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SUBDIVISION REGULATIONS AND STANDARDS

1.0 General Provisions

1.1 Purpose

The purpose of these Subdivision Regulations is to promote quality growth and development in the City of Pittsburgh, by the retention and enhancement of the "Pittsburgh Character", as defined by its rivers, hillsides, open spaces, unique architecture, neighborhoods and other important physical images. In concert with the City's Zoning Ordinance, the Long Range General Land Use Plan, area plans and various plans and policy documents adopted from time to time by the Planning Commission, these regulations are intended:

1.1.1 To provide for adequate light, air, and privacy, to secure safety from fire, flood, landslides and other danger, and to prevent overcrowding of the land and undue congestion of population.

1.1.2 To protect all areas of the City and their character the social and economic stability of all land, and to minimize the conflicts among the uses of land and structures.

1.1.3 To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.

1.1.4 To provide the most beneficial relationship between the uses of land and the circulation of people and vehicles throughout the City, having particular regard to the avoidance of pedestrian and vehicular congestion, the pedestrian traffic movements appropriate to the various uses of land and structures, and to provide for the proper location and width of streets.

1.1.5 To establish reasonable standards of design and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumentation of subdivided land.

1.1.6 To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.

2.0 Definitions

2.1 Build-to-line is a line in a Final Subdivision Plan with which an exterior wall of a structure is required to coincide in a manner described for that subdivision by the Planning Commission.

2.2 Commission is The Pittsburgh City Planning Commission.

2.3 Developer is any person, including a governmental agency, undertaking any development as defined in Section 2.4.

2.4 Development is the performance of any building or mining operation, the making of any material change in the use or appearance of any structures or land, or the creation or termination of rights of access or riparian rights. The following activities or uses shall be taken for the purposes of this Code to involve development as defined in this Section unless expressly excluded by ordinance or rule:

2.4.1 a change in type of use of a structure or land;

2.4.2 a reconstruction, alteration of the size, or material change in the external appearance of a structure or land;

2.4.3 a material increase in the intensity of use of land, such as an increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land;

2.4.4 commencement of mining or excavation on a parcel of land;

2.4.5 demolition of a structure or removal of trees;

2.4.6 deposit of refuse, solid or liquid waste or fill on a parcel of land;

2.4.7 in connection with the use of land, the making of any material change in noise levels, thermal conditions, or emissions of waste material;

2.4.8 commencement or change in the location of an advertising structure or use of land, and the commencement or change in location of advertsing on the external part of a structure;

2.4.9 alteration of a shore, bank, or flood plain of a river, stream, or artificial body of water;

2.4.10 re-establishment of a use which has been abandoned for 1 year;

2.4.11 departure from the normal use for which development permission has been granted, or failure to comply with the conditions of an ordinance, rule of order granting the development permission under which the development was commenced or is continued.

2.5 Development Plan is a proposal for a development which contains, the results of planning studies, a detailed description of the development, including proposed uses and magnitudes, and a site plan for the site. The site plan shall contain but shall not be limited to, the following information: the location and bulk of all buildings; the location of all roads, vehicular and pedestrian, and parking; location and magnitude of landscaping, with illustrative landscaping details; utility location and points of access; existing and final topographic contours; and staging of development.

2.6 Drip Line is a line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drip from the tree.

2.7 Major Subdivision is a subdivision where the majority of any development is new construction and which involves the creation of ten (10) or more lots or the subdivision of more than 50,000 square feet of land, or a subdivision within a Site of Special Interest, as provided in Section 4.14, provided the subdivision is not located within a Planned Development District.

2.8 Minor Subdivision is a subdivision which is not defined as a "Major Subdivision".

2.9 "Open space" is that portion of a lot which is not occupied by structures, parking areas, driveways, streets or loading areas.

2.10 "Open space, urban" is a portion of a lot, not occupied by buildings, parking areas, streets, driveways or loading areas, and characterized by the following features:

2.10.1 open to the sky, except for the following:

(a) Arcades and galleries, which may be roofed, not exceeding ten (10) percent of the required urban open space with a minimum height of nineteen (19) feet, minimum width of twelve (12) feet, an average height to width ratio of 8:5; an arcade is a perimeter colonnade with retail shops on the enclosed side; a gallery is an interior space with public access at both ends, used for through block pedestrian movement;

(b) other roofed areas not exceeding twenty-five (25) percent of the single, contiguous area of urban open space in which they are located; in such cases not more than fifty(50) percent of the perimeter of the roofed areas shall be enclosed;

(c) interior open space, in the C5 District only, and in accordance with the requirements and standards specified in Section 959.06(b)(4)B.4.

2.10.2 developed and maintained for use by the general public;

2.10.3 easily accessible to pedestrians from public streets and sidewalks;

2.10.4 open to the public at least during all business hours common to the area of the district in which it is located;

2.10.5 containing specified amenities or development features designed to encourage use and enjoyment of the urban open space;

2.10.6 accessible to the handicapped;

2.10.7 designed to enhance the overall environment of the district in whch it is located by serving one or more of the following functions:

(a) facilitate pedestrian circulation, as by shortening walking distances, relieving congestion, improving access to public transportation. this category of urban open space includes widened sidewalks or corner spaces, arcades and through-block passages.

(b) improve access to public transportation. this category of urban open space includes sheltered waiting areas or seating at bus stops and pedestrian connections between platform and sidewalk levels at transit stations.

(c) provide connections to and enhance other elements of the urban or public open space network. this category of urban open space may include any of the above.

2.11 "Open space, usable" means outdoor space required for residential uses in specified districts, developed and usable for recreation and/or landscaping. Usable open space may be provided as private space for the use of occupants of individual dwelling units or as common open space which is accessible and available to all occupants of dwellings for which space is required, or as a combination of private and common open space, provided that every dwelling unit has access to an area of usable open space. Usable open sapce located above ground level shall be structurally safe and adequately surfaced and protected. It shall not include streets or roadways open to vehicular traffic, parking areas or loading space. It shall be unobstructed to the sky except for the following:

2.11.1 Private usable open spaces such as balconies or porches may be roofed; in such case not more than fifty (50) percent of the perimeter of the roofed section shall be enclosed;

2.11.2 Portions of common usable open space such as terraces, patios and roof top recreation areas may be roofed. The roofed portion shall not exceed twenty-five (25) percent of the single, contiguous area of usable open space in which it is located, and not more than fifty (50) percent of the perimeter of the roofed section shall be enclosed;

2.11.3 Chimneys, not exceeding two (2) percent of the single, contiguous areas of open space in which they are located;

2.11.4 Fire escapes, recreational and drying equipment, arbors, trellises, window boxes and other planting boxes, fences, walls, flagpoles and steps

2.12 Open space, recreation is usable open space which may be required for residential uses in subdivisions, specifically developed for common recreational purposes. Recreation open space shall be developed and provided for the use of all residents of dwellings for which the space is required.

2.13 Parcel is a portion of a zoning lot which cannot be used in conformity with the provisions of the Zoning Ordinance either because it is a portion of a Planned Development District or because of limitations due to its physical characteristics.

2.14 Planned Unit Redevelopment (PUD) is a development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of developments and which includes streets, utilities, lots or building sites, and which indicates all structures and their relationship to each other and to adjacent uses and improvements, as well as open spaces.

2.15 Planning Module is the program, as approved by the State Department of Environmental Resources, for tapping into any public sewer system.

2.16 Planning Studies are those investigative reports required by the Commission which determine the impact of the proposed subdivision on the City. Planning studies may be required on a wide range of topics, including but not limited to:

2.16.1 traffic and parking impact and future potential for increasing capacity;

2.16.2 utility capacity, possible points of access, and future potential for increasing capacity;

2.16.3 geotechnical and ecological analysis;

2.16.4 analysis of structures or sites of historic, archaelogical, architectural, recreational, scenic, or environmental significance, and the potential for retention and reuse;

2.16.5 analysis of views to and from the site, and the possible need for views through the site;

2.16.6 analysis of visual impact on surrounding area.

The planning studies shall comply with any data requirements established by the Zoning Adminstrator. The applicant may utilize studies made by others, and may undertake or contract for any additional studies necessary or useful in the preparation of the Subdivision Plan.

§2.17 Plan/Plat

§2.17.1 Plot description plan is a drawing or map that is prepared by the City of Pittsburgh, which illustrates the applicant's plan for a proposed Three Taxing Bodies property subdivision, and that is attached to a written legal description of the proposed subdivision, also, prepared by the City of Pittsburgh. The Three Taxing Bodies are the City of Pittsburgh, the School District of the City of Pittsburgh and the County of Allegheny, either separately or together.

§2.17.2 Sketch plat is a drawing, or map, which may be freehand, which illustrates the applicant's plan for a proposed subdivision, and which is submitted to the Zoning Administrator for approval. The sketch plat shall contain that information required in the Subdivision Site Plan.

2.18 Special Features are those elements of the subdivision plan which Commission may require because of the unique importance of the site in question and the ability of such elements in conveying or maintaining that importance. Special features may include but are not limited to the use of architectrual themes, the retention of a particular structure, or the placement of an important structural or landscaping element in a particular location.

2.19 Street, Arterial is any street mapped and defined as an "Arterial Road" on the Thorofare Plan of the City's Six Year Development Program.

2.20 Street, Collector is any street mapped and defined as a "Collector Road" on the Thorofare Plan of the City's Six Year Development Program.

2.21 Street, Local is any street not mapped and defined as a "Major Highway," "Arterial Road," or "Collector Road" on the Thorofare Plan of the City's Six Year Development Program.

2.22 Street or Drive, Private is any street which is not owned by the City of Pittsburgh or any other public agency.

2.23 Subdivision is the division of any lot, tract, or parcel into two (2) or more zoning lots, or parcels for the purpose of sale, or improvement, and in accord with an approved Final Subdivision Plan approved by the City Planning commission.

§2.23.1 Three Taxing Bodies Property Subdivision is a division of any lot, tract, or parcel owned by the Three Taxing Bodies, either separately or together, into not more than three (3) parcels for convevance with the restriction that the purpose of the convevance is to enlarge the size of existing zoning lot(s) or is an accessory to a principal use located across a public right-of-way and in accord with a Plot Description Plan approved by the City Planning Commission.

2.24 Subdivision Plan is a proposal for the subdivision of any land in the City with detailed provisions according to the procedures and standards established in these regulations.

2.25 Subdivision Plan, Preliminary is a document in support of a proposal for a major subdivision, with a unique name attached thereto, submitted to the Commission. The Preliminary Subdivision Plan shall contain, at a minimum, the draft results of any planning studies required by commission, a detailed description of any proposed development, including proposed uses and magnitude of development, and preliminary subdivision site plan as defined in this section.

2.26 Subdivision Plan, Final is a document in support of a proposal for a subdivision, with a unique name attached thereto, submitted to the Commission. The final Subdivision Plan shall contain, at a minimum, all of the requirements of the Preliminary Subdivision Plan, with any additional requirements which may be required by the Commission in accord with the provisions of these regulations.

2.27 Subdivision Site Plan is a drawing or map prepared by a registered land surveyor or engineer which illustrates precisely the lot or lots to be subdivided and all land within one hundred (100) feet of the proposed subdivided area. The subdivision site plan shall contain but shall not be limited to, the following information: the location and bulk of all buildings, the location of all roads, vehicular and pedestrian, utility easements location and points of access; required building setback lines; required open space of any kind; and any major natural features on the site including, but not limited to, hillsides in excess of fifteen percent (15%) slope, natural water courses and drainage areas and existing trees in excess of 30" in caliper.

2.28 Zoning Lot is a lot unoccupied, or occupied by any structure or use fronting upon a street and having such open spaces as are required by the Zoning Ordinance for one of the uses permitted in the district in which it is located.

2.29 Zoning Ordinance is Title Nine of the Pittsburgh Code, entitled "Zoning".

§3.0 Procedures

The Procedures listed hereunder shall be followed in the application, review, and approval of any subdivision in the City of Pittsburgh. This involves two general steps for a minor subdivision, three general steps for a major subdivision and one step for a Three Taxing Bodies property subdivision:

a) minor subdivision
   1. sketch plat
   2. final subdivision plan

b) major subdivision
   1. sketch plat
   2. preliminary subdivision plan
   3. final subdivision plan

c) Three Taxing Bodies property subdivision
   1. plot description plan

§3.1 Forms of Application

a) Except for subsection (b), an applicant shall submit an application for subdivision on forms provided by the Zoning Administrator and in the manner and form set forth by the Zoning Administrator along with the appropriate fee payable by check to the Treasurer, City of Pittsburgh.

b) In the case of a Three Taxing Bodies property subdivision, an applicant shall submit an application for a subdivision of forms provided by the Finance Department, upon approval by the Director of the Finance Department, the application shall be submitted to the Zoning Administrator.

3.2 Consultation with Zoning Administrator

The applicant shall consult with the Zoning Administrator and with appropriate staff of the Department of City Planning and with appropriate staff of other City departments and agencies as deemed necessary by the Zoning Administrator.

3.3 Sketch Plat Submission

The applicant shall submit 3 copies of a sketch plat as defined in Section 2 above to the Zoning Administrator for review and consultation. The Zoning Administrator shall consult with other members of the Department of City Planning and other city departments and agencies and may require the applicant to make modifications to the sketch plat based on the provisions of these regulations.

3.4 Sketch Plat Approval

The Zoning Administrator shall approve the sketch plat if it is found to be in complete compliance with the provisions of these regulations.

3.5 Subdivision Plan Submission

After approval of the sketch plan, the applicant shall submit 2 tracings and 2 prints of the Preliminary Subdivision Plan, as defined in Section 2 in the case of a major subdivision, or 2 tracings and 2 prints of the Final Subdivision Plan as defined in Section 2, in the case of a minor subdivision, in the manner and form set forth by the Zoning Administrator,

3.6 Planning Studies

The Commission may require planning studies, as defined in Section 2 above, to determine if the proposed subdivision meets all provisions of these regulations.

3.7 Preliminary Subdivision Plan

In the case of a Preliminary Subdivision Plan:

3.7.1 Public Hearing. The City Planning Commission may hold a public hearing on the proposed Preliminary Subdivision Plan at its discretion.

3.7.2 Criteria for approval. The Commission shall inquire as to the public use and interest proposed to be served by the establishment of the subdivision. It shall consider all relevant facts to determine whether the public interest will be served by the subdivision and if it finds that the proposed subdivision plan makes appropriate provision for the public health, safety and general welfare and for open spaces, drainage, streets and drives, water supply, sanitary wastes, fire protection, playgrounds, school sites, and other important public facilities, and that the subdivision promotes the enhancement of the "Pittsburgh Character" as defined in Section 1.1 of these regulations, then it shall approve the proposed Preliminary Subdivision Plan.

3.7.3 Disapproval. If any of the above findings are not made, then the Commission shall disapprove the subdivision, or shall approve the subdivision with modifications or conditions based on the provisions of these regulations.

3.8 Final Subdivision Plan

Within one year of the date of approval of the Preliminary Subdivision Plan, the applicant shall submit 3 prints of the Final Subdivision Plan to the Zoning Administrator, in the manner and form set forth by the Zoning Administrator.

3.9 Final Subdivision Plan Submission

In the case of a Final Subdivision Plan:

3.9.1 Criteria for Approval. The Commission shall approve the proposed Final Subdivision Plan according to the standards outlined in Section 3.7.2, and if the proposed plan is in complete compliance with all of the provisions of these regulations.

3.9.2 Disapproval. The Commission shall disapprove the Final Subdivision Plan or approve the plan with modifications or conditions if the standards outlined in Section 3.7.2 are not met or if the plan is not in complete compliance with the provisions of these regulations.

3.9.3 Performance Bond. Prior to recording of the subdivision Plan the Commission may require that a bond be posted for any or all of the improvements related to the approved subdivision, according to the provisions of Section 9.0 below.

3.9.4 Compliance with Zoning Ordinance. The Commission shall approve only those Final Subdivision Plans which are found to be in complete compliance with the provisions of the City's Zoning Ordinance.

3.9.5 Approval within 30 days. The Commission shall approve the Final Subdivision Plan within thirty (30) days of the date of application of the Final Subdivision Plan as established by the Zoning Administrator; otherwise, the subdivision plan shall be deemed to have been approved as submitted, and a certificate to that effect shall be provided to the applicant upon request of the Zoning Administrator.

3.9.6 Recording of the Plan. Every Plan approved by the Commission shall be submitted to the Recorder of Deeds Office of Allegheny County for official recording within ninety (90) days after it has been approved or the Plan shall be null and void and may not subsequently be accepted for recording purposes by the Recorder of Deeds without resubmittal and approval by the Commission.

§3.10 Plot Description Plan

In the case of a Plot Description Plan:

3.10.1 Public Hearing. The City Planning Commission may hold a public hearing on the proposed Plot Description Plan at its discretion.

3.10.2 Criteria for Approval. The Commission may approve the proposed Plot Description Plan according to the standards outlined in Section 3.7.2 or approve the plan with modifications or conditions if the standards outlined in Section 3.7.2 are not met or if the plan is not in complete compliance with the provisions of these regulations. The Commission may consider whether in the case of a Three Taxing Bodies property subdivision it is more appropriate to require a minor or major subdivision.

3.10.3 Disapproval. The Commission may disapprove the Plot Description Plan or approve the plan with modifications or conditions if the standards outlined in Section 3.7.2 are not met or if the plan is not in complete compliance with the provisions of these regulations.

3.10.4 Compliance with Zoning Ordinance. The Commission shall approve only those Plot Description Plans which are found to be in complete compliance with the provisions of the City's Zoning Ordinance.

3.10.5 Approval within thirty (30) days. The Commission shall act on the Plot Description Plan within thirty (30) days of the date of submission of the plan by the Zoning Administrator.

3.10.6 Recording of the Plot Description Plan. Upon receipt by the purchaser or purchaser's agent(s), the deed and the plot description plan attached thereto shall be recorded in the Recorder of Deeds Office of Allegheny County within the lesser of ninety (90) days or within the then current calendar year.

4.Ø Subdivision Requirements

4.1 General Requirements

4.1.1 Compliance with City regulations. In addition to the requirements established herein, all subdivision plans shall conform to the following:

a) The City of Pittsburgh Zoning Ordinance
b) The City of Pittsburgh Building Code
c) The Long Range General Land Use Plan of the City of Pittsburgh
d) Any plans or policy documents which are adopted from time to time by the Planning Commission.

4.1.2 Health safety, and welfare. No Subdivision Plan shall be approved which is detrimental in any way to the health, safety, or general welfare of the public or is detrimental to any property.

4.1.3 Adjacent municipality. Whenever access to a subdivision is required from land in another municipality, the Planning Commission may request assurance from the attorney of said municipality that access is legally established, and assurance from the engineer of said municipality that that the access road is adequately improved; or that a performance bond has been duly executed to assure the construction of such access road.

4.1.4 Suitability for subdivision. Land which the Planning Commission finds to be unsuitable for subdivision or development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will be reasonably harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision and its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the Planning Commission to solve the problems created by the unsuitable land conditions. Such land shall be set aside for uses as shall not involve such a danger, or until such time that subdivision can occur without such danger.

4.1.5 Name of Subdivision. The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision in the area covered by these regulations. The Planning Commission shall have final authority to designate the name of the subdivision which shall be determined at Final Subdivision Plan approval

4.1.6 Preparation of the Final Plan. The final Subdivision Plan shall be prepared according to the following regulations:

a. The Plan shall be drawn on new linen tracing cloth or mylar. Sepia Mylar or reverse - side printed mylar are not acceptable.

b. Sheet sizes are not to be smaller than 17" x 22" or larger than 22" x 34".

c. All plans shall be drawn with waterproof black india ink.

d. All dedications, acknowledgements, approvals, certifications, etc. shall be made with waterproof black india ink or a varityping process which will enable adequate reproduction.

e. All original signatures and dates shall be made with black ink.

f. All plans shall be drawn to a scale no smaller than one hundred (100) feet to the inch. More than one sheet may be needed.

g. All condominium floor plans shall be drawn to a scale no smaller than one eight (1/8) inch to the foot.

h. All plans shall clearly show lines, dimensions, notations, etc. with such degree of legibility and clarity to permit adequare reproduction and microfilming.

4.1.7 Indentures, Acknowledgements, Endorsments, Dedications. The forms found in Appendix 11.3 for indenture, acknowledgement, endorsement, or dedication shall be used and inserted on the tracing where appropriate.

4.2 Lot Improvements

4.2.1 Lot Arrangement. The arrangement of lots shall be such that there will be no foreseeable diffficulties, for reasons of topography or other conditions, in securing building permits to build on all lots proposed for building in compliance with the zoning Ordinance and Building code.

4.3 Hillside Development Standards

4.3.1 Purpose. This section provides Hillside Development Standards which will enable the review of proposed hillside development in the context of City land use policies and zoning regulations. The policies recognize the unique and sensitive nature of the City's hillsides and strive to conserve that nature. The standards put forth herein are designed to permit hillside development which recognizes the hillsides' unique and sensitive nature through special design, construction, use, maintenance and service considerations.

4.3.2 Application. Thr provisions of this section shall apply to all development within the following zoning classifications: "S" Special District; Landslide Prone District; and Planned Development Districts. It is also intended that these regulations be used as a guide to any development on the City's hillsides, and the intent of the regulations will be used in the review and approval of all hillside development within the City.

4.3.3 Land Mass, Drainage and Vegetation. Natural slope lines are to be maintained for reasons of equilibrium and contextual appearance. Natural drainage routes shall be maintained unless stormwater management regulations dictate the creation of alternative drainage systems. Vegetation which conveys the natural slope shall be maintained, restored and supplemented.

4.3.4 Structure/Location Relationship

a) Conformance with slope: structures shall be planned to fit into the hillside rather than altering the hillside to fit the structures. It is recognized that a degree of hillside alteration may be required; however, design considerations, terracing, can minimize the need for hillside alteration. A hillside structure shall not be designed as if it were on a flat parcel of land; such design necessitates extensive land alteration. The design shall reflect the location; such design necessitates thoughtful consideration of the building program, site access, vistas to and from the structure, existing drainage patterns, existing vegetation and existing topography.

b) Directional emphasis: it is important for structures to emphasize a vertical or horizontal dimension which reflects the structures' particular location relative to the hillside. Structures at or near the brow or foot of a hillside shall emphasize the horizontal dimension so as not to diminish the vertical domination of the hillside. Structures located on the hillside itself may find it more appropriate to emphasize the vertical dimension so as not to diminish the mass of the hillside.

c) Relationship to brow: the brow of the hillside is that portion which forms the horizon when viewed from below or afar. In general, development should not occur directly on the brow of the hill, since disturbing this portion of the hill will often cause erosion below the disturbed area. Where possible, development should occur on the most level land back from the brow, or may occur on the hillside itself. Since most hillsides lots in the City include land above or below the brow, this will usually be possible. Where level land above the brow, or hillside land below the brow is not available within the lot, the brow may be developed if particular caution is taken to prevent erosion beneath the developed area. The design of a structure on a brow should be small in scale and should be particularly sensitive to the contours of the land.

d) Relation to foot: the foot of a hillside marks the transitional point between valley floor and hillside. The majority of the hillside foot shall not be obscured by a structure. When a street ends at a hillside foot, the foot shall not be obscured at all when viewed from that street. Only structures of community significance may be excepted from this provision.

e) Scale: the siting and design of structures shall be cognizant of the scale of the hillside and the particular site of development. Small scale topographic features of the site (including but not limited to ledges, shelves, hollows, bowls or ravines) should be incorporated in the site design to emphasize variety, a personal scale and privacy. A balance between the structure, the hillside and vegetation shall be maintained to enable the hillside to continue as the dominant feature. When a wooded hillside can be read as the ground within which a structure rests, the the hillside will retain its natural visual appearance. High rise and high bulk structures

are not appropriate on hillsides as their scale promotes those structures rather than the hillside as the dominant feature. When structures are dominant the hillside character is irreversibly altered.

f) Color and texture: color incongruities shall be avoided by balancing the color value (the degree of white or black) and texture of new development with the dominant quality of the surrounding hillside. A sense of balance between the structure and its location must be maintained by choosing colors, textures and structure treatments which are congruous with the location.

g) Vegetation: structures on a hillside shall relate to the scale of hillside vegetation. Vegetation shall overlap the structure especially at the foundation. Plantings shall be indigenous to the hillside area in which the project is located.

h) History: historic site features such as foundation, structures, walls and other signs of past land use should be respected and incorporated into the site plans.

i) Nature of the relationship: major structures must be sited so that only a portion can be seen beyond the hill's brow or profile when viewed from major public roadways or viewing places. This will attract the viewer to the structure while maintaining the hillside as the dominant feature. Site plans, structues, landscaping and open space shall encourage personal contact with the nature of the hillside site. Development shall relate to the hillside site: it shall maintain the hillside as the dominant feature; it shall fit the visual composition of the hillside and not appear as an abnormality; it shall encourage occupant contact with the hillside; it shall respect small scale topographic features; it shall respect indigenous vegetation; it shall reflect its unique and sensitive location.

4.3.5 Views from the Site. Structures shall be sited not only to provide views from the structure but also to provide a variety of community and private viewing places. Community or public land use should be made of those portions of hillsides most exposed to public view or from which the widest views are possible. Views from public places (roadways, walks, observation points, parks or greenways) shall be maintained; structure mass must not obliterate them.

4.3.6 Streets, Drives, Walks, Stairways. All access ways must acknowledge the natural contour lines of the site. Hillside contour alterations shall be minimized through the use of narrow lanes and split-level roads. Vehicular access ways should be limited in width to that which is necessary for emergency vehicles and traffic volumes. It shall be recognized that due to the isolated nature of many hillside developments certain City servies (including but not limited to solid waste removal, street lighting and snow removal) may not be provided.

4.3.7 Parking and Loading. Automobile storage shall neither usurp hillside views nor disrupt slopes. Parking areas must respect natural contour lines and if at all possible must be provided within the structure. Loading areas shall also respect contour lines and be incorporated into the structure. The perimeter of parking and loading areas shall be screened with appropriate vegetation or architectural elements.

4.3.8 Roof Tops, Mechanical Equipment, Dumpsters. When visible from above roof tops shall exclude mechanical equipment and utilities. Screening and other measures (such as terrain compatible sloping of the roof or earth sheltered buildings) shall be provided to enable the roof top to blend into the hillside. Mechanical equipment (including but not limited to satelite dishes, solar panels, and air conditioning units) and trash receptacles shall be screened to the extent that they are not visible.

4.3.9 Yards, Patios, Decks, Pools. A hillside site may not permit the provision of certain development amenities in the same manner as a flat land site. On the other hand a hillside site offers its own unique amenities. Yards and patios must respect the natural contours, drainage patterns and vegetation; they shall not appear to be an abnormality on the hillside. Care should be taken to insure that view of the deck is not a visual intrusion on the hillside. Supporting structures shall be screened from view with appropriate vegetation.

4.3.10 Land Operations. Land operations shall demonstrate an awareness of the hillside location and particular geologic constraints. Excavation and construction methods shall be sensitive to the grain and scale of the terrain being notified. Large earth-moving equipment shall not be used on hillsides. Downslope land must be protected from falling debris and abnormal site drainage. Existing vegetation shall not be needlessly displaced, degraded or destroyed. The soil within the drip line of trees that are to remain shall be protected. All excavation or earth modifications are to be planted. The vegetation and ground shall only be disturbed in areas which are being worked on, and the scale of disturbance shall be limited to the area of immediate work.

4.3.11 Environmental Preservation Easement. The Planning Commission may require the dedication of an environmental preservation easement, in conformance with Section 8.0, as a condition of approval of the final subdivision plan for land regulated by the Hillside Development Standards. The purpose of such an easement would include but not be limited to preserving what the Planning Commission deems: a unique environmental feature; a significant environmental feature; a particularly sensitive environmental feature, the distrubance of which would have adverse consequences for this or any other property; or a representative environmental feature

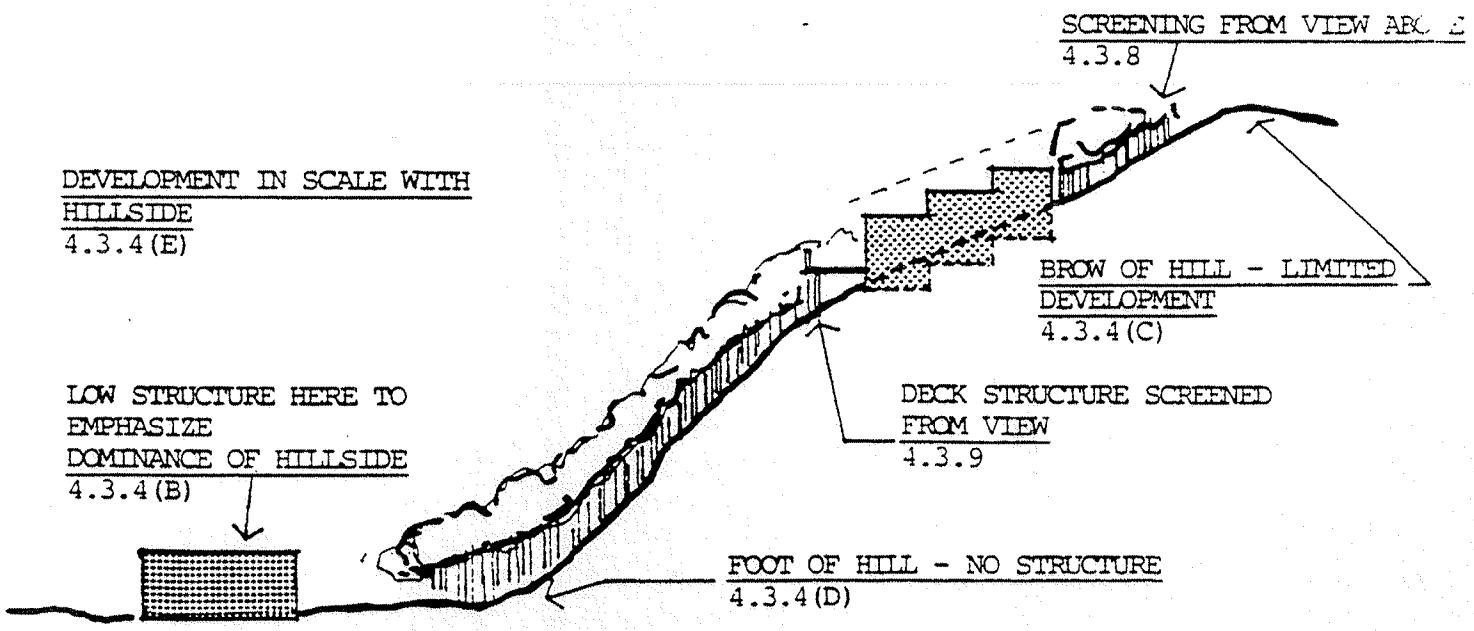


Figure 4.3: Hillside Development Standards

4.4 Roads

4.4.1 Relation to Topography. Streets and drives shall conform to the contours of the site so as to allow the least possible change in grade on the site.

4.4.2 Grades. Grades of all street and drives shall be a minimum four tenths of one percent in order to allow adequate drainage. The maximum grades permitted for all proposed streets and drives shall be as follows:

private drive:	12%
local street	12%
collector street	8%
arterial street	5%
Limited access highway	as required as by State and Federal standards.

4.4.3 Width. The width of all streets and drives shall be determined according to the following provisions

a) All streets to be publicly dedicated shall be constructed according to City standards established by the Director of the Department of Engineering and Construction.

b) Streets and drives which are to be privately owned and maintained shall conform to the following provisions for width of cartway:

	cartway width
curb lanes	12'-0"
inside lanes	11'-0"
turning lanes	11'-0"
parking lanes	9'-0"

The Planning Commission may allow a reduction in the width requirement to no less than ten feet (10'-0") per lane for private drives of no more than two (2) lanes, where it is determined that minimal traffic impact will result.

The Planning Commission may require an increase in the width of the cartway to a minimum of fifteen feet (15'-0") per lane, where the intensity of development will result in traffic volumes requiring a greater cartway width.

4.4.4 Radii. Turning radii for all streets and private drives shall be of a sufficient length to accommodate the largest possible emergency vehicle within the cartway.

4.4.5 Road surface. Roads shall be constructed of dust-free surfaces. Roads to be publicly dedicated shall be constructed to standards established by the Director of the Department of Engineering and Construction.

4.4.6 Intersections.

a) Streets shall be laid out so as to intersect as nearly as possible at right angles, except where this is not possible due to topographic conditons. Not more than two (2) streets or drives shall intersect at any one point unless it is determined by the Planning Commission that such a condition will not create a traffic hazard on the site in question.

b) New intersections along one side of an existing street shall directly align with existing streets intersecting the existing cross street.

4.4.7 Dedications. All streets to be dedicated shall be constructed according to City standards established by the Director of the Department of Engineering & Construction and according to the provisions of Section 8.0. Streets or drives not constructed to these standards shall not be considered for future dedication.

4.5 Drainage and Storm Water Management

Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures consistent with the provisions of the applicable watershed storm water plan as developed and implemented in response to the State Storm Water Management Act (Act 167 of 1978) in order to prevent injury to health, safety or other property.

4.5.1 Rate of Runoff. Such measures shall assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or shall manage the quantity velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.

4.6 Water

Water lines shall be installed to serve each lot in all subdivisions where such service does not presently exist. The installation, location and specifications for the construction of the water lines shall comply with all applicable regulations of the water supplier and the City. Easements shall be provided for the water lines as needed.

4.6.1 Adequacy of Supply. Before approval by the Planning Commission, it shall be determined that the supply of water shall be adequate in amount and pressure both for domestic range and for emergency usage.

4.6.2 Fire hydrants. Hydrants shall be placed within the subdivided area as required by the Department of Public Safety.

4.6.3 Future Connections. Where connections to a water system are not to be made immediately, plans shall be prepared for future installation and service to each lot, and those parts of a such a system which will lie in the portion of streets and drives intended for vehicular traffic shall be installed.

4.7 Sewerage

Sanitary sewers shall be installed to serve each lot in a subdivision where such service does not presently exist. The process and installation of sanitary sewers shall be in compliance with the procedures and standards established by the City, the Allegheny County Health Department, and the State Department of Environmental Resources.

4.7.1 Planning Module. Application for a "Planning Module" as defined in Section 2.0 above, shall be made to the City Department of Public Works, in the form and manner set forth by that Department, prior to submission of the Final Subdivision Plan.

4.7.2 Easements. Easements for sewers shall be established as needed within a right-of-way or elsewhere on any lot as may be required.

4.7.3 Where connections to a sanitary sewer system are not to be made immediately, plans shall be prepared for future installation to and service each lot, and those parts of a such system which will lie in the portion of streets and drives intended for vehicular traffic shall be installed.

4.8 Other Utilities

4.8.1 Standards for Installation. Utility lines of any type, such as gas lines, electric lines, or television cable lines shall conform to all applicable standards and regulations established by the provider of the utility, the City, the Public Utilities Commission, any other government agency which may have jurisdiction over the particular utility in question, and according to any additional requirements and standards established by the Planning Commission.

a) Undergrounding. Where a majority of the utility lines in a major subdivision (as defined n Section 2) are to be newly constructed, and in any Planned Development District, the Commission may require that the utility lines be constructed underground in order to minimize potential service disruptions, and to minimize the visual disruption of overhead wires.

4.8.2 Easements. Easements for utility lines shall be provided when required by the provider of the utility or by the Planning Commission. Easements may be required in a public right-of-way or within the private area of land to be subdivided, according to the provisions of Section 8.Ø.

4.8.3 Future connections. Where connections to any utility line are not to be made immediately, plans shall be prepared for future development and installation where desired, and these shall be indicated on the Final Subdivision Site Plan. These parts of such a utility service-system which lie in the portion of streets and drives intended for vehicular use shall be installed.

4.9 Sidewalks.

4.9.1 Requirements. Sidewalks shall be included within the dedicated right of way of all streets or within a specified distance of a private drive where it is determined by the Planning Commission that they are necessary to accommodate pedestrian traffic movements.

4.9.2 Curbs. Curbs constructed of concrete or more durable material, not asphalt, shall be provided where sidewalks are required by these regulations or where required at the discretion of the Planning Commission.

4.9.3 Passageways. The Planning Commission may require perpetual, unobstructed easements of at least ten (10) feet wide, as passageways, to facilitate pedestrian access to or from roads, schools, parks, playgrounds, or other public areas or facilities. Such easements shall be dedicated on the plan.

4.10 Public Open Space

4.10.1 Recreation Space. In major subdivisions, where the majority of land is used for residential purposes, the Planning Commission may require that a portion of the subdivided land be used as recreation space, as defined in Section 2.0, for the use of the residents of the subdivided area, if it is determined that insufficient public or private space exists in the area near the subdivided land for recreational purposes. The Commission may use the requirements in Section 5.3.1(b) for Planned Unit Development Districts as the standards for such recreation space.

a) Land reserved for recreation open space shall be of a character and location suitable for use as a playground, playfield, or other recreation purposes, and shall be improved by the applicant according to the Landscaping Standards found in Section 4.11.

b) The land reserved for recreation space shall have a slope of no greater than 10%. Such slopes shall not have been obtained through a process of substantial grading, but shall be obtained from the natural topography on the site. Where such areas are not available on the site, the Planning Commission may allow minor reductions in the required recreations space, or may require that additonal recreation space be provided on a site outside of the subdivided property to serve residents of the subdivided property.

4.10.2 Open space in nonresidential subdivisions. In subdivisions which are proposed for non-residential uses, the Planning Commission may require that open space be provided beyond that required in the Zoning Ordinance for reasons including, but not limited to, the following: additional setbacks to coincide with existing setbacks on adjacent properties, additional buffer areas between adjacent non-compatible land uses or additional landscaped areas.

4.10.3 Light Access. A minimum distance between structures shall be provided in conformance with the City's Building Code, and in conformance with the following provisions for light access to all structures.

a) Area for light access shall be that area enclosed by:

1) An arc extending seventy degrees on each side of a line perpendicular to building wall at the center line of any affected window, and

2) The exterior radii of such arc which shall be forty feet in length for residential uses and twenty feet in length for other man uses.

The radii arc shall be measured from the exterior face of the building wall at sill level at the center line of the affected window. For this purpose, when a sill is less than two and one-half feet above floor level, sill level shall be assumed to be two and one-half feet above floor level.

b) Units of light access. In each area for light access as defined above, units of light access are the truncated sectors formed by the intersections of:

1) A series of radii projected from the center line of the affected window and dividing the area for light access into fourteen equal sectors of ten degrees each, and

2) A series of concentric arcs centered upon the center line of the affected window, and with radii of twenty, thirty and forty feet for residential uses, and ten and twenty feet for other main uses.

A maximum of twenty-eight units of light access are thus available for residential uses and fourteen units of light access for other main uses.

c) Requirements for light access.

1) For all affected windows in all buildings, at least eight units of light access and the space between such units and the affected window shall be unobstructed.

2) Required unobstructed units of light access may be counted within one or more of the following:

A. Open space located on the same zoning lot.

B. Space on adjoining zoning lots, which under this Zoning Ordinance, is required open space for new construction.

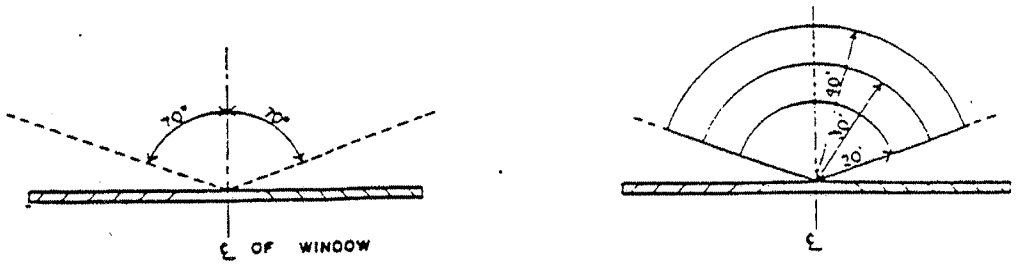
C. A street or way, private easement or other permanently dedicated public or private open space.

3) The following shall not be considered as obstructions when located within required units of light access and an affected window.

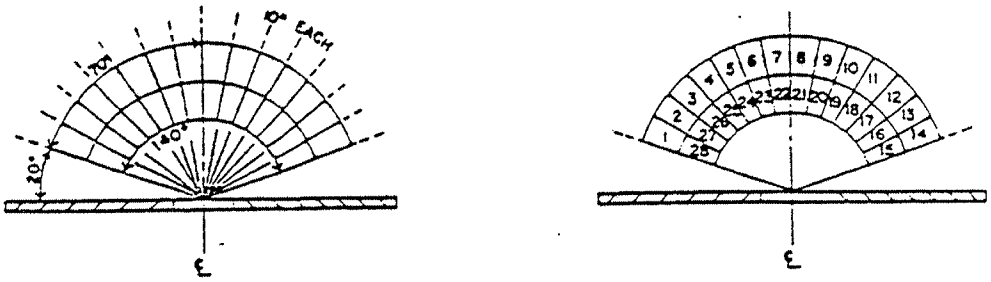
A. Portions of the same building, or other buildings or structures whose height above sill level of the affected window in question is not more than two-thirds of their horizontal distance, measured at sill level from the center line of the affected window, for the exterior face of the building wall.

B. Overhead obstructions on the same building wall, such as cornices, structurally permanent sun shades and balconies which do not project horizontally from the exterior face of the building wall beyond an inclined plane rising from the sill level at an angle of twenty degrees from the vertical exterior face of the building.

C. Spires; flagpoles; aerials (radio or television); open fire escapes; wire, chain link or other fences.



STEPS IN CONSTRUCTION OF LIGHT ACCESS UNIT SCALE FOR THE "RP" DISTRICT



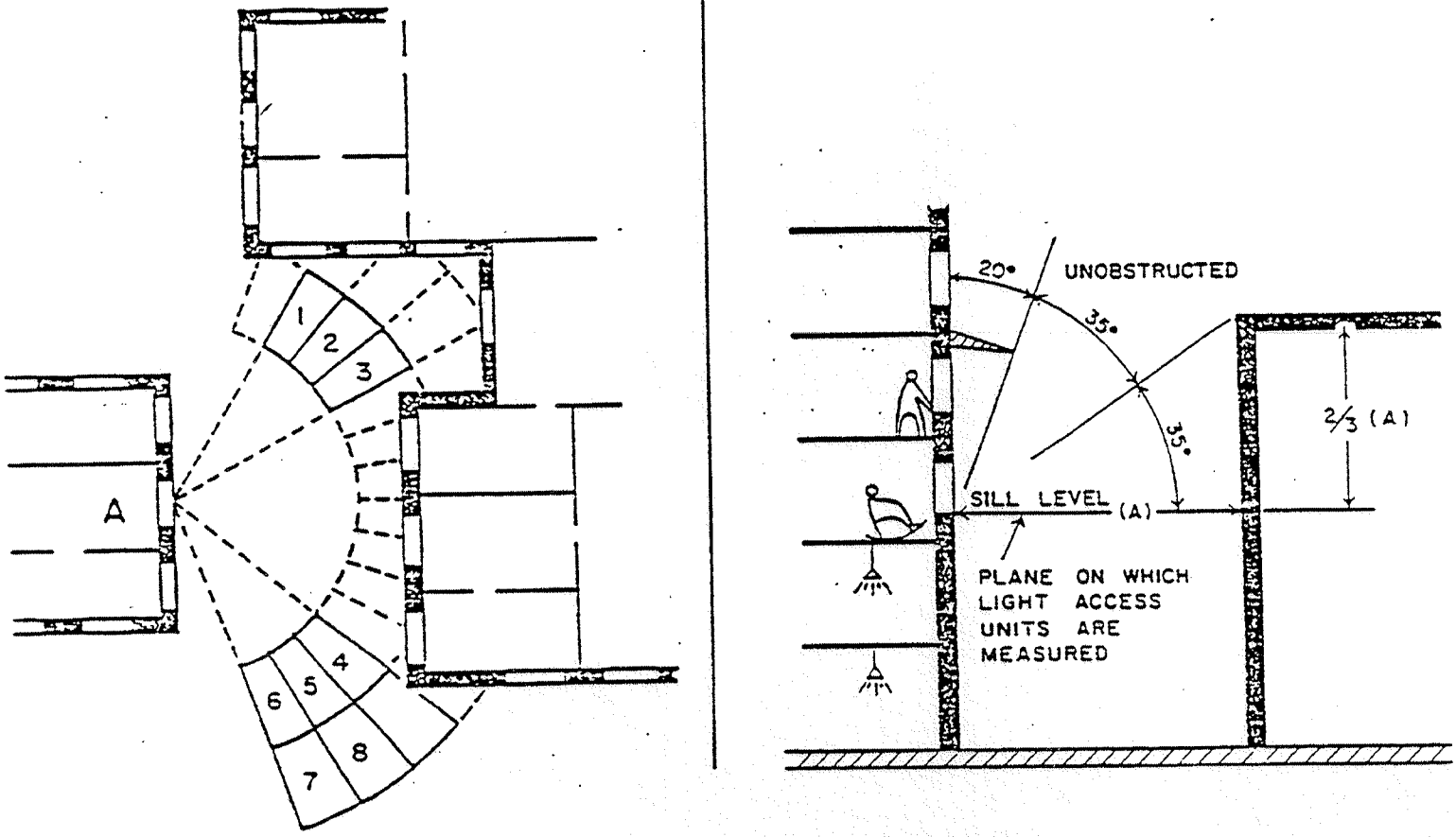


Figure 4.10.3: Light Access Requirements

4.11 Landscaping Standards

4.11.1 Purpose. The purpose of these standards is to insure that new development projects are designed in such a way as to retain and enhance the "Pittsburgh Character" as defined in Section 1.1, and to insure that these projects incorporate a level of landscape treatment which will mitigate the visual and aesthetic impacts of a proposed development on the surrounding public and private property.

4.12.2 Application. These landscaping standards shall apply to all Major Subdivisions as defined in Section 2.26 above. The requirements outlined herein may be included on a Development Plan as defined in Section 2.5 above, and shall be included by reference to the Development Plan, on the Subdivision Site Plan.

4.11.3 General Standard. In general, all areas not required for parking areas, drives, walkways or loading areas shall be landscaped with grass, groundcover, trees, shrubs, or other plantings, or shall be improved as a pedestrian plaza with textured paving materials, seating and other pedestrian amenities.

4.11.4 Street trees. All major subdivisions which are adjacent to a public street other than the Special Landscape Districts outlined in Section 4.11.8 below, shall include street trees along the street frontage for the entire length of the property which abuts the street, except in those areas designated as drives with approved curb cuts, and provided according to the provisions of Table 4.11.4.

Table 4.11.4. "Street Trees".

length of property abutting public street	min caliper	min average caliper	number required
0'-30'	3 1/2"	3 1/2"	1 per 15'-0 of frontage or less
31'-90'	3 1/2"	4 1/2"	1 per 20'-0"
91'-250'	3 1/2"	5"	1 per 25'-0"
250'+	3 1/2"	5 1/2"	1 per 30'-0"

The Planning Commission may allow up to a 20% reduction in the number of street trees if a hedgrow or other type of continuous screening is provided along the streets.

4.11.5 Preservation of mature trees. No tree which is greater than thirty six inches (36") caliper or determined to be greater than 40 years of age shall be relocated or removed unless specifically approved by the Planning Commission. The term "removal" shall include any act which will cause that tree to die, including but not limited to acts which inflict damage upon the root system or other parts of the tree by fire, application of toxic substances, operation of equipment or machinery, or by changing the natural grade of land by excavation or filling withing the drip line area.

a) During construction, the area within the drip line shall be surrounded by a construction fence, and no storage of equipment or materials shall be permitted within this area.

4.11.6 Buffer Areas and Screening. Trash collection areas, loading areas, and other visually obstrusive areas which are visible from adjacent properties and public rights-of-way shall be visually screened from view from such adjacent areas or shall be set back from these areas according to the provisions of Table 4.11.6 "Screening". Such uses shall not be located adjacent to the front yard of the lot, unless such location is specifically reviewed and approved by the Planning Commission.

Table 4.11.6 Screening.

distance from adjacent property	minimum height required screening	type of screening
0-10 feet	6 1/2 feet	soild wall, architecturally compalible with building
10-25 feet	5 feet	solid wall, as above; or double staggered row of evergreens; or solid hedge row
25-35 feet	4'	single row of evergreens, or hedge row
35 feet+	not required	not required

4.11.7 Landscape Easements. The Planning Commission may require a landscape easement to be provided on any subdivision plan for reasons which include, but are not limited to: the creation of a buffer area between non-compatible land uses, the extension of a yard or other setback which is consistent with the yard or setback in adjacent properties, or to preserve or replace existing landscaping. Easements shall be provided according to the provisions of Section 8.0.

4.11.8 Parking Lot Landscaping. All parking areas which contain spaces for ten (10) or more cars shall be landscaped according to the provisions of this section.

a) Parking areas shall include one 4.5 inch caliper tree for every nine (9) cars on the lot.

b) No more than ten (10) cars shall be parked in a single row without the provision of a landscaped island which is the size of two parking stalls. Such island shall include at least two 4.5 inch caliper trees and grass or other ground cover over the entire area of the island.

c) Parking areas which abut a public right-of-way or other adjacent property shall include a landscaped hedgerow, low wall, earth berm, or other architectural or landscape device to effectively screen the parked cars from view from the right-of-way or adjacent property.

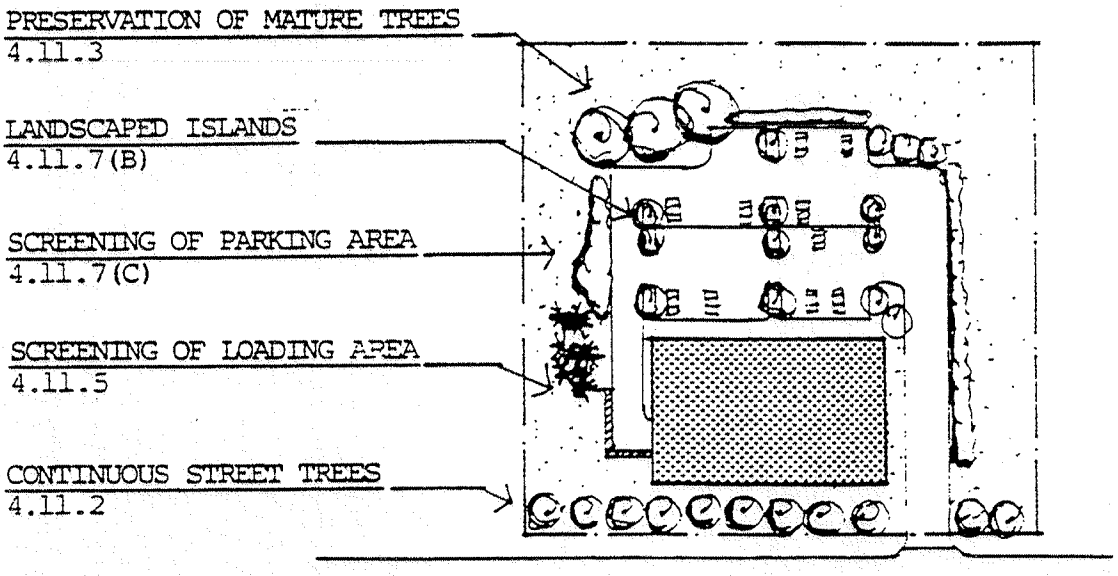


Figure 4.11: Landscaping Standards

4.11.9 Special Landscape Districts.

The following provisions for special landscaping apply only to those areas of the City as defined below. The purpose of these provisions is to preserve the unique relationship between the natural and built environment in areas of the City where the landscape is well established, and an orderly pattern of development of the landscape and man-made structures presently exists.

a) Fifth Avenue. These provisions apply only to those sites which abut on Fifth Avenue, between Neville Street on the west, and Penn Avenue on the east.

1) Yards. All structures shall be set back from the right-of-way of Fifth Avenue a distance to be the average of the front yard setbacks of the structures on the same side of the street for 1000 feet in each direction from the subject site, but in no case shall the yard be less than 40 feet.

2) Landscaping. Front yards shall be landscaped according to the following:

A. Street trees shall be placed along the right-of-way such that one tree is provided for every thirty (30) of frontage.

B. Street trees shall be a minimum of six inches (6") in caliper, and an average of seven inches (7") in caliper.

C. Setbacks shall be available only for drives, walkways and landscaped areas; parking shall not be allowed in setbacks.

D. All street trees in the Fifth Avenue Special Landscape District shall be Sycamore trees, in order to continue the pattern of Sycamore street trees which exists in the area. The Planning Commissionmay allow other types of street trees if it is found that Sycamore trees will not survive, are not available, or other equally compelling reasons.

4.12 Lighting

The following provisions for lighting shall be included in all major subdivision plans, and may be included on a Development Plan, as defined in Section 2.5, and shall be included by reference to the Development Plan, on the Subdivision Site Plan.

4.12.1 Street lighting. Street lighting on publicly dedicated streets shall conform to standards established by the Director of the Department of Public Works and Standards established by the City Planning Commission.

4.12.2 Other exterior lighting. All exterior lighting which is not on streets to be publicly dedicated shall be sufficient to provide an average illumination of no less than 2.0 footcandles, with a maximum of 15 footcandles, and an average to minimum ratio of 3 to 1. In addition, there shall be no light spillover onto adjacent properties beyond a distance equal to the required setback of the adjacent property, or when measured vertically five feet (5-0") above the property line.

4.12.3 Open space lighting. Open space lighting should employ fixtures which are pedestrian scaled and which enhance the use and enjoyment of the space in which they are placed. Light fixtures should be coordinated with the overall design of the open space.

4.13 Retaining Walls

4.13.1 Existing walls. All existing retaining walls which are within the subdivided area shall be retained and restored if at all possible. Particular attention should be given those walls which are typical of the retaining walls built by the City in the 1930's and 1940's and which appear in many areas of the City. Walls which are constructed of materials such as stone, granite, or brick, or are of a unusual design or texture should be maintained and restored.

4.13.2 New walls. New retaining walls shall be of a design and form which is typical of the retaining walls in the City. Monolithic retaining walls of concrete shall not be allowed. Walls should be constructed of stone, brick, or textured concrete similar in appearance to that found in the retaining walls built by the City in the 1930's and 1940's.

4.14 Sites of Special Interest

The following areas of the City shall be designated as "Sites of Special Interest" by the Planning Commission. An area shall receive such designation if it is an area of City-wide public importance, with a character that is unique to the City, based on its architectural, natural, cultural, or historical features, and therefore substantially contributes to the "Pittsburgh Character" as defined in Section 1.1.

Any subdivision within a Site of Special Interest shall be considered a Major Subdivision, as defined in Section 2.7; and shall follow the procedures for Major Subdivisions outlined in Section 3.0.

4.14.1 Oakland Institutional-Civic District

4.14.2 All lots abutting Grandview Avenue

4.14.3 That area bounded by Fifth Avenue on the north, Shady Avenue on the east, Wilkins Avenue on the south, and Murray Hill Avenue on the west.

5.Ø Development Plan Requirements for Planned Development Districts

5.1 General Provisions

5.1.1 Purpose. The provisions of this section of the subdivision regulations provide for an alternative form of development in planned development districts for sites which are developed as unified, planned complexes in accordance with development plans and improvement subdivision site plans approved by the Commission. These provisions are intended to permit a degree of flexibility in site development and in the design and arrangement of buildings which is not possible when development occurs on a lot-by-lot basis. These provisions for flexible development are intended to create efficient, functional and attractive urban areas which incorporate a high level of amenities and which meet public objectives for protection and preservation of the natural environment. The regulations are intended to insure compatible uses and structures wihin planned unit developments and between planned unit developments and areas adjacent to them. They are also intended to prevent congestion of population; to insure adequate provision for pedestrian and vehicular movement; to provide open spaces for light, air and recreation; and to provide for the efficient provision of utlities, services and facilities.

5.1.2 Conformance with the provisions of these regulations. The provisions contained in this section are intended to be supplementary to those found in the remainder of the Subdivision Regulations. All the provisions found in Section 1 through 4, and Sections 6 through 8 also apply to Planned Unit Developments, Specially Planned Districts, and the Improvement Subdivision Plans necessary for these developments.

5.2 Coordinated Application Of Zoning Requirements and Subdivision Regulations And Standards

5.2.1 Regulations and Standards. The approval of an improvement subdivision site plan and the enactment of a planned development district as an amendment to the zoning ordinance shall require compliance with the regulations contained in Article IV of the zoning ordinance and with the standards and regulations contained in the Subdivision Regulations and Standards.

5.2.2 Article IV of Zoning. The provisions of Article IV of the Zoning Ordinance establish uses which shall be permitted in planned development districts; the maximum height of structures which shall be permitted; minimum yard requirements; requirements for open space, parking and loading facilities; and basic site criteria for planned development districts.

5.2.3 Site Plan Requirements of These Regulations. The Subdivision Regulations and Standards shall govern the spatial arrangement of uses and structures on the site and all other elements of site design and improvement, including the design and improvement of pedestrian and vehicular circulation and parking, the location and improvement of open spaces for light, air recreation and other purposes; provisions for utilities and services; and the relationship of the planned development to adjacent areas.

5.2.4 Environmental Overlay Zones. The requirements contained in the environmental overlay district provisions of the zoning ordinance (Chapter 986) shall be minimum requirements applicable to planned development districts. It shall be the responsibility of the commission to determine through application of the provisions of Chapter 986, that the environmental characteristics and physical capacity of a planned development site and of land adjacent to the site are suitable for the character and intensity of development proposed. When necessary to protect the natural environment, to prevent hazardous development or otherwise to protect the public welfare, the Commission may require a lower intensity of development or more restricted development on all or portions of a site other than specified in this zoning ordinance.

5.2.5 Other Zoning Requirements. The requirements contained in Chapter 987 (Signs) and Chapter 989 (Parking and Off-Street Loading) of the zoning ordinance shall govern such uses and structures within a planned development, unless the Commission determines that the nature or impact of the proposed planned unit development warrants more restrictive standards. The Commission may require compliance with more restrictive standards on all or portions of a site than specified in other chapters of the zoning ordinance, when determined necessary to protect the natural environment, to protect adjacent properties, or to protect the public welfare.

5.3 Intensity of Development in a Planned Unit Development District.

The intensity of development in a planned unit development district shall be determined according to the provisions of the following "Land Use Intensity Rating System". The provisions of this section do not apply to development within a Specially Planned District.

Land Use Intensity Rating System

The maximum intensity of development in a planned unit development shall be based upon its location in relation to the abutting zoning districts. To determine the maximum intensity the following procedures entitled the "Land Use Intensity Rating System" shall be hereby incorporated into these Subdivision Regulations and Standards.

5.3.1 Establishment of Land Use Intensity for RP Residential Planned Unit Development Districts. A maximum land use intensity shall be established for each RP District, which shall not exceed the higher of the following:

a) The land use intensity associated with the residential zoning classification of the site prior to rezoning; or

b) The land use intensity rating which is equal to the average of the land use intensity ratings of the zoning districts which abut the subject property according to the following procedures.

(1) The average land use intensity rating shall be calculated by multiplying the linear feet of RP District perimeter which abuts each different zoning district by the land use intensity rating for each district; adding the products thus obtained and dividing the total linear feet contained within the RP District perimeter, except:

A. If the RP District adjoins an existing RP District, the land use intensity of the adjoining RP site is determined in the same way as that for the subject site, using the present zoning classification of the subject site in the calculations.

B. If the RP District adjoins a CP District, the actual floor area ratio of the CP District shall be used to determine the associated residential land use intensity.

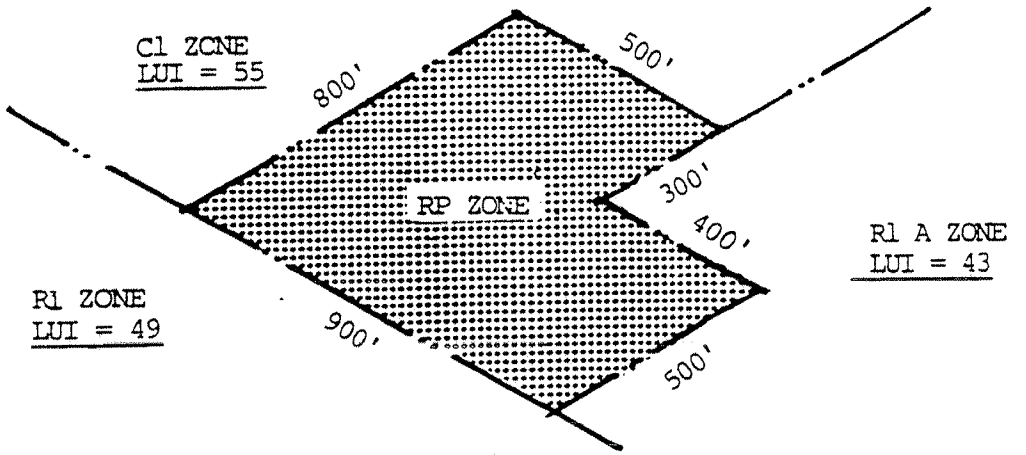
1 Determine the floor area ratio of the adjoining CP District.

2 Refer to chart under Section 976.Ø4(a)(3) to determine the associated residential district. Use that residential category associated with the commercial floor area ratio obtained if the exact number appears on the chart; if it does not, use that associated with the next highest commercial floor area ratio shown on the chart.

3 Use the LUI for the associated R district in calculation of the average LUI for the subject RP District.

C. When the proposed RP District abuts any body of water with a designated harborline, the harborline shall be used as the limit of the zoning district line for purposes of calculating the LUI and the LUI for the adjacent property abutting the harborline shall be calculated as if this abutting property was zoned S.

c) For purposes of calculating the land use intensity rating applicable to RP Districts, the land use intensity rating of other zoning districts shall be as shown upon the following chart titled Land Use Intensity Ratings of Zoning Districts for Use in the Calculation of RP District Land Use Intensity, which is hereby incorporated into these Subdivision Regulations and Standards.



$$\text{LUI FOR ABOVE RP ZONE} = \frac{(55 \times 1300) + (43 \times 1200) + (49 \times 900)}{1300 + 1200 + 900}$$

Figure 5.3.1 Calculating Maximum Allowed Intensity in RP Districts

d) Application of Land Use Intensity Rating and Associated Ratios.

The intensity of residential development in an RP District shall be governed by the land use intensity ratings and associated ratios shown in the chart titled Land Use Intensity Ratings and Associated Ratios which is found in the Land Use Intensity Rating System in the Subdivision Regulations and Standards.

Table 5.3.1 (a)

Land Use Intensity Ratings of Zoning Districts
For Use in the Calculation of RP District Land Use Intensity

Land Use Intensity Rating (LUI)	Zoning District
40	S, S-A
41	
42	
43	R1-A
44	
45	
46	
47	
48	
49	R1
50	
51	
52	
53	
54	
55	R2, C1, C2
56	R2-T
57	
58	
59	
60	
61	R3, C3, M1, M2
62	
63	
64	
65	
66	R4, M3, M4
67	
68	
69	
70	IC
71	
72	
73	
74	
75	R5, C4, IM
76	
77	
78	
79	
80	C5

Table 5.3.1 (b)

LAND USE INTENSITY RATINGS AND ASSOCIATED RATIOS

Land Use Intensity Rating(LUI)	Maximum Floor Area	Minimum Open Space Ratios: Total	Usable	Recreation
30	.100	.80	.65	.025
31	.107	.80	.62	.026
32	.115	.79	.60	.026
33	.123	.79	.58	.028
34	.132	.78	.55	.029
35	.141	.78	.54	.030
36	.152	.78	.53	.030
37	.162	.77	.53	.032
38	.174	.77	.52	.033
39	.187	.77	.52	.036
40	.200	.76	.52	.036
41	.214	.76	.51	.039
42	.230	.75	.51	.039
43	.246	.75	.49	.039
44	.264	.74	.48	.042
45	.283	.74	.48	.042
46	.303	.73	.46	.046
47	.325	.73	.46	.046
48	.348	.73	.45	.049
49	.373	.72	.45	.052
50	.400	.72	.44	.052
51	.429	.72	.43	.055
52	.459	.72	.42	.056
53	.492	.71	.41	.059
54	.528	.71	.41	.062
55	.566	.71	.40	.062
56	.606	.70	.40	.065
57	.650	.70	.40	.065
58	.696	.69	.40	.070
59	.746	.69	.40	.075
60	.800	.68	.40	.080
61	.857	.68	.40	.080
62	.919	.68	.40	.083
63	.985	.68	.40	.085
64	1.06	.68	.40	.085
65	1.13	.67	.41	.090
66	1.21	.67	.41	.097
67	1.30	.67	.42	.104
68	1.39	.68	.42	.104
69	1.49	.68	.43	.104
70	1.60	.68	.43	.112
71	1.72	.68	.45	.115
72	1.84	.69	.46	.115
73	1.97	.70	.47	.118
74	2.11	.71	.49	.127
75	2.26	.72	.50	.136
76	2.42	.75	.51	.145
77	2.60	.76	.52	.145
78	2.79	.81	.56	.145
79	2.99	.83	.57	.150
80	3.20	.86	.61	.160

(1) Special Definitions. The following special definitions shall be applied in this subsection.

A Gross land area in an RP District means all land within district boundaries plus either or both of the following which may apply:

1 half of the adjoining permanent open space such as streets, parks, cemeteries, and the like, provided that the depth of such open space measured from the zoning line of the subject RP property, shall be limited to a number of feet equal to the LUI rating applying to the adjacent district. Where such space adjoins an RP District on two adjacent sides, the area thus added shall include the area required to complete the gap otherwise left at the intersection.

2 80% of an abutting body of water with a designated harborline, provided that the depth of such space credited, measured from the harborline, shall be limited to a number of feet equal to the LUI rating applying to the adjacent district.

B. Gross residential land area means the gross land area except that to be devoted to nonresidential purposes. Residential land area shall include open space within residential portions of the development, but shall exclude land not beneficial to residential uses due to location or character or areas used for commercial or other nonresidential purposes.

In the case of mixed used buildings where there is not specific allocation of land area to residential and non-residential uses, the floor area devoted to nonresidential uses shall be divided by the floor area ratio applicable to such uses, and the quotient shall be subtracted from the residential land area.

C. Land use intensity means the total floor area allowed and the total open space required in a Residential Planned Unit Development, based on its location with respect to the zoning classifications of surrounding zoning districts.

D. Land use intensity rating means a specific number calculated according to the procedures set forth in the Land Use Intensity Rating System of the Subdivision Regulations and Standards, which determines the land use intensity for a Planned Unit Development.

E. Residential floor area means the sum of the horizontal areas of the floors of a structure used for residential and related purposes, measured from the exterior faces of the exterior walls or from the center lines of walls separating two structures and including: enclosed porches, greenhouses, hallways, stairways, elevator shafts, loft or interior balconies, and basement, attic or half story floor areas when used or capable of being used as habitable space. Residential floor area shall not include cellars, uncovered exterior steps, open porches, terraces, exterior balconies, attached or integral garage space, or basement or attic floor area used only for storage of mechanical equipment.

For uses listed in Section 975.Ø3(a)(1) and (2), residential floor area shall not include special purpose rooms for common use of occupants, such as recreation rooms or social halls and space used for the provision of health or social services to occupants.

F. Nonresidential floor area means the sum of the horizontal areas of the floors of a structure used for uses listed in Section 975.Ø3(a)(7) and measured as for floor area in the CP District. [See Section 976.Ø3]

G. Total open space means the total horizontal area of uncovered open space plus half of the total horizontal area of covered open space.

1. Uncovered open space is total gross residential land area not covered by buildings and open to the sky, plus open exterior balconies and roof areas improved as recreation space.

2. Covered open space is usable open space closed to the sky but having 50% or more of its sides open. The square feet countable as covered open space shall not exceed the square footage of the open sides. Examples are covered balconies, covered portions of improved roof areas or spaces under buildings supported by columns or posts or cantilevered.

H Usable open space means part of total open space which is improved and located for use as outdoor living space for residents and for esthetic appeal. It includes space which is for private use of individual dwelling unit occupants and space which is for the common use of all residents of a building or of the RP District. Usable open space includes lawns and other landscaped areas, walkways, paved terraces and sitting areas, outdoor recreational areas and landscaped portions of street rights-of-way. It does not include space which is used by vehicles.

I Recreation space means part of total and usable open space which is improved for common recreational use.

(2) Application of Ratios. The following provisions establish the maximum allowable residential floor area and minimum requirements for open space in RP Districts.

A Maximum residential floor area shall not exceed the number of square feet derived by multiplying gross residential land area by the floor area ratio applicable to the land use intensity established for the RP district.

B Total open space required shall be not less than the number of square feet derived by multiplying the gross residential land area by the total open space ratio applicable to the land use intensity established for the RP district.

C Usable open space shall be not less than the number of square feet derived by multiplying the gross residential land area by the usable open space ratio applicable to the land use intensity established for the RP district.

D Recreation space shall be not less than the number of square feet derived by multiplying the gross residential land area by the recreation space ratio applicable to the land use intensity established for the RP district.

5.3.2 Establishment of Land Use Intensity for CP Commercial Planned Unit Development Districts. A maximum land use intensity shall be established for each CP District, which shall not exceed the higher of the following:

a) The floor area ratio associated with the commercial zoning classification of the CP district prior to its rezoning; or

b) The floor area ratio which is the average of the ratios associated with the zoning classification of land which adjoins or is ajdacent across a street or way from the CP District.

(1) The average floor area ratio shall be calculated by multiplying the linear feet of CP District perimeter which adjoins or is adjacent across a street or way from each different zoning district by the floor area ratio associated with each district; adding the products thus obtained and dividing by the total linear feet contained with the CP district perimeter, except:

A. If the CP District adjoins an RP District, the commercial floor area ratio associated with the RP District shall be the same as for the conventional R district which most closely approximates the LUI for the RP District:

1. Determine the FAR for the adjoining RP development.

2. Locate the LUI rating on the chart under Section 976.04(a)(3) and select the conventional R District closest to that LUI rating.

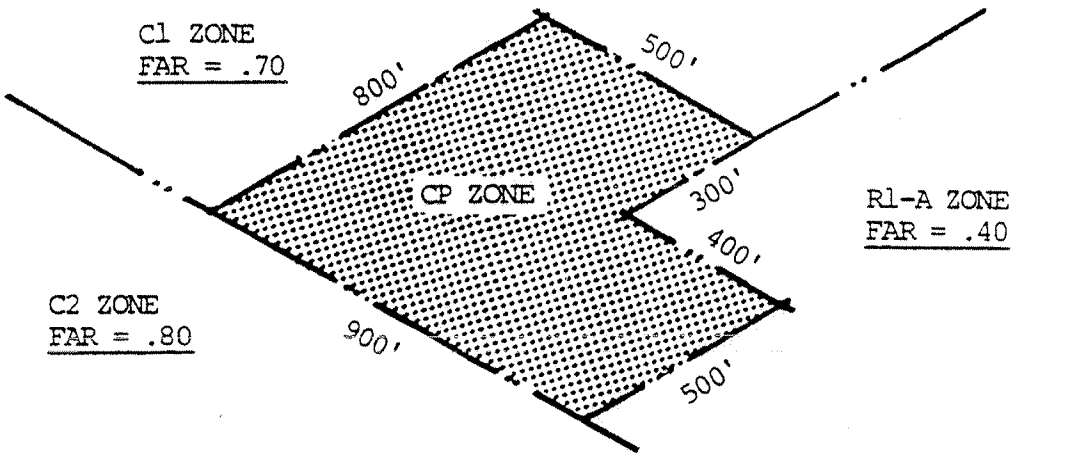
B. If the CP district adjoins a CP district, the floor area ratio associated with the adjoining CP district shall be the actual floor area ratio for the adjoining CP development.

C. For purposes of calculating the floor area ratio applicable to CP districts, the floor area ratios associated with other zoning districts shall be as shown upon the following chart titled, Table 5.3.2 Commercial Floor Area Ratios Associated with Zoning Districts for Use in the Calculation of CP District Floor Area Ratios, which is hereby incorporated into these Subdivision Regulations and Standards.

Table 5.3.2

Commercial Floor Area Ratios Associated with Zoning Districts For Use in the Calculation of CP District Floor Area Ratios

Commercial Floor Area Ratios	Associated with	Zoning Districts
.25.		S, S-A
.40		R1-A
.50		R1
.60		R2, R2-T
.70		R3, C1
.80		C2
1.0		M1, M2
1.2		M3, C3
1.5		R4, R4-H
2.0		M4, R5, R5-H
3.0		C4, IC
4.0		C6, IM
8.3		C5-C, C5-D
10.8		C5-A, C5-B



$$\text{ALLOWABLE FAR FOR ABOVE CP ZONE} = \frac{(.70 \times 1300) + (.40 \times 1200) + (.80 \times 900)}{1300 + 1200 + 900}$$

Figure 5.3.2 Calculating Maximum Allowed Intensity in CP Districts

(c) Application of Floor Area Ratios in CP Districts.

(1) Special Definitions. The following special definitions shall be applied in this subsection.

A Land area in a CP district means all land within district boundaries including streets and open spaces within the district, but excluding the area of adjacent streets and open spaces.

B Floor area means the sum of the horizontal areas of the floors of a structure used for a use permitted in the district, measured from the exterior faces of the exterior walls or from the center lines of walls separating two structures and including lobbies, show windows, hallways, stairways, elevator shafts, loft, mezzanine or interior balconies and basement and penthouse levels when used or capable of being used for a use permitted in the district. Floor area shall not include exterior steps, arcades, terraces, exterior balconies, parking structures, or basement floor area used only for storage or mechanical equipment.

C Floor area ratio means the total floor area within the CP district divided by the land area of the district.

(2) Application of Floor Area Ratio. The maximum floor area in a CP district shall not exceed the number of square feet derived by multiplying the land area of the district by the floor area ratio established for the district.

5.3.3 Establishment of Land Use Intensity for AP Residential/Commercial Planned Unit Development Districts. Application of Floor Area Ratios and Open Space Requirements

a) For purposes of calculating the maximum amount of floor area allowed and minimum open space required, the area within an AP District shall be apportioned among the various use district classifications.

b) The maximum floor area for each use shall not exceed the number of square feet derived by multiplying the applicable portion of the land area by the floor area ratio established for each use, according to procedures outlined above for RP Districts for residential uses in an AP District, and according to procedures outlined above for CP Districts for commercial uses in an AP District.

5.3.4 For MP, and IP Districts, the maximum land use intensity shall be calculated according to the procedures outlined above for RP Districts for permitted residential uses in these districts, and according to procedures outlined above for CP Districts for other uses in these districts, as outlined in Title Nine, Zoning, Article IV.

5.3.5 Floor Area Bonuses. In any planned unit development, the base intensity of development may be increased by a percentage which is a bonus based on the provisions of certain amenities or the meeting of certain conditions, according to the general provisions of Section 947.07 of the Zoning Ordinance. The cumulative maximum percentage may, in no case, exceed twenty percent (20%) of the base intensity permitted.

The following provisions specify the actual percentage increase allowed for each amenity or condition provided.

a) Additional urban open space: A maximum ten percent (10%) increase, where a minimum of twenty percent (20%) additional open space, beyond that required, is provided. Such additional open space shall meet all requirements and standards of the type of open space required, as defined in Section 2 above.

b) A public overlook, free and open to the public: a maximum ten percent (10%) increase in intensity where such overlook provides pedestrian access to a pedestrian promenade or walkway or other area where significant views are available; and where such overlook includes pedestrian amenities including, but not limited to, seating, trash receptacles, and lighting. Such an overlook may be a part of the required open space for the development.

c) Transportation facilities: a maximum ten percent (10%) increase in intensity when designed as part of a larger structure, as a covered bus waiting area facing a public street on a major bus route, and sufficient in area to serve those who may use such a waiting area; a maximum twenty percent (20%) increase in intensity when designed as part of a larger structure as a transit station for other forms of public transportation, including, but not limited to, a rail transit system, an exclusive bus right-of-way system, or an inclined railway system.

d) Restoration of previously damaged environmental sensitive land: a maximum twenty percent (20%) increase in intensity where the area of such restored land is a minimum of twenty percent (20%) of the lot area of the development, provided that the environmental damage was not caused by the applicant.

e) Restoration and reuse of historic structures: A percentage increase, up to a maximum of twenty percent (20%) equal to either the percentage of the total floor area of the development which is represented by the floor area of the development of the restored and reused historic structures or the percentage of the project costs represented by the costs of restoration of the restored and reused historic structure, whichever is greater.

f) Design of new construction which is similar in form, scale, and materials to existing structures: A maximum of ten percent (10%) increase in intensity when such structures are compatible in form and scale and materials to a majority of existing structures on the site which can be seen from the new structures. Such new structures should be particularly compatible on those edges of the new structures which are most closely adjacent to the existing structures.

g) A pedestrian walkway along the waterfront of any property with a designated harbor line: A maximum of ten percent (10%) increase in intensity when such walkway is continuous along the entire waterfront edge of the property, is a minimum of eight feet wide, is an average of sixteen feet wide, is within fifty feet of the harbor line and is free and open to or restrictions on use. Such a walkway shall be designed with pedestrian amenities such as seating, lighting, and landscaping and shall be incorporated into the overall design of the development.

5.4 Site Planning

5.4.1 Purpose. The purpose of this section is to provide a vehicle for relating the consideration of individual and private development to the broader considerations of development in the City, and the physical and environmental context in which a Planned Develoment occurs. The regulations are intended to provide the basis for the review and approval of a site plan for Planned Development District, as provided in Article IV of the Zoning Code, and in Section 5.Ø of these regulations.

5.4.2 General Provision. In general, a Planned Development District shall be designed to be compatible within the overall physical and environmental context in which the district is located, and shall have a minimal disruptive impact on the surrounding areas. Development plans which do not consider the surrounding natural and man-made environment in the proposed development shall not be approved.

5.4.3 Hillside Development Standards. The requirements contained in Section 4.3, the Hillside Development Standards, shall apply to all development within a Planned Development District.

5.4.4 Access.

a) vehicular access to a planned development district shall be limited to the minimum necessary for safe and efficient vehicular movement. Vehicles entries shall be placed so as to use existing controlled intersections, where these intersection will accommodate a new entry at nearly ninety degrees. Where such a connection is not possible, vehicular entries shall be placed sufficient distance away from existing drives and intersection so as to avoid traffic conflicts and increase efficiency.

b) Pedestrian access points shall be located so as to provide maximum opportunity for safe and convenient pedestrian access to and from the district and other public rights-of-way, and other facilities and amenities such as transit stops, shopping facilities, and employment centers.

5.4.5 Internal Circulation. Internal circulation in Planned Development Districts should be designed to minimize conflicts between vehicular and pedestrian paths, and between on-site movements and off-site movements. On site vehicular truning and stopping movements should be placed well within the site to avoid disruption of traffic within the public-right-of-way.

a) The width of streets and drives shall conform to the provisions in Section 4.4.3., but should be the minimum necessary, to avoid excessive grading and unnecessary construction of impervious surfaces.

b) Streets and drives should designed to conform with existing contours to minimize unnecessary grading and maintain natural slopes. Innovative solutions to drives and parking areas to minimize paved surfaces should be employed.

c) Pedestrian walkways within the site should be designed to make convenient and safe access between parts of the development. Walkways should be separated from street and drives if necessary to accomplish a more convenient connection. Pedestrian bridges over public rights-of-way shall be avoided unless considered necessary for safety.

d) Consideration should be given to the use of paving material other than asphalt or concrete. The use of brick, rustic terrazzo, or other pavers is encouraged.

5.4.6 Major Natural Features. Major natural features on the site shall be retained whenever possible. These include, but are not limited to, large trees and other mature green areas, natural waterways, and hillsides.

a) Development should incorporate natural slopes within its design and minimize disruption of any hillside. Solutions should incorporate grade differences within the design of the development. This can be accomplished by using drives and parking areas at different levels than other occupied space, by terracing yard areas, and by employing building forms which parallel the natural slopes.

b) Mature trees and other green areas shall be retained on site whenever possible. Site plans should be organized around such elements and buildings should be clustered, if necessary, to avoid disruption of these areas. This will allow for substantial landscaping to be incorporated into the site plan at little or no cost to the developer.

c) Natural waterways and other water features shall be retained and incorporated into the site plan for a Planned Development. Built structures should be organized around these elements and clustered if necessary to avoid disruption. Pond, streams, and other water features can add a significant amenity and value to a development when effectively incorporated in to the plan.

5.4.7 Urban context. The site plan for a Planned Development District shall use the surrounding physical context of the development site as the basis for the plan. Sites which are located in an existing built-up areas shall incorporate the form and quality of this area in the design of the development, and relate to the existing development in such a way as to become a visual extension of the existing context. Development plan which are drastic departure from the surrounding context in form, scale, and texture shall not be approved.

a) Proposed uses in the Planned Development District shall be located so as to strengthen existing similar uses, and complement other uses. In general, new residential, commercial or institutional uses should be clustered with existing such uses, unless existing patterns in the area are such that these uses are mixed.

b) When a planned development District is across a street or way from existing development, or adjacent to existing development, particular attention should be given to designing new structures which are harmonoius with the existing structures and which are complementary in form and scale.

5.4.8 Height and bulk. The height and bulk of new structures in a Planned Development District shall be designed in such a way as to form a compatible and harmonious unit with surrounding developments and within the Planned Development itself. Particular attention should be given to those portions of the Planned Development which are adjacent to existing developments.

a) The height and setback requirements of structures within a planned development are established by the provisions of Section 974.08 of the Zoning Ordinance. The Planning Commission may require lower height limits or greater yard setbacks.

b) The massing of new structures should be designed to reduce excessive bulk and create a comfortable pedestrian setting. Large monolithic structures shall not be permitted. Massing of large structures should be articulated through such means as variable roof forms, stepped building walls, or varying materials.

5.4.9 Building Design. The architecture of structures within a Planned Development District shall be carefully designed to be compatible with its urban context and to create a harmonious and integrated environment.

a) The form of buildings should closely match that of existing structures particularly on the perimeter of the development.

b) Architectural details found on existing adjacent buildings, such as bay windows, porches, cornice lines, and dormers should be incorporated into the design of the new structures.

c) Materials of the new development should be chosen from the materials which exist in the surrounding area. Where a variety of materials exist, the texture of the new materials should match the existing as closely as possible.

d) The color of new structures should be chosen to be a mixture of the colors of the surrounding structures. Large expanses of bright colors or widely varying colors shall not be permitted.

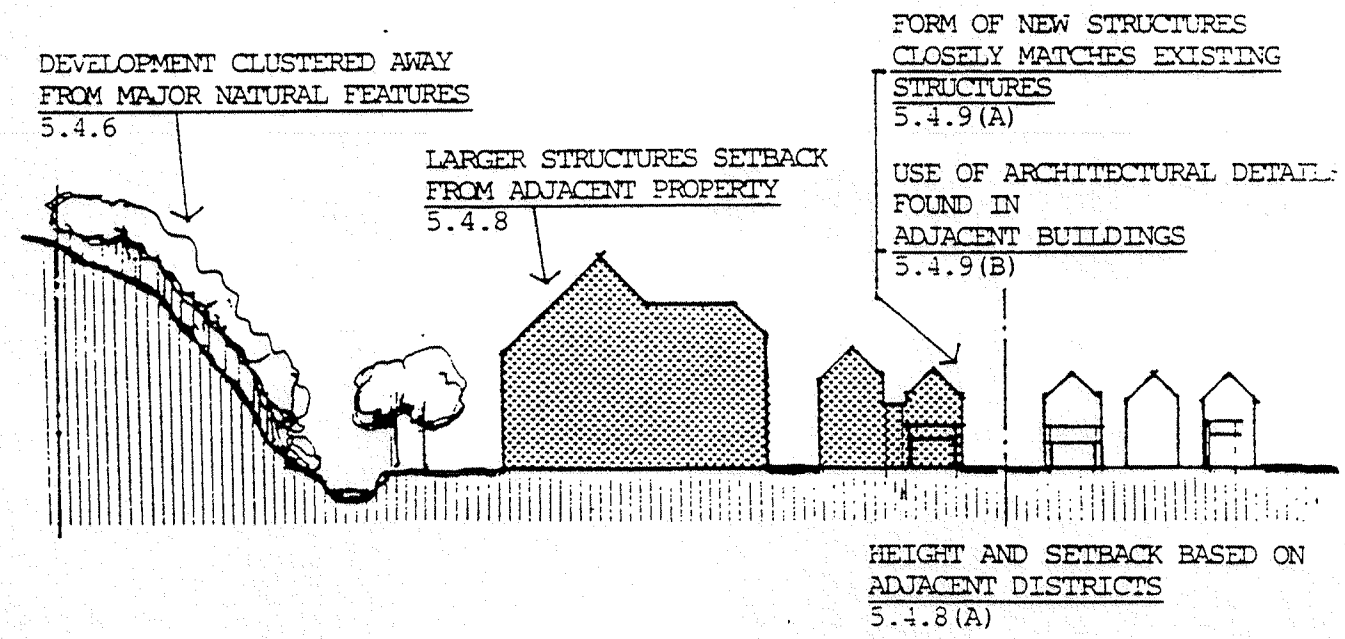


Figure 5.4: Site Planning for Planned Development Districts

6.Ø Transfer of Development Rights

In the C5 Golden Triangle Area, an increase in allowable floor area through the transfer of development rights, if unused, from an adjaent zoning lot. shall be permitted according to the provisions of the Zoning Ordinance Sections 959.Ø6 (c)(1), and 993.Ø1(a)(34).

6.1 Transfer as an easement

The transfer of development rights shall be accomplished as an easement extending from a zoning lot within the C5 District to another zoning lot within the C5 District, according to the provisions of Section 8.Ø.

6.2 Recording of the transfer

Such transfer of development rights shall be incorporated into the Final Subdivision Plan for the development, and duly recorded as part of such plan by the Allegheny County Recorder of Deeds.

7.0 Energy Efficiency

All development within a subdivided area should consider the use of energy conserving measures in the construction of any structures, and in the rehabilitation of existing structures.

7.1 Siting

New buildings should sited to take maximum advantage of sunlight for heating, and if possible, employ passive solar heating concepts in their design.

7.2 Materials

Construction materials should be employed which absorb and retain natural heat from the sun.

7.3 Winter winds

Landscaping, berming, and other natural or man made features should be employed to block prevailing winter winds. The use of fenestration should be minimized on northern sides of buildings and those sides with prevailing winter winds, where such minimization does not conflict with other urban design considerations.

7.4 Insulation

Existing and new structures should incorporate the maximum amount of ceiling and wall insulation which is economical and practical, where determined on a life cycle cost basis for the structure. Double or triple paved windows should be used for all fenestration.

8.Ø Dedications and Easements

Every subdivided area shall include adequate provision for the dedication or permanent access easement of any of the following, including but not limited to drainage ways, streets, alleys, slope rights, parks, important views, environmental preservation and other public open spaces, landscaping or utilities as may be required to protect the public health, safety, and welfare.

8.1 Easements

Protective easements to maintain improvements or to provide access to utilities, drives, open spaces, or any other public facility shall be provided at the discretion of the Commission.

8.2 Lot Access

Convenient access to every lot by way of a dedicated street or private drive with easement shall be provided as required by these regulations and at the discretion of the Planning Commission. Roads not dedicated to the public must be clearly illustrated on the Subdivision Plan.

8.3 Access for Waterfront Lots

Subdivisions adjacent to bodies of water with a designated harbor line shall contain a dedication or easement for public access to the bodies of water unless Commission determines that the public interest will not be served by such access. The dedication shall be to the low water mark and shall include easements for pedestrian traffic at least ten feet wide parallel to and bordering the high water mark.

8.4 Acceptance of Dedication Offers.

Acceptance of formal offers of dedication of streets, public area, easements, and parks shall be by ordinance of City Council. The approval by the Planning Commission of a subdivision plat shall not be deemed to constitute or imply the acceptance by the City of any street, easement, or park shown on said plan. The Planning Commission may require said plan to be endorsed with appropriate notes to this effect.

9.Ø Assurance For Completion And Maintenance Of Improvements

9.1 Improvements and Performance Bond

Completion of Improvements. Before an application for an occupancy permit is approved, all applicants shall be required to complete, in accordance with the Planning Commission's decision all the street, sanitary, and other improvements including lot improvements on the individual lots of the subdivision as required in these regulations, specified in the final subdivision plan and as approved by the Planning Commission.

9.2 Performance Bond

9.2.1 Requirement. The Planning Commission at its discretion may require that the applicant post a bond, in favor of the City, at the time of application for Final Subdivision Plan approval in an amount estimated by the Planning Commission as sufficient to secure to the local government the satisfactory construction, installation, and dedicaton of the incompleted portion of required improvements. The performance bond shall also secure all lot improvements on the individual lots of the subdivisions as required in these regulations.

9.2.2 Compliance with City Regulations. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Solicitor as to form, sufficiency, and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the Planning Commission in the resolution approving the final subdivision plan and shall be incorporated in the bond and shall not in any event exceed (2) years from date of final approval.

9.2.3 Time Limits for Improvements. Such bond shall be approved by the Commission as to amount and surety and conditions satisfactory to the Commission. The Commission may, upon proof of difficulty allow an extension of the completion date set forth in such bond for a maximum period of one (1) additional year. The Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond.

9.2.4 Termination of the Performance Bonds. The performance bond shall be in force until a resolution has been approved by City Council accepting the street improvements and for other types of improvements until completion has been certified by the respective Departmenal Director.

9.3 Temporary Improvement.

The applicant shall build and pay for all costs of temporary improvements required by the Planning Commission and shall maintain same for the period specified by the Planning Commission. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable bond for temporary facilities, which bond shall insure that the temporary facilities will be properly constructed, maintained, and removed.

9.4 Financial Responsibility for Improvements.

All required improvements shall be made by the applicant, at his expense, without reimbursement by the City.

9.5 Governmental Unit.

Governmental units to which these bonds and contract provisions apply may file in lieu of said contract or bond a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this Article.

9.6 Failure to Complete Improvement.

For subdivisions for which no performance bond has been posted, if the improvements are not completed within the period specified by the Planning Commission in the resolution approving the Final Subdivision Plan, the approval shall be deemed to have expired. In those cases where a performance bond has been posted and required improvements have not been installed within the terms of such performance bond, the City may thereupon declare the bond to be in default and require that all the improvements be installed regardless of the extent of the building development at the time the bond is declared to be in default.

9.7 Maintenance Bond.

The Planning Commission at its discretion may require that a Maintenance Bond be submitted to the Zoning Administrative prior to release of the performance bond. The Bond shall be in an amount equal to not less than ten (10) percent of the performance bond and shall provide that for a period of two (2) years after said installations and improvements have been completed, the applicant will at his own expense make all repairs to said improvement and installations which may become necessary by reason of improper workmanship or materials, but not including any damage resulting from circumstances beyond the control of said applicant.

9.8 Use of Funds.

Any funds received from the improvement of maintenance bonds required by these standards shall be used only for the purpose of making the improvements, installations or repair for which said bonds were provided.

10.0 Monuments.

10.1 Applicability

The applicant for all major subdivisions shall be required to place permanent survey reference monuments in the subdivision as required herein.

10.2 Location

10.2.1 Monuments shall be located at street intersections; at turning points of survey; at block corners, at each end of all curves and at those points where rivers change their radii. All internal boundaries, and those corners and points not referenced above shall be set by traverse in the field.

10.2.2 Any given monument shall be intervisible from at least two other monuments. This may require additional monuments be set.

10.3 Accuracy

10.3.1 At least one monument shall be set at United States Geodetic Survey (USGS) Third Order Accuracy (one part error per 20,000 units of traverse) for every 3 acres or increment thereof, of subdivided area.

10.3.2 All other required monuments shall be set at USGS Fourth Order Accuracy (one part error per 5,000 units of traverse).

10.3.3 Monuments shall be identified on both the Pennsylvania Plane Coordinate and the Pittsburgh Plane Coordinate Systems.

10.3.4 All monuments shall be set by a Pennsylvania Registered Land Surveyor.

10.4 Placement Standards

10.4.1 All third order monuments shall be set and placed in the ground according to regulations and standards established by the Pittsburgh Chief of Surveys.

10.4.2 All fourth order points shall be set in the ground by a steel pin at least 1/2 inch in diameter and four feet in length set flush with the ground.

11.0 Appendices

11.1 State Planning Act of 1927, as amended

A SUPPLEMENT

To an act entitled "An act for the government of cities of the second class," approved the seventh day of March, Anno domini one thousand nine hundred and one, creating a department of city planning; providing for its organizationn and powers; regulating the platting of ground; prohibiting the recording of plans and sales of lots therein before their approval, under penalties; making it a misdemeanor for the recorder of deeds to record an unapproved plan; restricting, accepting, laying out, opening and improving private streets; prohibiting the erection of buildings on land not abutting on public streets or streets not shown on the official master plan or an approved plat; transferring to the department of city planning powers conferred by other statutes over plats or subdivisions of land, the reservation of location of mapped streets for future use and authorizing the assessment of damages for same, the preparation and compilation of an official street map; providing penalties for the violation of this act; and repealing certain statutes.

GRANT OF POWER

Section 1 - Be it enacted, &c., That an additional executive department in cities of the second class, to be known as the department of city planning, which shall be in charge of a city planning commission, with the powers and duties herein set forth, and to make, adopt, amend, extend, add to, and carry out a municipal plan as provided in this act, is hereby created.

Section 2 - Personnel of the Commission. —

The commission shall consist of nine persons, who shall be residents of the city or the county within which such city is located, at least seven of whom shall not be paid city employes, to be appointed by the mayor, subject to the approval of the council, three of whom shall be designated to serve until the first day of January, one thousand and nine hundred and twenty-eight, three until the first day of January, one thousand nine hundred and thirty, and three until the first day of January, one thousand nine hundred and thirty-two. Their successors shall be appointed on the expiration of their respective terms to serve six years. Vacancies occurring otherwise than through the expiration of term shall be filled as original appointments are made and for the unexpired term. All members of the commission shall serve, as such, without compensation.

Section 3 - Organization and Rules. —

The commission shall elect a chairman, vice chairman, and secretary and shall have such other officers and employes as may be authorized by council. The term of the chairman, vice chairman, and secretary shall be for two years, with eligibility for re-election. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of all business and shall keep a record of its resolutions, transactions, findings, and deteminations, which shall be a public record.

Section 4 - Finances. —

The commission may contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures and contracts of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by council, which shall provide the funds, equipment, and accommodations necessary for the commissions work.

Section 5 - General Powers and Duties. —

It shall be the duty of the commission to make and adopt a master plan, either as a whole or in sections, from time to time, for the physical development of the city and of any land outside its boundaries which in the commission's judgment bears relation to the planning of such city. Such plan or plans, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the future development of said territory, including among other things the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation field, and other public ways, grounds, and open spaces, and a major street plan, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or priavately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes, and the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, building, public utilities or terminals, as well as a zoning plan for the control of the height, area, bulk, location, occupation, and use of buildings and land. The commission may from time to time make, adopt, and publish a part of the plan covering one or more divisions of the city or one or more of the aforesaid or other subjects. The commission may from time to time amend, extend or add to the plan or any section thereof.

Section 6 - Purposes in View. —

In the preparation of such plan the commision shall make careful and comprehensive surveys and studies of present conditions and probable future growth of the city and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds and the adequate provision of public utilities and other public requirements.

Section 7 - Legal Status of Official Plan. —

Whenever the commission shall have adopted the master plan of the city, or of any division thereof, no street, square, park or other public way, ground or open space or public building or structure or public utility, for which a franchise may hereafter be granted by the proper municipal authorities, whether publicly or privately owned, shall be constructed or authorized in the city, unless the location and general extent conform thereto: Provided, In case the said proposed street, square, park or other public way, ground or open space, or public building or structure or public utility, as aforesaid, does not conform to said master plan, and the city planning commission, upon application to it, shall refuse to alter said master plan so as to permit said street, square, park or other public way, ground or open space or public building or structure or public utility, as aforesaid, the said city planning commision shall refer the same to the council, together with its reasons for disapproval, and the council shall have power to over-rule said disapproved by a majority vote of its entire membership. The failure of the commission to act within sixty days from and after the date of official submission to the commission shall be deemed approval.

Section 8. - Miscellaneous Powers and Duties. —

The commission shall have power to promote public interest in, and understanding of, the master plan, and to that end, may publish and distribute copies of the plan, or of any report, and may employ such other means of publicity and education as it may determine. The commission may authorize its members and staff to attend city planning conferences or meetings and pay the expense incident thereto. The commission shall, from time to time, recommend to the appropriate public officials programs for specific improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and citizens, with relations to the carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The clerk of council shall, upon introduction into council, furnish to the city planning commission for its consideration a copy of all ordinances and bills relating to the location of any public building of the city, and to the location, extension, widening, enlargment, ornamentation, and parking of any street, boulevard, parkway, park, playground, or other public grounds and to the vacation of any street or other alteration of the city plan of streets and highways, and to the location of any bridge, wharf, tunnel or subway, or of any surface, underground or elevated

railway. The said commission may make report or suggestion in relation thereto if it deems a report necessary or advisable for the consideration of councill. All such reports, when delivered to the clerk of council, shall be for the information of the public as well as of council, and the commission shall furnish to any newspaper of the city on request for publication a copy of any such report. The commission, its members, officers and employes, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general the commission shall have such powers as may be necessary to enable it to fulfill its functions and carry out the purposes of this act.

*Section 9 - Platting; Jurisdiction; Scope of Control of Subdivisions.

The Planning Commission shall have jurisdiction and control of the subdivision of land located in such city, and no plat of a subdivision of land shall be recorded until it shall have been approved by such Planning Commission and such approval entered in writing on the plat by the chairman and secretary of the commission.

Any division of land into lots or parcels, two or more in number, by the owner thereof for the purpose of improvements or sale for residential, commercial, industrial or similar use, shall be considered as a subdivision of land, a plat or a plan of lots within the meaning of this statute.

Section 10 - Platting Regulations: —

Before exercising the powers referred to in section nine, the Planning Commission shall adopt general regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of building lots.

Such regulations may include provisions as the extent to which streets and other public ways shall be graded and improved, and to which water and sewer and other utilities, mains, piping or other facilities shall be installed, as a condition precedent to the approval of the plat. The regulations or practice of the Commission may provide for a tentative approval of the plat, previous to such installation, but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the Commission may accept a bond, with surety, to secure to the city the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the Commission. The city is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

* This section amended by State Act, No. 185, approved June 12, 1931.

All such regulations shall be published and be available for distribution upon request.

In exercising its said powers, the Planning Commission shall take into consideration the local conditions of the particular district affected by the proposed subdivision of land, the existing buildings or improvements on adjoining or adjacent land, and the building line established or observed thereon, the extent of the use of any streets or highways, upon which the proposed subdivision abuts, by motor or other vehicles and pedestrians, and the effect of the proposed subdivision upon the public welfare, with particular reference to the district of which the proposed subdivision is a part; and, irrespective of the minimum requirements of any zoning regulations, shall disapprove any subdivision which would be detrimental to such public welfare.

Section 11 - Procedure; Legal Effect of Approval of Plat. —

The Planning Commission shall approve or disapprove a plat of a subdivision of land within thirty days after the submission thereof of it; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the Commission on demand: Provided, however, that the applicant for the Commission's approval may waive this requirement and consent to an extension of such period. Every plat approved by the Commission shall, by virtue of such approval, be deemed to be an amendment of or addition to and become part of the municipal plan. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The Planning Commission may from time to time recommend to council amendments of the zoning ordinance or map or additions thereto to conform to the Commission's recommendations for the zoning regulations of the territory comprised within approved subdivision.

Section 12 - Penalties for Subdividing Land without Approval and for Transferring Lots in Unapproved Subdivisions. —

Whoever, being the owner or agent of the owner of any land subdivides the land without a plan of subdivision being approved by the Planning Commission, or whoever being the owner or agent of the owner of any land located within a subdivision, transfers or sells, or agrees to sell, any part of a tract of land before a plat of subdivision, showing the same to be a lot or a parcel therein, has been approved by the Planning Commission and recorded in the Office of the County Recorder, shall, upon summary conviction thereof, for the first offense be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars and costs of prosecution and for subsequent offenses be sentenced to pay a fine of not less than one hundred dollars nor more than three hundred dollars and the costs of prosecution or, in default of such fine and costs, be imprisoned in the county jail for not less than ten days nor more than thirty days. In case of a transfer or sale or agreement to sell in violation of this act a separate penalty may be imposed for each lot or parcel by metes and bounds in the instrument of transfer of other document used in the

process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. Such cities may enjoin any subdivision of land in violation of this act or such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction, or may recover the said penalty or both.

Section 13 - County Recorder's Duties. —

A County Recorder who records a plat of a subdivision without the approval of the same, as herein provided, shall be deemed guilty of a misdemeanor and shall be fined not to exceed five hundred dollars and the plat of subdivision so recorded shall be null and void and be so marked.

Section 14 - Improvement in Unapproved Streets. —

The city shall not accept, lay out. open, improve, grade, pave, curb, or light any street, or lay or permit water mains or sewers or connections to be laid in any street, unless such street shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to said action or unless such street corresponds with a street shown on the official master plan, or with a street on a subdivision plat approved by the planning commission, or with a street on a street plat or official master plan or an an approved subdivision plat or an official street plat or official map, provided the ordinance or other measure accepting such street be first submitted to the city planning commission for its approval and, if approved by the commission be enacted or passed by not less than majority vote of the entire membership of council, or, if disapproved by the commision, be enacted or passed by not less than a two-thirds vote of the entire membership of council. A street approved by the planning commission upon submission by council, or accepted by a two-thirds vote after disapproval by the planning commission, shall thereupon have the stature of an approved street, and part of the official street map, as fully as though it had been originally shown on the official master plan or on a subdivision plat approved or plotted by the planning commission or on an official street plan.

Section 15. - Erection of Buildings. —

No building or buildings, or parts thereof, shall be erected on any tract, lot or parcel, nor shall a building permit be issued thereof, unless the street giving access to the tract upon which such building or buildings are proposed to be placed shall have been accepted or opened as, or shall otherwise have received the legal status of, a public street prior to that time, or unless such street corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat or the official street map made by and officially adopted by the commission or with a street accepted by council after submission to the planning commission by the favorable vote required in section fourteen of this act or unless such tract lot parcel has been created or transferred in compliance with this act. Any building erected in violation of this section shall be deemed an unlawful structure. and the building inspector or other appropriate official may cause it to be vacated and have it removed.

Section 16. - Status of Existing Platting Statutes. —

The jurisdiction of the planning commission over plats shall be exclusive within such cities, and all statutory control over plats or subdivisions of land granted by other statutes shall, insofaras in harmony with the provisions of this act, be deemed transferred to the planning commission of such city, and insofaras inconsistent with the provisions of this act, are hereby repealed.

Section 17. - Reservation of Locations of Mapped Streets for Future Public Acquisition. —

The city planning commission of such cities is enpowered, after it shall have adopted a major street plan of the city or any section or part of it, to make or cause to be made from time to time surveys for the exact location of the lines of a new street or streets, or for the relocation or widening of existing streets, in any portion of such territory, and to make a plat of the area or district thus surveyed showing the land which it recommends be reserved for future acquisition for public streets. The commission, before adopting any plat, shall hold a public hearing thereon, notice of the time and place of which, with a general description of the district or area covered by the plat, shall be published once not less than ten days previous to the time fixed therefor. After such hearing the commission may transmit the plat as originally made, or modified as may be determined by the commission, to council, together with the commission's estimates of the time or times within which the lands shown on the plat as street locations should be acquired by the city. There upon by ordinance council may approve and adopt, or may reject, such plat, or may modify it with the approval of the planning commission, or, in the event of the planning commission's disapproval, council may, by a majority vote of its entire membership, modify such plat and adopt the modified plat. In the ordinance of adoption of a plat council shall fix the period of time for which such street locations shall be deemed reserved for future taking or acquisition for public use. Such approval and adoption of a plat shall not, however, be deemed the opening or establishment of any street, nor the taking of any land for street purposes, nor for public use, nor as a public improvement, but solely as reservation of the street locations shown thereon, for the period specified in the ordinance, for future taking or acquisition for public use. The commission may at any time negotiate for or secure from the owner or owners of any such lands releases of claims for damages or compensation for such reservations or agreements indemnifying the city from each claims by others, which releases or agreements shall be binding upon the owner or owners executing the same and their successors in title. After a plat is so adopted it may be changed by council to conform to a new plat prepared by the commission after a hearing similar to that required in the case of the original plat. At any time council may by ordinance abandon any reservation.

Section 18. - Compensation for Such Reservations. —

On petition, viewers shall be appointed, as provided by law for municipal improvements, who shall fix the amount of compensation to be paid to the respective owners of lands reserved for the period of time as shown on the plat and fixed by the ordinance of council.

Section 19. - No compensation for Buildings in Reserved Street Locations. —

The reservation of a street location, as provided in section seventeen of this act, shall not be deemed to prohibit or impair in any respect the use of the reserved land by the owner or occupant thereof for any lawful purpose, including the erection of buildings theron, but not compensation other than the compensation awarded in the final report of said board of viewers, or, in the case of an appeal, as awarded on such appeal, shall at any time be paid by the city to, or recovered from the city by, any person for the taking of or injury to any building, structure or other improvement built or erected within the period fixed in the ordinance of council upon any such reserved location.

Section 20. - Record Map. —

The city planning commission shall receive and keep on file an exact copy of each subdivision plat approved by it and of each plat made by it as adopted or modified by council as provided by section seventeen of this act. The commission shall also cause to be made or received by it a plat showing the location of any street accepted by council as provided by section fourteen of the act. The commission shall also obtain a map or maps or plat or plats of all streets established by law or officially approved previous to the taking effect of this act. All these plats or maps shall together constitute the offical street map of the city. The placing of a street upon the offical street map shall not in and of itself be or constitute an acceptance of a street or give to the same the legal status of an accepted street of the city.

Section 21. - Saving Clause. —

The invalidity of any provisions of this act shall not affect the validity of any other provision.

Section 22. - Nothing in this act contained shall be deemed to affect, vary, alter or modify the jurisdiction of the Public Service Commission of the Commonwealth of Pennsylvania over public service companies, nor shall the provisions of this act apply to the government of cities of second class A.

Section 23. - Acts of Assembly Repealed. —

The following acts of Assembly are hereby repealed, to wit:

An act entitled "A supplement to an act entitled 'An act for the government of cities of the second calss,' approved the seventh day of March, Anno Domini one thousand nine hundred and one; creating and regulating a city planning department, giving it jurisdiction, extending it over the city and for three miles beyond the city limits, and regulating the laying out of plans of lots within the limits of the city,' approved the tenth day of June, Anno Domini one thousand nine hundred eleven (Pamphlet Laws, eight hundred and seventy-two), by providing the method of appointment and terms of office of the members of the city planning department and that all plans of streets for public use shall be submitted to and approved by this department," approved the seventeenth day of May, Anno Domini one thousand nine hundred and twenty-one (Pamphlet Laws, eight hundred and forty-one).

All other acts or parts of acts, general, special, and local, inconsistent herewith, are hereby repealed.

APPROVED— The 13th day of May, A. D. 1927.

P.L. 864, No. 167

STORM WATER MANAGEMENT ACT

SB 744

Providing for the regulation of land and water use for flood control and storm water management purposes, imposing duties and conferring powers on the Department of Environmental Resources, municipalities and counties, providing for enforcement and making appropriations.

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Section 20. Effective date.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sh title.

This act shall be known and may be cited as the "Storm Water Management Act."

Section 2. Statement of legislative findings.

The General Assembly finds that:

(1) Inadequate management of accelerated runoff of storm water resulting from development throughout a watershed increases flood flows and velocities, contributes to erosion and sedimentation, overtaxes the carrying capacity of streams and storm sewers, greatly increases the cost of public facilities to carry and control storm water, undermines flood plain management and flood control efforts in downstream communities, reduces ground-water recharge, and threatens public health and safety.

(2) A comprehensive program of storm water management, including reasonable regulation of development and activities causing accelerated runoff, is fundamental to the public health, safety and welfare and the protection of the people of the Commonwealth, their resources and the environment.

Section 3. Purpose and policy.

The policy and purpose of this act is to:

(1) Encourage planning and management of storm water runoff in each watershed which is consistent with sound water and land use practices.

(2) Authorize a comprehensive program of storm water management designated to preserve and restore the flood carrying capacity of Commonwealth streams; to preserve to the maximum extent practicable natural storm water runoff regimes and natural course, current and cross-section of water of the Commonwealth; and to protect and conserve ground waters and ground-water recharge areas.

(3) Encourage local administration and management of storm water consistent with the Commonwealth's duty as trustee of natural resources and the people's constitutional right to the preservation of natural, economic, scenic, aesthetic, recreational and historic values of the environment.

Section 4. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Department." The Department of Environmental Resources of the Commonwealth of Pennsylvania.

"Municipality." A city, borough, town or township, or any county or other governmental unit when acting as an agent thereof, or any combination thereof acting jointly.

"Pennsylvania Municipalities Planning Code." The act of July 31, 1968, (P.L. 805, No. 247), as amended.

"Person." An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject or rights and duties. Whenever used in any section prescribing or imposing a penalty, the term "person" shall include the members of a partnership, the officers, members, servants and agents of an association, officers, agents and servants of a corporation, and the officers of a municipality or county, but shall exclude any department, board, bureau or agency of the Commonwealth.

"Public utility service." The rendering of the following services for the public:

(1) gas, electricity or steam production, generation, transmission or distribution;

(2) water diversion, pumping, impoundment, or distribution;

(3) railroad transportation of passengers or property;

(4) operation of a canal, turnpike, tunnel, bridge, wharf or similar structure;

(5) transportation of natural or artificial gas, crude oil, gasoline or petroleum products, materials for refrigeration or other fluid substances by pipeline or conduit;

(6) telephone or telegraph communications; and

(7) sewage collection, treatment or disposal.

"Storm water." Drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.

"Watershed." The entire region or area drained by a river or other body of water, whether natural or artificial.

"Watershed storm water plan." A plan for storm water management adopted by a county in accordance with section 5.

Section 5. Watershed storm water plans and contents.

(a) Within two years following the promulgation of guidelines by the department pursuant to section 14, each county shall prepare and adopt a watershed storm water management plan for each watershed located in the county as designated by the department, in consultation with the municipalities located within each watershed, and shall periodically review and revise such plan at least every five years. The department may, for good cause shown, grant an extension of time to any county for the preparation and adoption of a watershed storm water management plan.

(b) Each watershed storm water plan shall include, but is not limited to:

(1) a survey of existing runoff characteristics in small as well as large storms, including the impact of soils, slopes, vegetation and existing development:

(2) a survey of existing significant obstructions and their capacities;

(3) an assessment of projected and alternative land development patterns in the watershed, and the potential impact of runoff quantity, velocity and quality:

(4) an analysis of present and projected development in flood hazard areas, and its sensitivity to damages from future flooding or increased runoff;

(5) a survey of existing drainage problems and proposed solutions;

(6) a review of existing and proposed storm water collection systems and their impacts;

(7) an assessment of alternative runoff control techniques and their efficiency in the particular watershed;

(8) an identification of existing and proposed State, Federal and local flood control projects located in the watershed and their design capacities;

(9) a designation of those areas to be served by storm water collection and control facilities within a ten-year period, an estimate of the design capacity and costs of such facilities, a schedule and proposed methods of financing the development, construction and operation of such facilities, and an identification of the existing or proposed institutional arrangements to implement and operate the facilities;

(10) an identification of flood plains within the watershed;

(11) criteria and standards for the control of storm water runoff from existing and new development which are necessary to minimize dangers to property and life and carry out the purposes of this act;

(12) priorities for implementation of action within each plan; and

(13) provisions for periodically reviewing, revising and updating the plan.

(c) Each watershed storm water plan shall:

(1) contain such provisions as are reasonably necessary to manage storm water such that development or activities in each municipality within the watershed do not adversely affect health, safety and property in other municipalities within the watershed and in basins to which the watershed is tributary; and

(2) consider and be consistent with other existing municipal, county, regional and State environmental and land use plans.

Section 6. Municipal and public participation in watershed planning.

(a) The county shall establish, in conjunction with each watershed storm water planning program, a watershed plan advisory committee composed of at least one representative from each municipality

within the watershed, the county soil and water conservation district and such other agencies or groups as are necessary and proper to carry out the purposes of the committee.

(b) Each committee shall be responsible for advising the county throughout the planning process, evaluating policy and project alternatives, coordinating the watershed storm water plans with other municipal plans and programs, and reviewing the plan prior to adoption.

(c) Prior to adoption, each plan shall be reviewed by the official planning agency and governing body of each municipality, the county planning commission and regional planning agencies for consistency with other plans and programs affecting the watershed. All such reviews shall be submitted to the department with the proposed plan.

Section 7. Joint plans and coordination of planning.

Where a watershed includes land in more than one county, the department may require the affected counties to prepare, adopt and submit a joint plan for the entire watershed.

Section 8. Adoption and amendment.

(a) Prior to adoption or amendment of a watershed storm water plan, the county shall hold a public hearing pursuant to public notice of not less than two weeks. The notice shall contain a brief summary of the principal provisions of the plan, and a reference to the places within each affected municipality where copies may be examined or purchased at cost.

(b) Adoption or amendment of the plan shall be by resolution carried by an affirmative vote of at least a majority of the members of the county governing body. The resolution shall refer expressly to the maps, charts, textual matter and other materials intended to form the whole or part of the official plan, or amendment thereto, and the action shall be recorded on the adopted plan, part or amendment.

Section 9. Review and approval by the department.

(a) The department shall, in consultation with the Department of Community Affairs, review all watershed storm water plans and revisions or amendments thereto. It shall approve the plan if it determines:

(1) that the plan is consistent with municipal flood plain management plans, State programs which regulate dams, encroachments, and water obstructions, and State and Federal flood control programs; and

(2) that the plan is compatible with other watershed storm water plans for the basin in which the watershed is located, and is consistent with the policies and purposes of this act.

(b) Should the department neither approve or disapprove a watershed plan or amendment or revision thereto within 90 days of its submission to the department, the plan or amendment or revision shall be deemed to be approved.

(c) Any person aggrieved by a final decision of the department approving or disapproving a watershed plan or amendment thereto, may appeal the decision to the Environmental Hearing Board in accordance with the provisions of section 1921-A of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," and the act of June 4, 1945 (P.L. 1388, No. 442), known as the "Administrative Agency Law."

Section 10. Failure to submit plans; mandamus.

The department may institute an action in mandamus in the Commonwealth Court to compel counties to adopt and submit plans in accordance with this act.

Section 11. Effect of watershed storm water plans.

(a) After adoption and approval of a watershed storm water plan in accordance with this act, the location, design and construction within the watershed of storm water management systems,

obstructions, flood control projects, subdivisions and major land developments, highways and transportation facilities, facilities for the provision of public utility services and facilities owned or financed in whole or in part by funds from the Commonwealth shall be conducted in a manner consistent with the watershed storm water plan.

(b) Within six months following adoption and approval of the watershed storm water plan, each municipality shall adopt or amend, and shall implement such ordinances and regulations, including zoning, subdivision and development, building code, and erosion and sedimentation ordinances, as are necessary to regulate development within the municipality in a manner consistent with the applicable watershed storm water plan and the provisions of this act.

Section 12. Failure of municipalities to adopt implementing ordinances.

(a) If the department finds that a municipality has failed to adopt or amend, and implement such ordinances and regulations as required by section 11, the department shall provide written notice of violation to the municipality.

(b) Within 60 days of receipt of the notice of violation, the municipality shall report to the department the action which it is taking to comply with the requirement or regulation.

(c) If within 180 days of receipt of the notice of violation, the municipality has failed to comply with such requirement or regulation, as determined by the department, the department shall notify the State Treasurer to withhold payment of all funds payable to the municipality from the General Fund. Provided, that prior to any withholding of funds, the department shall give both notice to the municipality of its intention to notify the State Treasurer to withhold payment of funds and the right to appeal the decision of the department within the 180-day period following notification. The hearing shall be conducted before the Environmental Hearing Board in accordance with the provisions of the act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," and Chapters 5 and 7 of Title 2 (Administrative Law and Procedure), of the Pennsylvania Consolidated Statutes. If an appeal is filed within the 180-day period, funds shall not be withheld from the municipality until the appeal is decided.

(d) Any person, other than a municipality, aggrieved by an action of the department shall have the right within 30 days of receipt of notice of such action to appeal such action to the Environmental Hearing Board, pursuant to section 1921-A, act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," and the provisions of Chapters 5 and 7 of Title 2 (Administrative Law and Procedure) of the Pennsylvania Consolidated Statutes.

Section 13. Duty of persons engaged in the development of land.

Any landowner and any person engaged in the alteration or development of land which may affect storm water runoff characteristics shall implement such measures consistent with the provisions of the applicable watershed storm water plan as are reasonably necessary to prevent injury to health, safety or other property. Such measures shall include such actions as are required:

(1) to assure that the maximum rate of storm water runoff is no greater after development than prior to development activities; or

(2) to manage the quantity, velocity and direction of resulting storm water runoff in a manner which otherwise adequately protects health and property from possible injury.

Section 14. Powers and duties of the Department of Environmental Resources.

(a) The Department of Environmental Resources shall have the power and its duty shall be to:

(1) Coordinate the management of storm water in the Commonwealth.

(2) Provide in cooperation with the Department of Community Affairs technical assistance to counties and municipalities in implementing this act.

(3) After notice and public hearing and subject to the requirements of subsection (b) of this section, publish guidelines for storm water management, and model storm water ordinances for use by counties and municipalities.

(4) Review, in cooperation with the Department of Community Affairs, and approve all watershed plans and revisions thereto.

(5) Cooperate with appropriate agencies of the United States or of other states or any interstate agencies with respect to the planning and management of storm water.

(6) Serve as the agency of the Commonwealth for the receipt of moneys from the Federal Government or other public or private agencies or persons and expend such moneys as appropriated by the General Assembly for studies and research with respect to planning and management of storm water.

(7) Conduct studies and research regarding the causes, effects and hazards of storm water and methods for storm water management.

(8) Conduct and supervise educational programs with respect to storm water management.

(9) Require the submission of records and periodic reports by county and municipal agencies as necessary to carry out the purposes of this act.

(10) After notice and hearing and with the approval of the Environmental Quality Board, designate watersheds for the purpose of this act.

(11) Do such other acts consistent with this act required to carry out the purposes and policies of this act.

(b) The guidelines for storm water management and model storm water ordinances shall be submitted to the General Assembly for approval or disapproval and shall be considered by the General Assembly under the procedures created for consideration of Reorganization Plan provided in the act of April 7, 1955 (P.L. 23, No. 8), known as the "Reorganization Act of 1955."

Section 15. Civil remedies.

(a) Any activity conducted in violation of the provisions of this act or of any watershed storm water plan, regulations or ordinances adopted hereunder, is hereby declared a public nuisance.

(b) Suits to restrain, prevent or abate violation of this act or of any watershed storm water plan, regulations or ordinances adopted hereunder, may be instituted in equity or at law by the department, any affected county or municipality, or any aggrieved person. Such proceedings may be prosecuted in the Commonwealth Court, or in the court of common pleas of the county where the activity has taken place, the condition exists, or the public affected, and to that end jurisdiction is hereby conferred in law and equity upon such courts. Except in cases of emergency where, in the opinion of the court, the circumstances of the case require immediate abatement of the unlawful conduct, the court may, in its decree, fix a reasonable time during which the person responsible for the unlawful conduct shall correct or abate the same. The expense of such proceedings shall be recoverable from the violator in such manner as may now or hereafter be provided by law.

(c) Any person injured by conduct which violates the provisions of section 13 may, in addition to any other remedy provided under this act, recover damages caused by such violation from the landowner or other responsible person.

Section 16. Preservation of existing rights and remedies.

(a) The collection of any penalty under the provisions of this act shall not be construed as estopping the Commonwealth, any county, municipality or aggrieved person from proceeding in courts of law or equity to abate nuisances under existing law or to restrain, at law or in equity, violation of this act.

(b) It is hereby declared to be the purpose of this act to provide additional and cumulative remedies to abate nuisances.

Section 17. Grants and reimbursements to counties.

(a) The Department of Environmental Resources is authorized to administer grants to counties to assist or reimburse them for costs in preparing official storm water management plans required by this act. Grants and reimbursements shall be made from and to the extend of funds appropriated by the General Assembly for such purposes, and shall be made in accordance to rules and regulations adopted by the Environmental Quality Board.

(1) The grant shall be equal to 50% of the allowable costs for preparation of official storm water management plans incurred by any county.

(2) For the purposes of this section, such State grants shall be in addition to grants for similar purposes made to any county by the Federal Government: Provided, That the grants authorized by this section shall be limited such that the total of all State and Federal grants does not exceed 50% of the allowable costs incurred by the county.

(b) Nothing in this section shall be construed to impair or limit application of this act to any municipality or person, or to relieve any municipality or person of duties imposed under this act.

(c) If, in any fiscal year, appropriations are insufficient to cover the costs or grants and reimbursement to all counties eligible for such grants and reimbursements in that fiscal year, the Department of Environmental Resources shall report such fact to the General Assembly and shall request appropriation of funds necessary to provide the grants authorized in this section. If such a deficiency appropriation is not enacted, any county which has not received the full amount of the grant for which it is eligible under this section shall be as a first priority reimbursed from appropriations made in the next successive fiscal year.

Section 18. Appropriations.

The sum of $500,000, or as much thereof as may be necessary, is hereby appropriated for the fiscal period beginning July 1, 1978, and ending June 30, 1979, to the Department of Environmental Resources for the purposes of administrative and general expenses in implementing the provisions of this act.

Section 19. Repealer and savings clause.

(a) All acts or parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistency.

(b) The provisions of this act shall not affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any act of Assembly or part thereof repealed by this act.

Section 20. Effective date.

This act shall take effect immediately.

APPROVED–The 4th day of October, A.D. 1978.

MILTON J. SHAPP

11.3 Appendix 3

INDENTURES, ACKNOWLEDGMENTS, ENDORSEMENTS, DEDICATIONS.

The following forms or indenture, acknowledgment, endorsement and dedication shall be used and inserted on the tracing where appropriate in each instance.

1. Owner's Adoption - Individual

KNOW ALL MEN BY THESE PRESENTS, that I (we), _____ _____, of the City of Pittsburgh, Allegheny County, Pennsylvania, for myself (ourselves), my (our) heirs, executors, administrators and assigns, do hereby adopt this Plan as my (our) Plan of Lots of my (our) property, situate in _____ Ward, City of Pittsburgh, Allegheny County, Pennsylvania. *

IN WITNESS WHEREOF I (we) hereunto set my (our) hand(s) and seal(s) this _____ day of _____ 19____.

ATTEST:

_____ _____
Owner

_____

* Note: If there is a dedication of street, or dedication of a piece of land for rounding or widening the street, the following words should be included in the adoption:

"and for divers advantages accruing to me (us), do hereby dedicate forever, for public use for highway purposes, ---the land for rounding the street corner ((or) ---the land for widening the street, ---(or)---all the streets, roads, drives, lanes and ways and other public highways) ---shown in said plan, with the same force and effect as if the same had been opened through legal proceedings, and I (we) hereby release and forever discharge the City of Pittsburgh, and Allegheny County from any liability for damages caused by any grading thereof.

This dedication and release shall be binding upon me (us), my (our) heirs, executors, administrators, and assigns and purchasers of lots in this plan."

2. Acknowledgment - Individual

STATE OF PENNSYLVANIA)
) SS.
COUNTY OF ALLEGHENY)

Before me, the subscriber, a Notary Public in and for said State and County, personally came the above named _____, and acknowledged the foregoing release and dedication and plan to be (his, her, or their) act and deed, and desired the same to be recorded as such.

WITNESS MY HAND AND NOTARIAL SEAL

this _____ day of _____ 19____.

My commission expires:

the _____ day of _____ 19____.

_____
(Notary Public

3. Owner's adoption - Corporation

KNOW ALL MEN BY THESE PRESENTS, that the _____, a corporation of the State of Pennsylvania, does hereby adopt this Plan as its Plan of Lots of its property, situate in____ Ward, City of Pittsburgh, Allegheny County, Pennsylvania. *

IN WITNESS WHEREOF THE said corporation has caused its corporate seal to be affixed by the hand of its president and the same to be attested by its secretary, this _____ day of _____ 19____.

ATTEST:

_____ _____
Secretary President

---

* NOTE: If there is a dedication of street, or dedication of a piece of land for rounding or widening the street, the following words should be included in the adoption:

"and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway purposes, ---the land for rounding the street corner ((or) ---the land for widening the street, ---(or)---all the streets, roads, drives, lanes and ways and other public highways) --- shown in said plan, with the same force and effect as if the same had been opened through legal proceedings, and the _____ corporation hereby covenants and agrees to and by these presents, does release and forever discharge the City of Pittsburgh, and Allegheny County from any liability for damages caused by any grading thereof.

This dedication and release shall be binding upon _____ _____, its successors, assigns and purchasers of lots in this plan."

4. Acknowledgment - Corporation

STATE OF PENNSYLVANIA)
) SS.
COUNTY OF ALLEGHENY)

On this _____ day of _____ 19____, before a Notary Public in and for said County and State personally appeared _____, of the _____, who being duly sworn, deposeth and saith that he/was personally present at the execution of the adoption, release, and dedication and saw the common and corporate seal of the said corporation duly affixed and that the above release and dedication was duly signed and sealed by and as for the act and deed of the said _____, for the uses and purposes therein mentioned, and that the name of this deponent subscribed to the said release and dedication as PRESIDENT of said corporation, in attestation of the due execution and delivery of said release and dedication is this deponent's own and proper and respective handwriting.

_____
(Name and title of officer)

(See next page)

Sworn to and subscribed before me the day, date above-written.

WITNESS MY HAND AND NOTARIAL SEAL

this _____ day of _____, 19____.

My commission expires:

the _____ day of _____, 19____.

_____
(Notary Public)

5. Mortgage Clause, if No Mortgage

I (we), _____, owner(s) of the _____

_____, Plan of Lots shown hereon,

do hereby certify there is no mortgage, lien, or encumbrance against the property,

and that the title of this property is in the name of _____,

as recorded in Deed Book Volume _____, page _____, Recorder of Deed's Office.

_____ _____
(Witness) (Owner(s))

6. Mortgage Clause, if Mortgage

I (we), _____, mortgagee of the property embraced in

this plan of subdivision: _____

Plan of Lots, do hereby consent to the recording of said plan in the Recorder's

Office of Allegheny County, Pennsylvania, and to the dedications and covenants

appearing thereon.

_____ _____
(Witness) (Mortgagee)

7. Title Clause

I (we), _____, (owner(s) of the _____

_____ do hereby certify that the title of this

property is in the name of _____,

as recorded in Deed Book, Volume _____, page _____, Recorder of Deed's Office.

8. Property Owner's Consent

I (we), the owners of land within or adjacent to this plan of lots, do hereby agree to the recording of this plan insofar as it affects our properties, and I (we) further agree to the dedications, acknowledgments and covenants appearing thereon.

_____, _____

(Witness) (Owner(s))

9. Engineer's Certification

I, _____, a Registered Professional Engineer (or Surveyor) of the State of Pennsylvania, do hereby certify that this plan correctly represents the lots, lands, streets, ways, and highways, as surveyed and plotted by me for the owners or agents.

_____ _____

(Engineer or Surveyor) (Registration Number)

10. Notifications:

Note: All distances referred to on this plan are U. S. Standard. Courses and coordinates are referred to the meridian of the City of Pittsburgh as obtained from the following unadjusted traverse points:

Mon:-----N:_____ Mon:-----N:_____
E: E:

Bearing from_____ to:_____:_____

Distance:_____

11: Proof of Recording

STATE OF PENNSYLVANIA)
) SS.
COUNTY OF ALLEGHENY)

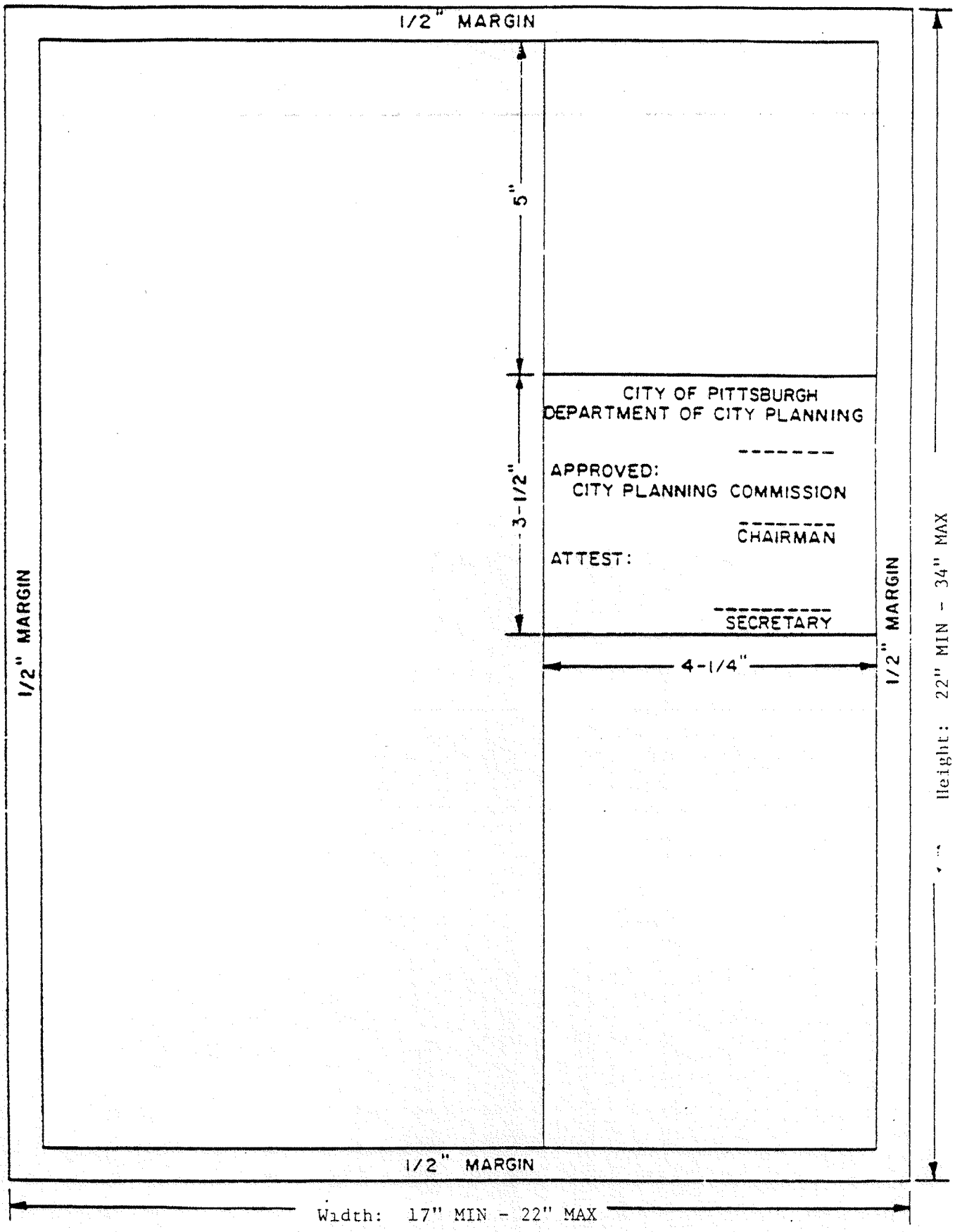
Recorded in the Recorder's Office for the recording of deeds, plans, etc., in said County in Plan Book Volume_____ Page:_____.

Given under my hand and seal this_____ day of_____ 19 .

_____

Recorder

LUC-1 10-62



STANDARD SIZE OF PLANS