

CHAPTER 22
SUBDIVISION AND LAND DEVELOPMENT

CITY OF DUQUESNE

2017

Prepared by:
Environmental Planning & Design, LLC

CITY OF DUQUESNE
COUNTY OF ALLEGHENY
COMMONWEALTH OF
PENNSYLVANIA

ORDINANCE NUMBER: 3 of 2017

PRESENTED BY: Phillip T. Krivacek

FIRST READING: May 10, 2017

SECOND AND THIRD READING: June 14, 2017

**AN ORDINANCE OF THE CITY OF DUQUESNE AMENDING AND RESTATING THE
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE**

WHEREAS, Council of the City of Duquesne has reviewed the Subdivision and Land Development Ordinances previously adopted by the City and determined that the ordinance needed to be updated to reflect current development requirements not previously recognized in earlier years or in the prior ordinance; and

WHEREAS, the City of Duquesne Planning Commission reviewed the proposed Subdivision and Land Development Ordinance and made a recommendation to the City Council; and

WHEREAS, the proposed Ordinance was submitted to the Allegheny County Department of Economic Development, Planning Division for review and comments on December 1, 2016 and January 9, 2017; and

WHEREAS, the City of Duquesne Council advertised the time, place and date of the public hearing on March 30th, 2017 in the Pittsburgh Post-Gazette; and

WHEREAS, the City of Duquesne held a public hearing by the Pennsylvania Municipalities Planning Code on April 12, 2017; and

WHEREAS, in the judgement of the City of Duquesne Council, the proposed amendment and restatement of the City of Duquesne Land Development and Subdivision Ordinance is consistent with the overall Joint Comprehensive Plan for the Cities of Duquesne and McKeesport, as adopted by the City.

NOW THEREFORE, in consideration of the foregoing, it is hereby ordained and enacted by the authority of the City of Duquesne Council:

Section 1. The City of Duquesne Subdivision and Land Development Ordinance is hereby amended to restate the City of Duquesne Subdivision and Land Development Ordinance as set forth in Exhibit "A" attached hereto.

Section 2. Any ordinance or any part of an ordinance inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency.

This Ordinance has been adopted by Council of the City of Duquesne this 14th day of June, 2017.

ATTEST:

CITY OF DUQUESNE



FRANK PICCOLINO
CITY MANAGER



PHILLIP T. KRIVACEK
MAYOR

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ARTICLE I - General Provisions

§ 101. Short Title.

This Chapter shall be known and may be cited as the "Subdivision and Land Development Regulations of the City of Duquesne."

§ 102. Purpose.

The purpose of this Chapter is to provide for the orderly, logical and harmonious development of the City of Duquesne, and to protect, promote and create conditions favorable to the health, safety, morals and general welfare of the City's citizenry by:

- A. Ensuring that all future subdivision or land development is consistent with the City's Zoning Ordinance and Comprehensive Plan.
- B. Providing for the orderly development and redevelopment of land into residential and nonresidential uses thereby minimizing the inefficient use of land and potential conflicts among the uses of land and buildings.
- C. Protecting and conserving the value of land and improvements throughout the City.
- D. Preventing the pollution of air, streams and other waterbodies; assuring the adequacy of drainage facilities; safeguarding the water table; and encouraging the wise use and management of natural resources in order to preserve character and value of the community.
- E. Preserving the natural beauty and topography of the City and ensuring appropriate development with regard to these natural features.
- F. Providing for the logical and orderly extension and addition of public facilities and utilities.
- G. Providing for a beneficial relationship between the land uses and buildings and the circulation of traffic within the City in order to minimize traffic congestion and to plan for the proper location, grade and width of streets.
- H. Establishing standards and specifications to guide Applicants in the design and layout of subdivisions and land developments and providing a uniform and equitable process for reviewing all plans.
- I. Maintaining the quality of land records through creation and filing of accurate and legible subdivision/land development plans with the County and City officials.

§ 103. Authority.

A. Authority.

1. City Council, in accordance with the MPC, shall have the authority and jurisdiction to review and approve all subdivision and land development plans as required herein.
2. The Planning Commission shall review and make recommendations on all subdivision and land development plans.

B. Application of Regulations. The provisions of this Chapter shall apply to the following activities:

1. A subdivision of land as defined by this Chapter (Article II).
2. A land development as defined by this Chapter (Article II); provided, the following uses shall be excluded from the definition of land development:
 - a. The conversion of an existing single family detached dwelling or single family semidetached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium.
 - b. The addition of an accessory building on a lot or lots subordinate to an existing principal building.
 - c. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. This exclusion shall not apply to the initial development of an amusement park or to the initial development of any land areas to an amusement park.

C. Effect of Regulations. Following adoption of this Chapter:

1. No subdivision or development of any lot, tract or parcel of land shall be effected; and no street, sanitary sewer, storm sewer, water facility, storm drainage facility or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Chapter.
2. No lot in a subdivision shall be sold; no permit to erect, alter or repair any building upon land in a subdivision or development shall be issued; and no building shall be erected in a subdivision or land development unless and until a subdivision/land development plan has been approved and recorded and the improvements required in connection therewith either have been constructed or guaranteed according to the provisions of this Chapter.

§ 104. Interpretation and conflicts.

- A. Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.
- B. Conflict with public and private provisions.
 - 1. Public provisions. Where any provision of this Chapter imposes restrictions different from those imposed by any other provision of this Chapter or any other ordinance, rule or regulation or other provision of law, whichever provisions are more restrictive or impose higher standards shall control.
 - 2. Private provisions. This Chapter is not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of this Chapter are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement or restriction, the requirements of this Chapter shall govern. Where provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive or impose higher standards than the requirements of these regulations or the determinations of the Planning Commission in approving a subdivision or in enforcing this Chapter and such private provisions are not inconsistent with this Chapter or determinations thereunder, then such private provisions shall be operative and supplemental to these regulations and determinations made thereunder.

§ 105. Violations and penalties.

- A. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City of Duquesne, pay a judgment of not more than \$500, or as determined by the MPC, see 53 P.S. § 10101 et seq. plus all court costs, including reasonable attorney fees incurred by the City of Duquesne as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the District Justice. If the defendant neither pays nor timely appeals the judgment, the City of Duquesne may enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the District Justice, determining that there has been a violation, further determines that there was a good-faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation, in which event, there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.

- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending the final adjudication of the violation and judgment.
- C. Nothing contained in this section shall be construed or interpreted to grant to any person or entity other than the City of Duquesne the right to commence any action for enforcement pursuant to this section. Further, the City of Duquesne shall have the right to pursue equitable injunction or other relief to abate, restrain or enjoin violations of the requirements of this Chapter.

§ 106. Effect on Prior Applications or Approvals.

- A. From the time an application for approval, whether preliminary or final, is duly filed as provided in this Chapter and while such application is pending approval or disapproval, no change or amendment in zoning, or change in the subdivision or other governing ordinances or plans shall affect the decision on such application adversely to the Applicant, and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved, the Applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, when an application is properly and finally denied, then any subsequent application shall be subject to the intervening change in governing regulations.
- B. When an application for approval of a plat, whether preliminary or final, has been approved or approved subject to conditions acceptable to the Applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval, the five (5) year period shall be counted from the date of the preliminary approval. See also PA MPC Section 504, as amended.

ARTICLE II - Definitions

§ 201. General interpretation.

- A. For the purpose of this Chapter certain terms and words used herein shall be interpreted or defined as follows:
 - 1. Words used in the present tense shall include the future.
 - 2. Words used in the singular shall include the plural.
 - 3. The word "person" includes a corporation, company, partnership and association, as well as an individual.
 - 4. The word "lot" includes the words "plot" or "parcel."
 - 5. The term "shall" is always mandatory.
 - 6. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designated to be used or occupied."
- B. The particular shall control the general.
- C. Where terms or words are not defined in the following Section, they shall have their ordinarily accepted meanings or such as the context may imply. Wherever a term is not defined herein, but is defined the MPC, then said word shall be defined as set forth in the Code.
- D. In the case of any difference of meaning or implication between the text of the definitions in this Section and any accompanying illustration, the text shall control.

§ 202. Abbreviations.

As used in this Chapter, the following abbreviations shall represent the related terms:

ADA – Americans with Disability Act, as amended.

BMP – Best Management Practice.

MPC – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10101 et seq., as amended.

PaDEP – Pennsylvania Department of Environmental Protection.

PennDOT – Pennsylvania Department of Transportation.

§ 203. Definitions.

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

ACCESSORY STRUCTURE – A structure which is on the same lot with, but detached from, the principal building and which is customarily incidental and subordinate to the principal building, including, but not limited to, private garages, storage sheds, children's playhouses, fences, signs and the like.

ACRE – An area of land consisting of forty-three thousand five hundred sixty (43,560) square feet.

ADJACENT – Abutting or next to.

ALLEY – A minor way, whether or not legally dedicated, intended and used primarily for vehicular service access to the rear of properties which abut on a street and not intended for the purpose of through vehicular traffic.

APPLICANT – A landowner or developer, as herein defined, who has filed an application for development, including his heirs, successors and assigns.

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

ARCHITECT – A professional licensed as such in the Commonwealth of Pennsylvania. Note: A registered architect alone cannot sign land development or subdivision plans that deal with the creation of new lot lines or the adjustment of existing lot lines or when creating new facilities for sewerage systems or complex storm facilities.

BACKFILL – Materials used to refill a ditch or other exaction and/or the process of refilling a ditch or other exaction.

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

BEST MANAGEMENT PRACTICE – Also known as a BMP, activities, facilities, measures or procedures used to manage stormwater impacts from land development, to protect and maintain water quality and groundwater recharge and to otherwise meet the purposes of this Ordinance, and commonly regulated through the Pennsylvania Department of Environmental Protection.

BOUNDARY LINE – The line that encloses a lot of land, or a portion thereof, which delineates the lots intended to be subdivided, and specifically does not include those portions of the original lot which are not intended to be part of the land being subdivided or developed.

BRIDGE – A structure, including supports, erected over a depression or an obstruction, as water, highway, or railway, and having a lot or passageway for carrying traffic or other moving loads or structure defined by Pennsylvania Department of Transportation, or equivalent agency, as such.

BUILDER – Anyone who constructs any structure, or part thereof, affixed to the land.

BUILDING – A roofed structure, completely enclosed by walls, used for shelter, enclosure or protection of persons, goods, vehicles, equipment or animals.

CARTWAY– The surfaced area of a street that includes the travel lane(s) but does not include on-street parking areas, shoulders, curbs, sidewalks or swales.

CITY – The City of Duquesne, Allegheny County, Pennsylvania.

CITY COUNCIL – The City Council of the City of Duquesne, Allegheny County, Pennsylvania.

CLEAR SIGHT TRIANGLE – An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street center lines.

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

COMPREHENSIVE PLAN – The community master plan prepared in accordance with the Pennsylvania Municipalities Planning Code, also known as the Joint Comprehensive Plan for the Cities of Duquesne and McKeesport, as amended. The Comprehensive Plan is a land use, redevelopment, infrastructure and amenities plan adopted by the City.

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

CONSERVANCY LOT – A large, privately owned lot comprising part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with standards for greenway land. Public access to conservancy lots is not required.

CONSERVATION – The use and enjoyment of our natural resources to protect and enhance our woodlands, wetlands and wildlife.

CONSERVATION AREAS, PRIMARY – Land constrained from development under current codes and laws. Includes very steep slopes (greater than or equal to twenty-five (25) percent), wetlands, floodplains and land already protected from development, such as parks.

CONSERVATION AREAS, SECONDARY – Land not in primary conservation areas that contains locally noteworthy or significant features of the natural or cultural landscape, such as mature woodlands, wildlife habitats and travel corridors, prime agricultural soils, groundwater recharge areas, greenways and trails, historic sits and buildings and scenic viewsheds. Also includes steep slopes (greater than or equal to fifteen (15) percent, but less than twenty-five (25) percent).

CONSTRUCTION – The erection, renovation, repair, extension, expansion, alteration or relocation of a building, structure or site improvements including the placement of mobile homes.

CONTRACTOR – Any person(s) hired to perform specified task(s) designated in a written contract for a specified fee for professional services, usually relating to the construction trade.

COUNTY – The County of Allegheny, Pennsylvania.

COUNTY CONSERVATION DISTRICT – The Conservation District of Allegheny County, Pennsylvania.

COUNTY PLANNING AGENCY – Allegheny County Economic Development (ACED) as assigned by the Allegheny County Council.

CUL-DE-SAC – A minor street intersecting another street at one end and terminated at the other end by a vehicular turnaround.

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

DEDICATION – the deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (PaDEP) – The Pennsylvania Department of Environmental Protection or any successor agency or agencies.

DENSITY – The number of dwelling units per acre of land.

DESIGN STORM – The magnitude of precipitation from a storm event measured in probability or frequency of occurrence (e.g., a fifty (50) year storm) and duration (e.g., twenty-four (24) hour), and used in computing stormwater management control systems.

DETENTION POND – An area in which surface water runoff is temporarily stored pending its release at a controlled rate.

DEVELOPER – Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes, or causes to be made, a subdivision of land or a land development or a mobile home park.

DEVELOPMENT – Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile homes, streets and other paving, utilities, mining, dredging, filling, grading, excavation or drilling operations and the subdivision of land, except farm dwelling and structure.

DEVELOPMENT PLAN – The provisions for development of a plat of subdivision and the provisions relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of development plan" when used in this Chapter shall mean the written and graphic materials referred to in this definition.

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

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

DRAINAGE POSITIVE – Clear, unobstructed flow of stormwater away from any building.

DRAINAGE RIGHT-OF-WAY – The lands required for the installation of stormwater sewers or drainage ditches or required along a natural stream or watercourse for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.

DRIVEWAY – A private vehicular passageway providing access between a street and a private parking area or private garage.

DWELLING – See Chapter 27, Zoning, Article II.

DWELLING, MULTIFAMILY – See Chapter 27, Zoning, Article II.

DWELLING, SINGLE-FAMILY – See Chapter 27, Zoning, Article II.

EASEMENT – A grant of limited use of private land for public or quasi-public purpose.

ELECTRONIC NOTICE – Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

ENGINEER – A professional who is registered by the Commonwealth of Pennsylvania to practice engineering.

ENGINEER, CITY – The registered professional engineer appointed by the City Council of the City of Duquesne, Allegheny County, Pennsylvania.

ENGINEERING SPECIFICATIONS – The engineering criteria of the City of Duquesne regulating the installation of any improvement or facility. In the absence of such engineering

criteria, the applicable standards of the Allegheny County Subdivision and Land Development Ordinance shall apply.

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

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

FEMA – Federal Emergency Management Agency.

FENCE – See Chapter 27, Zoning, Article II.

FHA – Federal Housing Administration.

FILING PLAT – A plat that is filed with the Planning Commission and has been received and properly receipted by the Commission Secretary at a regular meeting.

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

FLAG LOT – See LOT, FLAG

FLOODPLAIN – The area along a natural watercourse which may from time to time be overflowed by water therefrom, as defined by the FEMA maps.

FLOODWAY – The portion of the flood plain as defined by the FEMA that includes the watercourse channel and adjacent land areas which must be reserved to carry the one hundred (100) year recurrence – interval flood without cumulatively increasing that flood elevation more than one (1) foot.

FORM B WAIVER – As defined by the PaDEP or any subsequent agency.

FRONTAGE – The part of a lot which abuts a public or private street.

GRADING – Excavation of fill or any combination thereof including conditions resulting from such activities.

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

GREENWAY – That portion of a lot that is set aside for the protection of sensitive natural features, agricultural land, scenic views and other unique features. Greenway may be accessible to the residents of the development and/or the City of Duquesne or it may contain areas of

conservancy lots which are not accessible to the public or it may contain underground facilities for on-lot sewage systems.

GROUNDWATER RECHARGE – Replenishment of existing natural underground water supplies.

IMPERVIOUS SURFACE – A surface that prevents the percolation of water into the ground. Impervious surface includes, but is not limited to, any roof, parking or driveway areas, and any new streets and sidewalks. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces.

IMPROVEMENTS – Those physical additions, installations and changes required to render land suitable for the use intended, including, but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts and street shade trees.

IMPROVEMENT BOND – A form of financial security provided to the City of Duquesne for the completion of improvements in accordance with this Ordinance and the MPC, Section 509 et seq., and any amendments thereto.

INTERIOR WALK – A right-of-way or easement for pedestrian use, extending from a street into a block or across a block to another street.

LAND DEVELOPMENT – Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of, streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with Section 503(1.1) of the MPC.

LAND DEVELOPMENT PLAN – A plan prepared in accordance with the applications of the City of Duquesne Subdivision and Land Development Ordinance for approval of a land development.

LAND DISTURBANCE - any activity involving grading, tilling, digging or filling or stripping of vegetation; or any other activity which causes land to be exposed to the danger of erosion.

City of Duquesne

LANDSCAPE ARCHITECT – A professional licensed as such in the Commonwealth of Pennsylvania.

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

LOT AREA – The area contained within a lot, excluding space within any street right-of-way, but including the area of any easement.

LOT, CORNER – A lot at the intersection of, and fronting on, two or more street rights-of-way.

LOT DEPTH – The mean horizontal distance between the front lot line and the rear lot line, measured midway between the side lot lines.

LOT, DOUBLE FRONTAGE – An interior lot which abuts streets in both the front and the rear.

LOT, FLAG – A lot surrounded by another lot or lots on all side and where access to such lot is by means of a narrow strip of lot or easement. The narrow strip of lot or easement shall be termed as the flag pole portion of the lot.

LOT, INTERIOR – A lot having side lot lines which do not abut on a street.

LOT MINIMUM WIDTH – The distance between the side lot lines measured at the building setback line.

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

LOT OF RECORD – Any lot which individually, or as part of a subdivision, has been recorded in the Office of the Recorder of Deeds of Allegheny County.

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

MAINTENANCE GUARANTEE – Any security, other than cash, which may be accepted by the City of Duquesne for the maintenance of any improvements required by this Chapter.

MARKER – A metal stake placed to designate the boundary and corners of lots in the subdivision of land for the purpose of reference in land and property survey and to facilitate the sale of lots.

MOBILE HOME – See Chapter 27, Zoning, Article II.

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

MOBILE HOME PARK – A lot or contiguous lots of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

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

MUNICIPAL AUTHORITY – A body politic and corporate created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945," or its successor, the Act of June 19, 2001 (P.L. 287, No. 22), 53 Pa.C.S.A. § 5601 et seq.

MUNICIPALITIES PLANNING CODE – The Pennsylvania Municipalities Planning Code, Act 247 of 1968, 53 P.S. § 10101 et seq., as amended.

MUNICIPALITY – the City of Duquesne, Allegheny County, Pennsylvania.

OFFICIAL FILING DATE – The date that an application is presented by the landowner and/or Applicant or his authorized representative to the City Manager.

ONE-HUNDRED-YEAR FLOOD – A flood that, on the average, is likely to occur once every one hundred (100) years.

ORDINANCE – Unless otherwise indicated, shall mean City of Duquesne Subdivision and Land Development Ordinance, which includes all amendments.

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

PaDEP – See "Department of Environmental Protection."

PEAK RATE OF RUNOFF (or DISCHARGE) – the maximum rate of flow of water at a given point and time resulting from a predetermined storm.

PennDOT – The Pennsylvania Department of Transportation or any successor agency or agencies.

PERFORMANCE GUARANTEE – Any security which may be in lieu of a requirement that certain improvements be made prior to approval of a final subdivision or land development plan, including performance bonds, escrow agreements and other similar collateral or surety agreements.

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

PHASE – A stage in a process of land development.

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PLAN, FINAL – A complete and exact subdivision plan or land development plan prepared for official recording as required by statute to define property rights and proposed streets and other improvements.

PLAN, PRELIMINARY – A subdivision plan or land development plan in lesser detail than a final plan, showing proposed street and lot layout as a basis for consideration prior to preparation of a final plan.

PLAN, SKETCH – A diagrammatic illustration of initial thoughts about a conceptual layout for greenway lands, house sites and street alignments. Provides a basis for informal discussion between the Applicant and the Planning Commission and the City Council on proposed site design.

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

PLANNING COMMISSION – The City of Duquesne Planning Commission, Allegheny County, Pennsylvania.

PLAT – A preliminary or final map or plan of a subdivision or land development.

PRIME AGRICULTURAL LAND – land used for agricultural purposes that contains soils of the first, second or third class as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

PUBLIC GROUNDS – Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

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

PUBLIC MEETING – A forum held pursuant to notice under the Act of October 15, 1998, P.L. 729, No. 93 (65 Pa.C.S.A. § 701 et seq.), known as the “Sunshine Act.”

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

RATE OF RUNOFF – Instantaneous measurement of water flow expressed in a unit of volume per unit of time, also referred to as discharge. Usually stated in cubic feet per second (cfs) or gallons per minute (gpm).

RATIONAL METHOD – An equation for measuring peak stormwater discharge from a particular watershed, relating rainfall intensity to a calculated rate of stormwater runoff.

RECREATION FACILITIES, ACTIVE – Includes, but is not limited to, basketball, volleyball and tennis courts; soccer and football fields; baseball diamonds; golf courses; swimming pools; tot lots and playgrounds.

RECREATION FACILITIES, PASSIVE – Includes, but is not limited to, jogging, equestrian, pedestrian and hiking trails; bicycle paths.

REGULATORY FLOOD ELEVATION – The one-hundred (100) year flood elevation plus a freeboard safety factor of one and one half (1½) feet.

RESERVE STRIP – A narrow lot of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

RIDGELINE – The line of highest ground separating two (2) adjacent streams or watersheds.

RIGHT-OF-WAY – Land legally dedicated for public purposes, including, but not limited to, a street, alley, interior walk, trail, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or shade trees.

ROADWAY – The surfaced area of a street that includes the cartway, on-street parking areas, shoulders and/or curbing.

RUNOFF – The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil, but flows over surface of the land.

SEDIMENT – solid material, both mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface.

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

SEDIMENT BASIN – a barrier or dam built at a suitable location to retain rock, sand, gravel, silt or other material.

SEO – See "Sewage Enforcement Officer."

SEPTIC TANK – A watertight tank in which raw sewage is broken down into solid, liquid and gaseous phases to facilitate further treatment and final disposal.

SETBACK – See Chapter 27, Zoning, Article II.

SEWAGE DISPOSAL SYSTEM, ON-SITE – A system of piping tanks or other facilities serving a lot and collecting and disposing of sewage in whole or in part into the soil.

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

SEWAGE ENFORCEMENT OFFICER (SEO) – The official of the local agency who issues and reviews permit applications and conducts such investigations and inspections as are necessary to implement Act 537 Editor's Note: See 35 P.S. § 750.1 et seq. and the rules and regulations promulgated thereunder.

SHOULDER – The portion of a roadway between the curb, gutter or pavement edge and the cartway; a shoulder is intended for emergency and parking use only.

SIGHT DISTANCE – The extent of unobstructed vision in a horizontal or vertical plane along a street.

SITE – a lot or parcel or a series of lots or parcels of land considered as a single unit upon which development is to be or is being performed.

SITE CONDITIONS MAP – A map showing the location of a proposed project site and the natural features existing on the site.

SITE PLAN – A scaled graphical depiction of the proposed development of a lot, parcel or tract of land describing all covenants assigned, as well as, accurately depicting the use, location, and bulk of all buildings and structures, intensity of use or density of development, streets, driveways, rights-of-ways, easements, parking facilities, topography, open space, public facilities and utilities, set-backs, height of buildings and structures, architectural characteristics and materials and other such data necessary for municipal officials to determine compliance with this Chapter and appropriate provisions of other such ordinances, as they may apply.

SLOPE – The face of an embankment of a cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per one hundred (100) feet of horizontal distance.

SLOPES, STEEP – Slopes greater than or equal to fifteen (15) percent, but less than twenty-five (25) percent.

SLOPES, VERY STEEP – Slopes greater than or equal to twenty-five (25) percent .

SOLICITOR, CITY – The attorney or legal advisor for the City of Duquesne, Allegheny County, Pennsylvania.

STORM SEWER – Pipes, open channels, and other conveyances intended to carry stormwater to a watercourse or water treatment facility.

STORMWATER – The total amount of precipitation reaching the ground surface.

STORMWATER COLLECTION SYSTEM – natural or engineered structures which collect and transport stormwater through or from a drainage area to the point of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

STORMWATER DETENTION POND – See “Detention Pond.”

STORMWATER RUNOFF – See “Runoff.”

STREAM – A permanent watercourse regulated by the PaDEP as a water of the Commonwealth.

STREET – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, cul-de-sac or any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

- A. **ARTERIAL** – Those serving large volumes of comparatively high-speed and long-distance traffic and include facilities classified as main and secondary highways by the PennDOT.
- B. **COLLECTOR** – Those which, in addition to giving access to abutting properties, intercept local access streets and provide routes to community facilities and to arterial streets.
- C. **HALF OR PARTIAL** – A street generally parallel and adjacent to a property line having a lesser right-of-way width than normally required for satisfactory improvements and use of the street.
- D. **LOCAL ACCESS** – Those used primarily to provide access to abutting properties.
- E. **MARGINAL ACCESS** – Minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with the arterial street.
- F. **PRIVATE** – Streets serving three (3) or more lots which are not Public, including but not limited to, streets maintained by private agreements, by private owners or for which no maintenance responsibility has been established; and including all private driveway access easements or right-of-way for access. Private streets serving fewer than three (3) lots shall be defined as driveways.
- G. **PUBLIC** – Streets ordained or maintained or dedicated and accepted by a Municipality, the County, the State or the Federal Governments, and open to public use.

STREET GRADE – the officially established grade of the street upon which a lot fronts. If there is no officially established grade, the exiting grade of the street shall be taken as the street grade.

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

SUBDIVIDER – see "Applicant."

SUBDIVISION – The division or redivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution

to heirs or devisees, transfer of ownership or building or lot development: provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted⁸.

SUBDIVISION, SIMPLE – The subdivision of land into two (2) lots for agricultural, open space or green space purposes only. The subdivision shall not include public improvements and no land development. Includes revision, correction or creation of easements; lot lines revision or corrections; or consolidation of two (2) or more lots into one (1) lot. The subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or any residential dwelling, shall be exempted as per the MPC, as amended. The subdivision may be associated with a mobile home park as applicable.

SUBDIVISION, MINOR – The subdivision of land into two (2) – four (4) lots with no public improvements and no land development other than single family homes (and their accessory uses). The subdivision may be associated with a mobile home park as applicable.

SUBDIVISION, MAJOR – The subdivision of land into more than four (4) residential lots within a continuous period of five (5) years; or a subdivision of land into two (2) or more lots involving public improvements; or any land development other than single family homes and their accessory uses. The subdivision may be associated with a mobile home park as applicable.

SUBMISSION DATE – The date of the next regularly scheduled Planning Commission meeting following the date that the application is filed with the City Manager, or the thirtieth (30) day following the day that the application was filed, whichever occurs sooner. (See Filing Date).

SUBSTANTIALLY COMPLETED – Where, in the judgment of the City Engineer, at least ninety (90) percent (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan so that the project will be able to be used, occupied or operated for its intended use.

SURVEYOR – A licensed surveyor registered by the Commonwealth of Pennsylvania.

SWALE – A low-lying stretch of land characterized as a depression used to carry surface water runoff.

TOPSOIL – Surface soils and subsurface soils which normally are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Topsoil is usually found in the uppermost layer called the "A Horizon."

UNDEVELOPED LAND – Any lot, tract or parcel of land which has not been graded or in any other manner prepared for the construction of a building or other improvement.

UNDUE HARDSHIP – Circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area,

⁸ Editor's Note: Definition from PA MPC

setbacks, minimum frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

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

UTILITIES – All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, information, telecommunication and telephone cable, and includes facilities for generation of electricity.

VARIANCE – See Chapter 27, Zoning, Article II.

VIEWSHED – The area of land or water visible from a fixed vantage point.

WATER QUALITY REQUIREMENTS – As defined under state regulations – protection of designated and existing uses (See Pennsylvania Code, Chapters 93 and 96):

Each stream segment in Pennsylvania has a “designated use,” such as “cold water fishery” or “potable water supply,” which are listed in Chapter 93. These uses must be protected and maintained, under state regulations.

“Existing uses” are those attained as of November, 1975, regardless whether they have been designated in Chapter 93. Land development must be designed to protect and maintain existing uses and maintain the level of water quality necessary to protect those uses in all streams, and to protect and maintain water quality in special protection streams.

Water quality involves the chemical, biological and physical characteristics of surface water bodies. After land development these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates. Therefore, discharges to surface waters must be designed and managed to protect the stream bank, streambed and structural integrity of the waterway, to prevent these impacts.

WATER FACILITY – any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

WATERCOURSE – A stream, river, brook, creek, channel or ditch for conveying water from a high point to a low point, whether natural or man-made.

WATERCOURSE, NATURAL – A stream, river, brook, creek or run usually flowing in a definite channel and discharging into some other stream or body of water and is not intended to include surface water conveyed from a higher to a lower level for limited periods during the melting of snow or during or soon after the fall of rain through hollows or ravines which at other times are dry.

WATERSHED – Region or area bounded peripherally by water parting and draining to a particular watercourse or body of water.

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WATERS OF THE COMMONWEALTH – Any and all rivers, streams, creeks, rivulets, impoundments, ditches, watercourses, storm sewers, lakes, dammed water, wetlands, ponds, springs, and all other bodies or channels of conveyance of surface and underground water, or parts thereof, whether natural or artificial, within or on the boundaries of this Commonwealth (Pennsylvania).

WATER FACILITY – Any water works, water supply works, water distribution system or part thereof designed, intended or constructed to provide or distribute potable water.

WATER SURVEY – An inventory of the source, quantity, yield and use of groundwater and surface water resources within the City of Duquesne.

WOODLANDS – Land having a cover of trees and shrubs; a predominantly contiguous forested area.

YARD – See Chapter 27, Zoning, Article II.

ZONING OFFICER – The designated official or an authorized representative appointed by the City Council whose duty it shall be to administer the City of Duquesne Zoning Ordinance.
Editor's Note: See Ch. 27, Zoning.

ZONING ORDINANCE – The zoning laws of City of Duquesne adopted by virtue of the authority granted to the City by the Commonwealth of Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended by Act 170 of 1998 (53 P.S. § 10101 et seq., as may be amended from time to time). See Ch. 27, Zoning.

ARTICLE III - Procedures

§ 301. General provisions.

- A. Classification of subdivision. Whenever any subdivision of land or land development is proposed, before any contact is made for the sale of any part thereof and before any permit for the erection of a structure in such proposed subdivision or land development shall be granted, the owner, or his authorized agent, shall apply for and secure approval of such proposed subdivision or land development in accordance with the following procedures for subdivision and land development.
- B. To assist the Applicant in determining the required documentation to be submitted, a summary checklist is available at the office of the City Council during normal business hours, by mail request at current City Hall address, by fax request at current City Hall fax number, by phone request at current City Hall phone number or by e-mail request at current City Hall e-mail address. Additionally, a list of procedures is available in the same manner.
- C. Preliminary considerations.
 - 1. Regulatory.
 - a. Grading permits shall only be issued following City Council approval of a preliminary plat.
 - b. No deeds shall be recorded for any lot proposed for subdivision prior to obtaining City Council approval of the final plat of the proposed subdivision.
 - c. Conformity with the City's Comprehensive Plan. The design of the proposed land development shall generally reflect the goals and objectives recommended through the Joint Comprehensive Plan for the Cities of Duquesne & McKeesport, as amended.
 - d. Access; drainage; geology. No land shall be subdivided for residential use unless:
 - 1) Adequate access to the land over adequate streets or thoroughfares exists or will be provided by the Applicant; or
 - 2) If such land is considered by the Planning Commission to be unsuitable for such use by reason of flooding or improper drainage, objectionable earth and rock formation, topography or any other feature harmful to the health and safety of possible residents and the community as a whole.
 - e. Proof of ownership. No person, firm or corporation shall submit a subdivision plan pursuant to the terms of this Chapter without including thereon a certification as to the name of every owner of every part of the land which is the subject of the

subdivision together with the Allegheny County Deed Book volume and page reference by which the named owner or owners took title.

2. Advisory. In order to make the most of the opportunities related to the subdivision and to conserve time, effort and expense, the owner or Applicant should consult with the Planning Commission, the Engineer and other relevant public officials prior to the preparation of the tentative plan of the land development. This informal review should prevent unnecessary and costly revisions. The plan should be revised to determine how the proposed land development will fit into the Joint Comprehensive Plan for the Cities of Duquesne & McKeesport. Requirements for thoroughfares; school and recreational sites; shopping centers; community facilities; sanitation; water supply and drainage and relationship to other developments, existing and proposed, in the vicinity, should be determined in advance of the preparation of the subdivision plat. A thorough estimate of the situation will result in sound decisions with respect to the form, character and extent of the proposed subdivision.

D. Official filing date.

1. The application, fee and submission materials shall be submitted to the office of the City Manager. Once the City Manager has determined that the submittal is complete and that the applicable fee has been paid, the official filing date of an application shall be the date the application fee was remitted in full to the City Manager.
 - a. Within seven (7) days of the date the application is received by the City Manager, the City Manager shall either certify the application as complete or notify the Applicant in writing that the application is incomplete. The written notification shall specify the items of required information that are lacking.
 - b. Failure of the City to take either of these actions within seven (7) days shall be deemed a certification that application is complete as submitted, unless the Applicant has agreed in writing to an extension in time.
 - c. The official filing date shall be filed on City record, and the Applicant shall be notified of the official filing date.
 - d. After the official filing of an application while a decision is pending, no change in zoning, subdivision or other governing ordinance shall affect the decision on the application adversely to the Applicant; and the Applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.

- E. Distribution of Copies. The City Manager shall distribute one (1) complete copy of the application and submission materials to the City Engineer, one (1) complete copy shall be kept on file for the City's records, and the other copies shall be distributed to the recommending body.

F. Coordination with Other Governmental Agencies.

1. It shall be the Applicant's responsibility to coordinate the submissions required by this Chapter with applications for permits/ approvals required by other governmental agencies. The Applicant shall provide documentation of such submissions to other governmental agencies to the City.
2. At its discretion, the City may solicit review and reports from adjacent municipalities and other governmental agencies affected by any proposed subdivision/land development plan.

§ 302. Review and inspection fees.

Review and inspection fees shall include the reasonable and customary charges by the City of Duquesne's professional consultants or Engineer for review and report to the City of Duquesne regarding subdivision and land development plans and inspections and other work relating to such plans. Such review and inspection fees shall be reasonable and in accordance with the ordinary and customary charges by the professional consultant or Engineer for similar service in the community and shall be set by resolution. Review and inspection fees shall be imposed in accordance with Sections 503 and 510(g) of the MPC. No application shall be accepted or acted upon until payment of the required fees is made to the City (See 53 P.S. § 10101 et seq). The Applicant will be billed by the City of Duquesne for all engineering and attorney review fees, as those fees are the obligation of the Applicant. Copies of the City's Fee Schedule are available for public review and reproduction at City Hall.

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ARTICLE IV - Classifications of Approvals and Applications

§ 401. Approvals overview.

There are three (3) types of approvals regulate lot revisions, lot consolidations, subdivisions and land development:

- A. Simple subdivision.
- B. Minor subdivision and/or land development.
- C. Major subdivision and/or land development.

§ 402. Simple subdivision.

Applicants are required to apply for and receive a simple subdivision approval from the City of Duquesne in accordance with the following criteria:

- A. Applicability. See § 501 (Table 1).
- B. Application Process. Applications for Simple Subdivisions require only Final Plan approval, per § 501 (Table 1). Submission requirements are detailed in § 503 and § 504.
- C. Recommendations and approvals.
 - 1. City Staff shall make recommendations to the City Council regarding simple subdivisions.
 - 2. The City Council shall be responsible for approving or denying simple subdivisions.

§ 403. Minor subdivision and / or land development.

Applicants are required to apply for and receive a minor land development approval from the City of Duquesne in accordance with the following criteria:

- A. Applicability. See § 501 (Table 1).
- B. Application Process. Applications for Minor Subdivisions and/or Land Development require only Final Plan approval, Submission requirements are detailed in § 503 and § 504
- C. Recommendations and approvals.
 - 1. The Planning Commission shall make recommendations to the City Council regarding minor subdivision and / or land development applications.
 - 2. The City Council shall notify the Applicant of its decision to approve, approve with conditions or disapprove the preliminary plan in writing. See §405.B.2.e.

- D. Conferences. An informal conference with City Staff is suggested prior to the submission of a final application.

§ 404. Major subdivision and / or land development.

Applicants are required to apply for and receive a Major Subdivision and / or Land Development approval from the City of Duquesne in accordance with the following criteria:

- A. Applicability. See § 501 (Table 1).
- B. Application Process. Applications for Major Subdivisions and / or Land Development require both Preliminary and Final Plan approval. Submission requirements are detailed in § 503 and § 504.
- C. Recommendations and approvals.
 - 1. The Planning Commission shall make recommendations to the City Council regarding Preliminary and Final Plans for major subdivisions and / or land developments.
 - 2. A voluntary sketch plan conference is recommended with the Planning Commission prior to submission of the Preliminary Plan. Refer to § 405.A. for suggested presentation materials during a sketch plan conference.
 - 3. The City Council shall notify the Applicant of its decision to approve, approve with conditions or disapprove the Preliminary and Final Plans in writing. See §405.B.2.e.
- D. Timeframe.
 - 1. If the subdivision is that of subdividing land into more than four (4) lots, the subdivision shall be completed within a continuous five (5) year period with the approval of the final plat as per § 712, unless an extension of time is approved by the City of Duquesne or necessary due to changes in litigation or appeals as per §508(4)(ii) of the MPC.

§ 405. Subdivision and land development procedure.

- A. Preliminary procedure and pre-application conference. Prior to filing an application for preliminary approval, a prospective Applicant may appear before the Planning Commission for a pre-application conference to discuss the applicable regulations governing subdivision and/or development of the property and the feasibility and timing of the application. A sketch plan may be presented for review not less than ten (10) days prior to the regular meeting of the Planning Commission at which it is to be considered. Submission of a sketch plan will not constitute a formal filing of a subdivision or land development plan with the Planning Commission. The sketch plan and pre-application conference requires no formal application or fee. Prospective Applicants shall obtain a summary action checklist from the City Zoning Officer or Manager.

B. Preliminary Plan.

1. Submission of preliminary plans (Major Subdivision and/or Land Development).
 - a. Preliminary plans and application fees shall be submitted to the City Manager at least twenty (20) working days in advance of the Planning Commission's regular meeting. The official filing date shall be in accordance with § 301.D.
 - b. The preliminary plan and the application form shall be submitted to the City Manager. All information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Chapter. It is the responsibility of the Applicant to coordinate his plans with the respective private and public service agencies.
 - c. The application form shall be accompanied by the requisite fee as set forth in § 302 and by not less than five (5) copies of all required material and not less than five (5) prints of the preliminary plan of the subdivision or development as required by current City of Duquesne resolution. A copy of the Site Plan in CAD format (.dxf) and .PDF shall be submitted.
 - d. The City Manager shall forward one (1) copy of the preliminary plan prints and one (1) copy of the required material to the Allegheny County Conservation District.
 - e. Documented submission of applicable sewage planning materials/application to the PaDEP.
2. Review of preliminary plans.
 - a. The Planning Commission will determine if the Plan meets the standards set forth in this Chapter.
 - b. The City Council, following a recommendation by the Planning Commission, may grant a modification of the requirements of one or more provisions of the subdivision and land development regulations of this Chapter if the literal enforcement of such regulations will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and further provided that the purpose and intent of the Chapter are observed. All requests for such modification shall be in writing and shall accompany and be part of the application for subdivision and/or land development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the specific provision or provisions of the Chapter involved and the minimum modification necessary.
 - c. In making its decision, the Planning Commission shall consider the recommendations of the City Engineer, Zoning Officer, City Solicitor, interested

residents and the recommendations of any agency or agencies from which a review was requested under Subsection B.1.d of this section.

- d. Upon recommendation by the Planning Commission, the City Council will act on the preliminary plan within ninety (90) days of the official filing date or the plan is deemed approved. Extension may be requested by the Applicant in accordance with the MPC.
 - e. The City Council shall notify the Applicant of its decision to approve, approve with conditions or disapprove the preliminary plan in writing. Such notice shall be given to the Applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision. If the plan is not approved as submitted, the City Council shall specify in the notice the conditions which must be met and/or the defects found in the plan and the requirements which have not been met, including specific reference to provisions of any statute or ordinance which have not been fulfilled.
 - 1) If a preliminary plan is approved subject to conditions, the Applicant, within fifteen (15) days after the date of the notice of decision, shall notify the City Council in writing whether it accepts or refuses to accept all of the conditions which have been imposed.
 - 2) If, within the required fifteen (15) day time period, the Applicant either notifies the City Council that he refuses to accept all of said conditions or fails to give notice of acceptance or rejection of all of said conditions, the City Council shall be deemed to have denied approval to the preliminary plan.
 - f. Approval of the preliminary plan shall constitute approval of the subdivision or land development as to the arrangement and approximate dimensions of streets, lots and other planned features. The approval binds the Applicant to the general scheme of the subdivision shown, unless a revised preliminary plan is submitted and permits the Applicant to proceed with final detailed design of improvements, to arrange with the City Council for a guarantee to cover installation of the improvements and to prepare the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan. The City of Duquesne may require a preliminary plan and shall require a final plan.
 - g. In cases where the subdivision or land development adjoins an existing or proposed state highway or has proposed streets entering onto state highways, the City of Duquesne shall submit the plans to the PennDOT for review.
3. Resubmission of preliminary plans. A revised plan submitted after disapproval shall be considered and processed as a new plan submission.

C. Final plan (All Subdivision/ Land Development).

1. Submission of final plans.

- a. For a major subdivision and/or land development, a final plan shall only be submitted to the City Manager following receipt of official notification from the City Council that the preliminary plan has been approved, in accordance with the provisions of Section 508 of the MPC and § 503 of this Chapter.
- b. For simple subdivisions, final plans and application fees shall be submitted to the City Manager at least twenty (20) working days in advance of the Planning Commission's regular meeting. The official filing date shall be in accordance with § 301.D.
- c. Land development plans will be subject to final plan approval only if the land development will change a plan previously recorded in the Recorder's office, such as by addition, deletion or modification of a road to be dedicated to the City of Duquesne, or otherwise.
- d. For a major subdivision and/or land development, the final plan shall conform in all respects with the approved preliminary plan. If it does not, the plan submitted shall be considered as a revised preliminary plan and shall be presented to the Planning Commission for review and recommendation as a preliminary plan.
- e. When requested by the Applicant, in order to facilitate financing, the City Council shall furnish the Applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the Applicant obtaining satisfactory financial security (guarantee) for the installation of improvements. The Applicant must submit with the final plan a guarantee for the installation of improvements which meets the requirements of this Chapter and a development agreement, both of which are acceptable to the City Council.
- f. The application form shall be accompanied by an estimate of the inspection and engineering fees defined by the City of Duquesne.
- g. The Applicant shall submit a reproducible original of the plans, five (5) prints of the final subdivision or land development plans and at least five (5) copies of all other required information. The Applicant shall also submit one (1) CD-ROM with a CAD file (in .dxf format) and a PDF file.
- h. The Applicant shall present the above required material to the Planning Commission. The Planning Commission Secretary shall forward one (1) copy of the plan and one (1) copy of all other material to the County Conservation District and to the County Planning Agency for review and comment and copies to such other agencies whose recommendations would be pertinent to the processing of the plan.

2. Review of final plans.
 - a. The Planning Commission will review the Plan and requisite materials for compliance with the approved preliminary plan and for conformance to the requirements of this Chapter.
 - b. The Planning Commission shall act on simple subdivisions.
 - c. In making its recommendation for minor and major subdivisions and/or land development, the Planning Commission shall consider the comments of the City Engineer, the County Planning Agency, the County Conservation District, PennDOT and the recommendations of any agency or agencies from which a review was submitted under Subsection C.1.g.
 - d. The City Council will not take official action to approve the final plan unless it is accompanied by a guarantee for the installation of improvements which meet the requirements of Article VI and a development agreement, both of which are acceptable to the City Council. See also §405.C.1.e.
 - e. The City Council and the Planning Commission shall take action within ninety (90) calendar days from the official filing date of the final plan. Failure to do so shall be deemed an approval.
 - f. The City Council shall notify the Applicant in writing of its decision to approve, approve with conditions acceptable to the Applicant and accepted by him in writing or disapprove the final plan. Such notice shall be given to the Applicant in person or mailed to him at his last known address not later than fifteen (15) days following the decision.
 - 1) If a final plan is approved subject to conditions, the Applicant, within fifteen (15) days after the date of the notice of decision, shall notify the City Council in writing whether it accepts or refuses to accept all of the conditions which have been imposed.
 - 2) If, within the required fifteen (15) day time period, the Applicant fails to notify the City Council of the acceptance or rejection of all of said conditions, the City Council shall be deemed to have denied approval to the final plan.
 - g. If the final plan is approved subject to conditions, the City Council shall not endorse the plan until all of the conditions have been met.
 - h. If the City Council approves the final plan or grants a conditional approval, it shall set the amount of bonding or other security necessary to guarantee the construction of improvements and community facilities and shall state such amounts in the notice to the Applicant.
3. Resubmission of final plans. A revised plan submitted after disapproval shall be considered and processed as a new plan subdivision.

4. Recording of final plans.
 - a. Upon approval of the final plan, the Applicant shall prepare one (1) transparent reproduction of the original final plan on stable plastic base film and no less than four (4) prints thereof which shall be submitted to the City of Duquesne not later than thirty (30) days after approval. These plans, upon satisfaction of all conditions attached to the approval, will be signed by the City Council and the Planning Commission. A copy of the signed final plan shall be recorded in the office of the County Recorder of Deeds, by the Applicant, within ninety (90) days after approval of the final plan. The final plan must be recorded before proceeding with the sale of lots or construction of buildings.
 - b. Recording the final plan shall be an irrevocable offer to dedicate all streets and other public ways to public use and to dedicate or reserve all park reservations and other public areas to public use unless reserved by the Applicant as hereinafter provided. The approval of the final plan shall not impose any duty upon the City Council or City of Duquesne concerning maintenance or improvements by ordinance or resolution.
 - c. The Applicant shall place a notation on the final plan if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the owner and the City of Duquesne shall assume no responsibility for improvement or maintenance thereof; which fact shall be noted on the final plan.

§ 406. Appeals procedure.

All appeal procedures shall be pursuant to the current Article X-A, Appeals to Court, of the MPC. See 53 P.S. § 11001-A et seq.

Table 1: Standard Subdivision and / or Land Development Submission Requirements

Legend					
Preliminary: Item is Required to be Submitted as part of a Preliminary Subdivision Application (Draft Recommendation)					
Final: Item is Required to be Submitted as part of a Final Subdivision Application (Draft Recommendation)					
◆ Item is Recommended for Submission prior to a Pre-Application Conference					
- Not required					
		Ordinance Section	Simple Subdivision	Minor Subdivision and/or Land Development	Major Subdivision and/or Land Development
Applicability			<ul style="list-style-type: none"> Subdivision of a lot into two (2) lots with no public improvements and no land development; or Revision, correction or creation of easements; or Subdivisions for agricultural, open space, or green space purposes only; or, Lot line revisions or corrections; or Consolidation of two (2) or more lots into one (1) lot; or Any of the above associated with a mobile home park. 	<ul style="list-style-type: none"> Subdivision of land into four (4) or fewer lots with or without public improvements and no land development other than single family homes (and their accessory uses); or Any of the above associated with a mobile home park. 	<ul style="list-style-type: none"> Subdivision of land into more than four (4) single-family residential lots completed within a continuous period of five (5) years (unless a time extension is approved by the City); or Subdivision of land into two (2) or more lots involving public improvements; or Any land development other than single-family homes and their accessory uses; or Any of the above associated with a mobile home park.
I. Pre-Application Conference (Voluntary Only)		§502			
Recommending Body					Planning Commission
Submission Requirements					
1	Project Narrative				◆
2	Site Analysis				◆
3	Sketch Plan				◆
II. Preliminary Plan Approval		§503			
Recommending Body			City Staff	City Staff / Planning Commission	City Staff / Planning Commission
Approving Body			City Council	City Council	City Council
Submission Requirements					
1	Preliminary Application Form & Fee	§503.A	-	Required	Required
2	Site Conditions Map	§503.B	-	Required	Required
3	Context Report	§503.C	-	-	Required
4	Preliminary Plat	§503.D	-	-	Required
5	Preliminary Site Plan and Phasing Plan	§503.E	-	-	Required
6	Statement of Anticipated Water Supply System	§503.F	-	-	Required
7	Sewage Disposal Report	§503.G	Required (Final Application)	Required	Required
8	Building Elevations and Other Architectural Drawings	§503.H	-	-	Required
9	Preliminary Grading Plan	§503.I	-	-	Required
10	Preliminary Stormwater Management Plan	§503.J	-	-	Required
11	Conceptual Landscape Plan	§503.K	-	-	Required
12	Traffic Impact Study - Type A	§503.L	-	Required	-
13	Traffic Impact Study - Type B	§503.M	-	-	Required
14	Additional Approvals Being Sought	§503.N	-	-	Required
15	Any Application Granting Approval of Any Zoning Variance, Exception or Interpretation.	§503.O	Required (Final Application)	Required	Required
16	Any Application for Conditional Use	§503.P	-	Required	Required
17	Any Application Granting Approval of Any Special Exception	§503.Q	-	Required	Required
18	Request for Waiver from Ordinance (Optional)	§503.R	Required (Final Application)	Required	Required
19	Statement of Ownership	§503.S	Required (Final Application)	Required	Required

*Article IV – Classification of Approvals and Applications
Subdivision and Land Development*

Table 1: Standard Subdivision and / or Land Development Submission Requirements (cont.)

Legend				
Preliminary: Item is Required to be Submitted as part of a Preliminary Subdivision Application (Draft Recommendation)				
Final: Item is Required to be Submitted as part of a Final Subdivision Application (Draft Recommendation)				
◆ Item is Recommended for Submission prior to a Pre-Application Conference				
- Not required				
	Ordinance Section	Simple Subdivision	Minor Subdivision and/or Land Development	Major Subdivision and/or Land Development
Applicability		<ul style="list-style-type: none"> ● Subdivision of a lot into two (2) lots with no public improvements and no land development; or 	<ul style="list-style-type: none"> ● Subdivision of land into four (4) or fewer lots with or without public improvements and no land development other than single family homes (and their accessory uses); or 	<ul style="list-style-type: none"> ● Subdivision of land into more than four (4) single-family residential lots completed within a continuous period of five (5) years (unless a time extension is approved by the City); or
		<ul style="list-style-type: none"> ● Revision, correction or creation of easements; or 	<ul style="list-style-type: none"> ● Any of the above associated with a mobile home park. 	<ul style="list-style-type: none"> ● Subdivision of land into two (2) or more lots involving public improvements; or
		<ul style="list-style-type: none"> ● Subdivisions for agricultural, open space, or green space purposes only; or, 		<ul style="list-style-type: none"> ● Any land development other than single-family homes and their accessory uses; or
		<ul style="list-style-type: none"> ● Lot line revisions or corrections; or 		<ul style="list-style-type: none"> ● Any of the above associated with a mobile home park.
		<ul style="list-style-type: none"> ● Consolidation of two (2) or more lots into one (1) lot; or ● Any of the above associated with a mobile home park. 		
III. Final Plan Approval		§504		
Recommending Body			City Staff	City Staff / Planning Commission
Approving Body			City Council	City Council
Submission Requirements				
1	Final Application Form & Fee	§504.A	Required	Required
2	Existing Deed Restrictions and Protective Covenants	§504.B	Required	Required
3	Final Plat	§504.C	Required	Required
4	Final Site Plan and Phasing Plan	§504.D	-	Required
5	Final Water Supply Report	§504.E	-	Required
6	Floodplain Management Plan (If Applicable)	§504.F	Required	Required
7	Final Grading Plan	§504.G	-	Required
8	Final Stormwater Management Plan	§504.H	-	Required
9	Final Landscape Plan	§504.I	-	Required
10	Erosion and Sedimentation Control Plan	§504.J	-	Required
11	Written Easements or Deeds to be Granted	§504.K	Required	Required
12	Agreement for Completion of Public Improvements and Dedication of Streets	§504.L	-	Required
13	Construction Plans for Public Improvements	§504.M	-	Required
14	Certificates of Approval from Other Agencies	§504.N	Required	Required
15	Developer's Agreement	§504.O	-	Required
16	Homeowner's Association Bylaws and Other Related Documents	§504.P	-	Required
17	Guarantee of Installation of Improvements	§504.Q	-	Required
18	Inspection and Engineering Fees	§504.R	-	Required
19	Final Submittal of Reproducible Original of the Plans	§504.S	Required	Required

City of Duquesne

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ARTICLE V - Submission Requirements

§ 501. Table 1: Standard Subdivision and / or Land Development Submission Requirements

Table 1 shall serve as the reference as related to the requirements of all proposed applications and approvals for simple, minor, and major subdivisions subdivision or land development within the City of Duquesne. The specific submission requirements for each type of approval and application shall be as defined in § 503 and § 504.

§ 502. Pre-Application Conference (Voluntary Only).

- A. See §405.A.

§ 503. Preliminary Plan Submission Requirements.

- A. Preliminary Application Form and Fee. The preliminary plan, the application form and fee shall be submitted as per §301.D. All information and procedures relating thereto in all respect be in compliance with the applicable provision of this Chapter. It is the responsibility of the Applicant to coordinate plans with the respective private and public service agencies. The application form shall be accompanied by not less than five (5) printed copies of all required material and one (1) digital copy of all required site plans, plats and preliminary reports on a CD-ROM in Adobe Acrobat format. The Applicant shall also submit one (1) CD-ROM with a CAD file (in .dxf format) and a PDF file.
- B. Site Conditions Map. The following shall be provided to the City Manager for the project site and any land or water bodies located within two hundred (200) feet of the project area boundary.
1. Existing contours at vertical interval of five (5) feet or, in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the lot. Datum to which contour elevations refer shall be U.S. Coast Guard and Geodetic Survey datum. (City will furnish elevations of nearest known bench marks.)
 2. Ridge lines and watershed boundaries.
 3. Steep slopes and very steep slopes.
 4. Areas within the one hundred (100) year floodplain, as identified on the current Official Map for the City issued by the Federal Insurance Administration.
 5. Vegetative cover conditions according to general cover type, including cultivated land, permanent grassland, meadow, pasture, old field, hedgerow, woodland and wetland and the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
 6. Soil series, types and phases, as mapped by the U.S. Department of Agriculture, Natural Resources and Conservation Service in the published soil survey for the

- county and accompanying data published for each soil relating to its suitability for construction and, in unsewered areas, for septic suitability.
7. Outstanding geologic formations on the proposed development parcel, including rock outcroppings, cliffs and fault lines.
 8. Locations of all culturally and historically significant sites or structures, including, but not limited to, structures listed on or eligible for the National Register of Historic Places, cellar holes, stone walls, earthworks and graves.
 9. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
 10. A viewshed analysis showing the location and extent of views into the property from public roads and from public parks, public forests and other public lands.
- C. Context Report. A Context Report including the following shall be submitted to the City Manager:
1. A statement of how the proposed development will enhance physical and social connectivity between:
 - a. Existing and proposed development.
 - b. Existing and proposed streets and roads.
 - c. Wildlife habitats including wildlife corridors on and adjacent to site.
 - d. Natural drainage systems on and adjacent to site.
 - e. Productive forest blocks on and adjacent to site.
 - f. Prime agricultural soils, agricultural soils of statewide importance, and active agricultural areas on and adjacent to site.
 2. A statement of how the proposed development will integrate and retain key elements identified on the Site Conditions Map.
- D. Preliminary Plat. A preliminary plat containing the following information shall be provided to the City Manager:
1. The City name, graphic scale, north arrow and application date.
 2. The proposed name of the subdivision or land development.
 3. The names and addresses of the Applicant and, if the developer is not the Applicant, the names and addresses of the landowner.
 4. The names of all adjoining property owners.
 5. A boundary survey by a surveyor and topographical survey of the total proposed subdivision by an engineer or surveyor. If the Applicant intends to develop a tract of land in phases, the preliminary plat shall include the total tract.

6. The proposed street layout in the subdivision indicating whether the streets are proposed to be public or private.
 7. The layout of existing and proposed lots (showing scaled dimensions), lot numbers, house numbers as provided by the City and the area of each lots in square feet.
 8. Parcels of land proposed to be reserved for schools, parks, playgrounds or other public, semipublic or community purposes, if any.
 9. A legend of symbols, lines and appropriate explanatory notes.
 10. Front yard, side yard and rear yard buffer yard lines.
 11. Zoning classification(s) of the area to be developed and/or subdivided.
 12. Existing and proposed easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
 13. Contours at intervals of elevation of not more than five (5) feet where the slope is greater than ten (10) percent and at intervals of not more than two (2) feet where the slope is ten (10) percent or less.
 14. Existing streets and rights-of-way on or adjoining the site, including dedicated widths, roadway widths, approximate gradients, types and widths of pavements, curbs, sidewalks and other pertinent data.
 15. Playgrounds, public buildings, public areas and lots of land proposed to be dedicated or reserved for public use.
 16. The existing platting of land adjacent to the subdivision, including land located across a public or private street or other right-of-way. All existing buildings, sewers, water mains, culverts, petroleum or high-pressure gas lines, oil wells and fire hydrants on the site or within two hundred (200) feet of the site shall be shown.
 17. Existing watercourses, ponds, wetlands and other significant natural features, including tree lines.
 18. Areas within the one hundred (100) year floodplain and floodway, as identified on the current US Army Corps of Engineer's Insurance Rate Map.
- E. Preliminary Site Plan and Phasing Plan. The Preliminary Site Plan shall include all Preliminary Plat information in addition to the following information, and shall be submitted to the City Manager:
1. Basic Elements.
 - a. Block for a City approval stamp and date of approval.
 2. Parcel Information.
 - a. A location map and other photo showing the subdivision name and location; major existing thoroughfares related to the subdivision, including the distance

there from. The location map shall also include a title, graphic scale and north arrow.

- b. Existing protective covenants.
 - c. Existing lot numbers, areas, boundaries with bearings and distances.
 - d. Existing zoning classifications, density requirements and setback requirements.
3. Development.
- a. Location and width of all proposed streets, alleys, rights-of-way and easements. Linear feet of new streets shall be shown if streets are to be dedicated to the City.
 - b. Outline of existing and proposed buildings and setbacks from property lines.
 - c. Where the preliminary plan covers only a part of the Applicant's entire holding, a sketch shall be submitted of the prospective street layout for the remainder.
 - d. Existing and proposed vehicular and pedestrian circulation system serving the development, including streets, driveways, walkways, showing proposed ownership, right-of-way and cartway widths and type of construction.
 - e. Proposed street names; proposed watercourses and detention ponds; proposed land development phases; typical section of all streets.
 - f. Existing and proposed parking and loading areas, including street access points, internal circulation pattern, showing number of spaces, typical space dimensions, type of construction and landscaping.
 - g. Proposed minimum setback line for each street.
 - h. Proposed use of the property shall include additional parking spaces, access driveway location and width, number of current and new employees, if applicable, and percentage of lot coverage.
 - i. Locations of all proposed building and parking areas (for land development plans).
 - j. Proposed site landscaping showing location, type and illustrative details of all landscaped areas including open spaces, riverside setbacks and buffer areas.
 - k. Proposed design details and materials for all fences, walls, screens, lighting fixtures, signs and other outdoor structures.
 - l. Location and effect of outdoor lighting on highways and residential properties in sight line of proposed lighting.
 - m. A computer-generated lighting model of all proposed lighting and areas expected to be illuminated, if applicable, is required.
 - n. If a subdivision is a phased development, specify how many phases and the proposed time frame necessary to complete all phases to reach full development.

F. Statement of Anticipated Water Supply System.

1. When on-lot water supply is proposed, the location of all well sites shall be shown on the Preliminary Site Plan.
2. Water supply. If the water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, Applicants shall present evidence to the Planning Commission that the subdivision is to be supplied by a certified public utility, a bona fide cooperative association of lot owners or by a municipal corporation, authority or utility. A copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be submitted to the City Manager and shall be acceptable.

G. Sewage Disposal Report. Where applicable, a Plan Revision Module for Land Development shall be the responsibility of the Applicant and shall be prepared in accordance with the rules and regulations of the PaDEP. The completed module shall accompany the preliminary plan submission.

H. Building Elevations and Other Architectural Drawings. Building elevations and other architectural drawings containing the following information shall be provided to the City Manager. Elevations and drawings shall be illustrated to scale showing:

1. Preliminary front, rear and side perspectives of all proposed buildings including building's architectural features, exterior building materials, colors and/or finishes;
2. First floor elevations of the building, the height of the building in feet and number of stories and the building's relationship to the finished grade immediately surrounding the building; and
3. Spot elevations designating the existing and proposed grading.

I. Preliminary Grading Plan.

1. Compliance with grading requirements as set forth in § 607 is mandatory.
2. A Preliminary Grading Plan shall be submitted to the City Manager and shall include the following, in addition to any other information required by the City Engineer to demonstrate compliance with § 607:
 - a. Drawing Scale.
 - b. North Arrow.
 - c. The existing contours of the lot (s).
 - d. Proposed contours of the lot (s) after completion of the excavation, cuts, grading and filling.
3. The grading plan shall be at a scale of one (1) inch to fifty (50) feet or larger. The plan's contour interval shall be as follows:

- a. Not more than five (5) foot intervals where the slope will be greater than ten (10) percent.
 - b. Not more than two (2) foot intervals where the slope will be equal to or less than ten (10) percent.
- J. Preliminary Stormwater Management Plan.
1. Compliance with stormwater requirements as set forth in § 606 is mandatory.
 2. A Preliminary Stormwater Management Plan shall be submitted to the City Manager and shall include the following:
 - a. Drawing Scale.
 - b. North Arrow.
 - c. A cover sheet stamped and signed by a professional engineer indicating that all plans and supporting documentation have been reviewed and approved by the engineer and certifying the submitted plans comply with the requirements of the ordinance.
 - d. A narrative summary of the stormwater plan.
 - e. Maps of existing and proposed watersheds, sub-watersheds, Tc/Tt (Time of Concentration/Time of Travel) flow paths, soil types, hydrologic soil groups, land uses/cover type and runoff curve numbers within the site and draining into the site from adjacent properties.
 - f. Location of existing and proposed stormwater discharge points.
 - g. Delineation and labeling of all proposed impervious areas and accompanying area computations.
 - h. Pre-development, pre-settlement and post-development hydrology data for each watershed, including both peak flows and volume. All assumptions used in developing the input parameters shall be clearly stated and cross-referenced to the maps.
 - i. Impervious surface maps and calculations of runoff volumes and infiltration areas.
 - j. Final design drawings of all proposed stormwater Best Management Practices (BMP) with sufficient clarity for those responsible for site grading, including:
 - 1) Plan views showing the proposed BMP locations, in combination with the site plan map.
 - 2) Detailed cross-sections and profiles for each BMP showing critical design features, side slopes, structures, soil profiles and elevations, including seasonal water table.
 - 3) Detailed drawings or material specifications for inlets or outlets.

- k. Detailed construction notes explaining necessary procedures to be followed to properly implement the plan, including planting and landscaping specifications, timing and sequencing of construction and any temporary measures needed to protect BMPs during the construction phase.
 - l. Detailed construction inspection plan, outlining the critical elements in the plan that need to be surveyed or inspected by a representative of the project engineer or the municipality, and the timing and notification requirements involved (identification of responsible party).
 - m. Final operations and maintenance plan in accordance with ordinance requirements.
 - n. Hydraulic data summaries for all proposed pipes or channels.
 - o. Location and dimensions of proposed drainage easements. Easements must be recorded to preserve major stormwater flow paths, specify maintenance responsibilities, restrict buildings/structures and prevent any grading, filling or other activities that might obstruct flow.
 - p. Design data for each proposed BMP, showing compliance with applicable technical standards, as well as the requirements of this Ordinance.
- K. Conceptual Landscape Plan. A Conceptual Landscape Plan shall be provided to the City Manager, and shall contain the following:
- 1. Drawing Scale.
 - 2. North arrow.
 - 3. Approximate locations and spacing of all proposed plant material with typical dimensions by species.
 - 4. Botanical and common names of all plant species.
 - 5. Indication of plat size to be installed species.
 - 6. Quantities of species.
- L. Traffic Impact Study - Type A.
- 1. The City shall require a traffic impact study for developments or changes in uses generating less than one hundred (100) trips in addition to the adjacent roadways' existing peak hour volumes in cases where known traffic deficiencies exist in the area of the proposed development or change in use.
 - 2. The Applicant shall prepare a worksheet that computes the weekday peak morning hour (between 7-9 a.m.) and weekday peak afternoon hour (between 4-6 p.m.) average vehicle trips for residential subdivisions according to the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The Applicant shall submit the completed worksheet to the City Manager. The Applicant shall

reference the *Average Rate* in the *Trip Generation Per Acre* table for the applicable *Land Use 210 Codes* of the ITE Trip Generation Manual.

3. In addition to the computation worksheet, the Applicant shall supply copies of the land use pages ITE results to the City Manager.

M. Traffic Impact Study - Type B.

1. Any land development or subdivision which will generate, on average, one hundred (100) or more peak hour trips on any adjacent street shall be required to have a traffic impact study completed as part of the approval process. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the City.
2. Traffic impact study scope. Prior to beginning a traffic impact study, the Applicant shall submit a proposed scope of services to the City Manager for review and approval. The traffic impact study shall include the following if appropriate as determined by the City:
 - a. A brief description of the proposed project in terms of land use and magnitude.
 - b. An inventory and analysis of existing roadway and traffic conditions in the site environs including:
 - 1) Roadway network and traffic control.
 - 2) Existing traffic volumes in terms of peak hours and average daily traffic (ADT).
 - 3) Planned roadway improvements by others.
 - 4) Intersection levels of service.
 - 5) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle studies, etc.
 - c. Proposed site-generated traffic volumes in terms of:
 - 1) Peak hours and ADT (by development phase if required).
 - 2) Arrival/departure distribution including method of determination.
 - 3) Site traffic volumes on study roadways.
 - d. An analysis of future traffic conditions including:
 - 1) Future opening year combined traffic volumes (site traffic plus future background roadway traffic). Opening year is the projected year of opening for the proposed development or change in use.

- 2) Future design year, or years with phasing, combined traffic volumes (site traffic plus future roadway traffic). Design year is projected to ten (10) years beyond the expected opening year of the development or change in use.
 - 3) Background traffic growth rates shall be obtained from the Southwestern Pennsylvania Commission.
 - 4) Intersection levels of service.
 - 5) A pavement analysis or roadways which are projected to experience significant increase in ADT volumes off-site.
 - 6) Other measures of roadway adequacy; i.e., lane widths, traffic signal warrants, vehicle delay studies, etc.
 - 7) When access is onto a state road, the analysis of future conditions shall be consistent with PennDOT requirements.
- e. A description of future levels of service and their compliance with standards for traffic capacity of streets, intersections and driveways. New streets shall be designed for adequate traffic capacity defined as follows. All reference to levels of service (LOS) shall be defined by the Highway Capacity Manual, Special Report 209, published by Transportation Research Board. These standards may be waived by the City if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
- 1) Traffic capacity LOS shall be based upon future design year analysis.
 - 2) New or modified (a new approach created) non-signalized intersections or driveways which intersect streets shall be designed for LOS C or better for each traffic movement unless otherwise specified by the City.
 - 3) New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each traffic movement, unless otherwise specified by the City.
 - 4) Existing intersections impacted by development traffic shall maintain a minimum LOS D for each traffic movement, or, if future base (without development traffic) LOS is E then mitigation shall be made to maintain LOS E with development traffic. If future base LOS is F, then degradation in delays shall be mitigated.
- f. A description and analysis of the proposed access plan and site plan including:
- 1) Access plan including analysis of required sight distances using PennDOT criteria and description of access roadway, location, geometric conditions and traffic control.
 - 2) On-site circulation plan showing parking locations and dimension, loading access circulation roadway and traffic control.

- g. Traffic circulation mitigating action plan shall include:
 - 1) Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
 - 2) Off-site improvement plan depicting required roadway and signal installation and signing improvements to meet the minimum level of service requirements.
- 3. Traffic control devices and other traffic improvements. Whenever, as a result of additional traffic generated by a proposed development, the traffic impact study determines the need for a traffic signal or regulatory sign, additional traffic lanes (acceleration, deceleration or turning) or other traffic improvements to be constructed on the Applicant's property or on the property abutting the Applicant's property, the Applicant shall, as a condition to approval of the final plat, agree to construct the improvements at the Applicant's cost, or in lieu thereof, and with the written consent of the City, reimburse the City for the cost of the improvements.
- N. Additional Approvals Being Sought. A statement of the approvals and permits that will be required for the proposed development from the County, Commonwealth or Federal agencies shall be submitted to the City Manager.
- O. Any Application Granting Approval of Any Zoning Variance, Exception, or Interpretation. Written correspondence of Approval by the Zoning Hearing Board for any zoning variance related to the proposed development shall be provided. The Applicant shall provide all materials as submitted to the Zoning Hearing Board including any reports, maps or other documents. For any application, the City may require the land development application and variance/exception/interpretation application be submitted by the Applicant and/or be reviewed by the City simultaneously.
- P. Any Application for Conditional Use. Written correspondence requesting any conditional use(s) related to the proposed development shall be provided. The Applicant shall provide all materials including any reports, maps or other documents which support the request for said conditional use(s). For any application, the City may require the land development application and conditional use application be submitted by the Applicant and/or be reviewed by the City simultaneously.
- Q. Any Application Granting Approval of Any Special Exception. Written correspondence of approval by the Zoning Hearing Board for any special exception related to the proposed development shall be provided. The Applicant shall provide all materials as submitted to the Zoning Hearing Board including any reports, maps or other documents. For any application, the City may require the land development application and special exception application be submitted by the Applicant and/or be reviewed by the City simultaneously.
- R. Request for Waiver from Ordinance (Optional). A letter from the Applicant specifically requesting any waiver from the regulations herein established and citing the reasons for same shall be submitted to the City Manager.

- S. **Statement of Ownership.** A statement of acknowledgment in legal form, executed by a notary, stating that the Applicant is the owner or equitable owner of the land proposed for subdivision and that the subdivision as shown on the final plan is the act and deed of the Applicant and that it is desired to record the same shall be submitted to the City Manager.

§ 504. Final Plan Submission Requirements.

- A. **Final Application Form and Fee.** The final plan, the final application form and fee shall be submitted as per §301.D. All information and procedures relating thereto in all respect be in compliance with the applicable provision of this Chapter. It is the responsibility of the Applicant to coordinate plans with the respective private and public service agencies. The application form shall be accompanied by not less than five (5) printed copies of all required material and one (1) digital copy of all required site plans, plats and final reports on CD-ROM in Adobe Acrobat format. The Applicant shall also submit one (1) CD-ROM with a CAD file in .dxf format.
- B. **Existing Deed Restrictions and Protective Covenants.** Documentation of all governing roles and responsibilities shall be provided to the City Manager.
- C. **Final Plat.** The final plat shall be provided to the City Manager in an accurate and final form appropriate for recording. The final plat shall clearly delineate the following:
 - 1. Certification and seal by a registered engineer or surveyor to the effect that:
 - a. The plat represents a survey made by him or her, and that all monuments indicated thereon actually exists and their location, size and material are correctly shown.
 - b. All surveying requirements of this Chapter have been fully complied with indicated thereon actually exist and their location, size and material are correctly shown.
 - 2. Certification and seal by a registered professional engineer regarding compliance with all engineering requirements of this Chapter.
 - 3. The name of the subdivision or land development.
 - 4. The names and addresses of the Applicant and, if the Applicant is not the landowner, the names and addresses of the landowner.
 - 5. The north arrow, graphic scale and date.
 - 6. Accurate boundary lines, with dimensions and bearings.
 - 7. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract of land described in the final plat.
 - 8. Street names.

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9. Complete curve data for all curves included in the final plat, including radius, arc length, chord bearing and chord distance. Lines, which join these curves that are non-radial or non-tangential, should be so noted.
 10. Street lines with accurate dimensions in feet and hundredths of feet, with angles to the nearest one (1) minute of street and lot lines.
 11. If applicable, a notation on the plat that access to a state highway shall only be authorized by a highway occupancy permit issued by PennDOT under Section 420 of the State Highway Law (P.L. 1242, No. 428 of June 1, 1945).
 12. Certification of the dedication of streets and other property lot numbers, house numbers as provided by the City and lot dimensions.
 13. Easements for public improvements and any limitations on such easements.
 14. Accurate dimensions of any lot to be reserved for public, semipublic or community use.
 15. Location, type and size of all monuments and lot markers in accordance with the standards and requirements of § 602 of this Chapter and an indication of whether they were found or set.
 16. Final building lines.
 17. Approvals:
 - a. A place on the plat for approval by the City Council, Planning Commission Chair, Planning Commission Secretary, City Engineer, Allegheny County Planning Agency or its designee and the City Manager.
- D. Final Site Plan and Phasing Plan. The Final Site Plan and Phasing Plan shall be provided to the City Manager, including the following:
1. Basic Elements.
 - a. Block for a City approval stamp and date of approval.
 - b. Lots within a subdivision shall be numbered and their area shown within the boundary lines.
 2. Existing Development.
 - a. All items required under § 503.D.1 (Parcel Information) and § 503.D.2 (Development).
 - b. Sufficient data, including bearing and length, to locate every street, lot, easement, right-of-way and boundary line upon the ground.
 - c. The length of all straight lines, radii, lengths of curves and tangent bearings for each street.

- d. All dimensions and angles or bearings of the lines of each lot and of each lot proposed to be dedicated to public use.
 - e. The proposed building setback line for each street and the proposed placement of each building, except placement for single-family dwellings.
 - f. Location of all sanitary and storm sewer easements and location of all watercourses and detention ponds, whether public or private.
 - g. Permanent reference monuments shall be shown on the plan and designated existing or proposed.
3. Proposed Development.
- a. These drawings shall be at any of the following scales:

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

- b. All existing streets and driveways on or adjacent to the lot, including name, right-of-way width, cartway width, street lines, lot lines, rights-of-way, easements and areas dedicated to public use.
- c. Property lines and ownership of abutting properties.
 - 1) Property lines and ownership, with details of easements where required.
 - 2) Center line of streets with bearings, distances, curve data, sight distances and stations corresponding to the profile.
 - 3) Proposed center line grade of streets with percent of grade of tangents and elevations at fifty (50) foot intervals, including grades at intersections, control points, etc.
 - 4) Profile of existing ground surface along center line of street.
 - 5) Right-of-way and curb lines of streets with radii at intersections.
 - 6) Vertical curve data of streets, including length and elevations and sight distance as required by engineer.
 - 7) Beginning and end of proposed construction of streets.
 - 8) Tie ins by courses and distances to intersection of all public roads with their names and widths.
 - 9) Location of all monuments with reference to them.

- 10) Location and size of all drainage structures, public utilities, street name signs and shade trees.
 - 11) Location and size of storm and/or sanitary sewer lines with stations corresponding to the profile.
 - 12) Location of storm and/or sanitary sewer manholes or inlets with grade between and elevation of flow line and top of each manhole or inlet.
 - 13) Profile of storm drain or sewer, showing size of pipe, grade cradle, if any, manhole or inlet locations, elevations at flow line.
 - 14) Beginning and end of proposed construction of storm and/or sanitary sewer.
 - 15) Location of storm and/or sanitary sewer laterals, Y's, etc.
 - 16) Location of all other drainage facilities and public utilities.
 - 17) Profile of existing ground surface with elevations at top of manholes or inlets.
 - 18) The final plan shall be accompanied by plans of bridges and other improvements and shall contain sufficient information to provide complete working plans for the proposed construction.
 - 19) The final plan shall be accompanied by a typical cross section of streets showing:
 - [a] Right-of-way width and location and width of paving.
 - [b] Type, thickness and crown of paving.
 - [c] Type and size of curb.
 - [d] Grading of sidewalk area, if applicable.
 - [e] Location, width, type and thickness of sidewalks.
 - [f] Typical location of sewers and utilities with sizes.
- E. Final Water Supply Report. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision or development, Applicants shall present evidence to the Planning Commission that the subdivision is to be supplied by a certified public utility, a bona fide cooperative of lot owners or by a municipal corporation, authority or utility. This evidence shall take the form of a copy of a certificate of public convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, submitted to the City Manager.
- F. Final Grading Plan. A Final Grading Plan, illustrating final grades of all lots and a surface drainage plan by arrows showing the direction of runoff on each lot, shall be submitted to the City Manager and shall include all items required under § 607

(Preliminary Grading Plan). The final grading plan shall also clearly delineate the following:

1. Proposed center line grade of streets with percent of grade of tangents, including grades at intersections.
- G. Final Stormwater Management Plan. A Final Stormwater Management Plan shall be submitted to the City Manager and shall include all items required under § 606 (Preliminary Stormwater Management Plan) unless approval of the following:
- H. Final Landscape Plan. A Final Landscape Plan shall be submitted to the City Manager and shall include all items required under § 503.K (Conceptual Landscape Plan) unless approval of the following:
- I. Erosion and Sedimentation Control Plan. A copy of the erosion and sedimentation plan as filed with the Allegheny County Conservation District including a copy of the transmittal letter and evidence of Allegheny County Conservation District approval shall be provided to the City Manager unless approval of the following:
- J. Written Easements or Deeds to be Granted. A copy of all written easements or deeds to be granted as a result of the subdivision or land development shall be provided to the City Manager unless approval of the following:
- K. Agreement for Completion of Public Improvements and Dedication of Streets.
1. An appropriate statement signed by the owner unequivocally indicating his intention either:
 - a. To dedicate for public use all streets, roads, easements and rights-of-way so intended and designated; or
 - b. To reserve as private any streets, roads, easements or rights-of-way intended not to be dedicated for public use.
 2. The final plan shall be accompanied by a written agreement of Applicant in a form approved by the City Council, including an agreement to construct, in form and substance agreeable to the City, required improvements, including but not limited to streets, curbs, sidewalks and storm drainage facilities.
- L. Construction Plans for Public Improvements. Construction plans for public improvements prepared by a registered engineer drawn on sheets measuring twenty-four by thirty-six (24 x 36) inches, containing the following:
1. Conformity with the design standards specified by the Pennsylvania Uniform Construction Code.
 2. Plans in profile of each street in the plan and the intersection of each street in the plan for at least two hundred (200) feet beyond the limits of the plan.

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3. At least three (3) cross sections at intervals not to exceed one hundred (100) feet and extending fifty (50) feet on each side of the street center line or twenty-five (25) feet outside of the street right-of-way, whichever is greater.
4. All drainage easements over private property.
5. The location of all necessary sewers, manholes and catch basins.
6. The top and invert elevation of each inlet and manhole, together with the grade, size and material of each sewer line.
7. The grade line, distance and pipe size of each line in the storm drainage system within the plan and any storm drainage system immediately adjacent thereto.
8. All pipe sizes and distances shown by plan and profile.
9. The location of each sanitary sewer wye as proposed for installation.
10. Areas set aside for underground utilities.

M. Certificates of Approval from Other Agencies.

1. The final plan shall be accompanied by, if required, a highway occupancy permit or review and written approval by the PennDOT.
2. The final plan shall be accompanied by an approval of street names by the Allegheny County Department of Public Safety.
3. The Applicant shall obtain approval from the City's designated Certified Code Reviewer, if applicable.

N. Developer's Agreement. Prior to an Applicant beginning construction of a subdivision or/and land development, the City Council shall require that the Applicant execute a development agreement with the City, in a form acceptable to the City Solicitor, containing provisions that are reasonably required to guarantee compliance with the conditions of approval, if any, and to guarantee the proper installation of on-site and off-site improvements related to the subdivision and/or land development and provisions necessary to indemnify the City in connection therewith.

O. Homeowner's Association Bylaws and Other Related Documents.

1. Provisions within any Homeowner's Association Bylaws shall include procedures related to:
 - a. Association Membership.
 - b. Board of Directors.
 - c. Association and Election Voting Rules.
 - d. Officers.
 - e. Books and Records.

- f. Amendments to Bylaws.
- g. Adoption of Bylaws.
- Q. Guarantee of Installation of Improvements. See §405.C.1.e.
- R. Inspection and Engineering Fees. See §405.C.1.f.
- S. Final Submittal of Reproducible Original of the Plans. The Applicant shall submit a reproducible original of the plans, five (5) prints of the final subdivision or land development plans and at least five (5) copies of all other required information.

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ARTICLE VI - General Design Principles

§ 601. General Land and Site Planning Requirements.

- A. Land Suitability. Land shall be suited to the uses proposed. Land which is unsuitable for development because of hazards to life, safety, health or property shall not be subdivided or developed until it has been made safe for the intended uses.
1. Land subject to flooding shall only be developed in accordance with the City's Floodplain Management Ordinance (Chapter 8).
 2. Wetlands shall be protected in accordance with Federal and State laws and regulations.
 3. Where a site has been undermined, certification of a registered engineer shall be required that appropriate measures will be taken to protect both existing and proposed structures and uses from subsidence and damage.
 4. Land containing significant areas of slopes greater than fifteen (15) percent should not be disturbed by grading or construction to the maximum extent feasible.
 5. Land which is subject to surface or subsurface pollution or contamination shall not be developed until remediation measures are completed in accordance with Federal and State requirements.
- B. Natural Features Preservation.
1. The natural terrain of the proposed development site should be retained wherever possible; areas with slopes greater than fifteen (15) percent should not be disturbed.
 2. Areas of mature trees, unique vegetation or habitat should be preserved and protected from negative impacts of development.
 3. Any significant historical or archaeological features which have been identified on a development site should be preserved. Adequate opportunity shall be provided to qualified persons to document any resource which cannot be maintained.
- C. Riverbank Protection.
1. Development sites abutting the Monongahela River, or adjacent to the river across a railroad right-of-way or road, shall be planned to protect and enhance public visual access, or public view corridors, to the river and/ or scenic perspectives across the river.

2. Whenever feasible, the streets, pedestrian walkways, open spaces and buffer yard shall be located and designed to improve public views and enjoyment of the riverfront.
3. If a development plan includes a proposal for any public riverfront park, open space or other general public access to the riverfront, the Applicant shall submit a plan for ownership and continuing maintenance of the proposed public areas.

D. **Development Compatibility.** Proposed subdivisions or land developments shall relate harmoniously to surrounding developments and the community as a whole. The development should be consistent with any approved plans and policies of the City or other governmental agencies. Proposed land uses shall conform to the City Zoning Ordinance (Chapter 27).

§ 602. Monuments and Markers.

Monuments shall be set at the intersection of lines forming angles in the boundaries of the subdivision/land development and at the intersection of street lines in accordance with requirements of the County Subdivision Regulations. Monument locations shall be shown on the final plan. Any monuments that are removed shall be replaced by a registered engineer or surveyor at the expense of the person removing it.

§ 603. Blocks and Lots.

A. Blocks.

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

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

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

B. Lots.

1. Lot lines intersecting street lines shall be substantially at right angles or radial to street lines.
2. Lots shall, in general, front on an approved public or private street. To the extent practicable, residential lots shall not front on arterial or collector streets.
3. The City shall approve the assignment of house numbers to each lot within a subdivision or land development.
4. Remnants of land, smaller than required for a lot, shall not be permitted within any development. Such remnants shall be incorporated in existing or proposed lots, or dedicated to common open space.
5. Double frontage lots are prohibited except where authorized by this Chapter.

§ 604. Street System, Curbs and Sidewalks.

A. General Standards.

1. The street system for a proposed development shall be laid out and designed to coordinate with existing or proposed streets in adjoining subdivisions or land developments and with the overall municipal street system.
2. Streets shall be related to the topography so as to produce usable lots and acceptable grades.
3. The street system shall be arranged to provide adequate access to all lots, parcels and/or buildings within the development. Where adjoining areas are undeveloped, the street system in a proposed development shall permit the proper extension of streets into the undeveloped land.
4. All streets shall be improved to the limits of the subdivision/land development and shall be improved in accordance with the Pennsylvania Uniform Construction Code. Reserve strips and land-locked areas shall not be created.

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5. Residential streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic and nonresidential traffic. Streets serving predominantly commercial and industrial areas shall be designed with consideration for anticipated truck traffic, location or railroad facilities and safety of pedestrian movements.
6. Where development is proposed on an existing or proposed arterial street or limited access highway, City Council may require that provisions be made for marginal access streets. City Council may also require rear service areas, double frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
7. Half or partial streets shall not be approved except where essential to allow development of a tract in conformance with the requirements of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured. If a proposed development borders an existing half or partial street, the entire street shall be shown on the plan.
8. Dead end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts or when designed as cul-de-sacs.
9. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.
10. All streets shall have a uniform width throughout their respective length except where otherwise required by City Council.

B. Street Design.

1. Street Classification. All streets in a development shall be classified as either arterial, collector or local access (minor), as defined by this Chapter.
2. Design and Construction Standards. All streets and access drives, whether publicly or privately owned, shall be designed and constructed in accordance with the Pennsylvania Uniform Construction Code or applicable requirements of the PennDOT Design Manual- Urban Design Criteria (Publication 72) and Publication 408-Specifications.

C. Curbs.

1. Curbs shall be provided on all streets and parking areas. This requirement for curbs may be modified at the discretion of City Council upon recommendation by the Planning Commission and City Engineer.

2. All curbs shall comply with current ADA regulations, as per §406 of the 2010 ADA Standards for Accessible Design, as amended.
3. Curbs may be either the vertical type or rolled curb and gutter type. Rolled curb and gutter shall not be used on collector streets. The transition from one (1) type of curb to another shall occur only at street intersections.
4. All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet and shall follow PennDOT standards where applicable.

D. Sidewalks.

1. Sidewalks and other pedestrian walkways shall be provided to connect the development site, as appropriate, with adjacent properties or activity centers, public streets, parking areas and to connect uses within a development site.
2. Walkways shall be at least four (4) feet in width and shall be paved with an all-weather surface. The use of brick, terrazzo, paving blocks or similar creative treatment, or pervious pavement materials is encouraged. Natural walking trails (i.e., unpaved) may be approved by City Council where such can be shown to be appropriate to the development.
3. Ramps and other measures to assure accessibility by disabled persons shall be provided and installed in accordance with the Pennsylvania Uniform Construction Code and those of PennDOT.

§ 605. Utilities.

- A. Sanitary Sewage. Every lot and/or building within a subdivision or land development shall be connected to a public sanitary sewer system which meets all City, County and State requirements for collection and disposal. The City Engineer shall approve all proposed connections with the City's sanitary sewer system.
- B. Water Supply.
 1. The subdivision/land development shall be provided with a complete water main supply system which shall be connected to a public water supply or with a community water supply approved by the engineer of the applicable water service company and the PaDEP, with satisfactory provision for the maintenance thereof. A statement of approval from the engineer of the water supply agency shall be submitted.
 2. Fire hydrants shall be provided as an integral part of any public water supply system. The City Fire Chief shall be consulted regarding the appropriate location of proposed fire hydrants.

C. Other Utilities.

1. Electric, gas, telephone, T.V. cable and such other utilities shall be installed underground within easements or dedicated rights-of-way according to the standards and practices of the companies providing such services.
2. Overhead distribution utility lines may be permitted as an exception provided the placement and alignment of poles shall be designed to lessen the visual impact of the lines.

§ 606. Stormwater Management.

A. Purpose of Stormwater Management. The standards and requirements contained herein are intended to achieve the following objectives:

1. Control accelerated and/or redirected runoff and erosion and sedimentation problems at their source.
2. Utilize and preserve the desirable existing natural drainage systems and preserve the flood-carrying capacity of streams.
3. Encourage natural infiltration of rainfall to preserve groundwater supplies and stream flows.
4. Provide for adequate maintenance of all permanent stormwater management structures.

B. General Requirements.

1. The quality of all stormwater runoff and any other nonpoint discharge from the development site shall comply with all Federal, State and County laws and regulations.
2. The existing points of natural drainage discharge onto adjacent property shall not be altered without the written approval of the affected landowners.
3. No stormwater runoff or natural drainage shall be so diverted as to overload existing drainage systems, or create flooding or the need for additional drainage structures on other private properties or public lands, without approved provisions being made by the Applicant for properly handling such conditions.
4. Where a development is traversed by watercourses other than permanent streams, there shall be provided a drainage easement conforming substantially with the line of such water course. The width of the easement shall be adequate to provide for unimpeded flow of stormwater runoff based on the calculations made according to § 606 D and to provide a freeboard allowance of one-half (1/2) foot above the design water surface level. The terms of the easement shall prohibit excavation, the placing of fill, structures or any alterations which may adversely affect the flow of stormwater

within any portion of the easement. Also, periodic cutting of vegetation in all portions of the easement shall be required.

5. Where a development is traversed by natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. The City will assure that all permanent streams, not under the jurisdiction of other official agencies, are maintained open and free flowing.
6. The normal or flood flow of any watercourse or stream shall not be altered or impeded in any way with having obtained approval from the City or the PaDEP, whichever is applicable.
7. Drainage facilities that are located on State and County roads shall be approved by the appropriate governmental agency, and a copy of such approval shall be submitted to the City.
8. All streets shall be designed so as to provide for the eventual discharge of surface water away from their rights-of-way.

C. Performance Standards.

1. General. The following shall be considered the overriding performance standards against which all proposed stormwater control measures shall be evaluated:
 - a. Any Applicant engaged in the alteration or development of land which may affect stormwater runoff characteristics shall implement such measures 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 stormwater runoff is no greater after development than prior to development activities.
 - 2) To manage the quantity, velocity and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.
2. Watershed Standards.
 - a. If the proposed development is located in a watershed for which a stormwater management plan has been approved in accordance with the Monongahela River Watershed Plan, then stormwater runoff shall be handled in accordance with the standards and criteria contained in the Watershed Plan.
 - b. If the proposed development is located in a watershed for which a State- approved stormwater management plan is not yet completed, then stormwater management facilities for the site shall control peak stormwater discharge for a range of design storms from the two (2) to one hundred (100) year storm. The Applicant's

engineer in consultation with the City Engineer shall determine the design storms which shall be used, based on the capacity of existing obstructions and system components. Type II Rainfall Distribution shall be used for analyzing runoff in pre- and post- development conditions as well as for designing runoff control facilities (except collection and conveyance systems).

D. Runoff Calculations.

1. For the purpose of computing peak flow rates and runoff hydrographs from development sites and drainage areas larger than one (1) acre, calculations shall be performed using the methodologies presented in SCS publication, Technical Release 55 (TR 55). For development sites less than one (1) acre, the Rational Method shall be utilized.
2. For the purposes of designing storm sewers, open swales and other runoff collection and conveyance facilities, the Rational Method shall be applied. Rainfall intensities for design should be obtained from the PennDOT rainfall charts, as per Appendix A of Chapter 7 of the 2015 PennDOT Drainage Manual, as amended.

E. Stormwater Detention Facilities.

1. When detention facilities are utilized, the facility(s) shall be designed such that post-development peak runoff rates from the developed site are controlled to those rates which shall be shown to prevent downstream harm under selected design storms.
2. All detention facilities shall be designed and equipped to safely pass the post-development one hundred (100) year storm runoff flows without damaging (i.e., impairing the continued function of) the facilities.
3. Facilities which provide detention of runoff for more than one (1) development site may be considered. Such facilities shall meet the criteria contained in this Section. In addition, runoff from the development sites involved shall be conveyed to the facility in a manner that avoid adverse impacts (such as flooding or erosion) to channels and properties located between the development site and the shared-storage facilities.
4. The use of lakes, ponds, ballfields or similar recreational areas to serve as detention facilities is encouraged wherever feasible, subject to approval of the City.
5. Other considerations which should be incorporated into the design of the detention facilities include:
 - a. Inflow and outflow structures shall be designed and installed to prevent erosion, and bottoms of impoundment type structures should be protected from soil erosion.
 - b. Control and removal of debris both in storage structures and all inlet or outlet devices shall be a design consideration.

- c. Inflow and outflow structures, pumping stations and other structures shall be protected and designed to minimize safety hazards.
 - d. The water depth of a storage pond shall be limited to that which is safe for children. Otherwise, appropriately landscaped fencing at least six (6) feet in height shall be required.
 - e. Side slopes of storage ponds shall not exceed a ratio of three (3) to one (1) horizontal to vertical dimension.
 - f. Landscaping shall be provided for the facility which harmonizes with the surrounding area.
 - g. Facility shall be located to facilitate maintenance, considering the frequency and type of equipment that will be required.
- F. Criteria for Collection/Conveyance Facilities.
- 1. All stormwater runoff collection or conveyance facilities, whether storm sewers or other open or closed channels, shall be designed in accordance with the Pennsylvania Uniform Construction Code and the following basic standards:
 - a. All sites shall be graded to provide drainage away from and around the structure in order to prevent any potential flooding damage.
 - b. Lots located on the high side of streets shall extend roof and french drains to the curb line storm sewer (if applicable). Low side lots shall extend roof and french drains to a stormwater collection/conveyance system or natural watercourse in accordance with the approved stormwater management plan for the development site.
 - c. Collection/conveyance facilities should not be installed parallel and close to the top or bottom of a major embankment to avoid the possibility failing or causing the embankment to fail.
 - d. All collection/conveyance facilities shall be designed to convey the twenty-five (25) year storm peak flow rate from the contributing drainage area and to carry it to the nearest suitable outlet such as a curbed street, storm sewer or natural watercourse.
 - e. Where drainage swales or open channels are used, they shall be suitably lined to prevent erosion and designed to avoid excessive velocities.
 - 2. Wherever utilized, storm sewers shall comply with the Pennsylvania Uniform Construction Code and the following:
 - a. Where practical, designed to traverse under seeded and planted areas. If constructed within ten (10) feet of road paving, walks or other surfaced areas,

drains shall have a narrow trench and maximum compaction of backfill to prevent settlement of the super imposed surface or development.

- b. Preferably installed after excavating and filling in the area to be traversed is completed, unless the drain is installed in the original ground with a minimum of three (3) feet cover and/or adequate protection during the fill construction.
- c. Designed:
 - 1) Designed with cradle when traversing fill areas of indeterminate stability;
 - 2) Designed with anchors when gradient exceeds twenty (20) percent; and
 - 3) Designed with encasement or special backfill requirements when traversing under a paved area.
- d. Designed to adequately handle the anticipated stormwater flow and be economical to construct and maintain. The minimum pipe size shall be fifteen (15) inches in diameter.
- e. Drain pipe, trenching, bedding and backfilling requirements shall conform to the requirements of the City and/or applicable PennDOT Specifications Form408.
- f. All corrugated metal pipe shall be polymer coated, and with asbestos bonding and paved inverts where prone to erode. Pipe within a municipal right-of-way shall be reinforced concrete pipe with a minimum diameter of fifteen (15) inches.
- g. Storm inlets and structures shall be designed to be adequate, safe, self-cleaning and unobtrusive and consistent with the Pennsylvania Uniform Construction Code.
- h. Appropriate grates shall be designed for all catch basins, stormwater inlets and other entrance appurtenances.
- i. Manholes shall be designed so that the top shall be at finished grade and sloped to conform to slope of finished grade. Top castings of structures located in roads or parking areas shall be machined or installed to preclude "rattling."
- j. Where proposed sewer connects with an existing storm sewer system, the Applicant shall demonstrate that sufficient capacity exists in the down- stream system to handle the additional flow.
- k. Storm sewer outfalls shall be equipped with energy dissipation to prevent erosion and conform with applicable requirements of the PaDEP Protection for stream encroachments (Chapter 105 of PaDEP Rules and Regulations).

§ 607. Grading, Erosion and Sedimentation Controls.

A. Grading.

1. A grading plan, approved by the City Engineer, shall be required for all subdivisions and land developments except for the following:
 - a. The foundation excavation incidental to development of not more than five (5) single or two (2) family homes or which a building permit has been issued.
 - b. Excavation and/or fill on a site not exceeding five hundred (500) cubic yards (in addition to subsection (1), above) or four (4) feet in depth providing a three (3) to one (1) slope is maintained.
 - c. Off-site fill disposal not exceeding five hundred (500) cubic yards or four (4) feet in depth providing a three (3) to one (1) slope is maintained.
2. Where a grading plan is not required, the landowner or Applicant shall be responsible for assuring that any grading performed on the property conforms to the provisions of this Chapter.
3. During grading operations necessary measures for dust control will be exercised. All soil washed or carried onto public streets during grading operations shall be cleaned up each day. Temporary driveway or road surfaces shall be provided as soon as possible. The owner of the property being graded shall keep any adjacent properties free from silt, debris or any nuisance whatsoever as a result of the grading work.
4. Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of stormwater in pools. Minimum two (2) percent slopes away from structures shall be required.
5. Sufficient drainage shall be provided to accommodate surface and subsurface water during any grading operation and after its completion. Drainage facilities shall be designed to carry storm and surface waters to the nearest practical street, storm drain or natural watercourse in accordance with the approved stormwater management plan for the site. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one (1) percent nor more than four (4) percent. The swales shall be sodded, planted or lined as required.
6. No grading operation shall change the course, width or elevation of any natural or other drainage way except in accordance with any approved PaDEP permit and without assuring that a suitable alternative is provided by which runoff or seeping water can be carried to a satisfactory disposal.
7. No final grading shall be permitted with a cut face steeper in slope than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:

- a. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) horizontal to one (1) vertical. A written statement to that effect from a registered civil engineer, experienced in geotechnical engineering, shall be submitted to the City and approved by the City Engineer. The statement shall indicate that the site has been inspected and that the deviation from the slope specified will not result in injury to persons or damage to property.
 - b. A concrete or stone masonry wall is proposed and designed and constructed under the supervision of a registered professional engineer who is experienced in geotechnical engineering. The plans for the wall shall be reviewed by the City Engineer.
8. No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) horizontal to one (1) vertical except under one (1) or more of the following conditions:
- a. The fill is located so that settlement, sliding or erosion will not result in property damage or be hazardous to adjoining property, streets, alleys or buildings.
 - b. A written statement is submitted from a registered engineer experienced in erosion control, certifying that the site has been inspected and that the proposed deviation from the slope specified above will not endanger any property or result in property damage.
9. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of streets in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines where walls or slopes are steeper than a gradient of one (1) to one (1) and five (5) feet or more in height shall be protected by a protective fence of not less than three (3) feet in height and approved by the City Engineer.
10. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of ten (10) percent and shall be stabilized by sodding on slopes ten (10) percent or more and planted in ground cover on slopes twenty (20) percent or greater.

B. Erosion and Sedimentation Controls.

1. No earthmoving activity, including cuts and fills, excavation, removal of topsoil, trees or vegetative cover of the land, shall commence until the plans for minimizing soil erosion and sedimentation, both during and after construction, have been approved.
2. The erosion/sedimentation plan shall be prepared in accordance with the PaDEP Erosion/Sedimentation Regulations (25 Pennsylvania Code, Chapter 102) and the standards and specifications of the County Conservation District.
3. Proposed erosion/sedimentation measures shall be submitted with the stormwater management plan as part of the plan applications.

§ 608. Landscaping.

A. General.

1. The landscaping for a proposed subdivision/land development shall be completed according to the approved plan. The landscaping shall complement and accentuate the best features of the building(s) and site; provide essential shade, effective cooling, sound and sight control; and be selected and organized to minimize maintenance.
2. The specific landscaping features of each development shall be determined as part of the plan review. The plant species and other landscaping selected shall be hardy for the climate and use of the site.
3. All plant material shall meet the specifications of the American Association of Nurserymen (AAN) for No.1 grade.
4. All planting and landscaping shall be completed within six (6) months of the initial occupancy of the development or each stage of the development.
5. The property owner shall be responsible for the continuing maintenance of all landscaping, including the replacement of dead materials. Landscaped areas shall be kept clean of all debris, rubbish, weeds and tall grass.

- B. Screening. Whatever natural screening is being planted to meeting a screening requirement of the Zoning Ordinance, such screen shall consist of fifty (50) percent evergreen or evergreen-type hedges and fifty (50) percent shrubs and deciduous trees inter-planted with a variety and size, at the time of planting, that will attain a height of at least six (6) feet within three (3) years.

Furthermore, subdivision and land development plans shall provide for such screening as follows:

1. Where nonresidential uses abut residential uses.
 2. Where residential uses abut any railroad right-of-way or arterial highway.
 3. Along the perimeter of any outdoor storage area, common utility yard or outdoor equipment area in multiple residential developments.
 4. Elsewhere, as deemed necessary by the Planning Commission and the City Council.
- C. Open space. Where the Applicant is offering for dedication or is required by ordinance to establish a reservation of open space or preserve an area of scenic or historic importance, a "limit of work," which will confine excavation, earth-moving procedures and other changes to the landscape, may be required to ensure preservation and prevent despoliation of the character of the area in open space.

- D. Topsoil preservation. All of the topsoil from areas where cuts and fills have been made should be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten (10) percent and shall be stabilized by sodding on slopes ten (100) percent or more and planted in ground cover on slopes twenty (20) percent or greater.
- E. Buffer planting requirements. Buffer yard requirements shall be as specified in the City of Duquesne Zoning Ordinance. See Ch. 27, Zoning.
- F. Preserved landscaping. When there is a conscientious effort to preserve the existing natural integrity and character of a site and where such preservation effectuates areas of woodland and trees comparable to required planting improvements (i.e., landscaping and buffer screening), the plan may be received in lieu of additional landscaping requirements.
- G. Watercourse protection. Where a subdivision or land development is traversed by a natural watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse and of such width as will be adequate to preserve natural drainage. Such easement shall be in addition to the open space required in Subsection B.
- H. Street Trees.
 - 1. Trees shall be provided along the entire street frontage of any property abutting a public street except in those areas designated as driveways or other access roads.
 - 2. The type and spacing of trees shall be in accordance with the approved landscaping plan for the site or City ordinances, but at a minimum one (1) tree per thirty (30) feet of frontage should be provided.
 - 3. All trees shall have a minimum caliper of three and one-half (3½) inches and be of similar size and shape.
- I. Tree preservation. Whenever possible, trees shall not be removed unless they are located within the proposed street right-of-way, within the proposed building area or within utility locations and equipment access areas. In areas where trees are retained, the original grade level shall be maintained, if possible, so as not to disturb the trees.

§ 609. Contribution for recreational purposes.

- A. It is the policy of City of Duquesne to attempt to provide recreational facilities for all the residents of the City of Duquesne pursuant to the Joint Comprehensive Plan for the Cities of Duquesne & McKeesport. Centralized facilities are preferred over local neighborhood facilities. New and additional facilities are required in direct proportion to increase in population. Applicants causing increases in population by new residences must share in the cost of additional recreational facilities.

*Article VI – General Design Principles
Subdivision and Land Development*

- B. In accordance with Section 503(11)(iii) of the MPC (see 53 P.S. § 10101 et seq), each Applicant proposing a subdivision or development which includes residential dwellings shall, as a condition precedent to final plan approval, pay to the City of Duquesne, in lieu of dedication of land suitable for park and recreation purposes, the sum of \$500 per dwelling unit. All parks and recreational facilities shall be constructed in accordance with all local, state and federal regulations and safety standards. The fees shall be used only for the purpose of providing park or recreational facilities accessible to the development.
- C. The fee authorized under this section shall, upon its receipt by the City of Duquesne, be deposited into an interest-bearing account, clearly identifying the specific recreation facilities for which the fee was received. Interest earned on such accounts shall become funds of that account. Funds from such accounts shall be expended only in properly allocable portions of the cost incurred to construct the specific recreation facilities for which the funds were collected.
- D. Upon request of any person who paid any fee under this section, the City of Duquesne shall refund such fee, plus interest accumulated thereon from the date of payment, if the City of Duquesne had failed to utilize the fee paid for the purposes set forth in this section within three years from the date such fee was paid.

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ARTICLE VII - Required Improvements

§ 701. General requirements.

The following improvements shall be installed. The final plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed or security to the City Council is provided.

§ 702. Streets.

A. General Standards.

1. The street system for a proposed development shall be laid out and designed to coordinate with existing or proposed streets in adjoining subdivisions or land developments and with the overall municipal street system.
2. Streets shall be related to the topography so as to produce usable lots and acceptable grades.
3. The street system shall be arranged to provide adequate access to all lots, parcels and/or buildings within the development. Where adjoining areas are undeveloped, the street system in a proposed development shall permit the proper extension of streets into the undeveloped land.
4. All streets shall be improved to the limits of the subdivision/land development and shall be improved in accordance with the Pennsylvania Uniform Construction Code. Reserve strips and land-locked areas shall not be created.
5. Residential streets shall be laid out to discourage their use by through traffic and, where possible, arterial streets shall be designed for use by through traffic and nonresidential traffic. Streets serving predominantly commercial and industrial areas shall be designed with consideration for anticipated truck traffic, location or railroad facilities and safety of pedestrian movements.
6. Where development is proposed on an existing or proposed arterial street or limited access highway, City Council may require that provisions be made for marginal access streets. City Council may also require rear service areas, double frontage lots or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with primary streets, and separation of local and through traffic.
7. Half or partial streets shall not be approved except where essential to allow development of a tract in conformance with the requirements of this Chapter and where, in addition, satisfactory assurance for dedication of the remaining part of the street can be secured. If a proposed development borders an existing half or partial street, the entire street shall be shown on the plan.

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8. Dead end streets shall be prohibited, except as stubs (with adequate turning capability) to permit future street extension into adjoining tracts or when designed as cul-de-sacs.
9. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street.
10. All streets shall have a uniform width throughout their respective length except where otherwise required by City Council.

B. Street Design.

1. Street Classification. All streets in a development shall be classified as either arterial, collector or local access (minor), as defined by this Chapter.
2. Design and Construction Standards. All streets and access drives, whether publicly or privately owned, shall be designed and constructed in accordance with City specifications or applicable requirements of the PennDOT Design Manual-Urban Design Criteria (Publication 72) and Publication 408-Specifications.

§ 703. Curbs and sidewalks.

Where applicable, curbs and sidewalks shall be provided in accordance with the standards set forth in § 604.C-D.

§ 704. Sewers.

- A. Public sewer systems. When the subdivision or land development is to be provided with a complete sanitary sewer system connected to a public sanitary sewer system, a statement of approval from the engineer of the sewerage system to which it will be connected shall be submitted to the City Council. Where required, DEP planning module approval shall also be obtained for final plan approval. In all cases where public sewer systems are to be installed in conjunction with a proposed subdivision, said sewer system shall be installed in accordance with the ordinance, resolutions, rules and regulations of the Municipal Authority of the City of Duquesne.
- B. Private sewer systems. When a complete private sanitary sewer system using a treatment plant is to be provided, a statement shall be submitted to the City Council from the PaDEP certifying that a permit has been issued by the appropriate agency approving the proposed facilities. Adequate security for the maintenance of such plant shall be furnished to the City of Duquesne.
- C. On-lot sewage disposal. In subdivisions where public sewers are not available and a complete private sanitary sewer system is not required, on-lot sewage disposal systems shall be provided.

§ 705. Water.

- A. Provision of system. The subdivision or land development shall be provided with a complete water main supply system which shall be connected to a municipal water supply or with a community water supply approved by the engineer of the applicable water utility company and the PaDEP with satisfactory provision for the maintenance thereof.
- B. Approval. All water systems to be installed as part of a proposed subdivision shall be installed in accordance with the requirements of the Allegheny County Municipal Authority.
- C. Plans. The plans for the installation of the mains of a water supply system shall be prepared for the subdivision or land development with the cooperation of the applicable water supply agency and approved by its engineer. A statement of approval from the engineer of the water supply system agency to which the subdivision or land development will be connected shall be submitted to the Planning Commission. Upon the completion of the water supply system, one copy of each of the plans for such system shall be filed with the City of Duquesne.

§ 706. Storm drainage.

A storm drainage system shall be provided in accordance with the standards set forth in § 606.

§ 707. Utilities.

- A. Easements for utilities shall have a minimum width of twenty (20) feet.
- B. To the fullest extent possible, easements for public utilities shall be centered on or adjacent to rear or side lot lines.
- C. Telephone, electric, TV cable and such other utilities shall be installed underground and shall be provided within the street right-of-way or easements to be dedicated for such utilities and in accordance with plans approved by the City of Duquesne and the applicable utility company. Underground installation of the utility distribution and service lines may be completed prior to street paving and gutter, curbing and sidewalk installation. A standard detail shall be included to show the location and placement of all underground utilities. The Applicant shall notify all TV cable companies with whom the City of Duquesne has contracted before backfilling any rights-of-way or easements and provide written proof of notification to the City of Duquesne.

§ 708. Monuments and markers.

- A. Monuments shall be of concrete or stone at least six (6) inches by six (6) inches by thirty (30) inches and marked on top with a copper or brass dowel. They shall be set at the intersection of lines forming angles in the boundaries of the subdivision and at the intersection of street lines. Markers shall be iron pipes or brass thirty (30) inches by three-fourth (3/4) inch diameter and set at all points where lines or lines and curves intersect.
- B. Monument replacement. Any monuments or markers that are removed must be replaced by a registered land surveyor at the expense of the person responsible for the removal.

§ 709. Other improvements.

- A. Shade trees shall be provided as specified in § 608.G.
- B. Street name signs conforming to City of Duquesne specifications shall be provided and installed by the Applicant at all street intersections.
- C. Open space shall be provided as specified in § 608.B.
- D. Lighting.
 - 1. All common parking areas, steps, ramps, walkways of high volume pedestrian use and directional signs shall be adequately lighted where evening use is customarily anticipated.
 - 2. The City may require lighting in any area for reasons of traffic or public safety.
 - 3. Lighting fixtures shall be shielded from all residential properties and from all rights-of-way so as to eliminate light glare.
 - 4. Lighting of public streets shall conform to the applicable standard of the City and/or PennDOT.
 - 5. Open space lighting should utilize fixtures which:
 - a. are scaled to the pedestrian uses;
 - b. enhance the use and enjoyment of the space in which they are located; and
 - c. are coordinated with the design and character of the open space.
- E. Other improvements to promote public safety and health shall be made as required by the City of Duquesne as a condition of approval.

§ 710. Time limits.

All improvements shall be installed according to a time schedule which shall be approved by the City Council.

§ 711. Inspection.

At the time each improvement is to be installed and upon its completion, the Applicant shall notify the City of Duquesne so that adequate inspections can be made. The inspections will be made by the City Engineer. All costs of undertaking the inspections will be borne by the Applicant.

§ 712. Completion of improvements or guarantee thereof prerequisite to final plat approval.

- A. No plat shall be finally approved unless the streets shown on such plat have been approved to a mud-free or otherwise permanently passable condition or improved as may be otherwise required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with this Chapter. In lieu of the completion of any improvements required as a condition for the final approval of a plat, including improvements or fees otherwise required by ordinance, the Applicant may deposit with the City of Duquesne financial security in the amount sufficient to cover the costs of such improvements or common amenities, including, but not limited to, roads, stormwater, detention/retention basins and other related drainage facilities, recreational facilities, open space improvements or buffer or screen plantings which may be required.
- B. When requested by the Applicant, in order to facilitate financing, the City Council shall furnish the Applicant with a signed copy of a resolution indicating approval of the final plat contingent upon the Applicant obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent agreement shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the City Council; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the Applicant.
- C. Without limitation as to other types of financial security which the City of Duquesne may approve, which approval shall not be unreasonably withheld, federal or commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this section.
- D. Such financial security shall be posted with a bonding company or federal or commonwealth chartered lending institution chosen by the party posting the financial

security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.

- E. Such bond or other security shall provide for and secure to the public the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.
- F. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred (100) percent of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the Applicant. Annually, the City of Duquesne may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninety (90) day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the City of Duquesne may require the Applicant to post additional security in order to ensure that the financial security equals said one hundred ten (110) percent. Any additional security shall be posted by the Applicant in accordance with this section.
- G. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by the Applicant and prepared by a professional engineer licensed as such in this commonwealth and certified by such engineer to be fair and reasonable estimate of such cost. The City of Duquesne, upon the recommendation of the City Engineer, may refuse to accept such estimate for good cause shown. If the Applicant and the City of Duquesne are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another professional engineer licensed as such in this commonwealth and chosen mutually by the City of Duquesne and the Applicant. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the City of Duquesne and the Applicant.
- H. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten (10) percent for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten (110) percent of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period using the above bidding procedure.
- I. In the case where development is projected over a period of years, the City Council may authorize submission of final plats by sections or stages of development subject to such requirements or guarantees as to improvement in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- J. As the work of installing the required improvements proceeds, the party posting the financial security may request the City Council to release or authorize the release, from

time to time, of such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the City Council and the City Council shall have forty-five (45) days from receipt of such request within which to allow the City Engineer to certify, in writing, to the City Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the City Council shall authorize release by the bonding company or lending institution of an amount as estimated by the City Engineer fairly representing the value of the improvements completed or, if the City Council fails to act within said forty-five (45) day period, the City Council shall be deemed to have approved the release of funds as requested. The City Council may, prior to final release at the time of completion and certification by its engineer, require retention of ten (10) percent of the estimated cost of the aforesaid improvements.

- K. Where the City Council accepts dedication of all or some of the required improvements following completion, the City Council may require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term not to exceed eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements and the amount of the financial security shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
- L. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the City of Duquesne, financial security to ensure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this section.
- M. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this section, the City of Duquesne shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following the improvement of the streets providing access to and from public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use or occupancy of the building or buildings. Any ordinance or statute inconsistent herewith is hereby expressly repealed.

§ 713. Release from improvement bond.

- A. When the Applicant has completed all of the necessary and appropriate improvements, the Applicant shall notify the City Council, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the City Engineer. The City Council shall, within ten (10) days after receipt of such notice, direct and authorize the City Engineer to inspect all of the aforesaid improvements. The City Engineer shall, thereupon, file a report in writing with the City Council and shall promptly mail a copy of the same to the Applicant by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the City Engineer of the aforesaid authorization from the City Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall be rejected by the City Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
- B. Within fifteen (15) days of receipt of the Engineer's report, the City Council shall notify the Applicant, in writing by certified or registered mail, of the action of the City of Duquesne with relation thereto.
- C. If the City Council or the City Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the Applicant shall be released from all liability, pursuant to its performance guarantee bond or other security agreement.
- D. If any portion of the said improvement shall not be approved or shall be rejected by the City Council, the Applicant shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed. Such completion shall satisfactorily meet the City of Duquesne's statement of reasons for non-approval or rejection.
- E. Nothing herein, however, shall be construed in limitation of the Applicant's right to contest or question by legal proceedings or otherwise, any determination of the City Council or the City Engineer.
- F. Where herein reference is made to the City Engineer, he shall be as a consultant thereto.
- G. The Applicant shall reimburse the City of Duquesne for the reasonable and necessary expense incurred for the inspection of improvements according to a schedule of fees adopted by resolution of the City of Duquesne and as from time to time amended. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the City Engineer or consultant for work performed for similar services in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the City of Duquesne when fees are not reimbursed or otherwise imposed on the Applicant.
 - 1. In the event the Applicant disputes the amount of any such expense in connection with the inspection or improvements, the Applicant shall, within ten (10) working

days of the date of billing, notify the City of Duquesne that such expenses are disputed as unreasonable or unnecessary, in which case, the City of Duquesne shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the Applicant's request over disputed engineer expenses.

2. If, within twenty (20) days from the date of billing, the City of Duquesne and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and the City of Duquesne shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
3. The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The Applicant shall be required to pay the entire amount determined in the decision immediately.
4. In the event that the City of Duquesne and Applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the Court of Common Pleas shall appoint such engineer, who, in that case, shall be neither the City Engineer nor any professional engineer who has been retained by, or performed services for, the City of Duquesne or the Applicant within the preceding five (5) years.
5. The fee of the appointed professional engineer for determining the reasonable and necessary expenses shall be paid by the Applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the City of Duquesne shall pay the fee of the professional engineer, but otherwise the City of Duquesne and the Applicant shall each pay one-half (1/2) of the fee of the appointed professional engineer.

§ 714. Remedies to effect completion of improvements.

In the event that improvements which may be required have not been installed as provided in this Chapter or in accord with the approved final plat, the City Council are hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable means. If the proceeds of such bond or other security are sufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the City Council may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the Applicant, or both, shall be used solely for the installation of the improvements covered by such security and not for any other City of Duquesne purpose.

§ 715. Approval.

All plans and maps submitted to the City of Duquesne Planning Commission under these regulations shall have the Planning Commission seal and approval affixed thereto and shall be properly signed by the Planning Commission members in space provided before transmission of said documents to any other agencies.

ARTICLE VIII - Administration & Enforcement

§ 801. Administrative Agent.

The provisions of this Chapter shall be administered by the City's Zoning Officer.

§ 802. Modification of Requirements.

- A. The City Council may grant a modification of the requirements of one or more provisions of this Chapter if the literal enforcement will exact undue hardship because of peculiar conditions to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of this Chapter is observed.
- B. Wherever particular circumstances require the consideration of additional factors or the application of more stringent standards than those set forth herein, City Council shall have the power to consider such factors and apply such standards as it deems appropriate and necessary under the circumstances involved to protect the public health, safety and general welfare of the community.
- C. All requests for a modification shall be in writing and submitted with the preliminary or final application. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of this Chapter involved and the minimum modification necessary.
- D. The request for modification shall be referred to the City Council for review and decision.
- E. City Council may refer the request for modification to the Planning Commission for comment. A written record of all actions on all requests or modifications shall be maintained by the Zoning Officer.
- F. No modification shall be granted except after a public meeting by the City Council.
- G. The decision to approve or deny a variance of the provisions of the City of Duquesne Zoning Ordinance (see Ch. 27, Zoning) should be filed with the Zoning Hearing Board.
- H. Any grant of modification under this section or a variance by the Zoning Hearing Board shall be noted in the final plan.

§ 803. Fees.

City Council may establish by resolution, from time to time, a schedule of fees covering subdivision/land development review, inspections and legal costs incurred by the City in the administration and enforcement of this Chapter. Any disputes regarding the amount of fees shall be resolved in the manner prescribed by the MPC.

§ 804. Amendments to Subdivision/Land Development Ordinance.

This Chapter may be amended according to the provisions contained in the MPC (§505 and §506).

§ 805. Appeals.

All appeals and challenges to these regulations shall be made in accordance with the procedures contained in the MPC.

§ 806. Enforcement Remedies.

- A. Any person, who has violated or permitted the violation of the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the City, pay a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00) plus costs, or as determined by the MPC, including reasonable attorney fees incurred by the City. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice.
- B. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to Applicable Rules of Civil Procedure.
- C. Each day that a violation continues shall constitute a separate violation unless the district justice further determines that there was a good faith basis for the person violating this Chapter to have believed that there was no such violation. In such cases there shall be deemed to have been only one (1) such violation until the fifth (5th) day following the date of the district justice's determination of a violation; thereafter each day that a violation continues shall constitute a separate violation.
- D. All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City.
- E. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem fine pending a final adjudication of the violation and the judgment.
- F. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this Section.

§ 807. Preventative Remedies.

- A. In addition to other remedies, the City of Duquesne 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.

- B. The City of Duquesne may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of this Chapter. This authority to deny such a permit or approval shall apply to any of the following Applicants:
1. The owner of record at the time of such violation.
 2. 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.
 3. The current owner of record, or a 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 current owner had actual or constructive knowledge of the violation.
- C. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owners, vendee or lessee for the development of any such real property, the City of Duquesne 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.

§ 808. Notice to School District.

As per §508.1 of the MPC, as amended, each month the City shall notify in writing the superintendent of a school district in which a plan for a residential development was finally approved by the City during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development and the expected construction schedule of the development.

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ARTICLE IX - Validity and Repealer

§ 901. Validity.

- A. Should any section, clause, provision or portion of this Chapter be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of any other section, clause, provision or portion of this Chapter.
- B. It is hereby declared to be the intent of the City Council that this Chapter would have been adopted by the City had such invalid or unconstitutional provisions not been included herein, and the remaining portions of this Chapter shall remain in effect as though the portion declared invalid or unconstitutional had never been a part hereof.
- C. Continuation. The modification or repeal of any prior ordinance, resolution or regulation by the ordinance amendment shall not annul or otherwise relieve any part from any permit issued, condition imposed, approval granted, approval denied, order issued, or violation, penalty or other liability incurred pursuant to such affected ordinance resolution or regulation.

§ 902. Repealer.

All resolutions, ordinances or amendments to ordinances, or parts of resolutions or ordinances inconsistent herewith, are hereby repealed as stated or deleted in their entirety in the prefatory paragraph of this ordinance amendment. Specifically, the prior subdivision ordinance shall be repealed in its entirety.

§ 903. City of Duquesne Zoning Ordinance.

Nothing herein contained shall be interpreted to permit any waiver or modification of restrictions or requirements of the City of Duquesne Zoning Ordinance, as amended.

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ARTICLE X - Mobile Home Parks

§ 1001. Purpose.

The purpose of this Article is to set forth provisions pertaining to the design and construction of mobile home parks and related utilities and facilities. See also §102 of this Chapter.

§ 1002. Authority.

See §103 of this Chapter.

§ 1003. Interpretation and conflicts.

See §104 of this Chapter.

§ 1004. Modification of requirements.

See §802 of this Chapter.

§ 1005. Preventative remedies.

See §807 of this Chapter.

§ 1006. Violations and penalties.

See §105 of this Chapter.

§ 1007. Definitions.

See Article II of this Chapter.

§ 1008. Procedures.

See Article III of this Chapter.

§ 1009. Classifications of Approvals and Applications.

See Article IV of this Chapter.

§ 1010. Submission Requirements.

See Article V of this Chapter.

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§ 1011. General Design Principles.

See Article VI of this Chapter.

§ 1012. Required Improvements.

See Article VII of this Chapter.

§ 1013. Administration & Enforcement.

See Article VIII of this Chapter.

§ 1014. Validity and Repealer.

See Article IX of this Chapter.