

ARTICLE III

LAND DEVELOPMENT PLAN REVIEW

Section 3.1 Land Development Plan Review Criteria

Any developer or owner of property in any CI Commercial Industrial District, CO Conservation Overlay District or NC Neighborhood Commercial District, who proposes to construct a new non-residential building, to enlarge an existing non-residential building, change an existing use, or to develop a parcel except for the construction of a single-family dwelling, where permitted, shall provide the Planning Commission with six (6) copies of plans as described in this Article. Where an owner or developer proposes to enlarge or relocate parking areas, access drives, or to erect signs or other permanent features in his plan, he shall provide the Planning Commission with plans and supporting drawings in six (6) copies to sufficiently illustrate his proposal.

Section 3.2 Conditional Use

If a developer or owner proposes a use listed as a conditional use in Sections 5.3, 6.3, 7.3, 8.3 and 9.3 of this ordinance, which requires that a public hearing be held by the Borough Council, he shall first or simultaneously receive approval of his proposal as required by this ordinance, before proceeding to satisfy the requirements of this Article.

Section 3.3 Procedure for Consideration and Approval

- 3.3.1 The developer or owner shall submit the required plans contemporaneously to the Borough Planning Commission and Borough Council with copies to the Borough Engineer for action within the prescribed time requirements, and to the Allegheny County Planning Commission at least thirty (30) days prior to the next regularly scheduled Borough Planning Commission meeting.
- 3.3.2 At its next regularly scheduled meeting following the submission of plans, the Planning Commission shall begin a review of said plans for conformity with this ordinance; the physical characteristics and arrangement of the structures on the property; vehicular access and circulation into and within the property; parking layout; pedestrian walks; likely points of congestion or other dangerous conditions that may be created by the proposed development on adjacent roads; stormwater drainage systems, signs, outdoor lighting, landscaping and other features of the proposal that may be pertinent to the public health and safety. Said ninety (90) day review period shall commence on the date of the Planning Commission meeting after which the application was received, so long as the date of the Planning Commission meeting is within thirty (30) days after receipt of the plan by the Borough Engineer. Should the next regular meeting occur more than thirty (30) days following the filing of the application, said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application was filed, as required by the Pennsylvania Municipalities Planning Code, Act 247, as amended. The developer or owner is urged to attend this meeting.
- 3.3.3 The Planning Commission may recommend approval, approval with conditions, or rejection of the proposal as presented. The developer or owner may make

revisions as suggested by the Planning Commission and resubmit plans to the Borough for reconsideration. Where the reconsideration and review will extend beyond the ninety (90) day period authorized, the Planning Commission or Borough Council may request an extension of time from the applicant. Where no extension is granted, action shall be taken as prescribed.

- 3.3.4 Immediately after the Planning Commission has made its decision or after the developer or owner proposes no further revisions, the plans shall be submitted to the Borough Council which shall review them at its next regular meeting along with the Planning Commission's recommendations. The Borough Council shall approve or reject the plan or may approve it with conditions, which shall be attached to any permit issued for any construction on the property, within the ninety (90) day review period authorized. The decision shall be in writing and shall be communicated to the applicant personally or mailed no later than fifteen (15) days following the decision. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon. Should Borough Council approve the application with conditions, the applicant shall agree to said conditions in writing, within twenty (20) days.
- 3.3.5 After final approval by the Borough Council, no changes shall be made in a plan unless changes are first reviewed and approved by the Planning Commission, and resubmitted for approval by Borough Council. A change in scheduling or sequence in the development of a plan to be carried out over a time period and approved on this basis shall require review and approval as for any other change or phase of development.
- 3.3.6 Separate building permits shall be required for each structure to be erected as part of an approved group of structures on a site in the CO Conservation Overlay District, the CI Commercial Industrial District and the NC Neighborhood Commercial District regardless of the proposed timing of the construction of each. Site development work, including but not limited to paving, stormwater drainage structures and landscaping shall be included as part of the work covered under the building permit and subject to the same completion requirements as for the structure. Earth disturbance activities shall be in accordance with Article 6 of Ordinance #2 of 1990, as amended. Stormwater management, and design standards for said facilities shall be in compliance with Ordinance #3 of 1990, as amended.
- 3.3.7 At least ten percent (10%) of the gross site area of any property to be developed shall be landscaped per recommendation of the Planning Commission and approval of Borough Council. Not less than five percent (5%) of the total property area shall be landscaped in that portion lying between the principal structure on the property and the abutting street right-of-way. Landscaping shall include all of the following elements: grassed areas, shrubbery, low trees, ground cover, mulching materials, or other features, and shall be maintained. Submitted drawings shall clearly show all landscaping elements by type and location.

- 3.3.8 To the extent possible, parking and truck loading areas shall be arranged to be hidden from view from adjacent residential areas, or screened from view by use of appropriate landscaping materials, fencing or earth mounding, or any combination of these.

Section 3.4 Contents of Land Development Plan Submission

- 3.4.1 The land development plan shall be presented in six (6) prints at a scale not smaller than one inch (1") equals fifty feet (50'). A location map at a scale of not less than one inch (1") equals two thousand feet (2,000') shall also be provided, on the same sheet if desired, indicating the site in relation to major roads and major landmarks in the vicinity.
- 3.4.2 The land development plan shall contain at least the following information as prepared by a registered professional engineer, unless otherwise specified. Additional information may be required by the Planning Commission at its discretion. For existing structures where only the use is changing, some requirements may be waived by the Borough Council upon the recommendation of the Planning Commission.
- A. Bearings and distances of all property lines and area of property in square feet as prepared by a registered land surveyor;
 - B. Location of adjacent road curbs or edge of paving and existing and proposed curb cuts;
 - C. Public sanitary sewer, water supply, stormwater management, gas, electric, telephone, and other utility lines overhead or underground, existing and proposed, in street rights-of-way or in easements, inside the property or within fifty feet (50') of a boundary;
 - D. Existing contours, slopes in excess of twenty-five percent (25%) and proposed regrading at two foot (2') intervals or spot elevations fifty feet (50') apart in two (2) directions over the property where there are less than four percent (4%) slopes;
 - E. Location, height and use of all existing structures to remain and new structures, with structures to be removed shown by a dotted outline;
 - F. Distances between all proposed structures or additions and property lines;
 - G. Paving including access drives from adjacent streets and parking and loading areas on the property, showing treatment of edges, parking layout with dimensions of aisles and spaces, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system, and devices to retard stormwater drainage;
 - H. Areas with mature trees or forests as defined herein;
 - I. Proposed landscaping by type of feature (tree, shrub, ground cover, etc.), as well as walls, fences, outdoor lighting, etc.;

- J. Proposed signs showing elevation view and noting height of the top of the sign above the ground below, and dimensions of sign faces and distances from property lines;
- K. Areas subject to soil erosion, landslide prone soils, natural watercourses or drainageways, and wetlands;
- L. Elevation of each wall of each proposed structure showing architectural treatment, or, optionally, a rendered perspective drawing of a structure showing two (2) walls at least one (1) facing the access street;
- M. The name and address of the owner, developer, engineer and architect (if involved) with the Pennsylvania seals of the professional preparing the surveys and drawings, together with verification from the owner, if not the developer, that he concurs with the plan;
- N. North arrow, graphic scale, title and date of submission;
- O. A narrative describing the present and proposed use of the property;
- P. A traffic impact study shall be required if the use generates one hundred (100) a.m. or p.m. peak hour trips or more; and
- Q. Environmental impact statements as specified in Section 3.5 of this Article.

Section 3.5 Environmental Impact Statement

3.5.1 Environmental Impact Statement Requirements - If one or more of the following circumstances exist as part of the land development plan application (Section 3.4), the Planning Commission may recommend to Borough Council that an environmental impact statement shall be required as part of the application. Where indicated, all information submitted shall comply with standards established by the Pennsylvania Department of Environmental Protection, and shall be received by the Borough Council at least ten (10) days prior to a scheduled review.

- A. Construction activity in undermined areas with less than one hundred feet (100') of overburden, as designated by the Bureau of Mining and Reclamation, and its successors.
- B. Construction activity or encroachment involving a natural stream, watercourse or wetland.
- C. Construction activity within a landslide-prone area as delineated on Landslide Susceptibility Maps as maintained by the Pennsylvania Geological Survey or as prepared by recognized experts acceptable to the Borough Engineer.
- D. Construction activity involving the removal of ten thousand (10,000) square feet or more of forest or construction activity involving the removal of natural vegetation of five (5) acres or more in area.
- E. Construction activity within one hundred feet (100') of any wetland.
- F. Any industrial development.

3.5.2 Environmental Impact Statement Content:

- A. A description of the project. A map indicating:
- (1) limit of the following slope areas:
 - i. 0 - 15%
 - ii. 15-25%
 - iii. over 25%
 - (2) all natural watercourses and wetlands;
 - (3) undermined areas with less than one hundred feet (100') of overburden;
 - (4) landslide-prone soils;
 - (5) all forested areas.
- B. An assessment of the environmental impact of the proposed development with particular attention paid to those items as outlined in Section 3.5.1.
- C. A list of all licenses, permits and other approvals required by municipal, county, state and federal law and the status of each shall be required before final consideration of the land development plan. Where applicable, the applicant shall submit at the time of consideration of final approval stream encroachment or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.
- D. A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.
- E. Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or geo-technical consultant for undermining and landsliding problems, etc.

3.5.3 Waiver of Environmental Impact Statement - The Planning Commission may waive the requirement for an Environmental Impact Statement if an applicant requests said waiver in writing, and further, provided said development meets all the standards of the zoning ordinance, does not involve the relocation, improvement or alteration of any streamway, and no portion of the site is located within a flood hazard or flood-prone area as designated on the Natural Features Map #IV of the Comprehensive Development Plan.

3.5.4 Waiver of Requirements - Provided the land development plan application is in conformance with all other applicable municipal ordinances, that the applicant has requested such in writing, and that the Planning Commission has made a recommendation, the Borough Council may waive, alter, or reduce any requirement or standards of this Article as it relates to provisions of the Borough's Subdivision and Land Development Ordinance #1 of 1990, as amended, under the following circumstances:

- A. Suitable alternative - whenever a proposal presents an alternative which conforms to the spirit and intention of this ordinance.

B. Unusual site characteristics - whenever a physical feature may exist on or adjacent to the site which prevents a literal conformance to requirements or standards.

3.5.5 Request for Additional Information - Whenever it is determined by the Planning Commission that additional information is needed in order to make informed recommendation related to the land development plan application, the Planning Commission will notify the applicant of such and the information must be provided at the applicant's expense before the application will be considered complete.

3.5.6 Additional Requirements - Whenever unusual circumstances arise not normally considered by requirements and standards, the Council may impose conditions upon application approvals that are consistent with the purposes and objectives of this ordinance.

Section 3.6 Preventative Remedies

3.6.1 In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

3.6.2 The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this Article. This authority to deny such a permit or approval shall apply to any of the following applicants:

- A. The owner of record at the time of such violation.
- B. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

3.6.3 As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.