

**Subdivision and
Land Development Ordinance**

MARION TOWNSHIP

**BEAVER COUNTY
Pennsylvania**

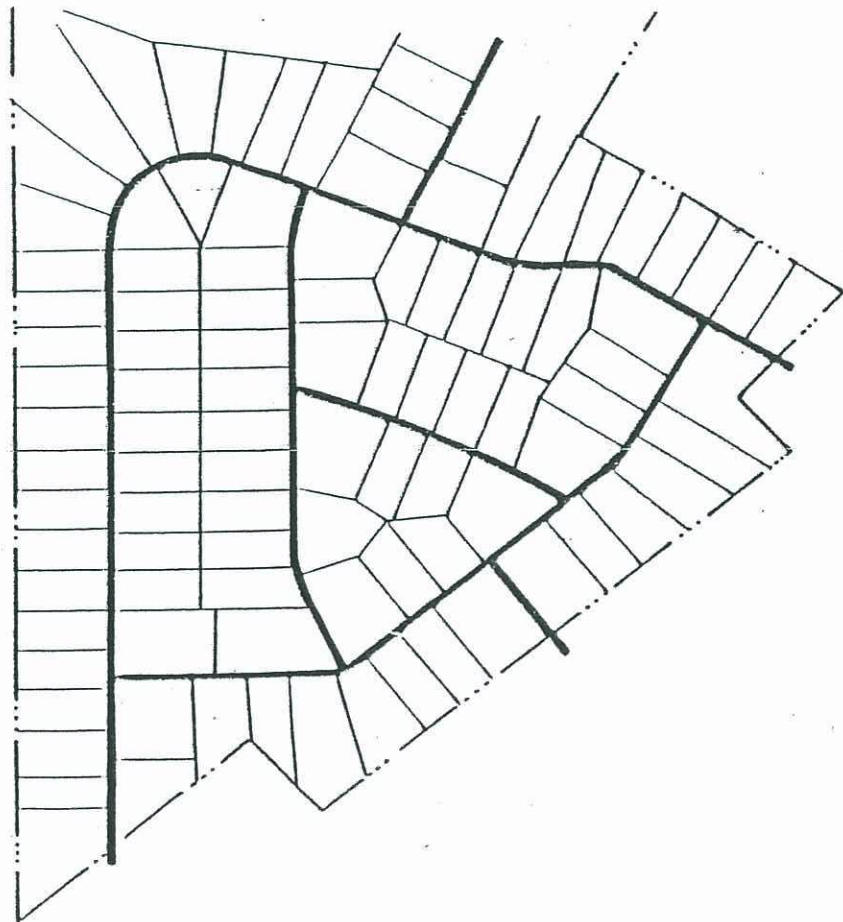


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ARTICLE I

GENERAL PROVISIONS

100 AUTHORITY

The laws of the Commonwealth of Pennsylvania empower local governments to regulate the subdivision of land. The authority for this function has been established by the General Assembly under the provisions of Act 247, The Pennsylvania Municipalities Planning code, as amended by Act 170 of 1988.

101 SHORT TITLE

This Ordinance shall be known and may be cited as the Subdivision and Land Development Ordinance of the Township of Marion, Beaver County, Pennsylvania.

102 PURPOSES

This Ordinance has been developed to require basic minimum standards for the development of land, including the subdivision thereof, into separate lots; and establishes rules and regulations, definitions, application procedures and permits by which the standards may be carried out. These requirements are designed to provide for:

- A. The coordinated development of land throughout the township;
- B. Assurance that new subdivisions will be developed consistent with the maintenance of the health, safety and general welfare of the public;
- C. Necessary public facilities in an amount and size commensurate with the needs of the area to be subdivided and the uses to which the land will be devoted;
- D. Assistance in identification of hazards from flooding, landslides, subsidence or other dangers, by requirements that land subject to such dangers will be made safe for its proposed use or be set aside for uses that will not precipitate dangerous conditions;
- E. Protection of the soil, water and other natural environmental resources of the area from the effects of uncontrolled development practices;

- F. Coordination of continuing community growth with respect to overall development considerations, such as sewage disposal, water supply, drainage facilities, traffic circulation systems, emergency accessways, retention of open spaces and related factors; and,
- G. Equitable administration of all subdivision and development proposals throughout the municipality.

ARTICLE II

COMPLIANCE AND APPLICATION

200 SUBJECT PROPERTIES

No subdivision, land development or excavation of any lot, tract or parcel of land shall be affected; no street, sanitary sewer, storm sewer, water main or other facilities and public utilities 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 conformance with the provisions of this Ordinance.

201 SALE OF LOTS

- A. No lot in a subdivision shall be sold; no permit to, erect any building upon land in a subdivision shall be issued; and no building shall be erected in a subdivision, unless and until a subdivision plan has been approved and recorded, and until the improvements required by the Governing Body in connection therewith have either been constructed or guaranteed as hereinafter provided.

- B. The division of a lot containing more than one principal structure for the purpose of transferring legal ownership of a structure and the land on which it is situated, that involves no new land development or new streets or the realignment of existing streets, may be considered a minor subdivision by the Governing Body. In such instances, provided that all applicable ordinances and criteria established by the municipality are met, the Governing Body may waive such procedures and requirements of the Subdivision and Land Development Ordinance as that Body may deem advisable.

ARTICLE III

DEFINITIONS

300 INTERPRETATION

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted or defined as follows:

- A. Words used in the present tense shall include the future.
- B. Words used in the singular number shall include the plural.
- C. Words used in the plural number shall include the singular.
- D. The word "person" includes a corporation as well as an individual or an association of individuals.
- E. The words "shall" and "will" are always mandatory.
- F. The word "may" is permissive.

301 WORD MEANING

For the purpose of this Ordinance, the following terms shall have the meaning indicated, unless otherwise specifically stated. Words not defined herein shall be observed and applied according to their generally accepted dictionary definitions.

ALLEY - A minor right-of-way providing secondary vehicular access to the side or rear of two or more properties.

BLOCK - An area bounded by streets, utility, railroad, public facility or other rights-of-way; or easements or other definite barriers.

BUILDING OR STRUCTURE - An independent and detached structure having a roof supported by columns or walls, or resting on its own foundation, including but not limited to, mobile homes, garages, greenhouses and other accessory buildings, and utilized for housing, shelter or enclosure of persons, animals, chattels or activity sites.

BUILDING LINE - The line of that face of the building nearest the front line of the lot at the street right-of-way line. This face includes porches, whether enclosed or not, patios and similar construction, but excludes steps.

CARTWAY (Not right-or-way) - That portion of the total street right-of-way surfaced for vehicular use. Width is determined from face of curb to face of curb, or from one edge of driving surface to the other edge of driving surface.

CLEAR SIGHT TRIANGLE - A triangular area of unobstructed vision on corner lots formed by a fifty (50) foot sight line along the centerline of a local street and by a line joining these two sight lines at the greatest distance from their intersection. This entire area is to remain clear of obstructions to sight above a plane established three and one-half (3½) feet in elevation from grade level at the intersection of the street centerline.

COMMERCIAL - Engaging in a business, enterprise, public service, civic, religious or other undertaking or activity related to or connected with, trade, commerce, services or traffic in general.

COMMISSION, PLANNING - The Marion Township Planning Commission as a duly appointed by the local Governing Body.

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.

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

DEVELOPER - Any person, individual, firm, partnership, association, corporation, estate trust or any other group acting as a unit, who makes or causes to be made, a subdivision of land or a land development.

DRIVEWAY - A cartway designed and constructed to provide vehicular access between a public or private street and abutting lot, tract or parcel of land.

EASEMENT - A grant by a property owner for the use of land which is given to persons, corporations, or the public for purposes such as access, utility placement or similar activities.

ENGINEER - The Engineer of the Township officially designated by the Governing Body.

FLAG LOT - A basically landlocked land parcel connected to an access road with a contiguous strip of land.

FLOODWAY - The channel of a river, stream or other watercourse and the adjacent land areas required to carry and discharge water volumes of a given anticipated magnitude.

GOVERNING BODY - The duly elected Board of Township Supervisors of the Township of Marion, Beaver County, Pennsylvania.

GROSS ACREAGE - The entire land area of a tract, as distinguished from net acreage.

HALF STREET - A strip of land equal to or less than one-half of the required rights-of-way reserved or proposed for street purposes along the property line. (Half streets are prohibited except to complete another half street).

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

LANDOWNER - The legal or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition); a lessee if he is authorized under the lease to exercise the rights of the landowner; or other persons having a proprietary interest in land.

LOT - A tract or parcel of land designated for conveyance or transfer of ownership, improvement or sale, whether immediate or future.

LOT, CORNER - A lot, abutting two or more streets at their intersection, on which the building line for all streets must be observed.

LOT DEPTH - The mean horizontal distance between the front lot line and the rear lot line.

LOT, DOUBLE FRONTAGE - A lot that has access to a public right-of-way from both the front yard and back yard. Double frontage lots may be permitted only as a variance due to unnecessary hardship or unique physical circumstances that are not created by an appellant.

LOT, REVERSE FRONTAGE - A lot abutting a public right-of-way along both the front and rear yards, having access to only one of the public rights-of-way.

LOT WIDTH - The total horizontal distance across the lot, between the side lot lines, measured at the building line.

MASTER PLAN - An orderly representation of future development plans for a parcel which will be developed by phases over a period of time. This plan is not binding and may be revised periodically as development plans change.

MOBILE HOME - A transportable single family dwelling as defined, provided for, and controlled by the Mobile Home Park Ordinance of the Township.