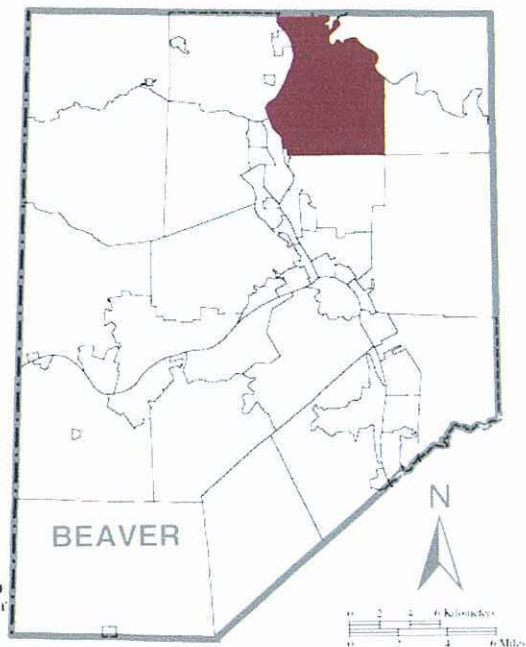


# North Sewickley Township Beaver County, PA

## Chapter 22 Subdivision and Land Development



### CODIFICATION OF ORDINANCES

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**SUBDIVISION AND LAND DEVELOPMENT**  
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## CHAPTER 22

### SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

**History:** Ordinance No. 27, 1970; as amended by Ordinance No. 31, February 13, 1973; as further amended by Ordinance No. 32, August 14, 1973; as further amended by Ordinance No. 50, September 11, 1980; as further amended by Ordinance No. 66, June 6, 1988 as superseded by Ordinance No. 94, June 18, 1996; as amended by Ordinance No. 101, August 10, 1997, as further amended by Ordinance No. 111, October 14, 2003, as further amended by Ordinance No. 113A, June 14, 2005 and Ordinance No. 120, February 10, 2009.

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## PART 1

### General Provisions

#### §22-101      **SHORT TITLE**

This Chapter shall be known as the “North Sewickley Township, Beaver County, Pennsylvania, Subdivision and Land Development Ordinance.”

#### §22-102      **PURPOSE**

This Chapter is adopted for the following purposes:

- A. To assure sites suitable for building purposes and human habitation.
- B. To provide for the harmonious, orderly efficient, and integrated development of the Township.
- C. To assure new development will be coordinate with existing Township development.
- D. To provide for adequate easements and rights-of-way for drainage and utilities.
- E. To make provisions, as needed, for the reservation of land as it may be needed for public grounds.
- F. To accommodate prospective traffic, facilitate fire protection, and make such provisions as are necessary for public safety and convenience.
- G. To make provisions for appropriate standards for streets, storm drainage, sanitary sewers, water facilities, curbs, gutters, and such other improvements as shall be considered needed by the Township.
- H. To promote the sound layout and design for subdivisions and land developments.
- I. To allow for new and flexible standards of design, where appropriate.
- J. To secure equitable handling of all subdivision or land development<sup>1</sup> plans by providing uniform procedures and standards.
- K. To implement the Comprehensive Plan.

#### §22-103      **AUTHORITY**

The North Sewickley Township, Beaver County, Pennsylvania is vested by law with jurisdiction and control of the subdivision of land located within the Township limits in accordance with Article V, Sections 501 and 502 of the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended. The power to regulate and approve subdivisions and land developments is conferred upon the North Sewickley Township Board of Supervisors.

#### §22-104      **JURISDICTION**

- A. This Chapter shall apply to all land situate in North Sewickley Township, Beaver County, Pennsylvania.
- B. Plans for subdivision within the Township shall be submitted to and approved by the Township before they are recorded. Such approval is in addition to, and does not supersede, those required by other ordinances, resolutions or regulations of the Township.
- C. Land Development Control:
  - (1) Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to the filing of preliminary and final plats, the dedication and improvements of rights-of-way, streets and roads, and the payment of

<sup>1</sup> Editors Note: The term “subdivision” will be referred to as “subdivision and land development.”

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fees and charges as established by resolution of North Sewickley Township, Beaver County, Pennsylvania.

- (2) Land development plans shall indicate the location of each structure, shall clearly define each unit, and shall indicate public easements, common areas, and improvements, all easements appurtenant to each unit, and improvements to public rights-of-way. Developments are subject to the land development regulations as they apply to use and density requirements, setbacks, parking, and other features, and shall be indicated on the land development plans.

#### **§22-105 MUNICIPAL RESPONSIBILITY AND LIABILITY**

The provisions within this Chapter are designed to fulfill the purposes cited in Section 22-102. The degree of protection sought by the conditions and requirements of this Chapter for present and future residents and landowners in the Township is considered reasonable for regulatory purposes. This Chapter does not imply that compliance with the minimum requirements for subdivisions or land developments will be free from inconveniences, conflicts, danger or damages. Therefore, this Chapter shall not create liability on the part of the Township of North Sewickley, the individual members of the North Sewickley Township Planning Commission, or Township Board of Supervisors, or any officer, appointee or employee of the Township for any damages that may result from reliance on this Chapter or any administrative decision lawfully made thereunder.



## PART 2

### Definitions

#### §22-201 GENERAL INTERPRETATIONS

Unless otherwise expressly stated, the following terms shall, for the purpose of this Chapter, have the meaning indicated:

- A. Words in the singular include the plural, and words in the plural include the singular.
- B. The masculine shall include feminine, and the feminine shall include the masculine.
- C. The word "person" includes a corporation, unincorporated association and a partnership as well as an individual or any other legal entity.
- D. The words "shall" and "will" are mandatory, and the word "may" is permissive.
- E. An "agency" shall be construed to include its successors or assigns.
- F. Words not defined in this Article or the Pennsylvania Municipalities Planning Code, as amended, shall have their normal meanings.

#### §22-202 DEFINITIONS<sup>2</sup>

**ACCESSORY BUILDING:** A subordinate building, the use of which is customarily incidental to that of the principal building on the same lot.

**ALLEY:** A minor right-of-way, less than thirty feet (30') in width, providing secondary access to a property, or properties, and upon which no property has its only means of access.

**APPLICANT:** A landowner or developer, as hereinafter 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.

**ARCHITECT:** A professional architect, licensed as such in the Commonwealth of Pennsylvania.

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

**BOARD:** The Board of Supervisors of North Sewickley Township, Beaver County, Pennsylvania.

**BUILDING LINE:** An established line within a property defining the minimum required distance between the face of any building or structure to be erected and an adjacent street right-of-way or lot line. The building line shall also apply to accessory buildings or structures except for signs, fences and walls.

**CARTWAY:** That portion of a street intended for vehicular use. It includes the actual road surface area from curb to curb, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the cartway is that portion between the edges of the paved or hard surface width.

**CLEAR SIGHT TRIANGLE:** An area of unobstructed vision at street intersections defined by lines of sight between points which are at a given distance from the intersection of street corner lines. (See SD2)

**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 and enjoyment of the residents of a planned residential development, not including streets, off-street parking areas, and areas set aside for

<sup>2</sup> Definitions of Ordinance No. 94, to be repealed by codification adoption, have been updated to meet Pennsylvania Municipalities Planning Code requirements, and to comply with Zoning Ordinance terms.



public facilities. Common open space shall be substantially free of structures, but may contain such improvements in the development plan as finally approved and are appropriate to the recreation.

**COMPREHENSIVE PLAN:** The North Sewickley Township Comprehensive Plan, and any supplements or updates thereto.

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

**CORNER LOT:** A lot, located at the intersection of two (2) or more existing or proposed street rights-of-way.

**CUL-DE-SAC:** A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION:** The Pennsylvania Department of Environmental Protection, its bureaus, divisions, departments, and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

**DEPARTMENT OF NATURAL CONSERVATION AND RESOURCES:** The Pennsylvania Department of Natural Conservation and Resources, its bureaus, divisions, departments and/or agencies, as may from time to time be established, or such department or departments as may in the future succeed it.

**DESIGNATED FLOODPLAIN AREAS:** A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation in a one hundred (100) year flood.

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

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

**DEVELOPMENT:** any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, the placement of mobile home, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, and the subdivision of land.

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

**DOUBLE-FRONTAGE LOT:** A lot with front and rear street frontage.

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

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

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

**DRIVEWAY:** A private road connecting a house, garage, other buildings or parking space/area with a street or alley.



**DWELLING UNIT:** Any structure or part thereof, designed to be occupied as living quarters for a single housekeeping unit.

**EASEMENT:** A right granted for limited use of private land for public and quasi-public purposes including such things as utilities and drainage.

**ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania.

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

**EROSION AND SEDIMENT CONTROL PLAN:** A plan showing all present and proposed grades and facilities for stormwater, drainage, erosion and sediment controls, and which is in accordance with current local, county and Commonwealth standards.

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

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

**FLOODPLAIN:** The area along a natural watercourse which may from time to time be overflowed by water therefrom.

**FLOODWAY:** The channel of a river or other watercourses and the adjacent land areas required to carry and discharge a flood of the one hundred (100) year magnitude.

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

**HOLDING TANK:** A tank, made of metal, concrete or other proper material, used for the temporary holding and/or storage of liquefied sewage, located and equipped in a manner to provide easy access to the tank for the removal of its contents.

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

**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 tenure; or
  - (2) the division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Development in accordance with section 503(1.1) of the Pennsylvania Municipalities Planning Code, as amended.

**LAND DEVELOPMENT, MINOR:** Any nonresidential development on a lot or lots less than two (2) acres in area, involving not more than five thousand (5,000) square feet of new construction, but no new public utilities or extensions of public roads or streets.

**LANDOWNER OR 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.

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

**LOT AREA:** The total area within the lot lines, excluding the area within any street right-of-way.

**LOT, CORNER:** A lot abutting upon two (2) or more streets at their intersection, the front of which shall be considered to be the frontage of least dimension on a street, except that where any two (2) frontages shall each exceed one hundred and fifty feet (150') in length, either frontage may be designated as the "front" of the lot.

**LOT DEPTH:** The mean distance from the front or street line of the lot to its opposite rear line, measured in the general direction of the sidelines of the lot.

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

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

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

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

**LOT OF RECORD:** A lot which has been recorded in the Office of the Recorder of Deeds of Beaver County, PA.

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

**MAINTENANCE GUARANTEE:** Any security which may be accepted by North Sewickley Township Supervisors, for the maintenance of any improvements required by this Chapter.

**MAJOR SUBDIVISION:** Any subdivision not classified as a minor subdivision.

**MANUFACTURED BUILDING:** A building prefabricated and transported to a building site for erection.

**MANUFACTURED HOUSING:** Factory-built, single family structures that meet the National Manufactured Home Construction and Safety Standards Act (42, U.S.C., Section 5401), commonly known as the HUD Code.

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

**MINOR SUBDIVISION:** The subdivision of land into not more than five (5) parcels, including the residual located on an existing improved street that does not involve installation of improvements as required by this Chapter, extension of utilities, frontage on an arterial or collector street, adverse effect to adjoining properties, and conflict with the Comprehensive Plan of the Township or any portion of this Chapter, or other Commonwealth, County or municipal ordinances, laws or regulations.

**MOBILEHOME:** A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation.

**MOBILEHOME LOT:** A parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobilehome.

**MOBILEHOME PARK:** A parcel or contiguous parcels of land which has been so designated and improved that it contains two or more mobilehome lots for the placement thereon of mobilehomes.

**MODULAR HOME:** A dwelling composed of standardized units or sections for easy construction or flexible arrangement.



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

**MUNICIPAL AUTHORITY:** A body politic and corporate created pursuant to the act of May 2, 1945 (P.L.382, No.164), known as the Municipality Authorities Act of 1945.

**MUNICIPAL ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the consulting engineer for North Sewickley Township.

**MUNICIPALITIES PLANNING CODE:** Act of Assembly of July 31, 1968, P.L. 805, No. 247, as amended.

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

**PERFORMANCE GUARANTEE:** Any security which may be in lieu of a requirement that certain improvements be made before the Board of Supervisors approves a final subdivision or land development plan, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

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

**PLAN, FINAL:** The documentation presented by an applicant/developer to the Township for consideration under the terms of these regulations after approval has been granted on preliminary plan proposal that included the same land area covered by the final plan proposal.

**PLAN, PRELIMINARY:** The documentation presented by an applicant/developer to the Township in support of a subdivision or land development plan for preliminary consideration under the terms of these regulations.

**PLAN, SKETCH:** An informal plan, not necessarily to scale, indicating salient existing features of a tract and its surroundings and general layout of the proposed subdivision and/or land development.

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

**PROFESSIONAL CONSULTANTS:** Persons who provide expert or professional advice including, but not limited to architects, attorneys, certified public accountants, engineers, geologists, land surveyors, landscape architects, or planners.

**PUBLIC GROUNDS:** Parks, playgrounds and other public areas, and sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

**PLAT:** The map or plan of a subdivision or land development, whether preliminary or final.

**PUBLIC HEARING:** A formal meeting held pursuant to public notice by the Board of Supervisors intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, as amended.

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

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

**RECREATIONAL VEHICLE:** A vehicle-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No recreational vehicle shall be used as a dwelling or business nor shall be used for other than recreational purposes.



**RECREATIONAL VEHICLE PARK:** A lot, tract, or parcel of land used or offered for use in whole or in part with or without charge, for the parking of occupied recreational vehicles, tents, or similar devices used for temporary living quarters for recreational camping or travel purposes.

**REGULATORY FLOOD ELEVATION:** The one hundred (100) year flood elevation plus a freeboard safety factor of one and one-half feet (1 ½').

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

**RESUBDIVISION:** Any subdivision or transfer of land, laid out on a plan which has been approved by the Board of Supervisors which changes or proposes to change property lines and/or public right-of-way not in strict accordance with the approved plan.

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

**RIGHT-OF-WAY:** Land dedicated for use as a public street, alley, crosswalk, sewer, water, storm sewer, electric, gas, telephone, and cable system(s).

**RUNOFF:** The surface water discharge after a precipitation event that does not enter the soil but runs off the surface of the land.

**SECRETARY:** The Secretary of North Sewickley Township, Beaver County, Pennsylvania.

**SEDIMENTATION:** The process by which mineral and/or organic matter is accumulated or deposited by moving wind, water, or gravity.

**SEPTIC TANK:** A watertight receptacle that receives the discharge of sewage from a building, sewer, or part thereof and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

**SETBACK (Building Setback Line):** The line within a property boundary line defining the required minimum distance between any structure, the adjacent right-of-way, or the closest minimum front, side and rear lot lines.

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

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

**SIGHT DISTANCE:** The extent of unobstructed vision, in a horizontal or vertical plan, along a street, as illustrated in the Township Construction Standard Details in the Appendix to this Chapter.

**SLOPE:** The face of an embankment or cut section, any ground whose surface makes an angle with the plane of the horizon.

**SOIL PERCOLATION TEST:** A field test conducted to determine the absorption capacity of soil to a specified depth in a given location for the purpose of determining suitability of soil for on-site sewage disposal.

**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.

- A. Local Access Streets (Minor Streets): Those streets used primarily to provide access to abutting properties. (Also minor)
- B. Collector Streets (Major Streets): Those streets which, in addition to giving access to abutting properties, intercept local access streets and provide routes, carrying considerable volumes of traffic to community facilities and to arterial streets.
- C. Arterial Streets: Those streets serving large volumes of comparatively high-speed and long distance traffic, and include facilities classified as main and secondary highways by the Pennsylvania Department of Transportation.



- D. **Access Streets:** Those service or minor streets, parallel and adjacent to arterial streets, providing access to abutting properties and control of intersections with the arterial street.

**STREET CENTERLINE:** An imaginary line which passes through the middle of the right-of-way.

**STRUCTURE:** Any man-made object having an ascertainable stationary location on or in land or water whether or not affixed to the land (excluding mailboxes or flagpoles).

**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 ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted.

**SUBSTANTIALLY COMPLETED:** Where, in the judgment of the municipal engineer, at least 90% (based on the cost of the required improvements for which financial security was posted pursuant to Section 509 of the Pennsylvania Municipalities Planning Code) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**SURVEYOR:** A professional surveyor, licensed as such in the Commonwealth of Pennsylvania.

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

**TEMPORARY TURNAROUND:** A temporary circular or hammerhead turnaround at the end of a road which terminates at or near the subdivision or land development boundary bordering undeveloped land.

**TOP SOIL:** The original upper layer of soil material to a depth of about six inches (6") that is usually darker and richer than the subsoil.

**TOPOGRAPHIC MAP:** A map showing ground elevations by contour lines and the location of important natural and **man-made** objects.

**TOWNSHIP:** The Township of North Sewickley, Beaver County, Pennsylvania.

**TOWNSHIP ENGINEER:** A professional engineer licensed as such in the Commonwealth of Pennsylvania, and duly appointed by the Board of Supervisors.

**TOWNSHIP PLANNING COMMISSION:** The Planning Commission of the Township of North Sewickley, Beaver County, Pennsylvania.

**TOWNSHIP SOLICITOR:** A professional attorney licensed as such in the Commonwealth of Pennsylvania, duly appointed by the Board of Supervisors.

**UTILITY PLAN:** A plot to show all existing and proposed fire hydrants, water, sewer lines, storm sewer lines, gas, electric lines, street lighting and CATV cables.

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

**WATER SURVEY:** An inventory of the source, quantity, yield and use of groundwater and surface water resources within the Township.

**WATERCOURSE:** A permanent stream, intermittent stream, river, brook, creek, or a channel, drain or ditch for water, whether natural or man-made.



## PART 3

### Procedures – Major Subdivision

#### §22-301 GENERAL

This Chapter shall apply to all subdivisions in the Township of North Sewickley, however, the Board of Supervisors, in appropriate cases, may waive the compliance with certain specific requirements of this Chapter in the case of minor subdivisions as defined in Part 2 of this Chapter.

#### §22-302 PREAPPLICATION CONFERENCE

Prior to filing an application for preliminary approval to the Township Secretary, a subdivider/applicant is encouraged to appear before the Planning Commission for a preapplication conference to discuss the applicable regulations governing subdivision and/or land development of the property, as well as the feasibility of the application. The preapplication conference with the Planning Commission is voluntary and no formal application or fee is required. The subdivider/applicant shall notify the Township Secretary at least five (5) calendar days prior to the regular meeting of the Planning Commission regarding his/her desire to attend a preapplication conference with the Commission. No fee is required for a preapplication conference. The preapplication conference is not considered a formal meeting and does not count as part of the ninety (90) day limit for review and action.

#### §22-303 PRELIMINARY PLAN

- A. A person wishing to submit a preliminary plan of a major subdivision to the Township shall make application to the Township Secretary no less than twenty (20) calendar days prior to the next regular monthly meeting of the Planning Commission. Said application shall be reviewed for completeness by the Zoning Officer prior to adding the preliminary plan to the Planning Commission agenda.
- B. The Planning Commission shall review the preliminary plan and shall upon receipt submit the preliminary plan to the Beaver County Planning Commission and the Board of Supervisors.
- C. Failure on the part of the applicant to supply all data required for review as per the provisions of this Part, shall constitute an incomplete application, and as such shall not circumvent time constraints imposed elsewhere in this Chapter, nor guarantee the application's inclusion on the next Planning Commission agenda.
- D. Following review and comment of the County Planning Commission or expiration of the thirty (30) day time period granted for County reviews, the Township Planning Commission shall submit its recommendation to the Board of Supervisors. Such submission must be within a reasonable amount of time but no more than forty-five (45) days from the date the application first appeared as an agenda item. Such recommendation shall be to approve the preliminary plan, approve with conditions or to disapprove, with deficiencies cited.
- E. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally, or mailed to him at his last known address, not later than fifteen (15) calendar days following the date of the decision. Failure of the Board of Supervisors to render a decision and to communicate to the applicant within the time and in the manner required herein shall be deemed an approval of the application and 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 the manner of presentation of communication shall result in a deemed approval.
- F. 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 five (5) new parcels or lots intended for development as residential uses, in which case preliminary plat approval may act as final plat approval where the Board of Supervisors and the Township Engineer find that further review is



not required. 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, nor authorize development, or the issuance of any zoning/building permit, except as herein specified.

- G. From the time a completed application for approval of a plat whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment of the 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. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the preliminary application as herein provided. 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 plat, whether preliminary or final, has been approved or approved subject to conditions, no specific changes in this or any related ordinance shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years) from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- H. Location Map: This application shall include a map which relates the location of the subdivision within the Township to the highway systems and other significant developments, including title, graphic scale, and north point.
- I. Survey Drawing: The application shall include a survey of the property, which survey shall show existing conditions within the property, define the areas and perimeters of the property, and for at least one hundred feet (100') beyond the boundaries or perimeters of said property, either on the submitted plat or on an aerial photograph, show any structures, streets, or utilities including those which are planned in the proposed development.
- J. The preliminary plan drawing shall be at a scale of no less than one inch (1") equals one hundred feet (100') and include the following:
- (1) Name of the proposed subdivision;
  - (2) Area of the property in acres;
  - (3) Boundary of the property to be subdivided indicating bearings and distances;
  - (4) Names of owners of adjacent properties to the subdivision;
  - (5) Existing and proposed streets and rights-of-way indicating names, widths, and cartway widths, and approximate gradients;
  - (6) Existing and proposed easements, indicating location, width, purpose and lessee;
  - (7) Location on, or adjacent to, the property to be subdivided, of existing and proposed utilities, indicating line size, manholes, fire hydrants, and other visible elements in the systems;
  - (8) Streams, watercourses, and areas subject to periodic flooding, if any portion of the property is located within a designated floodplain, the limits of the floodplain shall be shown;
  - (9) Tree masses or other significant natural features;
  - (10) Structures and other significant man-made features;
  - (11) If information is available, show subsurface conditions, including information about past and possible future coal mining activity. If seams of minable coal are located within five hundred

- feet (500') of the subdivision surface, the subdivider may be required to prove that he owns rights of support;
- (12) North arrow, linear scale, dates of preparation and revisions to the plan; and
  - (13) Name and address of the registered surveyor/engineer/architect who prepared the plan, including the Pennsylvania seal.
  - (14) Comments shall be received from the North Sewickley Township Volunteer Fire Company for the following land uses at the preliminary approval stage.
    - (a) PRD A (See Part 10, North Sewickley Township Zoning Ordinance)
    - (b) PRD B (See Part 10, North Sewickley Township Zoning Ordinance)
    - (c) Triplex, quadruplex and townhouse dwellings (multiple structures on a single lot)
    - (d) Schools, public and private
    - (e) Personal care homes
    - (f) Churches
    - (g) Retirement communities
    - (h) Nursing home, senior care facility and health care facility
    - (i) General and medical offices (multiple structures on a single lot)
    - (j) Municipal buildings, libraries and community centers
    - (k) General and specialty retail (multiple structures on a single lot)
    - (l) Automotive service stations with or without convenience retail
    - (m) Financial institutions with or without drive-through service
    - (n) Restaurants with or without drive-through service
    - (o) Laundries and dry cleaners
    - (p) Commerce parks
    - (q) Hotels and motels
    - (r) Theaters
    - (s) Mixed use structures
    - (t) Light industry, processing, packaging and manufacturing facilities
    - (u) Distribution/warehousing
    - (v) Contractor and supply yards
    - (w) Research and testing laboratories
    - (x) Collection and recycling facilities
    - (y) Communications and public utility facilities
    - (z) Adult businesses
- K. Upon written request from the developer, the Planning Commission may recommend and the Board of Supervisors may grant a modification of one or more provisions of this Chapter if the literal enforcements will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and approved consistent with Part 10 of this Chapter.



- L. Land Development Plan: The survey drawing shall be accompanied by the proposed development plan which shall include the following:
- (1) Name and address of the landowner of record and the name of the subdivider/developer if the subdivider/developer is not the same as the landowner;
  - (2) Street pattern within one hundred feet (100') of the proposed subdivision boundaries, indicating street rights-of-way, cartway width, curbs, and connections to existing streets. Names shall also be provided for the proposed streets, and shall not duplicate existing street names;
  - (3) Profiles along centerlines of all new streets, indicating grades of each segment and relationship to existing topography;
  - (4) If lots are included in the plan for sale or lease, the layout of the lots, including lot lines (scaled dimensions), numbers, building setback lines, or front yard line;
  - (5) Preliminary location of all buildings (other than single family dwellings), indicating type of structure, number of stories, use, number of dwelling units, and setback lines from streets and rights-of-way;
  - (6) Parcels of land to be identified or reserved for open space, parks, playgrounds, or other public or community use;
  - (7) In developments proposed for uses other than single family dwellings, a parking plan indicating location of each parking area, arrangement of spaces, access lanes and number of cars to be accommodated in each area, consistent with the North Sewickley Township Zoning Ordinance;
  - (8) Storm drainage systems in detail;
  - (9) Sanitary sewer, water, gas lines, and other utilities and connections to existing systems, if available; and
  - (10) North arrow, legend, linear scale, dates of preparation and revisions to plan, and any notices required by the Board.
- M. General Information: In addition to the plans identified above, the application shall include:
- (1) A description of existing covenants, and/or private restrictions which are to be incorporated into the Final Plan;
  - (2) A report on the feasibility of connection to an existing sanitary sewerage system, including distances to the nearest public sanitary sewer, service load of the proposed subdivision, and capacity of the treatment plant; and
  - (3) A Sewage Facilities Planning Module to be submitted to the Department of Environmental Protection.

## §22-304 FINAL PLAN SUBMISSION

The Final Plan shall be submitted to the Planning Commission within six (6) months after the Preliminary Plat has been approved and shall have incorporated all the revisions recommended by the Township Planning Commission. The Final Plan shall be in such form and on such material as is presently required for recording of subdivision plans by the Beaver County Planning Commission and the Recorder of Deeds of Beaver County. The Final Plan shall be forwarded to the County Planning Commission for review and comment prior to action being taken by the Board of Supervisors.

- A. Certifications: All records, data, indentures, statements, easements, covenants, affidavits, and required information shall be added to the Plan.
- B. Submittals: The Final Plat application shall include four (4) black or blue line prints and one (1) reproducible print of the Final Plat and four (4) prints of all other exhibits and engineering data

required for approval. The Final plat shall be drawn at a scale no less than one inch (1") equals one hundred feet (100'), and shall also include the following information:

- (1) Subdivision name, and address of owner and subdivider (if not one in the same), source of land title as shown by the County Recorder's Office, scale, north arrow, and all certifications required by law;
- (2) Name and address of the professional registered land surveyor preparing the plan with license number and seal affixed;
- (3) Survey data including the calculated distances and bearings of the subdivision boundaries, lots, utility easements, right-of-way lines for streets, building setback lines, and parcels of reserved or dedicated land for community purposes;
- (4) Location, type, material, and size of monuments;
- (5) Complete street curve data;
- (6) Lot numbers and street names;
- (7) Area of lots and of all lands dedicated for public use;
- (8) Total area of the plan;
- (9) Existing and final contours at two foot (2') intervals throughout the site if the general slope is ten percent (10%) or less, and at intervals of five foot (5') contours if the general slope is greater than ten percent (10%);
- (10) Notation of dedication of public improvements; and
- (11) If applicable, a notation on the plat that access to a Commonwealth highway shall only be authorized by a highway occupancy permit issued by the Pennsylvania Department of Transportation under Section 402 of the State Highway Law. (P.L. 1242, No. 428 of June 1, 1945).

C. Construction Plans for Public Improvements: The Final Plat shall be accompanied by construction plans for public improvements consistent with the Township Construction Standard Details in the Appendix to this Chapter, prepared by a registered engineer/surveyor/architect which show the following:

- (1) Plans in profile of each street in the plan and at least one hundred feet (100') beyond the limits of the plan;
- (2) Typical cross-sections of roadways and sidewalks;
- (3) A plan and profile, showing the size of water pipes and location of valves and fire hydrants, where applicable;
- (4) A plan and profile showing the location of manholes, invert elevations, grades and size of sanitary sewers, where applicable;
- (5) A final grading plan showing finished contours and elevations;
- (6) An erosion and sedimentation control plan approved by the County Conservation District under authority of the Pennsylvania Department of Environmental Protection, Rules and Regulations, Title 25, Chapter 102, Erosion Control, if determined necessary by the Planning Commission;
- (7) An approved Pennsylvania Department of Environmental Protection Planning Module, where required;
- (8) A plan for placement of water, sewer, gas, electric, telephone and cable television service lines, as applicable, pursuant to the rules and regulations of the Pennsylvania Public Utilities Commission;



- (9) If the proposed subdivision is located in a designated floodplain, base flood elevation data shall be contained on the plan;
- (10) A complete drainage and stormwater drainage plan, which includes all storm sewers and appurtenances, along with the method of disposal of all stormwater collected and the method of drainage for adjacent territory, in accordance with Act 167, as amended, and with Chapter 9, Grading, Excavating and Stormwater Management of the North Sewickley Township Code of Ordinances; and
- (11) If water is to be provided by means other than by private wells owned and maintained by the individual owners of lots within the subdivision or land development, evidence shall be presented to the Board that the subdivision or land development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a Certificate of Public Convenience from the Pennsylvania Public Utility Commission or an application for such certificate, a cooperative agreement, commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

### §22-305 MINOR SUBDIVISION

The Board may waive the requirements of Sections 22-303 and 22-304 of this Chapter for Minor Subdivisions requiring no additional streets or street openings, upon the request, in writing, by the developer for a waiver of the applicable requirements. In the case where the waiver is granted, an application for Final Plan approval shall be filed along with the plans and data required in Section 22-305A, and shall be processed according to Sections 22-304 and 22-305 of this Chapter.

- A. Plans and Data: Plans granted a waiver under this Section shall submit an application which shall include, but not be limited to the following:
  - (1) Plan at a scale of no less than one inch (1") equals one hundred feet (100'), drawn on mylar or similar material not to exceed twenty-four by thirty-six inches (24" x 36");
  - (2) Location map;
  - (3) The following information:
    - (a) Description of covenants;
    - (b) Title box to include name and address of the owner(s), name and seal of the registered professional surveyor/engineer/architect, north point, graphic scale and date;
    - (c) Proposed use of the land;
    - (d) Lot lines, dimensions, and land area of the proposed lot;
    - (e) Existing rights-of-way and easements on the tract and adjacent tracts;
    - (f) Available utilities;
    - (g) An approved Pennsylvania Department of Environmental Protection Planning Module where required;
    - (h) Names of abutting property owners;
    - (i) Sketch plan showing the entire parcel and its relationship to existing development, highways and/or environmental conditions; and
    - (j) Any other certificates, permits or dedications which may be required in the administration of this Chapter.
    - (k) Compliance with Chapter 9, Grading, Excavating and Stormwater Management of the North Sewickley Township Code of Ordinances.



**§22-306 APPROVAL OF FINAL PLAN**

- B. The Planning Commission shall review the final plats and prepare a written report for the Board of Supervisors. The report shall contain recommendations for approval, conditional approval or disapproval with specific reasons for the recommended action.
- C. Prior to finalization of the written report, the Planning Commission may schedule a public meeting, advertised in accordance with the provisions of the Sunshine Act, which is mutually convenient to the developer and the Planning Commission for consideration of the final plat. If within thirty (30) days of receipt of the final plat, a mutually convenient date for such meeting cannot be established with the developer, consideration of the final plat shall be conducted at the next scheduled meeting of the Planning Commission.
- D. If the Board finds that the Final Plan is not in conformance with this Chapter, it shall not sign the Final Plan, and shall notify the developer as to the section(s) of this Chapter that is not in compliance.
- E. The developer may wish to seek a modification of certain regulations where, owing to special conditions, a literal enforcement of this Chapter would result in unnecessary hardship to the developer. All requests for modification shall then be reviewed and considered by the Board in accordance with Part 10 of this Chapter.
- F. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the date of the decision within the ninety (90) day review period.
- G. 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.
- H. Failure of the Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time 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.
- I. From the time an application for approval of a final plat is duly filed as provided in this Ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision and land development or other applicable 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 terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- J. No Final Plan shall receive approval by the Board unless the developer shall have filed with the Board guaranties acceptable to the Board or shall have completed all required improvements listed in Part 4 or as the Board may require in the public interest.
- K. Upon completion of the applicable improvements as outlined in Section 22-304C and made in accordance with the specifications of this Chapter or those of the Township Engineer, the



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developer shall take steps to dedicate the improvements and have the same accepted by the Board.

#### **§22-307 RECORDING OF THE PLAN**

- A. After completion of all procedures and upon approval of the Final Plan, the developer shall within ninety (90) days of such approval, or ninety (90) days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Recorder of Deeds of Beaver County. Whenever such plat approval is required by the Township, the Recorder of Deeds of Beaver County shall not accept any plat for recording, unless such plat officially notes the approval of the Board of Supervisors and review by the Beaver County Planning Commission.
- B. The recording of the plat shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject plat.
- C. The Final Plan shall be recorded with the County Recorder of Deeds before proceeding with the sale of lots, issuance of building permits or the construction of buildings.
- D. Recording the Final Plan after approval shall have the effect of an irrevocable offer to dedicate all streets and other public ways to public use, and to dedicate or reserve all park land or open space and other public service areas as hereafter provided. Maintenance or improvement of any such dedicated streets, parks, areas or portions of same shall not commence until the Board of Supervisors shall have made actual appropriation for the same, by ordinance or resolution, or by entry, use or improvement.
- E. The developer may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated public areas, or streets, in which event the title to the areas shall remain with the owner, and the Board shall assume no responsibility for improvement or maintenance thereof, which fact shall also be noted on the Final Plan.

## PART 4

### Conditions of Acceptance

#### §22-401 PERFORMANCE REQUIREMENTS

Before approving any final subdivision or land development plan, the Board shall require a written agreement, and appropriate financial surety, as specified in Section 22-402 herein, that necessary grading, paving, and street improvements, sidewalks, street lights, fire hydrants, water mains, storm sewers, and sanitary sewers, as may be required by the Board, shall be installed by the developer in strict accordance with the design standards and specifications of the Township in the Appendix attached to this Chapter, within a specified time period.

#### §22-402 PERFORMANCE GUARANTEES

The Board shall insure, through receipt of certificates of compliance submitted and attested by the Township Engineer, that the required improvements have been installed according to the specifications of the Final Plan, or as an alternative, require the posting of adequate surety to cover the cost for such improvements. The developer may also insure, through the posting of bonds or other surety acceptable to the Township, the maintenance of existing public rights-of-way and road surfaces which are in any manner utilized for transport or related purposes during development and construction associated with subdivision development. Final approval of a plan may not be granted by the Board until the surety required is fully provided. In any event, the required surety shall be secured along with the written agreement prior to any construction or related activity. The Board shall specify one of the following alternatives, or such other alternatives as may be acceptable, for guaranteeing compliance with the requirements of this Section:

- A. **Completion of Improvements Prior to Final Plan Approval:** Prior to Final Plan approval, the developer shall complete, in a manner satisfactory to the Board and the Township Engineer, all improvements required in these regulations as specified in the final subdivision plan, and as preliminarily approved by the Board, and shall dedicate the same to the Township in accordance with these regulations.
- B. **Guarantee of Future Performance:** In lieu of requiring the completion of all improvements prior to Final Plan approval, the Board may, at its discretion, enter into an agreement with the developer whereby the developer shall guarantee to complete all improvements required by this Chapter, or otherwise specified by the Board and in a manner satisfactory to the Board. To secure this agreement, the developer shall provide, subject to approval of the Board, one of the following guarantees:
  - (1) **Surety Bond:** The developer shall obtain a security bond from a surety bonding company authorized to do business in the Commonwealth of Pennsylvania. The bond shall be payable to the Township. The amount of financial security shall be equal to one hundred and ten percent (110%) of the cost of the required improvements as estimated by the Township Engineer as of ninety (90) days following the date scheduled for completion by the developer. The duration of the bond shall be until such time as the improvements are accepted by the Board in accordance with the requirements of this Chapter.
  - (2) **Escrow Account:** The developer shall deposit cash or other instruments readily convertible into cash at face value, either with the Township or in escrow with a bank. The use of any instrument 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 Board. The amount of financial security shall be equal to one hundred and ten percent (110%) of the cost of the required improvements as estimated by the developer and approved by the Township Engineer. In the case of an escrow account, the developer shall file with the Board an agreement between the financial institution and himself, guaranteeing that the funds of said escrow account shall be held in trust until released by the Board and may not



be used or pledged by the developer as security in any other matter during the period, and that in the case of a failure on the part of the developer to complete said improvements, the financial institution shall immediately make the funds in said account available to the Board for use in the completion of those improvements.

- (3) **Property Escrow:** The developer shall offer as a guarantee, tangible commodities which can be readily liquidated, including corporate stocks or bonds. The value of such commodities shall be at least equal to one hundred and ten percent (110%) of the cost as estimated by the developer and approved by the Township Engineer.
- (4) **Extension of Guarantees:** If the developer requires more than one (1) year from the date of posting financial security to complete the required improvements, the amount of security may be increased to assure that financial security equals one hundred and ten percent (110%) of the cost of the estimated improvements. Any additional security shall be posted by the developer in accordance with Section 22-401.

### §22-403 RELEASE FROM IMPROVEMENT BOND

The following procedure shall be followed when the required improvements have been completed:

- A. When the developer has completed all the required improvements, the developer shall notify the Board, in writing, by certified or registered mail, of the completion of the required improvements, and shall send a copy thereof to the Township Engineer.
- B. The Board shall, within ten (10) calendar days of receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall, thereupon, file a report, in writing, with the Board. The report shall be made and mailed within thirty (30) calendar days of receipt by the Township Engineer of the aforesaid authorization by the Board. The report shall be detailed and shall indicate approval or rejection of said improvements. If any portion thereof shall be rejected, the report shall contain a statement of reasons for such rejection.
- C. The Board shall notify the developer within fifteen (15) calendar days in writing by certified or registered mail, of the action of the Board.
- D. If the Board of the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guarantee bond.
- E. If any portion of the required improvements shall not be approved, or shall be rejected by the Board, the developer shall proceed to complete the improvements and upon completion, the same procedure of notification as outlined herein shall be followed.
- F. Nothing herein, shall be construed to limit the subdivider's or developer's right to contest or question, by legal proceedings or otherwise, any determination of the Board or the Township Engineer.
- G. In the case where development is projected over a period of years, the Board of Supervisors or the Planning Commission may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- H. As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding



company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.

#### **§22-404 REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS**

In the event that any of the required improvements are not installed and constructed as provided for in the developer's agreement, this Chapter, the requirements of the Board, or in accordance with the approved Final Plan, the Board shall enforce any corporate bond, or other security by appropriate legal and equitable remedies.

- A. If the 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 Board may, at its option, install part of such improvements, and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of the improvements.
- B. 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.

#### **§22-405 MAINTENANCE BOND**

After the Township Engineer has issued to the Board a written certification that all improvements specified and required have been satisfactorily completed in accordance with the agreement and requirements relative to the subdivision or land development, and in compliance with the specifications, standards, ordinances and requirements of the Township, the subdivision or developer shall be required to deposit with the Township, a maintenance bond, as defined by this Chapter, to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements in accordance with the design standards established in Part 6, and the specifications of the Final Plan. The term of the maintenance bond shall be for a period of eighteen (18) months from the date of the acceptance of the public improvements by the Board. The amount of the maintenance bond shall be fifteen percent (15%) of the actual cost of installation of the required public improvements.



**PART 5**  
**Reserved for Future Use**

## PART 6 Design Standards

### §22-601 APPLICATION OF STANDARDS

The following land subdivision principles, standards and requirements shall be applied by the Board in Supervisors in evaluating the plans for proposed subdivision and shall be considered minimum requirements.

### §22-602 LAND REQUIREMENTS

- A. Land shall be suited for the purpose for which it is to be subdivided.
- B. Land developed within flood hazard areas, as shown on the Flood Insurance Rate Maps or other known flood areas, shall be subject to the Township Floodplain Ordinance (Chapter 8) requirements.
- C. If the Board determines that only a part of a proposed tract can be safely developed, it shall limit development to that part.

### §22-603 STREET REQUIREMENTS

- A. Proposed streets shall be **designed and constructed** to Township, County, and Commonwealth 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. Minor streets may be so laid out as to discourage unnecessary through traffic, but provisions for street connections into and from adjacent areas will be generally required.
- D. Half streets shall be prohibited except to complete an existing half street.
- E. Cul-de-sac streets may be permitted when it is clear that through traffic at such a street end is not essential to the existing or future street systems, or to the development of adjacent properties in the area.
  - (1) A turnaround with a cartway diameter of eighty feet (80') with a right-of-way diameter of one hundred feet (100') shall be required at the end of all streets terminating in a cul-de-sac; and
  - (2) Such streets shall not exceed eight hundred feet (800') between turnarounds.
- F. Any street or way already established shall be continued at not less than its existing width.
- G. Maximum allowable grades:

Arterial -----	As specified by Commonwealth or Federal agencies
Collector -----	Eight percent (8%)
Minor (local access) -----	Twelve percent (12%)
Grades in excess of twelve percent (12%) may be approved by the Board of Supervisors where it is clear that no traffic hazard is or will be created thereby	



- H. Minimum grades on all streets shall not be less than one percent (1%).
- I. Vertical curves shall be installed on all street grade changes which exceed two percent (2%).
- J. Alignment:

(1) Minimum centerline radius for horizontal curves:

Arterial-----	As specified by Commonwealth or Federal agencies
Collector-----	Two hundred feet (200')
Minor (local access)-----	One hundred feet (100')

(2) Horizontal curves shall be laid on all deflecting angles greater than two degrees (2°) along the centerline of streets.

(3) Degree of curvature shall be set to assure proper sight distance.

K. Widths: Minimum street right-of-way width and cartway widths shall be as follows:

TYPE OF STREET	TYPE OF DEVELOPMENT	CARTWAY	RIGHT-OF-WAY
Minor (local access) --	Single Family Lots	24 feet	50 feet
Collector -----	Single Family and Commercial	24 feet	50 feet
Arterial -----	All types	As prescribed by the PA Department of Transportation	

In cases where a new subdivision is planned to join the street system on an existing subdivision, the above minimum requirements shall apply except where the existing streets and rights-of-way are larger than required. In this event, the Board of Supervisors may require the new streets and rights-of-way be as large as those in the existing subdivision. Private covenants may apply if their provisions are in excess of this Chapter.

L. Cul-de-sacs: Cul-de-sacs are permitted where the length does not exceed eight hundred feet (800') and where a turnaround with a right-of-way diameter of fifty feet (50') is provided. Extension of a cul-de-sac will be permitted to connect to a street system of a new or extended subdivision provided that the maximum street lengths for blocks and cul-de-sacs are met. Cul-de-sacs shall be avoided unless it is clear that a through street is not essential to the street system of the plan or the adjacent area.

M. Street Intersections:

(1) All curbs at intersections shall be rounded by a minimum radius of:

Collector and Arterial Streets---	Twenty-five feet (25')
Minor Streets (local access)-----	Twenty-five feet (25')

(2) Twenty-five foot (25') radii shall be maintained where collector and/or arterial streets intersect minor streets

(3) Where the grade of any street at the approach to an intersection exceeds five percent (5%), a leveling area shall be provided with a transitional grade not to exceed two percent (2%) for a distance of fifty feet (50') from the nearest right-of-way line of the intersection.

(4) The intersection of more than (2) streets shall be avoided.

(5) All street, intersection angles shall be as close to ninety degrees (90°) or radial, on curves, as possible.

N. Alleys: Alleys shall be permitted only as approved by the Board of Supervisors upon the recommendation of the Township Engineer.

O. Private streets shall be permitted only as approved by the Board of Supervisors upon the recommendation of the Township Engineer.

**§22-604 LOTS**

See Zoning, Chapter 27<sup>3</sup>.

**§22-605 BLOCKS**

Block lengths shall not exceed eight hundred feet (800').

**§22-606 EASEMENTS**

- A. Private and public utility easements shall have a minimum width of twenty feet (20').
- B. Where a subdivision is traversed by a watercourse, there shall be provided a drainage easement or right-of-way conforming substantially with the centerline of such watercourse, and of such width as will be adequate to preserve natural drainage and provide for maintenance purposes, but not less than a minimum of twenty feet (20').

**§22-607 STREET NAMES**

The subdivider may chose street names subject to the recommendations of the Planning Commission and approval of the United States Post Office and the Board of Supervisors. No street, other than a continuation, may be given the name of an existing street having the same Postal zip code.

**§22-608 ACCESS**

The Township may require, as a condition for approval, streets in a subdivision be extended to the tract boundary to provide access to adjoining lands, when in the opinion of the Township, said connection to adjoining lands will provide interior circulation on the Township road network or would otherwise preclude the development of surrounding land areas.

**§22-609 RESERVED AREAS**

Reserve strips surrounding property, or areas reserved for any purpose which shall make any area exempt from regular or special tax assessments, or which may revert to an untended nuisance area, will not be approved by the Township Supervisors.

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<sup>3</sup> Former Section 603, now 22-604, has been moved to Zoning, Chapter 27, Zoning District regulations.



## PART 7 Improvements

### §22-701 GENERAL

- A. All of the required improvements specified in this Chapter shall be constructed and installed by the subdivider or developer at no expense to the Township, and shall be done in accordance with the Township Construction Standard Details in the Appendix to this Chapter, and all other applicable Township, County and Commonwealth regulations.
- B. No developer shall proceed with the construction of any utilities or improvements, or make connection to any existing Township facility or utility system, without the approval of the Township Engineers or their representatives. Drawings and specifications shall be provided in sufficient detail to show the form, construction and method of installation of the following items, and shall be a part of the final subdivision plan approval:
  - (1) Survey monuments.
  - (2) Streets
  - (3) Storm sewers and stormwater management.
  - (4) Sanitary sewer lines as per Section 22-705.
  - (5) Water lines as per Section 22-707.
- C. No person shall dig or make any cuts or changes whatsoever in the cartway or right-of-way of any Township, County or Commonwealth road without receiving the proper permits from the agency with jurisdiction.
- D. No person shall connect to any water line, storm or sanitary sewer without obtaining a permit and paying the proper connection fee.
- E. The developer shall notify the Township at least two (2) working days prior to his/her construction starting date.
- F. Upon completion of the required improvements and prior to acceptance by the Township, an "As Built" plan and profile shall be submitted to the Township Secretary.
- G. Standards for required improvements which are not set forth within this Chapter, or any other Township ordinance or specifications, shall be governed by the applicable Commonwealth, County and/or applicable municipal requirements.
- H. No subdivision shall be approved for development by the Township Supervisors until the developer provides certification that mutually acceptable agreements have been reached between the developer and applicable private or municipal utility authorities relative to utility system installations, maintenance, ownership of facilities, tapping fees and other related fees.

### §22-702 MONUMENTS

- A. Monuments shall be placed at or near the beginning and ends of tangent sections of all streets, and at the intersections of lines forming angles in the boundaries of the subdivision.
- B. The location and tie-in dimensions of all monuments shall be shown on the plat for recording.
- C. Monuments shall be permanent reference monuments of precast concrete, at least four inches (4") square at the top, and shall be set a minimum of thirty inches (30') in depth.
- D. No public improvements shall be accepted by the Township until all monuments have been set and certified by a Registered Surveyor and the Township Engineer has verified their placement.

**§22-703 GRADING**

The developer shall grade each right-of-way in a subdivision to the full width in order to establish street grades.

**§22-704 STREETS**

The streets shall be graded to the grades and dimensions shown on the submitted plans and profiles as approved by the Township Supervisors, and shall include the following improvements:

- A. Storm inlets shall be of the type shown on the Township Construction Standard Details in the Appendix to this Chapter, and shall be placed at all low points, street intersections, and at points along both sides of the street to insure adequate drainage, but in no instance shall the distance between inlets along the street exceed four hundred feet (400') unless approved by the Township Engineer. Inlets at street intersections shall be placed on the tangent and not on the curved portion.
- B. All streets and service roads shall be paved to the minimum width outlined in Part 6, and the base course and wearing surface shall be constructed in accordance with the Township Construction Standard Details in the Appendix to this Chapter, and all materials used shall meet the latest Pennsylvania Department of Transportation Form 408 specifications. Additional cartway widths and additional base course depths may be required as the Township Engineer may determine to be necessary for the type of street that has been proposed.
- C. French drains shall be installed as may be determined by the Township Engineer during construction to prevent the infiltration of water under the paved roadway.
- D. Street shoulders shall be graded to the full width of the right-of-way in accordance with the Township Construction Standard Details in the Appendix to this Chapter, and thoroughly compacted by rolling. All shoulders and slopes shall be seeded to prevent erosion.
- E. Cul-de-sacs shall be graded and paved in accordance with Part 6.
- F. All utilities crossing streets shall be installed and trenches backfilled and compacted with a granulated material and all other utilities within the street right-of-way shall be installed before paving is initiated, or streets shall be bored for utility line placement where the final wearing course has been installed.
- G. Street signs of the type approved by the Township Supervisors shall be placed at all street intersections, at a location determined by the Township. Street names must be approved by the Township Planning Commission prior to submitting the final plan.
- H. Driveways shall be constructed to conform to the grade of the finished shoulders. All descending or ascending grades on driveways shall commence at the street right-of-way line.
- I. Any fences, hedges, trees, shrubbery, walls, plantings, or other obstructions located within the right-of-way of any street, shall be removed. A clear sight triangle shall be maintained at every intersection.

**§22-705 SANITARY SEWERS**

Sanitary sewer service is deemed to be available where the average distance from the end of the main to the point of connection for all lots in the proposed subdivision, as shown on the preliminary plan, is five hundred feet (500') or less, or the distance from the end of the main to the beginning point of a collection system for the plan is eight hundred feet (800') or less. Where the engineer for the municipal authority with jurisdiction determines that topographic constraints will prevent the extension of a service line to proposed new lots or a new land development, service is considered unavailable.



## §22-706 STORMWATER MANAGEMENT

In addition to the standards and criteria for stormwater facility design and construction as per Chapter 9, Grading, Excavating and Stormwater Management of this Code of Ordinances<sup>4</sup>, the following standards and criteria shall apply to all subdivision and land developments in North Sewickley Township.

- A. A complete drainage plan of the subdivision shall be submitted, including all necessary storm sewers and facilities, the design of which is based on the criteria outlined in Chapter 9, except in those areas where, in the judgment of the Township Engineer or Board of Supervisors, additional design criteria is required. The drainage plan shall show the method of drainage of adjacent and contiguous property and the method of disposal of all stormwater collected. The drainage plan shall be accompanied by design calculations.
- B. The storm drainage system shall be provided, as necessary to:
  - (1) Discharge stormwater runoff into common natural watercourses.
  - (2) Adequately drain all low points along streets.
  - (3) Stormwater management plans shall address all Commonwealth, Beaver County and local standards.
- C. All pipe culverts and related installations used in the construction of storm sewers shall be in accordance with standards and specifications of the Township, Beaver County or Commonwealth, as approved by the Township.
- D. Manholes and castings of the type shown on the Township Construction Standard Details in the Appendix to this Chapter, shall be installed at all changes in alignment and grades to facilitate proper maintenance. Inlets may be substituted for manholes where practical.
- E. All roof drains shall be extended to the curb of the streets and connected to the storm sewer system where accessible and where elevations will permit flow. On lots at lower elevations to the finished street grade, roof drains shall discharge without causing damage to adjacent properties. At no time will roof drains or foundation drains be permitted to be connected to the sanitary sewer system.
- F. Any springs encountered during construction shall be piped and connected to the storm sewer system or extended to a natural watercourse as may be approved by the Township.
- G. Concrete headwalls and splash aprons shall be constructed at both ends of the pipe.
- H. Where construction activities or development stops, obstructs or concentrates the natural flow of surface drainage in such a way as to affect adjoining properties, written approval from the effected property owners must be obtained. Where stormwater drainage is piped onto adjoining properties, other than natural watercourses, written permission and a release of damages and right-of-way must be obtained from the adjoining property owners, prior to the acceptance of the storm sewers by the Board. Approval of the plans by the Township does not authorize or sanction drainage affecting adjoining properties.
- I. In addition to the provisions of this Section, all stormwater facilities shall be designed and constructed in accordance with the provisions of Chapter 9 of the North Sewickley Township Code of Ordinances.

## §22-707 WATER SUPPLY

Where public water supply is within one thousand linear feet (1,000') of the subdivision boundary line, the subdivider shall connect to such public water supply and construct a system of water mains in accordance with the standards specified by the municipal water authority with jurisdiction in the Township.

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<sup>4</sup> Specifically, Ordinance No. 111 of November 14, 1993

**§22-708 UTILITY APPROVAL REQUIREMENTS**

- A. No building permit shall be issued for any construction or subdivision development until either an individual sanitary sewage disposal system, a sanitary sewage treatment plant installation or connection to a municipal sewage system has been approved by the Board of Supervisors and the Pennsylvania Department of Environmental Protection, pursuant to the rules and regulations of the Pennsylvania Sewage Facilities Act (Act 537), as amended.
- B. No subdivision shall be approved for development by the Board of Supervisors until mutually acceptable agreements have been reached between the developer and the Township Municipal Authority relative to utility system installations, maintenance, ownership of facilities, tap fees, treatment capacity and other related considerations.



## PART 8

### Mobile Home Park Regulations

#### §22-801 APPLICABILITY

Mobile home parks shall be permitted in North Sewickley Township subject to the Township's Zoning Ordinance and this Part.

- A. The standards set forth in this Part are intended for those mobile home parks where lots within the park are for rental or lease only.
- B. Where it is intended by the owner or developer to offer mobile home lots for sale, the development shall be treated as a land development and subject to applicable regulations concerning such land development.

#### §22-802 PLAN REQUIREMENTS

- A. No person, firm, or corporation proposing to develop or expand a mobile home park in North Sewickley Township shall proceed with any construction work on the proposed park until they have obtained from the Township Supervisors written approval of the final plan of the proposed park, according to procedures herein outlined.
- B. Preliminary and final plans, as required, shall comply in form and content to Part 3 of these regulations insofar as applicable and standards set forth herein, and are subject to review by the Beaver County Planning Commission as set forth in Part 3 hereof.
- C. Stormwater Management Plan: The owner shall prepare and submit for review and approval to the Board a stormwater management plan. Such plan shall indicate the proposed stormwater handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water runoff onto adjacent properties consistent with the standards and criteria of Part 9 of the North Sewickley Township Code of Ordinances. Such plan shall conform with all other applicable local, County and Commonwealth regulations. The plan shall be referred to the Beaver County Soil Conservation District for review and comment prior to final plan approval.

#### §22-803 PRELIMINARY PLAN

- A. **Preapplication Procedure:** The mobile home park developer shall meet with the Planning Commission prior to formal application, to discuss the plans and shall prepare a suitable sketch and plans sufficient to give a general understanding of the proposed park or park expansion. The Planning Commission shall inform the developer as to the general suitability of the plans and of any modifications required by these regulations, if deemed necessary.
- B. **Application:** The developer shall then prepare and submit a preliminary plan, together with proposed required improvements, site plans, and other supplementary material, as required.
- C. **Commission Action:** The Planning Commission shall review the park plan as submitted and submit their recommendation to the Board.

#### §22-804 FINAL PLAN APPROVAL

- A. Upon completion of any modifications required by the Planning Commission and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of final plans.
- B. **Review:** The Planning Commission shall review the final plan for conformance with the approved preliminary plans and all standards and criteria of this Part. The final plan shall be referred to the Board of Supervisors together with a written statement from the Township Secretary that an appropriate guarantee has been posted or that improvements have been installed according to the design standards in the Appendix to this Chapter. Within forty-five (45) days of receipt of a



complete application, the Board shall approve or disapprove such plan, stating in writing its reasons for disapproval, referencing specific deficiencies by Section.

- C. **Filing:** Following approval, the developer shall record one (1) copy of the approved plan with the Beaver County Recorder's Office within ninety (90) days following an unconditional approval or ninety (90) days following the completion of conditions placed on the final plan. Should the developer fail to file such plan within said period, the approval shall be null and void.

## §22-805 DESIGN REQUIREMENTS

- A. **Minimum Area of Tract or Park:** The minimum area of land required for a new mobile home park shall be five (5) acres. The site shall be so located that soil conditions, groundwater level, drainage, and topography shall not create hazards to the property, where mobile homes are proposed or affect the health and safety of the occupants or adjacent property owners.
- B. **Length of Residential Occupancy:** Parks shall be designed to serve the long-term placement of at least two (2) mobile homes.
- C. **Individual Lots:** The dimensions and location of individual lots shall be consistent with the following requirements:
- (1) **Access:** Each lot shall be directly accessible from an approved internal right-of-way without the necessity of crossing any other space.
  - (2) **Size:** Each mobile home lot shall have a minimum lot width of sixty feet (60') and a minimum of seventy-five hundred (7,500) square feet in area.
  - (3) **Yard Requirements:**
    - (a) Mobile homes shall be situated on each lot so that a minimum separation of fifteen feet (15') shall be provided between the mobile home, appurtenant structures or attachments and any adjacent side or rear lot or lease line.
    - (b) There shall be a minimum twenty feet (20') separation between an individual mobile home, attached structures, and accessory structures, and the pavement of a park street or common parking area.
    - (c) The minimum setback from the right-of-way of any public street or highway shall be forty feet (40').
    - (d) Mobile homes shall be located a minimum of twenty feet (20') from any common building or other permanent structure.
    - (e) Secondary entrance ways may utilize stoops, landings, patios, or awnings, which may extend to a depth of five feet (5') within the fifteen foot (15') minimum separation requirement.
  - (4) **Identification:** Each lot shall have a number placed on the lot in the form of a sign or directly on the mobile home. It shall be arranged in such a way so that it is visible from the road on which the mobile home or lot is fronting.
  - (5) **Skirting:** Skirting shall be required on all mobile homes.
  - (6) **Stormwater Management:** A plan for the management of surface drainage, consistent with the provisions of Chapter 9 of the Code of Ordinances of North Sewickley Township, shall be submitted with the preliminary plan.
- D. **Mobile Home Stands:**
- (1) The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street so that the removal of the mobile home is practical.
  - (2) The size of each mobile home stand shall be sufficient to fit the dimensions of mobile homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated "Florida rooms," car ports and storage structures.



- (3) A one to five percent (1-5%) gradient longitudinal crown or cross-gradient for surface drainage shall be provided.
  - (4) Mobile home support footers shall be either concrete pads or piers. The piers shall be set at least thirty-six inches (36") deep.
  - (5) Each mobile home stand shall be provided with tie downs, able to withstand a wind pressure of fifteen (15) points per square foot on an exposed vertical surface. Either "over-the-top" or "frame tie-downs" shall be required. The strapping for any "over-the-top" tie downs shall be four thousand seven hundred (4,700 lb.) tensile strength.
- E. **Internal Street System:** The internal street system in mobile home parks shall be constructed in accordance with the same standards and specifications required for Township streets, subject to approval by the Township Engineer, and shall be owned and maintained by the owner in accordance with Township standards.
- F. **Street Width At Access Points:** At points where traffic enters or leaves the park, street rights-of-way shall be a minimum of thirty-five feet (35') in width within twenty feet (20') of the existing public street intersection to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such **vehicular** movement.
- G. **Parking Spaces:** Two (2) parking spaces per mobile home, at a minimum size of ten by twenty feet (10' x 20'), shall be provided to meet the needs of the occupants. In addition, guest parking shall be provided at a ratio of one (1) space for each three (3) mobile homes in an area or areas accessible to the mobile homes.
- H. **Recreation:** Recreation facilities shall be provided as follows:
- (1) **Location:** Recreation facilities shall be provided in a central location and should be convenient to the park's community center. A location adjacent to the community center is preferable for efficient construction use and maintenance of all facilities.
  - (2) **Recreation Area:**
    - (a) **Size:** Not less than eight percent (8%) of the gross area shall be devoted to recreational facilities.
    - (b) **Design:** The area shall be designed as a multi-purpose facility with slopes appropriate for its intended use and location.
  - (3) Equipment for active recreation:
    - (a) **Design:** Appropriate for intended use and location.
    - (b) **Construction:** Durable to withstand weather and use; firmly fixed in place where possible.
  - (4) The recreation facilities shall be the responsibility and remain under the ownership of the mobile home park developer and shall be maintained to be usable by the occupants of the mobile home park.
- I. **Fire:**
- (1) **General:** For the safety and welfare of the current and future residents of the mobile home park, the following fire regulations shall be incorporated into the park. All fire safety plans shall be approved by the local designated Volunteer Fire Department Chief of the Township.
  - (2) **Fire Hydrants:** Hydrants shall hereafter be required in any new mobile home park, where the extension of central water lines, whether public or private, are proposed for the mobile home park development.



- (a) **Size:** Size and type of all hydrants installed shall be of a standard size and type as specified by the Township Engineer.
  - (b) **Spacing:** Hydrant spacing shall be adequate to serve all lots within the mobile home park. Hydrants shall be arranged not more than one thousand feet (1,000') apart from one another. Where an existing hydrant is less than one thousand feet (1,000') from the park, the existing shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.
  - (c) **Location:** Hydrants shall be located within dedicated utility easements or rights-of-way.
  - (d) **Design:** The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than one thousand (1,000') from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the mobile home park.
- (3) In areas where there are not central water line extensions proposed, the following standards for fire safety shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.
- (a) **The Tank System:** An approved underground, static water tank of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of one thousand feet (1,000'). In addition:
    - i. The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.
    - ii. Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four inch (24") square covered by either a removable type lid or a hinged type lid.
    - iii. Each tank shall have an approved outlet above ground, no less than four and one-half inches (4-1/2") in diameter. This outlet shall be encased in a hydrant for drafting, with at least two (2), two and one-half (2-1/2) inch outlets, with threads as approved by the North Sewickley Township Volunteer Fire Department.
  - (b) **The Pond System:** A water pond shall be located so as to serve all of the park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the Volunteer Fire Department Chief to adequately serve all park lots. In addition, a cyclone fence at a minimum height of six feet (6') with a single strand barbed wire shall enclose the pond.

J. **Buffer Area:**

- (1) All mobile home parks should have a fifty foot (50') buffer area along the boundary line perimeter.
- (2) Buffer areas shall be designed and clearly identified with dimensions on the preliminary plan and the final plan as approved for recording.
- (3) The buffer area shall be maintained in its natural state and shall not have any structure erected thereon. Additional plantings to provide a landscaped screen shall be provided.

## §22-806 RECREATIONAL VEHICLE PARK REGULATIONS

- A. **Applicability:** The standards set forth under this Part are intended for those recreational vehicle parks where lots within the park are for rent or lease and are to serve the short term placement of recreational vehicles as outlined.
- B. **Permits:** In conjunction with the rules and regulations as herein specified, the recreational vehicle park development shall submit properly prepared plans and specifications to the Pennsylvania Department of Environmental Protection. Such submission shall be in accordance



with Title 25, Rules and Regulations Part I; Department of Environmental Protection – Subpart D, Environmental Health and Safety, as amended. Prior to final approval of development plans by the Township, the developer shall forward a copy of such permit or evidence of the same to the Township.

**C. Plan Requirements:**

- (1) Persons, firms, or corporations proposing to develop a recreational vehicle park in North Sewickley Township shall not proceed with any construction work on the proposed park unless and until they have obtained from the Township written approval of the preliminary plan of the proposed park, according to procedures herein outlined, and has received the necessary approval of the plans from the Pennsylvania Department of Environmental Protection.
- (2) **Preapplication Procedure:** The recreational vehicle park developer shall meet with the Township Planning Commission prior to formal application, to discuss his plans and shall prepare a suitable sketch plan sufficient to give a general understanding of the proposal. The Township shall inform the developer as to the general suitability of the plans and of any modifications required by this Chapter, if deemed advisable.
- (3) **Preliminary Plan:** The developer shall prepare and submit a preliminary land development plan, together with public improvement plans and other supplementary materials, as required. Where a recreational vehicle park is proposed for construction in phases, a preliminary plan for the development of the entire tract of land shall be submitted along with the detailed plans and specifications for the initial phase, as well as any subsequent stages. Preliminary plans, as required, shall comply in form and content as follows, in so far as applicable and to the standards set forth herein.
- (4) **Plan Preparation Requirements:** All applications to North Sewickley Township shall contain the following:
  - (a) Name, mailing address, legal address and telephone number of applicant.
  - (b) Financial or ownership interest of the applicant in the proposed recreational vehicle park.
  - (c) Location, address, and legal description of the entire proposed recreational vehicle park site.
  - (d) Complete engineering plans and specifications of the proposed recreational vehicle park showing:
    - [1] The area and dimensions of the entire tract of land.
    - [2] The land uses occupying the adjacent properties.
    - [3] The number, size and location of the proposed recreational vehicles sites and proposed parking areas.
    - [4] The location, right-of-way, and surfaced roadway width, roadway design, and walkways.
    - [5] The proposed interior vehicular and pedestrian circulation patterns.
    - [6] The location of service buildings, sanitary stations and any other existing or proposed structures.
    - [7] The location of water and sewer lines and riser pipes.
    - [8] Proposed landscaping, bufferyards and open space with dimensions.
    - [9] Exterior lighting with location and type of illumination for all light sources.
  - (e) Plans and specifications of the water supply, sewage disposal and refuse facilities.



- (f) Plans and specifications for all buildings constructed or to be constructed within the recreational vehicle park including specifications showing the required multi-purpose/severe weather building, which is to be centrally located, serviced by all utilities and be constructed of materials capable of withstanding severe weather. The size of the building shall be determined by applying a ratio forty (40) square feet of structure per every three (3) recreational vehicle lots.
  - (g) The locations and details of street lighting, electric, natural or propane gas systems, cable T.V., and telephone, as related to all applicable codes and sound engineering practice.
- (5) **Soil Erosion and Sedimentation Control Plan:** The owner shall submit to the Beaver County Conservation District a soil erosion and sedimentation control plan. Such plan shall be prepared by a registered Professional Engineer and shall be consistent with Conservation District guidelines as may be applicable. Such plan shall be approved prior to commencement of site preparation and construction.
  - (6) **Stormwater Management:** The owner shall prepare and submit for review and approval by the Township Engineer a stormwater management plan, in accordance with Chapter 9 of the New Sewickley Township Code of Ordinances. Such plan shall indicate the proposed stormwater handling system, proposed water retention and release schedule to eliminate the effects of uncontrolled water run-off on adjacent properties. The plan shall be referred to the Beaver County Conservation District for review and comment prior to plan approval.
  - (7) **Township Action:** The Township Planning Commission and Board of Supervisors shall review the preliminary land development plan as submitted and within ninety (90) days of the date of the first Planning Commission meeting at which the application appears as an agenda item, shall take formal action on the plan and in writing within fifteen (15) days of action by the Board of Supervisors, give approval, conditional approval (specifying conditions) or disapproval (citing deficiencies).
  - (8) **Nature of Approval:** Approval of a preliminary plan by the Township shall not constitute approval of the final plan or of road or other improvements therein but it is rather an expression of approval of layout submitted on the preliminary plan as a guide to the preparation of the final plan, which shall be submitted for approval to the Township upon fulfillment of the requirements.
  - (9) **Final Plan:** Upon completion of any modifications required by the Township and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of final plans.
  - (10) **Township Review:** The Township Planning Commission and Board of Supervisors shall review the final plan for conformance with the approved preliminary plans and all requirements of these regulations. They shall require the applicant to supply proof that appropriate surety has been posted or that required improvements have been installed, according to specifications. Within ninety (90) days of receipt of complete information, the Township Board of Supervisors shall approve or disapprove such plan, stating in writing its reasons for disapproval.

**D. Design Requirements:**

- (1) **Lot Area Requirements:** The configuration of individual recreational vehicle lots shall be governed by the following minimum requirements:
  - (a) **Lot Area:** Recreational vehicle lots shall be designed with a minimum width of thirty feet (30') and shall not be less than one thousand five hundred (1,500) square feet in total area, excluding rights-of-way and easements. Each recreational vehicle lot shall accommodate parking for one (1) recreational vehicle, one (1) automobile parking space, an accessory structure and outdoor facilities, including, but not limited to a grill, picnic tables, benches and chairs.



- (b) **Setback Requirements:** Front setback for recreational vehicle units shall be fifteen feet (15') along any road or street. However, structures, such as bathhouses, administration offices, recreation centers and other ancillary facilities of a permanent nature shall be setback from adjacent or access streets seventy-five feet (75') as measured from the centerline of the street or roadway.

Additional Setbacks for Recreational Vehicles	
Side Setback	5' minimum to closest point along edge of leased area
Rear Setback	5' minimum to closest point along edge of leased area

(2) **Perimeter Requirements:**

- (a) When abutting developed residential properties, a planted buffer strip shall be provided, a minimum of thirty feet (30') in width, parallel to the park property boundary line abutting the developed property. When abutting nonresidential developed properties, the buffer strip shall be twenty feet (20') from the park property boundary line. Existing vegetation may meet the standards of this Section.
- (b) When abutting an existing dedicated right-of-way, the setback shall be seventy-five feet (75') as measured from the street or roadway centerline, or twenty-five feet (25') from the existing right-of-way, whichever results in the greater setback distance.

(3) **Roadway Design Standards:** Recreational vehicle park roads shall be designed for the safe and convenient movement of recreational vehicles minimizing disturbance of the natural environment. The internal street system shall be designed and constructed as per the standards and criteria in Part 6, Design Standards, and specifically as follows:

- (a) **Collector Street:** Twenty-four feet (24') as per Part 6, Design Standards. All requirements for a public street shall be applicable, including a fifty foot (50') right-of-way. Such street shall serve as an internal collector to the development and provide access to individual park lots, administration and ancillary facilities. Such collector streets shall be improved as outlined in Part 6 of this Chapter.
- (b) **Local Streets:** One-way: 12'; Two-way: 24'. Local streets shall be constructed of select material surfacing as per current PennDOT Form 408 Highway Specifications, as amended, or approved by the Township Engineer as an alternative equivalent. Materials used shall be consistent with the standard detail attached as an Appendix to this Chapter. The street shall be made from stone, slag or gravel and meet the following graduation:

[1]	Passing 1-1/2 sieve	100%
[2]	Passing #4 sieve	15-60%
[3]	Passing #100 sieve	1-20%

(c) **Construction Requirements:**

- [1] The aggregate shall be uniformly spread upon the graded areas, without segregation of coarse and fine material, in loose layers a minimum of five inches (5") in depth, and compacted with a 10-ton roller meeting the requirements and specifications of the Commonwealth of Pennsylvania Department of Transportation Form 408.
- [2] The surfacing shall be crowned or sloped as indicated, and the final compacted depth shall comply with the depth shown on the drawings.
- [3] Satisfactory compaction and stability of the material under the specified compaction equipment, in accordance with Form 408 of the Department of



Transportation, will be determined by the Township Engineer. The Township Engineer will specify in writing to the developer any additional needs for satisfactory compaction.

- (d) **Cul-de-Sac Streets:** Shall be provided with a turnaround having an outside roadway diameter of at least eighty feet (80').
  - (e) **Parking Spaces:** Car parking spaces, at a minimum size of nine feet (9') by twenty feet (20') shall be provided as specified in the North Sewickley Township Zoning Ordinance. Such facilities shall be provided at the rate of at least one and one-half (1-1/2) parking spaces for each recreational vehicle lot, and shall be located on the recreational vehicle lot or in designated parking areas. No on-street parking shall be permitted for safety reasons.
  - (f) **Recreation:** At least five percent (5%) of the recreational vehicle park area should be reserved for active and passive recreation with a centralized location, adequate dimensions and topographic characteristics which lend themselves to recreational use.
    - [1] **Ancillary Services:** The developer may include certain ancillary services such as a laundromat, camp store, grocery store, office, bathhouse, or caretakers' residence, provided that such services shall be strictly for the use and convenience of those persons utilizing the recreational vehicle park.
    - [2] **Plans and Compliance:**
      - i No persons shall construct, open or dedicate any road, or drainage facilities in connection therewith, for public use or travel in North Sewickley Township without submitting plans thereof to the Township Engineer for approval. Such plan shall be prepared in duplicate in accordance with these regulations.
      - ii Said plans shall show the profiles, course, and layout of such roads, the capacity of any drainage facilities proposed and the method of drainage of the adjacent or contiguous properties. Construction shall be in accordance with street specifications in the Township Construction Standard Details in the Appendix to this Chapter and the final plan as approved.
      - iii Where new streets are proposed, the streets shall be designed and constructed consistent with the Township Construction Standard Details in the Appendix to this Chapter. Such street shall be inspected by the Township Engineer, and a report prepared regarding the release of surety posted to guarantee construction.
- (4) **Excavation and Grading:**
- (a) Streets shall be excavated and graded, as indicated, on the approved plan, and consistent with the Township Construction Standard Details in the Appendix to this Chapter. This shall include excavation of the street to the lines, grades and limited indicated on the drawings or as may be revised by the Township, upon recommendation of the Township Engineer to meet conditions encountered during construction. The excavation for intersecting roadways, stream channels and culverts within the approved rights-of-way limits shall also include the widening of cuts, flattening and rounding of slopes abutting the right-of-way as called for on the approved plans. Inspection shall be performed by the Township Engineer and approval granted by the Township Board of Supervisors prior to completion.
  - (b) All drainage structures shown on the approved plans shall be installed to current Commonwealth and Township standards. Culverts may be corrugated metal pipe,



concrete, high density polyethylene, or reinforced concrete as specified and prepared according to Pennsylvania Department of Transportation Form 408 specifications.

(5) **Fire Protection:**

(a) **General:** For the safety and welfare of the occupants of the recreational vehicle park, the following fire prevention regulations shall be complied with. All fire safety plans shall be approved by the Volunteer Fire Company Chief of the Township, according to nationally accepted standards (NFPA).

(b) Fire hydrants shall hereafter be required in any new recreational vehicle park of ten (10) lots or more, where the extension of central water lines, whether public or private, are proposed for the recreational vehicle park development.

[1] **Hydrant size and type:** All hydrants installed shall be of a standard size and type as specified by the Township and the Volunteer Fire Company Chief.

[2] **Space:** Hydrant spacing shall be adequate to serve all lots within the recreational vehicle park. Hydrants shall be located not more than one thousand feet (1,000') apart from one another. Where an existing hydrant is less than one thousand feet (1,000') from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.

[3] **Location:** Hydrants shall be located within dedicated public utility easements or rights-of-way.

[4] **Design:** The proposed locations of fire hydrants shall be shown on the submitted land development plans. Any existing fire hydrants less than one thousand feet (1,000') from the proposed park, shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the recreational vehicle park.

(c) In areas where there are not central water line extensions proposed, the following standards for fire prevention shall be incorporated into the park. The developer retains the option of installing either the tank or pond system.

[1] **The tank system:** Approved underground, static water tanks of not less than three thousand (3,000) gallons suitably arranged for fire department drafting at a spacing of five hundred feet (500') shall be provided.

i The tank shall be designed to permit a discharge of no less than five hundred (500) gallons per minute.

ii Each tank shall have two (2) combination vent pipe and dump valve openings above ground. The openings shall be twenty-four inches (24") square covered by either a removable type lid or hinged type lid.

iii Each tank shall have an approved outlet above ground, no less than four and one-half inches (4-1/2") in diameter. This outlet shall be encased in a hydrant for drafting, with at least two (2) two and one-half inch (2-1/2") outlets.

[2] **The pond system:** A water impoundment shall be located in such a way as to service all park lots. The pond shall be utilized by a "dry hydrant" type of outlet. The volume of water within the pond shall be sufficient, as determined by the Volunteer Fire Company Chief and Township Engineer, according to nationally accepted standards (NFPA), to adequately serve all recreational vehicle park lots.

In addition, a cyclone fence at a minimum height of six feet (6') with single strand barbed wire shall enclose the pond.

## Part 9

### Standards for Land Development

#### §22-901 JURISDICTION

Certain physical developments are classified as land developments in the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended, and as such are subject to regulation. The design and construction standards are found in Section 22-905 of this Chapter and applicable to all land developments. It shall be unlawful for an applicant to construct a land development as defined herein until:

- A. The Final Site Plan (land development plan) has been approved by the Board of Supervisors and recorded as may be required by the Board.
- B. A valid permit from the Pennsylvania Department of Environmental Protection, where applicable, has been approved for issue to the applicant.
- C. A zoning/building permit has been issued by the Township of North Sewickley.
- D. A valid Highway Occupancy Permit or Road Occupancy Permit has been secured from:
  - (1) The Township of North Sewickley, or
  - (2) The Pennsylvania Department of Transportation for highway right-of-way occupancy for purposes of constructing access facilities.
- E. Required public improvements have been installed or a financial guaranty has been established in favor of the Township of North Sewickley.
- F. A copy of any applicable business operating license currently in effect and required by Commonwealth or local agencies shall be submitted.

#### §22-902 REVIEW PROCEDURES

- A. Any proposal to develop land or to prepare land for development other than the act of subdivision shall be subject to the requirements of this Section with the following exceptions:
  - (1) Erection of a single- or two-family detached dwelling on its own lot or accessory structures thereon.
  - (2) Improvements to any building that do not increase the area it occupies on the ground or the need for additional parking spaces.
  - (3) Expansion of a building to cover additional ground area, provided the expansion is not more than five hundred (500) square feet and is not closer than one hundred feet (100') to any property line abutting a residential property or fifty feet (50') to any other property line.
  - (4) Expansion of existing buildings or construction of new buildings for agricultural use (housing of livestock, shelter for farm equipment, storage of silage, etc.) on a family-run farm or agricultural operation.
  - (5) Minor land developments, as defined, recommended for approval following an administrative review.
- B. In processing land developments, the three (3) step procedure used for subdivisions will not be followed. For land development a Preliminary Site Plan will not be required. The land development processing requirements, drawing size, certifications, acknowledgments, number of copies, and submittal information for submission of site plans shall be the same as for subdivisions (unless otherwise noted) and as set forth in this Chapter.

#### §22-903 APPLICATION

A land development application shall be required for the following:



- A. For two (2) or more residential single family dwellings, and for multi-family residential buildings with two (2) or more single family units.
- B. Developments as outlined by Section 503 of the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended.
- C. Additions or conversions to existing residential dwellings to create four (4) or more family units.
- D. Commercial structure or structures.
- E. Industrial structure or structures.
- F. Land developments excluded from these requirements shall be those listed in Section 503(1.1) of the Pennsylvania Municipalities Planning Code, Act 247, as amended.

#### **§22-904 SITE PLAN**

In lieu of a plot plan, the developer shall submit a site plan. Such plan shall be at a scale from one inch equals ten feet (1"=10'), to one inch equals fifty feet (1"=50'), at ten foot (10') increments. Each site plan shall show:

- A. Existing site conditions to include topography (at two foot [2'] contour intervals), drainage, existing stands of trees, buildings, utilities, roads, wetland delineations, floodplain boundaries and abutting property lines. Any and/or all of the aforesaid information may be waived upon request of the developer and the approval of the Board of Supervisors.
- B. For nonresidential, commercial and/or industrial, off-site conditions, which is intended to show the land development in relationship to surrounding properties, land uses and facilities. Information shall include land within one hundred feet (100') of the proposed development as part of the site plan or on an aerial photograph and shall include, topographic contours, building location, ownership, land use, vehicular facilities and circulation as well as the location of stormwater management facilities.
- C. Proposed developments for commercial and/or industrial uses including buildings (within frontal elevation and footprints), parking, vehicular and pedestrian access areas, storm drainage, landscaping, lighting plan, utility location and size. This drawing will be to scale, as noted above, with dimensions shown.
- D. Property information with a boundary survey completed by a Professional Land Surveyor.

#### **§22-905 DESIGN STANDARDS**

- A. Vehicular access to the surrounding existing road network, shall be designed with adequate sight distances, and shall have the design capacity to handle the projected traffic.
- B. Parking and loading areas for land developments shall be designed and constructed and in side and rear yards where possible, based on site conditions.
- C. The site plan shall show building locations and areas designed for vehicular circulation.
- D. Refer to Chapter 27, Zoning, establishing minimum off-site parking requirements.
- E. A complete interior pedestrian circulation plan shall be submitted by all developers indicating the safe and efficient movement of people within and through the site.
- F. Exterior Lighting: Lighting shall be provided to illuminate streets, driveways, walkways, and parking lots for the safe movement of vehicles and pedestrians at night. Exterior lighting shall be of a design and size compatible with adjacent areas and in accordance with the standards of the Illuminating Engineering Society of America. At a minimum, street lights shall be located at all intersections, at all horizontal curves of one hundred and forty-five degrees (145°) or less, all vertical curves in excess of twelve percent (12%) where necessary to provide for safe pedestrian travel, and at all other locations deemed by the Township Engineer to be necessary for the health and safety of the general public. The types of fixtures and illumination levels shall be consistent with the standards of the Illuminating Engineering Society of America. The cost of installation of



exterior lighting shall be borne by the developer. Design shall be such that light shall not spill over onto adjacent properties and abutting rights-of-way.

- G. The Township shall be provided with information on the availability of water and the capacity of existing systems in conformance with the provisions of this Chapter and/or the regulations of the water authority with jurisdiction in the Township.
- H. Utilities: Gas, electric, water, sewer, telephone and cable utilities shall be located in the land development in accordance with the utility companies practice and in accordance with agreements with, or as approved by, the Township Engineer.
- I. Dimensional standards: All structures shall be built in accordance with the front yard minimum dimension, rear yard and side yard minimum requirements, maximum height of structures and maximum number of stories as provided for in Chapter 27, Zoning.
- J. Stormwater management facilities shall be designed and constructed in compliance with Chapter 9, Grading, Excavating and Stormwater Management of the North Sewickley Township Code of Ordinances.

### **§22-906 MINOR LAND DEVELOPMENTS**

- A. Applicability: For the purpose of this Chapter, there is hereby established a minor land development category applicable to any of the following criteria:
  - (1) Minor land developments proposed on undeveloped lots;
  - (2) Minor land developments proposed on lots previously approved for a land development and involving an addition or expansion to an existing building to a maximum of one hundred percent (100%) of existing square footage; and
  - (3) Minor land developments proposed on lots which have not been previously approved for a land development involving an addition or expansion of an existing building to a maximum of fifty percent (50%) of existing square footage.
- B. Review Procedures: North Sewickley Township recognizes that expediting the approval of certain less intensive land developments which can reduce site design and administrative costs while still providing sustainable development, is in the best interests of the Township. The following administrative review procedure shall be applicable to all minor land developments as described in this Section.
  - (1) Advisory Meeting: The owner/applicant shall be prepared to discuss the detail of the proposed site development with representatives of the Planning Commission, Township staff and consultants, at a meeting on a mutually agreeable date, including a description of existing covenants and deed restrictions, land characteristics, community facilities and utilities, commercially developed areas, abutting residential areas, abutting industrial areas, proposed open space, proposed protective covenants, utilities and street improvements.
  - (2) General Information: Three (3) copies of a concept plan with sufficient detail to convey the key elements of the proposed minor land development shall be submitted to the Township Zoning Officer in order to conduct an administrative review and to distribute the plan to consultants for comment. The following general information, as well as a fee established by the Board of Supervisors, shall be submitted with all minor land development applications.
    - (a) The boundaries of the property described by bearings and distances.
    - (b) A location map shall show the relationship of the proposed development to existing community facilities which support or serve it and shall include the development name, location, existing facilities including stormwater management facilities, title, scale, North arrow, and date.
    - (c) The location of adjacent streets, indicating street curbs and street width, as well as existing and/or proposed curb cuts entering the property and streets or curb cuts directly across the street from the property.



- (d) The location of existing structures to remain and proposed buildings or additions, showing distances to property lines, height and use of each building or addition.
  - (e) The location and size of existing utility lines to remain and proposed sewer and water lines, or location of proposed on-lot sewage disposal system and well.
  - (f) Arrangement of off-street parking on the property, indicating number of spaces and location of access lanes, as well as truck loading and unloading areas.
  - (g) Proposed areas of grading and excavation on the site, indicating steepness of slopes and means to collect and dispose of stormwater, in accordance with the provisions of this Chapter.
  - (h) Proposed landscaping of the site, indicating also pedestrian walks, retaining walls, fences and other features.
  - (i) The location of the proposed development shall be shown on the United States Geological Survey Map or a comparable substitute for purposes of relating the development to the existing topography, slopes, gradient and other physical features.
  - (j) 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, excavation or soil type, land of excessive or improper fill material or land improperly drained.
- C. Where the proposed minor land development application also involves action on a subdivision, the Planning Commission shall make recommendations to the Board of Supervisors in compliance with this Subdivision and Land Development Chapter prior to an administrative review of the minor land development application. Said administrative review shall be concluded within sixty (60) days of the date of the advisory meeting. Where conditions are attached at the conclusion of the administrative review, and the applicant does not agree to the conditions, a standard ninety (90) day review and approval procedure as outlined in this Chapter for traditional land developments shall be commenced.
- D. All required Federal, Commonwealth and Township permits and final approvals shall be acquired by the owner/applicant prior to the issuance of any zoning/building permits.
- E. The owner/applicant shall be apprised of the required method of payment for costs associated with consultant review fees, technical reports, inspections and related services. Owner/applicant shall be responsible for all such costs.

**PART 10****Administration and Modification****§22-1001 ENACTMENT OF SUBDIVISION AND LAND DEVELOPMENT ORDINANCE AMENDMENT**

- A. The Board of Supervisors of North Sewickley Township may from time to time revise, modify and amend this Chapter by appropriate action in accordance with the Pennsylvania Municipalities Planning Code, Act 170 of 1988, as amended.
- B. Amendments to the subdivision and land development ordinance 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 Board of Supervisors shall submit each such amendment to the Planning Commission for recommendations at least thirty (30) days prior to the date fixed for the public hearing on such proposed amendment.
- C. At least thirty (30) days prior to the date of the hearing on the amendment, the Township shall submit the proposed amendment to the Beaver County Planning Commission for comment.
- D. Within thirty (30) days after adoption, the Board of Supervisors shall forward a certified copy of the amendment to the subdivision and land development ordinance to the Beaver County Planning Commission.
- E. 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 Township where copies of the proposed ordinance amendment may be examined without charge or obtained for a charge not greater than the cost thereof. The Board of Supervisors shall public the proposed ordinance amendment once in one newspaper of general circulation in the Township not more than thirty (30) days not less than seven (7) days prior to passage. Publication of the proposed ordinance amendment shall include either the full text thereof or the title and a brief summary, prepared by the Township Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included in the public notice:
  - (1) A copy of the full text shall be supplied to the newspaper of general circulation in the Township at the time the public notice is published.
  - (2) An attested copy of the proposed ordinance amendment shall be filed in the Beaver County law library which may impose a fee no greater than that necessary to cover the actual costs of storing said ordinance amendments.
- F. In the event substantial amendments are made in the proposed ordinance amendment, before voting upon enactment, the Board of Supervisors shall, at least ten (10) days prior to enactment, readvertise, in one (1) newspaper of general circulation in the Township, a brief summary setting forth all the provisions in reasonable detail together with a summary of the amendments.

**§22-1002 FILING FEE AND CONSULTANT COSTS**

The filing fees for subdivision and land development applications shall be as fixed by the Board of Supervisors by Resolution. Any additional costs for review or inspection by professional consultants shall be borne by the applicant.

**§22-1003 RECORDS**

The Township shall maintain an accurate public record of all plans upon which it takes action and of its findings, decisions, and recommendations in relation thereto.



**§22-1004 APPEALS**

In any case where the Board of Supervisors denies a subdivision or land development plan application, any person aggrieved thereby may, within thirty (30) days following the date of the vote, appeal to the Court of Common Pleas of Beaver County, Pennsylvania in accordance with Article X-A of the Pennsylvania Municipalities Planning Code, as amended.

**§22-1005 PREVENTATIVE REMEDIES**

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

**§22-1006 ENFORCEMENT REMEDIES**

- A. Any person, partnership or corporation who or which has violated the provisions of the North Sewickley Township Subdivision and Land Development Ordinance enacted under Act 247, Pennsylvania Municipalities Planning Code, and all amendments thereto, shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that was no such violation, in which event there shall be deemed to have been only one such violation until the fifth (5<sup>th</sup>) day following the date of the determination of a violation by the district justice, and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.



- C. Nothing contained in this Chapter shall be construed or interpreted to grant to any person or entity other than North Sewickley Township the right to commence any action for enforcement pursuant to this Chapter.

### **§22-1007 MODIFICATIONS**

- A. The North Sewickley Board of Supervisors or the Planning Commission, if authorized to approve applications within the subdivision and land development ordinance, may grant a modification of the requirements of one or more provisions if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- C. If approval power is reserved by the Board of Supervisors, the request for modification may be referred to the Planning Commission for advisory comments.
- D. The Board of Supervisors or the Planning Commission, as the case may be, shall keep a written record of all action on all requests for modifications.

### **§22-1008 GUARANTEE THAT IMPROVEMENTS WILL BE COMPLETED**

- A. In lieu of the completion of the required public improvements and in the alternative, as a condition of Final Plan approval, the Board of supervisors shall require the owner/applicant to deposit a corporate bond or other surety acceptable to the Board to be held in escrow and equal to the total estimated cost of site development, as determined by the developer's Engineer and approved by the Township Engineer, of all improvements to be constructed, plus ten percent (10%), to serve the approved Final Plan and agreed to by the owner/applicant and North Sewickley Township. All required improvements shall be completed within five (5) years of the date of the Final Plan Application approval, unless the Township and the owner/applicant agree jointly to an extension of time. If the improvements are not completed within the agreed time period or approved extension, the Township may have the securities held in escrow, declared forfeit and shall utilize them to complete the improvements not at the time of forfeit complete (See Section 509 of the Pennsylvania Municipalities Planning Code, Act 247, as amended).
- B. The amount of the financial security to be posted for the completion of the required improvements shall be equal to one hundred and ten percent (110%) of the cost of completion all of the required improvements estimated as of ninety (90) days following the date scheduled for completion of the improvements by the developer.
- C. The owner/applicant may request the Board of Supervisors to provide him with a signed copy of a resolution indicating approval of the Final Plan contingent upon the owner/applicant obtaining satisfactory financial security. The Final Plan shall not be signed by the Chairman of the Board until after the security bond is executed. The resolution shall be deemed revoked if the owner/applicant fails to secure the financial security within ninety (90) days of the date of the resolution.
- D. The form of the financial security shall be reviewed and approved by the Township Solicitor. Provisions for reevaluating the amount of the security or surety bond on the value of work still to be completed at the end of each year after the commencement of the project may be included.
- E. If the owner/applicant's Engineer and the Township's Engineer cannot agree on the amount of the financial security, or if the Township's Engineer recommends to the Board of Supervisors that the Board refuse the developer's estimate, the Board and the owner/applicant shall agree to retain and share the expenses of a third Registered Professional Engineer who shall recalculate the improvements costs and provide a final estimate presumed to be fair and reasonable.



- F. Any improvements to be later maintained by a public authority or private utility company shall be installed and bonded in accordance with the authority or Public Utility Commission regulations.

#### **§22-1009 RELEASE FROM IMPROVEMENT BOND**

- A. The owner/applicant shall contact the Township Engineer before placing subbase or paving any vehicular street, before backfilling any sanitary or storm sewers, water lines, retaining wall foundations, or any other structures which are part of the improvements covered by the bond and shall not backfill until authorized to do so by the Township Engineer.
- B. When the owner/applicant has completed all the necessary improvements, he shall notify the Secretary of the Board of Supervisors by registered mail of the completion of the improvements and shall send a copy to the Township Engineer (See Section 510 of Act 247, as amended).
- C. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all the improvements.
- D. Having made his inspection, the Township Engineer shall file a detailed report in writing with the Board of supervisors, not later than thirty (30) days after receipt of the authorization to proceed, with a copy of the report sent by registered mail to the owner/applicant. The report shall be detailed, and indicate approval or rejection of the improvements either in whole or in part. In the event that the Township Engineer shall not approve or shall reject any or all of the improvements, his report shall contain a statement of specific reasons for each such failure to approve or reject. Upon receipt of the Township Engineer's report, the Board of Supervisors shall, within the next fifteen (15) days after its regular monthly meeting next succeeding receipt of the report, notify the owner/applicant in writing by registered mail, of its action relative to the Township Engineer's report.
- E. If the Board or the Township Engineer fails to comply with the time limitation provisions of this Section, all improvements requested by the owner/applicant to be inspected will be deemed to have been approved and the owner/applicant shall be released from all liability pursuant to his performance guaranty bond or other security agreement covering only the improvements he requests be approved.
- F. If any portion of the improvements are not approved or are rejected by the Board of Supervisors, the owner/applicant shall proceed to repair and complete the improvements so designated and upon completion the same procedure of notification as outlined above for inspection and approval shall be initiated.
- G. Nothing in this Section shall be construed to limit the developer's right to contest or question by legal proceedings or otherwise any determination of the Board of Supervisors or Township Engineer.
- H. If any improvements covered by the developer's bond or other security have not been installed within five (5) years of the date of final approval of the subdivision or development plan by the Board of Supervisors (unless the Board and owner/applicant mutually agree to an extension of specific length), the Board of Supervisors shall have the power to enforce the bond or other security by appropriate legal action and equitable remedies. If proceeds of such bond or other security are insufficient to cover the cost of installing or making repairs or corrections to all the improvements covered by bond or security and found unacceptable or left uninstalled, the Board of Supervisors, at its option, may install such improvements and may institute appropriate legal or equitable action to recover the funds necessary to complete the improvements. All of the proceeds, whether resulting from any legal or equitable action brought against the owner/applicant, or both, shall be used solely for the installation of improvements covered by such security and for no other Township purpose.
- I. The owner/applicant shall submit to the Township as-built drawings of all stormwater management facilities installed, including the type and location of inlets, piping sizes, location and design of detention facilities and staged discharge units.
- J. Partial Release of Improvement Bond:



- (1) The Board of Supervisors shall establish by resolution a schedule of charges based on the Engineer's normal hourly rates and expenses and amounts to be established as escrow accounts or deposits to cover consultant's review fees and inspections.
  - (2) As the work of installing the required improvements proceeds, the party posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors, and the Board of Supervisors shall have forty-five (45) days from receipt of such request within which to allow the Township Engineer to certify, in writing, to the Board of Supervisors that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township Engineer fairly representing the value of the improvements completed or, if the Board of Supervisors fails to act within said forty-five (45) day period, the Board of Supervisors shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by the Township Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.
  - (3) The Board, on receiving the Engineer's certification approving release of a specific part of the bond, shall authorize the bonding company or lending institution to release the requested amount.
  - (4) Failure of the Board to act within the forty-five (45) day limit shall constitute approval of release of the part of the bond requested by the owner/applicant, unless both parties agree to an extension of time.
  - (5) Until completion and satisfactory inspection by the Engineer of all improvements in the plan, at least ten percent (10%) of the estimated cost of the improvements shall be retained by the Township.
- K. Owner/applicant Reimbursement of Township Expenses: The owner/applicant shall reimburse the Township for reasonable and necessary expenses incurred by the Township's Engineer for the inspection of improvements up to final approval, and the preparation of reports thereon.
- (1) The Board of Supervisors shall establish by resolution a schedule of charges based on the Engineer's normal hourly rates and expenses. The owner/applicant shall be furnished a copy of said resolution upon request.
  - (2) The owner/applicant shall deposit with the Township, following the granting of final approval, a sum as determined by the Board of Supervisors by resolution, for the purpose of reimbursing the Township Engineer for inspection costs related to the installation of public improvements. At such time that draw downs from the deposit result in a balance of five hundred dollars (\$500.00) or less, additional monies shall be deposited.
  - (3) The Engineer shall provide a detailed breakdown of his allocation of time to particular aspects of the inspection and shall submit his statement to the Township Secretary.
  - (4) The Township Secretary shall submit copies of inspection reports, at cost, to the owner/applicant, if requested in writing.
  - (5) In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed engineer expenses.
  - (6) If, within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant



and Township shall jointly, by mutual agreement, appoint another professional engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.

- (7) The professional engineer so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- (8) In the event that the Township and applicant cannot agree upon the professional engineer to be appointed within twenty (20) days of the billing date, then, upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located (or if at the time there is no President Judge, then the senior active judge then sitting) shall appoint such engineer, who, in that case, shall be neither the Township Engineer nor any Registered Professional Engineer who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- (9) The fee of the appointed Registered Professional Engineer who determines the reasonable and necessary expenses shall be paid by the owner/applicant if the amount due is equal or greater than the original bill. If the amount of payment required is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee, otherwise the fee shall be paid equally by the owner/applicant and the Township.

#### **§22-1010 STATUS OF IMPROVEMENTS AFTER ACCEPTANCE**

- A. Approval of construction shall not constitute an acceptance for repairs or maintenance by the Township. All improvements shall remain in private ownership until such time as their dedication shall have been accepted by ordinance or resolution of the Board of Supervisors or until condemned for public use.
- B. Upon the completion of all improvements in a plan and their approval by the Township, the owner/applicant shall post a maintenance bond or other surety in favor of North Sewickley Township in an amount not to exceed fifteen percent (15%) of the actual cost of installation of all the accepted improvements to run for a period of not more than eighteen (18) months from the date of acceptance by ordinance of dedication. Such bond or surety shall secure the structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the approved plat.
- C. Upon submittal by the owner/applicant of as-built plans of the recorded plat, the posting of the required maintenance bond, the submittal of copies of any deed restrictions placed on the subject property, modifications granted (if applicable), a legal description of all public improvements installed, specifically road rights-of-way, and a certification by the owner/applicant's Registered Professional Surveyor that all required control monumentation has been installed as shown on the recorded plan, monies remaining in the deposit for inspection costs shall be returned.

#### **§22-1011 CONFLICT**

Whenever there is a difference between the minimum standards or dimensions specified herein and those contained in other regulations, resolutions, or ordinances of the Township, the highest standards shall govern.