

SOUTH BEAVER TOWNSHIP

ORDINANCE NO. 25

SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF SOUTH BEAVER TOWNSHIP

ARTICLE I

AUTHORITY, PURPOSE AND EFFECTIVE DATE

Section 101. This ordinance is adopted and enacted by the Supervisors of South Beaver Township pursuant to and under the authority of the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, July 31, P.L. 805, as amended.

Section 102. The purpose of this ordinance is to regulate the subdivision and/or land development of any or all plats, parcels or tracts of land lying and being situate in the Township of South Beaver.

Section 103. This ordinance shall be effective at 12:00 noon on the sixth day after adoption.

ARTICLE II

DEFINITIONS

Section 201. As used in this ordinance, except where the context clearly indicates otherwise, words shall have the meaning as set forth and defined in Section 107 of Article I of the Pennsylvania Municipalities Planning Code, as amended, subject however, that the definitions hereafter set forth, if same differ from said Pennsylvania Municipalities Code, shall govern the interpretation of this ordinance. The words "shall" and "will" are mandatory, and not directive. The word "may" is permissive.

Section 202. Definition of specific words:

- (a) "Applicant", a landowner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors and assigns.
- (b) "Building line", the line within a lot or parcel of ground defining and establishing the required minimum distance between any enclosed structure and the adjacent street or road right-of-way.
- (c) "Cartway", that portion of a street or road right-of-way having an improved surface for vehicular traffic, excluding the berms. Widths shall be determined or measured from one edge of the driving surface to the other edge of the driving surface.

(d) "Cul-de-sac", a vehicular turnaround area to be located at the end or terminus of a dead-end street or road, having a minimum right-of-way diameter of one hundred (100) feet.

(e) "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.

(f) "Easement", a grant by a landowner or property owner for the use, for a specific purpose or purposes, of land by the general public, a corporation, a certain person and/or persons.

(d) "Land development," (i) the improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving (a) a group of two or more buildings, or (b) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, buiding groups or other features; (ii) a subdivision of land.

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

(f) "Lot", a tract or parcel of land disignated for conveyance, transfer, lease, improvement or sale of ownership, whether immediate or future.

(g) "Planning Commission", the appointed Planning Commission of South Beaver Township.

(h) "Plat", the map or plan of a subdivision or land development, whether preliminary or final.

(i) "Street", includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private.

(j) "Structure", any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

(k) "Subdivision", the division or redivision of a lot, tract of 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, transfer of ownership or building or lot development: Provided, however, That the division of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access, shall be exempted.

(1) "Variance", a departure from the provisions of this ordinance granted by and at the sole discretion of the Supervisors of South Beaver Township to an applicant upon the applicant showing that a provision or provisions of this ordinance would cause unnecessary hardship if strictly adhered to and followed because of topographical or other conditions peculiar to the situation. A variance applies only to the particular subdivision or land development under question and for which it is granted.

### ARTICLE III

#### APPLICATION AND PROCEDURE

Section 301. An application form as prepared by the Township of South Beaver shall be completed and submitted to the Township of South Beaver by each applicant, together with the necessary fee and the required Plat Plan. The Plat Plan shall consist of a linen tracing cloth or its equivalent and such additional number of copies thereof as designated by the Township of South Beaver.

(a) The Plat Plan shall be prepared under the active personal direction of a Registered Professional Engineer or Registered Surveyor of Pennsylvania, or a person permitted to practice surveying in Pennsylvania; shall be drawn to scale (normally one (1) inch equals one hundred (100) feet) to show all details clearly; and shall include thereon or therewith a location or locale map identifying the location of the involved land within the Township of South Beaver.

(b) If the applicant intends to adopt use restrictions as to the involved lands, other than building lines, street or road, and/or drainage easements shown on the Plat Plan survey, not less than three (3) copies of such restrictions shall be submitted to the Township of South Beaver with the application.

(c) If sufficient topography data is not available from existing U.S.G.S. Quadrangle Sheets or other acceptable maps, the applicant shall submit a topographical map of the Plat Plan area in such scale as designated by the Township.

(d) General information shall be provided in a written narrative form by the applicant, including but not limited to: the name of the subdivision plan of lots; the number of lots proposed and the use to be made of same, i.e., residential, commercial, industrial, etc., proposed utilities; community facilities; type of streets or roads planned; current restrictions, easements and/or rights-of-way; and other general data involving the applicant's intentions.

Section 302. Preliminary Plat Plan review shall be made of the application data by the Township Planning Commission and the Board of Supervisors, and shall be forwarded to the Beaver County Planning Commission for its review and comment.

(a) Within ninety days, if not sooner, after the application is submitted to the Township, the Township shall state its approval, conditioned approval or disapproval of the applicant's Preliminary Plat Plan.

(b) Approval of a Preliminary Plat Plan shall not constitute final approval, but rather an expression of approval of the layout of the Plat Plan generally.

(c) Conditional approval or disapproval of a Preliminary Plat Plan shall be done with the applicant being advised in writing specifying the reasons therefore, along with directives for required changes if final approval is desired.

Section 303. Final Plat Plan review shall be made of the application data by the Township Planning Commission and the Board of Supervisors after receipt of the Beaver County Planning Commission comment report, or if no such report is received therefrom, not sooner than thirty days after submission of the Plat Plan and related data in its final application form having been presented to the said Beaver County Planning Commission.

- (1) Conditional approval or disapproval of a Plat Plan by the Board of Supervisors shall be advised to the applicant in writing with the reasons therefore, along with directives for required changes if final approval is desired.
- (2) Resubmission of a Plat Plan for final review shall constitute a separate submission as to the ninety day period for the Township to take action.

(b) Upon final approval of a Plat Plan, at least one copy shall be retained by the Township, and the linen or its equivalent, along with any other copies not needed by the Township shall be returned to the applicant. The applicant shall cause the linen to be recorded in the Beaver County Recorder of Deed's Office within ninety days of such final approval and immediately thereafter present proof of such recording to the Township.

(c) No Plat Plan shall be given final approval unless streets, drainage facilities or other improvements as hereinafter required, and which are dedicated for public use or travel, shall have been installed accordingly, or sufficient bond, corporate or guaranteed by other acceptable security approval by the Township, has been posted with the Township guaranteeing completion of same within two years of the final approval of the Plat Plan. Such bond shall provide and secure to the public, including purchasers of parcels of the approved Plat Plan, the completion of any such improvements release from the improvement bond or remedies to effect completion of the improvements, whether dedicated to public use or not, shall be in accordance to and with Section 510 and/or Section 511 of Article V of the Pennsylvania Municipalities Planning Code, as amended, or other subsequent legislation enacted relative thereto.

ARTICLE IV

DESIGN STANDARDS

Section 401. Blocks and lots shall be designed pursuant to the topography of the land areas, and

(a) Blocks shall have a minimum length of at least four hundred feet and/or a maximum length of sixteen hundred feet. Blocks subdivided into lots shall be at least two lot depths in width, with the possible exception as to areas along a major thoroughfare which front on an interior street upon special approval by the Township. Modifications of these requirements are possible in a multi-family, commercial or industrial, or planned unit development.

(b) Lots shall have a minimum lot frontage of one hundred feet, and the minimum area shall be:

- (1) Fifteen thousand (15,000) square feet where public sewer and public water lines are available and to be used;
- (2) Twenty thousand (20,000) square feet where both such lines are not available, provided such lots not sewered by a public sewer shall be enlarged if necessary to provide suitable soil to facilitate an on-lot sewage system.

(c) Lots generally shall not have a depth less than one and one-half nor more than two and one-half times the width of such lots except with special approval of the Township.

(d) All corner lots should be at least twenty feet wider than interior lots of the same block. All lots shall abut on a street, but double frontages are prohibited. In general, side lot lines shall be at right angles or radial to street lines.

(e) If in the course of subdividing, or after subdividing, remnants of land might or may exist, same shall be included in the area of existing or proposed lots.

Section 402. When a plan of lots is to include new streets and roads, same shall be designed pursuant to the topography of the land area, and

(a) Streets and roads shall be logically placed to produce useable lots and reasonable grades (the latter both as to the street and roads, and the lots adjacent and abutting same) but laid out in such manner as to discourage through traffic while providing proper connections into and from adjacent streets and roads. A roadway commonly referred to as an "alloy" is discouraged

- (b) Grades of streets and roads shall be designed to provide grades of not less than two percent nor more than six percent except as specifically approved by the Township, and even in that event grades in excess of fifteen percent are to be avoided if at all possible. Intersection of streets or roads shall be approached by thirty feet minimum level areas.
- (c) Minimum width of the street or road right-of-ways shall be designed at fifty feet, and a cartway for vehicular traffic shall be provided therein of not less than twenty-two feet, which cartway shall be centered on the center-line of the street or road right-of-way. When necessary according to the requirement of public utility companies for installation of utility service lines, including but not limited to electric, gas, telephone, water and/or sewer lines, the right-of-way shall be designed to a sufficient width to accommodate all such services.
- (1) The width of a right-of-way of a street or road may be reduced to less than fifty-feet upon special exception approval by the Township only when a proposed right-of-way is an extension of a narrower existing street or road right-of-way.
- (2) The width of a cartway may be reduced to less than twenty-two feet upon special exception approval by the Township only when a proposed cartway is an extension of an existing narrower cartway.
- (d) Dead-end streets are to be avoided if at all possible but if same are necessary, either as a part of a final plan of lots, or in the course of stage development of a plan of lots, the terminus thereof shall have a cul-de-sac.
- (e) Intersection of streets and roads shall have the corners thereof rounded at a minimum radius of twenty feet and provide visibility one to the other of a sight-line of not less than one hundred feet, with an embankment abutting and adjacent thereto not in excess of three and one-half feet above the finished cartway surface in providing such minimum sight distance.
- (f) No streets shall be laid out unless same shall be connected to an existing public street or highway.
- (g) Provision for additional street width may be required by the Township in specific cases for:
- (1) Public safety and convenience; and/or
- (2) Parking in areas of high density.
- (h) The subdivider may choose names for the streets and roads in the plan of lots, subject to approval by the Township. No name of a street already in existence, unless being an extension of such street, shall be used.

Section 403. Easements or right-of-ways for the purpose of drainage of surface waters from streets and roads, or otherwise within the plan of lots or land development or for utilities shall be adequately provided. When it is necessary to place same between or across lots or parcels of land in a Plat Plan, same shall have a minimum width of fifteen feet. Drainage easements shall be plotted according to the topography of the land involved so that natural drainage flow shall be followed.

Section 404. A building line setback on all lots shall be required as to each lot of not less than forty feet, except as to corner lots where the setback on the side street may be reduced to a minimum of twenty feet.

## ARTICLE V

### IMPROVEMENT AND CONSTRUCTION REQUIREMENTS

Section 501. The construction of improvements in a subdivision is the responsibility of the developer and not that of the Township. The developer shall complete or agree to complete each of the following improvements as required by the Township, as a prerequisite of approval of a final plan, all in accordance to Section 509 of the Pennsylvania Municipalities Code, being Act No. 247 of 1965, July 31, P. L. 805, as amended now or hereinafter, or similar legislation that shall hereinafter replace same.

Section 502. Monuments shall be placed at all lot corners, block corners, angle points, points of curves in streets and roads. Monuments shall be of such size, length and material as specified by the Township.

Section 503. Street and road construction shall be governed by the succeeding specifications:

(a) All streets and roads are to be graded to the full width of the designed right-of-way according to the designed standards of plans proposed and approval pursuant to Section 402 of Article IV hereof. Adjacent side slopes shall be graded to blend with the natural lay of the land, or in accordance with the cross section of the street or road presented and approved.

- (1) Where fill material is necessary to establish uniform grades, removal of soft spots in the land, or for other reasons same shall be filled with suitable material and compacted by being rolled and cross-rolled by at least a ten ton roller, or in such other manner specifically approved by the Township.
- (2) Adjacent side slopes to streets and roads requiring grade cutting or filling shall ordinarily be required to have a slope of two horizontal feet to one vertical foot.

- (b) The cartway of all streets and roads shall be improved as follows:
- (1) A base course of eight-inch thick (rolled measurement) native stone being either of limestone or crushed slag, shall be installed to the required grade of the street and road, the same having proper crown for surface drainage.
  - (2) A surface course consisting of a two and one-half inch bituminous plant-mixed surface shall be applied on the prepared base. Such application of the required bituminous surface shall be in accordance with the then current specifications of the Pennsylvania Department of Transportation. Upon request of the developer, a concrete surface, which if approved, shall be installed as to thickness and other standard requirements of the then current specifications of the Pennsylvania Department of Transportation. Upon special exception granted by the Township, when such street or road (i) is connected to a Township or Commonwealth street or highway consisting of a non-bituminous or non-concrete surface, or (ii) is within a subdivision of four (4) or less lots, which subdivision is being created on lands not able to be further subdivided or developed, then a limestone or crushed slag surface of not less than one inch, of size specified by the Township may be applied, rolled and received at least one application of RC-800, road oil, or its equivalent, at the rate of 0.2 to 0.3 gallons per square yard.
  - (3) It shall be the general practice that developers will not complete such base course and/or surface course until such time as all underground utility or other heavy subdivision construction has been completed so as to minimize potential street damage in new developments.
- (c) As required for proper drainage pursuant to the topography of the lands being developed, proper location of cross drains shall be determined and be of reinforced concrete or corrugated-asphalt coated material of strength pursuant to the then current specifications of Pennsylvania Department of Transportation. Such cross drains shall be installed at a proper depth with a minimum cover of two and one-half feet. Proper inlets shall be placed for collection of surface water according to specifications required by the Township upon approval of the preliminary plan application.
- (d) When required by the Township, curbing and sidewalks shall be installed. Curbing shall be concrete or of a bituminous mix, either straight, lateral, or rolled. Sidewalks shall have a minimum width of four feet, be of Portland cement concrete and of a minimum thickness of four inches. Curbs and/or sidewalks shall be required when density of population or use, drainage or safety factors would reasonably require same.
- (e) Street name signs shall be installed by the developer at each street or road intersection in accordance with standards prescribed by the Township upon approval of the Preliminary Plan.



## ARTICLE VI

### CONDITIONS OF ACCEPTANCE

Section 601. Upon approval of a final plat, the developer shall within ninety days of such final approval record such plat in the Beaver County Recorder of Deed's Office. Proof of such recording shall be provided to the Township. Upon special exception granted by the Township, when such final plat contains no new streets or roads, attaching a copy of the final approval plat to a deed of conveyance shall fulfill this requirement.

Section 602. Final approval of a plat plan is conditioned upon installation of the required improvements, or sufficient guarantee thereof as set forth in Article V, Section 501. In addition thereto, the developer will be required to deposit with the Township a sufficient sum, or post corporate surety bond therefore to cover fees fixed by the Township from time to time to cover costs of inspection of installation, completion or acceptance standards of such improvements by the Township Engineer or other appointed person to do same.

- (a) Improvements shall be installed within one year after final approval of the plat plan by the Township, unless such time is extended by the Township.
- (b) Improvements shall be maintained by the developer, his heirs and assigns, until such time same should be accepted by the Township as public improvements.
- (c) In the event the Township accepts such improvements as public improvements of the Township, the developer shall provide a sufficient maintenance corporate surety bond or cash deposit therefore to cover maintenance costs of said streets for a period of two years as to defects.

## ARTICLE VII

### ADMINISTRATION AND VARIANCE

Section 701. This Ordinance shall be enforced by the Township of South Beaver by its Supervisors or their designated enforcement officer.

Section 702. The Supervisors may, upon finding that extraordinary hardships may result from strict compliance with this Ordinance, vary the regulations and requirements hereof so that substantial justice may be done and the public interest secured. In granting variances, the Township may require such conditions as will secure substantially the objectives of standards and requirements hereof. A variance shall apply only to that particular plat plan for which it is granted.

ARTICLE VIII

PENALTIES

Section 801. Section 511 of the Pennsylvania Municipalities Code, being Act 247 of 1968, July 31, P. L. 805, as amended is herein declared as a penalty as stated therein.

Section 802. Any other violation of this Ordinance shall be deemed a summary offense and upon conviction thereof in a summary proceedings, a person or persons as convicted shall be sentenced to a fine of not less than fifty (\$50.00) Dollars nor more than three hundred (\$300.00) Dollars. Each violation and/or each day same is continued, shall be deemed a separate offense. All fines collected shall be paid to the Township.

ARTICLE IX

CERTIFICATES, AFFIDAVITS, APPROVALS

The certificates quoted below shall be inscribed on the plan as quoted, and shall be properly signed and attested when the plan is submitted to the Planning Commission.

OWNERS ADOPTION

Know all Men by These Presents, That (I or We) \_\_\_\_\_ (Name of Individual Owner)  
of the Municipality of \_\_\_\_\_, COUNTY OF BEAVER, and  
Commonwealth of Pennsylvania (myself, ourselves), (my, our) heirs, executors,  
administrators and assigns, do hereby adopt this as (my, our) Plan of Lots of  
(my, our) property, situate in the Township of South Beaver, Beaver County,  
Pennsylvania, and for divers advantages accruing to (me, us) do hereby dedicate  
forever, for public use for highway purposes, all drives, roads, streets, lanes  
and ways and other public highways shown upon the plan with the same force and  
effect as if the same had been opened through legal proceedings, and (I, We) hereby  
release and forever discharge the Township of South Beaver, their successors and  
assigns, from any liability for damages caused by any grading thereof to any  
grades hereafter at any time established and any slopes required for the support  
and maintenance thereof according to such established grades. This dedication  
and release shall be binding upon \_\_\_\_\_ (Name of Owner), (my, our)  
heirs, executors, administrators and assigns and purchasers of lots in this plan.

IN WITNESS WHEREOF, (I, We) hereunto set (my, our) hand(s) and seal(s) this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ATTEST:

(SEAL)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Owner

INDIVIDUAL ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA)

) SS:

COUNTY OF BEAVER )

Before me, the subscriber, a Notary Public in and for said State and County, personally came to the above named \_\_\_\_\_

Owner

acknowledged the foregoing release and dedication and plan to be (his, her, their) act and deed desired the same to be recorded as such:

WITNESS MY HAND AND NOTARIAL SEAL this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

My Commission Expires

the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

CORPORATION ADOPTION

Know All Men By These Presents, that the \_\_\_\_\_ (Name of Corporation),

a corporation, \_\_\_\_\_ by virtue of a resolution of the Board of Directors, thereof does hereby adopt this as its plan of lots of its property situate in the Township of South Beaver, Beaver County, Pennsylvania, for divers advantages accruing to it, does hereby dedicate forever, for public use for highway purposes, all drives, roads, streets, lanes and ways and other public highways shown upon the plan, with the same force and effect as if the same had been opened through legal proceedings, and in consideration of the approval of said plan and any future acceptance of said public highways by the said Township of South Beaver, Beaver County, Pennsylvania, hereby covenants and agrees to and by these presents does release and forever discharge said Township of South Beaver its successors or assigns from any liability for damage arising and to arise from the appropriation of said ground for public highways and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon \_\_\_\_\_

(Name of

\_\_\_\_\_  
its successors and assigns and purchasers of lots in Corporation) this plan.

IN WITNESS WHEREOF, the said corporation has caused its corporate seal to be affixed by the hand of its president and same to be attested by its secretary this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
(Name of Corporation)

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President

CORPORATION ACKNOWLEDGMENT

COMMONWEALTH OF PENNSYLVANIA)

) SS:

COUNTY OF BEAVER )

On this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_, before me, a Notary Public in and for said County and State, personally appeared

\_\_\_\_\_  
(Name and Title of Officer)

\_\_\_\_\_  
(Name of Corporation)

who being duly sworn deposeseth and saith that he was personally present at the execution of the adoption, release and dedication and saw the common and corporate seal of the said corporation duly affixed and that the above release and dedication was duly signed and sealed by and as for the act and deed of the said Corporation, for the use and purpose therein mentioned and that the name of this deponent subscribed to the said release and dedication as

\_\_\_\_\_  
(Title of Officer) of said corporation, in attestation of the due execution and delivery of said release and dedication of this deponent's own proper and respective handwriting.

\_\_\_\_\_  
(Title of Officer)

The foregoing adoption and dedication is made by \_\_\_\_\_  
(Name of Individual  
\_\_\_\_\_  
or Corporate Owner) with the full understanding and agreement

that the approval of the Supervisors of the Township of South Beaver, if hereto attached, will become null and void unless this plan is recorded in the Recorder of Deeds Office of Beaver County, County Court House, Beaver, Pennsylvania, within ninety (90) days of date of said approval.



BEAVER COUNTY PLANNING COMMISSION APPROVAL

[Multi-lot Plans]

This Plan has been reviewed with comments by the Beaver County Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 1979.  
(Letter to \_\_\_\_\_ Township Board of Supervisors dated \_\_\_\_\_, 1979.)

\_\_\_\_\_  
Executive Director

or

[Single Lot Plans]

This Plan has been reviewed with comments by the Beaver County Planning Commission. (Letter to \_\_\_\_\_ Township Board of Supervisors dated \_\_\_\_\_, 1979.)

\_\_\_\_\_  
Executive Director

ARTICLE X

VALIDITY

Section 1001. Should any section, clause or part of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder of this Ordinance as a whole or in part.

ADOPTED AND ENACTED this 2nd day of January, 1979.

ATTEST:

Township of South Beaver:

s/ Carol Miller  
Secretary

s/ Carol Wogan  
Supervisor

s/ Robert Miller  
Supervisor

s/ David W. ...  
Supervisor