



TOWNSHIP OF SOUTH BEAVER
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
RULES AND REGULATIONS FOR THE SUBDIVISION
AND DEVELOPMENT OF LAND

Ordinance No. ____

Enacted _____, 2022

Township of South Beaver

Beaver County, Pennsylvania

2022

TABLE OF CONTENTS

Page

ARTICLE I	<u>AUTHORITY AND PURPOSE</u>	
SECTION 100	Authority	6
SECTION 101	Effective Date.....	6
SECTION 102	Short Title	6
SECTION 103	Purpose	6
SECTION 104	Approval Required.....	7
SECTION 105	Compliance Required.....	7
SECTION 106	Exempted Subdivision Relative to Agriculture Leases	7
SECTION 107	Excluded Land Development Relative to Accessory Buildings, And Conversion/Additions of Buildings in an Amusement Park	8
SECTION 108	Building Permits.....	8
ARTICLE II	<u>DEFINITIONS</u>	
SECTION 200	Interpretation.....	9
SECTION 201	Meaning of Words.....	9
ARTICLE III	<u>APPLICATION FOR, AND PLAT/PLAN REQUIREMENTS FOR MINOR SUBDIVISION</u>	
SECTION 300	Procedure.....	31
SECTION 301	Preliminary/Final Minor Subdivision Plan Application.....	31
ARTICLE IV	<u>APPLICATION FOR, AND PLAT/PLAN REQUIREMENTS FOR MAJOR SUBDIVISION</u>	
SECTION 400	Procedure.....	36
SECTION 401	Pre-Application Conference.....	36
SECTION 402	Preliminary Subdivision Plan Application.....	37
SECTION 403	Final Major Subdivision Plan Application.....	43
SECTION 404	Recording of Approved Subdivision Plan.....	51
SECTION 405	Posting of Performance Bond.....	51
SECTION 406	Posting of Amenities Bond.....	52
SECTION 407	Development Agreement.....	52
ARTICLE V	<u>APPLICATION FOR, AND PLAT/PLAN REQUIREMENTS FOR LAND DEVELOPMENT</u>	
SECTION 500	Procedure.....	53
SECTION 501	Applicability.....	53
SECTION 502	Pre-Application Conference.....	54
SECTION 503	Preliminary/Final Land Development Plan.....	55
SECTION 504	Review and Action.....	61
SECTION 505	Recording of Approved Land Development Plan.....	63
SECTION 506	Posting of Amenities Bond.....	63
SECTION 507	Development Agreement.....	63

TABLE OF CONTENTS (continued)

ARTICLE VI	<u>DESIGN STANDARDS</u>	
SECTION 600	Application of Standards.....	64
SECTION 601	Land Requirements.....	64
SECTION 602	Street Requirements.....	64
SECTION 603	Lots.....	68
SECTION 604	Building Lines.....	70
SECTION 605	Easements	70
SECTION 606	Reserves.....	71
SECTION 607	Street Names	71
SECTION 608	Access.....	71
SECTION 609	Emergency Access.....	71
ARTICLE VII	<u>IMPROVEMENTS</u>	
SECTION 700	Street Grading.....	72
SECTION 701	Under Drainage.....	72
SECTION 702	Curbing.....	73
SECTION 703	Pavement Section.....	73
SECTION 704	Sidewalks.....	73
SECTION 705	Street Signs.....	73
SECTION 706	Sanitary Sewers.....	74
SECTION 707	Sanitary Sewage Treatment Plant.....	74
SECTION 708	Stormwater Management and Floodplain Controls.....	75
SECTION 709	Water Supply.....	75
SECTION 710	Monuments and Markers.....	75
SECTION 711	Street Trees.....	75
SECTION 712	Space for Special Purposes.....	76
SECTION 713	Existing Natural Conditions.....	76
SECTION 714	Grading Plan.....	76
SECTION 715	Landscaping Plan.....	77
SECTION 716	Environmental Impact Statement.....	77
SECTION 717	As-Built Plans.....	79
ARTICLE VIII	<u>CONDITION OF APPROVAL, ACCEPTANCE AND RECORDING OF PLAT</u>	
SECTION 800	Release from Performance or Amenities Bond.....	80
SECTION 801	Remedies to Effect Completion	81
SECTION 802	Maintenance Bond.....	82
SECTION 803	Acceptance of Public Improvements.....	82
SECTION 804	Final Inspection of Public Improvements.....	83
SECTION 805	Snow-Plowing.....	83
SECTION 806	Higher Standards.....	83
SECTION 807	Recording Subdivision or Land Development Plan.....	84

TABLE OF CONTENTS (continued)

SECTION 808	Reconsideration.....	85
SECTION 809	Approval Refused by Board of Supervisors	85
SECTION 810	No Responsibility of Township Where Plans Not Approved ...	85
ARTICLE IX	<u>MOBILE HOMES AND MOBILE HOME PARKS</u>	
SECTION 900	Minimum Land Requirement, Environmental, Open Space and Access Requirements as to Mobile Home Parks.....	86
SECTION 901	Water Supply in Mobile Home Parks.....	90
SECTION 902	Sewage Disposal in Mobile Home Parks.....	90
SECTION 903	Electrical Distribution System in Mobile Home Parks.....	90
SECTION 904	Service Facilities in Mobile Home Parks.....	91
SECTION 905	Refuse Handling and Insect and Rodent Control in Mobile Home Parks.....	91
SECTION 906	Fuel Supply and Storage in Mobile Home Parks.....	91
SECTION 907	Fire Protection in Mobile Home Parks.....	92
SECTION 908	Recreation Area within Mobile Home Parks.....	92
SECTION 909	Mobile Home Park Management.....	93
SECTION 910	Permits/Applications Required for Development of Mobile Home Park.....	93
SECTION 911	Erection of Mobile Homes.....	94
SECTION 912	Occupancy and Removal of Mobile Homes.....	94
ARTICLE X	<u>MODIFICATION</u>	
SECTION 1000	Purpose.....	95
SECTION 1001	Granting of Modifications.....	95
SECTION 1002	Procedure.....	95
ARTICLE XI	<u>FEES</u>	
SECTION 1100	Fee to Accompany Application for Review and Approval of Plans, And Inspection of Improvements Proposed Thereon.....	96
ARTICLE XII	<u>AMENDMENTS</u>	
SECTION 1200	Enactment of Subdivision and Land Development Ordinance Amendment.....	98
SECTION 1201	Publication, Advertisement and Availability of Ordinance.....	98
ARTICLE XIII	<u>ENFORCEMENT REMEDIES</u>	
SECTION 1300	Enforcement Remedies.....	100
ARTICLE XIV	<u>PREVENTIVE REMEDIES</u>	
SECTION 1400	Preventive Remedies.....	101

TABLE OF CONTENTS (continued)

ARTICLE XV	<u>MISCELLANEOUS PROVISIONS</u>	
SECTION 1500	Affidavits, Certificates, Approval Forms/Statements to be Included On Final Plat Plans.....	102
SECTION 1501	Design and Improvement Standards.....	102
ARTICLE XVI	<u>VALIDITY, SEVERABILITY, INTERPRETATION</u>	
SECTION 1600	Validity and Severability.....	103
SECTION 1601	Repealer and Amendment of Prior Ordinances.....	103
SECTION 1602	South Beaver Township Zoning Ordinance.....	103
Appendix A – Certificates, Affidavits, Approvals.....		104
Appendix B – Standard Drawings and Specification for Construction.....		113

AN ORDINANCE OF THE TOWNSHIP OF SOUTH BEAVER, OF BEAVER COUNTY, PENNSYLVANIA, TO REGULATE THE SUBDIVISION AND DEVELOPMENT OF LAND, INCLUDING BUT NOT LIMITED TO: THE CREATION OF LOTS OR PARCELS OF LAND FROM A LARGER TRACT OF LAND FOR TRANSFER OF TITLE OR LEASEHOLD PURPOSES; THE DEVELOPMENT OR IMPROVEMENT OF LANDS FOR RESIDENTIAL OR NON-RESIDENTIAL PURPOSES; THE LAY-OUT AND CONSTRUCTION OF STREETS AND ROADS; THE OPENING AND DEDICATING OF STREETS AS A PUBLIC IMPROVEMENT; REGULATING ACTIVITIES THAT ADVERSELY AFFECT STORMWATER RUNOFF FROM LAND; REQUIRING PROVISION FOR STORMWATER RUNOFF MANAGEMENT FACILITIES AND THE MAINTENANCE THEREOF; AND RELATED MATTERS PERTAINING THERETO SO AS TO PROVIDE FOR ORDERLY AND EFFICIENT DEVELOPMENT WITHIN THE TOWNSHIP FOR THE PURPOSE OF PROMOTING THE HEALTH, SAFETY, MORALS AND GENERAL WELFARE OF THE RESIDENTS AND OCCUPANTS OF THE TOWNSHIP; AND PROVIDING ENFORCEMENT REMEDIES AND PENALTIES FOR VIOLATIONS THEREOF.

BE IT ENACTED AND ORDAINED by the Supervisors of South Beaver Township, of Beaver County, Pennsylvania, under and pursuant to the authority of the Second Class Township Code, being Act No. 69 of 1933, as amended, the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended, the Pennsylvania Sewage Facilities Act, being Act No. 537 of 1965, as amended, the Storm Water Management Act, being Act No. 167 of 1978, as amended, the Flood Plain Management Act, being Act No. 166 of 1978, as amended, and related laws and regulations, the following:

ARTICLE I

PURPOSE AND AUTHORITY

Section 100 AUTHORITY

This Ordinance is enacted pursuant to the authority contained in the Second Class Township Code, being Act No. 33 of 1933, as amended, including but not limited to Sections 1506, 1516, and 2704; the Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended; the Pennsylvania Sewage Facilities Act, being Act No. 537 of 1965, as amended; the Storm Water Management Act, being Act No. 167 of 1978, as amended; the Flood Plain Management Act, being Act No. 166 of 1978, as amended; and Article V, Section 501 of the aforesaid Pennsylvania Municipalities Planning Code, being Act No. 247 of 1968, as amended.

Section 101 EFFECTIVE DATE

This Ordinance shall become effective immediately upon adoption by the Board of Supervisors of South Beaver Township.

Section 102 SHORT TITLE

This Ordinance shall be known and may be cited as the "South Beaver Township Subdivision and Land Development Ordinance".

Section 103 PURPOSE

This Ordinance is adopted to regulate all subdivision, resubdivision, consolidation, and land development activities in the Township by providing for a uniform method for the submission of preliminary and final plans for the following purposes:

- A. To guide the orderly and efficient development within the Township;
- B. To guide the type and location of streets, public grounds and other facilities associated with subdivision and land development to accommodate projected traffic and facility emergency services;
- C. To provide for the equitable processing of subdivision and land development plans by establishing uniform procedures and standards;
- D. To provide for adequate easements or rights-of-way, gutters, storm and sanitary drainage facilities, walkways, stormwater management, and other required public facilities;
- E. To provide for regulation of human activities that threatens loss of natural infiltration or runoff of stormwater within the watersheds located in South Beaver Township; and
- F. To promote the health, safety and general welfare of the residents of the Township and the Commonwealth of Pennsylvania.

Section 104 APPROVAL REQUIRED

Approval in accordance with this Ordinance shall be required for:

- A. Any subdivision, as defined by this chapter, including the resubdivision or replatting of previously recorded lots or lot line adjustments for previously recorded lots;
- B. Any land development, as defined by this chapter, other than those excluded by Section 107 of this chapter;
- C. The consolidation, as defined by this chapter, of two or more lots, tracts, or parcels of land for the purpose of one development; and
- D. Any proposal by a developer to construct a street or any other public improvement to be dedicated to the Township for public use.

Section 105 COMPLIANCE REQUIRED

No lot in a subdivision may be sold, and no permit to erect, alter or repair any structure or building upon land in a subdivision or development, including a Planned Residential Development that has achieved Final Approval, shall be issued, and no building shall be erected in a subdivision or development, including a Planned Residential Development that has achieved Final Approval, or grading of the property be commenced, unless and until:

- A. The applicable sewage facilities planning module has been approved by the Township and/or the Pennsylvania Department of Environmental Protection;
- B. The subdivision or land development plan has been approved with final approval by the Township as required by this Ordinance or the South Beaver Township Zoning Ordinance:
 - 1. The applicable subdivision plan, or Planned Residential Development Plan, or other required documents applicable to any subdivision or land development are recorded in the Beaver County Recorder of Deeds Office; and
- C. If improvements of streets/roads, drainage facilities, stormwater retention facilities, or similar improvements, are involved as to such subdivision or land development, not until such said improvements required by the Township have either been constructed or guaranteed as hereinafter provided.

Section 106 EXEMPTED SUBDIVISION RELATIVE TO AGRICULTURE LEASES

The subdivision of land by lease for agriculture purposes into parcels of more than ten acres, not involving any new street, or easement of access, or any residential dwelling, is exempted from the requirement of being processed as a subdivision of lands. See definition of "SUBDIVISION" in Article II hereof.

Section 107 EXCLUDED LAND DEVELOPMENT RELATIVE TO ACCESSORY BUILDINGS, AND CONVERSION/ADDITIONS OF BUILDINGS IN AN AMUSEMENT PARK

With exception of the Stormwater Management provisions of this Ordinance, excluded from the provisions and requirements of this Ordinance regulating land developments, and being processed hereunder as a land development, is when such land development only involves:

- A. The addition of an accessory building, including farm buildings, on a lot upon which a principal structure exists, or upon a separate lot subordinate and adjacent to another lot upon which a principal structure exists; when such accessory building is for the sole use of the occupant of the related principal structure;
- B. 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; or
- C. Additions or conversions of buildings or rides within the confines of an existing enterprise which is considered an amusement park as defined, provided however, this exclusion shall not apply to land to be acquired and/or newly acquired, and which land is to be added as additional area to the existing amusement park so as to be included within the confines of the amusement park. Such additional lands to be acquired and/or newly acquired lands shall be required to be processed per the provisions of this Ordinance, as a subdivision if a subdivision of land is involved, and as a land development until and after initial plans for the expanded area have been approved per this Ordinance to be thereafter considered as a part of and within the confines of the amusement park.

Section 108 BUILDING PERMITS

- A. Residential: No building permit to erect or to place any building, structure, house trailer, or mobile home of any type upon land in a subdivision or land development will be issued, and no building, structure, house trailer, or mobile home of any type shall be erected, moved, or placed upon any subdivision or land development, unless and until a land subdivision and/or a land development plan has been submitted to and approved by the South Beaver Supervisors, and an approved plan of the same has been recorded in the office of the Recorder of Deeds of Beaver County.
- B. Institutional, Recreational, Commercial, Industrial, etc.: No building permit will be issued for the placement or erection of any building or structure, either of a temporary or permanent type, upon any lot, tract, or parcel of land unless and until all plans, specifications, and details for the grading, construction of storm water drainage, supply, and water storage, water mains, fire hydrants, paving of driveways and parking areas and other improvements, developments, and facilities in connection therewith have been prepared, submitted to, and reviewed by the Township Planning Commission and approved by the South Beaver Supervisors.

ARTICLE II

DEFINITIONS

Section 200 INTERPRETATION

For the purpose of this Ordinance certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural.
- C. Words used in the plural number shall include the singular.
- D. The word "person" includes a profit or non-profit corporation, company, partnership, an association of individuals, as well as an individual.
- E. The words "shall" and "will" are always mandatory.
- F. The word "may" is permissive or discretionary where compliance is indicated.
- G. The word "used" or "occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied.
- H. The word "building" includes the word "structure" and any part thereof.
- I. Unless otherwise specified, all distances shall be measured horizontally.
- J. The word "lot" includes the words "plot", "plat", "parcel", or "tract".

Section 201 MEANING OF WORDS

Unless otherwise expressly stated, the following words or phrases shall, for the purpose of this Ordinance, have the meaning herein indicated and shall be literally applied by the Township of South Beaver staff, members of the Planning Commission, consultants and by the Township Board of Supervisors. Words or terms used but not defined in this Ordinance shall have the same meaning as stated in the South Beaver Township Zoning Ordinance and/or the Pennsylvania Municipalities Planning Code.

ACCELERATED EROSION: The removal of the surface of land through the combined action of human activities and the natural processes that will or may result in soil erosion at a rate greater than would occur because of the natural process alone.

AGRICULTURAL: Any use which is a use for gain or pleasure in the raising of farm products, grain products, livestock, poultry and / or dairy products. It includes the use of necessary appurtenant structures and the storage of equipment used. Agricultural uses exclude the raising of animals that are solely raised as fur-bearing animals, riding academies, livery or boarding stables and kennels.

ALLEY: A right-of-way which provides secondary access for vehicles to the side or rear of abutting properties.

AMUSEMENT PARK: A tract of land or an area used principally as the location for permanent amusement structures or rides for the entertainment of and use by members of the general public.

APARTMENT, GARDEN: A multi-family residential building no more than three stories in height containing three or more dwelling units which share a common entrance to the outside, usually through a common corridor, and which dwelling units may have other dwelling units either above or below them.

APARTMENT, HIGH RISE: A multi-family residential building containing at least four floors or four stories in height.

APPLICANT: Any person, corporation, partnership, association or legal entity having completed forms provided by the Township relative to this Ordinance, and also any person, corporation, partnership, association or legal entity having commenced application for approval of a Planned Residential Development per the South Beaver Township Zoning Ordinance, and having submitted such completed forms to the Township with required application fee. An Applicant also may include the legal heirs, successors or assigns of the original Applicant. An applicant shall be a legal property owner and/or an authorized agent of the legal property owner.

APPLICATION FOR DEVELOPMENT: Every application, whether designated as preliminary or final, required to be filed and approved prior to start of construction, development, excavating and/or use of land and/or structure including but not limited to an application for a building permit and/or an application for subdivision of land, and/or an application for the approval of a development plan per the terms of this Ordinance, or any other ordinance of the Township, including but not limited to the South Beaver Township Zoning Ordinance.

AS-BUILT PLANS: Plans, profiles, cross-sections and construction details showing the exact final location, elevation, grade, size and material used in the construction of all facilities installed, to the same scale as the approved construction drawings.

AVAILABLE SEWER: A municipal sewer is considered available if:

- A. Connection is recommended and/or required in the regulations of the Township of South Beaver or any municipal authority with jurisdiction within the boundaries of the Township;
- B. Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Protection pursuant to the "Pennsylvania Sewage Facilities Act"; or
- C. An existing municipal sewer line, with sufficient capacity, is located within one thousand (1,000) feet of the nearest point of a subdivision and/or development.

BERM: The improved edge alongside the cartway of a public or private road, street or alley.

BEST MANAGEMENT PRACTICE, also referred to as "BMP": Activities, facilities, designs, 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 the stormwater management provisions of this Ordinance or other ordinances enacted by the Township relative to stormwater management. Such designs, measures or procedures may include but are not limited to infiltration trenches, seepage pits, filter strips, bio-retention, wet ponds, permeable paving, rain gardens, grassed swales, forested buffers, sand filters and detention basins.

BLOCK: A unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways or any other barrier to the continuity of or to development.

BOARD OF SUPERVISORS: The Board of Supervisors of the Township of South Beaver, Beaver County, Pennsylvania.

BUFFER: Land area used to physically and/or visibly separate one use from another or to shield or block noise, lights, visibility or an activity that may, or in fact does, constitute a nuisance if not buffered from use of other lands.

BUFFERYARD: A landscaped area of a certain depth specified by this Ordinance which shall be planted and maintained in trees, grass, ground cover, shrubs, bushes, and / or other natural landscaping material or an existing natural or constructed natural barrier which duplicates the effect of the required bufferyard.

BUILDING: Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land, regardless of the combination of materials used to form same. Included in the definition of "building" shall be all mobile homes, a/k/a as manufactured homes or manufactured housing, mobile trailers requiring special hauling permits, and/or modular homes or sectional homes, a/k/a industrial home or industrial housing, any of which are useable for human habitation, office area or storage purposes. Also included in the definition of "building" is that same may or can be an occupied structure with walls and roof within which a person may live or may customarily work.

BUILDING, FRONT-LINE OF: The line of that face of the building nearest the front-line of the lot. This face includes sun parlors and covered porches whether enclosed or unenclosed but does not include steps or patios, or architectural projections.

BUILDING LINE: A line within a lot or parcel of land defining and establishing the required minimum distance between any enclosed structure and adjacent street or road right-of-way or the property line of an adjacent lot or parcel of land. The building line as to a particular lot or parcel of land shall be located at the minimum yard line established and/or required in each Zoning District for principal and accessory uses per the South Beaver Township Zoning Ordinance.

CAD STANDARDS: CAD Standards architects/engineers (A/E's) shall follow for the creation and delivery of all plat and plan drawings, digital and hard copy. References to CAD Standards indicate use of the United States National CAD Standard® (NCS).

CARTWAY: That portion of a street, road or alley right-of-way having an improved surface for vehicular use and travel. Width is determined from face of the curb to the face of the curb, or from one (1) edge of driving surface to the other edge of the driving surface, but not to including the berms or shoulders, curbs, sidewalks, or drainage swales of same.

CONDOMINIUM: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided common interest in the common elements are vested in the unit owners.

CONDOMINIUM ASSOCIATION: The unit owners' association organized per the Uniform Condominium Act, Act No. 82 of 1980, also statutorily referred to as a "unit owners' association", which is organized during the creation of a Condominium development, with power and authority, including but not limited to, the right to control, management and regulate common elements of such Condominium development.

CONSERVATION DISTRICT: The Beaver County Conservation District.

CONSTRUCTION: The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure and/or any part thereof, including the placement of a mobile home or modular home.

CONTOUR LINE: A line set forth on a development plan which joins all points of equal elevation on the ground and to be portrayed on a development plan required by this Ordinance of the South Beaver Township Zoning Ordinance.

COVENANT: An obligation defined by law or agreement, the violation of which can be restrained or enforced by court action: These may be stated in the deed, and/or may be stated upon a Plan of Subdivision, a Plan of Development, or set forth in a separate document and recorded as a Declaration of Covenants, or in an otherwise recordable document.

CUL-DE-SAC: A vehicular turn-around area for vehicular traffic located at the end or terminus of a dead-end street, roadway or alley, whether such street, roadway or alley be public or private.

CUL-DE-SAC STREET: A street or road, public or private, with one (1) end open to traffic and pedestrian access and permanently terminated at the other end by a vehicular turnaround area known as a cul-de-sac.

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

DAM: An artificial barrier, together with its appurtenant works, constructed for the purpose of impounding or storing water or another fluid or semi-fluid, or a refuse bank, fill or structure for any purpose, which does or may impound water or another fluid or semi-fluid.

DEVELOPER: Any landowner, agent of such landowner or tenant with the permission of such landowner, who proposes and/or who makes or causes to be made, or undertakes activity for a subdivision of land, a land development, or undertaking a Regulated Earth Disturbance activities.

DEVELOPMENT: Any man-made change to improve or unimprove real estate or any appurtenance thereof, including but not limited to buildings or other structures, the placement of mobile homes, modular homes, streets, and other paving, utilities, mining, dredging, filling, grading, excavating, Regulated Earth Disturbance Activities or drilling operations upon any lands, and/or the subdivision of lands.

DEVELOPMENT PLAN: Includes any and all provisions for development, including but not limited to planned residential development, a plat of subdivision, 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, public facilities and/or stormwater management facilities or devices. The phrase "provisions of the development plan" when used in this Ordinance shall mean the written and graphic materials of items referred to, and/or included, in this definition. A "development plan" shall portray and detail any proposed 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 of land surfaces, utilities, filling, grading, excavating, mining, dredging, or drilling operations. (See "LAND DEVELOPMENT")

DEVELOPMENT SITE: The specific tract or parcel of land upon which any activities regulated by this Ordinance are planned, conducted or maintained.

DISTRICT OR ZONING DISTRICT: An area constituted by or pursuant to the South Beaver Township Zoning Ordinance and delineated by text and map as to location, extent, nature and contents.

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

DRIVEWAY: A minor vehicular way providing access between a street or road and a parking area or garage within a lot or parcel of ground.

DRIVEWAY, COMMON: A minor vehicular way providing access between a street or road and a parking area or garage within, and serving, a maximum of two (2) lots or parcels of ground, which may be under separate or common ownership which connects the parcels and provides access to a public street. All subdivisions proposing to create a common driveway shall submit terminology for a common driveway maintenance agreement or declaration for approval prior to plat or plan approval, and said maintenance agreement shall be duly executed and in due course be recorded of record separately, or set forth verbatim, on the approved Plan of Subdivision as a covenant or declaration.

DRIVEWAY, PRIVATE: Also referred to as a Shared Driveway. A minor vehicular way providing access between a street or road and a parking area or garage within a lot or parcel of ground, and said driveway is owned privately by one but not more than three lot owners.

DWELLING: A building or structure designed, constructed or reconstructed for residential purposes and habitation within by persons, whether as single residential unit or containing multiple residential units. A "dwelling" may be of any of the following types:

- A. SINGLE-FAMILY DETACHED DWELLING: A dwelling unit which is designed for accommodating and occupied by not more than one (1) family and having two (2) side yards, a front yard and rear yard.

- B. MULTI-FAMILY DWELLING: MULTI-FAMILY DWELLING: A building having more than two (2) or more separate dwelling units and designed to be used or occupied as a residence by two or more families living independently of each other. The same may include:
 - 1. An "Apartment", either "Garden" or "High Rise" as defined herein.

 - 2. A "Townhouse", as defined herein.

DWELLING UNIT: Any building or portion thereof which is designed and used exclusively for residential purposes of and by one (1) family, and includes sleeping area with complete kitchen and bathroom facilities serving such unit.

EARTH DISTURBANCE ACTIVITY: A construction or other human activity which disturbs the surface of the land, including but not limited to clearing and grubbing, grading, excavation, modifying of embankments, land development, road construction and road maintenance, building construction and the moving, depositing, stockpiling, or storing of soil, rock or earth materials.

EASEMENT: A grant of the specified use of a parcel of land or part thereof, to the public, a corporation or a certain person or persons.

ELEVATION: A point or series of points (see "CONTOUR LINE") which are a known vertical distance above or below a predetermined elevation datum. All elevations used shall be based on United State Geological Survey Datum.

EROSION: The process by which the surface of land, including channels, is worn away by water, wind or chemical action or by the action of natural elements. The movement or removal of natural surface materials of land by the action of natural elements, including but not limited to the effect of rain or wind.

EROSION AND SEDIMENT CONTROL PLAN: A plan which is designed to be followed to minimize accelerated erosion and sedimentation by and from human activities, which plan may be a Best Management Practice plan as defined in this Ordinance, or as may qualify to be recognized as an "erosion and sediment control plan" pursuant to the regulations of the Pennsylvania Department of Environmental Protection.

ESSENTIAL SERVICE INSTALLATIONS: The erection, construction, alteration or maintenance of public utilities by municipal departments or by governmental commissions of underground or overhead gas, electrical, telephone or communication transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants and similar equipment and accessories in connection therewith, but not including buildings, reasonably necessary for the furnishing of adequate service by such public utilities, or municipal departments, or commissions, relative to consumer land use within South Beaver Township, as necessary for the public health, safety or general welfare of persons within said Township. The erection, construction, alternation or operation of a cell cite and/or communication tower is not within the meaning of this definition.

EXCAVATION: Any act by which earth, sand, gravel, rock, or other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

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 and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill. For the purpose of this Ordinance, the word "fill" shall not include the creation of an "elevated sand mound" for an individual on-lot sewage treatment facility.

FLOOD: A temporary inundation of normally dry land areas from the overflow of rivers, streams, water courses, or other inland waters.

FLOOD HAZARD AREA: A land area adjoining a river, stream, water body, or water course which may periodically flood as established by the United States Federal Emergency Management Agency or otherwise.

FLOOD PRONE AREA: A land area which is at times subject to partial or complete inundation of waters from an adjoining or nearby stream, river or water course, and/or an area of land subject to unusual and/or rapid accumulation and/or flow of surface waters from any source.

FOREST: Areas, groves or stands of mature or largely mature trees (i.e. greater than six inches [6"] diameter at a height of fourteen [14] inches above the ground) covering an area greater than one (1) acre; or groves of mature trees (greater than twelve [12] inches diameter at a height of fourteen [14] inches above ground) consisting of more than thirty (30) individual trees even if on less than one (1) acre.

FRONTAGE: That side of a lot or parcel of land abutting on a street or road; therefore, being the front lot line.

FORM 408: Pennsylvania Department of Transportation Form 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication No. 408.

GRADE, FINISHED: The completed surfaces of lawns, walks, and streets or roads brought to grades as shown on official plans or designs relating thereto.

GROUNDWATER RECHARGE: Replenishing of existing natural underground water supplies.

HOMEOWNERS ASSOCIATION: A community association, other than a condominium association, which is organized in a development in which individual owners share common interests in the maintenance of open space or facilities.

IMPERVIOUS SURFACE: A surface that prevents the infiltration of water into the ground, and may include but is not limited to: any roof, parking or driveway areas, any new streets, sidewalks, and any area in concrete and/or asphalt. Any surface areas designed to initially be gravel or crushed stone shall be assumed to be impervious surfaces. In addition, other areas determined by a professional engineer selected by South Beaver Township to be impervious within the meaning of this definition will also be classified and governed as impervious surfaces.

IMPROVEMENTS: Those physical additions and changes to the land that may be necessary to produce usable and desirable lots.

INDUSTRIAL HOME, INDUSTRIAL HOUSING, MODULAR HOME and/or SECTIONAL HOME: A transportable (transported by auxiliary means or towed on separate running gear) single-family dwelling consisting of two or more constructed units assembled or built at a manufacturing facility to be transported to a building site to be combined or joined into one single, integral dwelling unit by incidental unpacking and assembly operations, which may be temporarily or permanently affixed to real estate with or without a permanent foundation, designed for use and to be used for non-transient residential purposes, and constructed with and connected to the same or similar electrical, plumbing and sanitary facilities as immobile housing, having a minimum of one thousand (1,000) square feet of habitable floor area. The terms "Industrial Home", "Industrial Housing", "Modular Home" and "Sectional Home" are used and to be recognized interchangeably in this Ordinance. The term does not include recreational vehicles or travel trailers, sometimes referred to as camping trailers, mobile homes or manufactured home, but does include the commonly used reference of "double-wide." The Certification of the Installer of such units required by legislation of the Commonwealth of Pennsylvania shall be placed in the Township's file relative to the Building/Zoning Permit issued for each such unit. An industrial home, modular or sectional home may be located within a mobile home park at the discretion of the owner of the mobile home park.

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;
 - 2. A single nonresidential building on a lot or lots regardless of the number of occupants/tenants or tenure thereof; or
 - 3. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by any mean, or for the purpose of creation of streets, common areas, rights-of-way, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.

- C. Development other than those activities specified as exclusions in Section 503 (1.1) subparagraphs (i), (ii) and (iii) of the Pennsylvania Municipalities Planning Code, as amended and in §107 of this chapter.

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 condition), a lessee if the lessee is authorized under the lease to exercise the rights of the landowner, or other person, corporation or legal entity having a proprietary interest in the land.

LANDOWNERS ASSOCIATION: An association of landowners, other than a condo- minimum association, which is organized in a development in which individual owners share common interests in the maintenance of open space or facilities.

LOADING SPACE OR UNIT: An off street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials and which abuts upon an alley, street or other appropriate means of access, and which is not less than twelve (12) feet wide, forty five (45) feet in length and fifteen (15) feet in height to accommodate delivery trucks off the roadway so that deliveries do not impact the flow of traffic along the roadway on which the business receiving the delivery is located.

LOT: A track or parcel of land designated for conveyance, or transfer of ownership; improvement lease or sale, whether immediate or future, and/or a parcel of land, used, set aside and available for use as the site of one (1) or more buildings, structures, and/or any building accessory thereto or for any other purpose and not divided by a street or road, nor including any land within the right-of-way of a public or private street upon which said parcel of land abuts, even if the ownership to such right-of-way belongs to the owner of the lot. A lot for the purpose of this Ordinance may or may not coincide with a lot of record. A "lot" shall and may include 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 of a lot or parcel of land within its property lines, provided that the area shall be measured to the public street right-of-way line only, and not including any part of a public or private street, alley or travel area way used in common with the owner or occupier of other lots. If the creation of a lot or lots by subdivision occurs involving showing concept of title to the centerline of a roadway, public or private, the subdivision plan shall specify, the acreage or square footage of the area of the lot per this definition of Lot Area plus the area of created lot or lots within the right-of-way of said roadway, but such area within such right-of-way shall not be calculated into meeting the minimum size lot required for the applicable Zoning District in which the subdivision is situate.

LOT, CORNER: A lot or parcel of land, abutting two or more streets at their intersection, or upon two (2) parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. A property or corner lot which abuts two (2) or more intersecting public streets must have a building line set back from each public street equal to the minimum building line set back that is the normal front yard distance for the Zoning District in which such property or lot is located.

LOT, FLAG: A tract, parcel or area of land abutting and located to the rear or behind another tract, parcel or area of land and is connected to a public or private street by a contiguous area of land that is either a part of said lot, or subject to a private right of way or easement, which contiguous area has a minimum of twenty-five (25) feet for its total length and is for the express purpose of providing vehicular egress, ingress, and utility access to said tract, parcel or area of land.

LOT FRONTAGE: The length of the front lot line measured at the street right-of-way line.

LOT LINE, FRONT: The lot line separating a lot from a street right-of-way.

LOT LINE, REAR: The lot line opposite and most distance from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line ten (10) feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE: Any lot line other than a front or rear lot line.

LOT LINES: The lines bounding a lot as defined.

LOT OF RECORD: An area of land designed as a lot on a plan of subdivision or described on and within a deed duly recorded or registered, pursuant to statute with the Recorder of Deeds of Beaver County.

LOT, REVERSE FRONTAGE: A through lot which is not accessible from one of the parallel or non-intersecting streets upon which it fronts.

LOT, THROUGH: A lot which fronts upon two (2) parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

LOT WIDTH: The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

MAINTENANCE GUARANTEE: Any financial security which may be accepted by the Township Board of Supervisors to ensure that improvements will be kept in good condition for a period of one (1) year after completion of construction and installation, including corporate bonds, escrow agreements and other similar collateral or surety agreements.

MAJOR SUBDIVISION: Any subdivision which is not a minor subdivision consisting of a more than five (5) lots.

MANUFACTURED HOME, MANUFACTURED HOUSING and/or MOBILE HOME: A transportable (transported by auxiliary means or towed on its own running gear) single-family dwelling consisting of one single constructed unit which may be temporarily or permanently affixed to real estate with or without a permanent foundation, designed for use and to be used for non-transient residential purposes, and constructed with and connected to the same or similar electrical, plumbing and sanitary facilities as immobile housing, having a minimum of five hundred (500) square feet or maximum of one thousand one hundred twenty (1,120) square feet of habitable floor area. Such units shall be installed so as to comply with the requirements of the PA Uniform Construction Code, all legislative enactments of Pennsylvania and this Ordinance and all other Ordinances of South Beaver Township. The Certification of the Installer of such units required by legislation of the Commonwealth of Pennsylvania shall be placed in the Township's file relative to the Building/Zoning Permit issued for each such unit. The terms "Manufactured Home", "Manufactured Housing", and "Mobile Home" are used and to be recognized interchangeably in this Ordinance. The said terms do not include recreational vehicles or travel trailers, sometimes referred to as camping trailers, or on-site construction trailers or similar structure units temporarily placed at a construction or development site.

MARKER: A metal pipe or iron pin of at least one-half (½) inch outside diameter and at least thirty (30) inches in length, to be placed in the ground per survey, and used to identify the location of a lot or parcel of land boundary line, at a corner or otherwise.

MINERAL/RESOURCE EXTRACTION: Refer to South Beaver Township Zoning Ordinance for requirements relating to mineral extraction.

MINOR SUBDIVISION:

- A. A subdivision plat involving subdivision of five (5) residentially zoned lots or less, not involving any new street or road, in which no wetlands are disturbed and no unusual physiographic or topographic conditions exist and/or are involved, and which will not adversely affect the development of the remainder of the parcel or adjoining property.
- B. The combination or recombination of previously plotted lots on an existing street or road, where the total number of lots is not increased and the resultant lots shall be five (5) or less, residentially zoned lots which are in compliance with the South Beaver Township Zoning Ordinance.

MOBILE HOME: (See "MANUFACTURED HOME", "MANUFACTURED HOUSING", and "MOBILE HOME" supra); said terms are used and to be recognized interchangeably in this Ordinance.

MOBILE HOME LOT: A parcel of land within a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erection or placement thereon of a single mobile home.

MOBILE HOME PARK: A parcel or contiguous parcels of land, under single ownership, which has been so designated and improved that same contains or has two (2) or more mobile home lots for the placement thereon of mobile homes. Note: The creation of a new Mobile Home Park, and the addition to or revision of lay-out of an existing Mobile Home Park is subject to the provisions of the Planned Residential Development (PRD) requirements of the South Beaver Township Zoning Ordinance.

MODIFICATION: When the applicant can show that a provision of this Ordinance would cause unnecessary hardship if strictly adhered to and where because of topographical or other conditions peculiar to the site, and in the opinion of the Planning Commission a modification may be made without destroying the intent of such provision, the Planning Commission may recommend and the Township Board of Supervisors may authorize relief from the strict application of this provision. Any relief thus authorized shall be entered in the minutes of the Township Board of Supervisors along with the reasons which justify the modification.

MODULAR HOME and/or SECTIONAL HOME: (See "INDUSTRIAL HOME", "INDUSTRIAL HOUSING", and "MODULAR HOME" or "SECTIONAL HOME" supra); said terms are used and to be recognized interchangeably in this Ordinance.

MONUMENT: A stone or concrete monument with a flat top at least four (4) inches in diameter or square. It is recommended that the bottom sides or radius be at least two (2) inches greater than the top to minimize movements caused by frost. The monument should contain a centered steel dowel rod of at least one-half (½) inch in diameter and be at least thirty (30) inches in length.

NATIONAL CAD STANDARD® (NCS): CAD Standards architects/ engineers (A/E's) shall follow for the creation and delivery of all plat and plan drawings, digital and hard copy. References to CAD Standards indicate use of the United States National CAD standards.

OFF-LOT/OFF-SITE SEWER SERVICE: A sanitary sewage collection system approved by the Township and the Pennsylvania Department of Environmental Protection in which sewage is carried from individual lots, dwelling units or other structures by a system of pipes to a central treatment and disposal plant which may be publicly or privately owned and operated. Applicants for subdivision and land development approval shall be required to connect to a public water distribution system if available.

OFF-LOT/OFF-SITE WATER SERVICE: A potable water distribution system approved by the Township in which water is carried to individual lots, dwelling units or other structures by a system of pipes from a central water source, located beyond the limits of the lot being serviced, which may be publicly or privately owned and operated. Applicants for subdivision and land development approval shall be required to connect to a public water distribution system if available.

ON-SITE SEWER SERVICE: A single system of piping, tanks or other facilities approved by the Township, or the Pennsylvania Department of Environmental Protection, serving only a single lot or parcel and disposing of sewage in whole or in part either into the soil or in other appropriate authorized manner per applicable laws, regulations and ordinances.

ON SITE WATER SERVICE: A single system of piping, tanks or other facilities serving only a single lot and obtaining the water either in whole or in part from a primary source located within the limits of the lot being served.

OPEN SPACE: Any parcel of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

OUTFALL: Use of this word in this Ordinance shall equal and mean "Point Source" as described in 40 CFR 122.2 at the point or points the Township's stormwater sewer system discharges to the surface waters of the Commonwealth. (See "POINT SOURCE").

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 purposes of this Ordinance.

PARKING:

- A. **Parking Area, Private:** An open off-street area other than a private road or way (with adequate means of access), used exclusively for the parking of automobiles of occupants of the premises.
- B. **Parking Area, Public:** An open off-street area other than a driveway, private road or way (with adequate means of access), available to the general public for the parking of motor vehicles.

PARKING SPACE: An off-street space having an area of not less than one hundred eighty (180) square feet, whether inside or outside of a structure, for the temporary standing of automobile vehicles to be used exclusively as a parking stall or area for one (1) automobile vehicle, plus one hundred fifty (150) square feet used exclusively for turning and access to the parking stall.

PATIO: An outside surfaced area having no roof and no more than three (3) sides walled or fenced, with paved or improved surface, being an at-grade open area of which no part of which shall be greater than three (3) feet above adjacent ground level.

PERCENT GRADE: The number of feet of rise per one hundred (100) feet in length, i.e. a twenty (20) foot rise in a one hundred (100) feet length is said to be a twenty (20%) percent grade.

PERFORMANCE GUARANTEE: Any financial security which may be accepted by the Township Board of Supervisors to guarantee that the proper construction of improvements be made by the developer as a condition for the approval of a plat or development plan, including corporate bonds, escrow agreements, and other similar collateral and surety agreement.

PERSON: An individual human being, an association of individuals or other entities, a partnership of individuals or other entities, a corporation, or other legal entity created under the laws of any State or Commonwealth of the United States of America, a political subdivision of the Commonwealth of Pennsylvania or any Agency of the Commonwealth of Pennsylvania or the Federal Government of the United States of America.

PLANNED NON-RESIDENTIAL DEVELOPMENT (PNRD): An area of land or real estate to be developed that is controlled by a single landowner and developed as a single entity for a combination of non-residential uses, the plan for which does not necessarily correspond in lot area, bulk, type of dwelling unit or use, density or intensity, lot coverage or required open space to any one district in the South Beaver Township Zoning Ordinance but which complies with Article V therein.

PLANNED RESIDENTIAL DEVELOPMENT (PRD): An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling or use, density, or intensity, lot coverage and required open space to the regulations established in any one Zoning District created from time to time, under the provisions of the South Beaver Township Zoning Ordinance, but which can be a development plan in accordance to the provisions of Article XIV of the said South Beaver Township Zoning Ordinance or a mobile home park per the provisions of Article VIII of this Ordinance.

PLANNING COMMISSION: The duly appointed and constituted Planning Commission of the Township of South Beaver, Beaver County, Pennsylvania, unless otherwise specifically named.

PLAT: A map, plan or layout of a subdivision or land development, and/or the existence of any existing or proposed amenities located on or within a land area, including but not limited to natural features, manmade features including but not limited to any type of existing or proposed well, sewage system, building or other amenities, indicating thereon the location of all pertinent or required information, detailing boundaries of individual or multiple parcels of land, whether preliminary or final, accurately drawn to a stated scale. The word "plat" may also be referred to as a "plan".

PLAT, FINAL: A complete and exact plan of a subdivision or land development, with professional engineer's or registered surveyor's seal affixed and prepared for official approval and/or recording as required by this Ordinance to define property rights, streets, and/or other proposed improvements. The word "plat" may also be referred to as a "plan". When it is appropriate to prepare a plat using the professional services as set forth in the definition of the "practice of landscape architecture" under Section 2 of the "Landscape Architects' Registration Law", being Act No. 535 of 1965 enacted January 24, 1996 (1965 P.L. 1527), such final plat may bear the seal of a registered landscape architect.

PLAT, PRELIMINARY: A tentative plan of a subdivision or land development, in lesser detail than a Final Plat showing proposed streets and lot layout and such other information as required by this Ordinance. The word "plat" may also be referred to as a "plan".

PLAT, SKETCH: A minimal draft of a proposed development, drawn at a scale suitable to portray the proposed layout of a subdivision or land development, and to be submitted with data for a pre-application conference. The word "plat" may also be referred to as a "plan", and the words "sketch plat" are also referred to as a "sketch plan."

POINT SOURCE: Any discernable, confined and discrete conveyance, including but not limited to any pipe, ditch, channel tunnel, or conduit from which stormwater is or may be discharged, as defined in Regulations of the Commonwealth of Pennsylvania, particularly the Pennsylvania Department of Environmental Protection at 25 Pa. Code §92.1. and as also described in 40 CFR 122.2. Relative to the Township, said "Point Source" description at 40 CFR 122.2 "... means any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff."

PORCH: A roofed over structure projecting from the front, side or rear wall of a building. For the purpose of this Ordinance, a porch is considered a part of the principal building and is not permitted to extend into any building line or required yards per the South Beaver Township Zoning Ordinance.

PUBLIC HEARING: A formal meeting open to the general public held pursuant to proper "public notice" by the Board of Supervisors of South Beaver Township, the South Beaver Township Planning Commission or the Zoning Hearing Board of South Beaver Township, intended to inform and obtain public comment and/or to receive data, information and/or evidence, prior to taking action in accordance with this Ordinance, or the Zoning Ordinance of South Beaver Township.

PUBLIC MEETING: A forum held pursuant to notice under 65 Pa. C.S. CH. 7 (Relating to open meetings).

PUBLIC NOTICE: A notice published once each week for two (2) successive weeks in a newspaper of general circulation in the Township in accordance with the requirements of the Pennsylvania Municipalities Planning Code. 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 be not more than thirty (30) days and the second publication shall not be less than seven (7) day from the date of the hearing.

PUBLIC RIGHT-OF-WAY: Land reserved for use as a road, street, alley, crosswalk, pedestrian way or other public purpose, dedicated and accepted by and as a public right- of-way of the Township of South Beaver.

PUBLIC USES: Public parks, public and private schools and cultural administrative and service buildings not including public lands or buildings devoted solely to the storage and maintenance of equipment and material.

PUBLIC UTILITY: Any entity that is classified as a public utility per the Pennsylvania "Public Utility Code".

PUBLIC UTILITY FACILITY: Any administrative or service building or structure constructed or operated by a public utility, or any transmission facility of a public utility that does not meet the definition of an "essential service installation".

QUALIFIED REGISTERED PROFESSIONAL: Individuals licensed, registered and in good standing under the laws of this Commonwealth to engage in the practice of engineering, architecture, land surveying, geology, planning, or landscape architecture, who have a legal duty or purpose within this Commonwealth to serve, uphold and/or protect the public interest in relation to a professional practice.

REAR YARD: The area of any property between the rear line of the property and the rear setback line parallel to it.

REGULATED EARTH DISTURBANCE ACTIVITY: A construction or other human activity which disturbs the surface of the land, including land clearing and grubbing, grading, excavations, embankments, land development, road maintenance activities, and the moving, depositing, stockpiling, or storing of soil, rock or earth materials. Any earth disturbance activity upon one acre or more with a point source discharge to the surface waters that flow or may flow within the Township, or that flow or may flow into the Township's stormwater sewer system, or any earth disturbance activity on five acres or more regardless of the planned stormwater runoff. This includes earth disturbances of any portion of, part, or during any stage of, a larger common plan of development. This only includes road maintenance activities by the Township, the Commonwealth of Pennsylvania or other governmental entity when such road maintenance activities involve twenty-five (25) acres or more of earth disturbance.

RESERVED LAND: Land shown as reserved on development drawings, intended for future use or permanent preservation.

RESERVE STRIP: A strip of land adjacent to a street intended to control access to the street from an adjacent property.

RESERVOIR: A natural or artificial basin, which contains or will contain water or other fluid or semi-fluid impounded therein, with or without construction of a dam.

RESIDENTIAL OFF-STREET PARKING SPACE: A private parking space whether or not enclosed, located off the right-of-way of any public or private road, for residential occupancy use.

RESUBDIVISION: Any replatting or resubdivision of land, limited to changes in lot lines of existing approved Final or Recorded Plats or Development Plans, as specified by Ordinance. Other replatting shall be considered as constituting a new subdivision of land.

REVERSE FRONTAGE LOT: A lot extending between and having frontage on a major traffic street and a local street, and with vehicular access solely from the latter.

RIGHT OF WAY: (See definitions of "EASEMENT" and "MAJOR RIGHT-OF-WAY FACILITY"):

- A. **Right-of-Way:** Land set aside for use as a street, alley or other means of travel, and/or for public or private utility lines above or below the ground surface, placement of any pipeline above or below the ground surface, a pole or tower line or other necessary service facilities as either approved by or to be created by the Commonwealth of Pennsylvania, or by other governmental agencies or authorities, or individual property owners and/or companies, and such right-of-way areas are currently in existence.
- B. **Future Right-of-Way:** A right-of-way to be created as deemed necessary as appropriate to provide adequate width for future public or private street, roadway or driveway, or the placement of any public or private utility line, or any pipeline, pole or tower line, or other necessary utility or service line, either above ground or below ground, whether public or private, and yet to be created but to be created at some point of time in the future.
- C. The existence or creation of a right-of-way or easement as to any parcel of land is and results in the division of land ownership rights into a Dominant Estate and a Servient Estate and is a subdivision of land relative to the application of this Ordinance.

ROAD: The entire right-of-way of a public or private street or highway providing access to two (2) or more properties.

ROAD MAINTENANCE: For the purpose of this Ordinance, shall mean and include earth disturbance activities within the existing road cross-section, such as grading and repairing existing unpaved road surfaces or berms, cutting road banks, cleaning or clearing drainage ditches and other similar activities.

RUNOFF: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow, including but not limited to the melting of snow and ice accumulations, that does not enter the soil but runs off the surface of the land.

SERVICE OR RECREATION BUILDING: A structure housing operational, office, recreational, park maintenance and other facilities built to conform to required local standards.

SETBACK: The distance between the street right-of way line and the front line of a building or any projection thereof, excluding uncovered steps. (See "BUILDING LINE").

SETBACK LINE: That line that is the required minimum distance from the street right-of- way line or any other lot line that establishes the area within which the principal structure must be erected or placed. (See "BUILDING LINE")

SEWER:

- A. **Public Sewer:** A "public sanitary sewerage", namely a system of sewage disposal by any municipal or privately owned system in which sewage is collected from more than one (1) lot and piped to an approved sewage disposal plant or central septic tank disposal system. It may also be referred to as an "off-lot" or "off-site" sewerage system, and must be duly

approved by the Pennsylvania Department of Environmental Protection and/or the Township.

- B. Private Sewer: An "on-lot" septic disposal system providing for disposal of effluent for one (1) building and its accessory building on a single lot or parcel of land.

SIDE YARD: The area of any property bounded by the required front and rear yards and the side property line and parallel side setback line as to any building or structure placed on a lot or parcel of land.

SIGHT TRIANGLE: A triangular area of unobstructed vision at the intersection of two streets or of a driveway and a street, defined by line of sight at a given distance from the intersection of the center lines of two streets or the center lines of the driveway and the street. Landscaping and other site appurtenances may be limited in these areas.

SITE: A parcel or parcels of land intended to have one (1) or more buildings or intended to be subdivided into one or more lots.

SITE AREA: All land area within the site as defined in the deed. Actual area shall be from actual site survey rather than deed description.

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

STATE WATER QUALITY REQUIREMENTS: As defined under Regulations of the Commonwealth of Pennsylvania, for the protection of designated and existing uses (See 25 Pa. Code Chapters 93 and 96), including:

- A. Each stream segment in Pennsylvania has a "designated use," such as "cold water fishery" or "potable water supply," which are listed in the aforesaid Chapter 93. These uses must be protected and maintained under Commonwealth Regulations.
- B. "Existing uses" are those attained as of November 1975, regardless whether they have been designated in the aforesaid Chapter 93. Regulated Earth Disturbance activities 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.
- C. Water quality involves the chemical, biological and physical characteristics of surface water bodies. After Regulated Earth Disturbance activities are completed, these characteristics can be impacted by addition of pollutants such as sediment, and changes in habitat through increased flow volumes and/or rates as a result of changes in land surface area from those activities. Therefore, permanent discharges to surface waters must be managed to protect the stream banks, streambeds and structural integrity of the waterways, to prevent these impacts.

STORMWATER: The drainage runoff from the surface of land resulting from precipitation, e.g. rain, or from the melting of snow or ice.

STORMWATER MANAGEMENT PLAN: Also referred to as a "Best Management Practice" Plan.

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, other than a driveway, whether public or private.

- A. Arterial - Arterial streets or roadways are public streets that serve large volumes of high speed and long-distance traffic, accommodate inter-community traffic flow and afford connections to other communities to and from collector streets or roadways, with direct access to adjoining property being a secondary function. This includes State Route 51 (Constitution Boulevard).
- B. Collector - Collector streets or roadways conduct and distribute traffic between local residential streets and the arterial streets and freeways, with direct access to adjoining property being a secondary function. A public street which, in addition to providing access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic to community facilities and arterial roads. This includes State Route 168 (Salem Church Road), State Route 251 (Blackhawk Road), State Route 4029 (Old Blackhawk Road), and State Route 4013 (Darlington Road).
- C. Local - Local streets or roadways having the function of accommodating traffic flow to and from the properties abutting same either to collector or arterial streets. These streets or roadways should generally not carry major traffic volumes since the function of same is to serve that traffic generated to and from residential properties or other development properties adjacent to same.

STREET LINE: The dividing line between the street and the abutting lot or parcel of land. The street line shall be the same as the legal right-of-way, provided that where an existing or future right-of-way width for a road or street has been established, then that width shall determine the location of the street line.

STREET, PRIVATE: A street, including the entire right-of-way, which is privately owned and maintained through private agreement and/or pursuant to applicable law of the Commonwealth of Pennsylvania, and which is intended for private use for passage by motor vehicles. A "private street" which provides access to three (3) or more lots or parcels which do not otherwise have access to a public street shall be considered as access to a public street for the purposes of this Ordinance. (See: "DRIVEWAY, PRIVATE" and "DRIVEWAY, COMMON"). Development of Private Streets shall include a maintenance agreement.

STREET, PRIVATE MAINTENANCE AGREEMENT: All subdivisions or development of a private street shall submit terminology for a common private street maintenance agreement or declaration for approval, and said maintenance agreement shall be duly executed and in due course be recorded of record separately, or set forth verbatim on the approved Plan of Subdivision as a covenant or declaration. Design standards for new private streets or extension of existing private streets shall comply with the requirements of Article VI herein and improvement thereof shall comply with the standards of Article VII herein. Performance Standards in Section 806, Performance Guarantees in Section 800, and Release from Improvement Bond in Section 800 shall apply to all developments proposing to install a private street. (See also “Standard Details” provided in Appendix B.)

STREET, PUBLIC: A street, including the entire public right-of-way, which has been dedicated to and accepted by the Township or which has been devoted to public use by legal mapping, use or other means. (See also “Standard Details” provided in Appendix B)

STRUCTURE: Any man-made object having an ascertainable stationary location, including but not limited to buildings, sheds, mobile homes, and other similar items constructed by a person.

SUBDIVISION: The division or re-division 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 but not limited to changes in existing lot lines for the purpose of, whether immediate or future, for leasing a part of same, for partition by the Court for distribution to heirs or devisees, transfer of ownership, or for building or lot development, and/or for creating a right-of- way or easement on, over or under part of any lot, tract, or parcel of land for any purpose. 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 or right-of-way for access, or involving any residential dwelling, shall be exempt.

SUBDIVISION, MAJOR: (See “MAJOR SUBDIVISION”)

SUBDIVISION, MINOR: (See “MINOR SUBDIVISION”)

SUBDIVIDER: (See "DEVELOPER")

SUBSTANTIALLY COMPLETED: That point during construction when in the opinion of the township engineer, at least ninety (90%) percent (based on the cost of the required improvements for which financial security was posted pursuant to Section 800 of this Ordinance) 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.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the costs of which equals or exceeds fifty (50%) percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Substantial improvement is initiated when the first alteration of any structural part of the building commences.

SURFACE 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 water, or parts thereof, whether natural or artificial, within or on the boundaries of the Commonwealth of Pennsylvania.

SURVEYOR: A registered land surveyor licensed as such by the Commonwealth of Pennsylvania.

SWALE: A low lying stretch of land which gathers or carries surface water runoff.

TOPOGRAPHIC MAP: A map showing relative position of ground elevations of a lot, parcel or tract of land by contour lines and the relevant location of such elevations to each other, and to important, natural and man-made, features of said lot, parcel or tract or land, or to other relevant lands adjacent thereto.

TOWNSHIP: The Township of South Beaver, Beaver County, Pennsylvania.

TOWNSHIP ENGINEER: A professional engineer or engineering firm licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Township of South Beaver.

TOWNHOUSE: A multi-family residential building no more than two and one-half stories in height which contains no more than eight dwelling units, each of which are separated from the adjoining unit or units by a continuous, unpierced vertical wall extending from the basement to the roof, each unit having independent access directly to the outside and having no other units above or below.

UTILITIES: A service such as electricity, gas, water, community or public sewage, cable television that have associated it with the provision and receipt of such services by way of physical implements of wires, poles and/or piping and related accouterments, whether provided by a public utility entity regulated by the Pennsylvania Public Utility Commission.

UTILITY SYSTEMS: Within the terms of this Ordinance, utility systems shall be defined as gas, electric, telephone, cable T.V. and/or any such service whether or not regulated by the Pennsylvania Public Utility Commission.

WATERBODY/WATER: An area of water including, but not limited to ponds, lakes, reservoirs, rivers, streams and creeks.

WATERCOURSE: The word watercourse shall include all existing channels, creeks, ditches, swales, drains, dry runs, springs and streams, and also all proposed channels, ditches, drains and drainage facilities, whether natural or man-made, with perennial or intermittent flow of water.

WATERSHED: The entire region or area drained by a river, watercourse or other body of water, whether natural or artificial.

WETLANDS: Those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does support, a prevalence of vegetative or aquatic life requiring saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflow, mudflats and natural ponds.

YARD: An open unoccupied space on the same lot or parcel of ground with a building or structure. The size of a required yard shall be measured as the shortest distance between the structure and a lot line or street line.

YARD, FRONT: The open space extending the entire width of the lot between the front building line and the street right-of-way, and extending entire length of the street line. In the case of a corner lot that fronts on more than one (1) street, the yards extending along all streets are front yards for setback requirements.

YARD, REAR: The required open space extending from the rear of the main building along the rear lot line (not necessarily a street line) throughout the entire width of the lot.

YARD, SIDE: The required open space extending from the side of any building along the side lot line through the entire depth of the building. In the case of a lot or parcel of land having no street frontage, or a lot or parcel of land having an odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

YARD, REQUIRED: The open space between the lot line and the buildable area within which no structure shall be located except as provided in the South Beaver Township Zoning Ordinance.

ZONING DISTRICT: The Zoning Districts established by the South Beaver Township Zoning Ordinance. A zoning district is a section or area of the Township for which uniform regulations governing the use, height, area, density and intensity of use of buildings and land and open space about buildings as established and set forth in the South Beaver Township Zoning Ordinance.

ZONING HEARING BOARD: The Zoning Hearing Board of South Beaver Township as duly constituted by and established pursuant to the South Beaver Township Zoning Ordinance.

ZONING OFFICER: The individual authorized by the Board of Supervisors to be the administrator of the daily application of the provisions contained in the South Beaver Township Zoning Ordinance.

ZONING ORDINANCE: The officially adopted Zoning Ordinance of South Beaver Township and all subsequent amendments thereto.

ZONING PERMIT: The document issued by the Zoning Officer authorizing the use of the land, building or structure, for which application has been made. Such permit may also be referred to as a "Building/Zoning Permit" but shall not include a Construction Code Permit required to be issued per the provisions of the Construction Code Ordinance of South Beaver Township.

ARTICLE III

APPLICATION FOR, AND PLAT/PLAN REQUIREMENTS FOR MINOR SUBDIVISION

Section 300 PROCEDURE

The plat or plan requirements and application procedures for a minor subdivision shall be followed by developers as set forth herein and shall be submitted to the Planning Commission for review prior to consideration by the South Beaver Township Board of Supervisors.

Section 301 PRELIMINARY/FINAL MINOR SUBDIVISION PLAN APPLICATION

- A. Application: Prior to the filing of an application for approval of a Preliminary/Final Minor Subdivision plan, the applicant shall file a complete application for Preliminary/Final Minor Subdivision to the Township using forms provided by the Township. Applications must be submitted to the Township Secretary not less than fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission. The application shall be inclusive of the following information:
1. Application Fee: At the time of filing the application for preliminary/final plan review, the developer shall pay to the Township for use by the Township a fee to defray the cost of processing the preliminary plan. The fee shall be that required in accordance with the established fee schedule. The applicant shall also provide the required Beaver County Planning Commission review fee.
 2. Plans, Maps, and Drawings: Five (5) copies and one electronic copy of all plans, maps and drawings are required as part of the subdivision application. The electronic file shall be in a Township-compatible format.
 3. Reports: Two (2) copies and one electronic copy of all reports that are required as part of the application. The electronic file shall be in a Township-compatible format.
- B. Beaver County Planning Commission Review: Upon receipt of the Plan, the Township shall forward two (2) copies of the application package to the Beaver County Planning Commission for a review and report; provided that the Township shall not approve such application until the County report is received, or until the expiration of forty- five (45) days from the date the application was forwarded to the County.
- C. The preliminary/final application shall not be considered complete when properly filed unless and until all items required by this Chapter including the application filing fee have been received by the filing date.

- D. The Township will review the application to determine whether all materials required by this Chapter have been submitted by the applicant. Unless all such required materials have been submitted with the application, the Township will reject the application as being administratively incomplete and will notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter have not been met.
- E. Planning Commission Review: After the receipt of a complete application package, the Planning Commission shall then review the application submitted, covering the requirements of this Ordinance point by point, conduct on-site reviews, and shall consult with the Township Engineer and officials of any other department or authority concerned.
- F. Specifications for Preliminary/Final Minor Subdivision Plan – The preliminary/final plan shall be drawn at a minimum scale of one hundred (100) feet to the inch and shall show or be accompanied by the following information:
1. Names and addresses of the owner or owners of the property, and name and address of the developer if other than the legal owner of the property.
 2. The address and county parcel identification number of the property(ies) to be subdivided.
 3. Name of the subdivision proposed to be created.
 4. Name of registered professional who surveyed the property and prepared the plat. Preliminary plans shall be prepared by a qualified registered professional engineer, surveyor, architect or landscape architect. The Pennsylvania seals of the professional preparing the plan shall be affixed/displayed thereon.
 5. The location of the plan by municipality, county and state.
 6. North arrow, graphic scale, legend, notes, and date. All revisions shall be noted and dated.
 7. Location Map which identifies the location of the proposed subdivision within the Township prepared at a minimum scale of two thousand (2,000) feet.
 8. All existing property lines with bearings, distances and total acreage.
 9. All proposed lots or parcels of land to be created by the subdivision, with the bearings and distances of the lot(s) or parcel lines being noted, along with a lot or parcel number being assigned as to each new proposed lot or parcel, together with the number of square feet and acreage to the nearest thousandth of an acre of each being duly noted thereon. All tract, lots, or parcels shall be identified with a number or letter. Residual or remnant tracts in excess of 100 acres may be plotted by deed or as otherwise approved by the Board of Supervisors, if so noted on the recording plan. All other tract boundaries shall be plotted based on field survey. The parcel being created must be plotted based on field survey.

10. Lot closure calculations for all proposed lots. The error of closure for all descriptions shall not exceed one foot in 10,000 feet.
11. The location of any existing and proposed easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
12. A tabulation of existing and proposed lot areas with the number of square feet and acreage to the nearest thousandth of an acre of each lot.
13. A tabulation of required and provided bulk and area requirements, as identified by the Township Zoning Ordinance.
14. The location of building setback lines and required yards.
15. Identify any floodplain, flood hazard area, flood-prone area as established by the Federal Emergency Management Agency, or otherwise known to exist by the owner, the developer, or the employees or agents of same. If the plan is located outside of a special flood hazard area, notation must be included on the plan indicating same.
16. Show location and size of all existing and proposed buildings. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
17. All existing streets located on or adjacent to the tract, including name and right-of-way widths.
18. The names of owners, addresses and county parcel identification numbers of all abutting unplotted land and/or the names of all abutting subdivision plans in existence.
19. The zoning district or districts in which the property is located and show the zoning boundaries, if any, that traverse or are within one hundred (100) feet of the area covered by the plan.
20. A written statement requesting any waivers or modifications to this chapter in accordance with Part 10, if applicable.
21. A written statement identifying any zoning variances which will be needed or which have been granted to the property by the Zoning Hearing Board.
22. Such affidavits, certificates, approval forms/statements as per Appendix A.
23. All plats which will require access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law before driveway access to a state owned right-of-way is permitted.

G. Supplementary Data Required – The preliminary plan shall be accompanied by the following supplementary data:

1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection.
2. A written report from the municipal water and sewer authority on the availability of public water and sewer service to proposed development.
3. If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirement and procedures of the Pennsylvania Department of Environmental Protection, as to how these needed items are proposed to be furnished.
4. Where the land included in the subject application has an electric transmission line, a gas pipeline or a petroleum products transmission line, or other utility service facilities, located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way/facilities stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines required by such owner or lessee of such right-of-way/facilities. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.

H. Planning Commission Review and Action – Preliminary/Final Minor Subdivision Applications:

1. Upon receipt of a complete application for preliminary/final minor subdivision, the Planning Commission at the following regularly scheduled monthly meeting will discuss with the developer the proposed application.
2. Within thirty (30) calendar days of the Township Secretary's transmission of a complete preliminary/final subdivision application, the Township Engineer will submit a written report to the Township's Secretary and Planning Commission which states whether the application complies with the requirements of this Chapter. The report will be included in the minutes of the Planning Commission meeting. The Planning Commission will not make a recommendation on the application until the Township Engineer's report has been received or thirty (30) calendar days has passed from the date of referral to the Township Engineer.
3. Within sixty (60) calendar days of the date of filing of an administratively complete application, the Planning Commission shall review the preliminary/final application and prepare a written report for the Township Board of Supervisors. The report shall contain recommendations for approval, conditional approval or disapproval. The recommendation of the Planning Commission will provide specific reasons for the recommended action and the in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter, which have not been met.

4. At the Planning Commission meeting when considering the preliminary/final application, the developer shall be given an opportunity to discuss any matters in the preliminary/final application which might assist the Planning Commission in making its recommendation to the Township Board of Supervisors.
- I. Action of Township Board of Supervisors: The Township Board of Supervisors shall render its decision on the preliminary/final application and communicate such decision to the developer not later than ninety (90) days following the date of the next regular Planning Commission meeting following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the date of filing, the ninety (90) day period shall be measured from the thirtieth day following the day the application was originally filed.
1. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address by regular mail not later than fifteen (15) days following the decision.
 2. The applicant shall accept or reject the conditions attached to preliminary/final approval either by giving written notice to the Township Secretary or executing the development agreement required by this Ordinance within thirty (30) days of the date of the public meeting of the Board of Supervisors at which final approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to final approval within the required thirty (30) days, final approval shall automatically be rescinded without written notice to the applicant.
 3. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinances relied upon.
 4. Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time, in which case, failure to render a decision within the extended time and communication of it to the applicant shall have like effect of deemed approval of the application in the terms as presented.
 5. Failure on the part of the developer to supply all data necessary for review and recommendation as required by this Ordinance shall constitute an incomplete application, and as such shall not delay or circumvent time constraints imposed elsewhere in this Section.

ARTICLE IV

APPLICATION FOR AND PLAT/PLAN REQUIREMENTS FOR MAJOR SUBDIVISION

Section 400 PROCEDURE

The plat or plan requirements and application procedures for a major subdivision shall be followed by developers as set forth herein and shall be submitted to the Planning Commission for review prior to consideration by the South Beaver Township Board of Supervisors.

Section 401 PRE-APPLICATION CONFERENCE

Prior to the filing of an application for approval of a major subdivision plat, a developer may request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary. No formal application or fee is required.

Requests for a pre-application conference should be submitted to the Township Secretary not less than fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission.

Requests for a pre-application conference should be accompanied by six (6) copies of the following information:

- A. General Information: In either a single written statement or multiple written statements identifying and relating therein the following general information:
 - 1. The site location, the Zoning District or Districts in which same is situate, together with the number of lots or parcels to be created and proposed development use intended for each and all of said lots or parcels, and whether the desired subdivision shall be proposed to be developed in a single-phase development or multiple phases of development.
 - 2. Whether public water and/or sewage facilities are or will be made available to the proposed subdivision, or whether individual water wells and septic systems, and/or other type of water supply and sewage treatment facilities will be involved.
 - 3. The type and manner of making available to the proposed subdivision other public utilities, such as but not limited to electric, natural gas, telephone, and/or cable TV lines.
 - 4. The type and nature of stormwater management facilities that will be required.
- B. Sketch Plat: A sketch plan drawn at a scale of one (1) inch equals one hundred (100) feet or smaller, with scale stated thereon, with North arrow, suitable to portray the proposed subdivision layout upon the tract of land involved, the general location of the natural amenities of the tract of land including but not limited to any significant stand of trees, rock

out-crops, streams or wetlands, together with the subdivision's proposed location or locations of ingress and egress to existing public roads and/or streets, with said existing public roads and/or streets being identified thereon.

- C. Topography Map: A topography map (U.S.G.S. or equivalent) marked with location and boundaries of the tract of land upon which the subdivision is being proposed to be developed.
- D. The purpose of a Pre-Application Conference is solely to familiarize both the developer and the Planning Commission with the concepts that will be involved as to the proposed subdivision and discussion of and general administrative planning for processing the application steps hereinafter set forth. After review and discussion with the developer, the Planning Commission shall comment generally on the concepts and matters that the developer needs to address in submitting either a Preliminary Plat Subdivision Application and/or Final Plat Subdivision Application.

Section 402 PRELIMINARY SUBDIVISION PLAN APPLICATION

- A. Application: Prior to the filing of an application for approval of a Final Major Subdivision plan, the applicant shall file a complete application for Preliminary Major Subdivision to the Township using forms provided by the Township. Applications must be submitted to the Township Secretary not less than fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission. The application shall be inclusive of the following information:
 - 1. Application Fee – At the time of filing the application for preliminary plan review, the developer shall pay to the Township for use by the Township a fee to defray the cost of processing the preliminary plan. The fee shall be that required in accordance with the established fee schedule. The applicant shall also provide the required Beaver County Planning Commission review fee.
 - 2. Plans, Maps, and Drawings – Five (5) copies and one electronic copy of all plans, maps and drawings are required as part of the subdivision application. The electronic file shall be in a Township-compatible format.
 - 3. Reports – Two (2) copies and one electronic copy of all reports that are required as part of the application. The electronic file shall be in a Township-compatible format.
- B. Beaver County Planning Commission Review: Upon receipt of the Plan, the Township shall forward two (2) copies of the application package to the Beaver County Planning Commission for a review and report; provided that the Township shall not approve such application until the County report is received, or until the expiration of forty-five (45) days from the date the application was forwarded to the County.
- C. The preliminary application shall not be considered complete when properly filed unless and until all items required by this Chapter including the application filing fee have been received by the filing date.

- D. The Township will review the application to determine whether all materials required by this Chapter have been submitted by the applicant. Unless all such required materials have been submitted with the application, the Township will reject the application as being administratively incomplete and will notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter have not been met.
- E. Planning Commission Review: After the receipt of a complete application package, the Planning Commission shall then review the application submitted, covering the requirements of this Ordinance point by point, conduct on-site reviews, and shall consult with the Township Engineer and officials of any other department or authority concerned.
- F. Specifications for Preliminary Plat Plan: The preliminary plat shall be drawn at a minimum scale of one hundred (100) feet to the inch and shall show or be accompanied by the following information:
1. Names and addresses of the owner or owners of the property, and name and address of the developer if other than the legal owner of the property.
 2. The address and county parcel identification number of the property(ies) to be subdivided.
 3. Name of the subdivision proposed to be created.
 4. Name of registered professional who surveyed the property and prepared the plat. Preliminary plans shall be prepared by a qualified registered professional engineer, surveyor, architect or landscape architect. The Pennsylvania seals of the professional preparing the plan shall be affixed/displayed thereon.
 5. The location of the plan by municipality, county and state.
 6. North arrow, graphic scale, legend, notes, and date. All revisions shall be noted and dated.
 7. Location Map which identifies the location of the proposed subdivision within the Township prepared at a minimum scale of two thousand (2,000) feet.
 8. All existing property lines with bearings, distances and total acreage.
 9. The location of any existing easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.

10. All proposed lots or parcels of land to be created by the subdivision, with the bearings of the lot or parcel lines being noted, along with a lot or parcel number being assigned as to each new proposed lot or parcel, together with the number of square feet and acreage to the nearest thousandth of an acre of each being duly noted thereon.
11. A tabulation of existing and proposed lot areas with the number of square feet and acreage to the nearest thousandth of an acre of each lot.
12. A tabulation of required and provided bulk and area requirements, as identified by the Township Zoning Ordinance.
13. The location of building setback lines and required yards.
14. Contours at vertical intervals of two (2) feet, or in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
15. Datum to which contour elevations refer. Datum shall be U.S.G.S datum unless otherwise authorized and approved by the Township Engineer.
16. Show all existing watercourses, wetlands, banks, tree masses, rock out-crops, and any other significant natural features.
17. Identify any floodplain, flood hazard area, flood-prone area as established by the Federal Emergency Management Agency, or otherwise known to exist by the owner, the developer, or the employees or agents of same. If the plan is located outside of a special flood hazard area, notation must be included on the plan indicating same.
18. Show location and size of all existing buildings, location, size and invert elevation of all sanitary and storm-water sewers, and location of all manholes, inlets, culverts and bridges; water mains, gas mains, fire hydrants, telephone conduit lines, electric power transmission line, petroleum or gas product lines, walls, fences and other significant man-made features with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
19. All existing streets located on or adjacent to the tract, including name, right-of- way widths and cartway width and type of improvement materials used on the cartway.
20. Location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with dimensions and compass bearings, and the proposed minimum set back or building lines relative to such streets/alleys, rights-of-way or easements. As to all proposed streets, roads or alleys, the preliminary plat shall include or be accompanied by:

- a. Profile Data showing existing ground and proposed street/alley centerline grades;
 - b. Typical cross-section drawings of streets/alleys, showing cartways, along with data detailing proposed placement of water, sanitary and/or stormwater sewers, and any and all gas, electric and telephone utilities.
 - c. Shall show the relationship of such new streets/alleys, rights-of-ways or easements as may involve or be applicable in the future as to adjoining or contiguous developed or undeveloped areas.
21. The names of owners, addresses and county parcel identification numbers of all abutting unplotted land and/or the names of all abutting subdivision plans in existence.
 22. Where the preliminary plat covers only a part of the developer's entire holding of lands, by ownership or option to have ownership, a sketch shall be submitted of the prospective street and lot layout of the remainder of the land, or if no such prospective street and lot layout is intended by the developer, the developer shall submit a signed statement of his future intentions and proposed use of or for said other lands.
 23. The preliminary plat shall identify the zoning district or districts in which the property is located and show the zoning boundaries, if any, that traverse or are within three hundred (300) feet of the area covered by the plan.
 24. Identification on the preliminary plat, with exception of streets or alleys, any portion of the proposed subdivision the developer intends to reserve for or dedicated to public use, and the nature of the proposed public use.
 25. A written statement requesting any waivers or modifications to this chapter, if applicable.
 26. A written statement identifying any zoning variances which will be needed or which have been granted to the property by the Zoning Hearing Board.
 27. A preliminary utility plan showing the location and size of the proposed storm sewer, sanitary sewer, potable water, gas, electric, telephone and cable television systems with written approval from the appropriate utility company.
 28. A preliminary grading plan.
 29. A Stormwater Management Plan as required by the Township Stormwater Management Ordinance.
 30. The preliminary plan shall identify location of any proposed recreational facilities and the nature of such facilities.

31. The developer shall provide such additional information as may be required by the Planning Commission, Township Board of Supervisors, Township Engineer, Zoning Officer, or Sewage Enforcement Officer in order to more fully evaluate the proposed subdivision and its effect on adjacent property or the Township as a whole.

G. Supplementary Data Required: The preliminary plan shall be accompanied by the following supplementary data:

1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection.
2. A written report from the municipal water and sewer authority on the availability of public water and sewer service to proposed development.
3. If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirement and procedures of the Pennsylvania Department of Environmental Protection, as to how these needed items are proposed to be furnished.
4. Where the land included in the subject application has an electric transmission line, a gas pipeline or a petroleum products transmission line, or other utility service facilities, located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way/facilities stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines required by such owner or lessee of such right-of-way/facilities. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.
5. A traffic impact study if the proposed subdivision development, whether the land area will be developed all at once or in stages, shall generate fifty (50) peak-hour, or more, traffic trips to and from the proposed subdivision.
6. If any restrictive covenants are to be proposed in conjunction with the application for final approval, a written statement of the proposed covenants and the manner in which same are proposed to be recorded of record in the Recorder of Deeds Office of Beaver County.

H. Planning Commission Review and Action – Preliminary Subdivision Applications:

1. Upon receipt of a complete application for preliminary subdivision, the Planning Commission at the following regularly scheduled monthly meeting will discuss with the developer the proposed application.
2. Within thirty (30) calendar days of the Township Secretary's transmission of a complete preliminary application, the Township Engineer will submit a written report to the Township's Secretary and Planning Commission which states whether the application complies with the requirements of this Chapter. The report will be

included in the minutes of the Planning Commission meeting. The Planning Commission will not make a recommendation on the application until the Township Engineer's report has been received or thirty (30) calendar days has passed from the date of referral to the Township Engineer.

3. Within sixty (60) calendar days of the date of filing of an administratively complete application, the Planning Commission shall review the Preliminary application and prepare a written report for the Township Board of Supervisors. The report shall contain recommendations for approval, conditional approval or disapproval. The recommendation of the Planning Commission will provide specific reasons for the recommended action and the in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter, which have not been met.
 4. At the Planning Commission meeting when considering the preliminary plats, the developer shall be given an opportunity to discuss any matters in the preliminary plat which might assist the Planning Commission in making its recommendation to the Township Board of Supervisors.
- I. Action of Township Board of Supervisors: The Township Board of Supervisors shall render its decision on the preliminary plat and communicate such decision to the developer not later than ninety (90) days following the date of the next regular Planning Commission meeting following the date the application is filed, provided that should the said next regular meeting occur more than thirty (30) days following the date of filing, the ninety (90) day period shall be measured from the thirtieth day following the day the application was originally filed.
1. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address by regular mail not later than fifteen (15) days following the decision.
 2. The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the Township Secretary or executing the development agreement required by this Ordinance within thirty (30) days of the date of the public meeting of the Board of Supervisors at which final approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to final approval within the required thirty (30) days, final approval shall automatically be rescinded without written notice to the applicant.
 3. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinances relied upon.
 4. Failure of the Township Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time, in which case, failure to

render a decision within the extended time and communication of it to the applicant shall have like effect of deemed approval of the application in the terms as presented.

5. Failure on the part of the developer to supply all data necessary for review and recommendation as required by this Ordinance shall constitute an incomplete application, and as such shall not delay or circumvent time constraints imposed elsewhere in this Section
- J. Nature of Approval: Preliminary plat approval shall not constitute approval of a final plan, and is only an expression of approval of the general layout submitted on the preliminary plat as a guide to the preparation of the final plat. Granting of preliminary plat approval shall not qualify a plat for recording, nor authorize development or the issuing of any building permit.
- K. Expiration of Preliminary Approval:
1. Preliminary approval shall expire five years from the date of the grant of preliminary approval by the Township Board of Supervisors, unless a written extension is submitted by the applicant and approved by the Township Board of Supervisors. Any request for extension shall be submitted to the Township Board of Supervisors at least 30 days prior to the prevailing expiration date. Extensions may be granted for one or more six-month periods upon a finding by the Township Board of Supervisors that such extension is warranted for reasonable cause and not due to the applicant's own negligence or inaction.
 2. In the case of a phased development, calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the applicant with the preliminary application delineating all proposed phases, as well as time deadlines by which applications for final plat approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of preliminary approval until final plat approval of the final phase has been granted. Any modification in the aforesaid schedule shall be subject to approval by the Township Board of Supervisors in its sole discretion. Phased development shall be subject to the time protection provisions of Section 508(4) of the Pennsylvania Municipalities Planning Code.

Section 403 FINAL MAJOR SUBDIVISION PLAN APPLICATION

- A. Application: Following approval of an application for approval of a Preliminary Major Subdivision plan, the applicant shall file a complete application for Final Major Subdivision to the Township using forms provided by the Township. Applications must be submitted to the Township Secretary not less than fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission. The application shall be inclusive of the following information:
1. Application Fee – At the time of filing the application for preliminary plan review, the developer shall pay to the Township for use by the Township a fee to defray the

cost of processing the preliminary plan. The fee shall be that required in accordance with the established fee schedule. The applicant shall also provide the required Beaver County Planning Commission review fee.

2. Plans, Maps, and Drawings – Five (5) copies and one electronic copy of all plans, maps and drawings are required as part of the subdivision application. The electronic file shall be in a Township-compatible format.
 3. Reports – Two (2) copies and one electronic copy of all reports that are required as part of the application. The electronic file shall be in a Township-compatible format.
- B. Beaver County Planning Commission Review: Upon receipt of the Plan, the Township shall forward two (2) copies of the application package to the Beaver County Planning Commission for a review and report; provided that the Township shall not approve such application until the County report is received, or until the expiration of forty- five (45) days from the date the application was forwarded to the County.
- C. The final application shall not be considered complete when properly filed unless and until all items required by this Chapter including the application filing fee have been received by the filing date.
- D. The Township will review the application to determine whether all materials required by this Chapter have been submitted by the applicant. Unless all such required materials have been submitted with the application, the Township will reject the application as being administratively incomplete and will notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter have not been met.
- E. Planning Commission Review: After the receipt of a complete application package, the Planning Commission shall then review the application submitted, covering the requirements of this Ordinance point by point, conduct on-site reviews, and shall consult with the Township Engineer and officials of any other department or authority concerned.
- F. Specifications for Final Plan: For any subdivision requiring final approval, in addition to any special requirements directed at time of approval of the Preliminary Plat Application, the plats submitted for recording in the Recorder of Deed Office of Beaver County must meet the following specifications:
1. Attestation by the applicant stating that the applicant is the owner of the tract of land proposed to be subdivided or that the applicant has authority to file the application on behalf of the property owner.
 2. Certification by the owner of the tract of land proposed to be subdivided that there are no restrictions or covenants in place which would affect any proposed future development or which limits any existing development.
 3. Shall be drawn and submitted on reproducible media, suitable for recording in the Recorder of Deeds Office of Beaver County.

4. Shall be drawn in accordance with National CAD Standards (NCS) and submitted with all information presented in the manner and to the extent required by this Ordinance and with details conforming to the South Beaver Township Standard Details, which are attached as exhibits in Appendix B to this Ordinance.
 5. Shall be on sheets with a maximum size of twenty-four (24) inches by thirty-six (36) inches and a minimum size of eleven (11) inches by seventeen (17) inches. There shall be a border of one half ($\frac{1}{2}$) inch on all sides except the binding edge which shall be one and one half ($1 \frac{1}{2}$) inches. Final plats drawn in two (2) or more sections shall be accompanied by a key diagram showing relative location of each section, and must be indexed. Any use of a sheet for plat plan drawing with a sheet size smaller than the foregoing requirements shall be at the sole discretion of the Planning Commission.
 6. Shall be drawn with waterproof ink and all records, data entries, statements, etc., thereon shall also be made with the same type of ink.
 7. Shall be drawn to a minimum scale of one hundred (100) feet to the inch or larger.
 8. Shall contain a title block in the lower right-hand corner with the name under which the subdivision plat is to be recorded. In addition, blocks for the following information shall be provided:
 - a. Name and address of the recorded owner and developer.
 - b. Municipality, county and state in which the subdivision is located.
 - c. Name of Qualified Registered Professional who surveyed the property and prepared the plat. Plans shall be prepared by a qualified registered professional engineer, surveyor, architect or landscape architect. The Pennsylvania seals of the professional preparing the plan shall be affixed/displayed thereon.
 - d. Certificate of ownership, including name of owner of record, deed book volume, date of instrument and date of recording.
 - e. Such affidavits, certificates, approval forms/statements as per Appendix A hereof.
 9. Within the subdivision boundary lines all final plats shall be drawn according to the National CAD Standards, with heavier line weights to indicate proposed conditions.
- G. Submission of Data: All final plans submitted shall in addition show, and/or be accompanied in proper form, with the following information:

1. All information as required for a preliminary plan.
2. Primary control points, or permanent monuments or description and ties to such control points or monuments, to which all dimensions, angles, bearings, and similar data shall be referred.
3. Accurate description shown by bearings and dimension in feet and hundredths of a foot shall be shown on all tract boundary lines, property lines of lots, radii, arcs, cord bearings and distances. Lot closure calculations shall be provided for all lots. The error of closure for all descriptions subject to approval shall not exceed one (1) foot in ten thousand (10,000) feet.
4. Profile sheets of all proposed streets and improvements with the following information:
 - a. Existing and finished profile along centerline of proposed street.
 - b. Finished grade at fifty (50) foot stations located along the centerline of the proposed street, all vertical curve elevations information, length, including beginning-ending elevations, high and low points located along said vertical curve.
 - c. Finished profile for all sanitary sewers, stormwater sewers, and water lines with stations, identification numbers, invert and top elevations, size and type of materials, and percent of slope of each utility proposed.
 - d. The sight distance for all vertical curves shall be identified on the street profiles.
 - e. Cross-sections of streets in such format as may be required by the Township Engineer.
 - f. Name and right-of-way width of each street or right-of-way.
 - g. The location, dimensions and purpose of all easements in or across the subdivision plat.
 - h. Number to identify each lot, site or parcel of land.
 - i. Purpose for which sites other than residential are to be dedicated.
 - j. Building setback line on all lots and sites.
 - k. Location and description of survey monuments.
 - l. Names of recorded owner of adjoining plotted or unplotted land.

- m. Certification of Professional Land Surveyor who prepared the plat certifying to the accuracy of the survey and plat. See Appendix A.
- n. Attestation by the applicant stating that the applicant is owner of the tract or land proposed to be subdivided. See Appendix A.
- o. Statement by the owner, when applicable, dedicating the streets, the right-of-way, easements and any sites proposed for public use. See Appendix A.
- p. An Erosion and Sediment Control Plan for implementation by the developer for the control of erosion and sedimentation during development activities, which Plan shall have been submitted for review and approval by the Beaver County Conservation District office, as either required by the Pennsylvania Clean Streams Act or Chapter 102, Erosion Control of the rules and regulations of the Pennsylvania Department of Environmental Protection, or for the developer to be in compliance with this Ordinance. When the development of the proposed subdivision will involve activities requiring other Commonwealth or Federal governmental issued Permits, a certified true and correct copy of such required Permit or Permits shall be submitted with the final subdivision application.
- q. All plats which will require access to a highway under jurisdiction of the Pennsylvania Department of Transportation shall contain a notice that a Highway Occupancy Permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the State Highway Law before driveway access to a state owned right-of-way is permitted.
- r. Such other certificates, performance or guarantee bonds, affidavits, endorsements or dedication as may be required in the enforcement of this Ordinance.
- s. North arrow, graphic scale, legend, notes and date.
- t. Approvals required by County, State or Federal agencies with jurisdiction.
- u. The purpose of any easement or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.
- v. Protective covenants (if any) in form for recording.
- w. Final construction plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, etc.) showing connections to existing or proposed utility systems and demonstrating compliance with the Township Standard Details.

- x. Final grading plan demonstrating compliance with the requirements of this Ordinance.
- y. A plan of the proposed public water distribution system for review and approval by the appropriate authority, or in the alternative, a plan showing the location of individual wells in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act No. 537 of 1965, as amended).
- z. A plan of the proposed sanitary sewer collection system for review and approval by the appropriate authority, or in the alternative, a plan showing the location of all on-lot sewage septic system sites in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act No. 537 of 1965, as amended).
- aa. Where on-lot sewage disposal systems are proposed, the developer or owner shall denote on the plan the proposed location of each on-lot sewage disposal system, and shall submit a completed Department of Environmental Protection Sewage Facilities Planning Module in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537 of 1965, as amended).
- bb. A Geotechnical Report addressing the stability of the site grading and the subsurface conditions (whether undermined, etc.) of the tract to be subdivided or proposed to be developed and providing recommendations for construction of the proposed improvements on the site. The report shall include the following information:
 - i. Location and surface conditions: specific address, current use, surface coverings, elevation, drainage, etc.
 - ii. Subsurface exploration data: soil profile, exploration logs, lab or in-situ test results, ground water conditions.
 - iii. Interpretation and analysis of data.
 - iv. Engineering recommendations for design.
 - v. Anticipated problems and discussed solutions: slope stability, seismic considerations, etc.
 - vi. Any recommended geotechnical special provisions.
 - vii. Include other types of geotechnical reports: foundation report, centerline soil report, landslide study report, etc.
 - viii. A soils map on which the soils types are plotted and landslide-prone soils, if any, are clearly identified.

- ix. Plans showing compliance with recommendations of the soils report or wetlands delineation report, if applicable.

H. Planning Commission Review and Action – Final Subdivision Applications:

1. Upon receipt of a complete application for final subdivision, the Planning Commission at the following regularly scheduled monthly meeting will discuss with the developer the proposed application.
2. Within thirty (30) calendar days of the Township Secretary's transmission of a complete final application, the Township Engineer will submit a written report to the Township's Secretary and Planning Commission which states whether the application complies with the requirements of this Chapter. The report will be included in the minutes of the Planning Commission meeting. The Planning Commission will not make a recommendation on the application until the Township Engineer's report has been received or thirty (30) calendar days has passed from the date of referral to the Township Engineer.
3. Within sixty (60) calendar days of the date of filing of an administratively complete application, the Planning Commission shall review the Final application and prepare a written report for the Township Board of Supervisors. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action and the in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter, which have not been met.
4. Mediation may be an option in order to expedite the approval process, said mediation shall be conducted as per the provisions of Section 908.1 of the Pennsylvania Municipalities Planning Code, as amended.
5. At the Planning Commission meeting when considering the Finals application, the developer shall be given an opportunity to discuss any matter in the final plat which might assist the Planning Commission in making its recommendation to the Township Board of Supervisors.

I. Action of the Township Board of Supervisors: The Township Board Of Supervisors shall render its decision on the final plat not later than ninety (90) days following the date of the regular Planning Commission meeting next following the date the application is filed, provided that should the next regular meeting occur more than thirty (30) days following the date of filing, the ninety (90) day period shall be measured from the thirtieth day following the day the application was originally filed.

1. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the developer personally or mailed to him at his last known address not later than fifteen (15) days following the decision made within the ninety (90) day review period.

2. The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the Township Secretary or executing the development agreement required by this Ordinance within thirty (30) days of the date of the public meeting of the Board of Supervisors at which final approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to final approval within the required thirty (30) days, final approval shall automatically be rescinded without written notice to the applicant.
3. When the application is not approved as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
4. Failure of the Township Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time, in which case, failure to render a decision within the extended time and communication of it to the applicant shall have like effect of deemed approval of the application in the terms as presented.
5. From the time an application for approval of a final plat is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the developer and the developer 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. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a final plat has been approved or approved subject to conditions acceptable to the developer, 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 developer 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. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
6. Before acting on any subdivision application, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

7. No subdivision of land will be released for recording by the South Beaver Supervisors until all of the proposed improvements required by this Chapter have been approved by the Township and the construction of said improvements have either been fully constructed and installed or a satisfactory guarantee has been furnished by the owner or developer to the Township that the improvements required by the Township will be completed within a period of time specified by the South Beaver Supervisors.

Section 404 RECORDING OF APPROVED SUBDIVISION PLAN

Upon the approval of a final subdivision plan, same shall be recorded within ninety (90) days of such final approval in the Office of the Recorder of Deeds of Beaver County.

Section 405 POSTING OF PERFORMANCE BOND

- A. In lieu of the completion of any improvement required prior to and as a condition for final approval of a plat, the applicant shall deposit a performance bond, or financial security if a form otherwise approved by the Township Solicitor, in favor of the Township, in an amount equal to 110% of the cost of completion of the improvements estimated as of 90 days following the date scheduled for completion by the developer. The surety company or lending institution holding the performance bond shall notify the Township Secretary by certified mail at least 30 days prior to the expiration of the performance bond.
- B. Annually, the Township may adjust the amount of the performance bond 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 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer to post additional security in order to assure that the performance bond equals said 110%. Any additional security shall be posted by the developer in accordance with this section.
- C. The amount of the performance bond required shall be based upon a written estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by an engineer and certified by such engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another engineer chosen mutually by the Township and the applicant or developer. 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 Township and the applicant or developer.

- D. If the party posting the performance bond requires more than one year from the date of posting of the performance bond to complete the required improvements, the Township may increase the amount of the performance bond an additional 10% for each one-year period beyond the first anniversary date from posting of the performance bond or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above procedure.

Section 406 POSTING OF AMENITIES BOND

In all subdivisions or land developments where private improvements are required by this chapter or are voluntarily provided by the developer, an amenities bond shall be required. The procedure for posting the amenities bond shall be the same as that required by Section 405 of this chapter for posting a performance bond, except that the estimate of the cost of completion of the required private improvements shall be prepared by the applicant's or developer's engineer and shall be certified by such engineer to be a fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. Disputes shall be resolved in accordance with the procedure specified in Section 405.

Section 407 DEVELOPMENT AGREEMENT

- A. As a condition of granting final approval of a subdivision or land development that requires the posting of a performance bond or an amenities bond or to which conditions are attached to the grant of final approval, the Township Board of Supervisors shall require that the developer execute a development agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of public and private improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.
- B. Said agreement shall be executed, the required performance bond or amenities bond shall be posted and all required fees shall be paid before the Township Secretary shall affix his or her signature and the Township's Seal to the final plat for recording purposes.

ARTICLE V

APPLICATION FOR, AND PLAT/PLAN REQUIREMENTS FOR LAND DEVELOPMENT

Section 500 PROCEDURE

The plat or plan requirements and application procedures for a land development shall be followed by developers as set forth herein and shall be submitted to the Planning Commission for review prior to consideration by the South Beaver Township Board of Supervisors.

Section 501 APPLICABILITY

- A. This article shall apply to any developer or owner of property in South Beaver Township who proposes to:
 - 1. Construct a new non-residential building or structure,
 - 2. Construct a group of two or more residential building,
 - 3. Enlarge an existing non-residential building or structure, or
 - 4. Undertake any development to change an existing use of a parcel from residential use to non-residential use.

- B. The developer, shall not undertake any development activities, including earth disturbance activities upon such parcel or lot of land, singular or plural, until a site development plan has been submitted and approved by the Township Planning Commission and/or the Board of Supervisors.

- C. If a subdivision of land or the creation of a Planned Residential Development is involved, the developer is subject to the required Pre-Application and Preliminary and Final Application processes applicable to subdivisions and/or Planned Residential Development provisions of this Subdivision and Land Development Ordinance and the South Beaver Township Zoning Ordinance.

- D. If a developer or owner proposes a use listed as a Conditional Use or a Special Exception Use in the South Beaver Township Zoning Ordinance, which requires that a public hearing be held by the Township Board of Supervisors or the Zoning Hearing Board, the developer or owner may first proceed to make request for such Conditional Use or Special Exception approval before proceeding to satisfy the requirements of this Article, or such developer or owner may simultaneously proceed to request approval of such Conditional Use or Special Exception concurrently with processing his application for Land Development approval. No subdivision or land development application that involves the need to process a Conditional Use Application or Special Exception Use Application shall be deemed complete until the Conditional Use or Special Exception Use application process is finalized.

Section 502 PRE-APPLICATION CONFERENCE

Prior to the filing of an application for approval of a land development application, a developer may request a pre-application conference with the Planning Commission.

The pre-application conference with the Planning Commission is voluntary. No formal application or fee is required.

Requests for a pre-application conference should be submitted to the Township Secretary not less than fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission.

Requests for a pre-application conference should be accompanied by six copies of the following information:

- A. General Information – In either a single written statement or multiple written statements identifying and relating therein the following general information:
 - 1. The site location, the Zoning District or Districts in which same is situate, together with the number of lots or parcels to be created and proposed development use intended for each and all of said lots or parcels, and whether the desired subdivision shall be proposed to be developed in a single-phase development or multiple phases of development;
 - 2. Whether public water and/or sewage facilities are or will be made available to the proposed subdivision, or whether individual water wells and septic systems, and/or other type of water supply and sewage treatment facilities will be involved.
 - 3. The type and manner of making available to the proposed subdivision other public utilities, such as but not limited to electric, natural gas, telephone, and/or cable TV lines; and
 - 4. The type and nature of stormwater management facilities that will be required.
- B. Sketch Plat – A sketch plan drawn at a scale of one (1) inch equals one hundred (100) feet or smaller, with scale stated thereon, with North arrow, suitable to portray the proposed land development upon the tract of land involved, the general location of the natural amenities of the tract of land including but not limited to any significant stand of trees, rock out-crops, streams or wetlands, together with the subdivision's proposed location or locations of ingress and egress to existing public roads and/or streets, with said existing public roads and/or streets being identified thereon.
- C. Topography Map – A topography map (U.S.G.S. or equivalent) marked with location and boundaries of the tract of land upon which the subdivision is being proposed to be developed.
- D. The purpose of a Pre-Application Conference is solely to familiarize both the developer and the Planning Commission with the concepts that will be involved as to the proposed land development and discussion of and general administrative planning for processing the

application steps hereinafter set forth. After review and discussion with the developer, the Planning Commission shall comment generally on the concepts and matters that the developer needs to address in submitting a Preliminary/Final Land Development Application.

Section 503 PRELIMINARY/FINAL LAND DEVELOPMENT PLAN APPLICATION

- A. Application – The developer shall file a complete application for Preliminary/Final Land Development to the Township using forms provided by the Township. Applications must be submitted to the Township Secretary not less than fifteen (15) days prior to the next regularly scheduled meeting of the Planning Commission. The application shall be inclusive of the following information:
 - 1. Application Fee - At the time of filing the application for preliminary/final plan review, the developer shall pay to the Township for use by the Township a fee to defray the cost of processing the preliminary plan. The fee shall be that required in accordance with the established fee schedule. The applicant shall also provide the required Beaver County Planning Commission review fee.
 - 2. Plans, Maps, and Drawings - Five (5) copies and one electronic copy of all plans, maps and drawings are required as part of the subdivision application. The electronic file shall be in a Township-compatible format.
 - 3. Reports – Two (2) copies and one electronic copy of all reports that are required as part of the application. The electronic file shall be in a Township-compatible format.
- B. Beaver County Planning Commission Review: Upon receipt of the Plan, the Township shall forward two (2) copies of the application package to the Beaver County Planning Commission for a review and report; provided that the Township shall not approve such application until the County report is received, or until the expiration of forty-five (45) days from the date the application was forwarded to the County.
- C. The application shall not be considered complete when properly filed unless and until all items required by this Chapter including the application filing fee have been received by the filing date.
- D. The Township will review the application to determine whether all materials required by this Chapter have been submitted by the applicant. Unless all such required materials have been submitted with the application, the Township will reject the application as being administratively incomplete and will notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this Chapter have not been met.
- E. Planning Commission Review: After the receipt of a complete application package, the Planning Commission shall then review the application submitted, covering the requirements of this Ordinance point by point, conduct on-site reviews, and shall consult with the Township Engineer and officials of any other department or authority concerned.

F. Specifications for Preliminary/Final Land Development Plan – For any Land Development Plan required final approval, the must meet the following specifications:

1. Plans shall include attestation by the applicant stating that the applicant is the owner of the tract of land proposed to be developed or that the applicant has authority to file the application on behalf of the property owner.
2. Certification by the owner of the tract of land proposed to be developed that there are no restrictions or covenants in place which would affect any proposed future development or which limits any existing development.
3. Plans shall be drawn in accordance with National CAD Standards (NCS) and submitted with all information presented in the manner and to the extent required by this Ordinance and with details conforming to the South Beaver Township Standard Details, which are attached as exhibits in Appendix B to this Ordinance.
4. Plans Shall be on sheets with a maximum size of twenty-four (24) inches by thirty-six (36) inches and a minimum size of eleven (11) inches by seventeen (17) inches. There shall be a border of one half ($\frac{1}{2}$) inch on all sides except the binding edge which shall be one and one half ($1 \frac{1}{2}$) inches. Final plats drawn in two (2) or more sections shall be accompanied by a key diagram showing relative location of each section, and must be indexed. Any use of a sheet for plat plan drawing with a sheet size smaller than the foregoing requirements shall be at the sole discretion of the Planning Commission.
5. Plans shall be drawn with waterproof ink and all records, data entries, statements, etc., thereon shall also be made with the same type of ink or reproducible typing.
6. Plans shall be drawn to a minimum scale of one hundred (100) feet to the inch or larger.
7. Plans shall contain a title block in the lower right-hand corner with the name under which Land Development plan is proposed. In addition, blocks for the following information shall be provided:
 - i. Name and address of the property owner and developer.
 - ii. Municipality, county and state in which the subdivision is located
 - iii. Name of Qualified Registered Professional who surveyed the property and prepared the plan. Plans shall be prepared by a qualified registered professional engineer, surveyor, architect or landscape architect. The Pennsylvania seal(s) of the professional preparing the plan shall be affixed/displayed thereon.

8. Within the subdivision boundary lines all final plats shall be drawn according to the National Cad Standards, with lighter line weights to indicate existing conditions and heavier line weights to indicate proposed conditions
- G. Submission of Data – All final plans submitted shall in addition show, and/or be accompanied in proper form, with the following information:
1. Primary control points, or permanent monuments or description and ties to such control points or monuments, to which all dimensions, angles, bearings, and similar data shall be referred.
 2. Accurate description of the property(ies) to be developed shown by bearings and dimension in feet and hundredths of a foot shall be shown on all tract boundary lines, property lines of lots, radii, arcs, cord bearings and distances. Lot closure calculations shall be provided for all lots.
 3. Profile sheets of all proposed streets and improvements with the following information:
 - i. Existing and finished profile along centerline of proposed street.
 - ii. Finished grade at fifty (50) foot stations located along the centerline of the proposed street, all vertical curve elevations information, length, including beginning-ending elevations, high and low points located along said vertical curve.
 - iii. Finished profile for all sanitary sewers, stormwater sewers, and water lines with stations, identification numbers, invert and top elevations, size and type of materials, and percent of slope of each utility proposed.
 - iv. The sight distance for all vertical curves shall be identified on the street profiles.
 - v. Cross-sections of streets in such format as may be required by the Township Engineer.
 4. The location, dimensions and purpose of all easements on or across the plan.
 5. A tabulation of required and provided bulk and area requirements, as identified by the Township Zoning Ordinance.
 6. A tabulation of lot areas with the number of square feet and acreage to the nearest thousandth of an acre of each lot.
 7. All existing streets located on or adjacent to the tract, including name, right-of- way widths and cartway width and type of improvement materials used on the cartway.

8. The location and size of all existing and proposed buildings, location, size and invert elevation of all sanitary and storm-water sewers, and location of all manholes, inlets, culverts and bridges; water mains, gas mains, fire hydrants, telephone conduit lines, electric power transmission line, petroleum or gas product lines, walls, fences and other significant man-made features with spot elevations of such buildings and structures. Structures to be removed shall be indicated by dashed lines; structures to remain shall be indicated by solid lines.
9. Contours at vertical intervals of two (2) feet, or in the case of relatively level tracts, at such lesser interval as may be necessary for satisfactory study and planning of the tract.
10. Datum to which contour elevations refer. Datum shall be U.S.G.S datum unless otherwise authorized and approved by the Township Engineer.
11. Show all existing watercourses, wetlands, banks, tree masses, rock out-crops, and any other significant natural features.
12. Identify any floodplain, flood hazard area, flood-prone area as established by the Federal Emergency Management Agency, or otherwise known to exist by the owner, the developer, or the employees or agents of same. If the plan is located outside of a special flood hazard area, notation must be included on the plan indicating same. Areas located with any Special Flood Hazard Area must comply with the requirements of the Township Floodplain Management Ordinance.
13. Building setback line on all lots and sites.
14. Location Map which identifies the location of the proposed land development within the Township prepared at a minimum scale of two thousand (2,000) feet,
15. Location and description of survey monuments.
16. Names of recorded owner of adjoining plotted or unplotted land.
17. An Erosion and Sediment Control Plan for implementation by the developer for the control of erosion and sedimentation during development activities, which Plan shall have been submitted for review and approval by the Beaver County Conservation District office, as either required by the Pennsylvania Clean Streams Act or Chapter 102, Erosion Control of the rules and regulations of the Pennsylvania Department of Environmental Protection, or for the developer to be in compliance with this Ordinance. When the development of the proposed subdivision will involve activities requiring other Commonwealth or Federal governmental issued Permits, a certified true and correct copy of such required Permit or Permits shall be submitted with the final subdivision application.
18. North arrow, graphic scale, legend, notes and date.
19. Approvals required by County, State or Federal agencies with jurisdiction.

20. The purpose of any easement or land reserved or dedicated to public use shall be designated and the proposed use of sites other than residential shall be noted.
21. Protective covenants (if any) in form for recording.
22. Final construction plans and profiles showing proposed utility layouts (sanitary sewers, storm drains, water, gas, electric, etc.) showing connections to existing or proposed utility systems.
23. Final grading plan demonstrating compliance with the requirements of this Ordinance.
24. Supplementary Data Required – The preliminary plan shall be accompanied by the following supplementary data:
 - i. A planning module for land development as required by the Pennsylvania Department of Environmental Protection.
 - ii. A written report from the municipal water and sewer authority on the availability of public water and sewer service to proposed development.
 - iii. If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirement and procedures of the Pennsylvania Department of Environmental Protection, as to how these needed items are proposed to be furnished.
 - iv. Where the land included in the subject application has an electric transmission line, a gas pipeline or a petroleum products transmission line, or other utility service facilities, located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way/facilities stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines required by such owner or lessee of such right-of-way/facilities. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.
 - v. A traffic impact study if the proposed land development, whether the land area will be developed all at once or in stages, shall generate fifty (50) peak hour, or more, traffic trips to and from the proposed development.: No design shall be approved which is likely to create substantial traffic hazards endangering the public safety, nor which is inconsistent with the recommendations and findings of any officially approved or adopted traffic study plan. Traffic control devices may include traffic signals, overhead flashing lights and delineators, such as medial barriers, and shall not be limited to acceleration and deceleration lanes, turning lanes, one-way traffic flow, traffic and land markings and signs. The plan for traffic control shall provide for offsite traffic flow and safety. The developer shall be responsible for the construction of any such required traffic control devices.

- vi. If any restrictive covenants are to be proposed in conjunction with the application for final approval, a written statement of the proposed covenants and the manner in which same are proposed to be recorded of record in the Recorder of Deeds Office of Beaver County.
- vii. A plan, calculations and narrative for the collection, management and discharge of all stormwater. The developer shall further provide all information and plans necessary to indicate that the existing off-lot watercourse and drainage system is adequate to accommodate the stormwater resulting from the proposed subdivision or a plan for improving the off-lot drainage system to meet the demand. Plans and reports shall be prepared to demonstrate compliance with the Township Stormwater Management Ordinance.
- viii. A Geotechnical Report addressing the stability of the site grading and the subsurface conditions (whether undermined, etc.) of the tract to be subdivided or proposed to be developed and providing recommendations for construction of the proposed improvements on the site. The report shall include the following information:
 - a. Location and surface conditions: specific address, current use, surface coverings, elevation, drainage, etc.
 - b. Subsurface exploration data: soil profile, exploration logs, lab or in-situ test results, ground water conditions.
 - c. Interpretation and analysis of data.
 - d. Engineering recommendations for design.
 - e. Anticipated problems and discussed solutions: slope stability, seismic considerations, etc.
 - f. Any recommended geotechnical special provisions.
 - g. Include other types of geotechnical reports: foundation report, centerline soil report, landslide study report, etc.
 - h. A soils map on which the soils types are plotted and landslide-prone soils, if any, are clearly identified.
 - i. Plans showing compliance with recommendations of the soils report or wetlands delineation report, if applicable.

Section 504 REVIEW AND ACTION

A. Planning Commission Review and Action – Land Development Plan Applications:

1. Upon receipt of a complete application for Preliminary/Final Land Developer, the Planning Commission at the following regularly scheduled monthly meeting will discuss with the developer the proposed application.
2. Within thirty (30) calendar days of the Township Secretary's transmission of a complete final application, the Township Engineer will submit a written report to the Township's Secretary and Planning Commission which states whether the application complies with the requirements of this Chapter. The report will be included in the minutes of the Planning Commission meeting. The Planning Commission will not make a recommendation on the application until the Township Engineer's report has been received or thirty (30) calendar days has passed from the date of referral to the Township Engineer.
3. Within sixty (60) calendar days of the date of filing of an administratively complete application, the Planning Commission shall review the application and prepare a written report for the Township Board of Supervisors. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action and the in the case of a recommendation for disapproval, shall cite the specific requirements of this Chapter, which have not been met.
4. Mediation may be an option in order to expedite the approval process, said mediation shall be conducted as per the provisions of Section 908.1 of the Pennsylvania Municipalities Planning Code, as amended.
5. At the Planning Commission meeting when considering the application, the developer shall be given an opportunity to discuss any matter in the final plat which might assist the Planning Commission in making its recommendation to the Township Board of Supervisors

B. Action of the Township Board of Supervisors: The Township Board Of Supervisors shall render its decision on the final plat not later than ninety (90) days following the date of the regular Planning Commission meeting next following the date the application is filed, provided that should the next regular meeting occur more than thirty (30) days following the date of filing, the ninety (90) day period shall be measured from the thirtieth day following the day the application was originally filed.

1. The decision of the Township Board of Supervisors shall be in writing and shall be communicated to the developer personally or mailed to him at his last known address not later than fifteen (15) days following the decision made within the ninety (90) day review period.

2. The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the Township Secretary or executing the development agreement required by this Ordinance within thirty (30) days of the date of the public meeting of the Board of Supervisors at which final approval is granted. If the applicant fails to give written notice to the Township regarding acceptance or rejection of the conditions attached to final approval within the required thirty (30) days, final approval shall automatically be rescinded without written notice to the applicant.
3. When the application is not approved as filed, the decision shall specify the defect found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
4. Failure of the Township Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time, in which case, failure to render a decision within the extended time and communication of it to the applicant shall have like effect of deemed approval of the application in the terms as presented.
5. From the time an application for approval of a Land Development Plan is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the developer and the developer 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. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations. When an application for approval of a final plat has been approved or approved subject to conditions acceptable to the developer, 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 developer 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. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
6. Before acting on any land development plan application, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

Section 505 RECORDING OF APPROVED LAND DEVELOPMENT PLAN

Per sole discretion and direction of the Board of Supervisors of South Beaver Township in the approval of any Land Development Plan, the Board of Supervisors may require that any such approved Land Development Plan as to a single parcel of land shall be recorded within ninety (90) days of approval in the Beaver County Recorder of Deeds Office. Any land development plan that involves more than one existing parcel of land, if the land development plan is not addressed in a separate Subdivision Plan approved and to be recorded, same shall within ninety (90) days of approval shall be recorded in the Beaver County Recorder of Deeds Office. Per the sole determination of the Board of Supervisors, such Land Development Plan approval and recording may be deemed sufficient for and in compliance of the Subdivision Plan processing and recording requirements of this Ordinance. The provisions of Section 807 of this Ordinance, as may be applicable, shall be applicable to any Land Development Plan to be recorded in said Recorder of Deeds Office, and the provisions of said Section 807 are here incorporated.

Section 506 POSTING OF AMENITIES BOND

In all land developments where private improvements are required by this chapter or are voluntarily provided by the developer, an amenities bond shall be required. The procedure for posting the amenities bond shall be the same as that required by Section 405 of this chapter for posting a performance bond, except that the estimate of the cost of completion of the required private improvements shall be prepared by the applicant's or developer's engineer and shall be certified by such engineer to be a fair and reasonable estimate of such costs. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. Disputes shall be resolved in accordance with the procedure specified in Section 405.

Section 507 DEVELOPMENT AGREEMENT

- A. As a condition of granting final approval of a land development that requires the posting of a performance bond or an amenities bond or to which conditions are attached to the grant of final approval, the Township Board of Supervisors shall require that the developer execute a development agreement with the Township, in a form acceptable to the Township Solicitor, containing any conditions attached to the approval of the plan and provisions that are reasonably required to guarantee the proper installation of public and private improvements related to the subdivision and/or land development and provisions necessary to indemnify the Township in connection therewith.
- B. Said agreement shall be executed, the required performance bond or amenities bond shall be posted and all required fees shall be paid before the Township Secretary shall affix his or her signature and the Township's Seal to the final plat for recording purposes.

ARTICLE VI

DESIGN STANDARDS

Section 600 APPLICATION OF STANDARDS

The following minimum subdivision and land development principles, standards, and requirements shall be adhered to by land developers and will be applied by the Planning Commission, the Township Board of Supervisors, Township staff and consultants hired to provide comment in evaluating applications for preliminary and final plat or plan approval.

Section 601 LAND REQUIREMENTS

- A. Land shall be suited for the purpose for which it is to be subdivided or developed, and include minimum required area as required by this Ordinance or the South Beaver Township Zoning Ordinance.
- B. Land subject to hazards of life, health, and safety such as strip or surface mined land, quarry land, open ditched and land subject to flooding or subsidence shall not be subdivided or developed for residential purposes until all such hazards have been eliminated or unless guarantee is given that adequate safeguards against such hazards are provided by the subdivision plat and development plan.

Section 602 STREET REQUIREMENTS

- A. Proposed streets shall be properly related to Township, County, State and Federal road and highway plans which have been prepared and officially adopted and/or filed as prescribed by law.
- B. Streets shall be logically related to the topography so as to produce usable lots and reasonable grades.
- C. Local streets shall be so laid out so as to discourage through traffic, but provisions for street connections into and from adjacent areas will be generally required.
- D. Where a subdivision plat abuts or contains an existing or proposed arterial street, the Planning Commission and Township Board of Supervisors may require local access streets, reverse frontage lots, or such other treatment which will provide protection for abutting properties, reduction in the number of intersections with arterial streets, and separation of local and through traffic.
- E. Half or partial streets will not be permitted.
- F. Cul-de-sac end streets may be permitted when it is clear that through traffic at such a street end is not essential to the street system in that district, or to the development of adjacent properties in the area, or the topography of the ground prohibits the future extension of the streets. The maximum length of a Cul-de-sac street shall be eight hundred (800) lineal feet, exclusive of the turnaround portion.

1. A turn-around with an outside cartway diameter of eighty (80) feet with a right-of-way diameter of one (100) hundred feet shall be required at the end of all streets.
 2. Unless future extension is clearly impractical or undesirable, in the opinion of the Township, a temporary cul-de-sac shall be provided. The turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient, additional width, provided along the boundary line to permit extension of the street at full width.
 3. All permanent cul-de-sacs shall be designed with a snow removal easement at the terminus. The easement shall extend outward from the street right-of-way and be a minimum of 50 feet in width and 10 feet in depth. The easement shall be centered on the projected center line of the street. The final plan, and all deeds transferring ownership of any lots burdened by such snow removal easement, shall contain a note informing of the existence of said easement and stating that the easement shall be maintained as open space and no improvements or obstructions such as driveways, mailboxes, fences or landscaping shall be permitted.
 4. Where temporary cul-de-sacs are employed or in a phased development, such cul-de-sac shall be constructed to the same standards as required for permanent cul-de-sacs. In addition, easements shall be provided for the affected adjoining properties, which easements shall recite that they are intended to be "temporary easements" to remain and become permanent unless and until such time that the street is extended and the temporary easements may then expire upon dedication of the extended cul-de-sac, failing which they shall remain and become "permanent easements".
 5. Dead-end streets are prohibited unless designed as cul-de-sac streets; provided, that in the case of streets which are planned for future extension into adjoining tracts and which will be no longer than the depth of one lot, and which will not be the primary means of access to any lot or dwelling unit, the Township may waive the requirements of providing a turn-around.
- G. If lots resulting from original subdivision are large enough to permit resubdivision, or if a portion of the tract is not subdivided, adequate street right-of-way to permit further resubdivision or subdivision shall be provided as necessary. Reserve strips, restricting or controlling access to adjacent streets or properties shall be prohibited.
- H. Maximum Allowable Grades – Centerline of Streets:
- | | |
|-------------------|---|
| Arterial Streets | Six (6%) percent |
| Collector Streets | Ten (10%) percent |
| Local Streets | Twelve (12%) percent |
| Cul-de-sac | The maximum grade of the turn-around pavement portion of the cul-de-sac shall be five (5%) percent. |
- I. Minimum grades on all streets shall not be less than one (1%) percent.

J. Vertical Alignment:

1. Notwithstanding the below minimum length of vertical curves, the actual length of vertical curve shall be based on the formula $L = KA$; where "L" is the minimum length of curve in feet, "K" is the length of vertical curve per percent change in "A" and "A" is the algebraic difference in grade (in percent). Values for "K" shall be based upon those specified in A policy on Geometric Design of Highways and Streets, current edition, published by the American Association of State Highway and Transportation Officials (AASHTO).
2. Vertical curves of proper and adequate length shall be installed on all street grade changes exceeding one (1%) percent, and provide a minimum sight distance as follows:

Arterial Streets	150 feet (plus 20 feet for every 1% change in grade over 3%)
Collector Streets	100 feet (plus 20 feet for every 1% change in grade over 3%)
Local Streets	50 feet (plus 20 feet for every 1% change in grade over 3%)

K. Horizontal Alignment:

1. Whenever street lines are deflected in excess of two (2%) degrees, connection shall be made by horizontal curves.
2. To ensure adequate sight distance, minimum centerline radii for horizontal curves shall be as follows:

Arterial Streets	500 feet
Collector Streets	200 feet
Local Streets	100 feet

L. Widths – Minimum street right-of-way widths and cartway (roadway) widths shall be as follows:

<u>Type of Street</u>	<u>Cartway</u>	<u>Right-of-way</u>
Arterial	39 feet minimum	60 feet minimum
Collector	28 feet minimum	50 feet minimum
Local	24 feet- minimum	50 feet- minimum

1. Adjusted right-of-way and cartway widths may be required by the Township Board of Supervisors for the following purposes:
 - a. To promote public safety and convenience.
 - b. To provide parking space in commercial districts and in areas of high

density residential development.

- c. Where a subdivision abuts or contains an existing street of inadequate right-of-way width, adjustment of right-of-way width in conformation with above standards may be required.
- d. Where anticipated traffic flows and vehicle size warrant, a traffic study may be required to determine the appropriate design widths of R.O.W., cartway and base material depths.
- e. Adjustment of R.O.W. widths, cartway widths and base material will be dictated by the Board of Supervisors upon the recommendation of the Township Engineer.

M. Street Intersection:

- 1. There shall be a maximum leveling grade as follows for 50 feet before the nearest right-of-way of the street being intersected:

Arterial Streets	Three (3%) percent
Collector Streets	Three (3%) percent
Local Streets	Five (5%) percent

- 2. Multiple intersection of more than four (4) roads shall be prohibited.
- 3. Streets shall intersect at ninety (90) degree angles, except where topographic constraints prevent an appropriate alignment. Angles less than -ninety (90) degrees may be designed, subject to the approval of the South Beaver Township Board of Supervisors. In no case shall proposed streets intersect at an angle of less than seventy-five (75) degrees. Intersections with State or County Roads shall be subject to approval from PennDOT or Beaver County.
- 4. Clear Sight Triangles shall be provided and maintained at all public and private street intersections. No obstructions prohibiting the vision of a motorist shall be permitted in these areas.

N. Street Offsets: Street offsets of less than one hundred twenty-five (125) feet shall be prohibited.

O. Reverse Curves – Reverse curves shall have a minimum transient between them as follows:

Arterial streets	300 feet
Collector streets	100 feet
Local streets	75 feet

P. Alleys:

1. Not permitted in residential areas.
2. Permitted in commercial and industrial areas subject to design approval of the Planning Commission and Township Board of Supervisors.

Q. Private Streets:

1. Any proposed private street must meet all design standards for Public Streets as described herein.
2. Private Street Agreement – All subdivisions or land development proposing construction of a private street shall submit a private street maintenance agreement and declaration for approval; said maintenance agreement shall be duly executed and in due course be recorded or set forth verbatim on the approved Plan of Subdivision as a covenant or declaration and shall explicitly specify that the Township shall not be responsible for maintenance of said private street.

R. Driveways:

1. Driveways shall be located to provide the best visibility possible within the limits of the property that each driveway serves, and shall be designed and constructed in accordance with the requirements of the Township.
2. Shared Private Driveway – All subdivisions or land development proposing construction of a private driveway shall submit a private driveway maintenance agreement and declaration for approval; said maintenance agreement shall be duly executed and in due course be recorded or set forth verbatim on the approved Plan of Subdivision as a covenant or declaration and shall explicitly specify that the Township shall not be responsible for maintenance of said private driveway.

S. Curbs:

1. Curbs, where required for storm water management or otherwise, shall be installed by the subdivider or developer along the streets. Curbs shall be of the type and material as specified in the Township Standard Details. All curbs at intersections shall be rounded by a minimum radius of twenty-five (25) feet for local streets, thirty (30) feet for collector streets, and forty (40) feet for arterial streets.

Section 603 LOTS

- A. Residential lots shall be subdivided in accordance with the terms of the South Beaver Township Zoning Ordinance and the provisions contained herein.
- B. All lots created by a subdivision shall have frontage along the right-of-way of a public street or along the right-of-way of a private street, provided criteria in Section 602.Q are met, and shall have the width of the frontage as required by the Township Zoning Ordinance. Every lot shall be accessible to emergency service, public safety and

firefighting vehicles and equipment. The Board of Supervisors, upon recommendation of the Planning Commission may allow for a subdivision plan to provide frontage along a shared private driveway to no greater than three lots. A shared private driveway must have a right-of-way of no less than 50 feet in width, though it is not required to comply with other design standards of a private or public road. A shared private driveway shall be in accordance with the requirements of Section 602.R.

- C. Subdivision and development of land other than for residential purposes shall be subject to review by the Planning Commission and the Township Board of Supervisors insofar as size, depth, width of lots, access to public roads and parking are concerned, but shall meet the at least the minimum criteria for development and use per the standards set forth in the South Beaver Township Zoning Ordinance, including but not limited to compliance with required set back lines, buffer zones or other standards applicable pursuant to said Zoning Ordinance.
- D. The frontage width of lots fronting a cul-de-sac shall be a minimum of fifty (50) feet at the right-of-way line. All building and/or setback lines per the requirements of the South Beaver Township Zoning Ordinance shall be applicable to any lot or parcel being subdivided. The side yard setback requirements will be calculated from the front of the structure (existing or proposed) and extended from both sides of the structure to the side property lines.
- E. All lot lines shall be set perpendicular or radial to the centerline of the street whenever possible. All non-radial lines shall be denoted as such on the plat.
- F. Lots abutting local streets shall front upon the local street which parallel the long dimension of the block, if possible.
- G. Double-frontage lots shall be avoided; however, where a double-frontage lot is the only practical alternative, vehicular access shall be limited to only one street, and that street shall be the street with the lower volume of traffic, if physically feasible. The final plan shall contain a notation restricting vehicular access to one street frontage.
- H. Where two (2) vehicular access areas are proposed to abut one another within a distance of one hundred fifty feet (150), a combined driveway may be required.
- I. Lots proposed as flag lots shall not be recommended for approval by the Planning Commission nor approved by the Township Board of Supervisors unless the developer/subdivider can demonstrate that a modification is warranted in accordance with the provisions of this Ordinance. Where a lot is proposed requiring an extended access to a public or private right-of-way for vehicular ingress and egress and a modification or waiver is granted, the land upon which the private driveway is to be constructed shall be a minimum of twenty-five (25) feet in width. The said minimum width area serving the flag portion of the lot shall not be used in computing the minimum lot area required by this Ordinance. Lot width at the building line shall also comply with the requirements of this Ordinance.

Section 604 BUILDING LINES

The building lines, to be detailed on the subdivision plat, shall be in accordance with the terms of the South Beaver Township Zoning Ordinance.

Section 605 EASEMENTS

- A. Easements or rights-of-way for sanitary sewers, stormwater sewers, stormwater facilities, private utility lines, private pipelines, or for other similar facilities, shall have a minimum width of twenty (20) feet and be centered on or adjacent to side or rear of lots or parcels of land whenever possible. When the Township Board of Supervisors determines that easements or rights-of-way in existence or proposed are or may be required to be extended, whether public or private, or the applicant will desire use of additional right-of-way or easement areas, all pertinent data relative to such potentially required future easements or rights-of-way shall be fully disclosed and provided to the Township by the owner or developer thereof. It is for the best interest of the Township and its residents, to minimize potentially unnecessary easement or right-of-way areas.
- B. Anchor easements shall be approximately four (4) feet by thirty (30) feet and placed on a lot line, at such locations as deemed appropriate by the utility requiring such easements.
- C. Aerial easements shall be a minimum of fifteen (15) feet, and located as deemed appropriate by the utility requiring such easements.
- D. The use or purpose of the proposed easement or right-of-way shall be so designated on the plan of said subdivision.
- E. Where a subdivision is traversed by a watercourse of any kind, including a channel or a stream, 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 the natural flow of water and to provide sufficient width for maintenance, but not less than twenty (20) feet. Said easement and right-of-way shall include provisions assuring the following: preservation of the channel of the watercourse; prohibition of construction within the boundaries of the easement and right-of-way which will obstruct or interfere with the natural flow of the watercourse; and reservation to the Township of a right of entry for the purposes of maintaining the natural flow or drainage of the watercourse, of maintaining any and all structures related to the exercise of the easement and right-of-way and of installing and maintaining storm or sanitary sewer systems or other public utility, and the right to add additional utility lines when needed. Reservation of such right of entry unto the Township is not to be construed to place obligation on the Township to maintain any stormwater drainage facilities or devices.

Section 606 RESERVES

- A. Reserve land surrounding the property or areas reserved for any purpose which shall make any area exempt from regular or special tax assessments or which may revert to untended nuisance areas, shall not be approved by the Planning Commission and the Township Board of Supervisors.
- B. A reserve strip controlling the access to a street shall not be approved unless: (1) it is necessary for the protection of the public welfare or of substantial property rights; and (2) the control and disposal of the land composing such strips is placed definitely within the jurisdiction of the Township.

Section 607 STREET NAMES

The subdivider or land developer may choose his street names subject to the approval of the Planning Commission and the Township Board of Supervisors. No street, other than an extension, may be given the name of an existing street in the Township or surrounding postal service areas of which the Township of South Beaver is a part. The final choice or approval of a name whereby to identify a street shall be that of the Planning Commission and the Township Board of Supervisors. Street name signs shall be installed at each street intersection or where deemed appropriate as determined by the Planning Commission and the Township Board of Supervisors.

Section 608 ACCESS

Subdividing land shall be done in a manner that will not have the effect of barring adjacent property owners from access to the streets and ways of the existing transportation network. Any residual parcel capable of being resubdivided or further subdivided, where new parcels have been proposed for recording, shall be provided with a minimum fifty (50) foot right-of-way.

Section 609 EMERGENCY ACCESS

- A. The applicant shall demonstrate to the satisfaction of the Board of Supervisors that all buildings shown on a site development plan can be adequately accessed by emergency fire-fighting vehicles and other emergency equipment. Emergency access shall be required for the purpose of positioning fire-fighting equipment or other emergency vehicles in relation to any building so that the equipment can be effectively used. Emergency access, where applicable to assure ability of firefighting equipment and apparatus to reach a structure or building, may be provided by a means of a fire lane, a public or private street, a driveway or aisle in a parking area or an unobstructed landscaped area.
- B. Where Emergency Access is provided on a private street or driveway, serving two or more lots, said access shall be design and built so as to be adequate to support the Emergency equipment and vehicles.
- C. Emergency access shall be provided on at least one (1) side of each building. The Board of Supervisors may require emergency access to be provided on more than one (1) side of a building, if warranted by the nature of the building and its use, site conditions and/or the layout of the site development plan.

ARTICLE VII
IMPROVEMENTS

Section 700 STREET GRADING

- A. Streets shall be graded to street profile grades and cross sections as established on and presented with the preliminary plats and shall be constructed as approved by the Township Board of Supervisors. Street cross sections shall be in accordance with standards and specifications established by the Township.
- B. Streets shall be graded to the full width of the street right-of-way and slopes no steeper than two (2) feet to one (1) foot shall be constructed commencing at the street right-of-way and extending on to the lots of properties adjoining the street right-of-way, this applies to both cut and fill sections.
- C. Subgrade of streets shall be brought to the proper grade and contour, and shall be rolled, and cross rolled using compaction equipment meeting the requirements of PennDOT Publication 408, or an acceptable alternative. Compaction of the subgrade shall also meet the density requirements of PennDOT Publication 408, or an acceptable alternative. Where subgrades displaying pronounced elasticity or deformation under rolling equipment is found and stability cannot be obtained, the unsuitable material shall be removed and replaced until the subgrade is suitability stabilized.
- D. No base course shall be placed until the street subgrade has been inspected and approved by the Township Engineer. Said inspections shall be paid for as specified in Article VIII of this Ordinance.

Section 701 UNDER DRAINAGE

- A. In areas where springs, poor soil drainage conditions, wet weather springs or where conditions exist that underground drainage is necessary to properly protect the proposed street pavement there shall be constructed pipe underdrain, stone underdrain or subgrade drains according to current Pennsylvania Department of Transportation Specifications, subject to approval of drawings by the Township Engineer.
- B. If during construction unknown poor drainage conditions are encountered by the owner or developer, the owner or developer shall notify the Township Engineer and correct such conditions encountered at the direction of the Township Engineer to the Township Engineer's complete satisfaction.
- C. Permanent pipe underdrain of a size, depth, width and slope as determined by the Township Engineer shall be installed on the upper or high side, and all cut areas where they are required or necessary to prevent the infiltration of water under the paved roadway.
- D. Drainage discharge shall be managed in compliance with the Stormwater Management Plan.

Section 702 CURBING

- A. Curbing shall be installed along all roadways as determined by the Township Board of Supervisors and subject to their approval before installation of the same. Curbing shall be installed in accordance with Township Standard Details.
- B. ADA Compliant curb cuts, mountable curbs or ramps shall be provided to accommodate wheelchairs where any sidewalks meet, adjoin or cross streets. ADA Compliant crossing shall be installed at all intersections, where appropriate.

Section 703 PAVEMENT SECTION

- A. Roadway Sections should be installed in accordance with the Township Standard Details and be in conformance with the latest edition of PennDOT Publication 408.
- B. The pavement final wearing course shall not be installed until ninety (90%) percent of the dwellings are completed or 2 years has passed since initial paving and construction equipment is not using roadway. All damaged base course shall be replaced using same depth and materials specified herein and in accordance with Township Details. Any uneven base course shall be leveled with a bituminous leveling course. All repairs shall be completed and approved by the Township Engineer prior to the placement of the final wearing course.

Section 704 SIDEWALKS

- A. Sidewalks shall be provided by the subdivider or developer along all street frontages on both sides of the street or when considered necessary by the Planning Commission and approved by the Township Board of Supervisors for protection of the public, or wherever it is determined that the potential volume of pedestrian traffic requires that sidewalks be installed.
- B. Sidewalks shall be of Portland Concrete four (4) inches in thickness except at driveways where they shall be a minimum of six (6) inches in thickness. Sidewalks shall be a minimum of five (5) feet in width exclusive of the width of the curb in the manner approved in the preliminary or final plat.
- C. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having sidewalks on one (1) or both sides.
- D. Sidewalks, where provided, shall be within the right-of-way and in residential areas, where conditions permit, at least three (3) feet from the curb. Sidewalks should line up with walks in adjoining subdivisions.

Section 705 STREET SIGNS

- A. Street name signs shall be installed at each street intersection in accordance to type of materials, design and standards established by the Township Board of Supervisors prior to the occupancy of any dwellings.

- B. Traffic Control signage plan and supporting documentation shall be submitted for approval and shall be installed prior to occupancy of any dwellings.
- C. All traffic control, no parking and speed limit signs shall meet PennDOT standards and locations for such signs or where applicable shall be determined by the Township Board of Supervisors.

Section 706 SANITARY SEWERS

- A. Installation of sanitary sewers, including house lines, laterals, trunk lines, manholes, and other appurtenances, shall comply with the rules and regulations of the municipal authority having jurisdiction and subject to inspection by the same. Installation of sanitary sewer lines under a cartway of a street, except for service lines to reach a trunk line on the opposite side of a street and otherwise when absolutely necessary, shall be avoided.
- B. In areas where a municipal sewer is not available (over one thousand (1,000) feet from the nearest point of the subdivision), is not planned, is not topographically feasible, or where an easement cannot be obtained through adjoining property, individual septic tanks, individual on-lot septic disposal systems or private sanitary sewage treatment systems may be permitted, subject to approval of drawings and design by the Township Board of Supervisors and, when required, also by the Pennsylvania Department of Environmental Protection.
- C. In areas where a municipal sewer is available, all properties within the subdivision shall be connected thereto.
- D. In areas where a municipal sewer is planned to be available, but not yet built, laterals shall be extended into sewer line right-of-way and trunk-lines shall be provided to the edge of the subdivision closest to the municipal trunk location and capped. Until such times as the municipal sewer becomes available, individual septic tanks, or a private sanitary sewage treatment system must be installed. In the case of a private treatment system, a trunk-line sewer shall be provided to connect into the municipal system.
- E. All individual properties now using sanitary sewage facilities and all future properties requiring sanitary sewage facilities shall be connected to the municipal sewage system if it is available.

Section 707 SANITARY SEWAGE TREATMENT PLANT

- A. Installation/construction of sanitary sewage treatment plants and other appurtenances shall be subject to approval by the Pennsylvania Department of Environmental Protection and the Township Board of Supervisors.
- B. No building permit will be issued for any construction or development until either an individual sanitary sewage disposal system, a sanitary sewage treatment plant installation has been approved by the Township Board of Supervisors upon receipt of written approval of said system by the Pennsylvania Department of Environment Protection pursuant to the requirements of the "Pennsylvania Sewage Facilities Act" (Act 537 of 1965, as amended), or arrangement with an existing operating municipal sewage system to serve the proposed development is assured.

Section 708 STORMWATER MANAGEMENT AND FLOODPLAIN CONTROLS

- A. Stormwater Management – All subdivision and/or land development applications shall comply with the requirements of the Township Stormwater Management Ordinance.
- B. Floodplain Management – All subdivision and/or land development application shall comply with the requirements of the Township Floodplain Management Ordinance.

Section 709 WATER SUPPLY

- A. If public water supply is available (within 1,000 linear feet) or definitely planned and budgeted for the area by the Township of South Beaver or otherwise, then provisions shall be made for its immediate and eventual use.
- B. Community wells or project wells for Water supply shall be approved by the Pennsylvania Department of Environmental Protection and the Township Board of Supervisors.
- C. All water supply systems shall be constructed as per the specification of the municipal authority with jurisdiction and approved by the same, and copies of such agreements for supply of water service shall be submitted to the Township Board of Supervisors for approval.
- D. Fire hydrants shall be installed as per the Township's specifications for locations and must meet minimum static pressure levels as specified for fire protection.

Section 710 MONUMENTS AND MARKERS

Permanent monuments shall be accurately set and established at the intersections of all outside boundary lines of the plat; at intersections of those boundary lines with all street lines; at diagonally opposite corners of each street intersection; at the beginning and end of all curves; at points on curves where the radius or direction changes; and at such other points as are necessary to establish definitely all lines of the plan except those outlining individual lots. In general, permanent monuments shall be placed at all critical points necessary to correctly lay out any lot in the subdivision. The developer shall furnish a certification that monuments have been set in the locations as shown on recorded subdivision plan. All lot corners and all angles in property lines of lots shall be marked by a marker consisting of least a one half ($\frac{1}{2}$) inch metal pin not less than thirty (30) inches in length.

Section 711 STREET TREES

Should the developer plan to provide trees, their proposed locations, spacing and species must be submitted for approval by the Planning Commission and Township Board of Supervisors. On narrow rights-of-way or where the planting strip between a sidewalk and the curb is less than five (5) feet wide, trees will not be permitted, but are to be placed inside the property lines.

Section 712 SPACE FOR SPECIAL PURPOSES

- A. Easements, adequate for all utilities - See Section 605.
- B. Buffer area or planting screen minimum width, where required in accordance with Zoning Ordinance.
- C. When adequate public play space does not exist in the opinion of the Township Board of Supervisors, within one-half ($\frac{1}{2}$) miles of the site, the Board of Supervisors may request the developer to provide recreational space on a pro-rata schedule based on minimum recreation needs which reflect average persons per household and as defined by the South Beaver Township Board of Supervisors. A fee in lieu of dedication of open space may be accepted by the Board of Supervisors at its sole discretion and based upon a formula developed to assess minimum Township recreation land or facility needs in relation to the size and location of the development being considered for approval. Procedures for collection of fees in lieu of dedication shall conform to Section 503, Subsection 11 of the Pennsylvania Municipalities Planning Code, as amended.

Section 713 EXISTING NATURAL CONDITIONS

In wooded areas or where other natural conditions exist, in such a manner that their presence adds to the desirability of a subdivision, the Township Board of Supervisors shall require that the developer preserve as much of the original trees and natural conditions as is economically feasible and require that a minimum of grading be done other than the grading and excavating which is required for the construction of the improvements in accordance with the improvement standards included herein and approved by the Township Board of Supervisors.

Section 714 GRADING PLAN

- A. At the time of submission of a subdivision plan or development plan for preliminary approval a grading plan shall be presented for review. The grading plan shall identify the existing and proposed grade contours at two (2) foot intervals with sufficient elevations to show proposed grading of streets, lots, drainage ways, stormwater detention ponds and any other proposed grading activity, including but not limited to the soil and erosion sedimentation controls that will be instituted and maintained during grading activities and the accomplishment of stabilization of all soils disturbed by the grading.
- B. Topsoil Preservation – No topsoil shall be removed from the site or used as spoil. Topsoil must be removed from the areas of construction and stored in accordance with the approved erosion and sedimentation control plan as required under this Ordinance and Chapter 102 of the Pennsylvania Code. Upon completion of the construction, the topsoil must be redistributed on the site uniformly. All areas of the site shall be stabilized by seeding, both temporary and permanent, or planted in accordance with an approved erosion and sedimentation control plan.

Section 715

LANDSCAPING PLAN

A Landscaping Plan when required to be submitted with an application shall, in conjunction with all other data and plans submitted, describe and identify existing conditions and the proposed resultant landscaping of a parcel, tract or plot of land and the nature of vegetation and planting to be maintained in its natural condition or otherwise undertaken to effectuate the screening and ground cover required, together with the nature or type of trees, shrubs, other vegetation, fencing or other improvements, and the placement thereof, so as to achieve land development in accordance with this Ordinance and/or the South Beaver Township Zoning Ordinance. A Landscape Plan shall detail:

- A. All proposed grading to alter or affect the existing topography of the tract of land in any manner for any purpose.
- B. The proposed preservation or alteration/modification of the existing attributes of the tract of land, including but not limited to existing wooded and natural vegetation areas or other natural and scenic qualities of same, both within and about the proposed development, including but not limited to any active and passive open space to be included in a development or as to its perimeter.
- C. Any proposed planting of trees or other vegetation to mitigate the disturbance of the exiting natural landscape features of the tract of land per the proposed development, or for the providing of screening and/or privacy as to the placement of the buildings, structures, parking area or other attributes of the proposed development as to each other, to lands adjacent to the proposed development.
- D. Survey or engineering drawings showing existing and proposed contours and their relationship to proposed buildings, structures, highways, streets, roads, parking areas and walkways and to existing woodlands.
- E. A tabulation of required landscaping per requirements of this Ordinance and/or the Township Zoning Ordinance as well as a tabulation of provided landscaping to achieve requirements.
- F. Identification and mapping of any existing significant trees or stands of trees, and/or invasive tree species.

Section 716 ENVIRONMENTAL IMPACT STATEMENT

Unless waived, an Environmental Impact Statement shall be required where a combination of two (2) or more of the following site characteristics are present:

- A. Construction activity in undermined areas with less than one hundred (100) feet of overburden, as designated by the Bureau of Mining and Reclamation.
- B. Construction activity or encroachment involving a natural stream, watercourse, in or within one hundred (100) feet of a wetland, or within a flood plain or flood prone area.

- C. Construction activity within a landslide-prone area as delineated on Landslide Susceptibility Maps as maintained by the Pennsylvania Geological Survey or as prepared by recognized experts acceptable to the Township Engineer.
- D. Construction activity involving the removal of one hundred thousand (100,000) square feet or more of forested land or construction activity involving the removal of natural vegetation of three (3) acres or more in area.
 - 1. The content of an Environmental Impact Statement shall include:
 - a. A description of the project with a map indicating:
 - i. Limit of the following slope area categories:
 - 1. 0-15%
 - 2. 15-25%
 - 3. over 25%
 - ii. All natural watercourses and wetlands;
 - iii. Undermined areas with less than one hundred (100) feet of overburden;
 - iv. Landslide-prone soils;
 - v. All forested areas.
 - b. An assessment of the environmental impact of the proposed development as to the foregoing items.
 - c. A list of all licenses, permits and other approvals required by municipal, county, state and federal law and the status of each shall be required before final consideration of the land development plan. Where applicable, the applicant shall submit at the time of consideration of final approval, stream encroachment or relocation, wetlands mitigation, dams or any other permit or permit waiver necessary for construction of the development.
 - d. A list of steps proposed to minimize environmental damage to the site and region during construction and operation. The consideration of soil erosion, preservation of trees, protection of water courses, protection of air resources, and noise control are some factors to be considered.
 - e. Evidence that the environmental impact statement was prepared by a professional, competent in the field of concern, i.e., a soils engineer for excavation or soils problems, a geologist or gee-technical consultant for undermining and land sliding problems, etc.

2. Waiver of Environmental Report Requirement: The Planning Commission may waive the requirement for an Environmental Impact Statement if an applicant requests said waiver in writing, and further, provided said development meets all the standards of this Ordinance or the South Beaver Township Zoning Ordinance, and does not involve the relocation, improvement or alteration of any stream way, and no portion of the site is located within a flood hazard, flood plain or flood-prone area as delineated on the FEMA map for South Beaver Township.

Section 717 AS-BUILT PLANS

After completion of all required and proposed improvements, the developer shall have his engineer or surveyor prepare and promptly submit to the Township one set of reproducible as-built, record drawings, reflecting construction and installation as actually accomplished. Plans shall include but not but not be limited to above and below surface site improvements, location, elevation and grades; buildings, structures, and signs, with elevations showing the exact construction thereof; any easements, reserves or use agreements will be describing in full, either in the plan drawing or noted in text. Said plans shall be dated, signed and sealed by the person preparing the plan and be submitted on reproducible Mylar and to be kept/maintained in the Township's file.

ARTICLE VIII

CONDITION OF APPROVAL, ACCEPTANCE, AND RECORDING OF PLAT

Section 800 RELEASE FROM PERFORMANCE OR AMENITIES BOND

A. Procedure:

1. When the subdivider/developer has completed all of the required improvements, the subdivider/developer shall notify the Township Board of Supervisors, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy to the Township Engineer.
2. The Township Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Township Board of Supervisors, and shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Township Board of Supervisors; 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 not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non-approval or rejection.
3. The Township Board of Supervisors shall notify the developer, in writing by certified or registered mail, within fifteen (15) days of receipt of the Township Engineer's report, of the action of said Township Board of Supervisors with relation thereto.
4. If any portion of the required improvements shall not be approved or shall be rejected by the Township Board of Supervisors, the developer shall proceed to complete the same and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
5. Nothing herein, however, shall be construed in limitation of the subdivider's or developer's right to contest or question by legal proceedings or otherwise, any determination of the Township Board of Supervisors or the Township Engineer.
6. The applicant or developer shall be charged by the Township of South Beaver for all fees reasonable and necessary, to cover costs incurred by the Township for engineering review and inspection of improvements, as outlined in Article VIII. In the event that the amount of the expense is disputed, the following procedures shall be implemented:

- i. If within twenty (20) days of receipt of the balance of the originally deposited funds a disagreement with the amounts charged for engineering review and inspection occurs, a licensed professional engineer shall be appointed by mutual agreement, as a third party to review and determine reasonable and necessary expenses.
 - ii. The engineer so appointed shall at his sole discretion review documentation and hear evidence necessary to render a decision within fifty (50) days of the receipt of the balance in question. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - iii. In the event that within a twenty (20) day period following receipt of the deposit balance, the Township and applicant cannot agree on the appointment of the licensed professional engineer, then upon application of either party, the Court of Common Pleas of Beaver County, shall appoint such engineer. In no case can the engineer so appointed have provided services to either party within the five (5) years preceding the appointment.
 - iv. The fee of the appointed professional engineer for determining the reasonable and necessary expenses for review and inspection of improvements, 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 one thousand dollars (\$1,000.00) or more, the Township shall pay the fee of the professional engineer, but otherwise the Township and the applicant shall each pay one-half($\frac{1}{2}$) of the fee of the appointed professional engineer.
7. At the time of final approval and prior to the issuance of any required Township permit, at ten (10%) percent deposit shall be made by the applicant with the Township for the costs of review and inspection where public utilities and facilities are proposed. Said ten (10%) percent shall be calculated as ten (10%) percent of the total costs of installation of said public utilities and facilities. Any funds unexpended at the time of acceptance of the aforementioned public utilities and facilities, shall be returned to the applicant.

Section 801 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

- A. In the event that any improvements which may be required have not been constructed and installed as provided for in the written agreement, this Ordinance and the requirements of the Township Board of Supervisors, or in accord with the approved final plan, the Township Board of Supervisors shall take such appropriate steps to enforce any posted corporate bond or other security posted per Section 406 hereof and the provisions of Section 511 of the Pennsylvania Municipalities Planning Code, as amended, by appropriate legal and equitable remedies.

- B. If the proceeds of such corporate bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Township Board of Supervisors, may at its option, install part of such improvements in all or part of the subdivision or land development and/or may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
- C. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, together with the costs of enforcement of said obligation to cause completion of said improvements, and not for any other municipal purpose.

Section 802 MAINTENANCE BOND

- A. Upon the Township Engineer determining that and issuing to the Township Board of Supervisors a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the subdivision or land development and that same are in compliance with the specifications, standards, Ordinances and requirements of the Township, the subdivider or developer shall be required within ten (10) business days to deposit with the Township, a Corporate Maintenance Bond, or other surety acceptable to and approved by the Township Solicitor, in such amount, under such conditions, and in such form as shall be required by the Township Board of Supervisors. The Maintenance Bond shall guarantee the repairs and maintenance by the subdivider or developer of the streets, roads, pavement, sidewalks, curbs, gutters, stormwater drains and facilities, sanitary sewer and facilities and any other improvements constructed and installed in the subdivision or development, for a period of eighteen (18) months from the date of final and official acceptance of the above said improvements and facilities by the Township Board of Supervisors, and such Maintenance Bond shall remain in effect until released by the Township Board of Supervisors. The amount of the maintenance bond shall not exceed fifteen (15) percent of the actual cost of installation of said improvements.
- B. The repairs and maintenance required to be performed by the subdivider or developer shall intend only to making good any inherent defects which become manifested-in the materials and workmanship under ordinary conditions and shall not be held to cover any breakage or damage caused by improper use or by accident resulting from circumstances over which the subdivider or developer has no control.

Section 803 ACCEPTANCE OF PUBLIC IMPROVEMENTS

Upon completion of the inspection and approval of the public improvements, the developer shall submit a request to the Township Board of Supervisors, in writing, to accept the dedication of the public improvements. The request for acceptance shall include deeds of dedication and all other legal descriptive documents necessary to prepare a resolution or ordinance and shall be submitted at least twenty (20) days prior to the regular meeting of the Township Board of Supervisors. At the regular meeting, the Township Board of Supervisors shall enact a resolution or ordinance accepting the public improvements as part of the Township's public facilities, subject to the posting of the maintenance bond required by Section 802.

Section 804 FINAL INSPECTION OF PUBLIC IMPROVEMENTS

Prior to the end of the eighteen (18) month period when the maintenance bond expires and before the maintenance bond is released, the Township Engineer shall make a final inspection and certify in writing to the Township Board of Supervisors that all the public improvements are in good order. If any repairs are required or maintenance needed, the subdivider shall be notified in writing, and such repairs or maintenance shall be done and approved prior to further certification by the Township Engineer. Upon approval and decision of the Township Board of Supervisors that all improvements are in good order, the Township may release the Maintenance Bond.

Section 805 SNOW-PLOWING

The applicant subdivider/developer shall be responsible from the time there is at least one (1) occupant in the proposed development to plow snow and disperse anti-skid material on development roads as may be necessary to provide ingress and egress to the occupants at the applicant's cost, prior to the acceptance of dedicated streets. The applicant subdivider/developer shall post with the Township the sum of one thousand dollars (\$1,000.00) as an escrow to provide for snow removal and the dispersal of anti-skid material prior to acceptance of dedication of the streets. All payments to the Township for said snow removal and dispersal of anti-skid material, if needed to be done by the Township, shall be made from the escrow fund. In the event that the escrow should become depleted, the applicant shall post an additional sum of one thousand dollars (\$1,000.00) and such further amounts as may be necessary until such time as the dedication of the streets is accepted by the Township.

Section 806 HIGHER STANDARDS

- A. No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Township or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Township. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum and the Township Board of Supervisors may as it deems advisable revise said specifications and requirements to secure a higher standard of improvements and community development. The provisions of this Ordinance have intent that such facilities shall not normally be assumed or accepted for operation and/or maintenance by the Township.

- B. No stormwater drainage facilities, sanitary sewer and sewage treatment facilities, water supply and water distribution system, and facilities or any other facilities or improvements shall be accepted as a part of the Township's facilities for operation and maintenance unless designed and constructed in strict compliance with all the standards, specifications, rules, regulations, ordinances and requirements of the Township.

Section 807 RECORDING SUBDIVISION OR LAND DEVELOPMENT PLAN

- A. Upon approval of a final subdivision plat or plan or a land development plat or plan that is required to be recorded, the subdivider or developer shall not later than sixty (60) days of final approval thereof shall deliver to the Township office the following plats and/or plan documents for Township signatures and processing:
1. One (1) original on reproducible media and two (2) print copies thereof.
 2. If applicable, executed Homeowners Association or Landowner documents signed by the participating property owners, complete and ready for recording, which documents meet the requirements of this Ordinance and/or any other development provisions of this or any other Ordinance of the Township.
 3. If applicable, executed developer's Agreements meeting the requirements of Section 407, Development Agreement requirements, and Section 405, Performance Guarantees, of this Ordinance.
- B. At the time of submittal of the plans or documents as specified in this Section, the required fees or balance due of a fee for all municipal services and/or municipal review costs shall be paid unto the Township, plus if the subdivider or developer desires the Township to process and handle the recording thereof in the Beaver County Recorder of Deeds Office, the subdivider or developer shall remit unto the Township the aggregate sum equal to the prevailing fee of this said Recorder of Deeds Office relative to the recording of such plats, plans, or documents.
- C. Upon the recording of plats, plans or documents required to be recorded in the Beaver County Recorder of Deeds Office, within five (5) business days following the recording thereof:
1. If the Township processed and handled the recording thereof, the Township shall appraise and document to the subdivider/developer the recording thereof, together with the recording citation as to each recording; or
 2. If the subdivider or developer processed and handled the recording thereof, the subdivider or developer shall appraise and document to the Township the recording thereof, together with the recording citation as to each such recording.
- D. After an approved subdivision plan shall have been officially recorded, any new streets, park areas or other proposed public improvements shown thereon shall be considered to be a part of the official plan of the Township.
- E. Any streets, parks or other public improvements shown on a subdivision or development plan to be recorded may be offered for dedication to the Township by formal notation thereof on the plan, or the owner-subdivider or developer may note on said plan that any such streets, parks or improvements have not been offered for dedication to the Township.
- F. Every new street, park or other improvement shown on a subdivision plan shall be deemed a private street, park or improvement until such time as the same shall have been offered for dedication to the Township and the Township has in fact accepted such dedication by

either enactment of an Ordinance or adopted a Resolution, or take other appropriate official action, to formally accept said offer of dedication, and causes such act of acceptance to be duly placed of record in the appropriate office situate in the Beaver County Court House. See Section 803, supra.

Section 808 RECONSIDERATION

Any subdivider or developer aggrieved by a finding, decision or recommendation of the Township of South Beaver Planning Commission or the Township Board of Supervisors, may present additional relevant information and request reconsideration of the original finds, decision or recommendation upon written request within thirty (30) days of notification of the Planning Commission or Township Board of Supervisors decision on either a preliminary or a final plat application.

Section 809 APPROVAL REFUSED BY BOARD OF SUPERVISORS

In any case where the Township Board of Supervisors shall refuse to approve any plats submitted to them in accordance with this Subdivision and Land Development Ordinance, any person aggrieved by the action of the Township Board of Supervisors may appeal as provided by law to either the Zoning Hearing Board of South Beaver Township or the Court of Common Pleas of Beaver County, Pennsylvania.

Section 810 NO RESPONSIBILITY OF TOWNSHIP WHERE PLANS NOT APPROVED

If any road or any drainage facilities in connection therewith, shall be opened, constructed, or dedicated for public use or travel, except in strict accordance with plats approved and recorded as herein provided, neither the Township Board of Supervisors nor any public authorities shall place, construct, or operate any sewer, drain, water pipe or other facilities, or do any work of any kind, in or upon such road; and neither the Township Board of Supervisors nor any other public authorities, shall have responsibility of any kind with respect to any such road or drainage facilities, notwithstanding any use of the same by the public. Provided, however, that nothing herein contained shall prevent the laying of trunk sewers, drains, water or gas mains, if required by engineering necessity for the accommodating of other territory

ARTICLE IX

MOBILE HOMES AND MOBILE HOME PARKS

Section 900 MINIMUM LAND REQUIREMENT, ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS AS TO MOBILE HOME PARKS

- A. Minimum Gross Area: A mobile home park shall have a gross area of at least ten (10) contiguous acres of land and be located in a Zoning District as permitted by the South Beaver Township Zoning Ordinance, and are to proposed and processed for layout, development and construction as a Planned Residential Development per the processes of the said South Beaver Township Zoning Ordinance.
- B. Site Requirements – All mobile home parks (new or involving the expansion or alteration of an existing mobile home park) shall comply with the following minimum requirements:
1. Be free from wetlands, marshes, and garbage or rubbish disposal areas or other potential breeding places for insects or rodents. Existence of any condition herein listed, will be referred to the appropriate state agency for enforcement;
 2. Not be subject to flooding;
 3. Not be adjacent to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat, odor or glare;
 4. Not be used for non-residential purposes except such for such uses that are required for the direct servicing and well-being of park residents' use and for the management and maintenance of the park;
 5. Have access to a public street adequate to handle all traffic being or to be generated by the mobile home park; and
 6. Shall be a suitable site for development in a manner that will not create any unsafe or unsanitary conditions which would affect the health of the residents of same, nor to any residents adjacent thereto.
- C. Drainage Requirements:
1. The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe efficient manner, in accordance with the stormwater management requirements of the Township Stormwater Management Ordinance, and per a stormwater runoff plan as approved by the Township engineer.
 2. Bodies of standing water capable of breeding mosquitoes and other insects shall be eliminated or controlled in a manner approved by the Pennsylvania Department of Environmental Protection.
 3. Waste water from any plumbing fixture or sanitary sewer line shall not be deposited upon the ground surface in any part of a mobile home park.

D. Required Setback, Buffer Strips and Screening:

1. All mobile homes shall be located at least fifty (50) feet from any existing public highway, street or road, and at least forty (40) feet from other mobile home park property boundary lines.
2. There shall be a minimum distance of twenty (20) feet between an individual mobile home, including accessory structures thereto, and any adjoining street rights-of-way or common areas within the mobile home park interior.
3. All mobile home parks shall be required to provide screening so as to buffer adjacent areas. Such screening may be of fencing or of natural growth or a combination of fences and natural growth. All such screening shall be of a minimum height of six (6) feet and shall be placed in a perimeter buffer separating the park and such adjacent nonresidential areas. Such buffer shall be a minimum of ten (10) feet wide.

E. Erection and Placement of Mobile Homes:

1. Existing mobile home parks – Any mobile home unit which is replaced by another mobile home in a mobile home park in existence prior to the effective date of this Article shall be separated, if feasible, from all other mobile homes and other buildings by not less than twenty (20) feet regardless of the configuration of placement. This separation, if possible, shall not restrict attachments as long as a minimum separation of twenty (20) feet is maintained between such attachment and any other mobile home and its attachments. If such separation is not possible, then existing mobile home sites in a mobile-home park in existence prior to the effective date of this Ordinance may not be changed so as to move the placement of a mobile home unit any closer to an adjacent mobile home site or mobile home unit than the distance existing at the effective date of this Ordinance.
2. Parks constructed or expanded after the effective date of this Ordinance Initial placement and subsequent replace of mobile home units in parks constructed or expanded after the effective date of this ordinance shall be separated from each other and other buildings by not less than thirty (30) feet regardless of the configuration of placement. This separation shall not restrict attachments as long as a minimum separation of twenty (20) feet is maintained between such attachment and any other mobile home and its attachments.
3. Construction Code Permit and a Construction Code Occupancy Permit as required by the Township's Construction Code Ordinance shall be required as to erection or placement of any mobile home in a mobile home park upon and following the effective date of said Construction Code Ordinance.

F. Park Street System:

1. A safe and convenient vehicular access shall be provided from abutting public streets and roads. Where feasible as determined by the Township Board of Supervisors, two (2) park entrances shall be provided. Any terminus of a street or road within a mobile home park shall have a cul-de-sac with a turnaround area having an outside roadway diameter of at least seventy-five (75) feet.
2. The entrance roads connecting the park with a public street or road shall have a minimum pavement width of twenty-eight (28) feet.
3. Other surfaced private roadways shall be a minimum of twenty-two (22) feet wide, to accommodate anticipated traffic, and shall meet the following minimum requirements:
 - i. Minimum interior right-of-way width shall be forty (40) feet.
 - ii. Cul-de-sac streets shall be provided at the closed end with a turnaround having an outside roadway diameter of at least seventy-five (75) feet.
4. All parks shall be furnished with exterior lighting so space at such mounting heights as will provide levels of illumination deemed adequate for the safe movement of pedestrians and vehicles at night.
5. Street construction and design standards:
 - i. All streets and roads within the mobile home park shall be paved with an all- weather bituminous pavement. Pavement construction details shall be approved by the Township Engineer.
 - ii. Intersecting streets shall be at approximately right or ninety (90) degree angles. A distance of at least one hundred fifty (150) feet shall be maintained between center lines of offset intersection streets. Intersections of more than two (2) streets at one (1) point are prohibited.
 - iii. A plan of the streets, showing grade and intersections design shall be provided to the township with the application for final approval. No street within the mobile home park shall have a grade in excess of ten (10%) percent.
6. Park street systems shall not be dedicated to or accepted by the Township as or for public streets of the Township.

G. Off-Street Parking Areas:

1. Off-street parking areas shall be provided in all mobile home parks for the use of park occupants and guests.
2. Required car parking spaces shall be located so as to provide convenient access to the mobile home and two (2) spaces per lot of off-street parking.

H. Walks:

1. All parks shall provide safe, convenient, all-season pedestrian walkways of adequate width for intended use, which are durable and convenient to maintain. Sudden and abrupt changes in alignment and gradient shall be prohibited.
2. Where pedestrian traffic is concentrated and a common walkway system is provided, such common walkway shall have a minimum width of three and one-half (3 ½) feet.
3. All mobile home lots shall be connected to common walks or to streets, or to driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.

I. Exterior Lighting:

1. There shall be an individual courtesy light with cut off fixtures, providing an average illumination level of two (2) foot-candles, with even distribution, minimizing dark spots and hot spots, placed along the aisle of intersecting driveways at the width end of the mobile homes, beyond the right-of-way line.
2. At the intersection of streets, whether public or private, within the mobile home park, a dusk to dawn overhead lighting fixture providing an average illumination level of two (2) foot-candles shall be provided.
3. The primary entrance to a mobile home park shall be lighted with overhead sharp-cut-off luminaries set at a maximum height of twenty-five (25) feet. One fixture shall be placed on each side of the opposing traffic, beyond the right-of-way line.
4. Lighting with warm temperature spectrum are preferred including: Low Pressure Sodium, High Pressure Sodium and low-color-temperature LEDs.

J. Mobile Home Lots:

1. Mobile home lots within the park shall have a minimum gross area of six thousand (6,000) square feet, exclusive of road right-of-way.
1. The area of the mobile home lot shall be improved to provide adequate foundation for the place of the mobile home in such a position as to allow a minimum of twenty (20) feet between the mobile home and the internal mobile home park street/roadways.
2. Each mobile home foundation shall be provided with piers embedded to the frost line so the mobile home stand shall not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration or

other forces acting on the structure. Anchors or tie-downs, such as cast in-place concrete "dead men" anchors shall be placed at least at each corner of the mobile home stand, and each device shall be able to sustain a minimum load of four thousand eight hundred (4,800) pounds.

Section 901 WATER SUPPLY IN MOBILE HOME PARKS

- A. General Requirements – An adequate supply of water shall be provided for mobile homes, service buildings and other accessory facilities as required by this Ordinance. Where a public water supply system of satisfactory quantity, quality and pressure is available, the connection shall be made thereto, and its supply shall be used exclusively. Where public water is not available, the development of a private water supply system shall be approved by the Township Engineer and operated by the mobile home park owner in compliance to the requirements of the Pennsylvania Department of Environmental Protection. In any instance where public water facilities are available and are capable of being extended to the development site, the developer shall connect the project to such facilities. Central water service shall be supplied to each structure to be erected in the development as well as any other requirements of the federal or state government. A fire hydrant shall be provided within six hundred (600) feet of each structure to be placed within the mobile home park site.
- B. Construction Specifications – Public water distribution systems shall be constructed in accordance with the rules and regulations of a Municipal Authority having jurisdiction.

Section 902 SEWAGE DISPOSAL IN MOBILE HOME PARKS

- A. General requirements: An adequate and safe sanitary sewerage system shall be provided in all mobile home parks for conveying and disposing of sewage from mobile home, service buildings and other accessory facilities. Where a municipal sewer line is available, the connection shall be made thereto, and its collection and treatment of sewage waste system shall be used exclusively. In the absence of public sewerage facilities, the developer shall provide a sanitary sewer system which shall be subject to the standards and rules and regulations of the established by the Township and/or the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. Construction specifications: Connection to a municipal sewage system shall be of such design, construction and shall be maintained in accordance with the Municipal Authority having jurisdiction and operating as per Department of Environmental Protection regulations permit, and/or the Township's Construction Code Ordinance. Private sewer collector and treatment systems shall be constructed and maintained in accordance with the rules and regulations of the Pennsylvania Department of Environmental Protection.

Section 903 ELECTRICAL DISTRIBUTION SYSTEM IN MOBILE HOME PARKS

General Requirements – Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment (generators and transformers) and appurtenances which shall be installed and maintained in accordance with local electric power company specifications.

Section 904 SERVICE FACILITIES IN MOBILE HOME PARKS

Central Toilet or Washroom Facilities Prohibited – No central toilet or washroom facilities shall be constructed in any mobile home park, and each mobile home so erected therein shall be equipped with toilet and washroom facilities which shall be attached to central sewer and water facilities as provided for each lot.

Section 905 REFUSE HANDLING AND INSECT AND RODENT CONTROL IN MOBILE HOME PARKS

- A. Refuse Handling – The storage, collection and disposal of refuse in the mobile home park shall be so provided and conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution and shall comply with the Pennsylvania Department of Environmental Protection and township regulations for property maintenance.
- B. Insect and Rodent Control – Grounds, buildings and structures shall be maintained free of insect, rodent harborage and infestation. Extermination methods and other measures to control insect and rodents shall conform to the requirements of the Pennsylvania Department of Environmental Protection.

Section 906 FUEL SUPPLY AND STORAGE IN MOBILE HOME PARKS

- A. Natural Gas Systems: Natural gas piping systems when installed in mobile home parks shall be maintained in conformity with accepted engineering practices and those stands set by the company providing such gas service.
- B. Shutoff Valve and Cap for Piped Natural Gas: Each mobile home lot provided with piped natural gas shall have an approved shutoff valve installed between the lot and the distribution outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
- C. Liquefied Petroleum Gas Systems: Liquefied petroleum gas systems provided for mobile homes, service buildings or other structures, when installed, shall be maintained in conformity with the rules and regulations of the Commonwealth of Pennsylvania and/or the Public Utilities Commission.
 - 1. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
 - 2. Systems shall have at least one (1) accessible method for shutting off gas. Such method shall be located outside the mobile home and shall be maintained in safe operating condition.
 - 3. All liquefied petroleum gas piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in

4. Tanks of more than twenty (20) and less than one hundred (100) pounds net capacity may be installed on a mobile home lot and shall be securely but not permanently fastened to prevent accidental overturning.
 5. No liquefied petroleum gas tank shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure within the park site.
- D. Fuel Oil Supply Systems: All fuel oil supply systems provided for mobile home, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the vending company having jurisdiction and the Commonwealth of Pennsylvania.
- E. Piping and Valves for Outside Fuel Storage Tanks – All piping from outside fuel storage tanks or cylinders to mobile homes shall:
1. Be securely but not permanently fastened in place;
 2. Have shutoff valves located within five (5) inches of storage tanks;
 3. Be not less than five (5) feet from any mobile home exit; and
 4. Where located in areas adjacent to vehicle traffic, be protected against collision or physical damage.

Section 907 FIRE PROTECTION IN MOBILE HOME PARKS

- A. Local Regulations Apply: Mobile home parks shall be laid out to assure access by Fire Department vehicles and equipment. Fire prevention personnel and vehicles shall be permitted to enter onto the mobile home park premises in case of fire. The residents of such mobile home parks shall obey lawful orders of any fireman, fire policeman or township policeman in the performance of his duties.
- B. Litter Control: Mobile home park areas shall be designed and laid out, designed and operated so as to be kept free of litter, rubbish and any accumulation of flammable materials.
- C. Fire extinguishers: Portable fire extinguishers of a type approved by the fire prevention authority or South Beaver Township Volunteer Fire Company shall be kept in public service and maintenance buildings under park control.
- D. Fire Hydrants: Fire hydrants shall be installed in accordance with the regulations of the Municipal Authority having jurisdiction of any public water supply existing or available to the mobile home park.

Section 908 RECREATION AREA WITHIN MOBILE HOME PARKS

An area of at least twelve thousand (12,000) square feet, centrally located and accessible to the occupants of every mobile home lot shall be provided for recreation in a park with ten (10) units or less. In parks with more than ten (10) mobile homes an additional two hundred fifty (250) square feet per lot shall be provided.

Section 909 MOBILE HOME PARK MANAGEMENT

Responsibilities of Management – Responsibilities of the management of the mobile home park shall be as follows:

- A. The person to whom all required state and federal permits for a mobile home park is issued shall operate the park in compliance with this ordinance and all applicable regulations of the Pennsylvania Department of Environmental Protection and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean, sanitary condition.
- B. The park management shall supervise the placement of each mobile home on its mobile home lot, which includes securing its stability and installing all utility connections.
- C. The park management shall give the Zoning Officer or any person designated by the Township Supervisors free access to all mobile home lots, service buildings and other community service facilities for the purpose of inspection.
- D. The management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park. A copy of such registry shall be submitted to the Township on a quarterly basis. Records for current and previous years must be available upon request. The park management shall also keep copies of all permits issued for the operation of said park and shall supply copies of such permits at the request of the Township.

Section 910 PERMITS/APPLICATIONS REQUIRED FOR DEVELOPMENT OF MOBILE HOME PARKS

- A. It shall be unlawful for any person to construct, operate, alter or expand any mobile home park within the limits of South Beaver Township unless same is served by public sewage facilities or the owner of same holds valid permits issued by the Pennsylvania Department of Environmental Protection in the name of the owner of such mobile home park for the specific construction, operation, alteration or expansion of sanitary sewerage facilities. If public sewage facilities are not available, all applications for permits to operate a sanitary sewerage treatment facility shall be made by the owner of the mobile home park or his authorized representative in accordance with Commonwealth of Pennsylvania, Department of Environmental Protection regulations.
- B. Application for development/expansion of a Mobile Home Park is a Planned Residential Development, and the construction or expansion of a mobile home park is governed by Article XIV of the South Beaver Township Zoning Ordinance as a Planned Residential Development.
- C. Receipt of applications for and the issuance of building permits for placement and/or erection of individual mobile homes within Mobile Home Parks shall be administered by the Zoning Office of South Beaver Township.

Section 911 ERECTION OF MOBILE HOMES

- A. Installation Requirements: No person shall occupy any mobile home in South Beaver Township for sleeping or living purposes unless such mobile home conforms to and complies with all plumbing, electrical, sanitary and building codes applicable to the construction of mobile home units and installation thereof shall comply with zoning requirements of the district in which it is to be placed and/or the provisions applicable to the Mobile Home Park developed as a Planned Residential Development.
1. Mobile home construction standards: All mobile homes shall meet or exceed those standards of manufacture as specified by Act 69 of 1972, "Uniform Standards Code for Mobile Homes: and all amendments thereto.
 2. Any mobile home to be installed shall have a minimum of five hundred (500) square feet of living space.
 3. A mobile home, prior to occupancy, shall be installed upon and securely fastened to a frost-free foundation or footer, and in no event shall it be erected on jacks, loose blocks or other temporary materials.
 4. Any mobile home not placed upon a foundation-based wall for support, shall have the undercarriage of same enclosed with a compatible designed material by the secured erection/placement of such compatible material around the base of the mobile home within two (2) weeks of installation of the mobile home. Such enclosure shall provide sufficient ventilation to inhibit decay and deterioration of the structure.
- B. Compliance required: No single on-lot mobile home shall be installed for occupancy and sleeping purposes or attached to any public or private sewer or water system except in compliance with the applicable Ordinances of South Beaver Township and any other applicable laws and regulations, and the issuance of a zoning/building permit therefore by the Zoning Officer and/or a Construction Code Ordinance Permit.

Section 912 OCCUPANCY AND REMOVAL OF MOBILE HOMES

Occupancy of a mobile home shall only occur following issuance of an Occupancy Permit therefore per the requirements of the Township's Construction Code Ordinance and the Township's Zoning Ordinance. Removal of a mobile home involves the requirement of payment of all realty taxes due thereon and obtaining a permit from the local realty tax collector per applicable statutory law of the Commonwealth of Pennsylvania, and no mobile home, whether single on-lot installation or mobile home park installation, shall be removed from South Beaver township without the owner of said mobile home first obtaining the required statutory permit. A duplicate of such removal permit shall be provided to any mobile home park manager.

**ARTICLE X
MODIFICATION**

Section 1000 PURPOSE

Where the Planning Commission and/or Township Board of Supervisors find that hardships may result from strict compliance with this Ordinance, the Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will enact undue hardship because of the peculiar conditions pertaining 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 Ordinance is observed.

Section 1001 GRANTING OF MODIFICATIONS

In granting modifications, the Planning Commission may recommend and/or the Township Board of Supervisors may require such conditions, as will, in the Board of Supervisors' judgment, secure substantially the objectives of the standard or requirements of this Ordinance and/or the South Beaver Township Zoning Ordinance. The granting of administrative relief and modifications by the Planning Commission shall be conditional and subject to the final approval of the Township Board of Supervisors.

Section 1002 PROCEDURE

All requests for a modification shall be in writing and shall, if not sooner submitted by an applicant, be a part of the application for final approval of a plat or development. The request shall state in full the grounds and the facts of unreasonableness or hardship on which the request is based, the provision or provision involved and the minimum modification necessary. The Township Board of Supervisors if it receives such modification request direct from an applicant, may refer the request to the Planning Commission for advisory comments prior to the Board of Supervisors taking formal action. A written record of all action taken on all requests for modifications shall be kept and maintained by the Planning Commission and Board of Supervisors.

ARTICLE XI

FEES

Section 1100 FEE TO ACCOMPANY APPLICATION FOR REVIEW AND APPROVAL OF PLANS, AND INSPECTION OF IMPROVEMENTS PROPOSED THEREON

- A. All applications submitted for the review and approval of plans of subdivision and plans of land development prepared for pre-application review, in preliminary and/or final form, shall be accompanied by a review fee deposit in accordance with a schedule of fees and charges established, or to be established, and adopted by resolution of the Township Board of Supervisors to defray, or to help defray, any cost that may be incurred by the Township in viewing and inspecting the site of the subdivision or land development, and reviewing the application, data and the plats or plans submitted relative to the same.
1. A fee deposit shall be made with the Township of South Beaver at the time of commencing subdivision or land development review in order to cover the costs of engineering review and inspection of proposed improvements, legal fees and other consultants' fees whose services are required in order to provide a comprehensive review of the subdivision application. An application shall be deemed incomplete and not submitted for review and processing by the Planning Commission or Township Board of Supervisors until such deposit is made by the applicant.
 2. A review fee, as established by resolution of the Township Board of Supervisors, and fees as charged to the Township for activities related to the subdivision application shall be deducted from the deposit as invoices are received.
 3. A full accounting of all expenses incurred during the review and approval of a subdivision application, whether preliminary or final, shall be kept by the Township secretary and a report of expenditures and balance remaining on deposit shall be made available to the applicant upon request.
 4. Upon completion of all improvements to the satisfaction of the Township Engineer, and upon a full and complete release of all sureties posted relative to the improvements proposed, the remaining balance of the deposit shall be returned to the applicant upon receipt of a written request to do so, but not later than ninety (90) days after expiration of the maintenance bond period or last previous financial security obligation of a developer under this Ordinance.
- B. The schedule of fees and charges established or to be established may vary, and be regulated in accordance to the scope and complexity of the plan of subdivision and land development project, such as:
1. Number of parcels or lots in plan;
 2. Site development plans;

3. Utility development plans;
 4. Applicants plan of construction and development of the land, structures, streets and facilities thereon, and appurtenant thereto; and
 5. Number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.
- C. Where a plan of subdivision or land development for any reason has been rejected by the Township Planning Commission and/or Township Board of Supervisors, the applicant when resubmitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the Township's schedule of fees and charges for such submittals.
- D. All review fees shall be made payable to the Township of South Beaver. All review fees deducted from the original deposit are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee submitted and paid by the Township.
- E. The applicant shall reimburse the Township of South Beaver for all costs associated with the review and approval, or denial, of an application for subdivision or land development which exceed the amount of the original or any subsequent deposits of funds required.

**ARTICLE XII
AMENDMENTS**

**Section 1200 ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT
ORDINANCE AMENDMENT**

- A. Amendments to the subdivision and land development ordinance shall become effective per Section 505 of the Pennsylvania Municipalities Planning Code only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by on 504 of the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Commission, Township Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- B. At least thirty (30) days prior to the date of the hearing on the amendment, the Township shall submit the proposed amendment to the Beaver County Planning Commission for recommendation.
- C. Within thirty (30) days after adoption, the Township Board of Supervisors shall forward a certified copy of the amendment to the subdivision and land development ordinance to the Beaver County Planning Commission.

**Section 1201 PUBLICATION, ADVERTISEMENT AND AVAILABILITY OF
ORDINANCE**

- A. Proposed subdivision and land development ordinance amendments shall not be enacted except per the provisions of Section 505 of the Pennsylvania Municipalities Planning Code, which requires notice of proposed enactment to be given, and which notice shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Township where copies of the proposed ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall publish the proposed ordinance amendment, or summary thereof as herein after provided, once in one newspaper of general circulation in the municipality not more than sixty (60) days nor less than seven (7) days prior to passage. Publication of the proposed ordinance amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included in the public notice:
 - 1. A copy of the full text shall be supplied to the newspaper of general circulation in the Township at the time the public notice is published.
 - 2. An attested copy of the proposed ordinance amendment shall be filed in the Beaver county law library at its fee imposed to cover the actual costs of storing said ordinance amendment.

- B. In the event substantial amendments are made in the proposed ordinance amendment, before voting upon enactment, the governing body shall, at least ten (10) days prior to enactment, re-advertise, in one (1) newspaper of general circulation in the municipality, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

- C. Subdivision and land development ordinance amendments may be incorporated into official ordinance books by reference with the same force and effect as if duly recorded therein.

ARTICLE XIII

ENFORCEMENT REMEDIES

Section 1300 ENFORCEMENT REMEDIES

- A. Any person, partnership or corporation who or which has violated the provisions of this South Beaver Township Subdivision and Land Development Ordinance, and all amendments thereto, enacted under Pennsylvania Municipalities Planning Code, Act No. 247 of 1968, as amended, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred (\$500.00) dollars plus all court costs, including reasonable attorney fees incurred by the Township 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 having jurisdiction. If the defendant neither pays nor timely appeals the judgment, the Township 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 the Ordinance to have believed that 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 a 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 Township of South Beaver the right to commence any action for enforcement pursuant to this Section.

ARTICLE XIV

PREVENTIVE REMEDIES

Section 1400 PREVENTIVE REMEDIES

- A. In addition to other remedies, the Township of South Beaver 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 Township of South Beaver may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to Act 247, Pennsylvania Municipalities Planning Code, as amended. 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 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. As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the 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.

ARTICLE XV

MISCELLANEOUS PROVISIONS

Section 1500 AFFIDAVITS, CERTIFICATES, APPROVAL FORMS/STATEMENTS TO BE INCLUDED ON FINAL PLAT PLANS

The affidavits, certificates, and approval forms to be inscribed on the final subdivision plat plan, which shall be properly signed and attested when the plan is submitted to the Planning Commission and the Township Board of Supervisors for final approval, shall include but are not limited to, an Owners Adoption Affidavit or Acknowledgment (individual, corporation, partnership or otherwise); Approval certificate for the Planning Commission and Board of Supervisors, the County Planning Commission (the latter which may be only a review certification at times); Surveyors Certification (or other professional as authorized by law to prepare same or assist in the preparation of same); Township Engineer's Approval; a Proof of Recording Statement for signing by the Beaver County Recorder of Deed's Office personnel, and if applicable, Owners Acceptance as to Stormwater Drainage Facilities. Said required affidavits, certificates and approval forms shall be substantially in accordance to the forms included in Appendix A to this Ordinance. Such additional affidavits, certificates, approval forms, waiver statements, as may be applicable to a subdivision or development plan by various laws and regulations, including but not limited to the Pennsylvania Sewage Facilities Act and regulations promulgated thereunder, may be required to also be placed on the final plat plan prior to and for recording of record. All such affidavits, certificates and other required statement forms shall be placed on final plat plan in an arrangement suitable for placement of all required seals.

Section 1501 DESIGN AND IMPROVEMENT STANDARDS

Any design of improvements, and the construction and completion of improvements required by this Ordinance, including but not limited to the improvements detailed in Article VI and Article VII of this Ordinance, shall substantially conform to the sample design details set forth and included in Appendix B to this Ordinance.

ARTICLE XVI

VALIDITY, SEVERABILITY, INTERPRETATION AND REPEALER

Section 1600 VALIDITY AND SEVERABILITY

- A. Should any section, clause, provision or portion of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect or impair the validity of this Ordinance as a whole, or any other section, clause, provision, portion or part thereof.
- B. It is hereby declared to be the intent of the Board of Supervisors of South Beaver Township, that this Ordinance would have been adopted by the Township had such invalid or unconstitutional provision not been included herein, and the remaining portions of this Ordinance shall remain in effect as though the portion declared invalid or unconstitutional had never been a part thereof.

Section 1601 REPEALER AND AMENDMENT OF PRIOR ORDINANCES

Upon this Ordinance becoming effective, Ordinance No.56 of South Beaver Township as previously amended by Ordinance No. 62 is hereby amended in its entirety, with the South Beaver Township Subdivision and Land Development Ordinance being as codified hereby and herein All other ordinances of the Township insofar as same may be inconsistent herewith are repealed to the extent and only insofar as same are inconsistent with the application of this Ordinance.

Section 1602 SOUTH BEAVER TOWNSHIP ZONING ORDINANCE

Nothing herein contained shall be interpreted to permit any waiver of the restriction or requirements of the South Beaver Township Zoning Ordinance, as now enacted or hereafter amended. Section 21.2 of the South Beaver Township Zoning Ordinance entitled "Interpretation, Purpose and Conflict" is here incorporated by reference.

APPENDIX A

OWNERS ADOPTION

Know All Men By These Presents, that (I or We) _____
(Name of Owner or Owners)

of the (City, Borough, Township) of _____, County of _____, State of _____, for (myself, ourselves), (my, our) heirs, executors, administrators and assigns, do hereby adopt this as (my, our) Plan of Subdivision of (my, our) property, situate in the Township of South Beaver, County of Beaver, Commonwealth of Pennsylvania, and for divers advantages accruing to (me, us), do hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, lands, rights-of-way, easements, 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, rights-of-way and easements by the Township of South Beaver, (I or We) _____
(Name of Owner or Owners)

hereby agree to and by these presents do release and forever discharge the Township of South Beaver, its successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways, and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon _____ (my, our) heirs, executors, administrators, assigns and _____
(Name of Owner or Owners)
purchasers of lots in this plan.

IN WITNESS WHEREOF, (I or We) hereunto set (my, our) hand(s) and seal(s) this _____ day of _____, A.D., 20_____.

ATTEST:

SEAL (Owner or Owners)

SEAL (Notary Public) (Owner or Owners)

My commission expires the _____ day of _____ A.D., 20_____.

The foregoing adoption and dedication is made by _____ with the full
(Name of Individual Owner or Owners)

understanding and agreement that the approval of the Township Board of 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.

(Notary Public) _____ SEAL
(Owner or Owners)

CORPORATION ADOPTION

KNOW ALL MEN BY THESE PRESENTS:

That _____, by virtue of a Resolution of its Board of Directors,

(Name of Corporation)

does hereby adopt this as its Plan of Subdivision of its property situate in the Township of South Beaver, County of Beaver, Commonwealth of Pennsylvania, and for divers advantages accruing to it, does hereby dedicate forever, for public use for highway, drainage, sewage and utility purposes, all drives, roads, streets, lands, rights-of-way, easements, 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, rights-of-way and easements by the Township of South Beaver, _____ hereby covenants and agrees to

(Name of Corporation)

and by these presents does release and forever discharge the Township of South Beaver, its successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public highways and other public uses and the physical grading thereof to any grades that may be established. This dedication and release shall be binding upon _____ its successors and assigns and purchasers of lots in

(Name of 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., 20 _____.

SEAL

(Name of Corporation)

ATTEST:

SEAL

(Secretary)

SEAL

(President)

The forgoing Adoption and Dedication is made by _____

(Name of Corporation)

with full understanding and agreement that the approval of the Township Board of 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, Court House, Beaver, Pennsylvania, within ninety (90) days of date of said approval.

SEAL

(Name of Corporation)

SEAL

(President)

CORPORATION ACKNOWLEDGEMENT

COMMONWEALTH OF PENNSYLVANIA}
} SS:
COUNTY OF BEAVER }

On this _____ day of _____ A.D., 20_____ before me, a Notary Public in and for said County and Commonwealth, personally appeared _____ (Name and Title of Officer) of _____ (Name of Corporation) who being duly sworn, deposes and

says 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 sign and sealed by and as for the act and deed of the said _____ (Name of Corporation) for the uses and

purposes therein mentioned, and that the name of this deponent subscribed to the said released and dedication as _____ (Title of Officer) of _____ (Name of Corporation)

in attestation of the due execution and delivery of said release and dedication of this deponent's own and proper and respective handwriting.

_____ SEAL
(Name of Officer)

(Title of Officer)

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

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ day of _____, A.D., 20_____.

_____ SEAL
(Notary Public)

My commission expires the _____ day of _____ A.D., 20_____.

OWNERS ACCEPTANCE OF RESPONSIBILITY FOR PROVIDED STORMWATER DRAINAGE FACILITIES AND CONTROL OF STORMWATER WATER DRAINAGE

Know All Men by These Presents, that (I, We) _____ of the Township of South Beaver, County of Beaver, Commonwealth of Pennsylvania for ourselves, our heirs, executors, administrators and assigns, and for our grantees and their subsequent purchasers, do hereby accept full and complete responsibility, liability, expense and provision of facilities for the control of stormwater drainage over, across and through this Subdivision of land until such time as (I or We), our heirs, executors, administrators and assigns construct stormwater drainage facilities in accordance with Township's specifications and requirements and the same is officially accepted by action of the Township Board of Supervisors, South Beaver Township, and until such formal acceptance (I or We) for ourselves, our heirs, executors, administrators, and assigns do hereby release the Township of South Beaver from any responsibility in connection therewith. This acceptance of responsibility shall be binding upon _____ our heirs, executors, administrators and assigns, and all purchasers of lots in this plan of subdivision.

IN WITNESS WHEREOF, WE HEREUNTO SET OUR HANDS AND SEALS THIS _____ day of _____, A.D., 20_____.

SEAL
(Owner or Owners)

SEAL
(Owner or Owners)

WITNESS MY HAND AND NOTARIAL SEAL THIS _____ day of _____, A.D., 20_____.

SEAL
(Notary Public)

My commission expires the _____ day of _____ A.D., 20_____.

TOWNSHIP PLANNING COMMISSION APPROVAL

This plat of subdivision has been approved by the Planning Commission of the Township of South Beaver, Beaver County, Commonwealth of Pennsylvania on this _____ day of _____, A.D. 20_____.

ATTEST:

(Secretary)

(Chairman)

APPROVAL BY TOWNSHIP OF SOUTH BEAVER

The Township Board of Supervisors of the Township of South Beaver, Beaver County, Pennsylvania, hereby gives public notice that it is approving this plan of subdivision for recording purposes only. The approval of this subdivision plat by the Township of South Beaver does not constitute an acceptance of the roads, streets, alleys, stormwater and sanitary sewage drainage facilities, easements or rights-of-way, water mains or any other services or improvements shown on this plan nor an assumption of maintenance responsibility, nor will the same be accepted or maintained until constructed in accordance with all Township specifications and requirements and officially accepted by action of the Township Board of Supervisors.

This plat of subdivision approved by resolution of the Township Board of Supervisors of the Township of South Beaver, Beaver County, Pennsylvania on this _____ day of _____, A.D. 20_____.

ATTEST:

(Secretary of Board of Supervisors)

(Chairman of Board of Supervisors)

SEAL:

BEAVER COUNTY PLANNING COMMISSION ACKNOWLEDGEMENT

FOR ONE (1) LOT SUBDIVISION

Reviewed with comments by the Beaver County Planning Commission. Letter to South Beaver Township Board of Supervisors dated _____, A.D., 20____.

_____ (SEAL)
(Executive Director)

FOR MULTI-LOT SUBDIVISION

Reviewed with comments by the Beaver County Planning Commission at a meeting held this _____ day of _____, A.D., 20____. Letter to South Beaver Township Board of Supervisors dated _____, A.D. 20____.

_____ (SEAL)
(Executive Director)

APPENDIX B

RD-01	Bituminous Wedge Curb
RD-02	Typical Street Section Collector Street
RD-03	Typical Street Section Local Residential Street
RD-04	Typical and Offset Cul-de-Sac (Residential)
RD-05	Paving Keyway
RD-06	Concrete Sidewalk
RD-07	Pavement Base Drain
RD-08	Bituminous Pavement Trench Restoration
SS-01	Storm Sewer Trench - Within R.O.W.
SS-02	Standard Type D-W Endwall/Headwall Detail
SS-02A	Standard Type D-W Endwall/Headwall Detail Notes
SS-03	Concrete Anchor
SS-04	Structural Steel Bicycle Safe Grate
SS-04A	Structural Steel Bicycle Safe Grate Notes
SS-05	Type 'M' Inlet
SS-05A	Type 'M' Inlet Notes
SS-05B	Type 'M' Inlet Frame
SS-06	Type 'C' Inlet
SS-07	Standard Manhole Frame and Cover
SS-08	Storm Manhole
SS-09	Modified Manhole
SS-10	Typical Ladder Bars for Inlet
SD-01	Residential Driveway Detail
SD-02	Tree Planting Detail
SD-03	Shrub Planting Detail
SD-04	Concrete Curb Flare Transition