

CHAPTER 22

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Part 1

General Provisions

§22-100. Title.

This Chapter shall be known and may be cited as the “Subdivision and Land Development Ordinance of Beaver Borough.”

(Ord. 754, 8/14/2007)

§22-101. Purposes.

The regulations in this Chapter are intended to:

- A. Promote, protect and facilitate any or all of the following: the public health, safety and the general welfare, coordinated and practical community development and proper density of population; emergency management preparedness and operations, the provisions of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, recreational facilities, public grounds, the provisions of a safe, reliable and adequate water supply for domestic, commercial, agricultural or industrial use, and other public requirements; as well as preservation of the natural, scenic and historic values of the environment.
- B. Prevent one or more of the following: overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood, panic or other dangers.
- C. Preserve the value of property within the Borough of Beaver.
- D. Protect the municipal tax base by preventing the decline of property values.
- E. Provide for the efficient and equitable processing of subdivision and land development plans by establishing uniform procedures and standards.

(Ord. 754, 8/14/2007)

§22-102. Interpretation.

The provisions of this Chapter shall be interpreted according to the following principles:

- A. Words used in the past or present tense shall include the future.

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- B. Words in the plural number shall include the singular, and words in the singular number shall include the plural.
- C. Words in the masculine gender shall include the feminine and the neuter.
- D. The words “shall” and “will” are always mandatory or imperative.
- E. The word “may” is permissive or discretionary where compliance is indicated.
- F. Words used in this Chapter which are not specifically defined in §22-201 shall have their common or ordinary meanings, as shown by a standard dictionary.
- G. When the words of a regulation are clear and free from ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit.

(Ord. 754, 8/14/2007)

§22-103. Subject Properties.

No subdivision or consolidation of any lot, tract or parcel of land shall be effected, no street, sanitary sewer, stormwater sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, no grading of the property shall be commenced, or for the common use of occupants of buildings abutting said improvements, except in strict accordance with these regulations.

(Ord. 754, 8/14/2007)

§22-104. Exclusions.

Land development that involves one of the following is hereby excluded from the regulations in this Chapter.

- A. The conversion of an existing single-family detached dwelling into not more than three residential units, unless intended as a condominium;
- B. The addition of an accessory building, including farm buildings, on a lot or lots when subordinate to an existing principal building

(Ord. 754, 8/14/2007)

§22-105. Compliance Required.

No new lot shall be created, or revisions to existing lot lines drawn, or land development commenced, and no lot in a subdivision or land development may be sold, no permit to erect alter or repair any structure or building upon land in a subdivision or land development shall be issued, and no building shall be erected in a subdivision or land development, or property grading commenced, unless and until a subdivision or land development plan has been approved by the Borough Council and recorded where required, and until the improvements therewith have either been constructed or guaranteed as hereinafter provided.

(Ord. 754, 8/14/2007)

§22-106. Zoning Ordinance Requirements.

Nothing herein contained shall be interpreted to permit any waiver of the restrictions or requirements of the Zoning Ordinance of Beaver Borough as now enacted or hereafter amended.¹

(Ord. 754, 8/14/2007)

§22-107. Severability.

The various provisions of this Chapter shall be severable from each other, so that if any provision is finally determined to be illegal or invalid, either generally or in a particular application, the efficacy of the remaining provisions shall not be impaired.

(Ord. 754, 8/14/2007)

¹ Editor's Note: See Chapter 27, Zoning.

Part 2

Definitions

§22-201. Words and Phrases.

Unless otherwise expressly stated, the following words or phrases shall, as used in this Chapter, have the meaning here indicated. Words or terms used but not defined in this Chapter shall have the same meaning as stated in the Pennsylvania Municipalities Planning Code or the Zoning Ordinance of Beaver Borough.

ACCESSORY BUILDING — a subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

ALLEY — a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

AMUSEMENT PARK — a tract of land or an area used principally as the location for permanent amusement structure or rides.

ANCHOR EASEMENT — an area of land identified by a utility as needed for the location of an anchor for the attachment of guide wires, support cables or other support structures.

APPLICANT — a landowner or developer, as hereafter defined, who has filed an application for development, including his heirs, successors and assigns.

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

AS-BUILT PLANS (constructed improvements plan) — 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 SANITARY SEWER — a municipal sanitary sewer is considered available if:

- A. Connection is required in the regulations of the Borough or any municipal authority with jurisdiction in the Borough; or
- B. Connection is required by the regulations of the Pennsylvania Department of Environmental Protection pursuant to the “Pennsylvania Sewage Facilities Act.”

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AVAILABLE PUBLIC WATER — a municipal public water system is considered available if connection is recommended and/or required in the regulations of the Borough or any municipal authority with jurisdiction in the Borough.

BLOCK — an area bounded by streets.

BOROUGH — the Borough of Beaver, Beaver County, Pennsylvania.

BOROUGH ENGINEER — a registered professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for the Borough, or its Planning Commission.

BUILDING — a roofed structure covering a space which shall be considered an “enclosed” building if all exterior walls are solid except for fixed, closed or operable windows and doors.

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.

BUILDING LINE — a line describing the extent of the area in a building lot within which construction can occur. The setback distance from front, side and rear property lines determine the building line.

CARTWAY — that portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one edge of driving surface to the other edge of driving surface.

CLEAR-SIGHT TRIANGLE — the triangular area formed by two intersecting street center lines and a line interconnecting points established on each center line, 75 feet from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established 3 1/2 feet in elevation from grade level at the intersection of the street center line.

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

CONTOUR — a line, which joins all points of equal elevation on the ground.

CORNER LOT — a property which abuts two or more intersecting public streets from each of which buildings on the property must be set back the normal front yard distance for the zoning district in which such property is located.

COUNCIL — the Council of the Borough of Beaver.

COVENANT — an obligation, usually stated in the deed, defined by law or agreement, the violation of which can be restrained by court action.

CUL-DE-SAC STREET — a street or road with one end open to traffic and pedestrian access and permanently terminated at the other end by a vehicular turnaround. A cul-de-sac is the vehicular turnaround at the end of a cul-de-sac street.

DECISION — final adjudication of any board or other body granted jurisdiction under any land use ordinance or this act to do so, either by reason of the grant of exclusive jurisdiction or by reason of appeals from determinations. All decisions shall be appealable to the Court of Common Pleas of the county and judicial district wherein the municipality lies.

DETERMINATION — final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder, except the following:

- A. Borough Council.
- B. The Zoning Hearing Board.
- C. The Planning Commission, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under the subdivision and land development ordinance or planned residential development provisions. Determinations shall be appealable only to the boards designated as having jurisdiction for such appeal.

DEVELOPER — any landowner, agent of such landowner or tenant with the permission of such landowner, who makes or causes to be made a subdivision of land or a land development.

DRIVEWAY, COMMON — an improved vehicular access facility serving a maximum of two parcels or lots which may be under separate or common ownership which connects the parcels and provides access to a public street. All subdivision and land development applicants proposing to create a common driveway shall submit a common driveway maintenance agreement for approval prior to plan approval. Said maintenance agreement shall be recorded with the plat.

DRIVEWAY, MULTIPLE ACCESS — an improved vehicular access facility serving three or more parcels or lots shall be considered a private street and shall comply with the design and construction requirements for a private street. (See “street, private.”) All subdivision and land development applicants proposing to create a multiple access driveway shall submit a multiple access driveway maintenance agreement for approval prior to plan approval and shall comply with the requirements of §22-700, Performance Requirements, §22-701, Performance Guarantees, and §22-702, Release from Improvement Bond.

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DRIVEWAY, PRIVATE — a vehicular access improved by placement of a compacted, dustless surface serving only one parcel or lot which connects and provides access to a public street but which does not provide access to any other lot or parcel under separate ownership.

EASEMENT — a right-of-way granted across private property generally for public utility lines or for access to other properties beyond, passage over which is guaranteed by the grantor to those using the easement.

ELEVATION — a point or series of points (see “contour”) which are a known vertical distance above or below a predetermined elevation datum. The elevation datum shall be referenced to mean sea level, provided that the site is located within 1,000 feet (via streets) of a valid benchmark referenced to mean sea level.

ENGINEER — see Borough Engineer.

FLAG LOT — an interior lot located to the rear of another lot, but with a narrow portion thereof (the “flagpole”) extending to a public street to provide access. The front lot line of a flag lot is that line parallel to the street from which access is gained, located at the end of the flagpole.

FLOODPLAIN, FLOOD HAZARD AREA, FLOOD-PRONE AREA — a land area adjoining a river, stream, water body, or watercourse which may periodically flood as established by the United States Federal Emergency Management Agency.

HOMEOWNER’S ASSOCIATION — an organization of property owners of lots in individual residential developments responsible for the maintenance of common open space in each plan and the payment of taxes on that land classified as commonly owned open space.

IMPROVEMENTS — those physical changes to the land necessary to produce usable and desirable lots from undeveloped raw acreage, including but not limited to grading, paving, curb, gutter, stormwater sewers, individual sanitary sewage system, improvements to existing watercourses, sidewalks, crosswalks, street signs, monuments, water supply and water distribution systems and facilities, sanitary sewers, sanitary sewerage collection systems and sanitary sewage treatment plant facilities.

INSPECTOR — an authorized representative of the Borough Council assigned to make any or all on site inspection of work performed and materials furnished by the developer or his agents.

LAND DEVELOPMENT — any of the following activities:

- A. The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:

1. A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenants; or
 2. The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leasehold, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development other than those activities specified as exclusions in §22-104 of this Chapter.

LOT — a designated tract, parcel or area of land established by a plat for ownership, development, use or improvement, whether immediate or future.

LOT AREA — the area of a horizontal plane measured at grade and bounded by the front, side and rear lot lines.

LOT, CORNER — see “corner lot.”

LOT DEPTH — the average horizontal distance between the front and rear lot lines.

LOT, INTERIOR — a lot other than a corner lot.

LOT LINES — the boundary line describing the limits of a property and separating it from adjacent properties or a public street or way.

LOT WIDTH — the average horizontal distance across the lot between the side lot lines, measured at the building line.

MODIFICATION — a grant by the Council upon recommendation of the Planning Commission allowing a developer to deviate from the regulations normally in force on his property because unusual conditions not created by the developer are present making development extremely difficult, and the deviation if permitted will not downgrade the neighborhood and will be the minimum affording him relief.

MONUMENT — a permanent precise indication, established by a registered surveyor, of points at changes of direction in the boundary of a subdivision or development plan, or at points of change of direction in street rights-of-way within or on the boundary of the plan.

OCCUPANTS — the individual, individuals, or entity in actual possession of a premises.

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OPEN SPACE — an unoccupied space open to the sky on the same lot with the building or on the same tract of land upon which building lots are recorded.

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 Chapter.

PARKING SPACE — an off-street space having dimensions of nine feet in width and 18 feet in depth and an area of not less than 162 square feet, whether inside or outside of a structure, for the temporary standing of an automotive vehicle to be used exclusively as a parking stall for one automotive vehicle plus additional area based on the minimum aisle width used exclusively for turning and access to the parking space.

PATIO — a paved, at-grade open area without a permanent covering, at grade level.

PLANNING COMMISSION — the duly constituted Planning Commission of the Borough of Beaver.

PLAT — the map or plan of a subdivision or land development.

PLAT, PRELIMINARY — a tentative subdivision plat, in lesser detail than a final plat, showing approximate locations of proposed streets and lot layouts on a topographic map as a basis for consideration prior to preparation of a final plat.

PLAT, FINAL — a complete and exact subdivision plat, prepared for official recording as required by statute, to define property rights and proposed streets and other improvements.

PORCH (also “deck”) — an attachment to the exterior of a principal residential use or structure primarily used for private recreation. This attachment is considered a part of the principal structure for the purpose of determining a minimum setback.

PUBLIC HEARING — in accordance with applicable State law.

PUBLIC MEETING — in accordance with applicable State law.

PUBLIC NOTICE — in accordance with applicable State law.

PUBLICATION 408 — the Pennsylvania Department of Transportation Publication 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication #408.

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

REPORT — any letter, review, memorandum, compilation or similar writing made by any body, board, officer or consultant other than a solicitor to any other body, board, officer or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body or agency, nor shall any appeal lie therefrom. Any report used, received or considered by the body, board, officer or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

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

REVERSE FRONTAGE LOT — a lot extending between and having frontage on a major or minor collector or arterial street and a local street, and with vehicular access solely from the local street.

RIGHT-OF-WAY — land reserved for use as a street, alley, interior walk, or other public purpose.

SEWER SERVICE — in accordance with the Rules and Regulations of the Beaver Borough Municipal Authority.

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.

SIGHT DISTANCE — the maximum extent of unobstructed vision (in a horizontal or vertical plane) along a street from a vehicle located at any given point on the street. The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye height of 3.5 feet above the pavement and a height of an object of 0.5 feet.

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

STREET CLASSIFICATIONS — the following street classifications shall apply to streets in the Borough of Beaver and shall be applied as defined in the Comprehensive Plan for the Borough of Beaver, Beaver County, Pennsylvania:

- A. **Arterial.** Arterials accommodate intercommunity traffic flow and afford connections to other communities or secondary regional traffic generators with direct access to adjoining property being a secondary function. The average length of trip of such highway normally exceeds three miles.

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- B. Collector. These roads serve to funnel traffic onto arterials and to provide linkage on an intercommunity basis. Providing access to properties abutting a collector street is likewise a secondary function. The primary function of a collector street is to accept the traffic generated on local streets with which they may be interlinked.
- C. Local. Such roadways are intended primarily to serve properties fronting on their right-of-way. These roads generally do not carry major traffic volumes since their function is to serve that traffic generated from the residential properties.

STREET, PRIVATE — a street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A “private street” which provides access to three or more lots or parcels which do not have access to a public street shall be considered as access to a public street. (See also “driveway, private,” “driveway, common” and “driveway, multiple access”) Design standards for private streets shall comply with the requirements of Part 5 herein and improvements shall comply with the standards of Part 6 herein. The performance standards in §22-700, the performance guarantees in §22-701, and the release from improvement bond provisions in §22-702 shall apply to all developments proposing to install a private street.

STREET, PUBLIC — a street, including the entire public right-of-way, which has been dedicated to and accepted by the Borough or which has been devoted to public use by legal mapping, use or other means.

STRUCTURE — anything constructed or erected, the use of which requires a fixed location on the ground or an attachment to something having a fixed location on the ground, including, in addition to buildings, billboards, fences, carports, porches, swimming pools, signs and other building features but not including sidewalks, drives and patios.

SUBDIVISION — the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land, including changes in existing lot lines for the purpose whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted.

SUBSTANTIALLY COMPLETED — when, in the judgment of the Borough Engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to §22-701 of this Chapter) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

TOPOGRAPHIC MAP — a map showing ground elevations by contour lines and the location of important, natural and man-made features.

WATERCOURSE — the word “watercourse” shall include all existing channels, creeks, ditches, drains, dry runs, springs and streams, also all proposed channels, ditches, drains and drainage facilities.

WATER SERVICE — in accordance with the Rules and Regulations of the Borough or the Beaver Borough Municipal Authority.

WETLANDS — those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions as defined and regulated by the U.S. Environmental Protection Agency (EPA), U.S. Army Corps of Engineers (COE), and the Pennsylvania Department of Environmental Protection (DEP).

ZONING ORDINANCE — the officially adopted Zoning Ordinance of Beaver Borough and all subsequent amendments thereto.²

ZONING OFFICER — the individual authorized by the Borough to be the administrator of the daily application of the provisions contained in the Zoning Ordinance. The Zoning Officer shall hold no elective office, have a working knowledge of zoning and meet the qualifications established for the position by the Council.

(Ord. 754, 8/14/2007)

² Editor’s Note: See Chapter 27, Zoning.

Part 3

Application and Plat Requirements

§22-300. Procedure.

The plat requirements and application procedures shall be followed by developers as set forth herein and shall be submitted to the Planning Commission for review prior to consideration by the Council.

(Ord. 754, 8/14/2007)

§22-301. Preapplication.

Prior to the filing of an application for approval of a preliminary subdivision plat, the applicant shall submit the following plans and data to the Planning Commission.

- A. General Information. Including a narrative describing activities proposed, existing covenants, land characteristics, community facilities and utilities, the number of lots and sizes, business areas, open space or recreation, utilities and street improvements.
- B. Location Map. This map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it the location of those facilities, a title, the scale of the map and a north arrow.
- C. Sketch Plan. Sketch plan at a scale of one inch equals 100 feet or larger shall show in simple sketch form the proposed layout of streets, lots and other features in relation to existing conditions and shall include the following:
 - 1) The name of the proposed subdivision.
 - 2) Name and address of the applicant.
 - 3) Name of the property owner or owners.
 - 4) North point, scale and date.
 - 5) Name and telephone number of the registered professional engineer, registered land surveyor, landscape architect, or other qualified person responsible for preparation of the map.
 - 6) Tract boundaries with bearings and distances.

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- 7) Approximate location of watercourses, tree masses, rock outcroppings, existing buildings, and the actual location of sanitary sewers, storm sewers and inlets, water mains, easements, fire hydrants, railroads, existing or confirmed street rights-of-way and their established grades.
 - 8) Zoning district in which property is located.
- D. Review. After review and discussion with the applicant, the Planning Commission shall indicate the suitability of the plan for development into a preliminary plat.

(Ord. 754, 8/14/2007)

§22-302. Preliminary Plat.

- A. Preliminary Plat Application. The applicant shall prepare and submit to the Borough Office at least 15 days prior to the regular monthly meeting of the Planning Commission, eight copies of the preliminary plats of the total land to be ultimately developed, for review by the Planning Commission according to the requirements and standards contained herein. Upon receipt of a complete application plat, the Borough office shall forward a copy to the Borough Engineer and the Beaver County Planning Commission for review and recommendation. Comments to be submitted back to the Borough of Beaver within 30 days of receipt of the preliminary plat application submitted.
- B. Application Fee. At the time of filing an application for preliminary plat approval the applicant shall pay to the Borough a fee set by resolution of Council to defray the cost of processing of such plat approval applications and for payment to consultants hired by the Borough to conduct reviews of said applications.
- C. Specifications for Preliminary Plan. The preliminary plat shall be drawn at a scale of 100 feet to the inch or greater and shall show or be accompanied by the following information. All information required shall be supplied to the extent and in the manner required by the Borough Engineer:
 1. Material required in §22-301 unless otherwise exempt.
 2. Names and addresses of the owner or owners of the property.
 3. Name of the subdivision to be recorded.
 4. North point, scale and date.

5. Name of the registered professional engineer or the professional land surveyor who surveyed the property and prepared the plat.
6. Contours at vertical intervals of two 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.
7. Datum to which contour elevations refer. Where reasonably practicable, data shall refer to known, established elevations.
8. Show all existing watercourses, wetlands, banks, tree masses, and other significant natural features.
9. Identify any floodplain, flood hazard area, or flood-prone area as established by the Federal Emergency Management Agency.
10. Show location and size of all existing buildings, location, size and invert elevation of all sanitary and stormwater 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 petroleum products lines, and other significant man-made features.
11. 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.
12. All existing property lines, easements and rights-of-way and the purpose for which the easements or rights-of-way have been established.
13. Location and width of all proposed streets, alleys, rights-of-way and easements, proposed lot lines with approximate dimensions, proposed minimum set back on public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use.
14. The preliminary plat shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.
15. Where the preliminary plat covers only a part of the applicant's entire holding, a sketch shall be submitted of the prospective street and lot layout of the remainder of the land.
16. A plan of the proposed public water distribution system for review and approval by the appropriate authority or a plan showing the location of individual wells in accordance with the requirements of the Pennsylvania Sewage Facilities Act (Act 537), as amended.

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17. A plan of the proposed sanitary sewer collection system or treatment facilities when proposed will be required for review and approval of the appropriate authority.
18. Where on-lot sewage disposal systems are proposed, the applicant or owner 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), as amended.
19. Preliminary plat shall identify the zoning district in which the property is located and show the zoning boundaries, if any, that traverse or are within 300 feet of the area covered by the plan.
20. Preliminary plat shall show such street extensions or spurs as are reasonably necessary to provide adequate street connections and facilities to adjoining or contiguous developed or undeveloped areas.
21. Subsurface condition (whether undermined, etc.) of the tract to be subdivided or proposed to be developed.
22. Profiles showing existing ground and proposed street center line grades.
23. Typical cross section of roadways showing cartways, water, sanitary and stormwater sewers, gas, electric and telephone utilities, and sidewalks.
24. The applicant shall provide such additional information as may be required by the Planning Commission, Council, Borough Engineer, Zoning Officer, or Sewage Enforcement Officer in order to more fully evaluate the proposed subdivision and its effect on adjacent property or the Borough as a whole.
25. A utility plan showing the location and size of the proposed gas, electric, telephone and cable television systems with written approval from the appropriate utility company.
26. A grading plan as per §22-611 of this Chapter.
27. A plan, calculations and narrative for the collection, management and discharge of all stormwater. The applicant 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 in accordance with Borough policy, guidelines and the Pennsylvania Stormwater Management Act.

28. The preliminary plan shall identify the location of any proposed active or passive recreational facilities.

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

1. A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.
2. Typical street cross-section drawings for all proposed streets.
3. A written report from the municipal water and sewer authority on the availability and capacity of public water and sewer service to proposed development.
4. If connection to a public water or sewage system is not proposed, a report shall be submitted, prepared in accordance with the requirements and procedures of the Pennsylvania Department of Environmental Protection, as to how these utilities are proposed to be furnished.

E. **Planning Commission Review and Action on Preliminary Subdivision Applications.**

1. The Planning Commission shall review the Preliminary Plats and prepare a written report for the Council. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action. No report or recommendation shall be prepared prior to receipt of the County Planning Commission's comments or the expiration of the thirty-day time period granted for County reviews.
2. Prior to preparation of the written report, the Planning Commission may schedule a public meeting, advertised in accordance with the provisions of the Open Meetings and Records Act, which is mutually convenient to the applicant and the Planning Commission for consideration of the preliminary plat. If within 30 days of receipt of a complete preliminary plat application, a mutually convenient date for such meeting cannot be established with the applicant, consideration of the preliminary plat shall be conducted at the next regularly scheduled meeting of the Planning Commission.
3. At the Planning Commission meeting when considering the preliminary plats, the applicant 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 Council.

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- F. Action of Borough Council. The Council shall render its decision on the preliminary plat and communicate such decision to the applicant not later than 90 days following the date of the regular Planning Commission meeting next following the date the application is filed.
1. The decision of the Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
 2. 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 ordinance relied upon.
 3. Failure of the Council to render a decision and communicate it to the applicant within the time and in the manner required herein after receipt of all information necessary to render such opinion as required under §22-302 shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
 4. Failure on the part of the applicant to supply all data necessary for review and recommendation as required under this Section shall constitute an incomplete application, and as such shall not delay or circumvent time constraints imposed elsewhere in this Section.
- G. Nature of Approval. Approval of a preliminary plat shall not constitute approval of a final plat, unless said preliminary plat consists of a maximum of three new parcels or lots intended for development as residential uses, in which case preliminary plat approval may act as final plat approval where the Council and the Borough Engineer find that further review is not required. The provisions of §22-304 shall apply to any such application herein described. In all other cases, preliminary plat approval shall be an expression of approval of the layout submitted on the preliminary plat as a guide to the preparation of the final plat. Granting of preliminary approval shall not qualify a plat for recording, not authorize development or the issuing of any building permit, except as herein specified.

Where due to the nature of an application for subdivision approval, the Planning Commission at its sole discretion may consolidate the review processes for both preliminary plat approval, §22-302, and final plat approval, §22-303. Information required in §22-303 shall be submitted for review and consideration for such consolidated applications in accordance with the time limits established in that Section.

(Ord. 754, 8/14/2007)

§22-303. Final Plat.

- A. Final Plat Application. Upon approval of the preliminary plat, the developer shall submit a complete application for approval of a final plat. The application shall be submitted to the Borough Office 15 days prior to a regular meeting of the Planning Commission and shall include eight copies of the final plat. At the same time, the developer shall submit the final plat to the Beaver County Planning Commission for its review and recommendation thereon.

- B. Specifications for Final Plan. For any subdivision requiring final approval, the plats submitted 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.
 - 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 future development or which limits any existing development.
 - 3. Plats shall be drawn and submitted on reproducible mylar or submitted on a linen duplication reproducible tracing cloth.
 - 4. Plats shall be drawn and submitted with all information presented in the manner and to the extent required in the "Borough of Beaver Standard Drawings and Specifications for Construction."³
 - 5. Plats shall be on sheets not larger than 24 inches by 36 inches overall. It is recommended that as far as practicable final plat sheets be held to an overall size of either 24 inches by 36 inches or 18 inches by 24 inches. There shall be a border of 1/2 inch on all sides except the binding end which shall be 1 1/2 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final plats shall be drawn in two or more sections accompanied by a key diagram showing relative location of the section.
 - 6. Plats 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.

³ Editor's Note: The Standard Drawings and Specifications for Construction are on file in the Borough offices.

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7. Plats shall be drawn to a scale of 100 feet to the inch or larger; more than one sheet may be used for larger tracts and shall be indexed.
 8. Plats 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 of the recorded owner and applicant.
 - b. Municipality in which the subdivision is located.
 - c. Name, address and seal of the registered professional land surveyor preparing the plat.
 - d. Certificate of ownership, including name of owner of record, deed book volume, date of instrument and date of recording.
 9. Beyond the boundary lines of the proposed subdivision plan all final plats submitted shall be drawn according to the following:
 - a. Streets and other ways, with medium solid lines.
 - b. Property lines of adjacent subdivision, with medium dashed and two dotted lines.
 - c. Lot boundary line with light dotted lines.
 - d. Restriction lines, easements, etc., with light dashed lines.
 10. Within the subdivision boundary lines all final plats shall be drawn according to the following:
 - a. Streets or ways with heavy solid lines.
 - b. Perimeter property lines of subdivision plan with heavy dashed and two dotted lines.
 - c. Lot lines with medium solid lines.
 - d. Restriction of building lines with medium dashed lines.
 - e. Easement lines or other reserved areas with light dotted lines.
- C. Application Fee. At the time of filing of the application for approval of final plats, the applicant shall pay to the Borough a fee set by resolution of Council to defray the cost of processing such plat approval applications, and drafting same on the official map of the Borough, and for payment to consultants hired by the Borough to conduct reviews of said applications.

- D. All final plats submitted shall show 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 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. The error of closure for all descriptions subject to approval shall not exceed one foot in 10,000 feet.
 3. Profile sheets of all proposed streets and improvements with the following information:
 - a. Existing and finished profile along center line of proposed street.
 - b. Finished grade at fifty-foot stations located along the center line 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.
 4. Name and right-of-way width of each street or right-of-way.
 5. Location, dimensions and purpose of all easements in or across the subdivision plat.
 6. Number to identify each lot, tract or parcel of land.
 7. Purpose for which sites other than residential are to be dedicated.
 8. Building set back line on all lots and parcels.
 9. Location and description of survey monuments.
 10. Names of recorded owners of adjoining plotted or unplotted land.

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11. Certification of registered professional engineer or professional land surveyor who prepared the plat certifying to the accuracy of the survey and plat.
 12. Attestation by the applicant stating that the applicant is the owner of the tract or land proposed to be subdivided.
 13. Statement by the owner dedicating the streets, or other rights-of-way, easements or any area proposed for public use.
 14. A plan for the control of erosion and sedimentation for review by the Beaver County Conservation District office, as required by the Pennsylvania Clean Streams Act or Chapter 102, Erosion Control of the rules and regulations of the Pennsylvania Department of Environmental Protection.
 15. 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.
 16. Such other certificates, bonds, affidavits, endorsements or dedication as may be required in the enforcement of this Chapter.
 17. North point, scale and date.
 18. Approvals required by County, State or Federal agencies with jurisdiction.
- E. Planning Commission Review and Action on Final Subdivision Applications.
1. The Planning Commission shall review the final plats and prepare a written report for the Council. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action.
 2. Prior to finalization of the written report, the Planning Commission may schedule a public meeting, advertised in accordance with the provisions of the Open Meetings and Records Act, which is mutually convenient to the applicant and the Planning Commission for consideration of the final plat. If within 30 days of receipt of the final plat, a mutually convenient date for such meeting cannot be established with the applicant, consideration at the final plat shall be conducted at the next regularly scheduled meeting of the Planning Commission.

3. Mediation may be offered as 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.
 4. At the Planning Commission meeting when considering the final plat, the applicant 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 Council.
- F. Action of the Borough Council. The Council shall render its decision on the final plat and communicate its decision to the applicant not later than 90 days following the date of the regular Planning Commission meeting next following the date the application is filed.
1. The decision of the Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision within the ninety-day review period.
 2. When the application is not approved as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
 3. Failure of the Council 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 or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended communication shall have like effect.
 4. From the time an application for approval of a final plat is duly filed as provided in this Chapter, 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 applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. 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 applicant, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the

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terms of such approval within five years from the date of such approval. Where final approval is preceded by preliminary approval, the five-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.

5. Before acting on any subdivision plat, the governing body or the planning agency, as the case may be, may hold a public hearing thereon after public notice.

(Ord. 754, 8/14/2007)

§22-304. Small Residential Subdivisions.

Plans and data involving subdivisions of three residentially zoned lots or less shall include but not be limited to the following:

- A. The provisions of §§22-301 and 22-303 may be waived for subdivisions of three residentially zoned lots or less if no new street construction or openings are required, no wetlands are disturbed, and no unusual physiographic or topographic conditions exist. The requirements of §22-302 for preliminary plats shall be applicable. The Planning Commission shall have a period of 30 days within which to determine if a duly filed application for plat approval may be considered for final approval under this Section and make recommendations to the Council. Action by the Council shall be in accordance with §22-303, Subsection F.

(Ord. 754, 8/14/2007)

§22-305. Resubdivision or Replatting.

The amendment, alteration or revision of a previously approved plat, or the combination or recombination of lots or portions of previously plotted lots, where the resultant lots are increased in street frontage and total area size, which meets or exceeds the standards of this Chapter and the previously approved final plats, shall subject the replatted subdivision to the procedures and regulations heretofore described, except as they may be modified on application at the sole discretion of the Planning Commission and approved by the Council.

(Ord. 754, 8/14/2007)

§22-306. Recording of Plats.

- A. Upon approval of a final plat or land development plan, the developer shall deliver to the Borough offices the following plats and documents for Borough signatures:
 - 1. One original linen or mylar and two duplicate mylars and six prints.
 - 2. Four sets of prints of the final construction drawings and supporting documents.
 - 3. Executed developer's agreement meeting the requirements of §22-700, Performance Requirements, and of §22-701, Performance Guarantees, of this Chapter.
- B. Upon recording of plats and homeowners association documents, the applicant or developer shall apprise the Borough of the official filing date as well as the appropriate recording reference data and make available one duplicate mylar plat and one set of approved construction drawings plus a copy of the homeowners association documents.
- C. Streets, parks and other public improvements shown on a subdivision or land development plan to be recorded may be offered for dedication to the Borough by formal notation thereof on the plan, or the owner may note on such plan that any improvements have not been offered for dedication to the Borough.
- D. Every street, park or other improvement shown on a subdivision or land development plan shall be deemed to be a private street, park or improvement until such time as the same shall have been offered for dedication to the Borough and accepted by ordinance or resolution, or until it shall have been condemned for use as a public street, park or other improvement.
- E. An as-built or constructed improvements plan shall be prepared for any single nonresidential land development whether occurring on one lot or on a combination of parcels under single ownership and phased over a period of years and shall be recorded with Beaver County following completion of all contemplated improvements structures. One mylar drawing shall be submitted to the Beaver County Recorder of Deeds and two paper copies filed with the Borough.

(Ord. 754, 8/14/2007)

§22-307. Land Development Plan Review.

- A. Land Development Plan Review Criteria. Any developer or owner of property in Beaver Borough who proposes to construct a new nonresidential

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building, to enlarge an existing nonresidential building within the parameters established in the Beaver Borough Zoning Ordinance or to develop a parcel except for the construction of a single-family dwelling, where permitted, shall provide the Planning Commission with 20 copies of plans as described in this Part. Where an owner or developer proposes to enlarge or relocate parking areas, access drives, or to erect signs or other permanent features or improvements, on a lot or tract of land, he shall provide the Planning Commission with 20 copies of site plans with supporting drawings to sufficiently illustrate his proposal.

- B. Conditional Use. If a developer or owner proposes a use listed as a conditional use in the Beaver Borough Zoning Ordinance, which requires that a public hearing be held by the Council, he shall first or simultaneously receive approval of his proposal as required by the Borough's Zoning Ordinance, before proceeding to satisfy the requirements of this Part.
- C. Procedure for Consideration and Approval.
 - 1. The developer or owner shall submit the required plans to the Borough Office for distribution to the Planning Commission and Council for action within the prescribed time requirements.
 - 2. At its next regularly scheduled meeting following the submission of plans, the Planning Commission shall begin a review of said plans for conformity with this Chapter; the physical appearance and arrangement of the structures on the property; vehicular access and circulation into and within the property; parking layout; pedestrian walks; likely points of congestion or other dangerous conditions that may be created by the proposed development on adjacent roads; stormwater drainage systems, signs, outdoor lighting, landscaping and other features of the proposal that may be pertinent to the public health and safety. Said ninety-day review period shall commence on the date of the Planning Commission meeting after which a complete application was received, so long as the date of the Planning Commission meeting is within 30 days after receipt of the complete plan. Should the next regular meeting occur more than 30 days following the filing of the application, said ninety-day period shall be measured from the 30th day following the date the complete application was filed. The developer or owner is urged to attend this meeting.
 - 3. The Planning Commission may recommend approval, approval with conditions, or rejection of the land development proposal as presented. The developer or owner may make revisions as suggested by the Planning Commission and resubmit plans to the Borough for reconsideration. Where the reconsideration and review will extend beyond the ninety-day period authorized, the Planning Commission or Council may request an extension of time from the applicant. Where no extension is granted, action shall be taken as prescribed.

4. Immediately after the Planning Commission has made its recommendation or after the developer or owner proposes no further revisions, the plans shall be submitted to the Council, which shall review them at its next regular meeting along with the Planning Commission's recommendations. The Council shall approve or reject the plan or may approve it with conditions, which shall be attached to any permit issued for any construction on the property, within the ninety-day review period authorized. The decision shall be in writing and shall be communicated to the applicant personally or mailed no later than 15 days following the date of the decision.
5. After final approval by the Council, no changes shall be made in a plan unless changes are first reviewed and approved by the Planning Commission and resubmitted for approval by Council. A change in scheduling or sequence in the development of a plan to be carried out over a time period and approved on this basis shall require review and approval as for any other change or phases of development.
6. Separate building permits shall be required for each building to be erected as part of an approved group of buildings regardless of the proposed timing of the construction of each. Site development work, including but not limited to paving, stormwater drainage or staged release structures and landscaping, shall be included as part of the work covered under the building permit and subject to the same completion requirements as for the building. (Earth disturbance activities and stormwater management, and design standards for said facilities shall be in compliance with Part 6.)
7. At least 10% of the gross area of any property to be developed shall be landscaped per recommendation of the Planning Commission and approval of Council. Not less than 5% of the total property area shall be landscaped in that portion lying between the principal structure on the property and the abutting street right-of-way. Landscaping may include any or all of the following elements: grassed areas, shrubbery, low trees, ground cover, mulching materials, or other features, and shall be maintained. Submitted drawings shall clearly show all landscaping elements by type and location. This requirement shall not apply in the C-1 Business District.
8. To the extent possible, parking and truck loading areas shall be arranged to be hidden from view from adjacent residential areas, or screened from view by use of appropriate landscaping materials, fencing or earth mounding, or any combination of these.
9. All exterior pole-mounted lighting shall be designed and constructed utilizing sharp cut-off luminaries and no spillover illumination shall exceed three footcandles per square foot of surface, on average.

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D. Contents of Land Development Plan Submission.

1. The land development plan shall consist of 20 prints at a scale not smaller than one inch equals 50 feet. A location map at a scale of not less than one inch equals 2,000 feet shall also be provided, on the same sheet if desired, indicating the site in relation to major roads and major landmarks in the vicinity.
2. The land development plan shall contain at least the following information as prepared by a registered professional engineer, registered land surveyor or registered architect, unless otherwise specified. Additional information may be required by the Planning Commission at its discretion:
 - a. Bearings and distances of all property lines and area of property in square feet as prepared by a registered professional engineer or registered land surveyor.
 - b. Location of adjacent street or road curbs or edge of paving and existing and proposed curb cuts.
 - c. Public sanitary sewer, public water supply, stormwater management, gas, electric, telephone, television and cable and other utility lines overhead or underground, existing and proposed, in street rights-of-way or in easements, inside the property or within 50 feet of a lot boundary line.
 - d. Existing contours, slopes in excess of 25% and proposed regrading at two-foot intervals or spot elevations 50 feet apart in two directions over the property where there are less than four-percent slopes.
 - e. Location, height and use of all existing structures to remain and new structures proposed, with structures to be removed shown by a dotted outline.
 - f. Distances between all proposed structures or additions and property lines.
 - g. Paving, including access drives from adjacent streets and parking and loading areas on the property, showing treatment of edges, parking layout with dimensions of aisles and spaces, number of spaces, pedestrian walkways, proposed sloping of surfaces to storm drainage system, and devices to retard stormwater drainage.
 - h. Areas with mature trees or forests as defined herein.

- i. Proposed landscaping by type of feature (tree, shrub, ground cover, etc.), as well as walls, fences, outdoor lighting, and planted mounds where proposed.
- j. Proposed signs showing an elevation view and indicating the height to the top of the sign above the ground elevation below, and dimensions of sign faces and distances from property lines.
- k. Areas subject to soil erosion, landslide prone soils, natural watercourses or drainageways, and wetlands.
- l. Elevation of each wall of each proposed structure showing architectural treatment, or, optionally, a rendered perspective drawing of a structure showing two walls, at least one facing the access street.
- m. The name and address of the owner, developer, engineer and architect (if involved) with the Pennsylvania seals of the professional preparing the surveys and drawings, together with verification from the owner, if not the developer, that he concurs with the plan.
- n. North arrow, graphic scale, title and date of submission.
- o. A narrative describing the present and proposed use of the property.
- p. A traffic impact study shall be required if the proposed use or uses generates 50 a.m. or p.m. peak hour trips or more.
- q. Environmental impact statements as specified in §22-307E below.
- r. 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 future development or which limits any existing development.

E. Environmental Impact Statement.

- 1. Environmental Impact Statement Requirements. Where a combination of two or more of the following site characteristics are present, the Planning Commission may recommend to Council that an environmental impact statement be submitted as part of the application. Where indicated, all information submitted shall comply with standards established by the Pennsylvania Department of Environmental

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Protection, and shall be received by the Council at least 10 days prior to a scheduled review meeting.

- a. Construction activity in undermined areas with less than 100 feet of overburden, as designated by the Bureau of Mine Reclamation.
 - b. Construction activity or encroachment involving a natural stream, watercourse or wetland.
 - c. Construction activity within a landslide-prone area as delineated on Landslide Susceptibility Maps as maintained by, the Pennsylvania Geological Survey or as prepared by recognized experts acceptable to the Borough Engineer.
 - d. Construction activity involving the removal of 10,000 square feet or more of forested land or construction activity involving the removal of natural vegetation of one acre (43,560 square feet) or more in area.
 - e. Construction activity within 100 feet of any wetland.
2. Environmental Impact Statement Content:
- a. A description of the project, and a map indicating:
 - (1) Limit of the following slope areas:
 - 0% to 15%
 - 15% to 25%
 - Over 25%
 - (2) All natural watercourses and wetlands.
 - (3) Undermined areas with less than 100 feet of overburden.
 - (4) Landslide-prone soils.
 - (5) All forested areas.
 - b. An assessment of the environmental impact of the proposed development with particular attention paid to those items as outlined in this Section.
 - 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 develop-

ment plan. Where applicable, the applicant shall submit information regarding 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 during operation. The consideration of characteristics including, but not limited to, soil erosion, preservation of trees, protection of watercourses, protection of air resources, and noise control are 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 geotechnical consultant for undermining and landslide or compaction problems.
3. **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 the Zoning Ordinance, does not involve the relocation, improvement or alteration of any streamway, and no portion of the site is located within a flood hazard or flood-prone area as delineated on the FEMA map for Beaver Borough.
 4. **Request for Additional Information.** Whenever it is determined by the Planning Commission at the outset of the review that additional information is needed in order to make an informed recommendation related to the land development plan application, the Planning Commission will notify the applicant of such and said information shall be provided at the applicant's expense before the application will be considered complete.

(Ord. 754, 8/14/2007)

§22-308. Minor Land Developments.

- A. For the purpose of expediting applications and reducing site development design and development costs, an informal preapplication conference, where the developer submits a concept plan in accordance with the following requirements shall take place during a regularly scheduled Planning Commission meeting.
 1. **Advisory Meetings.** A developer shall appear before the Borough Planning Commission to discuss his proposal. The purpose of this step

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is to afford the developer advice and assistance in order to save time and money, suggest professional assistance if needed, and to answer any questions the developer may have in regard to filing an application or other items required.

2. General Information. The developer shall be prepared to discuss the details of the proposed site including a description of existing covenants, land characteristics, community facilities and utilities, commercially developed areas, residential areas, industrial areas, playgrounds and proposed protective covenants, utilities and street improvements.
 3. Location Map. This map shall show the relationship of the proposed development to existing community facilities which serve or influence it and shall include development name, location, existing facilities, title, scale, north arrow and date.
 4. Topographic Map. The location of the proposed development shall be shown on the U.S. Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.
 5. Hazards. Land subject to hazards of life, health and safety shall not be developed until such hazards have been removed. These hazards shall be interpreted to mean land subject to flooding, slides due to excessive slope or excavation, land with excessive or improper fill material, or land improperly drained.
 6. After review and discussion with the developer, the Planning Commission shall indicate the suitability of the plan for further consideration and submission of a final land development application.
 7. Said application shall consist of information required by §22-307 of this Part except as waived by the Planning Commission as per the provisions of this Section.
- B. On recorded parcels of less than 1/2 acre where the proposed development involves less than 1,200 square feet of new nonresidential construction and no new public utilities or extension of public roadways or streets, the Planning Commission, at its sole discretion, may waive certain land development submission requirements, including the submission of a stormwater management plan, as deemed appropriate.

- C. Where the proposed land development application also involves action on a subdivision, the Planning Commission shall make recommendations to the Council in compliance with this Section prior to recommendation of approval of the land development application.

(Ord. 754, 8/14/2007)

Part 4

Modifications

§22-400. Procedure.

All requests for a modification shall be in writing and shall be a part of the application for final approval or development. The request shall state the facts of unreasonableness or hardship, the provision or provision involved and the minimum modification necessary. The Council shall refer the request to the Planning Commission for advisory comments prior to action and shall keep a written record of all action taken on all requests for modification.

(Ord. 754, 8/14/2007)

§22-401. Purpose.

Where the Planning Commission recommends and/or Council finds that undue hardship may result from strict compliance with this Chapter, Borough Council may grant a modification of the requirements so that substantial justice may be done and the public interest secured, provided that such modification will not be contrary to the public interest nor have the effect of nullifying the purpose and intent of this Chapter.

(Ord. 754, 8/14/2007)

§22-402. Granting.

In granting modifications, the Planning Commission may recommend and the Council may require such conditions, as will, in its judgment, secure substantially the objectives of the standard or requirements so varied or modified. The granting of administrative relief and modifications by the Planning Commission shall be conditional and subject to the final approval of the Council.

(Ord. 754, 8/14/2007)

Part 5

Design Standards

§22-500. Application of Standards.

The following minimum standards and requirements will be applied by the Planning Commission, the Council, Borough staff and consultants hired to provide comment in evaluating applications for preliminary and final plat approval, and land development approval.

(Ord. 754, 8/14/2007)

§22-501. Land Requirements.

- A. Land shall be suited for the purpose for which it is to be subdivided and/or developed.
- 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 for residential purposes until all such hazards have been eliminated or unless guarantee is given that adequate safeguards against such hazards are provided with the subdivision plat.

(Ord. 754, 8/14/2007)

§22-502. Street Requirements.

- A. Proposed streets shall be properly related to Borough, County and State 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. Where a subdivision plat or land development plan abuts or contains an existing or proposed arterial street, the Planning Commission and Council may require local access streets, reverse frontage lots, or such other treatment which will provide protection for abutting properties, a reduction in the number of intersections with arterial streets, and separation of local and through traffic.
- D. New half or partial streets will not be permitted, except where essential to reasonable subdivision or development of a tract in conformance with the other requirements and standards of this Chapter and where, in addition,

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satisfactory assurance for dedication of the remaining part of the street can be secured.

- E. Where a tract to be subdivided or developed borders an existing half or partial street, the unimproved part of the street shall be plotted within such tract or land development. The cost of said improvements shall be borne equally by the applicant and the Borough.
- 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 800 linear feet, exclusive of the turn-around portion.
 - 1. A turnaround with a cartway diameter of 80 feet with a right-of-way diameter of 100 feet shall be required at the end of all streets.
 - 2. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line, and a right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the street into an adjoining tract.
- 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 shall be provided as necessary.
- H. Reserve strips, restricting or controlling access to adjacent streets or properties shall be prohibited.
- I. Maximum Allowable Grades – Center Line of Streets.

Arterial Streets	6%
Collector Streets	10%
Local Streets	12%
Alleys	15%

 - 1. Cul-de-sac: the maximum grade of the turnaround pavement portion of the cul-de-sac shall be 5%.
- J. Minimum grades on all streets shall not be less than 1%.

K. Vertical curves of proper and adequate length shall be installed on all street grade changes exceeding 1% and shall be designed to provide a minimum sight distance as follows.

Design Speed = 60 mph Arterial Streets 500 feet

Design Speed = 40 mph Collector Streets 275 feet

Design Speed = 30 mph Local Streets 200 feet

L. Alignment.

1. Whenever street lines are deflected in excess of 2°, connection shall be made by horizontal curves.

2. To ensure adequate sight distance, minimum center line radii for horizontal curves shall be as follows:

Design Speed = 60 mph Arterial Streets 1,000 feet

Design Speed = 40 mph Collector Streets 400 feet

Design Speed = 30 mph Local Streets 100 feet

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

Type of Street	Cartway	Right of Way
Arterial	40 feet	60 feet
Collector	26 feet	50 feet
Local	24 feet	50 feet

1. Additional right-of-way and cartway widths may be required by the Council 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, additional right-of-way width in conformation with the standards herein may be required.
- d. Where anticipated traffic flows and vehicle size warrants additional widths, increases in base material and cartway widths

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will be established by the Planning Commission and the Borough Engineer.

N. Street Intersections.

1. Curbs, where required, shall be installed by the applicant along the streets or where deemed necessary for public safety as determined by the Council. The curbs shall be of the type and material as specified and approved by the Council. All curbs at intersections shall be rounded by a minimum radius of 25 feet for local streets, 30 feet for collector streets, and 40 feet for arterial streets.
2. Where the grade of any street at the approach to an intersection exceeds 5%, a leveling area shall be provided with a transitional grade not to exceed 2% for a distance of 25 feet from the nearest right-of-way line of the intersection.
3. Multiple intersections of more than four roads shall be prohibited.

O. Street Offsets. Street offsets of less than 125 feet shall be avoided.

P. Reverse Curves. Reverse curves shall be designed to accommodate anticipated volumes of traffic at designed speeds.

Q. Alleys. Alleys are:

1. Permitted and encouraged in residential districts, where access to rear yards and accessory structures via motorized vehicles is not available from a public or private street.
2. Permitted in commercial and industrial areas subject to design approval of the Planning Commission and Council.

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 Borough.
2. Private driveways which function as local streets providing access to individual residential lots shall be designed in accordance with this Part and in compliance with the minimum standards for public streets for compacted, dustless surfaces.

(Ord. 754, 8/14/2007)

§22-503. Lots.

- A. Residential lots shall be subdivided in accordance with the terms of the Zoning Ordinance of Beaver Borough and the provisions contained herein.
- B. Subdivision and development of land other than for residential purposes shall be subject to review by the Planning Commission and the Council insofar as size, depth, width of lots, access to public roads and parking are concerned.
- C. The minimum width of lots fronting a cul-de-sac shall be 40 feet at the right-of-way line. The side yard setback requirements shall be calculated from the front of the structure and extended from both sides of the structure to the side property lines.
- D. All lot lines shall be set perpendicular or radial to the center line of the street whenever possible. All nonradial lines shall be denoted as such on the plat.
- E. Lots abutting local streets shall front upon the streets that parallel the long dimension of the block, when possible.
- F. Where two such vehicular access areas abut one another, a combined driveway shall be required to a distance of 150 feet. The minimum twenty-foot width may be reduced to 15 feet on each lot.
- G. Lots proposed as flag lots shall not be recommended for approval by the Planning Commission and approved by the Council unless the developer/applicant can demonstrate that a modification is warranted in accordance with the provisions of this Chapter. 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 variance is granted, the land upon which the private driveway is to be constructed shall be a minimum of 20 feet in width.

(Ord. 754, 8/14/2007)

§22-504. Building Lines.

The building lines shall be in accordance with the terms of the Zoning Ordinance of Beaver Borough.⁴

(Ord. 754, 8/14/2007)

⁴ Editor's Note: See Chapter 27, Zoning.

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§22-505. Blocks.

- A. Block length shall not exceed 550 linear feet nor be less than 350 feet.
- B. Blocks shall be at least two lots in depth except where reverse frontage lots are proposed.
- C. Exceptionally long blocks shall be provided with crosswalks with a minimum right-of-way reservation of 12 feet, and a four-foot paved walk.
- D. The depth-to-width ratio of usable lots shall be a maximum of two and 2 1/2 to one.

(Ord. 754, 8/14/2007)

§22-506. Easements.

- A. Easements for sanitary sewer and stormwater sewer shall have a minimum width of 20 feet and be placed at the side or rear of lots whenever possible. When the Council determines that easements are required to extend proposed or future utilities the required easements shall be provided.
- B. Anchor easements shall be approximately four feet wide by 30 feet long 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 15 feet in width, and located as deemed appropriate by the utility requiring such easements.
- D. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve the natural flow of water and to provide sufficient width for maintenance, but not less than 20 feet.

(Ord. 754, 8/14/2007)

§22-507. Reserved Areas.

Reserve strips surrounding the property or areas reserved for any purpose which shall make any area exempt for regular or special assessments, or which may revert to unintended nuisance areas, will not be approved by the Planning Commission and the Council.

(Ord. 754, 8/14/2007)

§22-508. Street Names.

The applicant may choose his street names subject to the approval of the United States Postal Service, the Planning Commission and the Council. No street, other than an extension, may be given the name of an existing street in the Borough.

(Ord. 754, 8/14/2007)

§22-509. Access.

In subdividing land it shall be done in a manner that will not have the effect of barring adjacent property owners from access to the street rights-of-way or recorded easement.

(Ord. 754, 8/14/2007)

Part 6

Improvements

§22-600. Grading.

- A. Streets shall be graded to street profile grades and cross sections as established on and presented with the preliminary plats or land development plan and as approved by the Council. Street cross sections shall be in accordance with standards and specifications established by the Borough.
- B. Streets shall be graded to the full width of the street right-of-way and slopes of a minimum of two feet to one foot shall be constructed commencing at the street right-of-way line 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 the Pennsylvania Department of Transportation Publication 408, or an acceptable alternative. Compaction of the subgrade shall also meet the density requirements of the Pennsylvania Department of Transportation 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 stabilized.
- D. No base course shall be placed until the street subgrade has been inspected and approved by the Borough Engineer. Said inspections shall be paid for as specified in Part 7 of this Chapter.

(Ord. 754, 8/14/2007)

§22-601. Underdrainage.

- 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 Borough Engineer.
- B. If during construction unknown poor drainage conditions are encountered by the owner, he shall notify the Borough Engineer and correct such conditions encountered at the direction of the Borough Engineer to his complete satisfaction.

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- C. Permanent pipe underdrain of a size, depth, width and slope as determined by the Borough 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.

(Ord. 754, 8/14/2007)

§22-602. Curbing.

- A. Type of curb used and location required to be determined by the Council and subject to its approval before installation of the same.
- B. Curb shall be in accordance with PennDOT Publication 408 when applicable or the Borough specifications as provided in the construction details.⁵

(Ord. 754, 8/14/2007)

§22-603. Paving.

All paving shall be in accordance with PennDOT Publication 408 and the Borough specifications as provided in the construction details.

(Ord. 754, 8/14/2007)

§22-604. Sidewalks.

- A. Sidewalks shall be installed by the applicant or developer for protection of public, due to the potential volume of pedestrian traffic.
- B. Sidewalks shall be of Portland concrete four inches in thickness on a minimum of four inches of gravel base, except at driveways where they shall be a minimum of six inches in thickness. Sidewalks shall be constructed with imbedded wire mesh and be a minimum of four feet in width exclusive of the width of the curb, or match the existing dimensions of a sidewalk being extended, in the manner approved in the preliminary plat.
- C. Sidewalks shall be provided where streets of a proposed subdivision are extensions of existing streets having sidewalks on one or both sides.
- D. Sidewalks, where provided, may be within the right-of-way and, in residential areas, where conditions permit, 2 1/2 feet from the curb. Sidewalks should line up with walks in adjoining subdivisions.

⁵ Editor's Note: The construction details are on file in the Borough Offices.

- E. All sidewalks shall be designed and constructed in compliance with the applicable provisions of the Americans with Disabilities Act.

(Ord. 754, 8/14/2007)

§22-605. Street Signs.

- A. Street name signs shall be installed at each street intersection in accordance with the type of materials, design and standards established by the Council, prior to the occupancy of any dwellings.
- B. A 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, pavement markings and speed limit signs shall meet the current PennDOT specifications. Locations for such signs, where applicable, shall be determined by the Council.

(Ord. 754, 8/14/2007)

§22-606. Sanitary Sewers.

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.

(Ord. 754, 8/14/2007)

§22-607. Stormwater Management.

This Chapter incorporates in its entirety and as may be amended, all aspects of the Stormwater Management Act P.L. 864, No. 167. Said act requires that actions be taken:

- A. To assure that the maximum rate of stormwater runoff is no greater after development than prior to development activities; or
- B. To manage the quantity, velocity, and direction of resulting stormwater runoff in a manner which otherwise adequately protects health and property from possible injury.

(Ord. 754, 8/14/2007)

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§22-608. Water Supply.

All developments shall be required to use public water system for all potable water needs.

(Ord. 754, 8/14/2007)

§22-609. Monuments.

Permanent monuments of reinforced concrete or metal shall be installed after all grading and improvements have been installed to identify all street right-of-ways and set in locations as determined by the Borough Engineer. The developer shall furnish a certification that monuments have been set in the locations as shown on recorded subdivision plan.

(Ord. 754, 8/14/2007)

§22-610. 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 or land development, the Council shall require that the applicant 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 this part and approved by the Council.

(Ord. 754, 8/14/2007)

§22-611. Grading Plan.

- A. At the time of submission of a subdivision plat or development plan for approval, whether preliminary or final, a grading plan shall be presented for review. The grading plan shall identify the existing and proposed grade contours at two-foot intervals with sufficient elevations to show proposed grading of streets, lots, drainageways, stormwater detention ponds and any other proposed grading activity.
- 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. 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 the approved erosion and sedimentation control plan.

(Ord. 754, 8/14/2007)

§22-612. As-Built Plans.

After completion of all required improvements, the developer shall have his engineer or surveyor prepare and submit for Borough approval plans and profiles showing the exact location, elevation, grade, size stormwater detention pond volumes and material used to install all facilities. Said plans shall be dated, signed and sealed by the person preparing plan and be submitted on mylar and in an approved electronic digital format acceptable to the Borough.

(Ord. 754, 8/14/2007)

Part 7

Conditions of Acceptance

§22-700. Performance Requirements.

- A. Before approving any subdivision plat or land development plan, the Council shall require a written agreement that necessary grading, paving and street improvements, sidewalks, streetlights, fire hydrants, water mains and sanitary sewers, as may be required by the Borough, shall be installed by the applicant in strict accordance with the design standards and specifications of the Borough, within a specified time period. Such agreement shall be prepared by the Borough Solicitor at the expense of the developer.
- B. When requested by the developer in order to facilitate financing, the Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining satisfactory financial security. The final plat shall not be signed nor recorded until the financial improvements agreement is executed. If within 90 days, unless written extension is granted by the Council, the financial improvement agreement is not executed, then the resolution or letter of contingent approval shall expire.

(Ord. 754, 8/14/2007)

§22-701. Performance Guarantees.

The Council shall insure, through receipt of certificates of compliance submitted and attested to by the Borough Engineer, that required improvements have been installed according to the specifications of the final plat or land development plan, or alternately require the posting of adequate surety to cover the cost for such improvements. The Council shall specify one of the following alternatives for guaranteeing compliance with the requirements of this Section for the developer requesting final approval of a plat or a land development plan. The decision of which alternative shall be required is that of the Council and final approval of a plat or land development plan shall not be granted until the surety required is fully provided.

The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the applicant's scheduled date of completion. The amount estimated shall be prepared by a registered professional engineer for submittal to the Borough by the applicant. If the amount of the estimated financial security is contested by the Borough Engineer, a third registered professional engineer chosen mutually by the applicant, and the Borough, shall estimate the amount of financial security necessary, which estimate shall be presumed fair and reasonable. Fees for the services of the third engineer shall be paid equally by the Borough and the applicant.

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- A. Completion of Improvements Prior to Final Approval. Prior to final plat or land development plan approval, the applicant shall complete, in a manner satisfactory to the Council and the Borough Engineer, all improvements required in these regulations specified in the final subdivision plat or land development plan, and as approved by the Council and shall dedicate same to the Borough in accordance with these regulations. Final plat approval shall not be granted until the dedication of said improvements has been accepted by the Council.
- B. Guarantee of Future Performance. In lieu of requiring the completion of all improvements prior to final plat approval, the Borough may, at its discretion, enter into a contract with the applicant whereby the applicant shall guarantee to complete all improvements required by this Chapter, or otherwise specified by the Council in a manner satisfactory to the Council. To secure this contract, the applicant shall provide, subject to the approval of the Council, one of the following guarantees:
 1. Surety Bond. The applicant shall obtain a security bond from a surety bonding company authorized to do business in the State of Pennsylvania. The bond shall be payable to the Borough and shall be in an amount sufficient to cover the entire cost, as estimated by the Borough Engineer, as herein provided, for the installation of all improvements, plus 10%. The duration of the bond shall be until such time as the improvements are accepted by the Borough in accordance with the requirements of this Chapter.
 2. Escrow Account. The applicant shall deposit cash, or other instruments readily convertible into cash at face value, either with the Borough, or in escrow with a bank. The form of any instruments other than cash, and, in the case of an escrow account, the bank with which the funds are to be deposited, shall be subject to the approval of the Borough Solicitor. The amount of the deposit shall be at least equal to the cost, as estimated by the Borough Engineer, of installing all required improvements, plus 10%. In case of an escrow account, the applicant shall file with the Council an agreement between the financial bank and himself guaranteeing the following:
 - a. That the funds of said escrow account shall be held in trust until released by the Council and may not be used or pledged by the applicant as security in any other matter during the period.
 - b. And that in the case of a failure on the part of the applicant to complete said improvements, the bank shall immediately make the funds in said account available to the Borough for use in the completion of those improvements.

3. Irrevocable Letter of Credit. An irrevocable letter of credit in an amount equal to the cost of all required improvements, as estimated by the Borough Engineer, plus 10%, shall be posted naming the Council as beneficiary. The financial institution which provides the irrevocable letter of credit shall be first approved by the Council. Failure on the part of the applicant to complete said improvements shall cause the funds posted as an irrevocable letter of credit to be made available to the Borough upon written notice of a claim against said funds.

(Ord. 754, 8/14/2007)

§22-702. Release From Improvement Bond.

A. Procedure.

1. When the developer has completed all of the required improvements, the developer shall notify the Council, in writing, by certified or registered mail, of the completion of the required improvements and shall send a copy to the Borough Engineer.
2. The Council shall, within 10 days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Council, 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 30 days after receipt by the Borough Engineer of the aforesaid authorization from the Council; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof, shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such nonapproval or rejection.
3. The Council shall notify the developer, in writing by certified or registered mail, within 15 days of receipt of the engineer's report of the action of said Council with relation thereto.
4. If any portion of the required improvements shall not be approved or shall be rejected by the Council, 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 developer's right to contest or question by legal proceedings or otherwise, any determination of the Council or the Borough Engineer.

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6. The applicant or developer shall be charged by the Borough for all fees reasonable and necessary, to cover costs incurred by the Borough for engineering review and inspection of improvements, as outlined in this Part. In the event that the amount of the expense is disputed, the following procedures shall be implemented:
 - a. If within 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 registered professional engineer shall be appointed by mutual agreement, as a third party to review and determine reasonable and necessary expenses.
 - b. The engineer so appointed shall at his sole discretion review documentation and hear evidence necessary to render a decision within 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.
 - c. In the event that, within the twenty-day period following receipt of the deposit balance, the Borough and applicant cannot agree on the appointment of the registered 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 years preceding the appointment.
 - d. 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 \$1,000 or more, the Borough shall pay the fee of the professional engineer, but otherwise the Borough and the applicant shall each pay 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 Borough permit, a ten-percent deposit shall be made by the applicant with the Borough for the costs of review and inspection where public utilities and facilities are proposed. Said 10% shall be calculated as 10% 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.

(Ord. 754, 8/14/2007)

§22-703. Remedies To Effect Completion.

- 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 Chapter and the requirements of the Council or in accord with the approved final plan, the Council shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.
- B. If proceeds of such 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 Council, may at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the 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, and not for any other municipal purpose.

(Ord. 754, 8/14/2007)

§22-704. Maintenance Bond.

- A. Before the Borough Engineer shall issue to the Council a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the land development and in compliance with the specifications, standards, ordinances and requirements of the Borough, the applicant or developer shall be required to deposit with the Borough, a corporate maintenance bond, or other surety acceptable to the Borough Solicitor, in such amount, under such conditions, and in such form as shall be required by the Council. The maintenance bond shall guarantee the repairs and maintenance by the applicant 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 land development, for a period of 18 months from the date of final and official acceptance of the above said improvements and facilities by the Council. The amount of the maintenance bond shall not exceed 15% of the actual cost of installation of said improvements.
- B. The repairs and maintenance required to be performed by the developer shall extend 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 applicant or developer has no control.

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(Ord. 754, 8/14/2007)

§22-705. Acceptance of Public Improvements.

Upon completion of the inspection and approval of the public improvements, the developer shall submit a request to the Council, 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 20 days prior to the regular meeting of the Council. At the regular meeting, the Council shall enact a resolution or ordinance accepting the public improvements as part of the Borough's public facilities, subject to the posting of the maintenance bond required by this Part.

(Ord. 754, 8/14/2007)

§22-706. Final Inspection.

Prior to the end of the eighteen-month period when the maintenance bond expires and before the maintenance bond is released, the Borough Engineer shall make a final inspection and certify in writing to the Council that all the public improvements are in good order. If any repairs are required or maintenance needed, the developer shall be notified in writing, and such repairs or maintenance shall be done and approved prior to certification by the Borough Engineer.

(Ord. 754, 8/14/2007)

§22-707. Snowplowing.

The applicant shall be responsible from the time there is at least one 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 shall post with the borough the sum of \$1,000 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 Borough for said snow removal and dispersal of anti-skid material shall be made from the escrow fund. In the event that the escrow should become depleted, the applicant shall post an additional sum of \$1,000 and such further amounts as may be necessary until such time as the dedication of the streets is accepted by the Borough.

(Ord. 754, 8/14/2007)

§22-708. Higher Standards.

- A. No road, street, land, way or related improvement shall be accepted as a part of the highway system of the Borough or for maintenance unless opened, laid out, graded and improved in strict accordance with the standards and regulations of the Borough. The requirements, specifications and standards of construction, material and appurtenances as designated herein are considered as minimum and the Council may as it deems advisable revise said specifications and requirements to secure a higher standard of improvements and community development.

- 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 will be accepted as a part of the Borough'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 Borough.

(Ord. 754, 8/14/2007)

§22-709. Reconsideration.

Any applicant aggrieved by a finding, decision or recommendation of the Planning Commission or the Council, may present additional relevant information and request reconsideration of the original findings, decision or recommendation upon written request within 30 days of notification of the Planning Commission or Council decision on either preliminary or final plat application.

(Ord. 754, 8/14/2007)

§22-710. Refusal of Approval.

In any case where the Council shall refuse to approve any plats submitted to them in accordance with this Chapter, any person aggrieved by the action of the Council may appeal as provided by law to the Court of Common Pleas of Beaver County, Pennsylvania.

(Ord. 754, 8/14/2007)

§22-711. No Responsibility.

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 Council nor any public authorities shall place, construct, or operate any sewer, drain, water pipe or other facilities, or do

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any work of any kind, in or upon such road; and neither the Council 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.

(Ord. 754, 8/14/2007)

Part 8

Fees

§22-800. Fees Required.

- A. All applications submitted for the review and approval of plans of subdivision and plans of land development prepared in preliminary or final form shall be accompanied by a review fee and a deposit in accordance with a schedule of fees and charges established, or to be established, and adopted by resolution of the Council to defray, or to help defray, any cost that may be incurred by the Borough in viewing and inspecting the site of the subdivision or land development, and reviewing the application, data and the plans submitted relative to the same.
1. A deposit in the amount of \$500 for land development plan approval shall be made at the time of application for preliminary and final subdivision approval, with the Borough 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.
 2. A review fee, as established by resolution of the Council, and fees as charged to the Borough 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 or land development plan, shall be kept by the Borough secretary and made available to the applicant.
 4. Upon completion of all improvements to the satisfaction of the Borough 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.
- 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 or land development project, such as:
1. Number of parcels or lots in plan;
 2. Site development plans;
 3. Utility development plans;

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4. Applicants plan of construction and development of the land, structures 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 Planning Commission and/or Council, the applicant when re-submitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the Borough's schedule of fees and charges for such submittals.
- D. All review fees shall be made payable to the Borough of 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.
- E. The applicant shall reimburse the Borough 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 deposit.

(Ord. 754, 8/14/2007)

Part 9

Amendments

§22-900. Enactment of Amendments.

- A. Amendments to this Chapter shall become effective only after a public hearing held pursuant to public notice in the manner prescribed for enactment of a proposed ordinance by Section 504 of the Pennsylvania Municipalities Planning Code. In addition, in case of an amendment other than that prepared by the Planning Commission, the Council shall submit each such amendment to the Planning Commission for recommendations at least 30 days prior to the date fixed for the public hearing on such proposed amendment.
- B. At least 30 days prior to the date of the public hearing on the amendment, the Borough shall submit the proposed amendment to the Beaver County Planning Commission for recommendation.
- C. Within 30 days after adoption, the Council shall forward a certified copy of the amendment to the Subdivision and Land Development Ordinance to the Beaver County Planning Commission.

(Ord. 754, 8/14/2007)

§22-901. Notice Requirements.

- A. Proposed Subdivision and Land Development Ordinance amendments shall not be enacted unless notice of proposed enactment is given, and shall include the time and place of the meeting at which passage will be considered, a reference to a place within the Borough where copies of the proposed ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Council shall publish the proposed ordinance amendment once in one newspaper of general circulation in the municipality not more than 60 days nor less than seven 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 Borough 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 Borough 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 which may impose a fee no greater

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than that necessary to cover the actual costs of storing said ordinance amendments.

- B. In the event substantial amendments are made in the proposed ordinance amendment, before voting upon enactment, the governing body shall, at least 10 days prior to enactment, readvertise, in one 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.

(Ord. 754, 8/14/2007)

Part 10

Enforcement

§22-1000. Enforcement Remedies.

- A. Any person, partnership or corporation who or which has violated the provisions of this Chapter and all amendments thereto shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Borough, pay a judgment of not more than \$500, plus all court costs, including reasonable attorney fees incurred by the Borough 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 Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Borough 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 Magisterial District Judge, determining that there has been a violation, further determines that there was a good faith basis for the person, partnership or corporation violating the Chapter 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 Magisterial District Judge, 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 Borough the right to commence any action for enforcement pursuant to this Section.

(Ord. 754, 8/14/2007)

Part 11

Preventive Remedies

§22-1100. Remedies.

- A. In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.
- B. The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to the most current version of the Pennsylvania Municipalities Planning Code. 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 Borough may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

(Ord. 754, 8/14/2007)

Part 12

Documents

§22-1200. Applications.

Applications for approval of subdivision and/or land development under this Chapter shall be submitted on forms adopted by the Borough for such purposes, which will be provided to an applicant upon request.

(Ord. 754, 8/14/2007)

§22-1201. Endorsements.

The certificates, acknowledgements, approvals, etc., to be inscribed upon a plat shall be in the form adopted by the Borough for such purpose, specimens of which will be provided to an applicant upon request.

(Ord. 754, 8/14/2007)

§22-1202. Construction Details.

Standards for drawings and improvements shall be as specified in detail sheets prepared or approved by the Borough Engineer, which will be provided to an applicant upon request.