

JAN 07 2004

**CHIPPEWA TOWNSHIP
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE
TABLE OF CONTENTS**

PART I	1
AUTHORITY	1
22-101. GRANT OF POWER	1
22-102. EFFECTIVE DATE AND PURPOSE	1
22-103. PURPOSE	1
22-104. SUBJECT PROPERTIES	1
22-105. SALE OF LOTS	2
22-106. PROPERTIES EXEMPT FROM THIS CHAPTER	2
22-107. CONFLICT WITH OTHER TOWNSHIP ORDINANCES	2
22-108. CONDITIONS TO FINAL APPROVAL OF PLANS	2
22-109. LIMITATION OF LIABILITY	2
22-110. NOTICE ON PLATS	3
22-111. APPROPRIATIONS, GRANTS AND GIFTS	4
PART 2	5
DEFINITIONS	5
22-201. WORD USAGE	5
22-202. MEANING OF WORDS	5
PART 3	16
PROCEDURE FOR SUBMISSION OF SUBDIVISION PLATS	17
22-301. GENERAL	17
22-302. PREAPPLICATION/ADVISORY MEETING	18
22-303. PRELIMINARY PLAN PROCEDURES	19
22-304. FINAL SUBDIVISION PLAN PROCEDURES	24
22-305. APPROVAL OF SUBDIVISION	29
22-306. CHANGES IN CHAPTER	31
22-307. CONDITIONAL APPROVAL	32
22-308. COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAT APPROVAL	32
22-309. RELEASE FROM IMPROVEMENT BOND	36
22-310. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS	38
22-311. RECORDING PLATS AND DEEDS	38
22-312. EFFECT OF PLAT APPROVAL ON OFFICIAL MAP	38
22-313. PREVENTATIVE REMEDIES	38
22-314. ENFORCEMENT REMEDIES	39
22-315. DEDICATION OF PUBLIC IMPROVEMENTS	40
22-316. RESUBDIVISION	40
PART 4	42
PROCEDURE FOR SUBMISSION OF LAND DEVELOPMENT PLANS	42
22-401. SUBMITTAL OF LAND DEVELOPMENT PLANS	42
22-402. PREAPPLICATION ADVISORY MEETING	42
22-403. PRELIMINARY PLAN PROCEDURES	43
22-404. FINAL PLAN SUBMITTAL	50

PART 5	54
PHASED LAND DEVELOPMENT AND MINOR LAND DEVELOPMENT	54
22-501. PLANS TO BE SUBMITTED	54
22-502. LENGTH OF PHASING	54
22-503. IMPROVEMENTS REQUIRED	54
22-504. FINANCIAL SECURITY REQUIRED	54
22-505. MINOR LAND DEVELOPMENTS	55
PART 6	57
MOBILEHOME PARKS	57
22-601. ENVIRONMENTAL, OPEN SPACE AND ACCESS REQUIREMENTS	57
22-602. WATER SUPPLY	61
22-603. SEWAGE DISPOSAL	61
22-604. ELECTRICAL DISTRIBUTION SYSTEM	62
22-605. SERVICE FACILITIES	62
22-606. REFUSE HANDLING AND INSECT AND RODENT CONTROL	62
22-607. FUEL SUPPLY AND STORAGE	62
22-608. MOBILEHOME STANDARDS	63
22-609. FIRE PROTECTION	64
22-610. RECREATION AREA	64
22-611. PARK MANAGEMENT	64
22-612. ERECTION OF SINGLE MOBILE HOMES	65
22-613. OCCUPANCY AND REMOVAL OF MOBILE HOMES	65
22-614. PERMIT APPLICATIONS	66
22-615. PROCEDURE FOR SUBMISSION OF LAND DEVELOPMENT APPLICATION	66
22-616. ISSUANCE OF PERMITS	69
22-617. TRANSFER OF OWNERSHIP; VIOLATIONS	70
22-618. INSPECTIONS	70
PART 7	71
RECREATIONAL VEHICLE PARK REGULATIONS	71
22-701. APPLICABILITY	71
22-702. PERMITS	71
22-703. PLAN REQUIREMENTS	71
22-704. DESIGN REQUIREMENTS	74
PART 8	79
DESIGN STANDARDS AND REQUIRED IMPROVEMENTS	79
22-801. GENERAL STANDARDS	79
22-802. MONUMENTS AND MARKERS	80
22-803. STREETS	80
22-804. EASEMENTS	85
22-805. LOT LAYOUT	86
22-806. SANITARY SEWAGE DISPOSAL AND WATER SUPPLY	87
22-807. SITE GRADING	89
22-808. STORMWATER MANAGEMENT FACILITIES	90
22-809. EROSION AND SEDIMENTATION CONTROL	109
22-810. MISCELLANEOUS IMPROVEMENTS	110
22-811. PROVISION FOR A DEVELOPERS AGREEMENT	111
PART 9	112
CERTIFICATES, AFFIDAVITS, APPROVALS	112

Chapter 22
Subdivision and Land Development Ordinance

22-901. CERTIFICATES, AFFIDAVITS, APPROVALS	112
OWNERS ADOPTION	113
INDIVIDUAL ACKNOWLEDGMENT	114
CORPORATION ADOPTION	115
CORPORATION ACKNOWLEDGMENT	116
SURVEYOR'S CERTIFICATE	118
TOWNSHIP PLANNING COMMISSION APPROVAL	119
APPROVAL BY TOWNSHIP OF CHIPPEWA	119
BEAVER COUNTY PLANNING COMMISSION REVIEW	120
PROOF OF RECORDING	120
OWNERS ACCEPTANCE OF RESPONSIBILITY FOR PROVIDED STORMWATER	
DRAINAGE FACILITIES AND CONTROL OF STORMWATER WATER DRAINAGE	121
PART 10	124
SEVERABILITY, REPEALER AND ENACTMENT	124
22-1001. SEVERABILITY	124
22-1002. REPEALER	124
22-1003. CHIPPEWA TOWNSHIP ZONING ORDINANCE	124
22-1004. ENACTMENT	125

PART I

AUTHORITY

22-101. GRANT OF POWER

This Chapter is hereby adopted pursuant to the authority contained in Act No. 247 of 1969, as amended by Act No. 170 of 1988, and the Township of Chippewa does hereby adopt, enact and ordain the following provisions to govern land subdivision, land development within the Township of Chippewa.

22-102. EFFECTIVE DATE AND PURPOSE

This Chapter shall be known and may be cited as "The Subdivision and Land Development Ordinance of Chippewa Township," Chapter 22 of the Code of Ordinances of the Township of Chippewa.

22-103. PURPOSE

This Chapter is adopted for the following purposes:

- 22-103.1. To assist the orderly, coordinated, and efficient development of the Township.
- 22-103.2. To promote the health, safety, morals and general welfare of the residents of the Township.
- 22-103.3. To secure equitable handling of all subdivision and land development plans by providing uniform procedures and standards.
- 22-103.4. To guide uses of land and structures, the type and location of streets, public grounds and other facilities.
- 22-103.5. To promote the orderly development of the Township and the public facilities incident and essential thereto.

22-104. SUBJECT PROPERTIES

No subdivision of any lot, tract or parcel of land nor any land development shall be effected, no street, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be constructed, opened or dedicated for public use or travel or for the common use of occupants of buildings abutting thereon, except in strict accordance with provisions of this Chapter.

Condominiums and other forms of unit property shall be required to file and receive Township approval of a Preliminary and Final Land Subdivision and/or Land Development Plan in accordance with this Chapter as well as a Declaration Plan in accordance with the Pennsylvania Act 82 of 1980, as amended. (Uniform Condominium Act).

22-105. SALE OF LOTS

No lot in a subdivision may be sold, no permit to erect, alter or repair any building upon land in a subdivision may be issued in a subdivision, unless and until the sewage facilities planning module for the plan or lots has been approved by the Township and Pennsylvania Department of Environment Protection, a subdivision plan has been approved and recorded and until the improvements recommended by the Township Planning Commission and required by the Township Board of Supervisors in connection therewith have either been constructed or guaranteed as hereinafter provided.

22-106. PROPERTIES EXEMPT FROM THIS CHAPTER

The division of land by lease for agricultural purposes into parcels of land of more than ten (10) acres, not involving any new street or easement of access, or any residential dwelling shall be exempt from the provisions of this Chapter.

22-107. CONFLICT WITH OTHER TOWNSHIP ORDINANCES

Where a conflict arises between Township Ordinances, the Board of Supervisors may waive requirement(s) to resolve the conflict in accordance with the procedure set forth in this Chapter. However, in all cases involving matters pertaining to and regulated by the provisions of the Township Zoning Ordinance, the Zoning Hearing Board shall be the final authority to interpret and to render a decision.

22-108. CONDITIONS TO FINAL APPROVAL OF PLANS

No final approval for recording a land subdivision or land development plan will be given by the Board of Supervisors until all of the proposed required improvements have been approved by the Township and the construction of said improvements has been fully **completed** and installed. In lieu of said improvement, the owner/developer shall provide a guarantee or surety that is acceptable to the Township as per the provisions of Part 3, insuring that the improvements will be completed within a specified period of time.

22-109. LIMITATION OF LIABILITY

The grant of a permit or approval of a subdivision and/or land development plan shall not constitute a representation, guarantee or warranty of any kind by the Township or by any official or employee thereof as to the advisability or practicability of the proposed use nor shall any such approval represent any warranty as to the accuracy of the

information provided by a developer. Approval of a plan shall create no liability upon the Township, its officials or employees.

22-110. NOTICE ON PLATS

All plats containing or having located thereon streets, roads, highways, rights-of-way or other easements, either public or private, shall contain either or both of the following notices:

- 22-110.1. All plats containing or having thereon any private road shall have conspicuously placed upon said plat the following notice:

"Notice to all purchasers, owners or their heirs, administrators, successors and assigns. This is to notify all prospective purchasers, their heirs, administrators, successors and assigns that this road shown on said plan is a private road and the Township of Chippewa shall not be responsible for any maintenance or repair of said private road and the cost of said private roadway shall be born by the parties abutting said roadway, their respective heirs, successors and assigns."

- 22-110.2. All plats containing or having thereon any street, road, highway, right-of-way or easement dedicated to the public or intended for public use shall have conspicuously placed upon said plat the following notice:

"The approval of this subdivision by either the Chippewa Township Planning Commission or the Chippewa Township Board of Supervisors does not constitute an acceptance of the dedication of any street, road, highway or its right-of-way, nor any sanitary or storm sewer system, or its appurtenances, nor the easements for the same. Likewise, the approval of this subdivision by either the Chippewa Township Planning Commission or the Board of Supervisors shall not impose any duty upon the Township for the construction, improvement, maintenance or repair of any such streets, roads, highways, sanitary or storm sewers. The requirement remains with the subdivider and/or the owner of the land to ensure that all such public improvements shown on this plan are, in fact, made in accordance with these plans and in accordance with other applicable State, Township or Federal regulations. In addition, approval of this subdivision plan by either the Chippewa Township Planning Commission or the Chippewa Township Board of Supervisors shall not constitute a waiver of any right on the part of the Township of Chippewa to assess properties within this subdivision for municipal improvements and file any municipal claims and liens for the same, or otherwise collect the cost of the same as provided by law."

22-111. APPROPRIATIONS, GRANTS AND GIFTS

The Board of Supervisors is hereby authorized and empowered to make such appropriations as it may see fit, to accept gifts from private sources and grants or bequests from public and/or private sources for the intent of carrying out the purposes, powers, and duties and enforcement of this subdivision and land development chapter. Gifts of public improvements such as streets, water and/or sewage lines and systems, public lighting systems and other public improvements may be accepted in kind or in the monetary equivalent or part thereof as may be obtained by the Township to promote the overall development and purposes of this Chapter and other local, state and federal laws related thereto.

PART 2

DEFINITIONS

22-201. WORD USAGE

For the purpose of this Chapter, the following words and phrases shall have the meaning as given in this Part.

- 22-201.1. The particular shall control the general.
- 22-201.2. Words in the present tense include the future.
- 22-201.3. The singular includes the plural.
- 22-201.4. The word "shall" is mandatory, the word "may" is optional.
- 22-201.5. The word "person" means an individual, corporation, partnership, firm, association, company, or any other similar entity.

22-202. MEANING OF WORDS

ACCESS DRIVE: The principal means of access into all parking areas with over fifty (50) parking spaces and the principal means of access to public and semi - public uses and to multi-family developments, and the principal means of access to on-site buildings and structures, or to loading and unloading areas in the C-1, PC, and IC districts of this Chapter.

ACCESS POINTS: Locations along the edge of a lot or property abutting a street that provide the entry into the lot by vehicles.

AGRICULTURAL OPERATION: An enterprise that is actively engaged in the commercial production and preparation for market of 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 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.

ALLEY: A way providing secondary vehicular access to the side or rear of two (2) or more properties. **New** alleys shall not be **designed and constructed**.

APPLICANT: A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.

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

ARC: A curved line that is centered from a point and has a definite length, terminating each end in a tangent or another arc.

ARCHITECT: A registered Architect licensed as such in the Commonwealth of Pennsylvania.

AVAILABLE SANITARY SEWER: A Township or Authority sanitary sewer line is considered available if:

- A. Connection is required by the regulations of the Chippewa Township Sanitary Authority.
- B. Connection is required by the regulations of the Pennsylvania Department of Environmental Protection pursuant to the Pennsylvania Sewage Facilities Act, Act No. 537, as amended.
- C. An existing Township or Authority sanitary sewer line, with sufficient capacity, is located within one thousand feet (1,000') of the nearest point of a land subdivision or land development.

AVAILABLE WATER: A Township or Authority water line is considered available if:

- A. Connection is required by the regulations of the Chippewa Township Sanitary Authority or other Authority with jurisdiction.
- B. An existing Township or Authority sanitary sewer line, with sufficient capacity, is located within one thousand feet (1,000') of the nearest point of a land subdivision or land development.

BASE COURSE: The road building materials precisely laid down on the prepared subgrade of a roadway to support the pavement of the road.

BEARING: The direction that a line points relative to magnetic north.

BENCHMARK: A permanent elevation established by the United States Coast and Geodetic survey to which other elevations should be tied.

BLOCK: An area bounded by streets.

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

BUILDING: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground that has a roof supported by columns or walls.

BUILDING LINE: A line located on the lot or parcel at a fixed distance from the street right-of-way line and interpreted as being the nearest point that a building may be constructed to the street right-of-way. The building line shall limit the location of porches, patios, and similar construction to the face of this line.

CARTWAY: That portion of the street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb or from one (1) edge of driving surface to the other edge of driving surface.

CLEAR SIGHT TRIANGLE:

- A. Intersection of Driveway with Street: The triangular area formed by an intersecting street centerline with the driveway and a line interconnecting points established on each centerline.
- B. The triangular area formed by two (2) intersecting street centerlines and a line interconnecting points established on each centerline, seventy-five feet (75') from their point of intersection. This entire area is to remain clear of obstructions to sight above a plane established three and one half feet (3 1/2') in elevation from grade level at the intersection of the street centerline.

CLUSTER SUBDIVISION: A subdivision in which individual lots are designated in somewhat tighter arrangements than a conventional subdivision with a significant percentage of the total plot or parcel being dedicated and held as common open space.

COLLECTOR STREET: See Street classification.

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

COMPREHENSIVE PLAN: The Comprehensive Plan for the Township of Chippewa.

CONVENTIONAL SUBDIVISION: A subdivision in which all or most of a plot or parcel is divided into lots and streets having, at a minimum, the lot area and lot width required by the Township Zoning Ordinance for the use proposed by the subdivision plan. Little or no area(s) within this type of development is set aside for common open space.

CORNER LOT: A lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred and thirty-five degrees (135°).

COVENANT: An obligation defined by law or agreement, the violation of which can be restrained by court action. These are usually stated in the deed.

CROSS-SECTION: A cut through a road or utility at right angles to its length revealing materials and dimensions of components of construction.

CUL-DE-SAC: A residential street with one end open to traffic and pedestrian access and terminated by a vehicular turnaround.

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

- a) The Township Board of Supervisors;
- b) The Zoning Hearing Board; or
- c) The Planning Commission, only if and to the extent the Planning Commission is charged with final decision on preliminary or final plans under the Subdivision and Land Development Ordinance or planned residential development provisions.

Determination shall be appealable only to the boards designated as having jurisdiction for such appeal.

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

DEVELOPMENT: Any man-made change to land or water areas including but not limited to buildings, structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or in the case of flood plain regulations the storage of materials and equipment. (Revised by Ord. 182, 9/8/1997)

DEVELOPMENT PLAN: The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, parking facilities, common open space and public facilities. The phrase "Provisions of the Development Plan" when used in the **Pennsylvania Municipalities Planning Code, Act 247 as amended** shall mean the written and graphic materials referred to in this definition.

DRIVEWAY: The improved access from a public street to a single-family residential dwelling and to parking areas of less than fifty (50) parking spaces.

DWELLING UNIT: Any structure or portion thereof, which is designed and used for residential purposes and includes kitchen and bathroom facilities. (Revised by Ord. 182, 9/8/1997)

EASEMENT: A grant by a property owner **for** the use of land by the public, a corporation, or persons for specific purposes **such** as the construction of utilities, drainage ways and roadways.

ENGINEER, TOWNSHIP: A Registered Professional Engineer licensed as such in the Commonwealth of Pennsylvania, and knowledgeable in civil engineering. The Township Engineer who is charged with the design and inspection of the work, and determining the quantities of materials and labor to be paid for. During the execution of the work, the term "Engineer" shall also **include** the assistant, inspector, or other representative acting within the authority given. The Engineer is to be considered an agent of the Township.

ESCROW FUND OR ACCOUNT: An interest bearing note, established by a developer at a financial institution, of an amount required to guarantee completion of improvements to be constructed in a development and payable to the Township in the event that the developer fails to complete the improvements within the specified time frame.

ESSENTIAL PUBLIC SERVICE FACILITIES: The erection, construction, alteration, or maintenance by public utilities, municipal authorities, or Township agencies of underground or overhead water, sanitary sewers, or storm sewers, gas, electrical, telephone transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, towers, fire alarm boxes, traffic signals, hydrants, and similar equipment and accessories in connection therewith and where reasonably necessary for the furnishing of adequate service, buildings, and structures. Specifically excluded from this definition are communication towers and communication antennas. (Revised by Ord. 182, 9/8/1997)

FINANCIAL SECURITY: A corporate bond, letter of credit, or escrow account from a surety or a financial institution acceptable to the Township, naming the Township as obligee.

FLOODPLAIN, FLOOD HAZARD AREA, FLOODPRONE AREA: A land area adjoining a river, stream, water body, or water course which is likely to be flooded as established by the Federal Emergency Management Agency.

FLOOD WAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Chapter, the flood way shall be capable of accommodating a flood of the one hundred (100) year magnitude. (Revised by Ord. 182, 9/8/1997)

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

HIGHWAY OCCUPANCY PERMIT: Authorization issued by the Pennsylvania Department of Transportation permitting a property owner specific access to a state maintained highway, and required before a building permit for development of the property may be issued.

IMPROVEMENTS: Those physical changes to the land necessary to produce usable and desirable lots from raw acreage including, but not limited to, grading, paving, curb, gutter, storm sewers and drains, improvements to existing water courses, sidewalks, crosswalks, street signs, monuments, water supply facilities, and sewage disposal facilities.

LAND DEVELOPMENT:

1. The improvement of one (1) or two (2) or more contiguous lots, tracts or parcels of land for any purpose involving:
 - a) A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - b) The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
2. A subdivision of land.
3. Development in accordance with Section 503 (1.1) of the Municipalities Planning Code.

LANDOWNER: The legal or beneficial owner or owners of land located within the Township of Chippewa, Beaver County, Pennsylvania, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

LANDSCAPE ARCHITECT: A Registered Landscape Architect licensed by the Commonwealth of Pennsylvania.

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

LOT AREA: The area of a horizontal plane measured at grade and bounded by the front, side, and rear lot lines as measured from the street right-of-way line and not including any part of an alley, public space or public street. Lot area shall also be defined to include parcel or tract area.

LOT DEPTH: The **average** horizontal distance between the front lot line **boundary** and the rear lot **boundary** lines.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The lines bounding a lot.

LOT LINE, EXTERIOR: Any property line that divides said lot from a public right-of-way.

LOT LINE, INTERIOR: Any property line that divides said lot from another lot. Said lot line may be a side or rear lot line.

LOT WIDTH: The total horizontal distance (including actual arc distances) between the side lot lines along a line parallel to the front lot line. In case of an irregularly shaped lot, the minimum required lot width shall be measured at the building line. Minimum lot width shall also be defined to include minimum parcel or tract width.

MAINTENANCE BOND: A guarantee, backed by the developer's collateral, held in escrow, that upon completion to the Township's satisfaction, public improvements will be maintained for a stipulated time period at no Township expense against structural integrity of said improvements.

MOBILEHOME: 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.

MOBILEHOME LOT: A leased parcel of land in a mobilehome park, improved with the necessary utility connections and other appurtenances for the erection thereon of a single mobile or modular home.

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

OFF-SITE SEWER SERVICE: A sanitary sewage collection system in which sewage is carried from an individual lot or dwelling unit(s) by a system of pipes to a central treatment and disposal plant located beyond the limits of the lot being served and

which shall be publicly owned and operated or privately owned and operated upon approval of the Board of Supervisors.

OFF-SITE WATER SERVICE: A potable water distribution system in which water is carried to individual lots or dwelling units by a system of pipes from a central water source located beyond the limits of the lot being served which may be publicly owned and operated or privately owned and operated upon approval of the Board of Supervisors.

ON-SITE SANITARY SEWER SERVICE: A single system of piping, tanks or other facilities approved by the Township serving only a single lot and disposing of sewage in whole or in part into the soil.

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

ONE HUNDRED (100) YEAR FLOOD: A flood having an average frequency of one in one hundred (1:100) years.

OWNER: The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee if he is authorized under the lease to exercise the rights of the landowner or other person having a proprietary interest in land, shall be deemed to be a landowner for the purpose of this Chapter.

PARCEL: A recorded division of land or water area, may also be called the tract or lot.

PARKING SPACE: An off-street space having an area of not less than one-hundred and sixty-two (162) square feet, whether inside or outside of a structure, for the temporary standing of automotive vehicles to be used exclusively as a parking stall for one (1) automotive vehicle. The parking space shall be located off or beyond the public right-of-way.

PERSON: Unless otherwise specified person shall mean both the singular and plural, male or female, firm, business, partnership, association or corporation.

PLAN, COMPREHENSIVE: The Comprehensive Development Plan of Chippewa Township.

PLAN, FINAL: A complete and exact subdivision plan, prepared for official recording as required by state, to define property rights, proposed streets and all other improvements.

PLAN, PRELIMINARY: A tentative subdivision plan, in lesser detail than a final plan, showing approximate street and lot layout on a topographic map as a basis for consideration prior to preparation of a final plan.

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

PLANNED RESIDENTIAL DEVELOPMENT: An area of land, controlled by a landowner, to be developed as a single entity for a number of dwelling units, or combination of residential and nonresidential uses, the development plan for which does not correspond in lot size, bulk, type of dwelling, or use, density, or intensity, lot coverage and required open space to the regulations established in any one district created, from time to time, under the provisions of the Chippewa Township Zoning Ordinance.

PLANNING COMMISSION: The duly appointed members of the Chippewa Township Planning Commission which provides recommendations to the Township Supervisors on land use and community development issues.

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

PUBLIC HEARING: A formal meeting held pursuant to public notice by the Board of Supervisors or the Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania Municipalities Planning Code, Act 247, as amended.

PUBLIC IMPROVEMENT: Any improvement, facility, or service together with its associated site or easement necessary to provide transportation, drainage, utilities, or similar essential services and facilities and that are owned and operated by Township or the municipal authority with jurisdiction.

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

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

PUBLIC RIGHT-OF-WAY: Land reserved by way of public ownership or dedication for use as a road, street, alley, crosswalk, pedestrian way, or other public purpose.

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

RESERVE STRIP: A strip of land adjacent to a street, the purpose or intent of which is to limit, control, or obstruct the access to said street from an adjacent property.

SERVICE ROADS (Service Streets): Streets parallel and adjacent to arterial streets or collector streets providing access to adjoining properties and for control of intersections with arterial streets. Service roads are classified as having a collector street function.

SIDE YARD: The required open space extending from the side of any building along the side lot line throughout the entire depth of the building.

SIGHT DISTANCE: The safe stopping sight distance for the vertical curves on roadway pavement shall be calculated with an eye height of 3.5 feet above the roadway pavement and a height of an object of 0.50 feet.

STORMWATER/STORMWATER RUNOFF: Water flowing over a surface due to a rainfall that may be augmented by groundwater and melting ice and snow.

STORMWATER MANAGEMENT SYSTEM: A system of natural and/or man-made elements that control, convey, absorb, use, or store stormwater runoff.

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

STREET CLASSIFICATION: The following street classification shall apply to existing public streets in the Township as identified in the Township Comprehensive Plan and said classification shall apply to public streets:

- A. Local: Those public ways identified in the Chippewa Township Comprehensive Plan as local thoroughfares and those other public ways which are not identified in any manner in said Comprehensive Plan and are designed to carry minimal traffic flow.
- B. Collector Street: Those public ways identified in the Chippewa Township Comprehensive Plan as collector thoroughfares that are designed to carry a moderate traffic flow.
- C. Arterial, Minor: Those public ways identified in the Chippewa Township Comprehensive Plan as minor arterial thoroughfares are designed to carry moderate to heavy traffic flow.
- D. Arterial, Major: Those public ways identified in the Chippewa Township Comprehensive Plan as arterial thoroughfares that are designed to carry a heavy traffic flow.

STREET, PRIVATE: A developed right-of-way constructed to Township Standards intended for vehicular use, however, not maintained by the Township.

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 into or between two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines or street lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or lot development, provided however, that the subdivision of land for agricultural purposes into parcels of more than ten (10) acres not involving any new street or easement of access shall be exempt.

SUBSTANTIALLY COMPLETED: Where, in the judgment of the Township Engineer, at least ninety percent (90%) (based on the cost of the required improvements for which financial security was posted pursuant to **section 509 of the Pennsylvania Municipalities Planning Code, Act 247 as amended**) 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: The establishment of locations and dimensions on the ground and recorded on the Final Site Plan/Recording Plat.

SURVEYOR: A Professional Land Surveyor licensed as such in the Commonwealth of Pennsylvania.

SURFACE DRAINAGE PLAN: A plan showing all present and proposed grades, contours, and facilities for stormwater drainage and management as per **applicable regulations in effect**.

TOPOGRAPHIC MAP: A map showing ground elevations by contour lines and the location of important natural and other objects.

TOWNSHIP: The Township of Chippewa, Beaver County, Pennsylvania, or its duly authorized representatives.

TRACT: The whole or original **recorded** land and water area **from which additional subdivisions and/or land developments are created, may also be called parcel or lot**.

U.S.G.S.: United States Geological Survey.

UTILITIES: Those facilities and installations whether public or private, **which provides services to the public**, such as electrical service, gas service, telephone service, water distribution service, and sanitary sewerage collection service, cable television and stormwater detention and collection facilities.

VISUAL SCREEN: Including but not limited to **the following**, a masonry wall; **an opaque wooden** fence (finished side toward adjacent use); or a screen planting used to conceal the view of the occupants of an adjoining use, the uses on the premises on which the visual screen is located.

WATERCOURSE: Includes stream of water, creek, brook, ditch, drain, channel or bed of stream, dry run, naturally formed drainage way or swale, or a man-formed or constructed drainage way, swale, or facilities.

WETLANDS: Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

ZONING OFFICER: That individual authorized by the Board of Supervisors to be the administrator of the day to day application of the provisions contained in this Chapter.

PART 3

PROCEDURE FOR SUBMISSION OF SUBDIVISION PLATS

22-301. GENERAL

- 22-301.1. No person proposing a subdivision shall proceed with any grading, as defined, or improvements for streets or installation of public utilities until the preliminary plat of the proposed subdivision is approved by the Supervisors.
- 22-301.2. No person proposing a subdivision shall sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of any building in a subdivision until the final plat of the proposed subdivision is approved by the Supervisors and recorded in accordance with the provisions hereof.
- 22-301.3. The subdivision of an existing tract of land into not more than three (3) residential lots already having an existing public water supply, public sanitary sewage supply and along an existing state or township public street may at the discretion of the developer or subdivider be submitted to the Planning Commission in final plan form in accordance with this Part. All other types of subdivision shall be processed in three (3) stages of review; preapplication, preliminary, and final plan, except as provided for herein.
- 22-301.4. Modification:
- A. Purpose: Where the Planning Commission and the Board of Supervisors find that extraordinary hardships may result from strict compliance with this Chapter, they may vary the requirements so that substantial justice may be done and the public interest secured; provided that such modification will not have the effect of nullifying the interest and purpose of this Chapter.
 - B. Granting: In granting modifications, the Planning Commission may recommend and the Board of Supervisors may require such conditions, as will, in its judgment, secure substantially the objectives of the standard or requirements so varied or modified. The granting of administrative relief and modifications by the Planning Commission shall be conditional and subject to the final approval of the Board of Supervisors.
 - C. Procedure: All requests for a modification shall be in writing and shall be a part of the application for final approval or development, or in the case of a consolidated review, the request shall accompany the initial application. The request shall state the facts of unreasonableness or hardship, the provision or provisions involved

and the minimum modification necessary. The Board of Supervisors may refer the request to the Planning Commission for advisory comments prior to action and shall keep a written record of action taken.

22-302. PREAPPLICATION/ADVISORY MEETING

- 22-302.1. A person desiring to subdivide a tract of residentially zoned land into four (4) or more lots or any nonresidentially zoned land, regardless of the number of lots, shall first attend a preapplication/advisory meeting with designated Township staff. The preapplication/advisory meeting shall occur at least seven (7) days prior to the regularly scheduled meeting of the Planning Commission. No fee or formal application is required for this meeting. The purpose of this meeting is to inform the subdivider of Township regulations, provide an overview of the Township subdivision process, and review the sketch plan for completeness. The subdivider shall be prepared to discuss the details of his proposed subdivision, including such items as proposed use, existing features of the area, existing right-of-way and easements for utilities and drainage, existing covenants, proposed utilities and street improvements. The subdivider shall submit a sketch plan with the following information:
- A. Location map.
 - B. General information concerning the extension of community facilities and/or any other significant man-made or natural features that will affect the proposal.
 - C. A property map at a legible scale showing the specific parcel of land or site involved.
 - D. A sketch of the proposed development drawn at a scale no smaller than 1" = 400', showing the proposed layout of streets and lots, and other features of the subdivision.
 - E. Existing roads, easements, rights-of-ways and other restrictions.
 - F. Existing land use: Open land, agricultural, forest, residential or other.
 - G. Existing watercourse or waterbody.
 - H. General location of any existing structures.
 - I. Short narrative of subdivision plans.
- 22-302.2. The submission of the Preapplication Sketch Plan shall not constitute an actual application for subdivision approval nor can such a preapplication ever be subject to deemed approval.
- 22-302.3. No Preliminary or Final Plan Application shall be accepted for consideration by the Planning Commission or the Board of Supervisors unless a Preapplication Sketch Plan has been submitted and a meeting held with designated Township staff except where specified.

22-303. PRELIMINARY PLAN PROCEDURES

22-303.1. Submission of the Preliminary Subdivision Plan:

- A. Preliminary Plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Zoning Officer at least thirty (30) days in advance of a regularly scheduled meeting of the Township Planning Commission.
- B. The Township Planning Commission shall consider as officially received only those subdivision applications that are signed, and completed as determined by the Zoning Officer, and for which the filing fee has been paid. An incomplete application shall be rejected and will be referred back to the applicant.
- C. Where it is determined by the Zoning Officer that the application is incomplete or does not meet the requirements for preliminary plan consideration and is returned to the applicant, the application fee shall be retained by the Township and the applicant shall be required to pay a new application fee when the preliminary plan is resubmitted.

22-303.2. Content of Application: The Preliminary Subdivision Plan Application shall consist of the following:

- A. Three (3) completed copies of the appropriate application form.
- B. Eighteen (18) blue-line or black-line paper prints of the preliminary plan showing all the information required in this Part.
- C. Eighteen (18) copies of all other required documentation.
- D. A filing fee as established by the Chippewa Township Supervisors.
- E. Proof of ownership - The applicant shall submit proof of proprietary interest in the land, if none is provided, the Township shall not consider the application complete until such submission is made.

22-303.3. Distribution of Preliminary Plan for Review and Comment: Copies of the completed application of a Preliminary Plan and accompanying documentation shall be immediately distributed by Township staff upon receipt.

22-303.4. Preparation of Preliminary Subdivision Plan and Scale: The Preliminary Plan submission shall be prepared by a Professional Land Surveyor, Professional Engineer or Landscape Architect, submitted on sheets which measure twenty-four inches by thirty-six inches (24" x 36") overall. There shall be a border of one-half inch (1/2") on all sides except the binding end which shall have a border of one and one-half inches (1 1/2"). Where necessary to avoid sheets larger than the maximum prescribed above, preliminary plans shall be drawn in two (2) or more sections accompanied by a key diagram showing relative locations of the section, and made to the following scale:

- A. Tracts of one (1) acre or less shall be drawn at a scale of no less than one inch (1") equals fifty feet (50').
- B. Tracts of one (1) to ten (10) acres shall be drawn at a scale of no less than one inch (1") equals one hundred feet (100').
- C. Tracts in excess of ten (10) acres shall be drawn at a scale of no less than one inch (1") equals two hundred feet (200'), and shall include topographical features.
- D. Tracts to be used for commercial, industrial, or high density housing development shall be drawn at a scale of no less than one inch (1") equals fifty feet (50'), and shall include topographical features.

22-303.5. Content of Plan: The preliminary subdivision plan shall contain the following information:

- A. Name of proposed subdivision and of the municipality in which it is located.
- B. The Deed Book Volume and page number of the original tract.
- C. The Tax Parcel Number(s) of the original tract(s).
- D. Name, address and telephone number of the applicant or developer.
- E. Name, address, telephone number and the seal with the license number of the Professional Land Surveyor who prepared the drawings.
- F. Seal and license number of Professional Land Surveyor, **Registered** Professional Engineer or Landscape Architect.
- G. Date of original submission and of each subsequent revised submission.
- H. True or magnetic north point.
- I. Written and graphic scale.
- J. A certificate by the professional land surveyor that the plan accurately describes the land to be subdivided and that all distances and bearing shown on the plan are true and correct based upon an actual field survey and in accordance with the Surveyor's Certificate
- K. A regional locator map, for the purpose of locating the property being subdivided drawn at a scale of one inch (1") equals one thousand feet (1,000') and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within one thousand feet (1,000') of any part of the property. In addition a title, scale and north arrow shall be indicated.
- L. The total tract boundary lines of the area being subdivided accurate to hundredths of a foot and bearings to one quarter (1/4) of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one foot (1') in ten thousand feet (10,000'); provided, whoever, that the boundary(s) adjoining additional unplatted land of

the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided.

- M. A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
- N. Boundaries of adjacent properties, name of **the owner of record** and deed reference. When adjacent properties are part of a recorded plat only the lot number and subdivision name need **to** be shown.
- O. Contour lines at vertical intervals of at least two feet (2') for land with average natural slope of four percent (4%) or less, and at intervals of at least five feet (5') for land with average slope exceeding four percent (4%).
- P. Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be **an** established bench mark.
- Q. The name (or number) and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.
- R. If the subdivision proposes a new street intersection with a State Legislative Route, the intersection occupancy permit number(s) or at least application number shall be indicated for all such intersections.
- S. Location of existing streets and alleys adjoining the tract including name, width, width of cartway, sidewalks.
- T. The location (and elevation, if established) of all existing and proposed street monuments.
- U. Location of existing and proposed right-of-way and easements.
- V. Lot numbers and a statement of the total number of lots and parcels.
- W. Lot lines with area bearings, distances, radii, arcs, chord bearings, and chord distances.
- X. The building setback lines for each lot or other sites **proposed for development**.
- Y. A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exists or will exist as covenants in the deed for the lots contained in the subdivision, and, if recorded, including the book and page number.
- Z. Location and size of existing and proposed utility structures and/or transmission lines, including but not limited to, water, gas, electric, petroleum, and all easements or right-of-way connected with such structures and/or lines.

- AA. The location of any existing bodies of water or watercourses, tree masses, buildings or structures (including the locations of wells and on-site sewage facilities for such buildings or structures), public facilities and any man-made or natural features within or near the proposed subdivision.
- AB. Location, size and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or existing capped sewer lines) and location of all manholes, inlets and culverts. This data may be submitted as a separate plan.
- AC. Location, size, and invert elevation of all existing and proposed storm sewers and other drainage facilities with the size and material of each indicated, and any proposed connections with existing facilities.
- AD. Location of drainage structures, including marshes, ponds, streams, wetlands, or similar conditions.
- AE. Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.

22-303.6. Supplementary Data Required: The Preliminary Plan shall be accompanied by the following supplementary data except as waived by the Planning Commission for a particular application:

- A. A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.
- B. A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.
- C. Preliminary designs of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.
- D. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawing(s) may be shown either on the Final Plan or the profile sheets.
- E. Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
 - 1. Existing (natural) profile along both cartway edges or along the centerline of each street.
 - 2. Proposed finished grade of the centerline, or proposed finished grade at the top of both curbs or proposed finished grade at both cartway edges.
 - 3. The length of all vertical curves.
 - 4. Existing and proposed sanitary sewer mains and manholes.
 - 5. Existing and proposed storm mains, inlets, manholes, and culverts.

- F. Where the Preliminary Plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be submitted. The street system of the submitted part will be considered in light of adjustments and connections and future streets in the part not submitted.
- G. A statement in writing from the municipal authority with jurisdiction that there is adequate capacity to serve the proposed subdivision or land development.
- H. A stormwater drainage plan and stormwater drainage calculations as required by the Stormwater Management Act and Part 8 of this Chapter.
- I. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or leasee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.
- J. The applicant shall provide such additional information as may be required by the Township and its review agencies.

22-303.7. Nature of Preliminary Approval: Approval of a preliminary plan shall not constitute approval of a final plan, but rather an expression of layout submitted on the preliminary plan, as a guide to the preparation of the final plan and to give the applicant time to secure such other matters such as road permits, sewage module approvals, rights-of-way and contracts with utility providers.

- A. Granting a preliminary plan approval shall not qualify a plan for recording, nor authorize development or the issuance of any building permits.
- B. In the case where a land subdivision and/or land development is projected over a period of years, the Board of Supervisors may approve the overall preliminary plan and then may authorize submission of final plans by sections or stages of development. Submission of final plans shall be subject to such requirements **and** improvements guarantees that the Board of Supervisors finds essential for the protection of the overall plan of development.
- C. All final plan applications and all exhibits required for approval shall be submitted to the Township within one (1) year after approval of the preliminary plan. Otherwise, the preliminary plan approval shall become null and void.

22-304. FINAL SUBDIVISION PLAN PROCEDURES

22-304.1. Submission of a Final Subdivision Plan for approval shall occur not more than one (1) year following the date of approval of the Preliminary Plan. Failure to submit the final plan within this period of time shall make the approval of the Preliminary Subdivision Plan null and void unless an extension of time has been granted in writing by the Board of Supervisors.

- A. The Planning Commission, with the concurrence of the Board of Supervisors, may authorize that the final plans be submitted by sections or stages of development, under such terms and conditions as may be deemed appropriate by the Planning Commission and the Board. Where such authorization has been made, the Board may approve the release of portions of the financial security necessary for payment to the contractors performing the work, subject to such procedures as may be required by this Part and the Pennsylvania Municipalities Planning Code, as amended. Except for any modifications or changes, other than those required, to be made to an approved Preliminary Plan, the plan shall be submitted again as a Preliminary Plan.
- B. Final Plans and all required accompanying documentation shall be submitted by the applicant or his authorized representative to the Township Secretary, Assistant Secretary or Zoning Officer at least fifteen (15) business days in advance of a regularly scheduled Township Planning Commission meeting.

22-304.2. Content of Final Subdivision Application: The final subdivision application shall consist of:

- A. Twelve (12) blue-line or black-line paper prints of the Final Plan showing all the information required in Section 303;
- B. Twelve (12) copies of all other required documentation.
- C. A filing fee as established by resolution of the Chippewa Township Board of Supervisors.

22-304.3. Distribution of Final Plan for Review and Comment: Copies of the Final Plan and accompanying documentation shall be immediately distributed by the applicant as follows:

- A. One (1) copy of the application, plan and accompanying documentation to the Sanitary Authority if subdivision is to be **connected to** sanitary sewers or require the addition or extension of public sanitary sewers.
- B. One (1) copy of the plan to the District Office of the Pennsylvania Department of Transportation when a proposed subdivision abuts or is traversed by a State road.

- C. Proof that the Final Subdivision Plan has been filed with all the Commission within fifteen (15) days of the filing of the application.

22-304.4. Preparation of Final Subdivision Plan and Scale: The Final Subdivision Plan submission shall be prepared by a Professional Land Surveyor, submitted on sheets which measure twenty-four inches by thirty-six inches (24" x 36") overall. There shall be a border of one-half inch (1/2") on all sides except the binding end which shall have a border of one and one-half inches (1 1/2"). Where necessary to avoid sheets larger than the maximum prescribed above, preliminary plans shall be drawn in two (2) or more sections accompanied by a key diagram showing relative locations of the section, and made to the following scale:

- A. Tracts of one (1) acre or less shall be drawn at a scale of no less than one inch (1") equals fifty feet (50').
- B. Tracts of one (1) to ten (10) acres shall be drawn at a scale of no less than one inch (1") equals one hundred feet (100').
- C. Tracts in excess of ten (10) acres shall be drawn at a scale of no less than one inch (1") equals two hundred feet (200') and shall include topographical features.
- D. Tracts to be used for commercial, industrial, or high density housing development shall be drawn at a scale of no less than one inch (1") equals fifty feet (50'), and shall include topographical features.

22-304.5. Content of Plan: The Final Subdivision Plan shall contain the following information:

- A. Name of proposed subdivision and of the municipality in which it is located.
- B. The Deed Book Volume and page number of the original tract.
- C. The Tax Parcel number of the original tract.
- D. Name, address and telephone number of the applicant subdivider or developer.
- E. Name, address, telephone number and license number of the Professional Land Surveyor who prepared the drawings.
- F. Seal of Professional Land Surveyor, **Registered** Professional Engineer or Landscape Architect.
- G. Date of original submission and of each subsequent revised submission.
- H. True or magnetic north point.
- I. Written scale and graphic scale.
- J. A certification by the Professional Land Surveyor that the plan accurately describes the land to be subdivided and that all distances and bearings shown on the plan are true and correct based upon an actual field survey.

- K. A regional locator map, for the purpose of locating the property being subdivided drawn at a scale of one inch (1") equals one thousand feet (1,000') and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded subdivision plans existing within one thousand feet (1,000') of any part of the property. In addition, a title, scale and north point shall be indicated.
- L. The total tract boundary lines of the area being subdivided accurate to hundredths of a foot and bearings to the nearest second of a minute. These boundaries shall be determined by accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one foot (1') in ten thousand feet (10,000'); provided, however, that the boundary(s) adjoining additional unplatted land of the subdivider (for example, between separately submitted final plan sections) are not required to be based upon field survey, and may be calculated. The location and elevation of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided.
- M. A plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
- N. Boundaries of adjacent properties, name of record owner and deed reference. When adjacent properties are part of a recorded plat only the lot number and subdivision name need be shown.
- O. Contour lines at vertical intervals of at least two feet (2') for land with average natural slope of four percent (4%) or less, and at intervals of at least five feet (5') for land with average slope exceeding four percent (4%).
- P. Location and elevation of the datum to which contour elevations refer; where practicable, datum used shall be an established bench mark.
- Q. The name (or identifying number) and cartway width and lines of all proposed and existing public streets and the name and location of all other roads within the property.
- R. If the subdivision proposes a new street intersection with a State Legislative Route, the intersection occupancy permit number(s) or at least application number shall be indicated for all such intersections.
- S. Location of existing streets and alleys adjoining the tract including name, width, width of cartway, and sidewalks.
- T. The location (and elevation, if established) of all existing and proposed street monuments.
- U. Location of existing and proposed right-of-way and easements.
- V. Lot numbers and a statement of the total number of lots and parcels.
- W. Lot lines with bearings, dimensions and lot areas.

- X. The building setback lines for each lot, or tract.
- Y. A statement of the intended use of all nonresidential lots, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision and, if recorded, including the book and page number.
- Z. Location and size of existing and proposed utility structures and/or transmission lines including but not limited to water, gas, electric, petroleum, and all easements or rights-of-way connected with such structures and/or lines.
- AA. The location of any existing bodies of water or water courses, tree masses, buildings or structures (including the locations of wells and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or in close proximity to the proposed subdivision.
- AB. Location, size and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or existing capped sewer lines) and location of all manholes, inlets and culverts. This data may be submitted as a separate plan.
- AC. Location, size and invert elevation of all existing and proposed storm sewers and other drainage facilities with the size and material of each indicated, and any proposed connections with existing facilities.
- AD. Location of drainage structures, including marshes, ponds, streams, wetlands, or similar conditions.
- AE. Parks, playgrounds and other open space to be dedicated or reserved for public use, with any conditions governing such use.
- AF. A certification of ownership, acknowledgment of a plan and offer of dedication shall be lettered on the plan and shall be duly acknowledged and signed by the owner(s) of the land being developed or subdivided.
- AG. A signature approval block for the use of the County Planning Commission, the Township Planning Commission, if any, and the Supervisors.

22-304.6. Supplementary Data Required: The Final Subdivision Plan shall be accompanied by the following supplementary data except as specifically **waived** by the Planning Commission as in a particular case:

- A. A plan revision module for land development as required by the Pennsylvania Department of Environmental Protection.
- B. A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act.
- C. Preliminary design of any bridges or culverts which may be required. Such designs shall meet all applicable requirements of the

Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation.

- D. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawing(s) may be shown either on the Final Plan or on the profile sheets.
- E. Profile sheets for all proposed streets within the tract. Such profiles shall show at least the following information, properly labeled:
 - 1. Existing (natural) profile along both cartway edges or along the centerline of each street.
 - 2. Proposed finished grade of the centerline, or proposed finished grade at the top of both curbs or proposed finished grade at both cartway edges.
 - 3. The length of all vertical curves.
 - 4. Existing and proposed sanitary sewer mains and manholes.
 - 5. Existing and proposed storm mains, inlets, manholes, and culverts.
- F. Where the Final Plan covers only a part of the entire landholdings, a sketch of the future street system of the unsubmitted part shall be submitted. The street system of the submitted part will be considered in light of adjustments and connections and future streets in the part not submitted.
- G. Water and sewer feasibility reports from the municipal authority with jurisdiction as may be required including any updated information which may have become available since the submission of the preliminary plan.
- H. A stormwater management plan and stormwater drainage calculations, as required by the Stormwater Management Act and **Part 8** of this Ordinance.
- I. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum products transmission line located within the tract, the application shall be accompanied by a letter from the owner or leasee of such easement or right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may be satisfied by submitting a copy of any recorded agreement containing such information.
- J. Whenever a subdivision proposes to establish a street (or streets) which is not offered for dedication to public use, the Supervisors shall require the subdivider to submit, and also to record with the plan at the applicant's or developer's own expenses, a statement to the effect that the said street (or streets) as shown on the plan is/are not dedicated public street(s) and that the Township shall not be responsible for construction, maintenance, snow removal or cleaning of said street(s).

- K. An agreement that the applicant will install all underground utilities prior to installing the wearing course on the cartways or constructing sidewalks.
- L. Where the proposed development lies partially or completely in any floodprone area, or borders on any floodprone area, such plan shall also show the location and elevation of proposed roads, public utilities, and building sites and other information required by Chapter 27, Part XVI of the **Chippewa Township** Code of Ordinances.
- M. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
- N. Any other proposed Erosion and Sedimentation Control Plan which has been submitted to the County Conservation District Office for review and recommendations, or a plan and/or other documentation to show what has been or will be done in response to their recommendations.

22-305. APPROVAL OF SUBDIVISION

- 22-305.1. All subdivision applications whether preliminary or final shall be acted upon by the Planning Commission within such time so that the recommended action of the Planning Commission is submitted in writing to the Board of Supervisors for official action at a regularly scheduled meeting thereof within ninety (90) days of the date the application was first considered as an agenda item.
- 22-305.2. Upon the filing of an application for subdivision, the time and date of filing shall be noted thereon by the Township Secretary, Assistant Secretary or Zoning Officer.
 - A. The Zoning Officer upon the filing of an application shall advise the Planning Commission and the Board of Supervisors of the filing and shall calculate the date of the last meeting of the Planning Commission and Board of Supervisors in which official action must be taken prior to the expiration of the ninety (90) day period.
 - B. At the next regularly scheduled meeting of the Planning Commission following receipt of an application determined to be complete, the Commission shall review tentative agenda items. The Planning Commission shall adopt by motion the tentative agenda prepared prior to the meeting with any revisions or deletions warranted, this action shall commence the ninety (90) day time frame for review of an application.
 - C. The applicant upon the filing of the application shall be advised of the date, time and place that the Planning Commission shall first officially meet to consider the application.

- D. All applicants or representatives of the applicant shall attend all meetings of the Planning Commission and Board of Supervisors when review and/or deliberation on the application may take place except as otherwise indicated.
- 22-305.3. When the application is determined to be complete and the applicant has complied with all the terms and provisions of this Chapter and all applicable ordinances, the Planning Commission shall make its final recommendations to the Board of Supervisors within the time set forth in **this Section**. All recommendations of the Planning Commission shall be in writing including any conditions, limitations or restrictions which the Planning Commission suggested should be imposed upon the applicant.
- 22-305.4. When the application is rejected by the Planning Commission, the written decision shall specify the defects found in the application and describe with reference to the applicable sections of this Chapter, which have **requirements** not been met by the applicant.
- 22-305.5. When the application is rejected by the Board of Supervisors, the written decision shall specify the defects found in the application and described with reference to the applicable sections of this Chapter, which **requirements** have not been met by the applicant , and any other reasons for rejection.
- 22-305.6. At the discretion of the Planning Commission, the Planning Commission on behalf of the Township may enter into a written agreement with **the** applicant to extend the time allowed for official action on the plan but in no event shall the time be extended by more than ninety (90) days.
- 22-305.7. When the application is recommended for rejection by the Planning Commission or denied by the Board of Supervisors and the time for approval has not been extended in writing by agreement, a new filing fee shall be paid by the applicant should the applicant later desire to resubmit the application.
- 22-305.8. Failure of the Planning Commission or Board of Supervisors to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
- 22-305.9. Before acting on any subdivision plat, the Board of Supervisors or the Planning Commission, as the case may be, may hold a public hearing thereon after public notice.

22-306. CHANGES IN CHAPTER

Changes in this Chapter shall affect plats as follows:

- 22-306.1. From the time an application for approval of a plat, whether preliminary or final, is duly filed as provided in this Chapter, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- 22-306.2. When an application for approval of a plat, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, subdivision or other governing ordinance or plan shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. **The five-year period shall be extended for the duration of any litigation, including appeals, which prevent the commencement or completion of the development.**
- 22-306.3. Where final approval is preceded by preliminary approval, the aforesaid five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinance or plans as they stood at the time when the application for such approval was duly filed.
- 22-306.4. Where the applicant has substantially completed the required improvements as depicted upon the final plat within the aforesaid five (5) year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location.
- 22-306.5. In the case of a preliminary plat calling for the installation of improvements beyond the five (5) year period, a schedule shall be filed

by the applicant with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

22-306.6. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the applicant has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with applicant's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five (5) years shall apply and for any section or sections, beyond the initial section, in which the required improvements have not been substantially completed within said five (5) year period the aforesaid protections shall apply for an additional term or terms of three (3) years from the date of final plat approval for each section.

22-306.7. Failure of the applicant to adhere to the aforesaid schedule of submission of final plats for the various sections shall subject any such section to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township of Chippewa subsequent to the date of the initial preliminary plan submission.

22-307. CONDITIONAL APPROVAL

22-307.1. The Planning Commission may recommend and the Board of Supervisors may grant approval of any Preliminary or Final Subdivision Plan subject to certain conditions imposed with the express written consent of the applicant. For example, plans may be approved subject to DEP approval of the applicant's planning module revision to the Township's sewage facilities plan.

22-307.2. No plan granted conditional approval and no final plan granted conditional approval may be recorded unless and until all the conditions for approval have been met by the applicant and so noted on the plan.

22-308. COMPLETION OF IMPROVEMENTS OR GUARANTEE THEREOF PREREQUISITE TO FINAL PLAT APPROVAL

22-308.1. No plat shall be finally approved unless the streets shown on such plat have been improved to a mud-free or otherwise permanently passable

condition, or improved as may be required by this Chapter and any walkways, curbs, gutters, street lights, fire hydrants, shade trees, water mains, sanitary sewers, storm sewers and other improvements as may be required by this Chapter have been installed in accordance with these provisions and the Standard Details attached hereto as Appendix A. In lieu of the completion of any improvements required as a condition for final approval of a plat, including improvements or fees required pursuant to this Chapter, the applicant shall deposit with the Township of Chippewa financial security in an amount sufficient to cover the costs of such improvements or common amenities including, but not limited to, clearing and grubbing, excavating and grading for roads, stormwater collection and detention facilities, curbs, sidewalks and recreational facilities, open space improvements, or buffer or screen plantings which may be required. The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of a Highway Occupancy Permit.

- 22-308.2. When requested by the applicant or developer, in order to facilitate financing, the Board of Supervisors shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by the governing body; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.
- 22-308.3. Without limitation as to other type of financial security which the Township may approve, which approval shall not be unreasonably withheld, Federal or Commonwealth chartered lending institution irrevocable letters of credit and restrictive or escrow accounts in such lending institutions shall be deemed acceptable financial security for the purposes of this Section.
- 22-308.4. Such financial security shall be posted with a bonding company or Federal or Commonwealth chartered lending institution chosen by the party posting the financial security, provided said bonding company or lending institution is authorized to conduct such business within the Commonwealth.
- 22-308.5. Such bond, or other security shall provide for, and secure to the public, the completion of any improvements which may be required on or before the date fixed in the formal action of approval or accompanying agreement for completion of the improvements.

- 22-308.6. The amount of financial security to be posted for the completion of the required improvements shall be equal to one hundred ten percent (110%) of the cost of completion estimated as of ninety (90) days following the date scheduled for completion by the developer or applicant. Annually the Township may adjust the amount of the financial security by comparing the actual cost of the improvements which have been completed and the estimated cost for the completion of the remaining improvements as of the expiration of the 90th day after either the original date scheduled for completion or a rescheduled date of completion. Subsequent to said adjustment, the Township may require the developer or applicant to post additional security in order to assure that the financial security equals said one hundred ten percent (110%). Any additional security shall be posted by the applicant or developer in accordance with this Section.
- 22-308.7. The amount of financial security required shall be based upon an estimate of the cost of completion of the required improvements, submitted by an applicant or developer and prepared by a Professional Engineer licensed as such in this Commonwealth and certified by such Engineer to be a fair and reasonable estimate of such cost. The Township, upon the recommendation of the Township Engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the Township are unable to agree upon an estimate, then the estimate shall be recalculated and recertified by another Professional Engineer licensed as such in this Commonwealth and chosen mutually by the Township and the applicant or developer. The estimate certified by the third Engineer shall be presumed fair and reasonable and shall be the final estimate. In the event that a third Engineer is so chosen, fees for the services of said Engineer shall be paid equally by the Township and the applicant or developer.
- 22-308.8. If the applicant or developer posting the financial security requires more than one (1) year from the date of posting of the financial security to complete the required improvements, the amount of financial security may be increased by an additional ten percent (10%) for each one (1) year period beyond the first anniversary date from posting of financial security or to an amount not exceed one hundred and ten percent (110%) of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one (1) year period by using the above bidding procedure.
- 22-308.9. In the case where development is projected over a period of years, the Board of Supervisors may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development subject to such requirements or guarantees as to improvements in future sections

or stages of development as it finds essential for the protection of any finally approved section of the development.

- 22-308.10. As the work of installing the required improvements proceeds, the applicant or developer posting the financial security may request the Board of Supervisors to release or authorize the release, from time to time, such portions of the financial security necessary for payment to the contractor or contractors performing the work. Any such requests shall be in writing addressed to the Board of Supervisors and the Board shall have forty-five (45) days from receipt of such request within which to allow the Township's Engineer to certify, in writing, to the Board that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification, the Board of Supervisors shall authorize release by the bonding company or lending institution of an amount as estimated by the Township's Engineer fairly representing the value of the improvements completed or, if the Board fails to act within said forty-five (45) day period, the Board shall be deemed to have approved the release of funds as requested. The Board of Supervisors may, prior to final release at the time of completion and certification by its Engineer, require retention of ten percent (10%) of the estimated cost of the aforesaid improvements.
- 22-308.11. Where the Board of Supervisors accepts dedication of all or some of the required improvements following completion, the Board shall require the posting of financial security to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted on the final plat for a term of eighteen (18) months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this Section with regard to installation of such improvements, and the amount of the financial security shall not exceed fifteen percent (15%) of the actual cost of installation of said improvements.
- 22-308.12. If water mains or sanitary sewer lines, or both, along with apparatus or facilities related thereto, are to be installed under the jurisdiction and pursuant to the rules and regulations of a public utility or municipal authority separate and distinct from the municipality, financial security to assure proper completion and maintenance thereof shall be posted in accordance with the regulations of the controlling public utility or municipal authority and shall not be included within the financial security as otherwise required by this Section.
- 22-308.13. If financial security has been provided in lieu of the completion of improvements required as a condition for the final approval of a plat as set forth in this Section, the Township shall not condition the issuance of building, grading or other permits relating to the erection or placement of improvements, including buildings, upon the lots or land as depicted upon the final plat upon actual completion of the improvements depicted

upon the approved final plat. Moreover, if said financial security has been provided, occupancy permits for any building or buildings to be erected shall not be withheld following: the improvement of the streets providing access to and from existing public roads to such building or buildings to a mud-free or otherwise permanently passable condition, as well as the completion of all other improvements as depicted upon the approved plat, either upon the lot or lots or beyond the lot or lots in question if such improvements are necessary for the reasonable use of or occupancy of the building or buildings.

22-309. RELEASE FROM IMPROVEMENT BOND

- 22-309.1. When the applicant or developer has completed all of the necessary and appropriate improvements, and has submitted the required as-built drawings on a medium as specified, the applicant or developer shall notify the Board of Supervisors, in writing, by certified or registered mail, of the completion of the aforesaid improvements and shall send a copy thereof to the Township Engineer. The Board of Supervisors shall, within ten (10) days after receipt of such notice, direct and authorize the Township Engineer to inspect all of the aforesaid improvements. The Township Engineer shall promptly mail a copy of the same to the developer by certified or registered mail. The report shall be made and mailed within thirty (30) days after receipt by the Township Engineer of the aforesaid authorization from the Board; said report shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, and if said improvements, or any portion thereof, shall not be approved or shall be rejected by the Township Engineer, said report shall contain a statement of reasons for such non approval or rejection.
- 22-309.2. The Board of Supervisors shall notify the applicant or developer, within fifteen (15) days of receipt of the Engineer's report, in writing by certified or registered mail, of the action of said Board with relation thereto.
- 22-309.3. If the Board of Supervisors or the Township Engineer fails to comply with the time limitation provisions contained herein, all improvements will be deemed to have been approved and the developer shall be released from all liability, pursuant to its performance guaranty bond or other security agreement.
- 22-309.4. If any portion of the said improvements shall not be approved or shall be rejected by the Board of Supervisors, the developer shall proceed to complete the same and upon completion, the same procedure of notification as outlined herein shall be followed.
- 22-309.5. Nothing herein, however, shall be construed in limitation of the developer's right to contest or question by legal proceedings or

otherwise, any determination of the Board of Supervisors or the Township Engineer.

- 22-309.6. The applicant shall reimburse the Township for the reasonable and necessary expense incurred for the inspection of improvements. Such reimbursement shall be based upon a schedule established by resolution. Such expense shall be reasonable and in accordance with the ordinary and customary fees charged by the Township Engineer for work performed for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the Engineer to the Township when fees are not reimbursed or otherwise imposed on applicants.
- A. In the event the applicant disputes the amount of any such expense in connection with the inspection of improvements, the applicant shall, within ten (10) working days of the date of billing, notify the Township that such expenses are disputed as unreasonable or unnecessary, in which case the Township shall not delay or disapprove a subdivision or land development application or any approval or permit related to development due to the applicant's request over disputed Engineer expenses.
 - B. If within twenty (20) days from the date of billing the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional Engineer licensed as such in the Commonwealth of Pennsylvania to review the said expenses and make a determination as to the amount thereof which is reasonable and necessary.
 - C. The professional Engineer so appointed shall hear such evidence and review such documentation as the professional Engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
 - D. In the event that the Township and applicant cannot agree upon the professional Engineer to be appointed within twenty (20) days of the billing date, then upon application of either party the President Judge of the Court of Common Pleas of Beaver County shall appoint such Engineer who in that case shall be neither the Township Engineer nor any professional Engineer who has been retained by or performed services for the Township or the applicant within the preceding five (5) years.
 - E. The fee of the appointed Professional Engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by one thousand dollars (\$1,000.00) or more, the Township shall pay the fee of the profession Engineer, but otherwise the Township and the applicant

shall each pay one-half of the fee of the appointed professional Engineer.

22-310. REMEDIES TO EFFECT COMPLETION OF IMPROVEMENTS

In the event that any improvements which may be required have not been installed as provided for in this Chapter or in accord with the approved final plat the Board of Supervisors is hereby granted the power to enforce any corporate bond, or other security by appropriate legal and equitable remedies. If proceeds of such bond, or other security are insufficient to pay the cost of installing or making repairs or corrections to all the improvements covered by said security, the Board of Supervisors may, at its option, install part of such improvements in all or part of the subdivision or land development and may institute appropriate legal or equitable action to recover the moneys necessary to complete the remainder of the improvements. All of the proceeds, whether resulting from the security or from any legal or equitable action brought against the developer, or both, shall be used solely for the installation of the improvements covered by such security, and not for any other municipal purpose.

22-311. RECORDING PLATS AND DEEDS

Upon the approval of a final plat, the Zoning Officer or duly appointed representative of the Township shall within ninety (90) days of such final approval or ninety (90) days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, record such plat in the office of the Recorder of Deeds of Beaver County. The Recorder of Deeds of Beaver County shall not accept any plat for recording unless such plat officially notes the approval of the Chippewa Township Board of Supervisors and review by the Beaver County Planning Commission.

22-312. EFFECT OF PLAT APPROVAL ON OFFICIAL MAP

After a plat has been approved and recorded as provided in this Part, all dedicated streets and public grounds on such plat shall be and become a part of the Official Zoning Map of the Township without public hearing.

22-313. PREVENTATIVE REMEDIES

- 22-313.1. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct to abate violations, to prevent unlawful construction, to recover damages and to prevent illegal occupancy of a building, structure or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

22-313.2. A Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property which has been developed or which has resulted from a subdivision of real property in violation of any Ordinance adopted pursuant to this Part. This authority to deny such a permit or approval shall apply to any of the following applicants:

- A. The owner of record at the time of such violation.
- B. The vendee or lessee or the owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
- C. The current owner of record who acquired the property subsequent to the time of violation without regard as to whether such current owner had actual or constructive knowledge of the violation.
- D. The vendee or lessee of the current owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.

As an additional condition for issuance of a permit or the granting of an approval to any such owner, current owner, vendee or lessee for the development of any such real property, the Township may require compliance with the conditions that would have been applicable to the property at the time the applicant acquired an interest in such real property.

22-314. ENFORCEMENT REMEDIES

22-314.1. Any person, partnership or corporation who or which has violated the provisions of this Chapter shall, upon being found liable therefor in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than five hundred dollars (\$500.00) plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation unless the district justice determines that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating this Chapter to have believed that there was no such violation until the fifth (5th) 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.

22-314.2. The Court of Common Pleas of Beaver County, upon petition may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.

22-314.3. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township right to commence any action for enforcement pursuant to this Section.

22-315. DEDICATION OF PUBLIC IMPROVEMENTS

22-315.1. Where the applicant or developer desires to dedicate the streets, roads and easements containing stormwater systems to the Township, the dedication shall also be made by deed of dedication in addition to the dedication language contained on the plan.

22-315.2. The public improvements so dedicated to the Township shall not be made or accepted by the Township unless and until the maintenance bond or financial security required by this Part has been properly placed.

22-315.3. The description in the deed of dedication shall be by metes and bounds of the road, street or easement, prepared by the applicant or developer and be delivered to the Township at the time the public improvements are actually completed. The applicant or developer shall be responsible for all costs including recording fees in connection with the acceptance of the dedication by the Township.

22-315.4. As built drawings on mylar shall be submitted prior to any formal action by the Township.

22-316. RESUBDIVISION

A lot or tract of land in Zoning Districts AR-1, R-2 or R-3 which is capable and has the potential of being subdivided into more than two (2) lots for residential development, but for which the owner at the present time desires to subdivide into just two (2) lots or tracts of land, may within the discretion of the Board of Supervisors, be subdivided once and only once into not more than two (2) lots without meeting the public improvements requirements of this Chapter provided that:

22-316.1. Where access to one (1) or both lots is to be from an existing Township road, the road shall be suitably graded to cartway width and improved to a mud-free condition; and,

22-316.2. A temporary cul-de-sac at the property line shall be installed to a mud-free condition with a radius of at least fifty feet (50') so as to allow room for Township snow removal vehicles to turn around without backing; and,

- 22-316.3. The plot plan shall contain the following language, signed and acknowledged by the owners:

All public improvements such as the road, water, sewage to service the subdivided lot are the private property of the owners and shall not be dedicated to nor shall the same be accepted by the Township or the Chippewa Township Sanitary Authority. By submitting this plan and as a material part of its approval, the undersigned owners for themselves, their (its) heirs, (successors) and assigns, covenant and agree that the property comprising this two (2) lot subdivision may never be further subdivided in the future unless and until all the public improvement criteria of the Township in existence at the time of further subdivision are met by the owners of their (its) heirs (successors) and assigns and the Township shall not be responsible for providing or maintaining any of the public improvements so installed unless and until the public improvements are made and installed in accordance with all the applicable criteria of this Chapter.

- 22-316.4. In no event shall any road or cartway so extended to provide access to the subdivided lot be or become any official Township street nor shall the Township be responsible for maintaining the same until it is installed and improved in accordance with existing street standards, nor shall the approval of the plan by the Township constitute a defacto taking for the road and any easement for access, egress or regress shall remain private property until the same is so improved so as to meet the criteria for dedication set forth in this Chapter.

PART 4

PROCEDURE FOR SUBMISSION OF LAND DEVELOPMENT PLANS

22-401. SUBMITTAL OF LAND DEVELOPMENT PLANS

All applications for land development shall be subject to both preliminary plan review and final plan review. No applicant shall proceed with final plan submittal until the preliminary plan has been approved by the Township.

22-402. PREAPPLICATION ADVISORY MEETING

- 22-402.1. A potential applicant may request a preapplication conference with Township staff and/or the Planning Commission to discuss a proposed project in accordance with this Section.
- 22-402.2. At the request of the potential applicant, a preapplication conference will be scheduled with Township staff and/or the Planning Commission. The applicant shall specify who he desires to meet with at a preapplication conference. A preapplication meeting will be held as soon as a date and time is agreed to by all parties attending.
- 22-402.3. The Planning Commission may designate an individual or a committee to attend preapplication conferences. Furthermore, the entire Planning Commission may be present at any preapplication meeting and such meetings may take place during regularly scheduled meetings of the Planning Commission.
- 22-402.4. Representatives of the Board of Supervisors may also attend preapplication conferences.
- 22-402.5. To provide for a meaningful exchange of ideas, the following information is recommended, but not required, to be submitted fifteen (15) days before a preapplication conference is held.
 - A. A survey plan of the tract of land to be developed illustrating the existing conditions of the site.
 - B. A proposed layout of the site including location and purpose of proposed buildings, parking areas, landscaping areas, circulation and access, utility location and size and drainage areas.
 - C. Any other information such as projected traffic volumes, architectural sketches of buildings, and reports from other agencies, which the applicant feels would be helpful to the individuals at the preapplication conference.

- D. All drawings submitted at the preapplication conference should be accurate and to a scale which can be readily utilized by the individuals at the preapplication conference.
- 22-402.6. The applicant shall not be bound by the comments or determination of **participants in** the preapplication conference, nor shall the Township be bound by any such comments or determination.
- 22-402.7. A preapplication conference is not required; accordingly, a preapplication shall not be subject to deemed approval.
- 22-402.8. No application or review fee shall be charged by the Township to the applicant for a preapplication conference.

22-403. PRELIMINARY PLAN PROCEDURES

- 22-403.1. **Upon recommendation of the zoning officer and concurrence by the Chippewa Township Planning Commission Sections 22-403 and 22-404 may be combined and procedures for final approval of a land development plan shall dictate. Submittal requirements of Section 22-403 shall dictate in either alternative.**
- 22-403.2. The applicant submitting a preliminary land development shall submit one (1) copy of the preliminary application and twenty-four (24) paper copies of the development plan and all other information and required supporting data and exhibits. The copies shall be distributed by the Township staff upon receipt, as follows:
- A. Township Planning Commission: Seven (7) copies.
 - B. Board of Supervisors: Three (3) copies.
 - C. Township Engineer: One (1) copy.
 - D. Township Solicitor: One (1) copy.
 - E. Zoning Officer: One (1) copy.
 - F. Township Manager: One (1) copy.
 - G. Township Fire Department: One (1) copy.
 - H. Township Sanitary Authority: One (1) copy.
 - I. Office File: One (1) copy.
 - J. Beaver County Planning Commission: Six (6) copies.
- 22-403.3. The application and development plans shall be submitted by the applicant to the Township Zoning Officer along with the required application fee.
- 22-403.4. The application and development plans specified herein shall be submitted to the Township Zoning Officer at least thirty (30) days prior to the upcoming regularly scheduled meeting of the Planning Commission.

- A. Preliminary Plans and all required accompanying documentation shall be submitted by a developer or his authorized representative to the Township Zoning Officer at least thirty (30) days in advance of a regularly scheduled meeting of the Township Planning Commission.
- B. The Township Planning Commission shall consider as officially received only those land development applications that are signed, and completed as determined by the Zoning Officer, and for which the filing fee has been paid. An incomplete application shall be rejected and will be referred back to the applicant.
- C. Where it is determined by the Zoning Officer that the application is incomplete or does not meet the requirements for preliminary plan consideration and is returned to the applicant, the application fee shall be retained by the Township and the applicant shall be required to pay a new application fee when the preliminary plan is resubmitted.
- D. Where an application for land development approval involves the improvement of a single lot, tract or parcel, for a single land use, the Zoning Officer may combine the requirements of this Chapter for preliminary and final approval and process the application as per the provisions of Section 22-404, except that all information required under Section 22-403.7 for preliminary plans shall also be submitted.

22-403.5. Action of Township Review Agencies and Officials:

- A. The Planning Commission shall review the land development plan by applying the standards, criteria, and regulations of this **Section** as well as other applicable Township ordinances including, but not limited to, the Zoning Ordinance of Chippewa Township.
- B. The Zoning Officer shall, review the plan to determine if it meets the standards, criteria, and regulations of the Zoning Ordinance.
- C. The Township Engineer shall review any proposed improvements, including but not limited to, the design of access roads, driveways, parking facilities, grading, traffic signage and control plan, stormwater management systems, lighting plans, and landscaping., to determine if the proposed improvements meet the requirements of the Ordinance and are consistent with the Construction Detail in Appendix A, as well as other applicable Township ordinances.
- D. The Township Solicitor shall review the dedication language of any public improvements, language governing public open space, easements, rights-of-way, owner's adoptions and releases, to determine if all legal aspects of Commonwealth statutes and local ordinances are adhered to.
- E. Any other Township staff or consultants shall review parts of the land development plan as determined by the Board of Supervisors.
- F. The Board of Supervisors, with review and comment from all other Township agencies and officials shall approve unconditionally,

approve conditionally, or disapprove the land development plan. Approval of a preliminary plan by the Board of Supervisors shall not constitute approval of a final plan, but rather general approval of the layout submitted on the preliminary plan. Granting a preliminary approval shall not qualify a plan for recording, authorize development, or the issuance of any building permit.

22-403.6. The Board of Supervisors shall render a decision with respect to a preliminary Application for the Development of Land within ninety (90) days from the date of the Planning Commission meeting where the Planning Commission first reviewed the application for the land development as an official agenda item.

- A. When the Board of Supervisors renders a decision with respect to a preliminary application for land development, the decision shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.
- B. When the application for land development is not approved in terms as filed, the decision shall specify the defects found in the application and describe the requirements which have not been met and shall, in each case, cite to the provisions of the statute or ordinance relied upon.
- C. Failure of the Board of Supervisors to render a decision and **communicate it** to the applicant within the time and the manner prescribed herein shall be deemed an approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation or communication shall have like effect.

22-403.7. All preliminary plans of land development shall be drawn according to the following requirements:

- A. All plans and exhibits, except where specifically noted shall be drawn at a scale of one-hundred feet (100') to the inch or larger. All words and numbers on the plans shall be type written or printed by a draftsman utilizing modern drafting standards. Handwritten or poorly drafted plans which are unclear or difficult to read shall not be accepted by the Township.
- B. All plans shall be submitted on sheets which measure twenty-four inches by thirty-six inches (24" x 36") overall. There shall be a border of one-half inch (1/2") on all sides except the binding end which shall have a border of one and one-half inches (1 1/2"). Where necessary to avoid sheets larger than the maximum prescribed above, preliminary plans shall be drawn in two (2) or more sections accompanied by a key diagram showing relative locations of the section.

- C. All plans shall include a title block with the following:
 - 1. The name of the land development which shall not have the same spelling or be pronounced in a similar manner to any other subdivision or land development within the Township;
 - 2. The location of the land development by street address, municipality, county, and state.
 - 3. The name and address of the owner and the developer;
 - 4. North point, scale of plan, with suitable bar scale, and date the illustration or plan was prepared; and
 - 5. The name and address of the registered surveyor who surveyed the land and/or prepared the plan.
- D. All plans shall indicate the tax parcel number of the subdivision the land is part of, and the deed book volume and page reference of the Office of the Recorder of Deeds of Beaver County.
- E. All plans shall include a location map which shows the general area in the Township in which the proposed land development is located. This map does not have to be drawn at the scale of one-hundred feet (100') to the inch.
- F. All plans shall illustrate the following:
 - 1. Tract boundaries with bearings, distances, arcs, radii, chord bearings and chord distances to the nearest one hundredth of a foot;
 - 2. All adjacent or contiguous streets, roads, and railroad rights-of-way and all adjacent or contiguous utility easements or rights-of-way;
 - 3. All adjacent or contiguous lot or parcel lines and the names of the owners with accompanying deed book volume and page number reference of the office of the Recorder of Deeds of Beaver County; and
 - 4. The location of Chippewa Township municipal boundary lines if the municipal boundary lines traverse or are immediately adjacent to or form part of the boundaries of the land development.

22-403.8. The preliminary plans of all land development applications shall include, but not be limited, to the following:

- A. Proof of Proprietary Interest: A certificate of title or other proof of proprietary interest in the land shall be submitted with the application.
- B. Site Plan: A plan of the existing conditions of the lot, tract or parcel of land proposed for development shall be submitted as follows:
 - 1. Topography shown by contour lines at vertical intervals of five feet (5'), or in the case of relatively level tracts, at such lesser intervals as necessary for study of the tract as determined by

- the Township Engineer. The datum to which contour elevations refer shall be identified and illustrated.
2. All existing watercourses or waterbodies, floodways, floodplains, drainage courses, wetlands, and existing drainage facility structures, systems, and easements shall be identified. The exact location, dimensions and flow line elevations shall also be provided.
 3. The location of all existing significant natural features such as stands of trees, embankments, and areas of past or current strip mining or subsurface mining activities shall be shown. With parcels having past or current subsurface mining activities, the depth of overburden shall be illustrated and the source of data noted.
 4. All existing property lines, rights-of-way, or easements and the purpose for which the rights-of-way or easements have been established.
 5. All existing zoning district boundary lines and the zoning district classification of the subject parcel and land abutting the parcel.
 6. The existing use of land within the parcel and for the abutting land within one-hundred feet (100') of the lot boundary lines of the parcel.
 7. The size, location, and use of existing buildings and structures within the parcel and abutting the parcel.
 8. **The** location and size of all sanitary sewers, storm sewers, and waterlines within **the subject** parcel and abutting the parcel.
 9. **The** location of all existing manholes, inlets, culverts, bridges, fire hydrants, gas lines, telephone lines, and electric lines within the parcel.
 10. **The** location of all existing streets, access roads, and driveways within the **subject** parcel and on land abutting the parcel, including the name, right-of-way width, cartway width, and type of surface materials of the cartway.
 11. Any other natural or man-made characteristics within or adjacent to the **subject** parcel affecting the design of the land development.
- C. Proposed Land Development Plan: A plan of the overall land development shall be submitted with the following information. More than one (1) plan sheet may be used so that related information is combined on separate sheets.
1. Any proposed changes in the existing topography shown by contour lines on a basis of two feet (2') vertical **intervals** in terrain or in the case of relatively level parcels, on a basis of one foot (1') vertical **intervals** in terrain.