

***SUBDIVISION AND LAND DEVELOPMENT  
ORDINANCE***

*H-2005*

**NEW BEAVER BOROUGH**

**LAWRENCE COUNTY, PENNSYLVANIA**

**SEPTEMBER 2005**

**PREPARED FOR  
NEW BEAVER BOROUGH COUNCIL  
BY THE  
LAWRENCE COUNTY PLANNING DEPARTMENT**



# SUBDIVISION AND LAND DEVELOPMENT ORDINANCE

## NEW BEAVER BOROUGH LAWRENCE COUNTY, PENNSYLVANIA

### TABLE OF CONTENTS

<b>ARTICLE 1. GENERAL PROVISIONS</b> .....	<b>1</b>
<b>Section 101. Title; Authority; Jurisdiction</b> .....	<b>1</b>
101.1 Title .....	1
101.2 Authority .....	1
101.3 Jurisdiction .....	1
101.4 Review and Approval Authority .....	1
<b>Section 102 Purpose</b> .....	<b>1</b>
102.1 Purpose .....	1
<b>Section 103. Compliance Required</b> .....	<b>2</b>
103.1 Scope .....	2
<b>Section 104. Modifications and Waivers</b> .....	<b>2</b>
104.1 Reasons .....	2
104.2 Requests .....	2
104.3 Records .....	2
<b>Section 105. Interpretation</b> .....	<b>2</b>
105.1 Minimum Requirements .....	2
105.2 Conflict with Public Provisions .....	3
105.3 Conflict with Private Provisions .....	3
105.4 Liability .....	3
<b>Section 106. Amendment Procedure</b> .....	<b>3</b>
<b>Section 107. Copies</b> .....	<b>4</b>
<b>ARTICLE 2. DEFINITIONS</b> .....	<b>5</b>
<b>Section 201. Construction</b> .....	<b>5</b>
<b>Section 202. Terminology</b> .....	<b>5</b>
<b>ARTICLE 3. SUBMISSION PROCEDURES</b> .....	<b>15</b>
<b>Section 301. General</b> .....	<b>15</b>
301.1 Compliance .....	15
301.2 Official Filing Date .....	15
301.3 Application Forms .....	15
301.4 Lawrence County Planning Commission Review .....	15
<b>Section 302. Fee Schedule</b> .....	<b>15</b>
302.1 Fees for Review .....	15
302.2 Fees for Inspection of Required Improvements .....	16
<b>Section 303. Lot Line Adjustment Procedure</b> .....	<b>17</b>
303.1 Requirements .....	17
<b>Section 304. Minor Subdivision Procedure</b> .....	<b>17</b>
304.1 Requirements .....	17
<b>Section 305. Major Subdivision and Land Development Procedure</b> .....	<b>18</b>
305.1 Sketch Plan and Pre-Application Conference .....	18
305.2 Preliminary Plan .....	18

305.3 Final Plan .....	20
<b>Section 306. Time Limitation of Plan Approval .....</b>	<b>23</b>
306.1 Protection .....	23
<b>ARTICLE 4. PLAN REQUIREMENTS .....</b>	<b>24</b>
<b>Section 401. Sketch Plan .....</b>	<b>24</b>
401.1 Purpose .....	24
401.2 Content .....	24
<b>Section 402. Preliminary Plan Application .....</b>	<b>24</b>
402.1 Application Form .....	25
402.2 Application Fee .....	25
402.3 Landowner's Authorization .....	25
402.4 Preliminary Plan Content .....	25
402.5 Preliminary Engineering Plans .....	27
402.6 Other Required Information .....	28
<b>Section 403. Final Plan Application .....</b>	<b>28</b>
403.1 Application Form .....	28
403.2 Application Fee .....	28
403.3 Preliminary Plans .....	29
403.4 Final Plat .....	29
403.5 Permits and Approvals .....	31
403.6 Construction Drawings .....	31
403.7 Final Grading Plan .....	32
403.8 Storm Drainage Calculations .....	32
403.9 Signage .....	32
403.10 Covenants .....	32
403.11 Improvement Security .....	33
<b>Section 404. Sewage Facilities .....</b>	<b>33</b>
404.1 General .....	33
<b>Section 405. Wetland Delineation .....</b>	<b>34</b>
405.1 Applicability .....	34
<b>ARTICLE 5. REQUIRED IMPROVEMENTS AND FINANCIAL SECURITY .....</b>	<b>36</b>
<b>Section 501. General .....</b>	<b>36</b>
<b>Section 502. Required Improvements .....</b>	<b>36</b>
<b>Section 503. Construction of Facilities .....</b>	<b>37</b>
503.1 Standards and Inspection .....	37
503.2 Site Access .....	37
<b>Section 504. General Standards .....</b>	<b>37</b>
504.1 General .....	37
<b>Section 505. Improvement Security .....</b>	<b>38</b>
505.1 Improvement Security Requirements .....	38
505.2 Release of Improvement Security .....	40
<b>Section 506. Maintenance Security .....</b>	<b>42</b>
506.1 Requirements .....	42
506.2 Release of Maintenance Security .....	43
<b>Section 507. Remedies to Effect Completion of Improvements .....</b>	<b>43</b>
<b>ARTICLE 6. DESIGN STANDARDS .....</b>	<b>44</b>
<b>Section 601. Application .....</b>	<b>44</b>

<b>Section 602. General Standards</b> .....	<b>44</b>
602.1 General Requirements .....	44
<b>Section 603. Community Facilities</b> .....	<b>45</b>
603.1 Requirements .....	45
<b>Section 604. Blocks and Lots</b> .....	<b>45</b>
604.1 Blocks .....	45
604.2 Lots .....	46
<b>Section 605. Streets</b> .....	<b>48</b>
605.1 General .....	48
605.2 Design Standards .....	50
605.3 Roadside Barriers .....	54
605.4 Traffic Control .....	54
<b>Section 606. Driveways</b> .....	<b>54</b>
606.1 General .....	54
606.2 Driveway Culvert Pipes .....	55
606.3 Non-residential Driveways .....	55
<b>Section 607. Curbs</b> .....	<b>56</b>
607.1 Curbs .....	56
<b>Section 608. Drainage and Stormwater Management</b> .....	<b>56</b>
<b>Section 609. Excavation and Grading, and Erosion Control</b> .....	<b>56</b>
609.1 Excavation and Grading .....	56
609.2 Erosion and Sedimentation Control .....	58
<b>Section 610. Water Supply and Sanitary Sewage Disposal</b> .....	<b>58</b>
610.1 Water Supply .....	58
610.2 Sanitary Sewage Disposal .....	59
<b>Section 611. Utilities</b> .....	<b>59</b>
<b>Section 612. Monuments and Markers</b> .....	<b>59</b>
612.1 Materials of Construction .....	59
612.2 Placement .....	60
<b>Section 613. Parking Facilities</b> .....	<b>60</b>
613.1 General Standards .....	60
613.2 Residential Parking Lots .....	61
613.3 Non-Residential Parking Lots .....	61
613.4 Parking Space and Driveway Dimensions .....	61
<b>Section 614. Development in Floodplain Areas</b> .....	<b>62</b>
614.1 Standards .....	62
<b>ARTICLE 7. MOBILE HOME PARKS</b> .....	<b>63</b>
<b>Section 701. Applicability</b> .....	<b>63</b>
<b>Section 702. Permits</b> .....	<b>63</b>
<b>Section 703. Plan Requirements</b> .....	<b>63</b>
<b>Section 704. Design Standards</b> .....	<b>63</b>
704.1 Land and Lot Requirements .....	63
704.2 Setback and Yard Requirements .....	64
704.3 Internal Street System .....	64
704.4 Parking Area .....	65
704.5 Utilities .....	65
704.6 Lighting .....	65

<b>ARTICLE 8. VIOLATIONS, REMEDIES, AND APPEALS</b> .....	<b>66</b>
<b>Section 801. Preventive Remedies</b> .....	<b>66</b>
801.1 Court Actions .....	66
801.2 Permit denials and conditions .....	66
<b>Section 802. Enforcement Remedies</b> .....	<b>66</b>
802.1 Initial Jurisdiction .....	66
802.2 Civil Enforcement Action .....	67
802.3 Judgment .....	67
802.4 Enforcement of Judgment .....	67
802.5 Continuing Violations .....	67
802.6 Order of Stay Tolling Per Diem Judgments .....	67
802.7 Enforcement by Borough .....	67
<b>Section 803. Appeals</b> .....	<b>67</b>
<b>APPENDIX A - STANDARDS FOR SURVEYS</b> .....	<b>A-1</b>
<b>APPENDIX B - REQUIRED CERTIFICATIONS</b> .....	<b>B-1</b>
<b>APPENDIX C - AS-BUILT DRAWINGS</b> .....	<b>C-1</b>
<b>APPENDIX D - CONSTRUCTION DETAILS</b> .....	<b>D-1</b>

## ARTICLE 1. GENERAL PROVISIONS

### **Section 101. Title; Authority; Jurisdiction.**

#### **101.1. Title**

This Chapter shall be known and may be cited as the "New Beaver Borough Subdivision and Land Development Ordinance."

#### **101.2. Authority**

The Pennsylvania Municipalities Planning Code (MPC), Act 247 of 1968, as reenacted and amended by Act 170 of 1988, and as subsequently amended, 53, P.S. 10101 et seq. ("MPC") enables and authorizes governing bodies of municipalities to enact a Subdivision and Land Development ordinance to regulate Subdivisions and Land Developments situated with the municipality.

#### **101.3. Jurisdiction**

The provisions of this Ordinance shall apply to the area within the boundaries of New Beaver Borough, Lawrence County, Pennsylvania.

#### **101.4. Review and Approval Authority**

All Subdivisions and Land Developments situated with the Borough shall be submitted to the Borough Planning Agency for review and report and to the Borough Council for approval in accordance with the provisions of this Ordinance.

### **Section 102. Purpose.**

#### **102.1. Purpose**

This Ordinance is adopted for the following purposes:

- A.** To assist the orderly and efficient development of the Borough.
- B.** To promote the health, safety, and general welfare of the residents of the Borough.
- C.** To secure equitable handling of all Subdivision plans by providing uniform procedures and standards.
- D.** To establish standards for layout, design, and construction of subdivisions and land developments.
- E.** To encourage the utilization of appropriate construction practices in order to prevent or minimize flood damage in the future.

## **Section 103. Compliance Required.**

### **103.1. Scope**

No Subdivision or Land Development of any lot, tract or parcel of land shall be made, no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting thereon, except in accordance with the provisions of this Ordinance.

## **Section 104. Modifications and Waivers.**

### **104.1. Reasons**

The Supervisors may grant a modification or waiver of the requirements of one or more provisions of this Ordinance for the following reasons, provided that such modification or waiver will not be contrary to the public interest and that the purposes of the Ordinance are observed:

- A. Hardship. The literal enforcement of the provisions will exact undue hardship because of peculiar conditions pertaining to the land in question and the modification is the minimum necessary to afford relief; *or*
- B. Alternative Standard. An alternative standard can be demonstrated to provide equal or better results.
- C. Authority to Impose Conditions. When granting modifications, the Borough Council may impose conditions to ensure that the public interest is preserved and the intent of this Ordinance is observed.

### **104.2. Requests**

All requests for modifications or waivers shall be in writing and shall accompany and be a part of the Application for Development. The requests shall state in full the grounds and facts of hardship or evidence of equal or better results on which the request is based, the provision or provisions of the Ordinance involved and the minimum modification necessary.

### **104.3. Records**

The Borough Council shall only grant requests for modifications in writing, setting forth the reasons which justified the modifications.

## **Section 105. Interpretation.**

### **105.1. Minimum Requirements**

In the interpretation and application of this Ordinance, the provisions shall be held

to the minimum requirements, adopted for the promotion of health, safety, and general welfare.

#### **105.2. Conflict with Public Provisions**

Where any provision of this Ordinance is at variance with any other ordinance, rule, regulation, or other provision of law, the most restrictive provision or that provision imposing the higher standard shall govern.

#### **105.3 Conflict with Private Provisions**

Whenever the requirements of this Ordinance are at variance with the requirements of deed restrictions, covenants or other private agreements, or with restrictive covenants running with the land to which the Borough is a part, the most restrictive requirement, or that requirement imposing the higher standard, shall govern. However, the Borough has no authority to enforce the private standards.

#### **105.4. Liability**

The review or approval of a Subdivision or Land Development by the Borough, in accordance with the provisions of this Ordinance, shall not constitute liability upon the Borough, its officials, or employees.

### **Section 106. Amendment Procedure.**

- A. Hearing and Notice.** The Borough Council may, from time to time, amend this Ordinance by appropriate action taken after a Public Hearing held pursuant to Public Notice, which Public Notice shall include a brief summary setting forth the principal provisions of the proposed amendment and a reference to the place within the Borough where copies of the proposed amendment may be secured or examined without charge, or obtained for a charge not greater than the cost thereof. Unless the proposed amendment shall have been prepared by the Borough Planning Agency, the Borough Council shall submit the amendment to the Borough Planning Agency for recommendations at least forty-five (45) days prior to the date fixed for the Public Hearing on such proposed amendment. At least forty-five (45) days prior to the hearing on the amendment, the Borough shall submit the proposed amendment to the County Planning Department for recommendation.
- B. Copy.** Within thirty (30) days after the adoption, the Borough Council shall forward a signed and certified copy of any amendment to the Ordinance to the County Planning Department.
- C. Publication of Ordinance or Amendment.** Advertisement and Availability of Ordinance. The Borough shall publish the proposed amendment once in one newspaper of general circulation within the Borough not more than sixty (60) days nor less than seven (7) days prior to passage. Publication shall include notice of the time and place of the meeting at which passage shall be considered and shall include either the full text of the amendment or the title and brief summary prepared

by the Borough Solicitor and setting forth all the provisions in reasonable detail. If the full text is not included, a copy thereof shall be supplied to such newspaper of general circulation and an attested copy of the proposed amendment shall be filed in the County Law Library or other county office designated by the County Commissioners.

**Section 107. Copies**

Copies of this New Beaver Borough Subdivision and Land Development Ordinance shall be made available upon request at a cost sufficient to cover the cost of printing.

## **ARTICLE 2. DEFINITIONS**

### **Section 201. Construction.**

Unless otherwise expressly stated, the following words shall, for the purpose of this Ordinance, have the meaning herein indicated. Words in the singular include the plural, and words in the plural include the singular. The word "person" includes a corporation, unincorporated association, partnership, or individual. The words "shall" and "will" are mandatory; the word "may" is permissive. An "agency" shall be construed to include its successors and assigns.

### **Section 202. Terminology.**

**Alley** - A strip of land over which there is a public or private right-of-way which serves as the only means of vehicular access to the side or rear of two (2) or more properties. Frontage on such a right-of-way shall not be construed as satisfying the requirements of Borough Ordinances relating to frontage on a street.

**Applicant** - A Landowner, or Developer, as hereinafter defined, who has filed an Application for Development including his/her heirs, successors and assigns.

**Application for Development** - Every application, whether tentative, preliminary, 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 land development plan.

**Architect** - An architect registered by the Commonwealth of Pennsylvania.

**As-Built Plans** - Plans and profiles prepared by the Subdivider's engineer or surveyor, showing the exact location, size, grade, and depth of all improvements after completion.

**Block** - A tract of land bounded by streets. Block length shall be measured along the centerline of a street between centerlines of intersecting streets.

**Borough** - New Beaver Borough, Lawrence County, Pennsylvania

**Borough Council** - New Beaver Borough Council, New Beaver Borough, Lawrence County, Pennsylvania.

**Building** - Any structure having a roof supported by columns, piers, or walls and intended for shelter, housing, or enclosure of persons, animals or other property. Included shall be all mobile and modular homes to be used for human habitation.

**Building Setback Line** - A line within a property defining the required minimum distance between any building and the adjacent right-of-way and/or property lines.

**Cartway** - The improved surface of a street or alley designed or intended for vehicular traffic.

**Clear Sight Triangle** - An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the street center lines.

**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 and designed and intended for the use or enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**Condominium and/or Cooperative** - (An ownership arrangement and not a land use). A method of ownership which, when applied to a multifamily dwelling, provides for separate ownership of each unit, title of which shall consist of ownership of the unit together with an undivided interest in the common element.

**Conservation District** - Lawrence Conservation District, Lawrence County, Pennsylvania.

**Construction** - The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile or modular homes.

**County** - The County of Lawrence, Pennsylvania.

**Culvert** - Any structure not classified as a bridge, which provides an opening under the roadway.

**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.

**Detention Basin** - A basin designed to retard stormwater runoff by temporarily storing the runoff and releasing it at a predetermined 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, the construction or placement of buildings or other structures, streets and other paving, utilities, mining, dredging, filling, grading, excavation, or drilling operations, the subdivision of land and land development.

**Development of Regional Significance and Impact** - Any land development that, because of its character, magnitude or location, will have substantial effect upon the health, safety or welfare of citizens in more than New Beaver Borough.

**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 development plan" when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

**Drainage Facility** - Any ditch, gutter, swale, culvert, basin, storm sewer or other structure

designed, intended or constructed for the purpose of conveying, diverting or controlling surface water or groundwater.

**Drainage Right-of-Way** - The lands required for the installation of stormwater sewers 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 and unnatural erosion.

**Driveway, Private** - A vehicular access route serving only one (1) parcel or lot, which provides access to a public street but which does not provide access to any other lot or parcel under separate ownership.

**Dwelling Unit** - Any room or group of rooms located within a residential building and forming a single, habitable unit with facilities used or intended to be used for living, sleeping, cooking and eating, by one family.

**Easement** - A grant for the use of a part of or portion of land by the public, a corporation, or a person, for a specified purpose.

**Encroachment** - Any placement or obstruction in a delineated floodway, wetland, right-of-way, easement, required yard, setback, or adjacent land.

**Engineer** - A Professional Engineer registered by the Commonwealth of Pennsylvania.

**Erosion** - The removal of soil particles by the action of water, wind, ice, or other geological process.

**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 a 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 ground elevation. The material used to make a fill.

**Financial Security** - Surety, in a form acceptable to the Borough Solicitor, in the form of cash, a certified check or irrevocable letter of credit and restrictive or escrow account or set-aside agreement from a Federal- or Commonwealth-chartered lending institution, or a corporate performance bond or a labor-and-material payment bond from a surety company authorized to conduct business in the Commonwealth, which may be classified as the following:

• **Improvement Security** - A financial security which guarantees the satisfactory completion of improvements required by this Ordinance.

**Maintenance Security** - A financial security which guarantees the structural functioning and integrity of improvements required by this Ordinance for a specified period after their completion and acceptance by the Borough.

**Flag Lot** - A parcel of land or lot that has two side property lines that are no less than fifty (50) feet apart that establishes access from a public or private right-of-way to the remainder of the parcel of land or lot that meets the minimum lot width and area requirements.

**Flood** - A temporary inundation of normally dry land areas.

**Floodplain (General Floodplain)** - A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and /or any area subject to the unusual and rapid accumulation of surface waters from any source.

**Flood-proofing** - Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodway** - The channel of the watercourse and portions of the adjoining floodplains which are reasonably required to carry and discharge the 100-year frequency flood. Unless otherwise specified, the boundary of the floodway is as indicated on maps and flood insurance studies provided by FEMA. In an area where no FEMA maps or studies have defined the boundary of the 100-year frequency floodway, it is assumed, absent evidence to the contrary, that the floodway extends from both sides of the stream to 50 feet from the top of each bank of the stream.

**Floodway Fringe** - Area between the floodway and boundary of the 100-year flood. For purpose of definition, it is the area of the floodplain that could be completely obstructed without increasing the water surface elevation of the 100-year flood more than one (1) foot at any point. Floodway and floodway fringe are typically calculated by equal conveyance reduction from each side of the floodplain.

**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.

**Improvements** - Those physical additions, installations, and changes required to render land suitable for the use intended, including but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, electric service, gas service, sanitary sewers, storm drains, sidewalks, crosswalks, driveways, culverts, and street shade trees.

**Land Development** - Any of the following activities:

- 1.) The improvement of one (1) lot or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
  - A) A group of two (2) 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
  - B) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds,

condominiums, building groups or other features.

- 2.) A subdivision of land.
- 3.) "Land development" does not include development which involves:
  - A) The conversion of an existing single family detached dwelling or single family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;
  - B) The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building; or
  - C) The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For the purposes of this subsection, an amusement park is defined as a tract or area used principally as a location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by the proper authorities.

**Landowner** - The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee, if he/she 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, Corner** - A lot which has an interior angle of less than one hundred and thirty-five (135) degrees at the intersection of two (2) street lines. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangent to the curve at the points beginning within the lot or at the points of intersection of the side lot lines with the street lines intersects at an angle of less than one hundred and thirty-five (135) degrees.

**Lot, Depth** - The mean distance between the front right-of-way line and rear lot lines of a lot.

**Lot, Double Frontage** - An interior lot which abuts streets in both the front and rear.

**Lot, Interior** - A lot, the side lot lines of which do not abut on a street.

**Lot, Minimum Width** - The distance between the side lot lines measured at the building set-back lines.

**Lot, Nonconforming** - A lot, the area or dimension of which was lawful prior to the adoption or amendment of the relevant Ordinance, but which fails to conform to the requirements of the current Ordinance.

**Lot of Record** - A lot which has been recorded in the Office of the Recorder of Deeds of Lawrence County.

**Lot, Reverse Frontage** - A lot (excluding corner lots) which abuts both a proposed street and an existing street of higher classification, with vehicular access solely from the street of lower classification.

**Lot Line Adjustment** - A Minor Subdivision of land resulting in revised property boundaries between two (2) or more existing lots, and not resulting in the creation of any additional lots.

**Major Subdivision** - Any Subdivision or Land Development not classified as a Minor Subdivision or Lot Line Adjustment.

**Minor Subdivision** - Any division or re-subdivision of a lot, tract or parcel of land into five (5) lots or less, and where:

- a) All lots front on an existing improved public street.
- b) The subdivision does not involve or require construction of improvements or the extension of utilities.
- c) The subdivision does not cause adverse effects to adjoining properties.

**Mobile Home** - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two (2) 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. For the purposes of this Ordinance, travel trailers are not considered as mobile homes.

**Mobile Home Lot** - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

**Mobile Home Park** - A parcel or contiguous parcels of land which has been so designated and improved that it contains two (2) or more mobile home lots for the placement thereon of mobile homes.

**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 surveys.

**Municipalities Planning Code (MPC)** - Act of Assembly of July 31, 1968, P.L. 805, as amended.

**Official Filing Date** - The date when the *complete* application is submitted and all fees are paid to the Borough and filed with the Borough secretary.

**One Hundred Year Flood** - A flood that, on the average, is likely to occur once every one hundred (100) years.

**Open Space** - Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for resource protection, public or private use and enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space shall not include land occupied by non-recreational structures, roads, street rights-of-way, parking lots, land reserved for future parking, or any portion of required minimum lot areas as required by this Ordinance.

**Person** - An individual, partnership, public or private association or corporation, firm, trust, estate, municipality, governmental unit, public utility or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**Plan, Final** - A complete and exact plan prepared and submitted for official recording as required by this Ordinance.

**Plan, Preliminary** - The preliminary plans of a proposed subdivision prepared and submitted in accordance with the requirements of this Ordinance.

**Plan, Sketch** - An informal plan indicating salient existing features of a tract, the surroundings and a general layout of the proposed subdivision or land development, to be used as the basis of informal discussions between representatives of the Borough and the Subdivider or Land Developer.

**Plan, Soil Erosion & Sedimentation Control** - A plan approved by the Lawrence Conservation District 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.

**Planning Agency** - The New Beaver Borough Planning Agency (commission/committee), New Beaver Borough, Lawrence County, Pennsylvania

**Plat** - A map or plan of subdivision or land development whether preliminary or final.

**Private Improvements** - Any improvement, as defined, for which plans must comply with the minimum requirements of this Ordinance, to be owned, maintained, or operated by a private entity.

**Professional Consultants** - Persons who provide expert or professional advice, including, but not limited to, architects, attorneys, certified public accountants, engineers, land surveyors, landscape architects or planners.

**Public Hearing** - A formal meeting held pursuant to public notice by the Borough Council or Planning Agency of the Borough, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance.

**Public Improvements** - Any improvement, as defined, to be dedicated to or maintained by the Borough or a public entity for which plans and specifications must comply with the minimum requirements of this Ordinance.

**Public Meeting** - A forum held pursuant to notice under the Act of July 3, 1986, (P.L. 388, No. 84), known as the "Sunshine Act", 53 P.S. §271 et seq.

**Public Notice** - Notice published once each week for two successive weeks in a newspaper of general circulation in New Beaver Borough. 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 Open Space** - Area of land suitable for the development of recreational facilities, including but not limited to ball fields, courts, and multipurpose fields.

**Regulatory Flood Elevation** - The One-Hundred (100) year Flood elevation plus a freeboard safety factor on one and one-half (1 ½) feet.

**Reserve Strip** - A narrow parcel of ground having inadequate area for building purposes separating a street or a proposed street from other adjacent properties.

**Re-subdivision** - Any subdivision or transfer of land, laid out on a plan which has been approved by the Borough Council which changes or proposes to change property lines and/or public rights-of-way.

**Right-of-Way** - A strip of land occupied or intended to be occupied by a street, sidewalk, alley, utilities or other similar use.

**Setback** - See "Building Setback Line."

**Sewer, Community** - A system, whether publicly or privately owned, for the collection of sewage or non-hazardous industrial wastes of a liquid nature from two (2) or more lots, and for the treatment or disposal of the sewage or industrial waste on one or more of the lots or at any other site.

**Sewer, Individual** - A system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into waters of the Commonwealth or by means of conveyance to another site for final disposal.

**Sight Distance** - Includes Safe Sight Distance, Safe Stopping Site Distance, Passing Sight Distance, and Decision Site Distance as defined and regulated by Pennsylvania Code Title 67, Chapter 441 and PennDOT Design Manual, Part 2, Publication 13.

**Service Road** - A street which is generally parallel to a collector or arterial street which provides access to abutting residential or commercial properties and protection from through traffic.

**Space, Common** - Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as may be required and/or appropriate.

**Street** - A public or private right-of-way deeded or dedicated for public use by vehicular traffic, including street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or other designation. A street shall also be classified by the adoption of street classifications or, in the absence of the adoption of such street classifications by the Borough Council, by determination of the Borough Engineer, according to its type of use as follows:

**Arterial Street** - A street which serves or is designed to serve heavy flows of traffic and which provides for traffic movements between communities and/or other heavy traffic generating areas.

**Collector Street** - A street which serves or is designed to serve moderate flows of traffic and which provides for traffic movements between arterial streets and local streets or between another collector street and local streets.

**Cul-De-Sac-Street** - A short street having one (1) end open to traffic and being permanently terminated by a vehicle turnaround.

**Local Street** - A street which serves or is designed to serve low flows of traffic and which provides primarily for access to abutting properties.

**Street, Private** - A street, including the entire private right-of-way, which is privately owned and maintained through private agreement and which is intended for private use. A private street provides access to several lots or parcels which do not have direct access to a public street.

**Street, Public** - A street, including the entire public right-of-way, which has been dedicated to and accepted by the Borough ordination proceedings or which has been devoted to public use by legal mapping or which has become a public street through other legal means.

**Structure** - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

**Subdivider** - Any person who undertakes the subdivision of land as defined herein. The "Subdivider" may be the owner of the authorized agent of the owner of the land to be subdivided.

**Subdivision** - The division or re-subdivision of a lot, tract or parcel of land by any means into two (2) or more lots, tracts, parcels or other divisions of land including 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 (10) acres, not involving any new street or easement, access, or any residential dwelling, shall be exempted.

**Substantially Completed** - Where in the judgment of the Borough Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to the requirements of this Ordinance) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

**Surveyor** - A Surveyor registered by the Commonwealth of Pennsylvania.

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

**Water Facility** - Any water works, water supply works, water distribution system or part thereof, designed, intended or constructed to provide or distribute potable water.

**Watercourse** - An intermittent or perennial stream of water, river, brook, creek, swale, a channel or ditch for water, whether natural or man-made.

**Wetland** - Any area meeting the criteria of the appropriate State or Federal agency to be a wetland.

## ARTICLE 3. SUBMISSION PROCEDURES

### **Section 301. General.**

#### **301.1. Compliance**

No person proposing a Subdivision or Land Development shall sell, transfer, lease or otherwise convey any lot, parcel, or tract in a subdivision, or commence the construction of any buildings or improvements, until the Final Plan of the proposed subdivision or land development is approved by the Borough Council and recorded in accordance with the provisions hereof.

#### **301.2. Official Filing Date**

- A. The official filing date for complete applications shall be two (2) weeks prior to the regular Planning Agency meeting. Such applications shall be filed with the Borough Secretary. An application will not be deemed complete unless all applicable fees have been paid by the applicant and the application and plans conform with the plan requirements set forth in Article 4 of this Ordinance.
- B.** Upon receipt of an application for subdivision or land development approval, the Borough Secretary shall affix to the application both the date of submittal and the official filing date.
- C. The application record shall be closed on the official filing date. The Borough will not accept changes or amendments to the application after the official filing date unless the applicant shall apply for a rescheduling of the meeting at which the plan will be considered before the Borough Planning Agency and makes suitable provision for an extension of the review time. This policy shall apply to formal Sketch, Preliminary, and Final Plan submissions.

#### **301.3. Application Forms**

All applications for Subdivision or Land Development shall include completed application forms as adopted by resolution of the Borough Council, as well as those required by the Lawrence County Planning Commission.

#### **301.4. Lawrence County Planning Commission Review**

A copy of all plans shall be forwarded to the Lawrence County Planning Commission for review and comment in accordance with its then prevailing rules and regulations after acceptance by the Borough Secretary.

### **Section 302. Fee Schedule.**

#### **302.1. Fees for Review**

The Borough Council shall establish, by resolution, a schedule of fees for Subdivision and

Land Development applications, to defray the cost of processing. In addition, the Applicant shall pay such review fees which shall be reasonable and in accordance with the ordinary and customary charges by the Borough Engineer or professional consultant for similar services in the Borough, but in no event shall fees exceed the rate or cost charged by the engineer or consultant to the Borough when fees are not reimbursed or otherwise imposed on applicants. Such resolution shall be duly recorded and such fee schedule shall be reproduced and made available upon request to the Borough. No application shall be accepted or acted upon until payment of the processing and review fees as established by the resolution and the fee schedule.

- A. Dispute of review fees.** The Borough shall submit to the applicant, an itemized bill showing work performed, identifying the person performing the service and the date and time spent for each task. Nothing in this Section shall prohibit interim itemized billing, Borough escrow or other security requirements. In the event the Applicant disputes the amount of any such review fees, the Applicant shall, no later than forty-five (45) days after the date of transmittal of the bill to the Applicant, notify the Borough and the Borough's professional consultant, in writing, that such fees are disputed and shall explain, in writing, the basis of the objections to the fees charged. In that case, the Borough shall not delay or disapprove the application due to the Applicant's dispute over fees. Failure of the Applicant to dispute a bill within forty-five (45) days shall be a waiver of the Applicant's right to arbitration of that bill, under Section 510(g) of the MPC.
- B. Review fee dispute resolution.** In the event that the Borough and the Applicant cannot agree on the amount of review fees which are reasonable and necessary, the Applicant and the Borough shall follow the procedure for dispute resolution set forth in Municipalities Planning Code section 510(g), provided that the professionals resolving such dispute shall be of the same profession or discipline as the consultants where fees are being disputed.
- C. Final bill.** Subsequent to a decision on an application, the Borough shall submit to the Applicant, an itemized bill for review fees, specifically designated as a final bill. The final bill shall include all review fees incurred at least through the date of the decision on the application. If, for any reason, additional review is required subsequent to the decision, including inspections and other work to satisfy the conditions of the approval, the review fees shall be charged to the Applicant as a supplement to the final bill.

### 302.2. Fees for Inspection of Required Improvements

The Borough Council shall establish, by resolution, a schedule of fees for the Borough's inspection of improvements required under the provisions of this Ordinance, including but not limited to the payment of fees charged by the Borough's professional consultants for their inspection. Such resolution shall be duly recorded, and such fee schedule shall be reproduced and made available upon request to the Borough. In no event shall fees exceed the rate or cost charged by the professional consultant to the Borough when fees are not reimbursed or otherwise imposed on the Applicant, nor shall the Applicant be required to

reimburse the Borough for any inspection which is duplicative of inspections conducted by other governmental agencies or public utilities. The burden of proving that any inspection is duplicative shall be upon the objecting Applicant. The release, in whole or in part, of any Financial Security posted in connection with such improvements and, if applicable, the acceptance of such improvements by the Borough, shall be contingent upon the payment of the proper fees as established by the resolution and the fee schedule.

- A. **Dispute of inspection fees.** The Borough shall submit to the Applicant, an itemized bill showing work performed in connection with the inspection of improvements, identifying the person performing the services and the date and time spent for each task. In the event the Applicant disputes the amount of any such expense in connection with the inspection of the improvements, the Applicant shall, no later than thirty (30) days after the date of transmittal of the bill for inspection services, notify the Borough and the professional consultant, in writing, that such inspection expenses are disputed as unreasonable or unnecessary, and shall explain, in writing, the basis of the objections to the fees charged. In that case, the Borough shall not delay or disapprove a request for release of financial security, an application or permit related to development due to the Applicant's dispute over inspection expenses. Failure of the Applicant to dispute a bill within thirty (30) days shall be a waiver of the Applicant's right to arbitration of that bill under Section 510(g) of the MPC.
- B. **Dispute resolution.** In the event the Borough's professional consultant and the Applicant cannot agree on the amount of expenses which are reasonable and necessary, then the Applicant and the professional consultant shall follow the procedure for dispute resolution set forth in Municipalities Planning Code section 510 (g).

**Section 303. Lot Line Adjustment Procedure.**

**303.1. Requirements**

Lot Line Adjustment plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 403 and shall be otherwise reviewed in accordance with the procedures and standards of Section 305.

**Section 304. Minor Subdivision Procedure.**

**304.1. Requirements**

Minor Subdivision plans shall be initiated and submitted for review in the form of a Final Plan as specified in Section 403 and shall be otherwise reviewed in accordance with the procedures and standards of Section 305.

The Developer *is encouraged* to submit a Sketch Plan or Preliminary Plan for approval prior to submission of a Final Plan.

- A. Additional Subdivision.** Any additional subdivision of a tract from which a minor subdivision has already been approved shall be deemed to be a major subdivision for the purposes of this Ordinance and shall follow the procedure applying thereto, if the additional subdivision is submitted for review within five (5) years of the approval of the minor subdivision.

## **Section 305. Major Subdivision and Land Development Procedure.**

### **305.1. Sketch Plan and Pre-Application Conference**

Prospective Subdividers and Developers are strongly urged to discuss development plans with the Borough Planning Agency prior to submission of a Preliminary Plan, to obtain information and guidance before entering into any commitments or incurring substantial expenses with regard to the site and plan preparation. A sketch plan may be presented for review and should generally include those items listed under Article 4, Plan Requirements.

Submission of a sketch plan will not constitute a formal filing of a Subdivision or Land Development plan with the Borough Council. The pre-application conferences are intended to be advisory only and shall not bind the Borough to approve any application.

### **305.2. Preliminary Plan**

#### **A. Submission of Preliminary Plans.**

1. A Preliminary Plan application shall be required for all Major Subdivisions and Land Developments. At the option of the Subdivider or Developer, a Preliminary Plan may be submitted for a Minor Subdivision.
2. The Preliminary Plan and all information and procedures relating thereto shall in all respects be in compliance with the applicable provisions of this Ordinance. It is the responsibility of the Subdivider or Developer to coordinate plans with the respective private and public service agencies including but not limited to (where applicable) Lawrence Conservation District, Lawrence County Planning Commission, Pennsylvania Department of Environmental Protection, Pennsylvania Department of Transportation, and Municipal Authorities.
3. The application form shall be accompanied by the requisite review fee as set forth in Section 302 of this Ordinance and by not less than four (4) copies of all required material and not less than four (4) prints of the Preliminary Plan of the subdivision or development. The Applicant/Developer shall submit the required documents to the New Beaver Borough Planning Agency.
4. The Applicant/Developer shall submit two (2) copies of the

Preliminary Plan prints and required materials to the Borough Engineer for review and comment.

5. When applicable, the submission shall be accompanied by a Planning Module for Land Development, as required by the Pennsylvania Department of Environmental Protection.
6. The Developer shall submit the appropriate number of copies of the Preliminary Plan to the Lawrence County Planning Commission for review at the same time the application is filed and accepted by the Borough.
7. In cases where the Subdivision or Land Development adjoins an existing or proposed state highway or has proposed streets entering onto state highways, the Developer shall submit the plans to the Pennsylvania Department of Transportation for review.

**B. Review of Preliminary Plans**

1. The Borough Planning Agency will consider the plan to determine if it meets the standards set forth in this Ordinance, and all other applicable Ordinances and Regulations of the Borough.
2. The Borough Planning Agency shall act on the preliminary Plan in time for the Borough Council to render their decision within ninety (90) days from the official filing date. Any requests for modification or waiver of the requirements of this Ordinance shall be in writing in accordance with the MPC, as amended; and be reviewed by the Borough Planning Agency for advisory comments.
3. The Borough Planning Agency shall recommend whether the Preliminary Plan shall be approved, approved with modifications, or disapproved, and shall notify the Borough Council in writing.
4. In making its recommendation, the Borough Planning Agency shall consider the recommendations of the Borough Engineer, Lawrence County Planning Commission, interested residents, and any agency or agencies from which a review was requested under subsection 305.2A of this Ordinance.
5. Re-submission of Preliminary Plans. A revised plan submitted after disapproval shall be considered, and processed as a new plan submission. A revised plan submitted after approval shall only be considered a new plan submission if, in the opinion of the Borough, it has been substantially revised after said approval.

**C. Approval or Non-approval of Preliminary Plans**

1. The Borough Council shall act on the Preliminary Plan within ninety (90) days of the official filing date. Failure to do so shall be deemed an approval of the Plan, as submitted. Before acting on a

Preliminary Plan, the Borough Council may hold a hearing thereon after public notice. All decisions shall be made at a public meeting.

2. The decision of the Borough Council shall be in writing and shall be communicated to the Applicant personally or mailed to him/her at his/her last known address no later than fifteen (15) days following the decision.
3. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the Pennsylvania Municipalities Planning Code or any other statute and the provisions of this Ordinance and any other ordinance relied upon.
4. Approval of the Preliminary Plan shall constitute approval of the Subdivision or Land Development as to the character and intensity of development; and the arrangement and approximate dimensions of streets, lots, and other planned features. The approval binds the Subdivider or Developer to the general scheme of the subdivision shown, unless a revised Preliminary Plan is submitted, and permits the Subdivider to proceed with final detailed design of improvements, to arrange for guarantee to cover installation of the improvements, and to prepare the Final Plan. Approval of the Preliminary Plan does not authorize the sale of lots, construction of buildings or improvements, nor the recording of the Preliminary Plan.
5. After approval of the Preliminary Plan, the plan shall be entitled to the protections afforded by Section 508 (4) of the Municipalities Planning Code.
6. Where Preliminary Plan approval is given subject to conditions, applicant shall accept or reject any or all of the conditions within fifteen (15) days from the date that he/she receives the notification from the Borough Council. Failure to accept or reject such conditions in writing within the foregoing time limit shall result in the conditional approval of the plat to become automatically rescinded.

### **305.3. Final Plan**

#### **A. Submission of Final Plans**

1. A Final Plan application is required for all Subdivisions and Land Developments, and shall be prepared in accordance with the requirements of Section 403 of this Ordinance.
2. After the Subdivider or Developer has received official notification from the Borough Council that the Preliminary Plan has been approved, he must submit a Final Plan in accordance with the

provisions of this Ordinance.

3. The application form shall be accompanied by the review fee and by not less than four (4) copies of all required drawings, permits, reports, or other documents as identified in Section 403. The Applicant/Developer shall submit the required documents to the New Beaver Borough Planning Agency.
4. The Applicant/Developer shall submit two (2) sets of the Final Plan application documents to the Borough Engineer for review and comment. After the Borough Engineer has reviewed the documents, the Engineer shall sign the documents if they are in compliance with the New Beaver Borough Subdivision and Land Development Ordinance.
5. The Subdivider or Developer shall submit the appropriate number of copies of the Final Plan to the Lawrence County Planning Commission for review at the same time the application is filed and accepted by the Borough.

#### **B. Review of Final Plans**

1. The Borough Planning Agency shall review the plan and requisite materials for compliance with the approved Preliminary Plan and for conformance to requirements of this Ordinance.
2. The Final Plan shall conform in all respects with the approved Preliminary Plan. If it does not, the plan submitted shall be either not approved, or considered to be a revised Preliminary Plan and processed as such.
3. The Borough Planning Agency shall act on the Final Plan in time for the Borough Council to render their decision within ninety (90) days from the official filing date.
4. The Borough Planning Agency shall recommend whether the Final Plan shall be approved, approved with conditions, or disapproved, and shall notify the Borough Council in writing.
5. In making its recommendation, the Borough Planning Agency shall consider the recommendations of the Borough Engineer, the Lawrence County Planning Commission, the Lawrence Conservation District, PennDOT, PA Department of Environmental Protection, or any other agency from which a review or permit may be requested or required.
6. Re-submission of Final Plans. A revised plan submitted after denial shall be considered and processed as a new Final Plan submission.

### **C. Approval or Non-Approval of Final Plans**

1. The Borough Council shall act upon the application for approval of a Final Plan within ninety (90) days following the official filing date. Before action on a Final Plan, the Borough Council may hold a hearing thereon after public notice. The Borough Council shall render its decision during a public meeting.
2. The decision of the Borough Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
3. When the application is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the Pennsylvania Municipalities Planning Code or any other statute and the provisions of this Ordinance and any other ordinance relied upon.
4. Failure of the Borough Council to render a decision and communicate it to the applicant within the time and 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, the failure to meet the extended time or change in manner of presentation or communication shall have like effect.
5. Where Final Plan approval is given subject to conditions, the applicant shall accept or reject any or all of the conditions within fifteen (15) days from the date that he receives the written notification from the Borough Council. Failure to accept or reject such conditions in writing within the foregoing time limit shall result in the conditional approval of the plat to become automatically rescinded pursuant to Section 503(9) of the Pennsylvania Municipalities Planning Code and in the alternate, the plan is denied due to noncompliance with the specified conditions.

### **D. Recording of Final Plans**

1. Upon approval of the Final Plan, and within 30 days of approval, the Subdivider or Developer shall:
  - a). Prepare and submit one (1) paper copy of the final record plat, including all plan sheets, all executed and notarized by the applicant and bearing appropriate engineering and surveying seals.
  - b). Post the required improvements security as provided for in Article 5 of this Ordinance.

- c). Pay the required inspection fees.
  - d). Satisfy all other conditions attached to the approval of the Final Plan.
2. Upon satisfaction of all conditions attached to the approval, all copies of the final record Plat will be signed by the Borough Council and released for recording. The mylar of the signed final plat shall be recorded in the office of the Lawrence County Recorder of Deeds within ninety (90) days after Final Plan approval, or the approval of the Borough Council shall be null and void. The final Plat must be recorded before proceeding with the sale of lots or construction of buildings and improvements.
  3. Recording the final Plat shall be an irrevocable offer to dedicate all streets and other public ways to public use. The approval of the final Plat shall not impose any duty upon the Council of New Beaver Borough concerning maintenance of the improvements offered for dedication nor shall such approval be construed as an acceptance of such dedication.
  4. The Subdivider shall place a notation on the final Plat if there is no offer of dedication to the public of streets and certain designated public areas, in which event the title to such areas shall remain with the Owner, and the Borough shall assume no responsibility for improvement or maintenance thereof, which fact shall be noted on the Plat.

**Section 306. Time Limitation of Plan Approval.**

**306.1. Protection**

When an application for approval of a plan, whether Preliminary or Final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to adversely affect 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 of such approval. The five-year period shall be counted from the date of the Preliminary Plan approval. Failure to substantially complete the required improvements within the aforesaid five year period, or within any extension thereof, as may be granted by the Borough Council or as may be permitted by Section 508(4) (v and vi) of the Pennsylvania Municipalities Planning Code for staged developments, shall make the application subject to any and all changes in zoning, subdivision, and any other governing ordinance enacted by the Borough subsequent to the date of the initial Preliminary Plan approval.

## **ARTICLE 4. PLAN REQUIREMENTS**

### **Section 401. Sketch Plan.**

#### **401.1. Purpose**

A sketch plan is an optional submission. It is offered to give the applicant an opportunity to consult early and informally in the plan preparation phase with the Borough and Lawrence County Planning Commission. The purpose of this submission is to allow the Borough and applicant opportunity to discuss lot layout, street layout, location of buildings, arrangement and location of open space, etc., before detailed engineering is done. The Borough may comment on not only whether the sketch plan meets the objectives of appropriate ordinances, but, also if they feel it is consistent with sound planning and design principles. It is not intended in any way to replace the Preliminary Plan, but rather to give the applicant guidance in preparing the much more detailed Preliminary Plan. Recommendations and comments made by the Borough in response to Sketch Plan Submission shall in no way be regarded as an official approval, nor shall such action grant any legal rights to the applicant or immunity from full compliance with requirements and procedures set forth for Preliminary and Final Plans.

#### **401.2. Content**

Data furnished in a sketch plan shall be at the discretion of the Developer but is suggested to include the following:

- A.** Tract boundaries and total acreage.
- B.** Location map.
- C.** North point.
- D.** Streets on and adjacent to the tract.
- E.** Significant topographical, geological, and physical features, including but not limited to floodplains, steep slopes, boulders, wetlands, etc., which may impact or limit the proposed use of the property.
- F.** Utility and other easements and rights-of-way.
- G.** Proposed general street layout.
- H.** Proposed general lot layout, including location of open space and other preservation areas.
- I.** Information pertaining to the water and sanitary sewer lines in and near the proposed subdivision.

A subdivision sketch plan should be drawn to scale although precise dimensions are not required.

### **Section 402. Preliminary Plan Application.**

A Preliminary Plan application shall be required for all Major Subdivisions. Although a Preliminary Plan application is not required for Minor Subdivisions and Lot Line Adjustments, the requirements of this section shall be included with the Final Plan application as applicable.

An application for Preliminary Plan approval shall consist of the following items: Maps and data may be on separate sheets or combined on one (1) sheet depending on the size and complexity of the proposed subdivision or development.

**402.1. Application Form**

The Developer shall submit the completed Borough "Application for Preliminary Plan Approval" form.

**402.2. Application Fee**

The Developer shall submit the required application review fee.

**402.3. Landowner's Authorization**

If the Developer is other than the Landowner, the Landowner's authorization for the Developer to apply and nature of Developer's interest in the site is required.

**402.4. Preliminary Plan Content**

The Developer shall submit the Preliminary Plan, which shall meet the following specifications and include the following:

**A. Drawing Format**

1. Sheet size 18" x 24". Copies may be either black on white or blue on white diazo prints.
2. Plan drawing scale shall be sufficient to show, *clearly*, all required items as specified in this Ordinance.
3. When the Plan is drawn in two or more sections it shall be accompanied by a key map depicting the section locations.
4. Dimensions shall be set forth in feet and decimal parts thereof and bearings in degrees, minutes and seconds.
5. A legend to indicate which features are existing and which are proposed.
6. Title block in lower right corner containing the following information:
  - a. Name and location of the subdivision or land development and the words "PRELIMINARY PLAN."
  - b. Name, address, and phone numbers of the owner of record and the Developer.
  - c. The name, and plan book volume and page numbers of any previously recorded plans.
  - d. The source of title to the land as shown by the books of the

Lawrence County Recorder of Deeds.

- e. Date of preparation, sheet number, north arrow, and graphic and written scale. Sheets shall be numbered relative to the total number of sheets (i.e. 1 of 4).
  - f. Name, address, and phone number of the firm that prepared the plans and the name, seal, and registration number of the Surveyor or Engineer responsible for preparing the plan.
- B.** A location map, for the purpose of locating the site in the County, showing the relation of the tract to adjoining property and streets, roads, bodies of water and municipal boundaries within two thousand (2,000) feet.
- C.** A boundary and topographic survey of all lots, which include the site of the proposed subdivision or land development, with bearings and distances, identification of all corner markers, lot areas, municipal boundaries, easements, public and private rights-of-way, within 100 feet of the proposed subdivision or land development, prepared by a surveyor. The linear closure accuracy shall be 1:10,000.
- D.** Existing and proposed contours at vertical intervals of two (2) feet if the general slope is less than ten percent (10%) and at intervals of five (5) feet if the general slopes is greater than ten percent (10%). The accuracy of the contour lines shall be within fifty percent (50%) of the required contour interval. Bench Mark locations shall be shown.
- E.** Existing buildings or structures (and their use), driveways, water wells, septic and sewer systems, oil and gas wells, pipelines, and utilities.
- F.** Existing watercourses, wetlands, water bodies, storm sewers, culverts, bridges and other drainage features with associated inverts, sizes, widths and lengths, and materials.
- G.** Existing vegetative cover such as wood lots and fence rows, scrub/brush, and cultivated areas.
- H.** Utilizing existing records and data, show existing adjacent land uses and lot lines within one hundred feet (100') of the proposed Development including existing platting of adjacent land, names of owners of any adjoining properties not in recorded plats, the location of all public and private streets, drives, railroads, utilities, towers, easements, streams and watercourses, buildings and other structures, fences and walls, fire hydrants, storm drainage facilities, and other significant natural or man-made features.
- I.** Existing and proposed streets, and rights-of-way, including dedicated widths, roadway widths, approximate gradient, types and widths of pavements, curbs, sidewalks and other pertinent data jurisdiction of ownership and maintenance responsibility.
- J.** Existing and proposed easements, including widths, ownership, and

purposes.

- K. Proposed utilities including water, gas, electric, telephone, and cable television; fire hydrants; oil and gas wells; and street lights. Identify type and ownership. Show approximate location. Proposed utilities may be shown by means of a typical street cross-section with a note that the proposed utilities will be extended within the street to serve all lots.
- L. All areas in the Flood Fringe, Floodway and general Floodplain areas.
- M. Potentially hazardous features, including quarry sites, surface and subsurface mines, undermined areas, underground fires, solid waste disposal sites, contaminated areas, and landslide-prone areas. Show approximate location and site source information.
- N. For subdivisions, the proposed layout of lots (showing scaled dimensions), lot numbers, lot area, and setback lines.
- O. For land developments, proposed building locations, dimensions, approximate finished floor elevations, and gross floor area, proposed parking lots and parking lot layout, curbs, driveways, internal circulation, sidewalks, walkways, pedestrian and bicycle paths, buffer areas, landscaped areas, parks and playgrounds, or other proposed structures.
- P. List any variances, modifications or waivers to this Ordinance or other requirements for which approvals were previously granted for the site.
- Q. List any modifications or waivers of this Ordinance or other regulations being requested and a justification for the request.
- R. The following certificates, where applicable, shall appear on the Preliminary Plan:
  - 1. Certificate for the review of the Lawrence County Planning Commission.
  - 2. Certificate for the review of the New Beaver Borough Planning Agency.
  - 3. Certificate for the approval of New Beaver Borough Council.
  - 4. Certificate for surveyor's signature and seal.

#### **402.5. Preliminary Engineering Plans**

The Developer shall submit preliminary engineering plans with scaled dimensions for the proposed subdivision or land development showing:

- A. Horizontal centerline with bearings and distances, cross sections, and vertical profiles of proposed streets within the plan.
- B. A Stormwater Management Plan and Report prepared in accordance with

the requirements of Ordinance No. 1 of 2001.

- C. Preliminary design plans for any bridges and culverts.
- D. Preliminary designs of sewer and water supply plans.

**402.6. Other Required Information:**

The Developer shall submit the following additional information as applicable:

- A. A written report on the feasibility of connection to an existing sewer system, including distances to the nearest public sewer, service load of the subdivision or land development.

If connection to a public sewer system is not feasible, a report on the feasibility of a private sewer system and treatment works, including the design, population, type and location of treatment and receiving stream.

If connection to a public or a private sewer system is not feasible, a report on the feasibility of on-lot sewage disposal, prepared in accordance with the required procedures of the Pennsylvania Department of Environmental Protection.

- B. Sewage Facility Planning Modules prepared pursuant to Section 404.
- C. Draft of homeowners association documents or condominium association documents including protective covenants or private restrictions and by-laws.
- D. Phasing schedule for submission of applications for final approval of plans to be developed in phases.
- E. Any additional information as required by either the Borough Planning Agency or the Borough Council necessary to evaluate the character and impact of the proposed Subdivision or Land Development.

**Section 403. Final Plan Application.**

A Final Plan application shall be required for all subdivisions and land developments. The Final Plan application shall consist of the following items:

**403.1. Application Form**

The Developer shall submit the completed Borough "Application for Final Plan Approval" form.

**403.2. Application Fee**

The Developer shall submit the required application review fee.

### 403.3. Preliminary Plans

All maps, plans, drawings, and written material revised according to the official written communication granting preliminary approval shall be submitted. Revisions shall be noted and dated on all exhibits. Except for the phasing schedule, supporting maps and materials **not** revised *need not be submitted*.

### 403.4. Final Plat

Final plat, in accurate and final form for recording meeting the specifications of the office of the Lawrence County Recorder of Deeds. The final plat shall show the entire plan or that phase of the plan granted Preliminary approval for which final approval is sought. The final plat shall include the following:

#### A. Drawing Format

1. Sheet size 18" x 24". Drawn in black ink on stable plastic film or mylar.
2. Plan drawing scale shall be sufficient to show, *clearly*, all required items as specified in this Ordinance.
3. When the Plan is drawn in two or more sections it shall be accompanied by a key map depicting the section locations.
4. Dimensions shall be set forth in feet and decimal parts thereof and bearings in degrees, minutes and seconds.
5. Title block in lower right corner containing the following information:
  - a. Name and location of the Subdivision or land development.
  - b. Name, address and phone numbers of the owner of record and the Developer.
  - c. The name, and plan book volume and page numbers of any previously recorded plans.
  - d. The source title to the land as shown by the books of the Lawrence County Recorder of Deeds.
  - e. Date of preparation, sheet number, north arrow, and graphic and written scale. Sheets shall be numbered relative to the total number of sheets (i.e. 1 of 4).
  - f. Name, address, and phone number of the firm that prepared the plans and the name, seal and registration number of the Surveyor or Engineer responsible for the preparing of the plan.

- B. Tract boundaries, right-of-way lines of streets, easements, and other right-of-way lines. Tract boundaries shall be determined by field survey only and shall be balanced and closed. Surveys shall be prepared in accordance with the standards in Appendix A.

- C. Street centerlines with bearings and tangent lengths and complete curve data for all curves included in the Final Plan, including radius, arc length, chord bearing and chord distance.
- D. Location, elevation, type and size of all monuments and lot line markers. State whether found, set or proposed.
- E. Approved street names and street right-of-way widths.
- F. Lot numbers, lot dimensions, lot areas in square feet, and building setback lines.
- G. Tax map identification numbers.
- H. Easements and rights-of-way for all public and private improvements, including widths, purposes, and limitations, if any.
- I. Accurate dimensions, acreage, and purpose of any property to be reserved as public or common open space.
- J. Platting of adjacent property and the names of the adjacent property owners.
- K. Site location map.
- L. Lowest floor elevation, including basement, on all lots in any floodplain area.
- M. Delineation of all public improvements being dedicated by the plan.
- N. Notices and Certifications: The Final Plat shall include the following notifications and certifications:
  - 1. Notation on the Plat of any modifications or waivers granted to the requirements of this Ordinance or as required by the Preliminary Plan approval.
  - 2. Plans which require access to a street under the jurisdiction of PennDOT contain a notice in conformity with Appendix B that, before a driveway access is permitted, a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945, known as the "State Highway Law."
  - 3. Where on-lot sewage disposal is proposed, a notice of the septic system permit requirements as identified in 404.1.C.
  - 4. Certification in conformity with Appendix B by a Surveyor that the Plat represents an actual survey, and that all monuments shown thereon exist and their location, size, and material are correctly shown.
  - 5. A statement in conformity with Appendix B, duly acknowledged before an officer (notary public) authorized to take acknowledgment of deeds and signed by the Landowner of the property, to the effect

that the subdivision or land development shown on the Final Plan is the act and deed of the Landowner, that he/she desires the same to be recorded as such.

6. Certification in conformity with Appendix B for the offer of dedication of applicable required improvements and other property.
7. A certificate in conformity with Appendix B for approval by the New Beaver Borough Council.
8. Certificates in conformity with Appendix B for review by the New Beaver Borough Planning Agency and the Lawrence County Planning Commission.
9. A certificate in conformity with Appendix B for review by the New Beaver Borough Engineer.
10. A certificate to provide for the recording of the Plan, including the date the Plan must be recorded by.

#### **403.5. Permits and Approvals**

The Applicant shall submit certified copies of all permits and approvals required by the applicable federal, state, and county laws, codes, and regulations, including without limitation the following:

- A. Lawrence Conservation District approvals and permits.
- B. Pennsylvania Department of Environmental Protection approved Planning Module, sewage facilities permits, general permits, wetland encroachment permits, stream encroachment/obstruction permits, etc.
- C. Commonwealth of Pennsylvania Highway Occupancy Permit (HOP).
- D. An executed sewer service agreement with the appropriate sewer authority, if applicable.
- E. An executed water service agreement with the appropriate water authority, if applicable.
- F. Any other necessary approvals.

#### **403.6. Construction Drawings**

Construction Drawings for Public and Private Improvements shall be prepared by a registered Engineer, drawn at a scale no smaller than one (1) inch equals fifty (50) feet on sheets measuring twenty-four by thirty-six inches (24" x 36"). An index shall be provided for multiple sheets. Construction drawings shall include the following information:

- A. Plan and profile drawings of each Street in the plan, including complete tangent and curve geometry. Show existing and final grades.
- B. Street cross-sections at intervals no greater than 100 feet, extending at least

50 feet from the street centerline to each side, or extending 25 feet from the right-of-way line, whichever is greater. Show existing and final grades.

- C. Plan and profiles for all storm sewer and sanitary sewer facilities, indicating pipe sizes, materials, grades, top and invert elevations for all manholes, catch basins, and endwalls. Include manhole and inlet numbering, and show existing and final grades.
- D. All construction details for stormwater management facilities, including inlet and outlet control structures, storage tanks or sumps, and detention basins.
- E. The location, size, and materials of construction of other existing and proposed utilities including water, gas, electric, and communications. Include typical details of construction.
- F. All pertinent information regarding the general site layout, existing man-made and natural features on the site, proposed grading, and existing vegetation to be retained.
- G. Proposed buffering, screening, walls and fences, and elevations.
- H. Proposed courtyards, lanes, walkways, paths, recreation areas and facilities, common mail boxes, and solid waste and recycling storage facilities. Show details, cross sections, elevations, manufacturers specifications, and materials for all of the above items where applicable.

#### **403.7. Final Grading Plan**

Final grading plan and final soil erosion and sedimentation control plan with a narrative consistent with Section 609 and the Soil Erosion and Sediment Pollution Control Program Manual, as amended, of the Pennsylvania Department of Environmental Protection.

#### **403.8. Storm Drainage Calculations**

Final calculations for design and location of storm water management facilities.

#### **403.9. Signage**

A proposed traffic warning and regulatory control signage plan, prepared in accordance with PennDOT Publications 201 and 236.

#### **403.10. Covenants**

A copy of any "Declaration of Covenants; Grants of Easements; Conditions, and Restrictions; Homeowners Association By-laws; and/or mechanisms for transfer of title of common stormwater management areas."

#### 403.11. Improvement Security

Calculation of improvement security in accordance with the requirements of 505.1 of this Ordinance.

### Section 404. Sewage Facilities.

#### 404.1. General

The applicant shall submit the following information for review to insure that the proposed method of sewage collection, treatment, and disposal is adequate to serve the proposed subdivision or land development. The evaluation must establish that each proposed lot, building or structure will be served by an appropriate sewage system.

- A. Development Applications - The applicant shall make application to the Pennsylvania Department of Environmental Protection (DEP) which shall determine whether or not the application will require submission of Planning Modules. Applicant shall provide written verification of the decision of the Pennsylvania DEP.
- B. If Pennsylvania DEP determines that Planning Modules are required for the proposed development, then the following steps must be taken.
  - 1. In order to be deemed a complete subdivision or land development application, any application for preliminary subdivision or land development approval *must* be accompanied by a duly completed Department of Environmental Protection sewage facilities planning module. Such planning module shall also meet all the requirements contained in PA. Code, Title 25, Chapter 71.
  - 2. Such application and planning module shall meet all the procedural and content requirements of PA Code, Title 25, Chapter 71, Subchapters 71.52 and 71.53, including the requirement that they be accompanied by the comments on the planning module of the Lawrence County Planning Commission. Evidence that the sewage facilities planning module has been before these agencies for 60 days without comment shall be sufficient to satisfy this requirement.
  - 3. The Borough shall review and act upon the Planning Modules in accordance with the requirements and criteria set forth in 25 PA. Code Chapter 71, and may refuse to adopt a proposed revision to its official sewage facilities plan for new land development for reasons including but not limited to the following:
    - a). The plan is not technically or administratively able to be implemented.
    - b). Present and future sewage disposal needs of the area,

remaining acreage or delineated lots are not adequately addressed.

c). The plan is not consistent with the Borough land use plans and ordinances, this Ordinance, or other ordinances or plans controlling land use or development.

d). The plan does not meet the consistency requirements set forth in PA. Code, Title 25, Chapter 71, Subsection 71.21(a)(5)(i)-(iii).

4. When the Borough refuses to adopt a proposed revision to the official sewage facilities plan, it shall state the reasons for the refusal and forward a copy of this statement to the person making the submission and to the Department of Environmental Protection.

5. When the Borough adopts the proposed revisions to the official sewage facilities plan, the Borough shall forward the proposed revisions to the Department with the information required by PA. Code, Title 25, Chapter 71, Subsection 71.52. Adoption of the proposed revisions of the official plan shall be by resolution of the Borough Council.

6. Approval of the planning modules by the Pennsylvania Department of Environmental Protection shall be a condition of subdivision or land development plan approval by the Borough.

C. Where on-lot sewage disposal is proposed, Final Plan approval shall not be granted for any subdivision or land development until satisfactory evidence has been presented by the applicant to the Borough that the Pennsylvania Department of Environmental Protection has determined that the lots proposed for subdivision are generally suitable for on-lot septic systems and provided further that a note shall be placed on the final Plat as follows:

"The planning module for land development has been approved by the Pennsylvania Department of Environmental Protection as to the subdivision plan. However, the septic system permit has not been issued for the lot(s) upon which new building(s) are proposed. Prior to issuance of a building permit, a septic system permit shall be obtained and presented to the Borough for each new building."

## **Section 405. Wetland Delineation.**

### **405.1 Applicability**

When the National Wetlands Inventory (NWI) Maps indicate wetlands on a site or when a site contains hydric soils or an area with a predominance of wetland vegetation, an on-site investigation shall be conducted to determine if wetlands are present on the site. The landowner or an applicant shall use one of the following methods to delineate wetlands:

- A.** Wetland boundaries shall be delineated through an on-site assessment which shall be conducted by a professional soil scientist or others of demonstrated qualifications. Such a person shall certify that the methods used correctly reflect currently accepted technical concepts, including the presence of wetlands vegetation, hydric soils and/or hydrologic indicators. A study shall be submitted with sufficient detail to allow a thorough review by the Borough.
  
- B.** A wetlands delineation validated by the U.S. Army Corps of Engineers. In the event that a wetlands delineation validated by the U.S. Army Corps of Engineers is shown to vary from a wetlands boundary derived from subsection (a) above, the Corps delineation shall govern.

## **ARTICLE 5. REQUIRED IMPROVEMENTS AND FINANCIAL SECURITY**

### **Section 501. General.**

The required improvements shall be designed, furnished, and installed by the Developer in accordance with the provisions of this Ordinance and other codes of the Borough. Financial security shall be posted and agreements to install improvements shall be executed upon Final Plan approval, before the Final Plat is signed and released for recording.

The Developer shall dedicate all land required for rights-of-way and easements within the subdivision or land development, and furnish and install all improvements to provide a complete and coordinated system of streets and utilities for the neighborhood, in accordance with this Ordinance.

### **Section 502. Required Improvements.**

All improvements shall be dedicated without cost to the Borough as required by this Ordinance and/or as stipulated in an improvements agreement and in a manner approved by the Borough consistent with sound construction methods. These may include:

- A. Grading**
  - 1. Grading of roadways and street rights-of-way and grading of slopes adjacent to roadways and street rights-of-way.
  - 2. Grading of all drainage swales on public or private property and grading of individual lots, to establish positive drainage away from buildings and eliminate low spots.
  - 3. Implementation and maintenance of soil erosion control and sedimentation control facilities.
  - 4. Replacement of topsoil and vegetative restoration in disturbed areas not stabilized with building, paving or other non-vegetative ground cover.
  - 5. Removal of temporary soil erosion and sedimentation control facilities when they are no longer required.
- B. Street or road subbase, base and paving.**
- C. Curbs and gutters.**
- D. Sidewalks, crosswalks, pathways and bike paths.**
- E. Underground facilities for electric, telephone and television cable lines.**
- F. Storm sewers and drainage facilities.**

- G. Public sanitary sewer system.
- H. Public or centralized water supply and distribution system including but not limited to wells, pumping equipment, water laterals, submains, storage tanks and equipment systems (if required).
- I. Street name signs at all street intersections and official traffic control signs and markings.
- J. Permanent monuments and lot pins.
- K. Fire hydrants.
- L. Street lights.

**Section 503. Construction of Facilities.**

**503.1. Standards and Inspection**

The Developer shall construct and install, at no expense to the Borough, the improvements specified in this Ordinance. Construction and installation of such facilities and utilities shall be subject to inspection by appropriate Borough, public agency or public utility officials during the progress of the work.

**503.2. Site Access**

During the construction and installation of all facilities and utilities required by this Ordinance, the Developer shall insure that access to the job site from a public road shall be kept clear and free of all obstructions and otherwise in a passable condition to all areas of the job site for emergency, fire, and police vehicles. In the event of a dispute, passable access for the foregoing purposes shall be determined by the Borough Engineer.

**Section 504. General Standards.**

**504.1. General**

The following principles of subdivision and land development, general requirements and the minimum standards of design, shall be observed by the Developer in all instances.

- A. It is the Developer's responsibility to comply with all applicable plans, ordinances, statutes, regulations, etc., of New Beaver Borough, Lawrence County, Commonwealth of Pennsylvania, and United States of America.
- B. Proposed subdivisions and land development shall be coordinated with existing nearby development so that the area as a whole may develop harmoniously. Provision shall be made to assure that the street patterns included in a proposed subdivision shall complement existing or proposed

streets.

1. In those cases where precise design standards are not specified in this Ordinance, or other ordinances adopted by New Beaver Borough, design standards shall conform to generally accepted engineering practices.

## **Section 505. Improvement Security.**

### **505.1 Improvement Security Requirements**

- A. The Subdivider or Developer shall deposit with the Borough a financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, roads, stormwater management facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required.
- B. When requested by the Developer, the Borough shall furnish the Developer with a signed copy of a resolution or letter of conditional approval indicating approval of the Final Plan contingent upon the Developer obtaining satisfactory financial security, which must be presented to the Borough within ninety (90) days. The resolution or letter of conditional approval shall expire and be deemed to be revoked if the Financial Security Agreement is not executed within ninety (90) days unless a written extension is granted by Borough Council.
- C. Without limitation as to the types of financial security which the Borough may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purpose of this section. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided that said bonding company or lending institution is authorized to conduct such business within the Commonwealth. Such security shall provide for, and secure to the public, the completion of any improvements fixed in the formal action or accompanying agreement for completion of such improvements.
- D. Amount of financial security. The amount of financial security shall be equal to one hundred ten percent (110%) of the estimated cost of the required improvements for which financial security is to be posted. The cost of the required improvements shall be estimated as of ninety (90) days following the date scheduled for the completion of said improvements. Annually, the Borough may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the ninetieth (90<sup>th</sup>) day after either the original date scheduled for completion or rescheduled date of completion. Subsequent to such said

adjustment, the municipality may require the Developer to post additional security in order to assure that the financial security equals one hundred ten percent (110%).

**E. Basis for establishing amount of security.**

1. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or Developer and prepared by a professional engineer licensed as such in this Commonwealth and certified by such engineer to be a fair and reasonable estimate of such cost. The Borough, upon the recommendation of the Borough Engineer, may refuse to accept such estimate for good cause shown. If the applicant or Developer and the Borough are unable to agree upon an estimate, then the estimate shall be recalculated and re-certified by another professional engineer licensed as such in this Commonwealth and chosen mutually by the Borough and the Applicant or Developer. The estimate certified by the third engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third engineer is so chosen, fees for the services of said engineer shall be paid equally by the Borough and the Applicant or Developer.

2. If the party posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding one hundred ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure or as established by the Borough Engineer. In the case where development is projected over a period of years, the Borough Council may authorize submission of Final Plans by section or stages of development, subject to such requirements or guaranties as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the subdivision or land development.

**F. Dispute over amount of financial security.** Whenever a dispute may arise between an Applicant or Developer and the Borough in that neither party can reach an accord or the amount of financial security to be posted, the procedures set forth in Section 509(g) of the Pennsylvania Municipalities Planning Code shall be employed.

**G. Contracts.** As a condition of Final Plan approval for all subdivisions or land developments, the Applicant or Developer shall enter into a written agreement with the Borough in a manner and form approved by the

Borough Solicitor, where they shall agree to:

1. Construct or cause to be constructed, at their own expense, all street curbs, sidewalks, fire hydrants, street lights, drainage facilities, street signs, monuments, capped sewers, parks and other improvements shown on said Final Plan when required to do so by the Borough Council in accordance with the Final Plans, as finally approved, and in strict accordance with the standards and specifications of the Borough.
2. Maintain, at their own cost, said streets, curbs, sidewalks, drainage facilities, street signs, parks, monuments, fire hydrants, street lighting, capped sewers and other improvements, until the same are accepted or condemned by the Borough for public use, and for a period of eighteen (18) months thereafter, to repair and reconstruct the same or any part of one of them when such repair or reconstruction shall be specified by the Borough Council as necessary by reason of faulty construction, workmanship or materials and at or before acceptance of such improvements by the Borough.
3. Obtain the easements and releases required when any street, drainage facility or other improvement wherein a subdivision abuts or traverses lands of persons other than the person holding legal title to the lands of the subdivision, at his own cost, and obtain from the owner or lands so abutted or traversed full releases from all damages which may change in grade, construction or otherwise of the street, drainage facility or other improvement, and such releases shall insure to the benefit not only of the owner of the subdivision, but to the Borough as well.
4. Promptly reimburse to the Borough, reasonable attorneys' and engineers' fees in accordance with this Ordinance.
5. Construct or cause to be constructed, at their expense, road improvements along the frontage of the tract in accordance with this Ordinance.
6. Additional conditions as may be determined to be necessary by the Borough Solicitor.

**505.2. Release of Improvement Security.**

**A. Partial completion and release of financial security.**

1. As the work of installing the required improvements proceeds, the party posting the financial security may request the Borough Council to release or authorize the release, from time to time, of such portions of the financial security necessary for payment to the

contractor or contractors performing the work.

2. Any such request shall be in writing, addressed to the Borough Council, and the Borough Council shall have forty-five (45) days from receipt of such request within which to allow the Borough Engineer to certify, in writing, to the Borough Council that such portion of the work upon the improvements has been completed in accordance with the approved plans.
3. Upon such certification, the Borough Council shall authorize release by the bonding company or lending institution of an amount as estimated by the Borough Engineer fairly representing the value of the improvements completed, or if the Borough Council fails to act within said forty-five (45) day period, Borough Council shall be deemed to have approved the release of funds as requested.
4. The Borough Council shall, 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 for purposes of securing the maintenance bond on said improvements.
5. If the required financial security of one hundred plus ten percent (110%) is secured in separate accounts and the specified ten percent (10%) remains secured for the life of the security agreement and the construction period or until dedication, then the ten percent (10%) specified above shall not be retained from the requested partial release.

**B. Completion of improvements and release from financial security.**

1. When the Developer has completed all of the necessary and appropriate improvements, the Developer shall notify the Borough, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Borough Engineer.
2. The Borough Council shall, within ten (10) days after receipt of such notice, direct and authorize the Borough Engineer to inspect all of the aforesaid improvements. The Borough Engineer shall, thereupon, file a report, in writing, with the Borough Council and shall promptly mail a copy of the same to the Developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Borough Engineer of the aforesaid authorization from Borough Council. The report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements or any portion thereof shall not be approved or shall be rejected by the Borough Engineer, said report shall contain a statement of reasons for such non-

approval or rejection.

3. The Borough Council shall notify the Developer, within fifteen (15) days of receipt of the Borough Engineer's report, in writing, by certified or registered mail, of the action of said Borough Council within relation thereto.
4. If the Borough Council or Borough Engineer fail 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 the performance guaranty bond or other security agreement.
5. If any portion of said improvements shall not be approved, or shall be rejected by the Borough Council, the Developer shall proceed to complete the same and, upon completion, the same procedure or notification, as outlined herein, shall be followed.
6. Upon satisfactory completion of all the necessary and appropriate improvements as approved by the Borough Engineer and receipt by the Borough Council of the appropriate letter of certification of completion of said improvements, the Borough Council shall release or authorize to be released the balance of the financial security, minus the ten percent (10%) as specified above 505.2A4. The ten percent (10%) shall be retained until such time as the Developer establishes additional financial security to ensure the structural integrity and functioning of the specified improvements as specified in Section 506 herein.
7. Improvements shall not be deemed complete until "as-built" plans for all streets, utilities, and stormwater management facilities are submitted to and approved by the Borough Engineer. As-Built plans shall be prepared by the Developer in accordance with the requirements of Appendix C.

## **Section 506. Maintenance Security.**

### **506.1. Requirements**

- A. Where the Borough Council accepts dedication of all or some of the required improvements following completion, the Borough Council shall require the posting of financial security as a maintenance guaranty to 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 Final Plan for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall be fifteen percent (15%) of the actual cost of installation of said improvements.

## **506.2. Release of Maintenance Security**

- A.** To secure release from the maintenance guaranty and financial security, the Developer shall notify the Borough Council by certified or registered mail ninety (90) days or as otherwise specified in the guaranty prior to the expiration date of said maintenance guaranty and request an inspection and written report by the Borough Council as to the structural integrity and functioning of the improvements.
- B.** Upon receipt of said report and approval of the Engineer of the structural integrity and functioning of said improvements, the Borough Council shall release or authorize release of the maintenance guaranty financial security.
- C.** If the specified improvements are not found acceptable to the Borough Engineer, the Developer shall correct the same to the satisfaction of the Borough Engineer and Borough Council before the maintenance guaranty financial security is released.

## **Section 507. Remedies to Effect Completion of Improvements.**

In the event that any improvements which may be required have not been installed as provided in this section or in accord with the approved Final Plan, the Borough Council is hereby granted the power to enforce any corporate bond or other security by appropriate legal and equitable remedies. If proceeds of such bond or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Borough Council may, at their option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder of improvements. 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 purpose.

## **ARTICLE 6. DESIGN STANDARDS**

### **Section 601. Application.**

The following principles, standards and requirements will be applied by the Borough to evaluate plans for proposed subdivision and land developments. The standards and requirements outlined herein shall be considered minimum standards and requirements for the promotion of the public health, safety, morals and general welfare. Where literal compliance with the standards herein specified is clearly impractical, the Borough Council may modify or adjust the standards to permit reasonable utilization of property while securing substantial conformance with the objectives of this Ordinance.

### **Section 602. General Standards.**

#### **602.1. General Requirements**

- A.** All portions of a tract being subdivided or developed shall be taken up in lots, streets, public lands or other proposed uses so that remnants and landlocked areas shall not be created.
- B.** Reserve strips controlling access to lots, public rights-of-way, public lands or adjacent private lands shall be prohibited unless their control is placed with the Borough under conditions of the Borough Council.
- C.** In general, lot lines shall follow Borough boundary lines rather than cross them.
- D.** Subdivisions and land developments shall be laid out so as to avoid the necessity for excessive cut or fill.
- E.** Land subject to flooding or other hazards to life, health, or property shall not be platted for residential occupancy or for such other uses as may increase danger to health, life, or property, or aggravate erosion until all such hazards have been eliminated or unless adequate safeguards against such hazards are provided by the subdivision plans. Such land within the subdivision or land development shall be set aside on the plan for uses which shall not be endangered by periodic or occasional inundation and shall not produce unsatisfactory living conditions.
- F.** Every possible means shall be provided to preserve trees, groves, waterways, scenic points, historic spots, or other community assets and landmarks that are located within a proposed subdivision or land development.
- G.** Proposed subdivisions or land developments shall be coordinated with existing nearby neighborhoods so that the community as a whole may develop harmoniously.
- H.** Where the Preliminary Plan includes a portion of a tract which could be

further subdivided or developed, the applicant shall submit a prospective street/lot layout for the entire tract.

- I. Where the Developer proposes phased development, each phase of a development shall include the required improvements necessary to serve that phase as if it were the final phase of the development, independent of any proposed future phases.

## **Section 603. Community Facilities.**

### **603.1. Requirements**

- A. In reviewing subdivision plans, the Borough Planning Agency will consider the adequacy of existing or proposed community facilities to serve the additional dwellings proposed by the subdivision.
- B. Where deemed essential by the Borough Council upon consideration of the particular type of development proposed and especially in large-scale planned residential developments, the Borough Council may require the reservation of such areas or sites of an extent and location suitable to the needs created by the development for schools, parks and other purposes.
- C. Areas provided or reserved for such community facilities shall be adequate to provide for building sites, landscaping, and off-street parking as appropriate to the use proposed.

## **Section 604. Blocks and Lots.**

### **604.1. Blocks**

- A. The length, width, shape, and design of blocks shall be determined with due regard to the provision of adequate site for buildings of the type proposed, land use and/or requirements of the Borough, topography of the land being subdivided, and requirements for safe and convenient vehicular and pedestrian circulation.
- B. The following minimum standards for the design and size of blocks and lots shall prevail:
  1. Blocks shall not exceed sixteen hundred (1600) feet in length, nor be less than five hundred (500) feet in length. Block length shall be measured along the centerline of a street between centerlines of intersecting streets.
  2. Residential blocks shall generally be of sufficient depth to accommodate two (2) tiers of lots, except where reverse frontage lots bordering an arterial or collector street are used, or where due to the contour of the land, or the necessary layout of the subdivision, there is insufficient depth between streets for such two (2) tier design.

3. Blocks for commercial and industrial areas may vary from the elements of design contained in this section if the nature of the use requires other treatment. In such case, off-street parking for employees and customers shall be provided along with safe and convenient limited access to the street system. Space for off-street loading shall also be provided with limited access to the street system. Extension of streets, and utilities shall be provided as necessary.

#### **604.2. Lots**

- A. The depth-to-width ratio of usable lot length should be a maximum of two (2) to one (1). Lots greater than one (1) acre in size may increase their depth to width ratio to three (3) to one (1). Lot depth shall be measured as the average distance from the ultimate right-of-way line to the rear property line. Lot width is the distance between side property lines measured at the required minimum building setback line.
- B. Double frontage and reverse frontage lots should be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement across which there shall be no right of access may be required along the line of lots abutting such a traffic artery or other disadvantageous use.
- C. Side lines of lots, so far as practical, shall be at right angles or radial to street lines.
- D. Building setback lines shall be 50' (fifty feet) as measured from the street right-of-way line (front), and 25' (twenty-five feet) from side and rear lot lines.
- E. Corner lots shall be increased in size whenever necessary so that any structure to be placed thereon shall conform to minimum building setback line requirements.
- F. Remnants of land, smaller than required for a lot, shall not be permitted within a subdivision. Such remnants shall be incorporated into existing or proposed lots, or dedicated to public use if acceptable to the Borough Council.
- G. Lots abutting local streets shall front upon the streets which parallel the long dimension of the block, if possible.
- H. All lots shall abut by their frontage on a street that has been dedicated to public use for ordination by the Borough or on a street that has received the legal status as such. Lots abutting on a private street or easement shall not be approved unless specifically permitted by the Borough Council by special resolution. The private street or easement is for ingress and egress only and is not intended to be ordained. All streets, public or private, must meet the design and construction standards set forth by this Ordinance.

I. No Lot shall be provided with direct vehicle access to an arterial or collector street (see Section 605.2A) unless specifically approved by the Borough Council when no alternative is possible. Normally, only one street, driveway, or point of vehicle access shall be permitted from a subdivision to an arterial or collector street.

J. Lot size and width shall be controlled by the following minimums designed to prevent unsanitary conditions and hazards to public health:

1. **Central Water and Sewer:**

Where public water supply and sewage disposal facilities are available or will be installed, the lot areas shall not be less than fifteen thousand (15,000) square feet and the lot width not less than seventy-five (75) feet, and such lot shall not be used to accommodate more than one (1) family dwelling unit. For lots intended for more than one (1) family (within a single structure) the minimum lot area shall be increased by two thousand (2,000) square feet for each family dwelling unit.

2. **Water on the Lot:**

Where the water supply is handled on the lot, and public sewage disposal facilities are available or are to be installed, the lot area for single-family dwellings shall not be less than twenty thousand (20,000) square feet and the lot width not less than ninety (90) feet, and such minimum size lot shall not be used to accommodate more than one (1) family dwelling unit. More than one (1) family dwelling unit (within a single structure) may be accommodated on a lot if the minimum size of the lot is increased by five thousand (5,000) square feet for each family dwelling unit.

3. **Water and Sewer on the Lot:**

Where both water supply and sanitary sewage disposal or sanitary sewage disposal only are provided on the lot by a well and /or septic tank with tile field respectively or by similar facilities, the lot area shall not be less than forty-three thousand five hundred and sixty (43,560) square feet, (one acre), and the lot width not less than one hundred and fifty (150) feet, and such minimum size lot shall not be used to accommodate more than one (1) family dwelling unit. All required isolation distances between the water well and on-lot sanitary sewage facilities are to be maintained.

K. The lot size, width, depth, shape, orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

L. **Flag Lots:** Flag lots will only be permitted to lots in excess of one (1) acre in an area served by municipal water and sewage service; and five (5) acres in an area without water and sewage service. Such lots shall have a

minimum width on existing roads of at least fifty (50) feet. Re-subdivision of flag lots shall not be permitted and must be marked on plat as such. Stacking of flag lots shall not be permitted.

- M. When a tract is subdivided into lots larger than the required building lots and there is no covenant preventing re-subdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and re-subdividing with provisions for adequate utility connections.
- N. All lots in the Borough must front along a street in the Borough in order to facilitate provisions of service by the Borough.

## **Section 605. Streets.**

### **605.1. General**

- A. Proposed streets shall be properly related to such street plans or parts thereof as have been officially prepared and adopted by the Borough and shall be coordinated with existing or proposed streets in adjoining subdivisions or land developments.
- B. Any Developer subdividing or developing a parcel which fronts a State highway or proposes access thereto shall be required to obtain a PennDOT Highway Occupancy permit for any access, improvement, and encroachment within the roadway right-of-way. No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice regarding permit requirements. (Refer sample in Appendix "B")
- C. Proposed streets shall further conform to such County and State road and highway plans as have been prepared, adopted or filed as prescribed by law.
- D. Streets shall be related to topography so as to produce usable lots and acceptable grades. Design of streets shall conform to PennDOT Design Manual, Part 2, and all applicable PennDOT RC standards.
- E. Centerlines of proposed streets must coincide with centerline of right-of-way.
- F. Access shall be given to lots and portions of the tract in the subdivisions or land development and to adjacent un-subdivided property unless the topography clearly indicates that such connection is not feasible. Streets giving such access shall be improved to the limits of the subdivision or land development to Borough specifications. Reserve strips and landlocked areas shall not be created.
- G. Streets shall be laid out to preserve the integrity of their design. Local access streets shall be laid out to discourage their use by through traffic and, where possible, collector streets shall be designed for use by through traffic.

- H. Where the proposed subdivision or land development contains or is adjacent to an existing or proposed arterial street, provision shall be made for marginal access streets. The Borough may also require rear service areas, reverse frontage, or such other treatment as will provide protection for abutting properties, reduction in number of intersections with arterial streets, and separation of local and through traffic.
- I. Screening through the use of appropriate plant materials, fences, or berms subject to site plan review shall be provided along the rear property line of lots with reverse frontage to buffer lots from the higher order street.
- J. Half or partial streets will not be permitted in new subdivisions or land developments.
- K. Street names shall be coordinated with existing or platted street names, and if a new street is a continuation of or is aligned with an existing or platted street, it shall bear the same name as the existing or platted street. All street names shall be of historical, geographic, topographic, or other local significance. Street names shall be subject to approval by Lawrence County 911 Center. All street regulatory signage shall be in accordance with PA Title 67, PennDOT Publications 236 and 68 (Chapter 211), and shall be installed on standard PennDOT approved breakaway posts.
- L. Where Streets continue into adjoining municipalities, the Developer shall coordinate the design of the street with both municipalities in order to ensure uniform cartway widths, pavement cross-sections, and other Public Improvements.
- M. All streets shall have a uniform width throughout their respective lengths except where otherwise required by the Borough Council pursuant to Section 605.2.
- N. All lots, public lands, open space, remnants of land, or other proposed uses within subdivisions shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a Public or Private Street system improved in accordance with the requirements of this Ordinance.
- O. Where a subdivision or land development abuts an existing street, drainage improvements shall be made to the existing street. Required improvements must be extended as necessary to provide positive drainage to existing storm drainage facilities or drainage channels. Additionally, existing cartways shall be reconstructed where necessary to establish minimum construction standards of Section 605.2. Where reconstruction is not required, leveling with ID-2 binder and wearing course materials may be required to improve the cartway surface.
- P. **Special Purpose Streets**
  - 1. **Dead End Streets.** Dead-end streets shall be prohibited, except as stubs to permit future street extension into adjoining tracts, or when

designed as cul-de-sacs. Temporary stub streets shall be permitted only if the street is less than two hundred (200) feet in length and provides access to two or less dwelling units. Temporary street stubs shall be provided with a temporary turnaround or cul-de-sac arrangement.

**2. Cul-De-Sac Street**

- a. A Cul-De-Sac street will not be recommended for approval when a through street is more practicable.
- b. Refer to Section 605.2.E for Cul-De-Sac requirements.

**3. Service Road.** A service road may be required when the Lots of a proposed residential or commercial subdivision abut a collector or arterial street and when a potential traffic hazard exists.

**4. Half Streets.** Half-Streets shall be prohibited. Where there exists a half street in an adjoining subdivision, the remaining half shall be provided in the proposed subdivision.

**605.2. Design Standards**

**A. Street Classification.** Three functional classifications are hereby established for the streets and roads in New Beaver Borough.

**1. Arterial.** This classification includes highways which provide intra-county or inter-municipal traffic of substantial volumes where the average trip lengths are usually five miles or greater. Generally, these highways should accommodate operating speeds of 35 to 55 miles per hour.

**2. Collector.** This classification is intended to include those highways which connect local access highways to arterial highways. They may serve intra-county and intra-municipal traffic. They may serve as traffic corridors connecting residential areas with industrial, shopping, and other service. They may penetrate residential areas. Generally, these highways will accommodate operating speeds of 35 to 45 miles per hour.

**3. Local Access.** This classification is intended to include streets and roads that provide direct access to abutting land and connections to higher classes of roadways. Traffic volumes will be low and travel distances generally short. These streets and roads should be designed for operating speeds of 25 to 35 miles per hour or under.

**B. Width and Grade.** Minimum right-of-way widths, paving widths, curb radius, and grades, shall be in accordance with the following table; however, the required width of right-of-way or cartway paving may be increased where anticipated traffic flow warrants, to provide for bicycle or pedestrian facilities, or to provide for drainage easements. Such increased width shall be

established by Borough Council upon recommendation by the Borough Engineer.

	Arterial	Collector	Local Commercial	Local Residential
Right-of-way width (feet)	80	60	60	50
Cartway Paving Width (feet)	30	28	24	22
Maximum Grade (%)	7.5	10	10	12
Minimum Curb Radius	40	40	40	25

1. Where a proposed subdivision abuts or contains an existing public street or road having a right-of-way width less than would be required if said street or road were created under this Ordinance, sufficient additional width for right-of-way shall be provided and dedicated to meet the foregoing standards.
2. Additional right-of-way and cartway widths may be required by the Borough Council to promote public safety and convenience when required by special conditions and to provide parking space in areas of intensive use.
3. The minimum centerline grade on all streets shall be 1.0%.
4. Vertical curves shall be used for changes in grades exceeding 1.0%. The minimum vertical sight distance shall be in accordance with PennDOT design standards.
5. The maximum grade of a proposed street within 50 feet of the right-of-way line of an intersection shall be 3.0%.

**C. Horizontal Alignment**

1. Whenever street lines are deflected in excess of one and one half (1½) degrees, connection shall be made by horizontal curves. Long radial curves shall be used rather than a series of short curves and tangents.
2. The minimum radius at the center line for horizontal curves, and the minimum tangent between reverse curves, shall be as follows:

	<u>Radius</u>	<u>Tangent</u>
Arterial.....	600 feet.....	300 feet
Collector.....	400 feet.....	150 feet
Local Commercial.....	400 feet.....	150 feet
Local Residential.....	150 feet.....	100 feet

**D. Street Intersections**

1. Local streets shall not intersect with collector or arterial streets on the same side at intervals of less than eight hundred (800) feet as measured from centerline to centerline.

2. The distance between centerlines of streets opening onto the opposite side of a proposed or existing street shall be as follows; unless the streets are directly opposite each other:

Arterial.....	800 feet
Collector.....	300 feet
Local Commercial.....	150 feet
Local Residential.....	150 feet

3. Multiple intersections involving the junction of more than two streets shall not be permitted.
4. Proposed street intersections shall be designed at right angles. The intersection of a new street with an existing street shall not be at an angle of less than seventy five (75) degrees, except that all intersections with an arterial or collector street shall be at ninety (90) degrees.
5. Horizontal curves will not be permitted on a proposed street within fifty (50) feet of the ultimate right-of-way of an existing or proposed street.
6. Clear sight triangle: No obstruction shall be located within the right-of-way or lot which obscures visibility at the intersections of streets or driveway entrances. The clear sight triangle shall be measured along the centerline of the intersecting streets and shall meet the following minimum distances:

Arterial.....	500/30 feet
Collector.....	400/30 feet
Local Commercial.....	400/30 feet
Local Residential.....	250/25 feet

The clear sight triangle shall be shown on the plans, and shown on the Final Plat for recording if it is beyond the right-of-way boundary.

7. Minimum horizontal and vertical sight distances shall be established in accordance with PennDOT Chapter 441, as amended.

**E. Cul-de-sac Streets**

1. Cul-de-sac streets shall not be permitted unless the applicant can demonstrate to the satisfaction of the Borough that construction of a through street is not feasible.
2. Cul-de-sac streets shall be designed to permit future extension into adjacent undeveloped property. Unless future extension is clearly impractical or undesirable, the turnaround right-of-way shall be placed adjacent to a property line and contained within an easement area. A right-of-way of the same width as the street shall be carried to the property line in such a way as to permit future extension of the

street into the adjoining tract. At such time as the street is extended, the overage created by the turnaround outside the boundaries of the extended street shall revert in ownership to the property owners fronting on the cul-de-sac turnaround.

3. Permanent cul-de-sac streets shall be kept to a minimum and shall not exceed twelve hundred feet (1200') in length unless specifically authorized by the Borough Council. The minimum length of a cul-de-sac shall be two hundred and fifty feet (250'). For the purpose of this Ordinance, cul-de-sac streets shall be measured from the intersection of the right-of-way line with the future right-of-way line of the existing street to the center of the turnaround area.
4. Cul-de-sac streets, whether permanent or temporary, shall be provided with a turnaround at the closed end having a minimum radius to the edge of the finished street or curb line of not less than forty feet (40'). Permanent cul-de-sac streets shall be provided at the terminus with a right-of-way radius of fifty feet (50'). The maximum grade of the turnaround portion of the cul-de-sac shall be five percent (5%) and the minimum shall be one percent (1%).
5. Commercial and industrial cul-de-sacs shall be reviewed for adequacy by the Borough Engineer. When deemed necessary by the Borough, additional cartway and/or right-of-way radius may be required.
6. A snow storage area shall be provided along the right-of-way of the turnaround. The snow storage area shall be contained within an easement not less than fifteen (15) feet measured from the right-of-way line, and of sufficient length as deemed necessary by the Borough to provide adequate snow storage area.
7. P-loops (loop streets from a single access point) shall have an entrance leg not exceeding five hundred (500) feet. The loop of a P-loop shall have a street length not exceeding three thousand feet (3000').

**F. Pavement Design**

1. All components of the pavement structure shall be designed and constructed in accordance with Pennsylvania Department of Transportation Specifications, Form 408, latest edition, and shall be noted as such on the plan.
2. **Minimum Requirements.** The following shall be considered to be minimum standards for residential local access street construction:

Section	Type	Minimum Depth (Compacted)
Surface	ID-2 Wearing Course	1-1/2"
Base	ID-2 Binder Course	3"

NOTE: Subgrade shall be compacted and crowned with the required street crown and shall be prepared to PennDOT Specifications, Form 408, latest edition. Structural fabric will be required in locations deemed necessary by the Borough Engineer.

3. Pavement design for non-residential streets shall be subject to approval of the Borough Engineer dependent upon anticipated traffic type and volume.
4. Pavement underdrains shall be installed along the up-hill side of all streets and in cut areas, or as otherwise directed by the Borough Engineer to prevent infiltration of water under the roadway.
5. Street shoulders shall be graded, compacted, and seeded for the full width of the right-of-way.
6. Minimum requirements for storm sewer and utility trench pavement restoration within existing roadways shall be in accordance with PennDOT Specifications, Form 408, latest edition.

### **605.3. Roadside Barriers**

Roadside barriers and guide rail shall be required in accordance with PennDOT Design Manual, Part 2, Highway Design, Chapter 12. (PDT Pub. 13). Construction and materials shall be in accordance with applicable PennDOT RC standards.

### **605.4. Traffic Control**

Vehicular traffic control in work zone areas on and along streets open to the public shall be in strict accordance to requirements of PennDOT Publication 203, Work Zone Traffic Control ('67 PA Code, Chapter 203).

## **Section 606. Driveways.**

### **606.1. General**

- A. Driveway locations shall be submitted to the Borough for review and approval.
- B. Driveways shall be located no less than sixty feet (60') from any street intersection (measured from the intersection of the ultimate right-of-way lines). Sight distance requirements for all residential and non-residential driveways shall be in accordance with PennDOT Chapter 441.
- C. Driveways to corner lots shall gain access from the street of lower classification when a corner lot is bounded by streets of two different classifications as described herein. A corner lot created by a proposed

street and an existing street shall gain access to the proposed street.

- D. All driveways serving single family dwellings shall be at least five feet (5') from any side or rear lot line.
- E. All driveways serving single family dwellings shall be a minimum of eight feet (8') in width with a grade not to exceed fifteen percent (15%). Maximum change in grade at any location on the driveway shall not exceed eight (8%) percent.
- F. Driveways shall be constructed to conform to the finished shoulder of the street. All descending or ascending driveway grades shall begin at the street right-of-way. No stormwater shall be permitted to drain onto streets from driveways.
- G. Intersection of single family driveways with cartways shall be installed with minimum paving radii of five feet (5') at both sides.

#### **606.2. Driveway Culvert Pipes**

- A. Driveways shall be constructed in a manner which does not impede the flow of stormwater in roadside drainage facilities. Where drainage culverts are required:
  - 1. Driveway culverts must include flared end sections.
  - 2. End of pipes must extend a minimum of five feet (5') beyond edge of paving.
  - 3. Minimum pipe length is twenty feet (20').
  - 4. Minimum pipe size shall be 12 inch round or 14 inches x 9 inches arch, or as otherwise required by the Borough Engineer.
  - 5. Where an existing roadside drainage swale is too shallow to permit installation of a driveway pipe, a concrete trench box with grate may be required to be installed to the grate. Trench boxes must extend beyond edge of driveway paving a minimum of five feet (5').

#### **606.3. Non-residential Driveways**

- A. Design requirements shall be in accordance with PennDOT Chapter 441.
- B. Driveways shall be paved. Design of paving section shall be in accordance with expected loading and frequency of loading. Minimum paving specification shall be in accordance with Section 605.2.F. The design shall be approved by the Borough Engineer.

## **Section 607. Curbs.**

### **607.1. Curbs**

- A.** Curbs may also be required in any subdivision when the centerline street grade of any street exceeds three percent (3%). In such cases, curbs or other drainage controls shall be installed to properly control surface drainage and protect the streets from erosion. The requirement of curbs may be waived at the discretion of the Borough Council.
- B.** All curbs shall be depressed at intersections to sufficient width to accommodate wheelchairs if sidewalks are existing or proposed. Depression shall be in line with sidewalks where provided.
- C.** Curbs may be either the vertical type or bituminous wedge curb. Bituminous wedge curbs shall not be used on collector streets. The transition from one type of curb to another shall occur only at street intersections.
- D.** All curbs shall be constructed of Portland cement concrete with expansion joints every twenty (20) feet, and shall follow PennDOT standards where applicable or shall be six (6) inches x twelve (12) inches bituminous wedge curb.
- E.** Curb cuts (driveway depressions) shall be at least one inch (1"), and no more than one and one-half inches (1½") above the roadway surface, and a minimum of twenty (20) feet in width.

## **Section 608. Drainage and Stormwater Management.**

**See Ordinance #1-2001 (Stormwater Management Ordinance)**

## **Section 609. Excavation, Grading and Erosion Control.**

### **609.1. Excavation and Grading**

- A.** Blocks and lots shall be graded to provide proper drainage away from buildings and to prevent the collection of storm water in pools. Minimum two percent (2%) slopes away from structures shall be required.
- B.** Lot grading shall be of such design as to carry surface waters to the nearest practical street, storm drain, or natural water course. Where drainage swales are used to deliver surface waters away from buildings, their grade shall not be less than one percent (1%) nor more than four percent (4%). The swales shall be sodded, planted or lined as required. A Grading and Drainage Plan shall be required for all Subdivisions and Land Developments, except Minor Subdivisions.
- C.** No final grading shall be permitted with a cut face steeper in slope than two (2) feet horizontal to one (1) foot vertical except under one or both of the following conditions:

1. The material in which the excavation is made is sufficiently stable to sustain a slope of steeper than two (2) feet horizontal to one (1) foot vertical, and a written statement of a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, to that effect is submitted to the Borough. The statement shall state that the site has been inspected and that the deviation from the slope restriction shall not result in injury to persons or damage to property. A detail of the treatment of the slope (proposed grade, seeding, erosion protection, etc.) shall be submitted with the application.
  2. A concrete, stone, masonry, or other approved retaining wall is designed by a registered Professional Engineer, licensed in the Commonwealth of Pennsylvania, and constructed to support the face of the cut or fill.
- D. No final grading shall be permitted which creates any exposed surface steeper in slope than two (2) feet horizontal to one (1) foot vertical except under one or more of the following conditions:
1. The fill is located so that settlement, sliding, or erosion will not result in property damage or be hazardous to adjoining property, streets, alley, or buildings.
  2. A written statement from a civil engineer, licensed by the Commonwealth of Pennsylvania and experienced in erosion control, certifying that he has inspected the site and that the proposed deviation from the slope specified above will not endanger any property or result in property damage, is submitted to and approved by the Borough Engineer.
  3. A wall is constructed to support the face of the fill, in accordance with the provisions of 609.1.C.2.
  4. The top or bottom edge of slopes shall be a minimum of three (3) feet from property or right-of-way lines of street or alleys in order to permit the normal rounding of the edge without encroaching on the abutting property. All property lines, where walls or slopes are steeper than one (1) foot horizontal to one (1) foot vertical and five (5) feet or more in height shall be protected by a protective fence no less than three (3) feet in height approved by the Borough.
- E. Adequate provisions, such as interceptor channels, shall be made to prevent surface water from damaging the cut face of excavation and sloping surfaces of fills.
- F. All of the topsoil from areas where cuts and fills have been made shall be stockpiled and redistributed uniformly after grading. All areas of the site shall be stabilized by seeding or planting on slopes of less than ten percent (10%) and shall be stabilized by sodding on slopes ten percent (10%) or more and planted in ground cover on slopes twenty percent (20%) or

greater.

## **609.2. Erosion and Sedimentation Control**

- A.** All subdivisions and land developments shall have a Soil Erosion and Sedimentation Control plan prepared as required by Chapter 102 of the Pennsylvania Department of Environmental Protection rules and regulations, and reviewed and approved by the Lawrence Conservation District.

## **Section 610. Water Supply and Sanitary Sewage Disposal.**

### **610.1. Water Supply**

- A.** Whenever an existing public water system is economically accessible to a proposed subdivision or land development, a distribution system shall be designed and constructed to furnish an adequate supply of water from that system to each lot, with adequate main sizes and fire hydrants as outlined by the National Board of Fire Underwriters.
- B.** In the event that the water supply system of individual on-lot wells is proposed, the Borough may require a feasibility study to evaluate the adequacy of water quality and quantity. Prior to subdivision plan approval, the Developer shall demonstrate that an adequate, safe, and reliable water supply exists, in accordance with standards established by the Pennsylvania Department of Environmental Protection.
- C.** If water is to be provided by means other than private wells owned and maintained by the individual lot owners, applicants shall present evidence to the Borough that the subdivision or development is to be supplied by a certified public utility, cooperative association of lot owners, or by a municipal corporation, authority, or utility. A copy of a Certificate of Public Convenience, a cooperative agreement, or an agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

### **610.2. Sanitary Sewage Disposal**

- A.** The Developer shall install the most effective type of sanitary disposal consistent with the Borough's Official Plan for sewage facilities prepared in accordance with the Pennsylvania Sewage Facilities Act (Act 537), the Borough Sewage Facilities Plan, and Chapter 71 of the Pennsylvania Department of Environmental Protection Regulations, for the subdivision or development.
- B.** Connection to public sanitary sewer system shall be required where such a system is proposed by the Borough's Official Plan for sewage facilities, and where such a system can feasibly be provided to the proposed subdivision.
- C.** In subdivision/land developments where connection to public sewage system is not proposed, on-lot sewage disposal systems shall be installed by the property owner in accordance with the Pennsylvania Sewage Facilities Act, Chapter 73 of DEP Regulations and the requirements of

applicable Borough regulations.

- D. The Developer shall be responsible for the completion of the appropriate Planning Module for land development components as required by the Department of Environmental Protection.
- E. All final plans shall contain a notice regarding sewage disposal systems (refer samples in Appendix "B").
  - 1. ON-LOT SEWAGE DISPOSAL - All subdivision and land development plans shall contain a plan note specifying that approval of the plan does not guarantee permit issuance for sewage disposal.
  - 2. PUBLIC OR CENTRALIZED SEWERS - All subdivision and land development plans shall contain a plan note specifying that connection to public sewer is required.
- F. Design standards and specifications for public and centralized sanitary sewer systems shall conform to requirements of the applicable servicing municipal authority.

**Section 611. Utilities.**

- A. Every lot shall be capable of being served by utilities and all necessary easements shall be provided.
- B. All utility lines shall be installed underground when within public rights-of-way. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas, and in any case shall be installed prior to the placement of any paving.
- C. Underground street crossings of electric and communications utilities shall be placed in conduit for the full length of the right-of-way.
- D. A sketch plan showing the utility locations shall be submitted to the Borough.

**Section 612. Monuments and Markers.**

**612.1. Materials of Construction**

- A. Monuments shall be precast reinforced concrete at least four (4) inches square and thirty (30) inches in length, with a metal center plug. The actual survey point shall be indicated by a 1/16 inch hole drilled in the metal plug.
- B. Markers shall be iron rods or pipes at least one-half inch in diameter and not less than twenty (20) inches in length, or other material acceptable to the Borough Engineer.
- C. Monuments and markers shall be detectable with conventional ferrous metal or magnetic locators.

## **612.2. Placement**

- A.** any existing monument, iron pipe, pin, or marker determined and identified to be an existing found property corner shall remain undisturbed.
- B.** Monuments shall be placed at the following locations:
  - 1.** At the intersection of all lines forming angles, and other changes in the direction of lines in the boundary of the tract being subdivided (perimeter).
  - 2.** For streets; at the beginning and end of all tangent sections, offset to the ultimate right-of-way line. Where topographical or other conditions make it impossible to sight between two monuments, intermediate monuments shall be required.
  - 3.** Monuments shall be set with their top level at the finished grade of the surrounding ground.
- C.** Markers shall be placed at the following locations:
  - 1.** At all lot corners, changes in direction of lot lines, and points where easements intersect lot lines, except those points where monuments are required.
- D.** All monuments and markers shall be placed by a Surveyor prior to approval of the Final Plan, or an Improvement Security sufficient to cover their cost shall be provided. No Public Improvements shall be accepted by the Borough until all required monuments have been set and certified to by the Surveyor.
- E.** All lot corner markers shall be set and visible at grade at the time of transfer.

## **Section 613. Parking Facilities.**

### **613.1. General Standards**

- A.** Off-street parking facilities shall be provided in compliance with the requirements herein. On-street parking shall not be permitted.
- B.** Parking shall not be permitted along driveways which serve as entrances or exits to parking lots.
- C.** Parking areas shall not be located closer than five (5) feet from any tract boundary line or street right-of-way line.
- D.** Dead-ended parking areas shall be avoided whenever possible.
- E.** Parking lots shall be provided with adequate lighting to assure safe maneuverability of vehicles, and to promote safety for pedestrians. Lighting shall be so arranged that no glare affects abutting residences or streets.

- F. Parking facilities shall be screened in such a manner that vehicle headlights are not intrusive to adjacent residential properties. Grading to recess the parking facility, raised berms, landscaping and fencing are acceptable methods to screen the parking facility. Any adjoining residential properties shall be shielded from any lights within a parking facility.

**613.2. Residential Parking Lots**

- A. Parallel rows of parking spaces, which are not separated by a driveway, shall be separated by a raised and/or curbed planting strip, a minimum of 10 feet wide.
- B. A single row of parking spaces located parallel to and between two driveways, shall be separated from one of the driveways by a raised and/or curbed planting strip, a minimum of five feet wide.
- C. Parking lots shall be divided into sections of not more than 20 cars each, with the sections separated by raised and/or curbed planting strips, a minimum of 10 feet wide.
- D. The entire parking lot perimeter shall be landscaped.

**613.3. Non-Residential Parking Lots**

- A. Parking lots with a capacity of from 15 to 100 cars shall require a raised and/or curbed planting strip around the entire perimeter.
- B. Parking lots for more than 100 cars shall be divided into sections by raised and/or curbed planting strips, a minimum of 10 feet wide. Each section shall be limited to 100 cars.
- C. Each row of spaces shall include an end island equal in size to one parking space.
- D. Shade or canopy trees shall be the primary plant material used in planting strips. Minimum caliper shall be two (2) inches.

**613.4. Parking Space and Driveway Dimensions**

- A. Parking space and parking aisle driveway dimensions shall comply with the following standards:

Angle of Parking	Parking Space		Aisle Width	
	Depth	Width	One-Way	Two-Way
90 deg	20'	10'	20'	24'
60 deg	21'	10'	18'	20'
45 deg	19'	10'	15'	18'

- B. Where appropriate, parallel parking may be provided utilizing a stall width of eight (8) feet and a minimum length of twenty-two (22) feet.

- C. All paved parking stalls must be delineated with 4 inch wide line striping. When curb is not installed along the perimeter of parking areas and paving is not required, parking stall locations must be delineated with concrete tire stops, bollards, or other means acceptable to the Borough.

## **Section 614. Development in Floodplain Areas.**

### **614.1. Standards**

Development in any identified Floodplain area shall comply with the following standards and restrictions.

- A. Any new construction, development, activity, or encroachment that would cause any increase in flood elevation shall be prohibited.
- B. No new construction or development shall be allowed unless all required permits are obtained from the Department of Environmental Protection.
- C. All new or replacement water and sanitary sewer facilities shall be located, designed, and constructed to minimize flood damage and the infiltration of floodwaters.
- D. Sanitary sewer facilities shall be designed to prevent the discharge of untreated sewage into floodwaters.
- E. No part of any on-site sewage system shall be located within any identified floodplain area, except in strict compliance with all state and local regulations for such systems.
- F. All other utilities shall be located and constructed to minimize damage during a flood.
- G. The finished elevation of all streets shall be not more than one foot below the 100 year flood elevation.
- H. Each residential lot within any identified floodplain area shall be capable of providing a building site with a lowest floor elevation (including basement) at least one and one-half (1½) feet above the 100 year flood elevation as defined in the Flood Insurance Study.

## **ARTICLE 7. MOBILE HOME PARKS**

### **Section 701. Applicability.**

The standards set forth under this Article are intended to apply to those Mobile Home Parks where lots within the park are intended for occupancy, rental or lease. Where lots are to be offered for sale, the development shall be treated as a regular subdivision and subject to all the requirements of such within this ordinance.

### **Section 702. Permits.**

No person, firm, or corporation shall operate, construct, alter, or extend any mobile home park unless he holds valid permits from the Pennsylvania Department of Environmental Protection, and from New Beaver Borough, for the specific operation, construction, alteration, or extension proposed.

### **Section 703. Plan Requirements.**

- A.** No person, firm, or corporation shall construct, maintain, or operate a mobile home park without obtaining plan approval from the Borough. The procedures and requirements for preparing and reviewing mobile home park plans shall be the same as for other subdivision and land development plans. Except as otherwise specified in this Article, the design standards and improvement requirements for mobile home parks shall be the same as for other subdivisions and land developments in accordance with the provisions of this Ordinance.
- B.** A notation shall be placed on the land development plan stating that the mobile home park owner shall be responsible for maintenance of all park facilities including roads, stormwater facilities, sewage and water facilities, and recreational and open space areas.

### **Section 704. Design Standards.**

#### **704.1. Land and Lot Requirements**

- A.** The minimum area of the tract or park shall be 10 acres.
- B.** Mobile home lots shall have a minimum area of six thousand (6,000) square feet; and a minimum lot width of sixty (60) feet. The total number of lots within the park shall not exceed an average density of six (6) per acre.
- C.** Each mobile home lot shall be improved to provide an adequate foundation for the placement of the mobile home and to ensure that the mobile home remains level and stable.
- D.** Each mobile home lot shall be provided with anchoring systems to resist overturning or lateral movement of mobile homes from wind forces. Such systems shall be designed and installed in accordance with NFPA No. 501-A "Standards for the Installation of Mobile Homes".

- E. Every mobile home shall be provided with a patio slab at the length of approximately one-third the length of the mobile home and set in such a manner that it lies below the front door of the home. The recommended slab size is 10 feet by 25 feet.
- F. An enclosure or skirt of compatible material shall be installed around the entire base of the mobile home. This enclosure shall provide sufficient ventilation to inhibit decay of the structure.

#### **704.2. Setback and Yard Requirements**

- A. All Mobile Homes shall be located at least twenty-five (25) feet from all Mobile Home Park property boundary lines.
- B. A mobile home, including its accessory building, shall be a minimum distance of twenty (20) feet from the pavement of an adjoining Park street, common parking area, or other common area or structures.
- C. Mobile Homes, shall be separated from each other and from other buildings and structures at least twenty (20) feet on all sides. A Mobile Home accessory building shall not be closer than three (3) feet from the Mobile Home it services, or closer than twenty (20) feet from a mobile home on an adjacent lot.

#### **704.3. Internal Street System**

- A. At points where the internal streets intersect public streets, the internal street shall be thirty five (35) feet in width for a length of twenty (20) feet and shall be paved.
- B. All internal streets shall be constructed with a smooth, hard, and dust free surface which shall be durable and well drained. Minimum cartway width shall be twenty (20) feet.
- C. Dead-end streets shall have a turnaround at the closed end with a minimum roadway radius of sixty (60) feet.
- D. Speed bumps shall be constructed at 150 feet intervals on all internal streets.
- E. Minimum street grade shall be one (1) percent, maximum grade shall be twelve (12) percent.
- F. Streets shall intersect at approximately right angles. No more than two streets shall intersect at any point, and a distance of at least 150 feet shall be maintained between centerlines of offset intersecting streets.
- G. All lots shall be assigned street numbers and all park streets shall be named.

**704.4. Parking Area**

- A. All parking within the mobile home park shall be located off-street.
- B. Sufficient parking spaces shall be provided to meet the needs of occupants and guests without interference with normal movement of traffic. Such facilities shall be provided at a rate of at least two (2) parking spaces per lot located in adjacent parking bays. Additional parking space shall be provided in a central area, with one parking stall for every two lots.

**704.5. Utilities**

- A. Public or private community sewage and water systems shall be provided for the Mobile Home Park; individual on-lot systems shall be unacceptable. These systems shall be constructed and operated in accordance with the requirements of the Department of Environmental Protection, or other regulatory body, authority or agency having jurisdiction.
- B. All utilities shall be installed underground, in accordance with the specifications of the serving utility company or authority.

**704.6. Lighting**

- A. Streets and walkways designed for the general use of the Residents of the Mobile Home Park shall be lighted during the hours of darkness. Such lighting shall not be under the control of the mobile home occupant.

## ARTICLE 8. VIOLATIONS, REMEDIES, AND APPEALS

### **Section 801. Preventive remedies.**

#### **801.1. Court actions**

In addition to other remedies, the Borough may institute and maintain appropriate actions by law or in equity to restrain, correct, or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises.

#### **801.2. Permit denials and conditions**

**A.** The Borough may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a Subdivision or Land Development in violation of this Ordinance. As an additional condition for issuance of a permit or the granting of an approval for the Development of any such real property, the Borough may require compliance with the conditions that would have been applicable to the property at the time the Applicant acquired an interest in such real property. This applies to any of the following Applicants:

1. The owner of record at the time of such violation.
2. The vendee or lessee of the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
3. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
4. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

**B.** No exemption. 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 provided in this section.

### **Section 802. Enforcement remedies.**

#### **802.1. Initial jurisdiction**

District justices shall have initial jurisdiction in proceedings brought under this section.

#### **802.2. Civil enforcement action**

When the Borough finds that any person, partnership, or corporation has violated any provision of this Ordinance or any condition imposed by the Borough pursuant to this Ordinance or has proceeded without satisfying the requirements of this Ordinance, the Borough may institute civil enforcement proceedings.

#### **802.3. Judgment**

Where the district justice finds the person, partnership, or corporation liable for such violations, the person, partnership, or corporation shall pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees, incurred by the Borough. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice.

#### **802.4. Enforcement of judgment**

If the defendant neither pays nor timely appeals the judgment, the Borough may enforce the judgment pursuant to the applicable rules of civil procedure.

#### **802.5. Continuing violations**

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 there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice. Thereafter, each day that a violation continues shall constitute a separate violation.

#### **802.6. Order of stay tolling per diem judgments**

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 a violation and judgment.

#### **802.7. Enforcement by Borough**

Nothing in this section shall be construed or interpreted to grant to any person or entity other than the Borough the right to commence any action for enforcement pursuant to the section.

### **Section 803. Appeals.**

Appeals from any action or decision under this Chapter shall proceed in accordance with the Municipalities Planning Code.



## APPENDIX A - STANDARDS FOR SURVEYS

Surveys shall be performed generally in accordance with standards set forth in the most recent standards published by the Pennsylvania Society of Land Surveyors. Closure requirements, in terms of angular closure and/or lineal ratios of  $1/x$ , shall relate to the closure of the original random traverse performed to create the outer boundary of the Subdivision or site in question. If the survey was performed by survey measurements taken on the actual property lines with no random traversing created, then closure accuracy shall relate to the raw, unadjusted closure of the surveys thus performed. All subsequent survey data created from this field survey shall indicate closures of not less than  $1/100,000$  or better.

All care and diligence will be extended to assure that any survey correctly reflects the property or Right-of-Way lines as originally established, and honors to the largest degree possible, all rights of adjoining and the parent tract. All surveys shall be performed in the field, and no office developed Subdivisions will be accepted. Copies of field data and calculations may be requested at the option of the Borough. All bearing notations should show degrees, minutes and seconds with the appropriate quadrant, such as northeast, southwest, etc. Linear dimensions shall be shown to not less than one hundredth of a foot on all measurements. Full centerline and Right-of-Way geometry shall be shown. Curve data in the form of arc, delta, radius, chord and tangent should be provided on all streets. In the case of redundant arc segments within a fully defined arc length on a Right-of-Way only, such arc segments may be limited to arc, delta and radius.

**APPENDIX B - REQUIRED CERTIFICATIONS**

The following certifications shall be placed on the plan for recording:

**1. OWNER'S ADOPTION.** The appropriate form of owner's adoption certification is required based on the type of owner or beneficial owner. It may be executed by any person or entity who falls within the MPC definition of landowner or Developer.

**1. For an individual owner or owners.** All owners must sign. The owner's adoption may be repeated for multiple owners who cannot sign at the same time before a notary public.

(I/We), (owner(s) or beneficial owner(s)) of the land shown on the (Name of plan), hereby adopt this plan as (my/our) (plan of lots or land development) and irrevocably dedicate all streets and other property identified for dedication on the plan to the public. Any future acceptance of said public streets or property by the Commonwealth of Pennsylvania, County of Lawrence, and Borough of New Beaver, (I/we) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Lawrence, and Borough of New Beaver, their successors or assigns from any liability for damages arising and to arise from any appropriation of said ground for public streets or property and the physical grading thereof to any grades that may be established. This adoption and dedication shall be binding upon (my/our) heirs, executors, and assigns.

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of owner(s)

\_\_\_\_\_  
Date

**2. For a partnership.** A general partner must sign.

The (name of partnership), (owner or beneficial owner) of the land shown on the (name of plan) hereby adopts this plan as its (plan of lots or land development) and irrevocably dedicates all streets and other property identified for dedication on the plan to the public. Any future acceptance of said public streets or property by the Commonwealth of Pennsylvania, County of Lawrence, and Borough of New Beaver, (I/we) hereby covenant and agree to and by these presents do release and forever discharge said Commonwealth of Pennsylvania, County of Lawrence, and Borough of New Beaver, their successors or assigns from any liability for damages arising and to arise from any appropriation of said ground for public streets or property and the physical grading thereof to any grades that may be established. This adoption and dedication shall be binding upon the partnership and upon its heirs, executors, and assigns.

\_\_\_\_\_  
Signature of witness

\_\_\_\_\_  
Signature of general partner

\_\_\_\_\_  
Date

**3. For a corporation.** A corporate officer must sign, and another officer must witness. The corporate seal must be affixed.

By resolution approved on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the Board of Directors of the (Name of corporation), incorporated in the state of (Name of state), (owner or beneficial owner) of the land shown on the (Name of plan) adopted this plan as its (plan of lots or land development) and irrevocably dedicated all streets and other property identified for dedication on the plan to the public. (Name of corporation), hereby covenants and agrees to and by these presents does release and forever discharge said Commonwealth of Pennsylvania, County of Lawrence and Borough of New Beaver, their successors or assigns from any liability for damages arising and to arise from the appropriation of said ground for public streets or property and the physical grading thereof to any grades that may be established. This adoption and dedication shall be binding upon the corporation and upon its successors and assigns.

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

\_\_\_\_\_  
Signature and title of officer witnessing

\_\_\_\_\_  
Signature and title of authorized officer

\_\_\_\_\_  
Date

## 2. ACKNOWLEDGMENT OF NOTARY PUBLIC.

The owner's adoption and dedication must be acknowledged by a notary public. The black notary stamp must be affixed. The type of acknowledgment of notary public must correspond to the type of owner's adoption.

### 1. Acknowledgment of individual owner's adoption and dedication.

Before me, the undersigned Notary Public in and out for the Commonwealth of Pennsylvania and County of Lawrence, personally appeared the above named (Name of owner(s)), and acknowledged the foregoing adoption, dedication and plan to be (his, her, their) act and desired the same to be recorded as such.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal) \_\_\_\_\_  
Notary Public

**2. Acknowledgment of partnership adoption and dedication.**

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Lawrence, personally appeared the above name (Name of General Partner), a partner in the firm of (Name of firm), and acknowledged the foregoing adoption, dedication and plan to be the act of the partnership and desired the same to be recorded as such.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal) \_\_\_\_\_  
Notary Public

**3. Acknowledgment of corporate adoption and dedication.**

Before me, the undersigned Notary Public in and for the Commonwealth of Pennsylvania and County of Lawrence, personally appeared (Name and title of officer) of the (Name of corporation), who state that (he/she) is authorized to execute the above adoption, dedication and plan on behalf of the corporation and was present at the meeting at which the action of the corporation was taken to adopt the plan and dedicate public property contained therein to the public.

Witness my hand and notarial seal this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

(Seal) \_\_\_\_\_  
Notary Public

**3. CERTIFICATION OF TITLE AND CONCURRENCE OF MORTGAGEE WHERE APPLICABLE**

The owner or owners of all the property contained in the plan must certify to such ownership by signing a certificate of title on the plan for recording including the deed book volume and page numbers in which the title to all of the property contained in the plan is recorded. If there is no mortgage or encumbrance against the property, a statement to that effect is included. If there is a mortgage or encumbrance, the mortgagee must consent to the recording of the plan. Signatures must be witnessed.

**1. Certification of title (no mortgage)**

(I/We) hereby certify that the title to the property contained in the (Name of subdivision or Land Development) is in the name of (Name of owner) and is recorded in deed book volume \_\_\_\_\_, page \_\_\_\_\_. (I/We) further certify that there is no mortgage, lien, or other encumbrance against this property.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner

**2. Certification of title (Mortgage clause and consent of mortgagee)**

(I/We) hereby certify that the title to the property contained in the (Name of subdivision or Land Development) is in the name of (Name of Owner) and is recorded in deed book volume \_\_\_\_\_, page \_\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner

(Name of mortgagee), mortgagee of the property contained in the (Name of subdivision or Land Development) consents to the recording of said plan and to the dedications and all other matters appearing on the plan.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Name, title, and mortgagee

**4. SURVEYOR'S CERTIFICATION**

Every plan for recording must be prepared by or under the supervision of a registered surveyor, who must certify the accuracy of the survey and affix his seal.

I certify that, to the best of my knowledge, that the survey and plan shown hereon correctly represents the lots, lands, streets, and highways as surveyed and plotted by me.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Surveyor

(Seal ) \_\_\_\_\_

Registration number

**5. MUNICIPAL DECLARATIONS**

**1. No acceptance of dedication.** A declaration must be placed on any plan that shows dedication of streets or other property to the municipality that the dedication imposes no responsibility upon the municipality for acceptance of the dedication, or for the improvement or maintenance of any dedicated facility until the dedication is accepted by ordinance.

The Council of the Borough of New Beaver, hereby gives notice that in approving this plan for recording, the Borough of New Beaver has not accepted dedication of any streets, land or public facilities and has no obligation to improve or maintain such streets, land or facilities.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President, Borough Council

**6. OTHER REQUIRED STATEMENTS**

- 1. For plan where on-lot sewage facilities are proposed but not permitted.** The planning module for land development has been approved by the Pennsylvania Department of Environmental Protection as to the subdivision plan. However, the septic system permit has not been issued for the lot(s) upon which new building(s) are proposed. Prior to issuance of a building permit, a septic system permit shall be obtained and present to the Borough for each new building.
- 2. For plans where sewage facilities are not required.** If a non-building waiver of sewage facilities requirements has been approved, the following statement must be placed on the plan for recording:

As of the date of this plan's approval by the approving authority, no development of any land contained in this subdivision or Land Development for any purpose requiring sanitary sewage facilities is planned. No portion of this property has been approved by the municipality or the Department of Environmental Protection for the installation of sewage disposal facilities. No sewage permit will be issues for the installation, construction, connection to or use of any sewage collection, conveyance, treatment, or disposal system unless the municipality and the DEP have both approved sewage facilities planning for the property included in this plan in accordance with the Pennsylvania Sewage Facilities Act (35 P.S. Sections 750.1 et. Seq.) And regulations promulgated thereunder. Prior to the transfer of any lot or property included in this plan, any purchaser should contact appropriate officials of the municipality, which is charged with administering the Sewage Facilities Act, to determine what sewage facilities planning is required and the procedure and requirements for obtaining appropriate permits or approvals.

- 3. For plans requiring access to state highways.** Section 508(6) of the MPC requires that no plat requiring access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains the following statement:

A highway occupancy permit is required pursuant to Section 420 of the act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law" before driveway access to a State highway is permitted.

**7. REQUIRED MUNICIPAL REVIEW AND APPROVAL STATEMENTS**

The following review and approval statements shall be used:

- 1. By the Borough Council.**

Approved by the Council of the Borough of New Beaver, by Ordinance/Resolution No. \_\_\_\_\_, effective this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
President, Borough Council

(Seal)

**2. By the Planning Commission.**

Reviewed by the Planning Commission of the Borough of New Beaver, this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson, Planning Commission

**3. By the Municipal Engineer.**

I, a Registered Professional Engineer, the Borough of New Beaver, do hereby certify that this Subdivision Plan meets all the engineering and design requirements of the Borough Subdivision and Land Development Ordinance except as departures have been authorized by the approval authority.

(SEAL)

DATE REG. NO. SIGNATURE

**8. REQUIRED COUNTY PLANNING COMMISSION REVIEW STATEMENT**

The following review statement is required on all subdivisions and Land Developments:

Reviewed by the Lawrence County Planning Commission on this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson, Lawrence County Planning Commission

**9. PROOF OF RECORDING**

The plan must include a signature space for the recorder of deeds as follows:

Recorded in the office of the Recorder of Deeds of the County of Lawrence, Commonwealth of Pennsylvania, in Plan Book Volume \_\_\_\_\_, Page(s) \_\_\_\_\_.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_.

(Seal) \_\_\_\_\_  
Recorder of Deeds

## APPENDIX C - AS-BUILT DRAWINGS

### 1). GENERAL.

- A). These requirements shall be considered minimum standards. Additional detail and information may be required by the Borough depending the scope of the proposed subdivision or development.
- B). All individual sheets of as-built plans shall be signed and sealed by the responsible licensed Professional Land Surveyor.
- C). Storm sewer, sanitary sewer, and utility as-built information shall all be included on same plan and profile views. Independent plan sets for each shall not be permitted unless specifically requested by the Borough.
- D). All plan sheets shall include a standard Act 38 notification requirement for location of underground utilities prior to excavation.
- E). Final drawings shall consist of one (1) set of reproducible mylars and two (2) sets of opaque blue line prints of all plan sheets.

### 2). DETENTION BASINS.

- A). As-built plan for detention basins shall be prepared on standard 24" x 36" plan sheets.
- B). Plan shall be prepared at a scale of 1" = 50 Ft. or at design plan scale (if larger).
- C). As-built plan shall include but not be limited to the following:
  - 1). Contours at 2 foot intervals.
  - 2). Spot elevations on the top of berm along interior and exterior edges at 25 feet intervals.
  - 3). Spot elevations on the top of berm and spillway crest at all four corners of the spillway; and spot elevations centrally on interior and exterior edge of the spillway.
  - 4). Stage/storage and stage/discharge calculations must be included on the plan.
  - 5). Size, type, length, inverts and slope of outfall pipe.
  - 6). Top of outlet control structure elevation and all associated inverts/sizes of weirs and orifices on same.
  - 7). Inverts of all storm sewer pipes discharging into the basin.
  - 8). As-built information on constructed swales which discharge into the basin shall be furnished upon request, as required by the Borough.

### 3). STORM SEWER.

#### A). Drafting Standards.

- 1). Plan size must be standard 24" x 36" plan sheets.
- 2). Plan shall be prepared utilizing standard plan and profile format.
- 3). Horizontal scale must be 1" = 50 Ft. and vertical scale must be 1" = 5 Ft. or at design plan scales (if larger).
- 4). Plan view:
  - a.) Plan view shall delineate all right-of-way and easement boundaries and all property corners that intersect same.
  - b.) Centerline stationing shall be included along all streets.
  - c.) All roadways, curbing, and sidewalks shall be shown and dimensioned.

#### B). Storm sewer as-built information shall include but not be limited to the following:

- 1). Grate and manhole rim elevations.
- 2). Pipe sizes, types, lengths, and slopes.
- 3). Inverts of all inlets, manholes, and endwalls.
- 4). Types of endwalls shall be identified (i.e. "FES", "DW", "D", etc.)
- 5). Location of all sump pump/roof drain tie-ins.
- 6). Invert of storm sewer at sanitary sewer and utility crossings.

### 4). SANITARY SEWER.

A). Drafting standards shall be the same as listed for storm sewer above.

B). Sanitary sewer as-built information shall include but not be limited to:

- 1). Manhole rim elevations and inverts (including drop inverts)
- 2). Pipes, sizes, lengths, slopes and types.
- 3). Location and stationing of all laterals.
- 4). Location and inverts of all lateral connections. (Inverts may be interpolated from as-built manhole invert information).
- 5). Invert of sanitary sewer at storm sewer and utility crossings.

**5). WATER SYSTEM.**

**A).** As-built information shall be prepared in accordance with prevailing standards and requirements of the applicable Authority.

**B).** At a minimum, Borough as-built drawings shall include the following on plan and profile views: location, size, and type of water mains, fire hydrants, water valve boxes, laterals, tees, bends, etc.

**6). STREETS.**

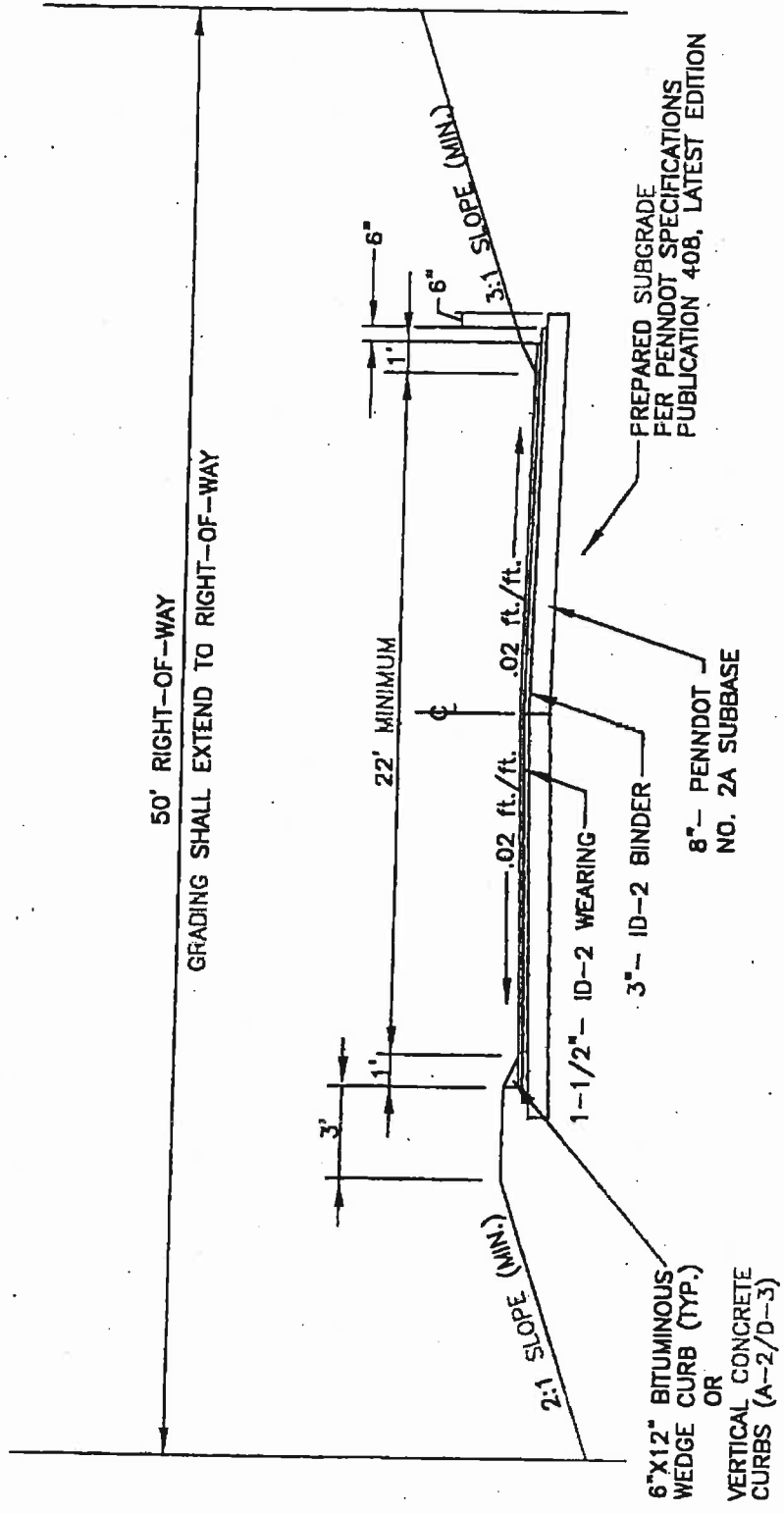
**A).** The approved Final Plan Construction Drawings shall be revised to reflect the as-built plan, profile, and sections of all streets.

**B).** Locations of all underground and aerial utilities within or crossing through easements or right-of-ways shall be shown.

**C).** Plan location and profile of all culvert and bridge crossings, including pipe sizes and materials.

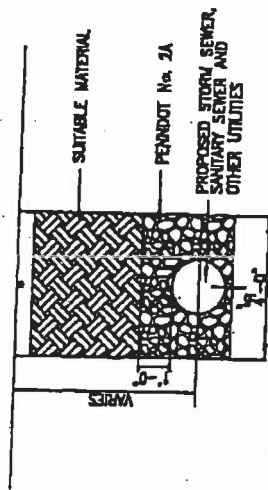
APPENDIX D - CONSTRUCTION DETAILS

PROPOSED TYPICAL RESIDENTIAL LOCAL ROADWAY SECTION WITH CURBS  
 OUTSIDE PENNDOT RIGHT-OF-WAY  
 NOT TO SCALE



NEW BEAVER BOROUGH  
 LAWRENCE COUNTY, PA  
 D-2

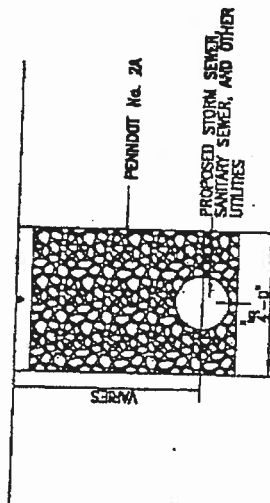
\* TOP PORTION OF TRENCH TO MATCH PRECONSTRUCTION CONDITIONS



TYPICAL TRENCH WITHIN LAWN AREAS  
DETAIL  
NO SCALE

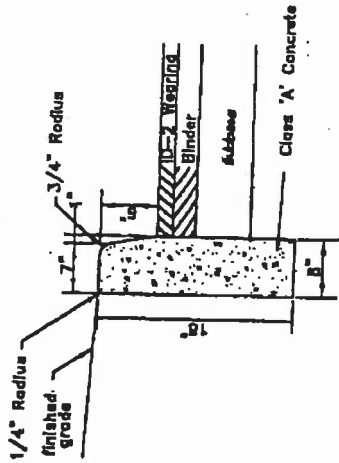
A-1  
D-3

\* TOP PORTION OF TRENCH TO MATCH PAVEMENT IN TYPICAL ROADWAY SECTION DETAIL



TYPICAL TRENCH WITHIN BITUMINOUS AREAS  
DETAIL  
NO SCALE

B-1  
D-3



CONCRETE CURB  
DETAIL  
NO SCALE

A-2  
D-3

NEW BEAVER BOROUGH  
LAWRENCE COUNTY, PA  
D-3

C

C

C

ENACTED AND ORDAINED this 8th day of June, 2005.

Helen Jackson  
Helen Jackson  
President

Attest:

Lorraine Leslie  
Lorraine Leslie,  
Secretary

Examined and approved this 8th day of June, 2005.

Michael Sumrell  
Mayor

