B. Proposed developments, including buildings (with frontal elevation), parking and vehicular access areas, storm drainage, landscaping, utility location and size.

1204 Design Standards for Apartment Complexes and Shopping Centers

1204.1 Vehicular access connections to the surrounding existing road network shall be safe, shall have adequate site distances, and shall have the capacity to handle the projected traffic.

1204.2 For apartment complexes for the elderly there shall be a minimum of 1 parking spaces per dwelling unit. For all other apartment complexes there shall be a minimum of 2.0 parking spaces per dwelling unit.

1204.3 For shopping centers there shall be minimum of two thousand five hundred (2,500) square feet of off-street parking space for each one thousand (1,000) square feet of building area including storage areas but excluding basement areas.

1204.4 For apartment complexes the maximum density in dwelling units per gross acre shall be 12.0.

1204.5 Service areas for the land development shall be planned and constructed such that they are not visible from adjacent residential uses.

1204.6 The site plan shall demonstrate that building locations and areas for vehicular circulation are appropriate for the use intended.

1204.7 A parking and access plan shall be submitted along with estimated traffic flows. The developer shall demonstrate that the proposed parking/access layout is adequate for the proposed development. For retail developments of seventy thousand (70,000) square feet or more such plan must be prepared by an engineer.

1204.8 For all development with impervious surface area in excess of 3000 square feet, a storm drainage plan will be submitted. All plans shall be prepared in accordance with Allegheny County Storm Water Management Plan requirements and will be submitted to the Allegheny County Planning Department for review and approval.

1204.9 A complete landscaping plan shall be submitted by all developers that includes a complete interior landscape plan in addition to a landscaped transition to adjoining properties. Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important axis, or provide shade. Landscape plans for major subdivisions will be prepared and submitted by a State licensed landscape architect.

1204.10 A complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site.

1204.11 Exterior lighting, when used, shall be of a design and size compatible with adjacent areas.

1204.12 The Borough Council shall be provided with information on the availability of water that is in conformance with Section 1003 Water Supply.

ARTICLE XIII

ADMINISTRATION AND MODIFICATION

Section 1301 Amendments

The Council of the Borough of Osborne may from time to time revise, modify and amend this Ordinance by appropriate action in accordance with the Pennsylvania Planning Code, Act 170 of 1988, as amended.

Section 1302 Filing Fee

The filing fee shall be as fixed by the Borough Council by resolution. Any additional costs of review, design, inspection or maintenance by the Borough Officials shall be borne by the applicant.

Section 1303 Records

The Borough shall maintain an accurate public record of all plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.

Section 1304 Appeals

In any case where the Borough Council approves or disapproves a subdivision plan, any person aggrieved thereby may, within thirty (30) days thereafter, appeal to the Court of Common Pleas of Allegheny County, Pennsylvania in accordance with Article X-A of the Pennsylvania Planning Code.

Section 1305 Validity

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance as a whole, or any individual part thereof.

Section 1306 Remedies

A. Preventive Remedies

1. An addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages to prevent illegal occupancy of a building, structure, or premises. 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 transferor from such penalties or from the remedies herein provided.

1306 (cont.)

2. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Ordinance or preceding regulations of the County of Allegheny authority to deny such a permit or approval shall apply to any of the following applicants:

   a. The owner of record at the time of such violation.

   b. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

   c. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.

   d. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

   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 Borough may require compliance with the condition that would have been applicable to the property at the time the applicant acquired an interest in such real property.

B. Enforcement Remedies

1. Any person, partnership or corporation who or which has violated the provisions of this Subdivision or Land Development Ordinance enacted under the Pennsylvania Planning Code or prior enabling laws shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough of Osborne, pay a judgment of not more than five hundred ($500.00) dollars, plus all court costs, including reasonable attorney fees incurred by the Borough of Osborne as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Borough of

1306 (cont.) Osborne may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violationby the district justice and thereafter each day that a violation continues shall constitute a separate violation.

2. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgement.

3. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to this section.

Section 1307 Modification of Regulations

1307.1 The Borough Council may grant a modification of the requirements of one (1) or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Ordinance is observed.

1307.2 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 the ordinance involved and the minimum modification necessary.

1307.3 The Borough Council shall keep a written record of all action on all requests for modification.

1307.4 The Borough of Osborne Council may approve, or deny the request for modification. If the Borough Council approves the request for modification, it shall authorize the minimum modification from this Ordinance that will afford relief.

Section 1308 Conflict

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of the Borough, the highest standards shall govern.

ORDAINED AND ENACTED into law by the Council of the Borough of Osborne this Seventeenth day of December, 1991, in a regular meeting lawfully assembled.

BOROUGH OF OSBORNE

ATTEST:

By: _____
President of Council

_____
Secretary

APPROVED:

_____
Mayor

APPENDIX "A"

RECOMMENDED STATEMENTS AND ACKNOWLEDGMENTS TO APPEAR ON THE PRELIMINARY PLAN OR THE FINAL PLAN AS APPLICABLE

1. I do hereby certify that I have surveyed the above area and prepared the plat shown hereon that said plat is correct and that all iron pins and monuments are located and installed as shown. _____
   Engineer/Surveyor's Signature Date

2. Approved by the Allegheny County Planning Commission.

   _____ _____
   Date Chairperson

   _____
   Secretary

3. Before me the subscriber, a Notary Public in and for said State and County personally appeared the above_____
   Owner's Name

   and acknowledged the above to be their own free act and deed.

   Witness my hand and seal this _____ day of_____, 19_____.

   My Commission expires _____ _____
   Date Notary Public Signature

4. Know all me by these present that_____
   Owner's Name

   _____, Allegheny County, Pennsylvania
   Name of Municipality
   for themselves, their heirs, executors, administrators, and assigns do hereby adopt this plan of lots of their property situated in Osborne Borough, Allegheny County, Pennsylvania and do hereby dedicate the streets, rights-of-way, and other improvements shown hereon to the public forever.

   This ____ day of_____, 19__. _____
   Owner's Name

   _____
   Owner's Name

5. Approved by the Borough of Osborne:

_____ _____

Date Secretary

Approved by the Borough of Osborne Planning Commission:

_____ _____

Date Chairman

_____

Secretary

6. <u>If APPLICABLE</u>: Access to the State highways shall be only as authorized by a highway occupancy permit.

Parcels _____ cannot obtain building permits until a PENNDOT Highway Occupancy permit is secured.

APPENDIX "B"

DESIGN STORMS

Predevelopment and post development peak runoff rates and volumes shall be calculated for the 2-, 5-, 10-, 50- and 100 year storm frequencies. Either the SCS Type II or PDT Region I storm distributions may be used for analyzing storm water runoff, but the same type storm distribution shall be used for analyzing both pre- and post-development conditions. The rainfall depths for the prescribed design storms in the watershed are:

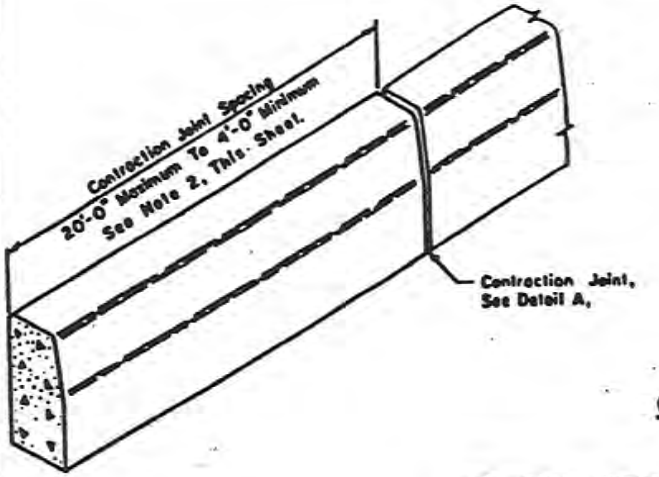
Return Period (years)	Duration (hours)	Rainfall depth (inches)
2-year	2	1.27
	6	1.68
	24	2.28
5-year	2	1.49
	6	1.98
	24	2.69
10-year	2	1.75
	6	2.34
	24	3.07
50-year	2	2.25
	6	3.00
	24	3.96
100-year	2	2.62
	6	3.54
	24	4.56

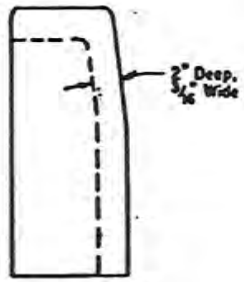
(For additional information or data on other storm return periods, consult the Field Manual of the Pennsylvania Department of Transportation, Storm Intensity-Duration-Frequency Charts, May 1986).

APPENDIX "C"

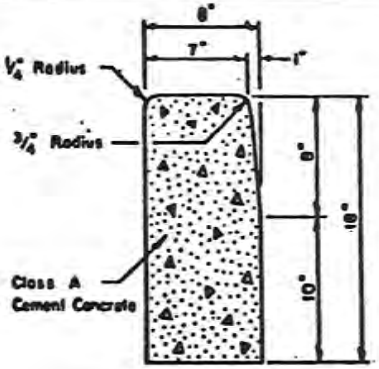
STANDARD DETAILS

(see following pages)





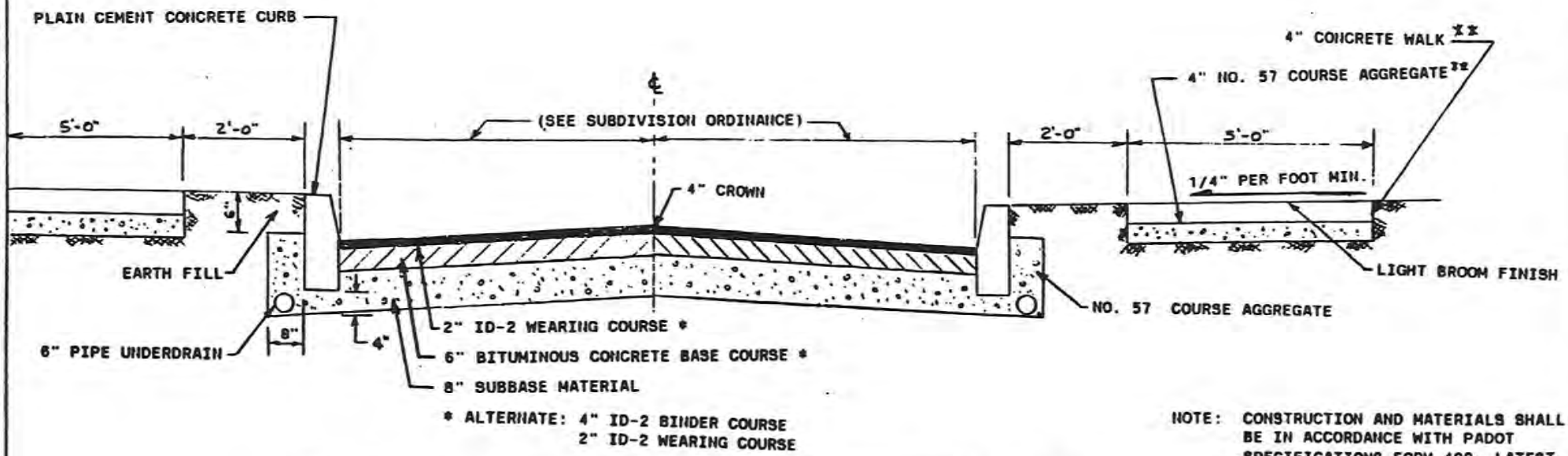
DETAIL A
CONTRACTION JOINT



TYPICAL CROSS SECTION

PLAIN CEMENT CONCRETE CURB

** DRIVEWAYS: 6" NO. 57 COURSE AGGREGATE
6" CONCRETE WITH WELDED WIRE FABRIC, NO. 6"X6" 4/4



* ALTERNATE: 4" ID-2 BINDER COURSE
2" ID-2 WEARING COURSE

NOTE: CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH PADOT SPECIFICATIONS FORM 408, LATEST EDITION.

TYPICAL DETAIL OF STREET SECTION CONCRETE CURBS & CONCRETE SIDEWALK

OSBORNE BOROUGH, ALLEGHENY COUNTY

Georgetown Engineering Co.
CLINTON, PA.