City of Aliquippa

Subdivision and Land Development Ordinance

Ordinance No. 4 of 2021

Adopted:

DECEMBER 1, 2021

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# Article I: General Provisions

## Section 101: Short Title

1. Short Title. This Ordinance shall be known as the "City of Aliquippa Subdivision and Land Development Ordinance." For purposes of the Code of the City of Aliquippa (City), Beaver County, Pennsylvania, this Ordinance shall be known as the "Subdivision and Land Development Ordinance" and/or the "SALDO."

## Section 102: Purpose

1. This Ordinance is adopted for the following purposes:
   1. To guide the orderly and efficient development and redevelopment of the City.
   2. To promote the health, safety, morals, and general welfare of the residents of the City.
   3. To provide for the equitable processing of subdivision and land development plans by establishing uniform procedures and standards.
   4. To encourage flexibility, economy, and ingenuity in the layout and design of subdivisions and land developments.

## Section 103: Authority

1. Enabling Authority/Adoption. The City, in accordance with 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), enacts the following Ordinance to regulate the subdivision and development of land in the City of Aliquippa, Beaver County.

## Section 104: Jurisdiction and Liability

1. No building or structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used, or be designed to be used, except in full compliance with all the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.
2. Approval Authority. The authority for the control and regulation of subdivision and land development within the City shall be as follows:
   1. Submission to the Zoning Officer. The Zoning Officer shall have the authority to receive applications for subdivision and/or land development, to determine the completeness of the applications, and to forward complete applications to the City Engineer and others as provided for in Article III of this Ordinance.
   2. Review by the City Planning Commission. Plans for subdivision and land development shall be submitted to the City Planning Commission for review and recommendation, as provided for in Articles III and IV of this Ordinance. Said submission shall take place before approval of any plans by the City Council. However, if such a recommendation is not received from the City Planning Commission within 30 days after submission, the City Council may proceed without the report.
   3. Approval by the City Council. The City Council shall be vested with authority to approve or disapprove all subdivision and land development plans, as provided for in this Ordinance.
   4. Review by the Beaver County Planning Commission. Plans for subdivision and land development located within the City shall be submitted to the Beaver County Planning Commission for review and report. Said submission shall take place before approval of any plans by the City. However, if a report is not received from the Beaver County Planning Commission within 30 - 45 days after submission, the City may proceed without the report.
3. Liability. The review or approval of a subdivision or land development by the City in accordance with the provisions of this Ordinance shall not constitute a guarantee of any kind that the proposed development is safe and shall create no liability upon the City, its officials, or employees.

## Section 105: Subject Properties

1. General. 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 and of any applicable municipal ordinance.
2. Redivision. Any redivision, replotting, or resubdivision of land, including a change of a recorded deed, shall be considered a new subdivision or land development and shall comply with the provisions of this Ordinance. A change of a recorded deed shall include:
   1. The removal or re-description of any portion of land described on the deed, where the deed contains a single boundary description, for the purpose of constructing a new additional deed.
   2. The removal of any land described on the deed, where the deed is comprised of multiple tracts, lots, parcels, and the like, for the purpose of constructing a new additional deed.
   3. The elimination of any deed covenant required to provide or demonstrate compliance with the provisions of this Ordinance.
   4. The addition of any deed covenant which conflicts, whether directly or indirectly, with the provisions of this Ordinance.
3. Approved Applications. No provision of this Ordinance shall adversely affect the right of an applicant to complete any aspect of a plan that was approved prior to the effective date of this Ordinance in accordance with the terms of such approval within five (5) years from the date of first approval.

## Section 106: Interpretation and Relationship to Other Provisions

1. Interpretation. The provisions set forth herein shall be held to be the minimum requirements necessary to meet the stated purpose as required in this Ordinance and the general purposes of the MPC, as amended.
2. Conflict with other Laws/Regulations. If any provision of this Ordinance imposes restrictions which are different from those imposed by any other applicable ordinance, regulation or provision of law, the provision that is more restrictive or which imposes higher standards shall control.
3. Conflict with Private Provisions. If the requirements of this Ordinance are different from those contained in deed restrictions, covenants, or other private agreements, the requirements that are more restrictive or which impose higher standards shall govern, provided that the private provisions are otherwise lawful.

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# Article II: Definitions

## Section 201: Interpretation

1. For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:
   1. Words used in the present tense shall include the future.
   2. Words used in the singular shall include the plural, and those used in the plural shall include the singular, unless the context indicates clearly to the contrary.
   3. The word “person”, “subdivider” or “owner” includes a corporation, unincorporated associations, partnerships, or other legal entities, as well as an individual.
   4. The word “lot” includes the word “plot” or “parcel.”
   5. The term “shall” is always mandatory, and the terms “should” and “may” are permissive.
   6. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”
   7. The word “building” includes the word “structure” and shall be construed as if followed by the phrase “or part thereof”.
   8. Unless otherwise specified, all distances shall be measured horizontally.
   9. Words not defined herein shall have the contextual meaning stated in Webster’s New International Dictionary, unabridged.

## Section 202: Meaning of Words

**Accessory Dwelling Unit** – A separate and accessory living space that is attached to the primary dwelling. Attached accessory dwelling units typically include living, sleeping, kitchen, and bathroom facilities that are accessed from a lockable entrance door.

**Abutting** – Having a common border with, or being separated from such common border, by an alley or easement.

**Access** – A means of vehicular approach or entry to or exit from a lot, a site, or a parcel.

**ACCESS POINT** – Any vehicular entrance or exit to a street. The distance between such access points shall be measured from the termination of one (1) curb cut to the establishment of an adjacent curb cut.

**ADMINISTRATOR** – The Zoning Officer shall be that person appointed as prescribed in the MPC, as amended.

**AGRICULTURAL OPERATION** – An enterprise that is actively engaged in the commercial production and preparation for market crops, livestock, and livestock products and in the production, harvesting, and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes an enterprise that implements changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

**APPLICANT** – A land owner or developer, as hereinafter defined, who has filed an application for development including his heirs, successors, and assigns.

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

**ARCHITECT** – An architect, registered by the Commonwealth of Pennsylvania. See "Registered Professional."

**ARTERIAL STREET** – See “Street Types” in this Section.

**As Built Plans** – Plans, profiles, cross-sections, and construction details showing the exact final location, elevation, grade, size, and material used in the construction of all facilities installed, to the same scale as the approved construction drawings.

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

**available sewer** – A municipal sewer is considered available if:

1. Connection is recommended and/or required in the regulations of the City or any municipal authority with jurisdiction by the City;
2. Connection is recommended and/or required by the regulations of the Pennsylvania Department of Environmental Protection (PA DEP) pursuant to the “Pennsylvania Sewage Facilities Act;” or
3. An existing municipal sewer line, with sufficient capacity, is located within 1,000 feet of the nearest point of a subdivision or land development.

**BASE FLOOD** – The flood which has been selected to serve as the basis upon which the floodplain management provisions of this Ordinance have been prepared; for the purposes of this Ordinance, the 100-year flood.

**Base flood elevation** – The 100-year flood elevation. within the approximated floodplain the base flood elevation shall be established as a point on the boundary of the approximate floodplain closest to the construction site in question.

**BERM** – A mound of soil, either natural or man-made, used to obstruct views.

**BERTH** – See “Loading Berth” in this Section.

**BICYCLE LANE** – A lane at the edge of a road reserved and marked for the exclusive use of bicycles.

**BICYCLE PATH** – A pathway usually separated from the road, designed specifically to satisfy the physical requirements of bicycling.

**BLOCK** – A unit of land containing one or more lots, bounded by existing or proposed streets, waterways, railroads, public lands, or other barriers to contiguous development.

**BUFFER AREA/ BUFFER YARD/ BUFFER ZONE** – See the definition provided in the City Zoning Ordinance, as amended.

**BUILDING** – See “Structure” in this Section.

**BUILDING CODE** – The Unified Construction Code of 2015 of Pennsylvania as adopted and periodically amended by the City of Aliquippa.

**CALIPER** – A measurement of the size of a tree equal to the diameter of its trunk measured four and a half (4.5) feet above natural grade.

**CAPPED SYSTEM** – A completed water supply and/or sewerage system put in place for future use (contingent upon expansion), rather than to meet immediate development needs.

**CARTWAY** – The paved area of a street or alley designed for vehicular traffic use. This does not include curbs, shoulders, or surface areas outside the lane(s) of travel.

**CHANNEL** – A perceptible natural or artificial waterway which periodically or continuously contains moving water of which forms a connecting link between two (2) bodies of water. A channel has a definite bed and banks which confine water.

**CITY** – City of Aliquippa, Beaver County, Pennsylvania.

**CITY COUNCIL** – The duly elected representatives of the City of Aliquippa, Beaver County, Pennsylvania.

**CLEAR SIGHT TRIANGLE** – An area of unobstructed vision at the intersection of two (2) streets or the intersection of a driveway with a street, measured at the height of a driver's eye, which is assumed to be three and three-fourths (3.75) feet above the road surface, between points at a given distance from the intersection of the center lines of the two (2) streets or of a street and driveway as specified in this Ordinance and the SALDO, intended to allow the operators of vehicles approaching simultaneously to see each other in time to prevent a collision.

**COLLECTOR STREET** – See “Streets” in this Section.

**COMMON OPEN SPACE** – A lot, parcel, or parcels of land or any body of water, portions thereof or a combination thereof within a development site for the use and enjoyment of residents of a development, not including streets, off-street parking areas, and areas set aside for public facilities.

**COMPLETELY DRY SPACE** – A space which will remain totally dry during flooding; the structure is designed and constructed to prevent the passage of water and water vapor.

**COMPREHENSIVE PLAN** – The Comprehensive Plan for the City of Aliquippa, as amended.

**CONSERVATION DISTRICT** – The Beaver County Conservation District.

**CONSTRUCTION** – The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a structure, including the placement of mobile homes.

**CONSTRUCTION STANDARDS** – The City of Aliquippa Standard Construction Details, as amended.

**CONTOUR** – A line which joins all points of equal elevation on the ground.

**COUNTY** – The County of Beaver, Pennsylvania.

**COUNTY PLANNING AGENCY** – Beaver County Planning Commission.

**CROSSWALKS** – A right-of-way (ROW), which furnishes a pedestrian connection at locations including street intersections, parking lots, and other locations to provide safe, convenient access for pedestrians to adjacent streets or properties.

**CUL-DE-SAC** – See “Streets” in this Section.

**CULVERT** – Any structure not classified as a bridge and designed to convey a water course under a road or pedestrian walk. A culvert shall not be incorporated into a closed drainage system.

**CURB** – Concrete, bituminous concrete, or other improved boundary material usually marking the edge of a roadway, parking lot, or other paved area. See the City Construction Standards.

**DEDICATION** – The transfer of property interests from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee interest, including an easement.

**DEED** – A written instrument whereby an estate in real property is conveyed.

**DETENTION BASIN** – An impoundment designed to collect and detain stormwater runoff by temporarily storing the runoff and releasing it at a predetermined rate. Detention basins are designed to drain completely in a designed period after a rainfall event, and to become dry until the next rainfall event.

**DETERMINATION** – The final action by an officer, body or agency charged with the administration of any land use ordinance or applications thereunder except the governing body; the zoning hearing board (ZHB); the planning agency, only if and to the extent the planning agency is charged with final decision on preliminary or final plans under this Ordinance or Planned Residential Development (PRD) provisions.

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

**DEVELOPER’S AGREEMENT** – The agreement between the City and the applicant which is required for final approval of an application for development and which shall state all conditions for development and shall establish the responsibilities of the parties to the agreement including financial security, sequencing, scheduling, and provision of public improvements required prior to release of guarantees.

**DEVELOPMENT** – See “Land Development” in this Section.

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

**DRAINAGE** – The removal of surface water or groundwater from land by drains, grading, or other means.

**DRAINAGE CONVEYANCE FACILITY** – A stormwater management facility designed to convey stormwater runoff and shall include streams, channels, swales, pipes, conduits, culverts, storm sewers, etc.

**DRAINAGE EASEMENT** – A right granted by a landowner to a grantee, allowing the use of private land for stormwater management, drainage, or conveyance purposes.

**DRAINAGEWAY** – Any natural or artificial watercourse, trench, ditch, pipe, swale, channel, or similar depression into which surface water flows.

**DRIVEWAY** – A private, vehicular passageway that provides access from a public or private street to the parking area of a single residence or private garage on an abutting lot.

**DRIVEWAY, COLLECTOR** – A private, vehicular passageway that provides access from a public or private street to townhomes, duplexes, multifamily dwellings, commercial structures, or a parking lot.

**DRIVEWAY, SHARED** – A shared driveway is a private driveway serving two (2) residential dwelling units.

**EASEMENT** – Grant by a property owner for the use, for a specific purpose or purposes, of a strip of land by the general public, a corporation, or a certain person or persons. See “Right-of-Way (ROW).”

**ELECTRONIC NOTICE** – Notice given by a municipality through the Internet of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

**ENCROACHMENT** – Any structure or activity which in any manner changes, expands, or diminishes the course, current, or cross-section of any watercourse, floodway, or body of water.

**ENGINEER** – A professional engineer registered by the Commonwealth of Pennsylvania. See "Registered Professional."

**ENVIRONMENTALLY SENSITIVE AREAS** – Lands, which because of their characteristics or locations, are limited with regard to development activities. Environmentally sensitive characteristics include but are not limited to steep slopes, floodplain areas, and wetlands.

**EROSION** – The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity.

**EROSION AND SEDIMENTATION CONTROL PLAN** – A narrative and set of plans developed to minimize accelerated erosion and prevent sedimentation damage. In accordance with the Pennsylvania Department of Environmental Protection (PA DEP) Erosion and Sediment Pollution Control Program Manual, these plans are prepared in conjunction with construction staging plans, detailing what erosion control measures must be in place at all times during various construction stages and phases.

**ESCROW** – A deed, a bond, money, or a piece of property delivered to a third person to be held by the third person and released to the grantor only upon the fulfillment of a condition. See “Financial Security.”

**FEMA** – The Federal Emergency Management Agency (FEMA).

**FENCE** – See the definition provided in the City Zoning Ordinance, as amended.

**FILL** – The depositing of land, whether submerged or not, and gravel, earth, or other materials of any composition whatsoever.

**FINAL PLAN** – See “Plan, Final” in this Section.

**FINANCIAL SECURITY** – Any financial security which may be accepted in lieu of certain improvements being made prior to approval and recording of a final plan, pursuant to §509 of the MPC, as amended.

**FLAG LOT** – See “Lot, Flag” in this Section.

**FLOODPLAIN** – Land adjoining a river or stream that has been or may be expected to be inundated by the flood waters of the river or stream; or any area subject to the unusual and rapid accumulation of surface waters from any source. Floodplains include any areas delineated within the 100-year flood boundary or as a special flood hazard area on a map prepared by the FEMA.

**FLOODPLAIN MANAGEMENT ORDINANCE (FMO)** – The City of Aliquippa Floodplain Management Ordinance, as amended.

**FOOTCANDLE** – A unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), measurable with an illuminance meter (also known as a light meter).

**FOREST** – A biological community of a minimum of three-quarters (0.75) of an acre (or 32,670 square feet) in land area dominated by trees, 50% of which have a minimum of two (2) inch caliper at a height of four and one-half (4.50) feet from ground level.

**FORM 408** – Pennsylvania Department of Transportation (PennDOT) Form 408, latest publications and bulletins, Commonwealth of Pennsylvania, Specification Publication #408.

**FRONTAGE** – See “Street Frontage” in this Section.

**GEOTECHNICAL ENGINEER** – A professional engineer licensed as such by the Commonwealth of Pennsylvania who has training and experience in geotechnical engineering.

**GLARE** – Excessive brightness in the field of view that is sufficiently greater than that to which the eyes are adapted, to cause annoyance or loss in visual performance and visibility so as to jeopardize health, safety, or welfare.

**GRADE** – The inclination of the land's surface from the horizontal, as it exists or as rendered by cut and/or fill activities. Road grade refers to the rate of rise and fall of a road surface, measured along the center line of the cartway.

**GRADING ORDINANCE** – The Grading Ordinance of the City of Aliquippa, as amended (Ord. 10, 2010).

**GRADING PLAN** – A plan prepared by a registered professional which depicts all existing and proposed ground features as described by materials, grades, contours, and topography.

**GROUND COVER** – A planting of low-growing plants that in time forms a dense mat covering the surface of the land, preventing soil from being blown or washed away.

**GUTTER** – A shallow drainage channel made of concrete or similar construction materials. Gutters are typically set along a curb or the pavement edge of a road for purposes of catching and carrying runoff water.

**HEARING** – See “Public Hearing” in this Section.

**HOMEOWNER’S ASSOCIATION** – An organization of property owners of lots in individual residential developments sharing some or all of the responsibilities for the ownership and maintenance of common open space in each plan.

**IMPERVIOUS SURFACE OR IMPERVIOUS AREA** – As defined by the City of Aliquippa Stormwater Management Ordinance, as amended (Ord. 8, 2014)

**IMPERVIOUS SURFACE RATIO** – The total area of a lot or site occupied by impervious surfaces, divided by the lot or site area.

**IMPROVEMENTS** – Physical changes to land including, but not limited to, grading, removal of vegetation, buildings, landscaping, pavement, curbs, gutters, storm sewers and drains, changes to existing watercourses, sidewalks, street signs, monuments, water supply facilities. and sewage disposal facilities.

**TYPE OF IMPROVEMENTS:**

**IMPROVEMENTS, OFF-SITE** – Public improvements which are not on-site improvements and that serve the need of more than one (1) development.

**IMPROVEMENTS, ON-SITE** – All improvements constructed on an applicant’s property, or the improvements constructed on the abutting property necessary for the ingress and/or egress to the applicant’s property, and required to be constructed by the applicant pursuant to regulations within this Ordinance.

**IMPROVEMENTS, PRIVATE** – A street, sidewalk, walkway, gutter, curb, sewer, water line, driveway, parking area, streetlight, street sign, or related facility to be operated and maintained by a private entity, and which must comply with this Ordinance and shall be in accordance with the City’s Construction Standards.

**IMPROVEMENTS, PUBLIC** – A street, sidewalk, walkway, gutter, curb, sewer, water line, streetlight, street sign or related facility to be dedicated to or maintained by the City and which must comply with this Ordinance and shall be in accordance with the City’s Construction Standards.

**ISLAND** – A raised area in a street, usually curbed, placed to guide traffic and separate lanes, or used for landscaping, signs, or lighting.

**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:
   1. 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
   2. 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 shall not include:
4. 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.
5. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building.
6. The addition or conversion of buildings or rides within the confines of an enterprise which would be considered an amusement park. For 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.

**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 is authorized under the lease to exercise the rights of the land owner, or other person having a proprietary interest in land.

**LANDSCAPE ARCHITECT** – A landscape architect registered by the Commonwealth of Pennsylvania. See "Registered Professional."

**LANDSCAPE PLAN** – A plan prepared by a registered professional identifying proposed landscape features, materials, and vegetation. The requirements of a landscape plan are identified in this Ordinance.

**LAND USE ORDINANCES** – Any ordinance or map adopted pursuant to the authority granted in Articles IV, V, VI and VII of the MPC.

**LANE** – See “Streets” in this Section.

**LATERAL** – Pipes for utilities connecting individual buildings to larger pipes, mains, trunks, or interceptors that typically are located in street ROWs.

**LOADING BERTH OR LOADING SPACE** – Any off-street space or berth, abutting a street, way, or other appropriate means of access, intended for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**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 LINE TYPES** – See the definitions provided in the City Zoning Ordinance, as amended. Lot lines include front, side, and rear.

**LOT LINE REVISION or REDIVISION** – See “Subdivision, Lot Line Revision” in this Section.

**LOT OF RECORD** – A lot described in a deed, or shown on a plan of lots, which has been recorded by the Beaver County Recorder of Deeds.

**LOT TYPES** – See the definition and diagram provided in the City Zoning Ordinance, as amended. Lot types include corner lots, interior lots, and double frontage lots.

**MAILED NOTICE** – Notice given by a municipality by first class mail of the time and place of a public hearing and the particular nature of the matter to be considered at the hearing.

**MAIN** – The principal artery of a continuous piping system to which branches may be connected.

**MAINTENANCE** – The upkeep necessary for efficient operation of physical properties.

**MAINTENANCE GUARANTEE** – A guarantee of facilities, improvements, or work to ensure the correction of any failures of any improvements required pursuant to this Ordinance.

**MANUFACTURED HOME** – A structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term includes park trailers, travel trailers, recreational vehicles, and other similar vehicles which are placed on a site for more than 180 consecutive days; also referred to as a "mobile home."

**MEDIAN** – A portion of a divided roadway separating lanes of traffic proceeding in opposite directions.

**MEDIATION** – A voluntary negotiating process in which parties in a dispute mutually select a neutral mediator to assist them in jointly exploring and settling their differences, culminating in a written agreement which the parties themselves create and consider acceptable.

**MINOR LAND DEVELOPMENT** – Nonresidential development of a reduced scale involving less than 1,200 square feet of new construction on a lot not in excess of 21,780 square feet in area.

**MOBILE HOME** – A transportable, single-family dwelling intended for permanent occupancy, contained in one (1) unit, or in two (2) or more units designed to be joined into one (1) 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.

**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.

**MODIFICATION** – A change granted to an applicant/developer by the City Council to the minimum standards of this Ordinance and in accordance with §512.1 of the MPC. Said change may be granted only when the literal compliance with mandatory provisions of this Ordinance is demonstrated by the developer to be unreasonable, to cause undue hardship, or when an alternative standard can be demonstrated to provide equal or better results.

**MODULAR HOME** – A single-family dwelling which is delivered to its site in at least two (2) sections that are set upon a permanent foundation and the sections joined together. Such dwellings shall be certified as meeting the minimum standards for manufactured housing in Pennsylvania. Modular dwellings shall be permitted wherever single-family dwellings are allowed, provided they are installed on a permanent foundation and connected to all available utilities.

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

**MUNICIPALITY** – The City of Aliquippa, Beaver County, Pennsylvania.

**MUNICIPALITIES PLANNING CODE (MPC)** – Act of 1968, P.L. 805, No. 247, as reenacted and amended (53 P.S. §10101 et seq.).

**NONCONFORMING LOT** – Any lot which does not comply with the applicable area and bulk provisions of this Ordinance or an amendment thereafter enacted, which lawfully existed prior to the enactment of the City Zoning Ordinance or any subsequent amendment. Also called “grandfathered lots.”

**NON-CONFORMING USE** – A use, whether of land or of a structure, that does not comply with the applicable use provisions in the City Zoning Ordinance or amendment thereafter enacted, where such use was lawfully in existence prior to the enactment of the Zoning Ordinance or an amendment thereto, or prior to the application of the Zoning Ordinance or amendment to its location by reason of annexation. Also called “grandfathered uses.”

**OBSTRUCTION** – Any wall, dam, embankment, levee, dike, pile, abutment, projection, excavation, channel, rectification, culvert, building, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel watercourse or designated floodplain district:

1. Which may impede, retard, or change the directions of the flow of water, either in itself or by catching or collecting debris carried by such water; or,
2. Is placed where the flow of the water might carry the same downstream to the damage of life and property.

**OPEN SPACE** – See “Common Open Space” in this Section.

**OWNER** – See “Landowner” in this Section.

**PA DEP** – Pennsylvania Department of Environmental Protection.

**PARCEL** – See “Lot” in this Section.

**PARKING SPACE** – A portion of a parking area, surface, or garage, designed for the parking of one motor vehicle in accordance with the requirements of this Ordinance.

**PAVING** – The application of such material as will produce a dust-free, all-weather, hard surface. Concrete or bituminous surfaces consistent with the City Construction Standards. “Paving” shall not include tar and chip and other similar practices.

**PENNSYLVANIA DEPARTMENT OF TRANSPORTATION (PENNDOT)** – The Department of Transportation of the Commonwealth of Pennsylvania or any agency successor thereto.

**PERCOLATION (PERC) TEST** – See “Soil Percolation Test” in this Section.

**PERFORMANCE GUARANTEE** – See “Financial Security” in this Section.

**PERSON** – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations, and other entities established pursuant to statutes of the Commonwealth of Pennsylvania; provided that person does not include, or apply to, the City or to any department or agency of the City.

**PLAN, FINAL** – The plan of a proposed subdivision or land development including all supplemental information required by this Ordinance. See “Site Layout Plan.”

**PLAN, PRELIMINARY** – The plan of a proposed subdivision or land development, including all supplemental information required by this Ordinance. See “Site Layout Plan.”

**PLAT, FINAL** – A final plan for recording which prepared in accordance with the standards and requirements of Beaver County’s requirements and is intended to be recorded with the Beaver County Recorder of Deeds. A complete and exact subdivision or development plan or plat, prepared for official recording as required by statute, which includes all information required by this Ordinance.

**PRIVATE STREET** – See “Street, Private” in this Section.

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

**PUBLIC** – Owned, operated, or controlled by a government agency, federal, state, county, or local.

**PUBLIC HEARING** – A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with this Ordinance and/or the MPC.

**PUBLIC IMPROVEMENTS** – See “Improvements, Public.”

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

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

**REGISTERED PROFESSIONAL** – An individual licensed in the Commonwealth of Pennsylvania to perform services or activities required by provisions of this Ordinance and qualified by training and experience to perform the specific services and/or activities with technical competence.

**REPORT** – Any letter, review, memorandum, compilation, or similar writing made by any body, board, officer, or consultant other than a solicitor to any other body, board, officer, or consultant for the purpose of assisting the recipient of such report in the rendering of any decision or determination. All reports shall be deemed recommendatory and advisory only and shall not be binding upon the recipient, board, officer, body, or agency. Any report used, received, or considered by the body, board, officer, or agency rendering a determination or decision shall be made available for inspection to the applicant and all other parties to any proceeding upon request, and copies thereof shall be provided at cost of reproduction.

**RETAINING WALL** – A vertical structure composed of approved building materials and constructed for the purpose of supporting a cut or filled embankment which is more than three (3) feet in height, as measured on the exposed vertical surface of the wall.

**REVERSE SUBDIVISION** – The consolidation of two (2) or more previously subdivided lots into a smaller number of lots.

**RIGHT-OF-WAY (ROW)** – A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary or storm sewer, or other similar uses. A ROW grants a lot interest to the grantee and no permanent structure may be erected therein.

**SEDIMENTATION** – A deposit of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

**SEWAGE DISPOSAL SYSTEM, ON-SITE** – An installation of an individual lot which utilizes an aerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction, as permitted by PA DEP.

**SEWAGE, PUBLIC** – The collection of sewage by underground pipes draining to a disposal plant in a system operated by a public authority.

**SIGHT DISTANCE** – The maximum distance of unobstructed vision in a horizontal or vertical plane from within an automobile located at any given point on a street.

**SIGHT TRIANGLE** – See “Clear Site Triangle” in this Section.

**SIGN** – See the definition provided in the City Zoning Ordinance, as amended.

**SITE** – The original tract of land which exists prior to any subdivision activity and which is the subject of an application for development.

**SITE AREA** – The total project area as determined by a survey prepared by a registered surveyor. The total site area may include multiple parcels. See “Lot Area” as defined by the City’s Zoning Ordinance.

**SITE LAYOUT PLAN or SITE PLAN** – Preliminary or final plans for subdivision and/or land development applications which are prepared by a registered professional licensed to practice in the Commonwealth of Pennsylvania. The site plan shall be prepared in accordance with the requirements and the design standards of this Ordinance. See “Plan, Final” and “Plan, Preliminary.” Preliminary or final site plans are distinct from the “final plat” for recording.

**SKETCH PLAN** – A draft plan of a proposed subdivision or other development outlining general, rather than detailed, development intentions and describing the basic parameters of a major development proposal, rather than giving full engineering details.

**SLOPE** – The degree of deviation of a surface from the horizontal, usually expressed as a percentage or feet per 100 feet of horizontal distance.

**SOIL PERCOLATION TEST** – A test designed to determine the ability of ground to absorb water, and used to determine the suitability of a soil for drainage or for the use of an on-site sewage disposal system. Percolation tests shall conform to the guidelines established by the Pennsylvania Licensed Sewage Enforcement Officer (SEO).

**SOLAR ENERGY PRODUCTION FACILITY, LARGE** – An area of land or other area used for a solar collection system principally used to capture solar energy and convert it to electrical energy. Large solar energy production facilities consist of one (1) or more free-standing ground, or roof mounted solar collector devices, solar related equipment, and other accessory structures and buildings including light reflectors, concentrators, and heat exchangers, substations, electrical infrastructure, transmission lines, and other appurtenant structures and facilities. A facility is considered a large solar energy production facility if it supplies electrical or thermal power solely for off-site use. A solar farm shall be considered a large solar energy facility.

**STEEP SLOPES** – As defined by the City’s Zoning Ordinance.

**STORMWATER MANAGEMENT FACILITIES** – See the definition provided by the City Stormwater Management Ordinance, as amended (Ord. 8, 2014).

**STORMWATER MANAGEMENT ORDINANCE** – The City Stormwater Management Ordinance, as amended (Ord. 8, 2014).

**STREET** – Includes street, avenue, boulevard, road, highway, freeway, parkway, lane, alley, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private. The term shall not include the word “driveway.”

**TYPE OF STREETS:**

**ALLEY** – A private ROW which provides secondary access to a property or properties which is not the only means of access for any property and is not intended for general traffic circulation.

**STREET, ARTERIAL** – A public street which serves large volumes of high-speed and long-distance traffic, and includes facilities classified as main or secondary highways by PennDOT. The City Council shall establish a list of arterial streets within the City’s Construction Standards.

**STREET, COLLECTOR** – A public street that, in addition to giving access to abutting lots, intercepts local streets and provides a route for carrying considerable volumes of local traffic from minor streets to community facilities and a major system of arterial streets, including principal entrance streets of a residential development and streets for major circulation within such developments. The City Council shall establish a list of collector streets within the City’s Construction Standards.

**STREET, CUL-DE-SAC** – A street with a single means of ingress and egress and a turnaround.

**STREET, LOCAL** – Public streets that are used primarily to provide access to abutting properties, and which accommodate low volumes of traffic.

**STREET, PRIVATE** – A recorded private ROW which affords means of vehicular access to abutting property, generally to the back or side of properties otherwise abutting a street.

**STREET, PUBLIC** – A public ROW dedicated and open for public use which has been adopted by the City, County, Commonwealth, or other governmental body.

**STREET FRONTAGE** – The length of a lot line directly bordering and adjacent to a street that is open to vehicular traffic.

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

**SUBDIVISION** – The division or redivision 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 devises, 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 of access or residential dwellings shall be exempted.

**SUBDIVISION, LOT LINE REVISION** – A subdivision that only involves the revision of lot lines on previously recorded lots of record either for the purpose of transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional lots.

**SUBDIVISION, MAJOR** – Any subdivision not classified as a minor subdivision; or is proposing the subdivision or development of five (5) or more lots; or involves a planned development, any new street, or the extension of a utility or other City facility.

**SUBDIVISION, MINOR** – A subdivision of a parcel into a minimum of three (3) lots or a maximum of four (4) lots, provided that such subdivision does not involve a planned development, any new street, or the extension of a utility or other City facility.

**SUBDIVISION, SIMPLE** – The division of one (1) parcel into two (2) lots both of which are located on a public street, have the area and frontage required by the Zoning Ordinance and can be serviced by all necessary public utilities. Such subdivision does not involve any new street or the extension of utilities or other municipal facilities.

**SUBSTANTIALLY COMPLETED** – Where, in the judgment of the City Engineer, at least 90% (based on the cost of the required Improvements for which financial security was posted pursuant to Article V 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.

**SURVEY** – A precise legal description of a lot and the graphic delineation of precise lot boundaries; lot dimensions and areas; all easements and public and private ROWs; and north point and graphic scale, affecting the lot, prepared by a professional land surveyor licensed and registered in the Commonwealth of Pennsylvania.

**SURVEY MARKER** – A metal pipe or pin installed to delineate a specific location along a boundary or property line of a parcel of land or development.

**SURVEY MONUMENT** – A concrete post installed to delineate a specific location along a boundary or property line of a parcel of land or development.

**TRAFFIC IMPACT STUDY** – A study completed by a traffic engineer or planner, at the request of the City Planning Commission or as required by this Ordinance, which evaluates the impacts a development will have on the transportation system.

**UTILITY** – Utilities include, but are not limited to, electric, water, stormwater conveyance systems, phone, gas, and cable lines.

**WAIVER** – A relinquishment of a minimum standard granted to an applicant/developer by the City Council in accordance with §512.1 of the MPC and provided for by this Ordinance.

**YARD** – See the definition provided in the City Zoning Ordinance, as amended.

**ZONING DISTRICT** – See the definition provided in the City Zoning Ordinance, as amended.

**ZONING OFFICER** – See the definition provided in the City Zoning Ordinance, as amended.

**ZONING ORDINANCE** – The Zoning Ordinance of City Council as adopted and amended by the City Council (Ordinance No. 1 of 2021).

**ZONING PERMIT** – A document issued by the Zoning Officer, indicating that a proposed use or development will comply with all applicable requirements of the City Zoning Ordinance, and authorizing the applicant to proceed to obtain all required Building Permits.

# Article III: Application Procedures and Modifications

## Section 301: Purpose

1. The purpose of this Article is to specify the procedures for review and approval of proposed subdivisions and land developments. The six (6) types of approval include:
   1. Lot Line Revision Approval
   2. Simple Subdivision Approval
   3. Minor Subdivision Approval
   4. Reverse Subdivision Approval
   5. Major Subdivision and/or Land Development Preliminary Approval
   6. Major Subdivision and/or Land Development Final Approval
2. The review of an application for completeness shall not constitute a waiver of any deficiencies, irregularities, or required items not submitted.
3. All fees for application processing, staff, and engineering review shall be paid at the time the application is submitted. The application shall be judged incomplete until all such fees, escrow deposits, and guarantees are certified as paid. The City Fee Schedule, as may be amended from time to time, is available at City Hall.
4. All applications shall demonstrate conformance with the design standard requirements of this Ordinance.
5. After the official filing of an application and while a decision is pending, no change in any zoning, subdivision, or other governing ordinance or plan shall affect the decision on the application adversely to the applicant; and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances and plans on the official filing date.
6. The Zoning Officer shall forward all applications for subdivision and land development to the Beaver County Planning Commission for review and report. Such application may include a fee, if required by the Beaver County Planning Commission, in an amount sufficient to cover the cost of the review and report. The City shall not approve any such application until the Beaver County Planning Commission report has been received or until the expiration of 30 days from the date the application was forwarded to the County.

## Section 302: Lot Line Revision and Simple Subdivision Approval

1. Lot Line Revision Applicability. The following procedure shall be used for all lot line revision applications that fulfill the following requirements:
   1. The subdivision only involves the revision of lot lines on previously recorded lots of record either transferring land between multiple property owners or consolidating existing lots, but in no instance creating additional lots.
   2. The subdivision does not involve any new public or private streets, or the extension of a utility, or other public improvements.
2. Simple Subdivision Applicability. The following procedure shall be used for all simple subdivision applications that fulfill the following requirements:
   1. The subdivision proposes to divide one (1) parcel into two (2) total lots both of which are located on a public street, have the area and frontage required by the Zoning Ordinance, and can be serviced by all necessary public utilities.
   2. The subdivision does not involve any new public or private streets, or the extension of a utility, or other public improvements.
3. Submission Requirements. Applications for lot line revision and simple subdivisions shall submit all materials as required within Table 1 (Section 402) of this Ordinance.
4. Procedures. Applications for lot line revisions and simple subdivisions shall follow the procedures listed below and shall only require final approval of the application:
   1. An application for lot line revision or simple subdivision shall be filed with the Zoning Officer, on forms as prescribed by the City, at least 21 days prior to the regular meeting of the City Council.
   2. Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
      1. The Zoning Officer shall review the application to determine whether all materials as required by Table 1 (Section 402) of this Ordinance and any other relevant City Ordinances have been submitted by the applicant.
      2. Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
      3. The review of completeness shall not include a technical review of the submitted material.
   3. The official filing date for a complete lot line revision and simple subdivision application shall be the date of the next regular City Council meeting following the receipt of the application and payment of the applicable filing fee, provided that should the said next regular meeting occur more than 30 days following the filing of the application for development, the official filing date shall be the 30th day following the day the complete application for development is filed.
   4. Lot line revision and simple subdivision applications shall be reviewed by the Zoning Officer for conformance with the provisions of this Ordinance.
5. The Zoning Officer shall forward the application to the City Engineer for review and comment.
   1. The Zoning Officer or designated City staff shall submit a report and recommendation on the application to City Council at the next regular City Council meeting following the official filing date.
   2. The City Council shall render its decision and communicate it not later than 90 days following the official filling date.
   3. Notice of Decision. The decision of the City Council shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.

## Section 303: Minor Subdivision Approval

1. Applicability. The following procedure shall be used for all minor subdivision applications that fulfill the following requirements:
   1. A subdivision of a parcel into three (3) or four (4) lots.
   2. The subdivision does not involve a planned development.
   3. The subdivision does not involve any new public or private streets, or the extension of a utility, or other public improvements.
2. Any additional subdivision of a tract from which a minor subdivision has already been formed shall be deemed a major subdivision with the exception of lot line revisions or simple subdivisions.
3. Submission Requirements. Minor subdivision applications shall submit all materials as required within Table 1 (Section 402) of this Ordinance.
4. Procedures. Applications for minor subdivision shall follow the procedures listed below and shall only require final approval of the application:
   1. An application for preliminary approval shall be filed with the Zoning Officer, on forms as prescribed by the City, at least 21 days prior to the regular meeting of the City Planning Commission.
   2. Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
5. The Zoning Officer shall review the application to determine whether all materials as required by Table 1 (Section 402) of this Ordinance and any other relevant City Ordinances have been submitted by the applicant.
6. Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
7. The review of completeness shall not include a technical review of the submitted material.
   1. The official filing date for complete preliminary approval applications shall be the date of the next regular City Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than 30 days following the filing of the application for development, the official filing date shall be the 30th day following the day the complete application for development is filed.
   2. The Zoning Officer shall forward complete applications to the City Engineer and City Planning Commission for review.
   3. Upon receipt of the complete application, the City Engineer shall review the plans for conformance with the provisions of this Ordinance. The City Engineer shall submit a report and recommendation on the application to the City.
   4. The City Planning Commission shall make a written recommendation to the City Council. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application for preliminary approval. The City Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the SALDO, Zoning Ordinance, or other applicable City codes and/or ordinances which have not been met.
   5. The City Council shall render its decision and communicate it not later than 90 days following the official filling date.
   6. Actions. Taking into consideration the recommendations of the Planning Commission, City Engineer, and the County Planning Agency, the City Council shall take one of the following actions:
8. Approve the application.
9. Approve the application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
10. Disapprove the application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
    1. Failure of the City Council to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
11. Time Extension. If the City Council and applicant mutually agree to additional time to consider the application for approval, the applicant shall be requested to waive the 90-day time limitation established by law, and grant the City Council an additional review period.
    1. Notice of Decision. The decision of the City Council shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.

## Section 304: Reverse Subdivision Approval

1. Reverse Subdivision Applicability. The following procedure shall be used for all reverse subdivision applications that fulfill the following requirements:
   1. The subdivision proposes to consolidate two (2) or more previously subdivided lots into a smaller number of lots.
2. Submission Requirements. Applications for reverse subdivisions shall submit all materials as required within Table 1 (Section 402) of this Ordinance.
3. Procedures. Applications for reverse subdivisions shall follow the procedures listed below and shall only require final approval of the application:
   1. An application for reverse subdivision shall be filed with the Zoning Officer, on forms as prescribed by the City, at least 21 days prior to the regular meeting of the City Council.
   2. Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
4. The Zoning Officer shall review the application to determine whether all materials as required by Table 1 (Section 402) of this Ordinance and any other relevant City Ordinances have been submitted by the applicant.
5. Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
6. The review of completeness shall not include a technical review of the submitted material.
   1. The official filing date for a complete reverse subdivision application shall be the date of the next regular City Council meeting following the receipt of the application and payment of the applicable filing fee, provided that should the said next regular meeting occur more than 30 days following the filing of the application for development, the official filing date shall be the 30th day following the day the complete application for development is filed.
   2. Reverse subdivision applications shall be reviewed by the Zoning Officer for conformance with the provisions of this Ordinance.
7. The Zoning Officer shall forward the application to the City Engineer for review and comment.
   1. The Zoning Officer or designated City staff shall submit a report and recommendation on the application to City Council at the next regular City Council meeting following the official filing date.
   2. The City Council shall render its decision and communicate it not later than 90 days following the official filling date.
   3. Notice of Decision. The decision of the City Council shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.

## Section 305: Major Subdivisions and/or Land Development Preliminary Approval

1. Applicability. The following procedure shall be used for all major subdivision or land development applications that fulfill the following requirements:
   1. The subdivision is not classified as a minor subdivision or is proposing the subdivision of five (5) or more lots.
   2. The proposed site improvements qualify as land development, as defined herein.
2. Submission Requirements: Major subdivision and/or land development applications shall submit all materials as required within Table 1 (Section 402) of this Ordinance.
3. Pre-application Conference/Sketch Plan (Optional).
   1. Prior to submitting any application, the applicant may at its option participate in a pre-application conference with City staff. The purpose of this pre-application conference is to review the proposed development and development site to identify the issues which may need to be addressed in the application for preliminary approval. At the pre-application conference the applicant may discuss applicable regulations governing the subdivision or land development of the property; and the feasibility and timing of the application. No approval or disapproval shall be given.
   2. The applicant should provide sufficient information and plans to the City in order to clearly convey the existing and proposed conditions of the site.
   3. A pre-application conference shall not constitute formal filing of any application for approval of a subdivision or land development and shall not bind the City to approve any concept presented in the pre-application meeting.
4. Procedures. Applications for preliminary approval of major subdivision and/or land development shall follow the procedures listed below:
   1. An application for preliminary approval shall be filed with the Zoning Officer, on forms as prescribed by the City, at least 21 days prior to the regular meeting of the City Planning Commission.
   2. Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned within seven (7) days of receipt, the application shall be assumed to be complete.
5. The Zoning Officer shall review the application to determine whether all materials as required by Table 1 (Section 402) of this Ordinance and any other relevant City Ordinances have been submitted by the applicant.
6. Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
7. The review of completeness shall not include a technical review of the submitted material.
   1. The official filing date for complete preliminary approval applications shall be the date of the next regular City Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than 30 days following the filing of the application for development, the official filing date shall be the 30th day following the day the complete application for development is filed.
   2. The Zoning Officer shall forward complete applications to the City Engineer and City Planning Commission for review.
   3. Upon receipt of the complete application, the City Engineer shall review the plans for conformance with the provisions of this Ordinance. The City Engineer shall submit a report and recommendation on the application to the City.
   4. The City Planning Commission shall make a written recommendation to the City Council. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application for preliminary approval. The City Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the SALDO, Zoning Ordinance, or other applicable City codes and/or ordinances which have not been met.
   5. Public Hearing. Before acting on any application, the City Council may, or if required, hold a public hearing after public notice.
   6. The City Council shall render its decision and communicate it not later than 90 days following the official filling date.
   7. Actions. Taking into consideration the recommendations of the City Planning Commission, City Engineer, and the County Planning Agency, the City Council shall take one (1) of the following actions:
8. Approve the preliminary application.
9. Approve the preliminary application with conditions. An application may be granted preliminary approval subject to specific conditions related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
10. Disapprove the preliminary application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
    1. Failure of the City Council to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a preliminary approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
11. Time Extension. If the City Council and applicant mutually agree to additional time to consider the application for preliminary approval, the applicant shall be requested to waive the 90-day time limitation established by law and grant the City Council an additional review period.
    1. Notice of Decision. The decision of the City Council shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.
12. Within 30 days of the granting of preliminary approval with conditions by the City Council, the applicant shall notify the City in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the City within 30 days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
13. Expiration of Preliminary Plan Approval. Preliminary plan approval shall expire after five (5) years in accordance with §508(4)(ii) of the MPC, as amended.
14. When an application for preliminary approval has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application and the terms of this Section. The final plat must comply with the preliminary plan as well as conditions under which the preliminary plan was approved.

## Section 306: Major Subdivisions and/or Land Development Final Approval

1. Applicability: The following procedures shall be used for all major subdivision or land development applications if the following criteria apply:
   1. The major subdivision or land development has previously received preliminary approval from the City Council.
2. Submission Requirements. Final approval applications shall submit all materials as required within Table 1 (Section 402) of this Ordinance.
   1. At the time of the final submission, the applicant shall inform the City in writing their intentions regarding the completion of the public improvements (see Section 426 of this Ordinance).
3. Procedures. Applications for final approval of major subdivision and/or land development shall follow the procedures listed below:
   1. An application for final approval shall be filed with the Zoning Officer, on forms as prescribed by the City, at least 21 days prior to the regular meeting of the City Planning Commission.
   2. Upon receipt of an application, the Zoning Officer shall review the application for completeness within seven (7) days of its receipt. If not returned, the application shall be assumed to be complete.
4. The Zoning Officer shall review the application to determine whether all materials as required by Table 1 (Section 402) of this Ordinance and any other relevant City ordinances have been submitted by the applicant.
5. Incomplete applications shall be returned to the applicant with a letter detailing the required items not submitted.
6. The review of completeness shall not include a technical review of the submitted material.
   1. The official filing date for complete final approval applications shall be the date of the next regular City Planning Commission meeting following the date of receipt and payment of the applicable filing fee, provided that should the said next regular meeting occur more than 30 days following the filing of the application for development, the official filing date shall be the 30th day following the day the complete application for development is filed.
   2. The Zoning Officer shall forward complete applications to the City Engineer and City Planning Commission for review.
   3. Upon receipt of the application, the City Engineer shall review the plans for conformance with the provisions of this Ordinance. The City Engineer shall submit a report and recommendation to the City.
   4. The City Planning Commission shall make a written recommendation to the City Council. Such recommendation shall include a recommendation for approval, approval with conditions, or disapproval of the application. The City Planning Commission shall also provide the reasons for its recommendation and in the case of a recommendation for disapproval, shall cite the specific requirements of the SALDO, Zoning Ordinance, or other applicable codes which have not been met.
   5. Public Hearing. Before acting on any application, the City Council may hold a public hearing after public notice, however a public hearing is not required.
   6. The City Council shall render its decision and communicate it not later than 90 days following the official filling date.
   7. Actions. Taking into consideration the recommendations of the City Planning Commission, City Engineer, and the County Planning Agency, the City Council shall take one (1) of the following actions:
7. Approve the final application.
8. Approve the Final Application with Conditions. An application may be granted preliminary approval subject to specific conditions as related to the provisions of the SALDO and/or Zoning Ordinances. These conditions shall be included in the written communication to the applicant. In addition, such written communication shall include notification that unless the applicant agrees to the conditions, then the application is denied in accordance with this Ordinance.
9. Disapprove the final application on the basis that it does not comply with specific standards and regulations set forth in this Ordinance.
   1. Failure of the City Council to render a decision and communicate it to the applicant within the time and in the manner required by law shall be deemed a final approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time.
10. Time Extension. If the City Council and applicant mutually agree to additional time to consider the application for final approval, the applicant shall be requested to waive the 90-day time limitation established by law and grant the City Council an additional review period.
    1. Notice of Decision. The decision of the City Council shall be in writing and shall be communicated to the applicant personally or mailed to him/her at his/her last known address not later than fifteen (15) days following the decision.
11. Within 30 days of the granting of final approval with conditions by the City Council, the applicant shall notify the City in writing of his or her acceptance or rejection of the conditions of approval. If the applicant does not so notify the City within 30 days of approval, the preliminary approval shall automatically be rescinded without written notice to the applicant.
12. No final approval shall be granted unless all required fees and deposits have been paid.
13. The City Council at its discretion may approve plans conditionally upon receipt of permits of other agencies including, but not limited to applicable Federal, State, County, and City permits.
14. Developer’s Agreement. As a condition of final approval, the City Council shall require that the applicant execute a development agreement with the City, in a form acceptable to the City Solicitor. Such developer’s agreement shall contain provisions that are reasonably required to guarantee compliance with the conditions of approval, if any, and to guarantee the proper installation of on-site and off-site improvements related to the subdivision or land development. Said development agreement shall be executed; the required financial security shall be posted, or the required public improvements shall be completed; and all required fees shall be paid before the City Council shall approve and sign the final plat for recording purposes.
15. Expiration of Final Approval. Final plan approval shall expire after five (5) years of being granted by the City Council, unless a written extension is requested by the applicant and granted by the City Council. Any request for extension shall be submitted in writing to the City Council at least 30 days prior to any prevailing expiration date. Extensions may be granted for one (1) or more six (6) month periods upon a finding by the City Council that such extension is warranted.

## Section 307: Approval of Phased Subdivision and Land Development Applications

1. Where a subdivision or land development is projected to be completed in stages over a period of years, the applicant may submit an application(s) for final approval by phase or stage of development, subject to such requirements or guarantees for public improvements in future phases or stages of development as are essential for the protection of the public welfare and any existing or proposed section or phase of the plan.
2. All sections or future phases must conform to the preliminary application as previously approved by the City. Any phase that contains substantive changes in the number of lots or buildings proposed or in the layout of the lots, buildings, or streets previously approved in the preliminary application and does not comply with the application for preliminary approval will require a complete resubmission of the preliminary application in accordance with Section 306 of this Ordinance.
3. Where the applicant has submitted an application for preliminary approval calling for the installation of improvements over a period of more than five (5) years, a schedule shall be submitted detailing deadlines within which applications for final plan approval are intended to be filed. The applicant shall update the final plan submission schedule on an annual basis. Any modification to the original schedule shall be subject to the approval of the City Council.

## Section 308: Combined Preliminary and Final Plan Approval

1. Provided that all requirements of Sections 305 and 306 of this Ordinance are met, an applicant may request simultaneous preliminary and final approval of any subdivision or land development application with the exception of phased subdivisions and/or land developments.

## Section 309: Recording of Final Plat

1. No final plat shall be finally approved unless:
   1. The improvements as required by this Ordinance have been installed in accordance with the standards set forth in Article VII.
   2. In lieu of the completion of any public improvements, as a condition for the approval of a final plat, the applicant shall provide, for deposit with the City, a financial security, pursuant to Article V of this Ordinance.
2. Upon approval of a final plat by the City Council, the developer shall, within 90 days of such final approval or within 90 days after the date of delivery of an approved plat signed by the City Council, following completion of conditions imposed for such approval, whichever is later, record such plat with the Beaver County Recorder of Deeds in accordance with §513 of the MPC, 53 P.S. §10513, as amended.
3. Inspection and Engineering Fees. Upon approval of a final plat by the City Council, the developer shall provide inspection and engineering fees according to City fee resolution as updated time-to-time (the fee schedule is available at City Hall).
4. Upon recording of the final plat in the office of the Beaver County Recorder of Deeds, the developer shall deliver to the City the following:
   1. One (1) digital PDF copy (in a City-compatible format) as recorded and certified by the Beaver County Recorder of Deeds.
5. The final plat shall be recorded with the Beaver County Recorder of Deeds prior to the sale of any lots or property that is the subject of the final plat.
6. Until final acceptance and dedication by ordinance has been duly enacted, no property or other public improvements shown on the final plat shall be deemed a part of the public improvements of the City but on the contrary, the same shall be deemed to be private streets, parks or public improvements until and unless the same have been accepted in accordance with law. No public improvement shall be accepted by the City unless completed in accordance with City Codes and Ordinances.

## Section 310: Final Plat Approval After Completion of Public Improvements

1. The following provisions outline the process for final plat approval after completion of public improvements:
   1. Submission of Application. The applicant shall notify the City Council of the intent to complete the public improvements prior to the completion of the final plat pursuant to Section 426 of this Ordinance.
   2. If the applicant’s application for final approval, not including final plat, is approved the applicant shall complete a developer’s agreement in accordance with Section 305.G of this Ordinance prior to the start of any construction.
   3. If the applicant’s application for final approval, not including final plat, is approved and the applicant has obtained all other permits required under the City’s Ordinances, and County, State, or Federal agencies, the applicant may proceed to construct the public improvements and other site improvements 72 hours after the pre-construction conference. The Zoning Officer shall then authorize the progress inspections in accordance with Article VI of this Ordinance.
   4. After the applicant has completed the public improvements indicated in the application for final approval, the applicant shall notify the City, in writing, of such completion; and the applicant shall submit, together with the notification of the completion of the public improvements, the original final plat, as required in by Section 425 of this Ordinance, and thirteen (13) copies of final approval application and materials as required by Section 402 of this Ordinance.
   5. Within ten (10) days after the receipt of the submission, the City shall authorize the City Engineer to inspect the public improvements and the final plat and indicate to the City Council whether the public improvements comply with applicable codes and statutes and whether the final plat complies with this Ordinance.
2. Within 30 days of receiving such authorization, the City Engineer shall report to the City Council in writing, whether the completed public improvements and final plat comply with the requirements of this Ordinance. The report shall indicate approval or rejection of the improvements, whether in whole or in part, and, in the case of rejection, shall contain a statement of reasons for such rejection.
3. Within 45 days after the submission of the notice of completion of the public improvements and the final plat in compliance with this Ordinance, the City Council shall either approve or disapprove the public improvements. Acceptance of the improvements shall be in accordance with Article VI of this Ordinance and shall be further subject to the posting of a maintenance guarantee required by Section 607 of this Ordinance. The City Council shall notify the applicant in writing by certified or registered mail of the approval or rejection of improvements.
4. Within 90 days of the submission of the final plat, the City Council shall either approve, approve with conditions, or disapprove the final plat for recording purposes at a public meeting. The City Engineer’s written report shall be made a part of the record at that meeting. A letter indicating approval, approval with conditions, or disapproval shall be sent to the applicant by regular mail within fifteen (15) days of the date of the decision. If the final plat is not approved, the City Council shall specify the defects found in the final plat and shall cite the requirements of this Ordinance, and other applicable Ordinances which have not been met. Approval of the public improvements and final plat authorizes officers of the City to affix their signatures to the final plat for recording purposes.

## Section 311: Waiver or Modification Application and Approval Procedures

1. Waiver and Modification Application Requirements. Any request for a waiver or modification of a provision of this Ordinance shall be submitted in writing as part of an application for preliminary or final plan approval. All requests for modification shall be signed by the applicant. The written request shall include:
   1. The specific Section of this Ordinance which is requested to be waived or modified.
   2. The justification for the waiver or modification, stating in full the grounds and facts of unreasonableness or hardship on which the request is based and shall discuss the minimum modification necessary.
   3. Provisions proposed as an alternate to the requirements.
2. Waiver or Modification Application Procedure.
   1. An application for a waiver shall be filed with the Zoning Officer, on forms as prescribed by the City, as part of an application for preliminary or final plan approval and at least 21 days prior to the regular meeting of the City Planning Commission. The application shall not be considered complete and properly filed unless or until all items required by Section 310.A above, have been received by the filing date.
   2. The Zoning Officer shall review the application to determine whether all materials required by Section 310.A above and any other relevant City Ordinances have been submitted by the applicant.
   3. The Zoning Officer shall submit one (1) copy of the application and any materials submitted therewith to the following entities for review: the City Engineer; each member of the City Council and City Planning Commission; and any other appropriate City personnel or professional consultant.
   4. Any revisions, supplements, or amendments to an administratively complete application shall be filed with the Zoning Officer at least fourteen (14) calendar days prior to the date of the City Planning Commission meeting in order to be considered at that meeting, or at least fourteen (14) calendar days prior to the date of the City Council meeting in order to be considered at that meeting.
3. The City Engineer shall review the application documents to determine compliance with this Ordinance, any other applicable City regulations and sound engineering practices. The City Engineer shall prepare a written report of their findings and recommendations, to the City Council, 30 days from the official filling date.
4. City Council Action. The City Council may approve a waiver or modification application if the applicant demonstrates the following:
   1. The literal enforcement of the subject Section(s) of this Ordinance will exact undue hardship because of peculiar conditions pertaining to the land in question.
   2. The waiver or modification of the subject Section(s) of this Ordinance will not be contrary to the public interest.
   3. The purpose and intent of this Ordinance is observed.
   4. An alternative proposal will allow for equal or better results and represents the minimum modification necessary.
5. In approving a waiver or modification application, the City Council may, in its sole discretion, impose such reasonable conditions as it deems necessary to secure the objectives and purposes of this Ordinance and to protect the public interest. When a waiver is granted with conditions, a statement of the approved waiver, including the imposed conditions, shall be provided on the final plan.
6. The applicant shall accept or reject the conditions attached to final approval either by giving written notice to the City within 30 days of the date of the meeting of the City Council at which approval is granted. If the applicant rejects any of the conditions or if the applicant fails to give written notice to the City regarding acceptance or rejection of the conditions attached to final approval or execute the development agreement within the required 30 days, final approval shall automatically be rescinded without written notice to the applicant.
7. Modifications or waivers considered by the City Council under this Section shall relate only to the provisions of this Ordinance. All requests for variances of any aspect of the Zoning Ordinance shall remain within the sole jurisdiction of the ZHB.
8. All modifications and waivers shall be listed on the cover sheet of the approved plan set as required by Section 404 of this Ordinance

# Article IV: Submission Requirements

## Section 401: General

1. All applications shall include the contents as required within Table 1.
2. All lot line revision and simple subdivision applications shall include the following number of copies of each submission requirement:
   1. Thirteen (13) copies of the formal application and project narrative.
   2. Ten (10) sets of all required plans in an 11” x 17” format.
   3. Three (3) sets of all required plans in a 24” x 36” format.
   4. Two (2) copies of all reports and supplemental material as required by Section 402 of this Ordinance.
   5. A digital copy of all submitted material in a PDF format.
   6. A digital copy of all plans in a DWG format.
3. All minor subdivisions, reverse subdivisions, preliminary major subdivisions, and land developments, and final major subdivision and land development applications shall include the following number of copies of each submission requirement:
   1. Thirteen (13) copies of the formal application and project narrative.
   2. Ten (10) sets of all required plans in an 11” x 17” format.
   3. Three (3) sets of all required plans in a 24” x 36” format.
   4. Two (2) copies of all reports and supplemental material as required by Section 402 of this Ordinance.
   5. A digital copy of all submitted material in a PDF format.
   6. A digital copy of all plans in a DWG format.
4. All applications shall include any additional information that is required by the City Planning Commission, City Council, Zoning Officer, and/or City Engineer to comply with the intent of this Ordinance.
5. All plans shall be prepared and sealed by a Professional Engineer, Professional Land Surveyor, and/or Professional Landscape Architect certified and registered by the Commonwealth of Pennsylvania in accordance with the Act of May 23, 1945 (P.L. 913, No. 367), known as the “Professional Engineers Registration Law.”
6. Filing/Review Fees. The fee shall be submitted in the form of a check or money order payable to the City (fee schedule available at City Hall).
7. Review fees shall include the necessary charges by the City’s professional consultants or City Engineer for review and report to the City and shall be set by resolution. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the City Engineer, but in no event, shall the fees exceed the rate or cost charged by the engineer or consultant to the City when fees are not reimbursed or otherwise imposed on applicants.
8. In the event the applicant disputes the amount of any such review fees, §503 (1) of the MPC shall apply.

## Section 402: Submission Requirements

1. All buildings, structures, sites, signs, and public spaces shall be designed to include the requirements in Table 1.

Table 1 establishes the required contents for each application type based on the following legend:

■ – Required

□ – Required, if applicable

Blank cells – Not required

1. The City Engineer shall determine if the “required, if applicable” materials are mandatory with the submission.

Table : Submission Requirement Chart

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Submission Requirements | Ordinance Section | Lot Line Revisions & Simple Subdivisions | Minor Subdivisions | Reverse Subdivisions | Major Subdivisions and Land Development Preliminary Applications | | Major Subdivisions and Land Development Final Applications |
| Formal Application & Project Narrative | §403 | □ | □ | □ | ■ | ■ | |
| Required Statements included within Plan Set | §404 |  | ■ |  | ■ | ■ | |
| Existing Conditions Plan & Sealed Survey | §405 | ■ | ■ | ■ | ■ | ■ | |
| Site Layout Plan | §406 |  | ■ |  | ■ | ■ | |
| Phasing Plan and Schedules | §407 |  |  |  | ■ | ■ | |
| Circulation and Parking Plan | §408 |  | □ |  | ■ | ■ | |
| Grading Plan | §409 |  | □ |  | ■ | ■ | |
| Utility Plan | §410 | ■ | ■ |  | ■ | ■ | |
| Erosion and Sedimentation Plan and Report | §411 |  | □ |  | ■ | ■ | |
| Stormwater Management Plan and Report | §412 |  | □ |  | ■ | ■ | |
| Photometric Plan | §413 |  |  |  | □ | □ | |
| Submission Requirements | **Ordinance Section** | **Lot Line Revisions & Simple Subdivisions** | **Minor Subdivisions** | **Reverse Subdivisions** | **Major Subdivisions and Land Development Preliminary Applications** | **Major Subdivisions and Land Development Final Applications** | |
| Landscape Plan | §414 |  |  |  | ■ | ■ | |
| Construction Details | §415 |  |  |  | ■ | ■ | |
| Building Elevations and Other Architectural Drawings | §416 |  |  |  | ■ | ■ | |
| Evidence of Water Service | §417 |  | ■ |  | ■ | ■ | |
| Sewage Facilities Planning Module | §418 |  | ■ |  | ■ | ■ | |
| Traffic Impact Study | §419 |  | □ |  | □ | □ | |
| Geotechnical Report and Slope Analysis | §420 |  | □ |  | □ | □ | |
| Wetland Report | §421 |  | □ |  | ■ | ■ | |
| Proof of Submission to Other County, State, and Federal | §422 |  | □ |  | ■ | ■ | |
| Profiles | §423 |  |  |  | ■ | ■ | |
| Homeowner’s Association By-Laws and other Related Documents | §424 |  |  |  |  | □ | |
|  |  |  |  |  |  |  | |
| Submission Requirements | **Ordinance Section** | **Lot Line Revisions & Simple Subdivisions** | **Minor Subdivisions** | **Reverse Subdivisions** | **Major Subdivisions and Land Development Preliminary Applications** | **Major Subdivisions and Land Development Final Applications** | |
| Final Plat for Recording | §425 | ■ | ■ | ■ | ■ | ■ | |
| Notification of Intent to Bond | §426 |  |  |  | ■ | ■ | |
| Evidence of Ownership | §427 | ■ | ■ | ■ | ■ | ■ | |

## Section 403: Formal Application and Project Narrative

1. All applications for approval of a subdivision plan or land development plan shall be filed with the Zoning Officer, on forms as prescribed by the City. The application shall include:
   1. A detailed narrative describing the proposed project and what action is being requested from the City.
   2. Any waiver or modification requests as required by Section 311 of this Ordinance.
   3. Any applicable deed restrictions, easements, and/or protective covenants.
   4. Any application granting approval of any zoning variance, exception, and/or conditional use permit.

## Section 404: Required Statements Included within Plan Set

1. All variances, waivers, and/or modifications shall be noted on the cover sheet of the plan set and the final plat for recording as indicated by the following text:
   1. “On \_\_\_\_\_ (add date) a variance was granted by the City Zoning Hearing Board to Ordinance \_\_\_ (provide number), Article \_\_\_ (provide number), Section \_\_\_ (provide number), Subsection \_\_\_ (provide number), to allow \_\_\_ (described variance granted).”
   2. “On \_\_\_\_\_ (add date) a \_\_\_ (select: modification or waiver) was granted by the City Council to Ordinance \_\_\_ (provide number), Article \_\_\_ (provide number), Section \_\_\_ (provide number), Subsection \_\_\_ (provide number), to allow \_\_\_ (described modification or waiver granted).”
2. The registered professional submitting the proposed plan(s) shall attest to the following statements and include the following text on the plan set:
   1. “To the best of my knowledge, belief and ability and based upon a visual inspection of the surface of the premises as shown hereon, \_\_\_ (select: a gas well exists as shown hereon, or no gas well exists).”
   2. With a wetland report completed:
      1. “A wetland exists as shown hereon as delineated in the wetlands delineation report titled \_\_\_ (insert title) on \_\_\_ (date) by \_\_\_ (professional’s name).”
   3. Or, with no wetland report:
3. “To the best of my knowledge, belief, and ability and based upon a visual inspection of the surface of the property, no wetlands exist on the premises as shown hereon.”

## Section 405: Existing Conditions Plan and Sealed Survey

1. The applicant shall submit a survey of the lot certified by a Professional Land Surveyor. The survey shall be at a typical engineering scale that is legible on a 24-inch by 36-inch sheet. The plan shall be drawn in accordance with standard land surveying practices, and using standard map symbols to clearly indicate the following:
   1. Name of the proposed project.
   2. Location map showing the subdivision/land development location within the boundaries of the City (including major transportation routes, title, north arrow, and graphic scale).
   3. Existing lot lines, adjacent lot owner(s) names, lot and block numbers, and recorded subdivision name with recording information.
   4. Name and address of current land owner(s), applicant, and firm that prepared the survey.
   5. The entire existing lot boundary with bearings and distances as surveyed.
   6. The total acreage of the entire existing land.
   7. A legend depicting all symbols and abbreviations used on the sheet.
   8. Zoning information to include, but not limited to: District, minimum lot size, density, and other area and bulk requirements.
   9. Streets abutting the lot, indicating names, right-of-way widths and cartway widths and ownership (Federal, State, County, municipal, or private).
   10. Existing and proposed easements, indicating location, width, purpose and lessee.
   11. Location of existing buildings, sanitary sewer, storm sewer, water, gas, petroleum and high-pressure gas lines indicating line size, manholes, fire hydrants, utilities, and other visible elements in the system on or adjacent to the lot proposed to be developed.
   12. Existing contours at a minimum vertical interval of two (2) feet.
   13. A description of the lot locating proposed, existing and pre-existing gas and oil wells, location maps, dates of operation, and lease holder(s) shall be provided.
   14. The location of all existing wetlands as identified in the Wetland Report.
   15. Where practical, datum to which contour elevations reference shall refer to known, established elevations.
   16. Monument locations.
   17. All existing vegetation on site.
   18. All features (including vegetation) that will be removed in accordance with the proposed land development, if applicable.
2. The total area in which vegetation will be removed shall be graphically highlighted and noted on the sheet.
   1. A slope analysis that depicts the location of all steep slopes as defined in this Ordinance. All areas equal to or exceeding the defined steep slope gradient shall be depicted with grey shading or a pattern.
   2. An Applicant shall review and note their site location in relation to landslide prone areas as designated by the USDA Soils Report, Geotechnical Report, or available mapping.

## Section 406: Site Layout Plan

1. The site layout plan shall be provided in an accurate and final form. Site Plans shall be submitted on sheets measuring 24 inches by 36 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, final site plans shall be drawn on multiple sheets and accompanied by a key diagram showing relative location of the sections.
2. All site plans shall also include the following elements:
   1. Title block, legend, the name and location of the subdivision or land development, the plan date, and the date of any revisions.
   2. The name and plan book volume and page numbers of the previously recorded plan, if any.
   3. The name, address, and phone number of the owner of record and the developer.
   4. The name, address, and phone number of the firm that prepared the plans, and the name, seal, and registration number of the surveyor who prepared the plan.
   5. Sheet number, North arrow, and graphic scale.
3. Site Plan Features. All site plans shall include building locations, parking areas, roads, and access drives in accordance with this Ordinance and the City Zoning Ordinance. In addition, all site plans shall depict the following:
   1. Tract boundaries shall be determined by field survey only and shall be balanced and closed.
   2. Tract boundaries, lots, right-of-way lines of streets, easements and other right-of-way lines with accurate distances to one-tenth (0.1) inch and bearings to one-fourth (0.25) of a minute. Surveys shall be prepared in accordance with industry standards.
   3. Complete curve data for all horizontal curves included in the final plat, including radius, arc length, chord bearing, and chord distance.
   4. Location, type, and size of all monuments and lot line markers. State whether found, set, or to be set.
   5. Approved street names and street right-of-way widths.
   6. All setbacks and yard requirements as specified by the City Zoning Ordinance.
   7. Lot numbers, lot dimensions, lot areas in square feet, and building setback lines.
   8. Tabulation of existing and proposed site data including but not limited to: total acreage of land to be subdivided, the number of lots, the acreage of individual lots; the acreage of the subdivision, all zoning area requirements, the acreage of proposed open space and recreation areas, the number of required and proposed parking spaces, and the number of accessible parking spaces.
   9. Lot and block or tax map parcel numbers.
   10. All proposed and existing utilities.
   11. Easements and rights-of-way for all public and private improvements and stormwater facilities, including widths, purposes, and limitations, if any.
   12. Accurate dimensions, acreage, and purpose of any property to be reserved as public or common open space.
   13. Indication of platting of adjacent property and the names of the adjacent property owners.
4. Site plans which require access to a road under the jurisdiction of the PennDOT shall contain a notice that, before driveway access is permitted, a highway occupancy permit is required in accordance with the Act of June 1, 1945, known as the “State Highway Law.”
5. Site plans shall include all delineated wetlands and oil/gas wells located on the site.

## Section 407: Phasing Plan and Schedules

1. If the applicant intends to develop land in phases, a phasing plan shall be required showing total lot phasing. If a subdivision and/or land development is planned as a phased development, the plan shall specify how many phases, phasing boundaries, and the proposed time frame necessary to complete each phase.
2. Where the applicant proposes the development of a subdivision or land development in separate phases over a period of years, the City authorizes submission of the final plan applications subject to guarantees that public improvements will be provided in future phases.
3. All applications for final approval of future phases must conform to the preliminary plan application as previously approved by the City. Any phase that contains substantive changes to the previously approved preliminary plan will represent a major modification to the application and will require complete resubmission of the preliminary plan application in accordance with this Ordinance.
4. Each phase, except for the last phase, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary site plan unless the City approves a lesser percentage for one (1) or more of the phases.

## Section 408: Circulation and Parking Plan

1. The applicant shall submit a circulation and parking plan demonstrating how the off-street parking requirements will be met and include the following information:
   1. The plan shall illustrate all existing and proposed parking for the development.
   2. The plan shall provide parking space counts for each parking area.
   3. The plan shall depict the size and location of bays, aisles, barriers, and access points into and out of the parking areas.
   4. The plan shall depict the proposed direction of movement and illustrate circulation routes and turning radius for all emergency vehicles and any service vehicles that will be entering the development.
   5. The preliminary parking plan shall conform to the drawing standards as outlined for the preliminary site plan.
2. If applicable, a shared parking analysis and/or parking study as identified in the Zoning Ordinance shall be attached to the submission.

## Section 409: Grading Plan

1. The applicant shall submit a grading plan that illustrates all existing and proposed earthwork. The final grading plan shall also clearly delineate the following:
   1. The proposed center line gradient of streets, including grades at intersections.
   2. Spot elevations and final floor elevations for all proposed improvements.
   3. The existing and proposed contours of the lot(s). The grading plan’s contour interval shall be as follows:
2. Not more than two (2) foot intervals where the slope will be less than 50%.
3. Not more than ten (10) foot intervals where the slope will be greater than 50%.
   1. Spot elevations at all existing and proposed catch basins, manholes, headwalls, and other drainage structures as shown in the post construction stormwater management plan.
   2. Grading within or near a stream bank and/or floodplain area must be noted and if applicable, the impact the grading will have on the floodplain.

## Section 410: Utility Plan

1. A utility plan shall be provided indicating all proposed and existing utility locations and related easements. Utilities include, but are not limited to, electric, water, stormwater conveyance systems, phone, gas, and cable lines.

## Section 411: Erosion and Sedimentation Plan and Report

1. As required by PA DEP and filed with the County Conservation District, a copy of the erosion and sedimentation plan and report including a copy of the transmittal letter shall be provided.
2. NPDES authorization letter shall be provided, upon receipt.

## Section 412: Stormwater Management Plan and Report

1. As required by the City’s Stormwater Management Ordinance, the post-construction stormwater management plans and report shall be submitted.

## Section 413: Photometric Plan

1. The photometric plan shall depict the average illumination value of all proposed and existing lighting fixtures measured at the final proposed grade.
2. The plan shall include a computer-generated lighting model with point-by-point illumination of all areas within a proposed land development site.
3. The lighting model shall include buildings, structures, parking areas, and lot lines and shall be provided at the same scale as the site plan.

## Section 414: Landscape Plan

1. A landscape plan shall be provided for all land development applications and shall contain the following:
   1. All proposed/existing structures and paved areas.
2. Proposed and existing elements depicted on the site plan shall be screened and added as a background element.
   1. All required bufferyards and the proposed vegetation within the bufferyard.
   2. All proposed vegetation and planting beds.
3. The landscape plan shall accurately identify the location and scale of the proposed species at 75% maturity.
   1. Any existing trees or vegetation which are to be preserved.
   2. A planting schedule that communicates the common name, scientific name, quantity, and condition of all proposed vegetated material.
   3. Table(s) that demonstrates compliance with the bufferyard and/or landscaping provisions of this Ordinance.
   4. Appropriate landscape details, notes, specifications, and methods of protecting existing vegetation.
   5. Construction details that specify the installation of all proposed plant material.
   6. Clear sight triangles as required by this Ordinance shall be depicted on all landscape plans.

## Section 415: Construction Details

1. Construction details shall be provided for all construction in accordance with the City Construction Standards. Details shall include, but not be limited to utilities, pavement, walls, and landscaping.

## Section 416: Building Elevations and Other Architectural Drawings

1. Building elevations and other architectural drawings shall be provided for all proposed buildings other than single family residential.
2. Elevations and drawings shall be illustrated to scale and show the front, rear, and side facades of all proposed buildings including building’s architectural features, exterior building materials, colors, and/or finishes.
3. The drawings or elevations shall indicate the height of the building in feet and number of stories and the building’s relationship to the finished grade immediately surrounding the building.
4. Architectural plans shall depict the interior arraignment and use of all proposed structures.

## Section 417: Evidence of Water Service

1. If water is to be provided by means other than private wells owned and maintained by the individual owners of lots within the subdivision and/or land development, applicants shall present evidence to the City Council that the subdivision and/or land development is to be supplied by an appropriate public or private entity.

## Section 418: Sewage Facilities Planning Module

1. Where applicable, a Sewage Facilities Planning Module shall be the responsibility of the Applicant and shall be prepared in accordance with the rules and regulations of the PA DEP and shall be submitted to Beaver County.
2. A copy of the transmittal letter and approval shall be provided upon receipt.

## Section 419: Traffic Impact Study

1. A traffic impact study shall be submitted to the City pursuant to the requirements of this Section when:
2. A proposed land development or subdivision is expected to generate, on average:
   1. 100 or more peak hour trips on any adjacent street; or
   2. 1,000 or more average daily trips (ADT) on any adjacent street.
3. The estimated number of trips shall be determined by an analysis of similar uses through data collected by the Institute of Transportation Engineers (ITE) or through similar uses acceptable to the City.
4. In the opinion of the City Traffic Engineer, the proposed development or change in use is expected to have a significant impact on street-related safety or traffic flow, necessitating further evaluation.
5. Study Requirements.
6. When a traffic impact study is required by this Ordinance or any other City Ordinance, the study shall comply with the requirements of this Section. The study scope, study area, and methodology shall be approved by the City Traffic Engineer prior to the initiation of the study. A scoping meeting may be required as determined by the City Traffic Engineer or if required by PennDOT.
7. The traffic impact study shall be conducted by an engineer that has verifiable experience in traffic engineering and preparing traffic impact studies. The traffic impact study shall be prepared in accordance with: the ITE's Recommended Practice Traffic Access and Impact Studies of Site Development, current edition; PennDOT Publications 201, 282 and the Policy and Procedures for Transportation Impact Studies, current editions; and the requirements contained in this Section.
8. The full cost of completing the traffic impact study and of all reviews by the City Traffic Engineer and other City officials and professional consultants shall be borne by the applicant.
9. Upon submission of a draft study, the City may review the data sources, methods, and findings and provide comments in written form. The applicant will then have the opportunity to incorporate the necessary revisions prior to submitting a final study.
10. Study Contents. The traffic impact study shall include the following, if appropriate, and as determined by the City:
11. A brief description of the proposed project in terms of land use and magnitude.
12. An inventory and analysis of existing roadway and traffic conditions in the area of the site.
13. Proposed site-generated traffic volumes in terms of:
14. An analysis of future traffic conditions.
15. A description of future levels of service (LOS) and their compliance with standards for traffic capacity of streets, intersections, and driveways. New streets shall be designed for adequate traffic capacity defined as follows:
    * + 1. Traffic capacity LOS shall be based upon future design year analysis.
        2. New or modified (a new approach created) unsignalized intersections or driveways which intersect streets shall be designed for LOS C or better for each approach.
        3. New or modified (a new approach created) signalized intersections shall be designed for LOS C or better for each approach and overall intersection.
        4. All existing unsignalized and signalized intersections impacted by development traffic, which do not fall under the criteria of subparagraphs (2) and (3) above, shall operate at LOS D or better for each approach.
        5. All references to LOS shall be defined by the *Highway Capacity Manual, Special Report 209, current edition*, published by the Transportation Research Board.
        6. These standards may be waived by the City if sufficient evidence is provided that criteria cannot be met with reasonable mitigation.
16. A description and analysis of the proposed access plan and site plan including:
17. Access plan including analysis of required sight distances using PennDOT criteria and description of the access ways, location, geometric conditions, and traffic control.
18. On-site circulation plan showing parking locations and dimension, loading access circulation roadway, and traffic control.
19. Traffic circulation mitigation action plan shall include:
20. Project features relative to site access and on-site circulation which could be modified to maximize positive impact or minimize negative impact.
21. Off-site improvement plan depicting required street and signal installation and signing improvements to meet the minimum LOS requirements.
22. Final Study Report. A final study report must be prepared to document the results of the traffic impact study and the recommended improvements to accommodate the projected traffic due to the proposed subdivision, land development, and/or change in use. Provide an executive summary, which provides a concise description of the study area, result of the traffic analysis, and any recommended improvements. The presentation of data and analyses should be accomplished on schematic diagrams of the study area and the use of charts and/or tables. All sources of data and methodologies that were used in the study must be properly referenced and documented. Provide all computer output and calculations in appendices. Provide electronic PDF copies of the report, figures, tables, appendices, as well as electronic versions of the capacity analyses.
23. Completion of Traffic Control Devices and Other Traffic Improvements. Whenever, as a result of additional traffic generated by a proposed land development, subdivision, and/or change in use, the traffic impact study determines the need for traffic signal(s), regulatory sign, traffic control device(s), additional traffic lane(s) (including, but not limited to, acceleration, deceleration or turning), and/or other traffic improvements, to be constructed on the applicant's property or on the property abutting the applicant's property, the applicant shall, as a condition of approval, agree to construct the improvements at the applicant's cost, or in lieu thereof, and with the written consent of the City, reimburse the City for the cost of the improvements.

## Section 420: Geotechnical Report and Slope Analysis

1. A professional geotechnical engineer licensed in the Commonwealth of Pennsylvania shall complete a quantitative slope stability analysis of proposed slopes and embankments that exceed two to one (2:1). At its discretion, the City Council may require the applicant to provide a geotechnical report if, additional subsurface conditions and/or landslide prone soils are present on the site area.

## Section 421: Wetland Report

1. The City Engineer shall determine if a wetland report is required for a land development project. If required, the wetland report must be signed and certified by a qualified professional and meet the requirements specified herein.
2. If a wetland is located on the site as indicated by absence/presence report, the applicant shall submit a wetland delineation study prepared by a qualified professional. The purpose of the study shall be to determine the extent of wetlands on the site.
   1. Qualified professionals should possess a minimum of a bachelor's degree in biology, botany, zoology, ecology, or environmental sciences. In general, other professionals, such as engineers, landscape architects, surveyors, planners, and geologist are not considered fully qualified to perform wetland delineations, unless they possess special ecological training and experience beyond their discipline. Should a state or federal wetland scientist certification program be established, the City will consider only those certified individuals qualified to perform delineations.
3. The wetland delineation study shall follow the procedures outlined in the *1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands.*
4. Where the study shows the existence of wetland areas, the delineated boundary shall be properly protected, as required by the Beaver County Conservation District, throughout the extent of all construction.
5. All subdivision plans shall contain notes for future lot owners. The wetland boundary on each lot will be clearly marked. Each lot which contains wetlands, or to which access may be restricted by wetlands, shall have a note which states state and federal laws require permits for all activities which result in a deposition of fill into delineated wetlands. The note shall also state that refusal of such a permit may restrict some uses of all or portions of the lot.
6. If development is proposed within wetlands, the applicant shall obtain appropriate permits from federal and state regulating agencies.

## Section 422: Proof of Submission to Other Agencies

1. A listing of the necessary approvals and permits that will be required for the proposed development from the City, County, State, or Federal agencies shall be submitted.
2. Approval of the application by the City Council may be conditioned upon receipt of approvals from County, State, or Federal agencies.
3. Proof of submission of review requests/responses and permit applications may include, but is not limited to:
   1. PennDOT Highway Occupancy Permits.
   2. PennDOT Traffic Signal Permits.
   3. PA DEP Sewerage Planning Module (or Exemption if applicable).
   4. PA DEP National Pollutant Discharge Elimination System Permits.
   5. PA DEP Water Obstruction and Encroachment Permits.
   6. Pennsylvania Department of Economic Development and/or FEMA Floodplain Permits.
   7. Beaver County Conservation District Proof of Submission.
   8. Beaver Department of Public Works (DPW) if a proposed development abuts a county road.
   9. Water Authority Proof of Submission.
   10. Include proof that the PA Department of Community and Economic Development, the Federal Insurance Administrator, or other applicable Local, State, or Federal agency, has been notified whenever any such activity is proposed that impacts an identified flood-prone area.
   11. Federal Aviation Administration (FAA) and PennDOT Bureau of Aviation approvals, where required.

## Section 423: Profiles

1. Final vertical alignments and profiles shall be provided for the following items:
   1. Proposed public or private streets and alleys.
   2. Sanitary sewer and water distribution systems.
   3. Storm sewer profiles, as required by the City’s Stormwater Ordinance.
2. All street profiles shall show at least the existing (natural) profile along the center line, proposed grade at the center line, and the length of all proposed vertical curves for streets.
3. All water distribution and sanitary sewer systems shall provide manhole locations and size and type of material. This information may be provided on separate sheets and is not subject to recording with the final plans.

## Section 424: Homeowner’s Association By-Laws and Other Related Documents

1. Provisions within any Homeowners’ Association Bylaws shall include procedures related to:
   1. Association Membership.
   2. Board of Directors.
   3. Association and Election Voting Rules.
   4. Officers.
   5. Books and Records.
   6. Amendments to Bylaws.
   7. Adoption of Bylaws.

## Section 425: Final Plat for Recording

1. The final plat for recording shall be formatted and include all material as required by this Ordinance and any other applicable County Ordinances.
2. All final plats shall be prepared in accordance with the standards and requirements of this Ordinance and shall include:
   1. All required municipal certifications, which shall include the City Engineer.
   2. Certification of plan preparation by a registered professional.
   3. All other certifications, dedications, and acknowledgments, as required by Beaver County Recorder of Deeds.
3. Final plats shall include a notation on the plan of any variances, modifications, or waivers granted to the provisions of this Ordinance.
4. Final plats which require access to a road under the jurisdiction of PennDOT shall contain a notice that, before driveway access is permitted, a highway occupancy permit is required in accordance with the Act of June 1, 1945, known as the “State Highway Law.”

## Section 426: Notification of Intent to Bond

1. The applicant shall inform the City in writing of their intention to either:
   1. Construct the public improvements required by this Ordinance prior to the final recording of the plat; or
   2. Provide financial security subject to this Ordinance. In lieu of the completion of any public improvements prior to final recording, the applicant shall provide financial security as a condition of approval, pursuant to Article V of this Ordinance.

## Section 427: Evidence of Ownership or Rights to Develop

1. The applicant shall furnish to the City a copy of the most recent deed showing the ownership interest of the applicant and, if the applicant is not the owner, a copy of the lease, or other instrument granting possessory rights to the applicant.

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# Article V: Financial Security

## Section 501: Completion of Improvements or Financial Security

1. No plan shall be given final approval by the City Council unless the public improvements required by this Ordinance have been installed in accordance with the standards set forth in Article VII of this Ordinance.
2. In lieu of the completion of any improvements(s) required prior to, and as a condition for, final approval, the applicant shall deliver to the City a financial security in the amount of 110% of the cost to complete all improvements required by this Ordinance.

## Section 502: Financial Security

1. The amount of the financial security required shall be based upon an estimate of the cost of completion of the required improvement(s).
   1. The amount of the financial security shall be sufficient to cover the costs of public improvements and common amenities including, but not limited to, roads, stormwater detention and/or retention basins, and other related drainage facilities, recreational facilities, open space improvements, landscaping, and buffers or screen plantings which may be required in accordance with §509(a) of the MPC.
   2. The amount of financial security to be posted for the completion of the public improvements shall be equal to 110 percent of the cost of completion estimated as of 90 days following the date scheduled for completion by the applicant. The amount of the financial security shall be based on a cost estimate submitted by the applicant and prepared by a registered professional engineer licensed in Pennsylvania. The cost estimate shall be certified as being “a fair and reasonable estimate” of the cost of public improvements.
   3. The cost estimate shall be sealed by a Professional Engineer.
   4. The City Engineer shall review the proposed cost estimate and make a recommendation to the City Manager or appointed representative as to acceptance and may provide an alternate estimate if deemed unacceptable.
   5. The amount of the financial security may be adjusted annually in accordance with §509(f) of the MPC.
2. If the applicant and the City cannot agree upon a cost estimate, then the estimate shall be recalculated and recertified by another registered professional engineer chosen mutually by the applicant and the City. The estimate by the third engineer shall be deemed as the final estimate.
   1. If a third engineer is selected, the fees for services shall be evenly divided between the applicant and the City.

## Section 503: Approval Resolution

1. At the request of the applicant and in order to facilitate financing, the City shall furnish the applicant with a signed copy of a resolution indicating approval of the applicant’s final plat contingent upon the obtaining of a satisfactory financial security. The final plat shall not be signed by the City Council until a satisfactory financial security is presented. The resolution of contingent approval shall expire and be deemed to be revoked if the financial security is not presented within 90 days, unless a written extension is granted by the City Council in accordance §509(b) of the MPC.

## Section 504: Partial Release from Improvement Guarantee

1. As the work of installing the required improvements proceeds, the applicant may request the City to release or authorize the release, from time-to-time, such portions of the financial security necessary for payment to the contractor or contractors performing the work.
2. Any such requests must be in writing and describe the portion of the work that has been completed in accordance with the approved plat and the amount of security requested to be released.
3. The City shall have 45 days from receipt of such request to have the City Engineer certify in writing to the City that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the City shall authorize release by the bonding company or lending institution of an amount as estimated by the City Engineer fairly representing the value of the improvements completed, or if the City fails to act within said 45-day period the release of funds shall be deemed approved. Notwithstanding anything to the contrary, the City may, prior to final release at the time of completion and certification by its appointed Engineer, require retention of ten percent (10%) of the estimated cost of improvements.
4. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the City, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
5. The applicant shall reimburse the City for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the City.

## Section 505: Final Release from Improvement Guarantee

1. When the applicant has completed all of the necessary and appropriate improvements, he/she shall notify the City, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the City Engineer. The City shall, within ten (10) days after receipt of such notice, direct the City Engineer to inspect all of the installed improvements. See Sections 603, 604, and 605 of this Ordinance with regards to the final inspection procedures.
2. Within 30 days of authorization by the City Council, the City Engineer shall file a report, in writing, of the result of the inspection. A copy shall also be forwarded to the applicant by certified or registered mail. The report shall detail the improvements and shall indicate approval or rejection, in whole, or in part of the improvement(s). Rejection, in whole, or in part of the improvement(s) shall contain a statement of reasons for such recommendation.
3. The City shall notify the applicant within fifteen (15) days of receipt of the engineer’s recommendation, in writing, by certified or registered mail, of the action by the City Council.
4. If any portion of the said improvement(s) shall not be approved, or shall be rejected by the City, the applicant shall proceed to complete the same and, upon completion, the same procedure of notification as identified above shall be followed.
5. The applicant shall reimburse the City for the reasonable and necessary fees based upon a schedule established by ordinance or resolution. Such fees shall be those customarily paid for engineering or consulting work performed in the City.
6. Billing, Reimbursements, and Disputes. See MPC §510, as amended.

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# Article VI: Inspection and Acceptance of Improvements

## Section 601: Pre-construction Conference

1. After approval has been granted by the City Council but before the start of construction, a pre-construction conference shall be held at City Hall. Those suggested to be in attendance at this meeting are the City Engineer, members of City Staff including but not limited to the City Manager and the City Code Enforcement Officer, a representative from the Municipal Authority Staff, the developer, and the primary contractor.
2. Prior to the start of construction, the applicant or developer shall provide the City with three (3) sets of construction drawings and specifications. The sets shall be completed in every detail, comprised of the latest revisions, and identical to those being used by the contractor(s). It will be the developer's responsibility to provide paperwork for any revisions, change orders, etc., to the construction drawings, specifications, reports, etc. Any delays in administration or construction, additional costs of administration or construction, or any other problems resulting from any party utilizing inconsistent construction drawings will be the responsibility of the developer.

## Section 602: Construction Observation

1. The City Engineer and/or the appropriate authority shall provide construction observation and document the implementation of the provisions of this Ordinance and the accompanying design standards. The developer shall pay the cost of any such construction observation activities in accordance with the provisions of Article V of the MPC.
2. The developer shall notify the City Engineer at least 72 hours prior to beginning any installation of public improvements in an approved plan. While work is in progress, the developer shall notify the City Engineer at least 72 hours prior to the time that the following required progress inspections are desired:
3. General site construction:
4. Upon completion of preliminary site preparation (including stripping of vegetation, stockpiling of topsoil, and construction of the initial erosion and sedimentation control devices), but prior to further consideration.
5. Upon completion of rough grading of any improvement, but prior to placing topsoil and seeding or other permanent ground covers.
6. During the construction and prior to backfilling of any storm sewer, retaining wall foundation, culvert, inlet, manhole, or other underground facility.
7. During the construction and prior to backfilling of any sewer line, waterline, or appurtenance, or any other underground utility not under jurisdiction of an authorized municipal authority.
8. Upon final completion of permanent stormwater management facilities, including the establishment of ground covers and plantings.
9. After review of as-built drawings, but prior to release of the financial guarantee for any of the improvements.
10. Street construction:
11. After preparation and compaction of the subgrade but prior to placement of subbase. The developer or agent should be present. In addition to verification of grade and crown, proof rolling will be performed. The developer shall supply a fully loaded tandem axle dump truck for the duration of the proof rolling.
12. After placement of the subbase material, but prior to the placement of the binder/base course. This observation, including proof rolling, will be performed in the same manner as that for subgrade.
13. During the placement of the binder/base course. The ambient temperature and bituminous material temperature need to be within acceptable limits. The City may require paperwork to verify the materials conform to PennDOT standards.
14. During the placement of the wearing course. The requirements for placement of the binder/base course shall be followed.
15. In addition to the above outlined observations, additional observations will be made at the request of the developer for reduction of financial securities. Random observations should be made at the frequency desired by the City. At the time of any of the above-listed observations, all ongoing construction (i.e., storm drainage, sanitary sewer, water, erosion control, etc.) should also be checked for compliance with the approved plans and the findings reported.
16. The City Engineer shall prepare a written report of all inspections. Copies shall be provided to the City and one (1) copy shall be retained by the City Engineer.

## Section 603: Notice of Completion

1. When the applicant has completed all of the necessary and appropriate improvements, he/she shall notify the City, in writing, by certified or registered mail, of the completion of said improvements, and shall also send a copy to the City Engineer. The City shall, within ten (10) days after receipt of such notice, direct the City Engineer to inspect all of the installed improvements.

## Section 604: “As-built” Drawings

1. Prior to the final release of the financial guarantee, the developer shall provide the City with one (1) electronic copy in a PDF format, one (1) electronic copy in a DWG format, and two (2) prints of the as-built plan. The as-built drawings shall be prepared and bear the seal and signature of a registered surveyor. They shall be drawn at the same scale(s) as the design plans and contain, at a minimum, the following information:
2. Actual location of all concrete monuments which were set at all angle breaks, points of curvature, and tangents around the perimeter of the total tract.
3. Actual location of all iron pins or drill holes in concrete curbs for all individual lot lines.
4. Actual cul-de-sac radius.
5. Actual location of cartway center line versus ROW center line.
6. Actual location of floodplain areas by elevation and dimension from property line.
7. Actual location and cross section of swales and accompanying easements.
8. Actual horizontal and vertical location of stormwater management facilities, including type and size of storm drainage pipes, culverts, inlets, and other features.
9. Actual horizontal and vertical locations, pipe sizes, materials, and appurtenances of all sewer lines and waterlines.
10. Actual location of all fire suppression systems including the location of any hydrants.
11. Actual location of all street lights, sidewalks, street trees or other improvements constructed as part of the streetscape.
12. The following information for detention basins:
13. Information to verify the volume of the basin.
14. Actual outlet structure details, including, but not limited to, type, size, and inverts of outlet pipes.
15. Actual elevation and width of the embankment and emergency spillway.
16. Information to verify the stage/storage/discharge curve for the constructed conditions.
17. The horizontal location of the above items.
18. GPS locations of all storm inlets, sewers, and stormwater facilities. GPS locations shall be based on state plane coordinates using NAD 83 and NAVD 88.
19. All other public or private improvements and easements not listed but required to be included by the City in order to illustrate compliance with all approved drawings, specifications, etc.

## Section 605: Final Inspection and Approval

1. City Engineer’s Report. The City Engineer shall perform a final inspection of the public improvements in the plan. Within 30 days of receiving the notice of completion, the City Engineer shall file a report, in writing, with the City Council indicating approval or rejection of the improvements, either in whole or in part, and in the case of rejection, shall provide a statement of the reasons for such rejection. The City Engineer shall file a report, in writing, with the City and shall promptly mail a copy of the same to developer by certified or registered mail in accordance with §510(a) of the MPC, as amended.
2. Notification of Developer by the City Council. The City Council shall notify the developer, within fifteen (15) days of receipt of the City Engineer’s report, in writing, by certified mail, of the action of the City Council with respect to the approval or rejection of the public improvements.
3. Completion of Rejected Public Improvements. If any of the public improvements shall not be approved by the City Council, the developer shall proceed to complete the public improvements or rectify any deficiencies and, upon completion, the same procedure of notification, as outlined herein, shall be followed.
4. The City may prescribe that the developer shall reimburse the City for the reasonable and necessary expense incurred in connection with the inspection of improvements and in accordance with §510(g) of the MPC.

## Section 606: Acceptance of Public Improvements

1. No property or public improvement shown on a final plat shall be considered to have been accepted by the City until the dedication thereof has been officially accepted by adoption of an ordinance of the City, duly enacted and advertised in accordance with the law.
2. Prior to the acceptance of the public improvements, and the return of any remaining application and review fees, the developer shall submit to the City the following:
3. Written report certified by the City Engineer that all required public improvements are completed according to specifications including roads, sidewalks, utilities, and stormwater management facilities.
4. Evidence certified by the City Zoning Officer that all permanent street signs and other signs required by this Ordinance, the developer’s agreement or any other applicable code have been installed.
5. As-built drawings of completed improvements to the City Council.
6. Required Maintenance guarantees for all publicly dedicated infrastructure or other improvements as required by this Ordinance.
7. Upon completion of the final inspection and approval of the public improvements, the developer shall request in writing, that the City Council formally accept the dedication of the public improvements. The request for acceptance shall be accompanied by a legal description of all ROWs and property to be dedicated to the public.

## Section 607: Posting of Maintenance Guarantee

1. When the City Council accepts the dedication of public improvements, the City Council shall require a Maintenance Guarantee of all improvements as required by this Ordinance. The purpose of the Maintenance Guarantee is to secure the structural integrity of the improvements and to guarantee the proper functioning of those improvements.
2. The amount of the Maintenance Guarantee shall be fifteen percent (15%) of the actual cost of the installation of such improvements for a term not to exceed eighteen (18) months from the date of the acceptance of public improvements and dedication as provided for in §509(k) of the MPC.

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# Article VII: Required Improvements and Design Standards

## Section 701: General Requirements

1. The City of Aliquippa design standards and associated required improvements can be found in Article IV: Design Standards in the City’s Zoning Ordinance, as amended.

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# Article VIII: Administration, Fees, and Enforcement

## Section 801: General Administration

1. All provisions of this Ordinance shall be administered by the City Council or their officially designated representatives. All matters relating to this Ordinance shall be submitted to the Zoning Officer who will handle the matter in accordance with current municipal policies, procedures, and guidelines established by the City Council.

## Section 802: Fees and Costs

1. All applications submitted for the review and approval of plans of subdivision and plans of land development prepared in preliminary or final form shall be accompanied by an administrative review fee and a deposit in accordance with a schedule of fees and charges established, or to be established, and adopted by resolution of the City Council to defray, or to help defray, any cost that may be incurred by the City and its professional consultants in viewing and inspecting the site of the subdivision or land development, and reviewing the application, data, and the plans submitted relative to the same.
   1. A deposit shall be made at the time of the application for preliminary and final subdivision or land development approval, with the City of Aliquippa in order to cover the costs of engineering review and inspection of proposed improvements, legal fees, and other consultants’ fees whose services are required in order to provide a comprehensive review of the subdivision or land development application.
   2. An administrative fee, as established by resolution of the City Council, and fees as charged to the City for activities related to the subdivision or land development application shall be deducted from the deposit as invoices are received.
   3. A full accounting of all expenses incurred during the review and approval of a subdivision or land development application, whether preliminary or final, shall be kept by the City Manager and made available to the applicant.
   4. Upon completion of all improvements to the satisfaction of the City Engineer, and upon a full and complete release of all sureties posted relative to the improvements proposed, the remaining balance of the deposit shall be returned to the applicant upon receipt of a written request to do so.
   5. The schedule of fees may be amended from time to time by City Council.
2. The schedule of fees and charges establishes or to be established may vary, and be regulated in accordance with the scope and complexity of the plan of subdivision and land development project, such as:
   1. Number of parcels or lots in a plan;
   2. Intensity of land development plans submitted;
   3. Accuracy of utility development plans;
   4. Applicants’ plan of construction and development of the land, structures, and facilities thereon, and appurtenant thereto; and
   5. Number of times that a plan is submitted or resubmitted for review and request is made for approval of the same.
3. Where a plan of subdivision or land development for any reason has been rejected by the City Planning Commission and/or City Council, the applicant when resubmitting plans and application for review and approval of the same shall be required to pay a fee as set forth in the City’s schedule of fees and charges for such submittals.
4. All administrative fees shall be made payable to the City of Aliquippa. All administrative fees deducted from the original deposit are nonrefundable, and the approval or rejection for any reason of any plan of subdivision or land development will not be reason or cause for the return of any fee so charged.
5. The applicant shall reimburse the City of Aliquippa for all costs associated with the review and approval, or denial, of an application for subdivision or land development approval which exceeds the amount of the original deposit.

## Section 803: Disputes

1. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
2. In the event that the applicant disputes the amount of any such review fee, the applicant shall, within 45 days of the billing date or the notice of withdrawal by the City of an amount held in escrow, notify the City and their consultant that the fees are disputed. In such case, the City shall not delay or disapprove a subdivision or land development due to the applicant's request regarding disputed fees. The applicant shall within 30 days after the transmittal date of a bill for inspection services or 45 days of the date of transmittal of a final bill for inspection services, notify the City and their professional consultant that the fees are disputed. The fee dispute process established in the MPC generally includes the following steps:
   1. In the event that the City and the applicant cannot agree on the amount of any review fees which are reasonable and necessary, then the City and applicant shall jointly by mutual agreement, appoint another professional consultant serving as arbitrator to examine the disputed review fees and make a determination as to the amount thereof which are fair and reasonable within 50 days.
   2. Appropriate payments or reimbursements shall be made within 60 days following the decision by the arbitrator.
   3. If the City and applicant cannot agree on an independent professional consultant to serve as arbitrator within twenty (20) days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the municipality is located shall appoint an engineer who shall be neither the City Engineer or any professional engineer who has been retained by, or performed services for the City or applicant within the preceding five (5) years.
   4. The fee of the appointed arbitrator shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment is less than the original bill by $5,000 or more, the arbitrator may require part of full payment from the applicant or professional consultant. In all other cases, the consultant and City should each pay one-half (0.5) of the fees of the professional engineer.

## **Section 804: Enforcement**

1. Users should be aware that the following Section is a summary of requirements of the MPC – Act of 1968, P.L. 805, No. 247, as reenacted and amended, and should refer to the MPC for the complete requirements under Pennsylvania Law.
2. Preventative Remedies.
   1. In addition to other remedies, the City may institute and maintain appropriate actions by law or in equity to restrain, to correct or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building.
   2. The City may refuse to issue any permit or grant any approval necessary to further improve any real property which has been developed or has resulted from a subdivision in violation to this Ordinance. As an additional condition for the issuance of any permit or approval, the City may require compliance with the conditions that would have been applicable to the property at which time the applicant acquired it. This authority to deny such a permit or approval shall apply to any applicant as described in §515.1(b) of the MPC.
3. Civil Enforcement Remedies.
   1. Any person, partnership, or corporation who or which has violated the provisions of this SALDO shall, upon being found liable therefore in a civil enforcement proceeding commenced by the City, pay a judgment of not more than $500 plus all court costs, including the reasonable attorney fees incurred by the City as a result thereof.
   2. No judgment shall commence or be imposed, levied, or be payable until the date of the determination of a violation by the District Justice.
   3. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure.
   4. 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 (1) such violation until the fifth day following the date of the determination of a violation by the District Justice and thereafter each day that a violation continues shall constitute a separate violation.
   5. All fines collected for such violations shall be paid to the City.
   6. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the City the right to commence any action for enforcement pursuant to this Section.

## Section 805: Remedies to Effect Completion of Public Improvements

1. In the event that any improvements which may be required have not been installed as provided in this Ordinance or in accordance with the approved final plat, the City shall pursue remedies provided for in §511 of the MPC, 53 P.S. §10511, as amended.

## Section 806: Appeals

1. Any person aggrieved by a decision of the City concerning an application of approval of a subdivision of land development may appeal the decision in accordance with the procedures specified in Articles X-A of the MPC.

## Section 807: Notice to School District

1. As per §508.1 of the MPC, as amended, each month the City shall notify in writing the superintendent of the school district in which a plan for a residential development was finally approved by the City during the preceding month. The notice shall include, but not be limited to, the location of the development, the number and types of units to be included in the development, and the expected construction schedule of the development.

# Article IX: Amendments, Validity, and Repealer

## Section 901: Amendment Procedures

1. The City Council may, from time-to-time, amend, supplement, change, modify, or repeal this Ordinance by proceeding in accordance with the MPC.
2. Referral to the Planning Commission.
   1. All proposed amendments before adoption shall be referred to the City Planning Commission at least 30 days prior to the public hearing, for recommendation and report, which shall be advisory.
3. Referral to the County Planning Agency.
   1. All proposed amendments shall be referred to the Beaver County Planning Commission at least 30 days prior to the public hearing, for recommendation and comment.
   2. As per §304(b) of the MPC, the City Council may not take any action on a proposed amendment until comments are received from the Beaver County Planning Commission, or the 45-day review period has passed.

## Section 902: Validity

1. Separability: Any Section, Subsection, or other provision of this Ordinance that is declared to be invalid by a court of competent jurisdiction shall not affect the validity of any other part of this Ordinance or the Ordinance as a whole.

## Section 903: Repealer

1. Any prior City ordinances or regulations or parts thereof conflicting with the provisions of this Ordinance are hereby repealed.

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# Article X: Mobile Home Parks

## Section 1001: Occupancy and Removal of Mobile Homes

1. No mobile home, whether single on-lot installation in a Zoning District where such use is permitted or is legally nonconforming, or within an existing mobile home park, shall be removed from the City of Aliquippa without the owner of said mobile home first obtaining a permit and providing a duplicate to the park manager from the local Tax Collector charged with the collection of all taxes. Such a permit for removal will be issued upon payment of a fee and payment of all taxes due.
2. The City Council shall establish, by resolution, a schedule of fees for the obtaining of permits required under the provisions of this Article. The resolution providing for the various fees shall be periodically reviewed and amended, when necessary, by resolution of the City Council. The issuance of a permit shall be contingent upon payment of the fee per the resolution and the fee schedule.

## Section 1002: Expansion of Existing Mobile Home Parks

1. Plan Requirements.
2. No person, firm, or corporation proposing to expand a mobile home park in the City of Aliquippa shall proceed with any construction work on the proposed park until they have obtained written approval from the City Council of the final plan of the proposed park, according to procedures herein outlined.
3. Final plans, as required, shall comply in form and content to these regulations insofar as applicable and standards set forth herein, and are subject to review by the Beaver County Planning Commission as a land development.
4. Stormwater Management Plan. The owner shall prepare and submit for review and approval to Council a stormwater management plan. Such plan shall indicate the proposed stormwater handling system, proposed water retention, and release schedule to eliminate the effects of uncontrolled water runoff onto adjacent properties consistent with the standards and criteria of this Ordinance. Such plan shall conform with all other applicable, local, County, and State regulations. The plan shall be referred to the Beaver County Conservation District for review and comment prior to final plan approval.
5. Site Plan Approval.
6. Upon completion of any modifications required by the Planning Commission and/or upon completion of required improvements or the alternate posting of acceptable surety, the developer may apply for approval of final plans.
7. Review. The Planning Commission shall review the final plan for conformance with all standards and criteria of this Article. The final plan shall be referred to City Council together with a written statement from the City Manager that an appropriate guarantee has been posted or that improvements have been installed according to the design standards as set forth in this Ordinance the City Zoning Ordinance. Within 45 days of receipt of a complete application, City Council shall approve or disapprove such plan, stating, in writing, its reasons for disapproval, referencing specific deficiencies by Section.
8. Filing. Following approval, the developer shall record one (1) copy of the approved plan with the Beaver County Recorder’s Office within 90 days following an unconditional approval or 90 days following the completion of conditions placed on the final plan. Should the developer fail to file such plan within said period, the approval shall be null and void.
9. Design Requirements.
10. Minimum Area of Tract or Park. The minimum area of land required for the expansion of an existing mobile home park shall be one (1) acre. The site shall be so located that soil conditions, groundwater level, drainage, and topography shall not create hazards to the property, where mobile homes are proposed or affect the health and safety of the occupants or adjacent property owners.
11. Length of Residential Occupancy. Park expansions shall be designed to serve the long-term placement of at least two (2) mobile homes.
12. Individual Lots. The dimensions and location of individual lots shall be consistent with the following requirements:
    1. Access. Each lot shall be directly accessible from an approved internal ROW without the necessity of crossing any other space.
    2. Size. Each mobile home lot shall have a minimum of 60 feet and a minimum of 7,500 square feet in area.
    3. Yard Requirements.
       1. Mobile homes shall be situated on each lot so that a minimum separation of fifteen (15) feet shall be provided between the mobile home, appurtenant structures or attachments, and any adjacent side or rear lot or lease line.
       2. There shall be a minimum of fifteen (15) feet separation between an individual mobile home, attached structures, and accessory structures and the pavement of a park street or common parking area.
       3. The minimum setback from the ROW of any public street or highway shall be 30 feet.
       4. Mobile homes shall be located a minimum of twenty (20) feet from any common building or other permanent structure.
       5. Secondary entrance ways may utilize stoops, landings, patios, or awnings which may extend to a dept of five (5) feet within the fifteen (15) foot minimum separation requirement.
    4. Identification. Each lot shall have a number placed on the lot in the form of a sign or directly on the mobile home. It shall be arranged in such a way so that it is visible from the road on which the mobile home or lot is fronting.
    5. Skirting. Skirting shall be required on all mobile homes.
    6. Stormwater Management. A plan for the management of surface drainage, consistent with the provisions of Article IV of this Ordinance, shall be submitted with the site plan.
13. Mobile Home Stands.
14. The location of each mobile home stand shall be at such elevation, distance, and angle in relation to the access street so that the removal of the mobile home is practical.
15. The size of each mobile home stand shall be sufficient to fit the dimensions of mobile homes anticipated, and sufficient to handle any appurtenant structures and appendages, including prefabricated sunrooms, car ports, and storage structures.
16. A one (1) to five (5) percent gradient longitudinal crown or cross-gradient for surface drainage shall be provided.
17. Mobile home support footers shall be either concrete pads or piers. The piers shall be set at least 36 inches deep.
18. Each mobile home stand shall be provided with tie-down, able to withstand a wind pressure of fifteen (15) points per square foot on an exposed vertical surface. Either “over-the-top” or “frame tie-downs” shall be required. The strapping for any “over-the-top” tie-downs shall be 4,700 pounds tensile strength.
19. Internal Street System. The internal street system in mobile home parks shall be constructed in accordance with the same standards and specifications required for City streets, subject to approval by the City Engineer, and shall be owned and maintained by the owner in accordance with City standards.
20. Street Width at Access Points. At points where traffic enters or leaves the park, street ROWs shall be a minimum of 35 feet in width within twenty (20) feet of the existing public street intersection to permit free movement from or to the stream of traffic on the public street, and no parking shall be permitted which in any way interferes with such vehicular movement.
21. Parking Spaces. Two (2) parking spaces per mobile home, at a minimum size of ten (10) by twenty (20) feet shall be provided to meet the needs of the occupants. In addition, guest parking shall be provided at a ratio of one (1) space for each three (3) mobile homes in an area or areas accessible to the mobile homes.
22. Fire Protection.
23. For the safety and welfare of the current and future residents of the mobile home park, the following fire regulations shall be incorporated into the park. All fire and safety plans shall be approved by the Aliquippa Fire Bureau Chief.
24. Fire Hydrants. Hydrants shall hereafter be required in any new mobile home park expansion, where the extension of central water lines, whether public or private, are proposed for the mobile home park development.
25. Size. Size and type of all hydrants shall be of a standard size and type as specified by the City Engineer and/or the Fire Chief.
26. Spacing. Hydrant spacing shall be adequate to serve all lots within the mobile home park. Hydrants shall be arranged no more than 600 feet apart from one another. Where an existing hydrant is less than 600 feet from the park, the existing hydrant shall be deemed satisfactory and spacing can be determined and shown, taking the existing hydrant into consideration.
27. Location. Hydrants shall be located within dedicated utility easements or ROWs.
28. Design. The proposed locations of fire hydrants shall be shown on the submitted plans. Any existing fire hydrants less than 1,000 feet from proposed park shall be shown in the vicinity sketch with an exact distance in feet from the hydrant to the nearest lot line of the mobile home park.
29. Buffer Area.
30. All mobile home parks shall have a twenty (20) foot buffer area along the boundary line perimeter.
31. Buffer areas shall be designed and clearly identified with dimensions on the site plan as approved for recording.
32. The buffer area shall be maintained in its natural state and shall not have any structure erected thereon. Additional plantings to provide a landscaped screen shall be provided.