

**KENNEDY TOWNSHIP**  
**SUBDIVISION AND LAND DEVELOPMENT**  
**ORDINANCE NO. 348**

**Prepared by**

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following specific purposes.

- A. To encourage new development that is well designed, of high quality, and suited to the natural conditions of its site.
- B. To prevent development which may be hazardous because of the physical character of land and to protect and preserve valued natural, historic, and cultural features of the environment.
- C. To ensure the provision of public improvements which are necessary and appropriate for the development and which are coordinated with nearby areas.
- D. To provide flexibility in standards and requirements so that the design of development can be fitted to the character of its site and to the community in which it is located.
- E. To reflect and implement municipal, county, and regional plans and policies.
- F. To provide standards and procedures for the uniform preparation and recording of plans so that the land records of the county are accurate and complete.

### **Section 1.3 EFFECT OF ADOPTION**

- 1.3.1 **General.** No subdivision or land development of any lot, tract, or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main, or other improvements 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 ordinance and of any applicable township ordinance.
- 1.3.2 **Recording required.** All plans of subdivisions and land developments shall be recorded within 90 days after their final approval in the office of the recorder of deeds of Allegheny County.
- 1.3.3 **County approval or review notation required.** The recorder of deeds shall not accept any plan for recording unless the plan officially notes the approval of the Municipal authority and review by the Department where the Department is responsible for review, but not approval, of plans.
- 1.3.4 **Effect on applications pending or previously approved**
  - A. **Pending Applications.** The provisions of this ordinance shall not affect any application for subdivision or land development which is pending approval prior to the effective date of this ordinance. Such applications shall comply with regulations in effect at the time they were filed.

- B. Approved Applications. No provision of this ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this ordinance in accordance with the terms of such approval within five years from the date of first approval.

**Section 1.4 INTERPRETATION AND RELATION TO OTHER PROVISIONS**

- 1.4.1 **Interpretation.** The provisions of this ordinance shall be held to be minimum requirements for subdivisions and land developments in Kennedy Township.
- 1.4.2 **Conflict with other public provisions.** If any provision of this ordinance imposes restrictions which are different from those imposed by any other applicable ordinance, regulation, or provision of law, the provision that is more restrictive or which imposes higher standards shall control.
- 1.4.3 **Conflict with private provisions.** If the requirements of this ordinance are different from those contained in deed restrictions, covenants, or other private agreements, the requirements that are more restrictive or which impose higher standards shall govern, provided that the private provisions are otherwise lawful.
- 1.4.4 **Liability.** The review or approval of a subdivision or land development by the Township of Kennedy in accordance with the provisions of this ordinance shall not constitute a guarantee of any kind that the proposed development is safe and shall create no liability upon the Township, its officials, or employees (engineer, solicitor).

**Section 1.5 MODIFICATIONS AND WAIVERS**

- 1.5.1 **Township may grant.** The Township may grant a modification or waiver of the requirements of one or more provisions of this ordinance for the following reasons, provided that such modification or waiver will not be contrary to the public interest and that the purposes of the ordinance are observed:
  - A. Hardship. The literal enforcement of the provision will exact undue hardship because of peculiar conditions pertaining to the land in question; or
  - B. Alternative standard. An alternative standard can be demonstrated to provide equal or better results.
- 1.5.2 **Requests in writing.** All requests for modifications or waivers shall be in writing and shall accompany and be a part of the application. The requests shall state in full the grounds and facts of hardship or evidence of equal or better result on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- 1.5.3 **Records required.** The Township shall keep a written record of all actions on requests for modifications.



**Section 1.6 MEDIATION OPTION**

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

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

- A. Funding mediation.
- B. Selecting a mediator who, at a minimum, shall have a working knowledge of zoning and subdivision procedures and demonstrated skills in mediation.
- C. Completing mediation, including the time limits for such completion.
- D. Suspending time limits otherwise authorized in this ordinance, provided there is written consent by the mediating parties, and by an applicant or the Township if either is not a party to the mediation.
- E. Identifying all parties and affording them the opportunity to participate.
- F. Subject to legal restraints, determining whether some or all of the mediation sessions shall be open or closed to the public.
- G. Assuring that mediated solutions are in writing and signed by the parties, and become subject to review and approval by the Township pursuant to the procedures for approval contained in this ordinance.

**1.6.3 Final agreement admissible as evidence.** No offers or statements made in the mediation sessions, excluding the final written mediated agreement, shall be admissible as evidence in any subsequent judicial or administrative proceedings.

**Section 1.7 APPEALS.** Any person aggrieved by a decision of the Township concerning an application for approval of a subdivision or land development may appeal the decision in accordance with the procedures specified in Article X-A of the MPC.

**Section 1.8 VIOLATIONS, REMEDIES, AND ENFORCEMENT**

**1.8.1 Preventive remedies.** The Township may institute and maintain actions by law or

recover damages and to prevent illegal occupancy of a building, structure, or premises.

- A. No exemption in metes and bounds descriptions. 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 the penalties or remedies provided.
- B. Further development not permitted. The Township may refuse to issue any permit or grant any approval necessary to further improve or development real property which has been developed or which has resulted from a subdivision of real property in violation of this ordinance. The 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 notice of the violation.
  - 3. 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.
  - 4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. Compliance with ordinance required for permit. As an additional condition for issuance of a permit or the granting of an approval for any such owner, current owner, vendee, or lessee for the development of any such real property, the Township 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.

#### 1.8.2 Enforcement remedies

- A. Initial jurisdiction. District justices shall have initial jurisdiction in proceedings brought under this section.
- B. Judgment. Any person, partnership or corporation who or which has violated the provisions of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than 500 dollars, plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof.

1. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice.
  2. If the defendant neither pays nor timely appeals the judgment the Township may enforce the judgment pursuant to the applicable rules of civil procedure.
  3. 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 persons, partnership or corporation violating this ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice, and, thereafter, each day that a violation continues shall constitute a separate violation.
- C. Stay of judgment. The court of common pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- D. Enforcement by Township. Nothing in this section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

## ARTICLE II - DEFINITIONS

**Section 2.1 GENERAL TERMS.** Unless otherwise expressly stated, the following terms shall have the meaning indicated below.

2.1.1 Words and phrases used in the singular include the plural, and words and phrases used in the plural include the singular.

2.1.2 Gender specific pronouns or references shall refer to all genders.

2.1.3 The word "person" indicates any person or any corporation, unincorporated association, partnership, estate, or other legal entity.

2.1.4 The word "lot" includes the word "plot" or "parcel".

2.1.5 The word "structure" includes "building" and the use of either word shall be construed as if followed by the phrase "or a part thereof."

2.1.6 The word "may" is permissive; the words "shall" and "will" are mandatory.

2.1.7 Periods of time stated as a number of days refer to consecutive calendar days, unless specified as "working days."

2.1.8 Words in the present tense include the future tense.

**Section 2.2 SPECIFIC TERMS.** Other terms or words used in this ordinance are defined as follows:

2.2.1 **Access Drive.** See "Street."

2.2.2 **Accessory Building.** See Building, Accessory.

2.2.3 **ADT.** Average daily traffic volume.

2.2.4 **Alley (Service Street).** See "Street."

2.2.5 **Applicant.** A developer and/or landowner, as hereinafter defined, including heirs, successors, and assigns, who has filed an application for subdivision and/or land development.

2.2.6 **Application.** Every application, whether preliminary or final, required to be filed for the approval of a subdivision plat or plan, or for the approval of a development plan.

2.2.7 **Architect.** An architect, registered by the Commonwealth of Pennsylvania. See "Registered professional."

- 2.2.8 **Arterial street.** See "Street."
- 2.2.9 **Bikeway.** Either of the following:
- A. **Bicycle lane.** A lane at the edge of a street cartway or shoulder reserved and marked for the exclusive use of bicycles.
  - B. **Bicycle path.** A pathway, separated from the street cartway or shoulder, designed for the exclusive use of bicycles.
- 2.2.10 **Block.** A unit of land containing one or more lots, bounded by existing or proposed streets, waterways, railroads, public lands, or other barriers to contiguous development.
- 2.2.11 **Board.** Kennedy Township Board of Commissioners.
- 2.2.12 **Building.** Any enclosed or open structure having a roof supported by columns, piers, or walls.
- A. **Building, accessory.** A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the principal building and located on the same lot as the principal building. Farm buildings not intended for habitation are considered to be accessory buildings.
  - B. **Building, principal.** A building in which the primary use of the lot on which the building is located is carried on.
- 2.2.13 **Building setback line.** A line within a lot, parallel to the street line, designated on a plan as the minimum required distance between a building and the street centerline or right-of-way line as specified by any applicable zoning ordinance.
- 2.2.14 **Bufferyard.** A portion of a site, together with any structures or plantings, intended to provide a visual barrier or other protection between adjacent parcels of land.
- 2.2.15 **Capacity.** When used in reference to a street, the maximum traffic volume for which such street can provide adequate service.
- 2.2.16 **Cartway.** The portion of a street, drive, or alley that is available for vehicular traffic.
- 2.2.17 **Clear sight triangle.** An area of unobstructed vision at a street intersection defined by lines of sight between specified points on the centerlines of the intersecting streets.
- 2.2.18 **Collector street.** See "Street."
- 2.2.19 **Comprehensive plan.** A document consisting of maps, charts, and text, prepared in accordance with Article III of the MPC and adopted by a municipality or county as a guide for future development.

- 2.2.20 **Condominium.** A form of real property ownership which combines a system of separate ownership of individual units of occupancy with a system of undivided interests in land and common facilities.
- 2.2.21 **Construction Record Drawings.** Plans and profiles prepared by the subdivider's engineer or surveyor, showing the location, size, grade and depth of all the improvements after completion, including Y-branches and laterals for future house connections. Said plans shall be on reproducible linen or plastic.
- 2.2.22 **Commission.** The Kennedy Township Planning Commission.
- 2.2.23 **Critical root zone.** A circular area measured from the trunk of a tree, in which roots critical to the survival of the tree shall be protected. The critical root zone shall be equal to the tree's drip line plus one foot.
- 2.2.24 **Crown.** The part of the tree that consists of branches, stems, and leaves.
- 2.2.25 **Cul-de-sac.** See "Street."
- 2.2.26 **DBH.** The diameter of a tree trunk at breast height, measured at 4.5 feet above natural grade.
- 2.2.27 **Dedication.** The deliberate appropriation of land by its owner for general public use.
- 2.2.28 **Deed.** A written instrument whereby an estate in real property is conveyed.
- 2.2.29 **Deed Restriction.** A restriction upon property placed in a deed.
- 2.2.30 **Department.** The Allegheny County Department of Economic Development.
- 2.2.31 **D.E.P.** Pennsylvania Department of Environmental Protection
- 2.2.32 **Detention basin.** A man-made or natural facility designed to collect surface water in order to impede its flow and to release it gradually in an adopted watershed plan.
- 2.2.33 **Developer.** Any landowner, agent of such landowner, or tenant with the permission of the landowner, who makes or causes to be made a subdivision of land or a land development.
- 2.2.34 **Development plan.** The provisions for development of a planned residential development, a plat of subdivision or land development including all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this ordinance shall mean the written and graphic materials referred to in this definition.

- 2.2.35 **Director.** The Director of the Allegheny County Department of Economic Development
- 2.2.36 **Drainage easement.** The land required for the installation of storm sewers or other drainage facilities, or along the floodway of a natural stream or watercourse, or to safeguard the public against flood damage.
- 2.2.37 **Driveway.** A private drive providing access between a public or private street or access drive and the parking area for a single residential dwelling unit. A shared driveway is a private drive serving two residential dwelling units.
- 2.2.38 **Easement.** A right-of-way for limited use of property granted by a landowner, within which the owner shall not have the right to make use of the property in a manner that violates the right of the grantee.
- 2.2.39 **Engineer.** A professional engineer registered by the Commonwealth of Pennsylvania. See "Registered professional."
- 2.2.40 **Erosion.** The detachment and movement of soil or rock fragments, or the wearing away of the surface of the land by wind, water, ice, or gravity.
- 2.2.41 **Final plan.** The plan of a proposed subdivision or land development including all supplemental information required by this ordinance to obtain final approval and in a form acceptable for recording in the office of the recorder of deeds.
- 2.2.42 **Financial security.** Any financial security which may be accepted in lieu of certain improvements being made prior to approval and recording of a final plan, pursuant to Section 509 of the Pennsylvania Municipalities Planning Code.
- 2.2.43 **Flood plain.** Land adjoining a river or stream that has been or may be expected to be inundated by the flood waters of the river or stream; or any area subject to the unusual and rapid accumulation of surface waters from any source. Flood plains include any areas delineated within the 100-year flood boundary or as a special flood hazard area on a map prepared by the Federal Emergency Management Agency (FEMA).
- 2.2.44 **Floodway.** The channel of a water course and portions of the adjoining flood plain which are reasonably required to carry and discharge the 100-year frequency flood. The boundary of the floodway shall be as delineated on maps and studies prepared by the Federal Emergency Management Agency (FEMA). In areas where no FEMA maps and studies have defined the floodway, the assumed floodway boundary shall be 50 feet, as measured from the top of the bank of the stream.
- 2.2.45 **Flood-proofing.** Any combination of structural and/or nonstructural additions or changes to structures or contents which are designed to reduce or eliminate flood damage to those structures or contents.

**2.2.46 Floor area.** Total gross area of all floors enclosed within the exterior walls of any building, including accessory buildings and including any areas that may be enclosed by temporary exterior walls such as garage doors or removable solarium glass enclosures; or as defined in an applicable municipal zoning ordinance.

**2.2.47 Grade.** The inclination of the land's surface from the horizontal, as it exists or as rendered by cut and/or fill activities. Road grade refers to the rate of rise and fall of a road surface, measured along the centerline of the cartway.

**2.2.48 Grading plan.** A plan to be prepared and submitted with an application for development whenever any land disturbance is proposed.

**2.2.49 Hammerhead turnaround.** A paved area at the end of a dead-end street where the cartway branches in two directions, providing sufficient space for vehicles to execute three point turning maneuvers without entering the driveways of any lots abutting the street.

**2.2.50 Historic Feature.** Any building, site, structure, object, district or area that:

- A. Is listed in the National Register of Historic Places; or
- B. Has received a Determination of Eligibility for the National Register from the National Park Service; or
- C. Is listed on any officially adopted municipal, county, or state register or inventory of historic features.

This term shall include the site, structures, yards, vegetation, fences, road alignments, and signage associated with such features.

**2.2.51 Improvements.** Physical changes to land, including but not limited to grading, removal of vegetation, buildings, landscaping, pavement, curbs, gutters, storm sewers and drains, changes to existing watercourses, sidewalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

**2.2.52 Land Development.** Any of the following:

- A. The improvement of one lot or two or more contiguous lots, tracts, or parcels of land for any purpose involving:
  - 1. a group of two 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 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. (See "Subdivision")
- C. Land Development shall not include:
  - 1. the conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
  - 2. the addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - 3. the addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For purposes of this subclause, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved.

**2.2.53 Land development, minor. Any of the following:**

- A. An addition to an existing building, where such addition will occupy less than 5,000 square feet of land area.
- B. An expansion of an existing parking lot that will add 25 or fewer parking spaces.

**2.2.54 Land disturbance.** Any activity involving changes in the natural contours or the land, clearing of vegetation, tilling of the soil, or any other activity which may cause erosion.

**2.2.55 Land use.** Any activity, business, function, or purpose for which any piece of land or structure is used or intended to be used.

**2.2.56 Landowner.** The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any conditions), a lessee (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.

**2.2.57 Landscape Architect.** A landscape architect registered by the Commonwealth of Pennsylvania. See "Registered professional."

**2.2.58 Landslide-Prone Area.** Land that is susceptible to movement or sliding, as identified in the Soil Survey of Allegheny County, prepared by the Soil Conservation Service of the United States Department of Agriculture; or as identified on the Landslide Susceptibility Map of Allegheny County; or as established by geotechnical investigation.

- 2.2.59 **Landslide Susceptibility Map of Allegheny County.** A map delineating areas judged to be susceptible to landsliding or movement, prepared by the United States Geological Survey on 7.5 minute quadrangle maps of the county in 1974.
- 2.2.60 **Level-of-Service (LOS).** A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. Levels of service are designated A through F, with LOS A indicating the best service and LOS F indicating the worst.
- 2.2.61 **Local access street.** See "Street."
- 2.2.62 **Lot.** A designated parcel, tract, or area of land established by a plat or otherwise permitted by law and to be used, developed, or built upon as a unit.
- 2.2.63 **Lot Area.** The area contained within the property lines of the individual parcel of land, excluding space within a street right-of-way, or as specified in the municipal zoning ordinance.
- 2.2.64 **Lot depth.** The average distance between the street right-of-way and the rear lot line, measured perpendicular or radial to the right-of-way.
- 2.2.65 **Lot frontage.** The width of a lot measured along the street line.
- 2.2.66 **Lot width.** The horizontal distance between side lot lines, measured at the required setback line.
- 2.2.67 **Lot, yard.** An area within a lot between the building setback lines and the lot lines.
- 2.2.68 **Marginal access street.** (See "Street")
- 2.2.69 **Mediation.** A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their difference, culminating in a written agreement which the parties themselves created and consider acceptable.
- 2.2.70 **Minor land development.** See "Land development, minor."
- 2.2.71 **Minor Subdivision.** See "Subdivision, minor."
- 2.2.72 **Monument.** A concrete, stone, or other permanent object place to designate boundary lines, corners of property, and rights-of-way of streets and utilities, for the purpose of reference in land and property surveys.
- 2.2.73 **Municipal governing body.** The council in cities and boroughs, the board of commissioners in townships of the first class, the board of supervisors in townships of the second class, or as may be designated in the law providing for the form of government.

- 2.2.74 **Municipality.** Any city, borough, township, or other similar general purpose unit of government excluding county government.
- 2.2.75 **Official map.** A map adopted pursuant to Article IV of the Pennsylvania Municipalities Planning Code.
- 2.2.76 **Ordinance.** The Kennedy Township Subdivision and Land Development Ordinance.
- 2.2.77 **Parcel.** See "Lot."
- 2.2.78 **Peak traffic hour.** The hour during which the heaviest volume of traffic occurs.
- 2.2.79 **Plat.** The map or plan of a subdivision or land development, whether preliminary or final.
- 2.2.80 **Plat adjustment.** See "Subdivision, plat adjustment."
- 2.2.81 **Preliminary plan.** The plan of a proposed subdivision or land development, including all supplementary information required by this ordinance to obtain preliminary approval.
- 2.2.82 **Public hearing.** A formal meeting held pursuant to public notice, intended to inform and obtain public comment, prior to taking action in accordance with this ordinance.
- 2.2.83 **Public meeting.** A forum held pursuant to notice under the act of July 3, 1986 (P.L. 388, No. 84), known as the "Sunshine Act."
- 2.2.84 **Public notice.** A notice published once each week for two successive weeks in a newspaper of general circulation in the county. The notice shall state the time and place of a hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.
- 2.2.85 **Public water system.** A system which provides water to the public for human consumption which has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. The term includes any collection, treatment, storage, and distribution facilities under control of the operator of the system and used in connection with the system. The term includes collection or pretreatment storage facilities not under such control which are used in connection with the system. The term also includes a system which provides water for bottling or bulk hauling for human consumption.
- 2.2.86 **Record plan.** A final plan which contains the original endorsement of the municipality and the Department, which is intended to be recorded with the Allegheny County Recorder of Deeds.

- 2.2.87 **Registered professional.** An individual, licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.
- 2.2.88 **Right-of way.** Land reserved or dedicated for use as a street, pedestrian way, or other means of public or private transportation; or for an electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer, or other special use. A right-of-way includes the entire area reserved or dedicated for the use.
- 2.2.89 **Runoff.** The surface water after a rain or snow that does not enter the soil but runs off the surface of the land.
- 2.2.90 **Sedimentation.** The process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.
- 2.2.91 **Setback line.** See "Building setback line."
- 2.2.92 **Sight distance.** The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic.
- 2.2.93 **Sketch plan.** An informal plan, for use in a pre-application meeting, prepared in accordance with Section 4.1 of this ordinance.
- 2.2.94 **Soil Survey of Allegheny County.** A series of aerial photographs on which soils are classified according to a variety of characteristics and accompanying explanatory text, prepared by the United States Department of Agriculture, Soil Conservation Service, August 1981. (Note: The Soil Conservation Service is now the Natural Resources Conservation Service.)
- 2.2.95 **Soils engineer.** An engineer registered by the Commonwealth of Pennsylvania who has training and experience in soils engineering.
- 2.2.96 **Steep slope.** Any land area with a grade that exceeds four horizontal to one vertical (4:1), or 25 percent.
- 2.2.97 **Street.** A strip of land, including the entire right-of-way, publicly or privately owned, serving primarily as a means of vehicular travel, encompassing the following types:
- A. **Arterial.** A public street intended to carry a large volume of local and through traffic to or from collector streets and expressways.
  - B. **Collector.** A street that collects and distributes traffic between local access and arterial streets. Such streets provide intra-regional connections between residential areas and shopping areas, employment centers, and other local traffic generators.
  - C. **Local.** A street that provides access to abutting property and connections to collector streets.

- D. Alley. A service road that provides secondary means of through access to lots.
  - E. Cul-de-sac. A street with a single means of ingress and egress and a turnaround.
  - F. Marginal access street. A service street that runs parallel to a higher-order street and provides access to abutting properties and separation from through traffic.
  - G. Access drive. A private drive providing access between a public or private street and a parking area within a land development, or any driveway servicing two or more buildings or uses.
- 2.2.98 **Street, private**. A street not accepted for dedication by a municipality.
- 2.2.99 **Structure**. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- 2.2.100 **Subdivision**. The division or redivision of a lot, tract, or parcel of land by any means into two 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 10 acres, not involving any new street or easements of access or any residential dwelling shall be exempted.
- 2.2.101 **Subdivision, minor**. A subdivision of land into two lots, not requiring any new street or access easement.
- 2.2.102 **Subdivision, plat adjustment**. Any of the following:
- A. Adjustment of lot lines between lots where no new lots are created.
  - B. Consolidation of lot lines.
  - C. Survey corrections.
  - D. Final survey of property lines for townhouses and other attached dwellings after construction when in conformance with previously recorded plan.
- 2.2.103 **Surveyor**. A surveyor registered by the Commonwealth of Pennsylvania. See "Registered professional."
- 2.2.104 **Trip**. A single or one-directional vehicle movement.
- 2.2.105 **Township**. Kennedy Township Board of Commissioners

- 2.2.106 Use. See "Land use."
- 2.2.107 **Watercourse.** A channel or conveyance of surface water having defined bed and banks, whether natural or artificial, with perennial or intermittent flow.
- 2.2.108 **Watershed.** All land and water within the confines of a drainage basin.
- 2.2.109 **Wetland.** Any area defined as a wetland by the Federal Manual for Identifying and Delineating Jurisdictional Wetlands.
- 2.2.110 **Woodlands.** A community of plants characterized by areas, groves, or stands of trees. Area measurement of woodlands shall be understood to include the canopy. Categories of woodlands shall be as follows:
- A. Young woodland. An area of woodland one acre or more in extent and consisting of at least 70% canopy cover in which at least 50% of the trees have a DBH of 4 inches or more; or a tree plantation for commercial or conservation purposes where 70% of the trees have a DBH of 2.5 inches or more.
  - B. Maturing woodland. An area of woodland one acre or more in extent, and consisting of 60% or more canopy cover in which at least 30% of the trees have a DBH of 8 inches or more.
  - C. Mature woodland. An area of woodland one acre or more in extent, and consisting of at least 60% canopy cover in which at least 30% of the trees have a DBH of 16 inches or more.
  - D. Groves and stands. A contiguous grouping of 10 or more like trees. Such groupings shall be evaluated individually according to their size, condition, and species.
- 2.2.111 **Yard.** See "Lot, yard."