

# Bethel Park Application Processes

## Definitions

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**Minor Land Development** – Any land development involving:

1. Construction of not more than one new multifamily, commercial or industrial building or an addition which is not a conditional use and where the gross floor area is less than 2,000 square feet and when the proposed development abuts a residentially zoned property and is not located in a C-1 Neighborhood Commercial Zoned property; or
2. Any addition to a new multifamily, commercial or industrial building which is not a conditional use and where the gross floor area of the addition is greater than 2,000 square feet and less than 8,000 square feet; or
3. Any addition to a new multifamily, commercial or industrial building which is not a conditional use under 2,000 square feet in size when the proposed development abuts a residentially zoned property

**Major Land Development** – Any land development involving:

1. Any development that is a conditional use; or
2. Construction of one or more new multifamily, commercial or industrial building where the gross floor area is greater than 2,000 square feet; or
3. Any addition to a new multifamily, commercial or industrial building where the gross floor area of the addition is greater than 8,000 square feet.

**Subminor Land Development** – Any land development involving:

1. Construction of not more than one new multifamily, commercial or industrial building or an addition which is less than 2,000 square feet of gross floor area and is not a conditional use and the proposed development does not abut a residentially zoned property; or
2. Any addition of an accessory building, except accessory storage buildings, where the gross floor area is less than 2,000 square feet and is not a conditional use and the proposed development does not abut a residentially zoned property.

**Minor Subdivision** – Any subdivision or resubdivision of land which involves adjustment of common property lines whereby

1. no additional lots are created;
2. no provisions of the Zoning Ordinance of the Municipality of Bethel Park are violated;
3. no public improvements excepting sidewalks are required;
4. not more than three lots are involved in the subdivision; and
5. no land development, as defined by the MPC, 4 is involved.

**Major Subdivision** — Any subdivision not deemed a minor subdivision.

**Resubdivision** – A change in map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved thereon for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

## Approval Process – Major Subdivision

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### Step 1: Preapplication conference.

- A. Prior to submission of an application for approval of a major subdivision or land development, the applicant may attend a preapplication conference with the Municipal Engineer, Building Inspector and Director of Community Development. The applicant may bring a sketch plan showing the location of the subdivision, all existing structures, wooded areas, significant physical features, available utilities and the proposed pattern of lots, drainage and sewer facilities. The preapplication conference will discuss formal application procedures and give suggestions to the applicant on how to comply with the Subdivision Ordinance.
- B. The applicant may, but need not, request further review of the sketch plan before official submission.

### Step 2: Preliminary application review and approval.

- A. Fifteen copies of a preliminary plat of any land proposed for subdivision, drawn in accordance with the rules and regulations herein prescribed, shall be submitted by the developer to the Subdivision Officer within one month prior to the Planning Commission meeting. The Subdivision Officer shall note the date of receipt of the application, fees and escrow deposit. The application shall not be deemed to be submitted until a complete application, which shall include, without limitations, the required fees, have all been submitted. The Subdivision Officer shall make a preliminary review of the application. If the Subdivision Officer determines that the application is defective on its face, he shall notify the applicant. The applicant may then submit the application as is, revise the application for the purpose of correcting defects or withdraw the application. Any request by the applicant for tabling action on an application or for a withdrawal of an application must be in writing.
- B. Upon submission of a complete application, which shall include, without limitations, all required fees, the Subdivision Officer shall accept the application, plans and other required materials as filed and shall transmit the requisite number of copies of the plans and other required materials to the Planning Commission, the Municipal Engineer and the Municipal Building Inspector.
- C. The Commission and Municipal Engineer shall review the preliminary plat at its next regular meeting and, within 45 days thereafter, shall return one copy to the owner, with its proposed recommendation to the Council, with recommendations for revision. In case of a recommendation of disapproval, recommendations by the Commission and Municipal Engineer shall be submitted in writing to the owner, with a copy to the Municipality for record.

### Step 3: Final Approval Process.

Fifteen copies of the final plat prepared in accordance with the rules and regulations herein prescribed shall be submitted to the Subdivision Officer, either at the same time as the preliminary plat or after approval of the preliminary plat. In either situation, the Council will approve, approve with conditions or deny the final plat within the time limit prescribed by Section 508 of the Municipalities Planning Code.

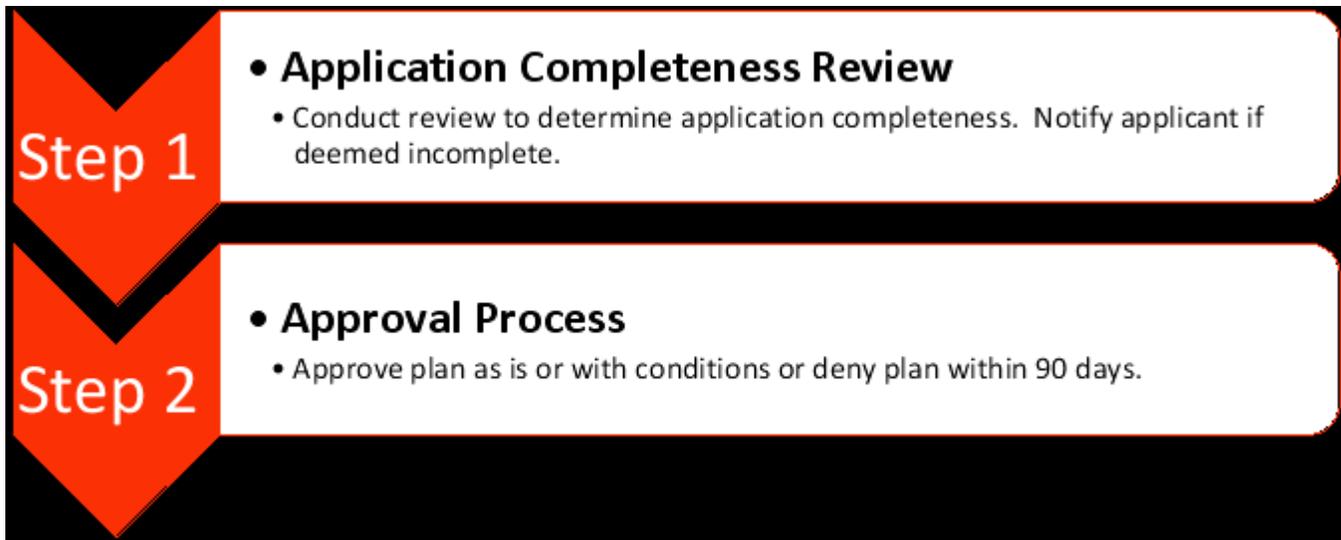


### Approval Process – Minor Subdivision

1. Three copies of a final plat of any land proposed for a minor subdivision, drawn in accordance with the rules and regulations herein prescribed, shall be submitted by the developer to the Subdivision Officer. The Subdivision Officer shall note the date of receipt of the application, fees and escrow deposit. The application shall not be deemed to be submitted until a complete application, which shall include, without limitations, the required fees, has all been submitted.

The Subdivision Officer shall make a preliminary review of the application. If the Subdivision Officer determines that the application is defective on its face, he shall notify the applicant. The applicant may then submit the application as is, revise the application for the purpose of correcting defects or withdraw the application. Any request by the applicant to withdraw must be in writing.

2. The Subdivision Officer shall then approve, approve with conditions or deny the minor subdivision within the time limitations prescribed by Section 508 of the Municipalities Planning Code. No further approvals are required for a minor subdivision.



## Approval Process – Land Development

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### Step 1: Preapplication conference.

- A. Prior to submission of an application for approval of a minor land development, the applicant may attend a preapplication conference with the Municipal Engineer, Building Inspector and Director of Community Development. The applicant may bring a sketch plan showing the proposed improvements. The preapplication conference will discuss formal application procedures and give suggestions to the applicant on how to comply with the land use regulations.
- B. The applicant may, but not need to, request further review of the sketch plan before official submission.
- C. Nothing herein contained, nor the failure of any parties to proceed or act in accordance with this step, shall be deemed to be a decision with respect to any land development or to vest any rights in the applicant.

### Step 2: Preliminary application review and approval.

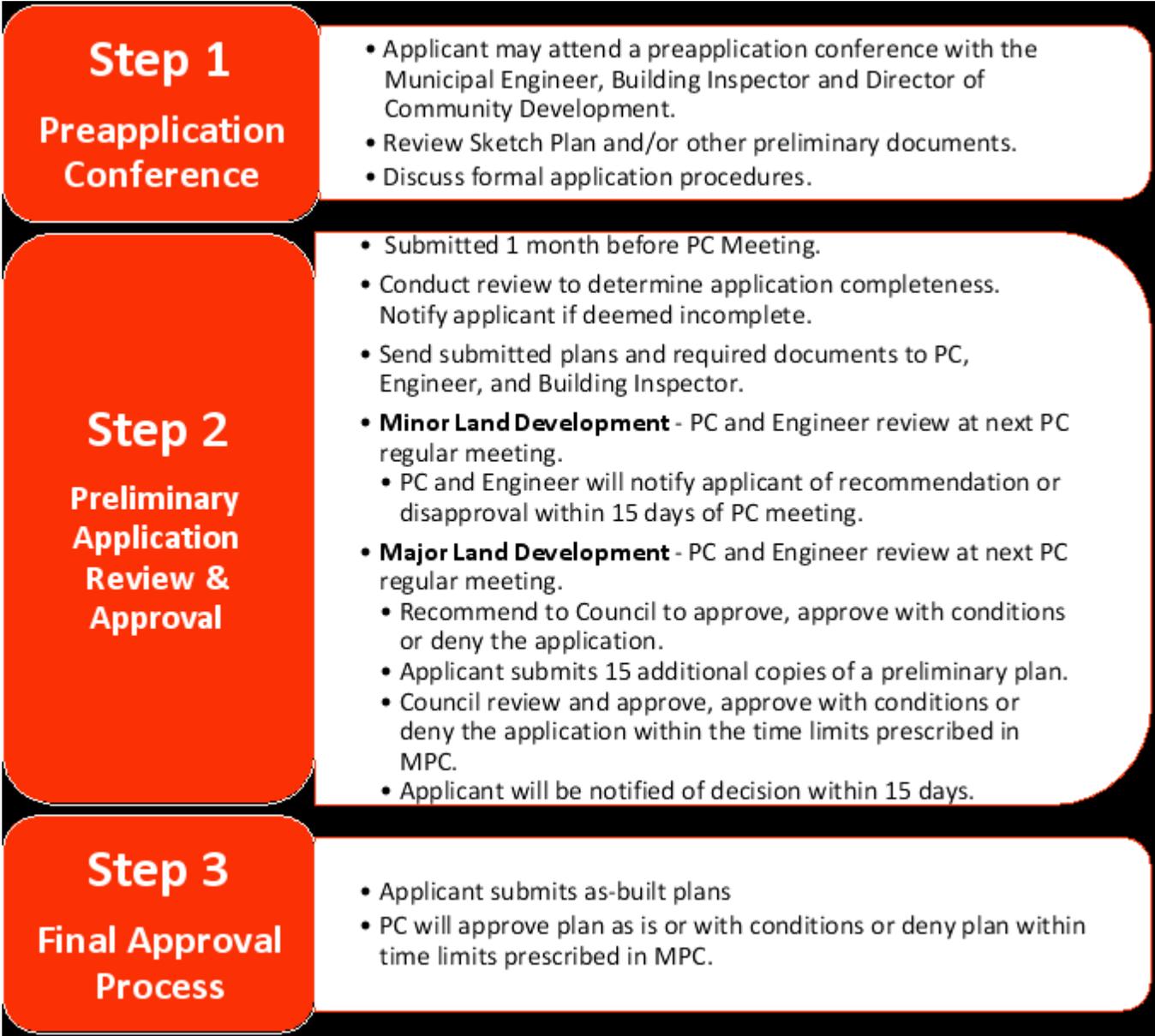
- A. Fifteen copies of a preliminary plat of any land proposed for a major or minor land development, drawn in accordance with the rules and regulations herein prescribed, shall be submitted by the developer to the Subdivision Officer within one month prior to the Planning Commission meeting. The Subdivision Officer

shall note the date of receipt of the application and fees. The application shall not be deemed to be submitted until a complete application, which shall include, without limitations, the required fees, has been submitted. The Subdivision Officer shall make a preliminary review of the application. If the Subdivision Officer determines that the application is defective on its face, he shall notify the applicant. The applicant may then submit the application as is, revise the application for the purpose of correcting defects or withdraw the application. Any request by the applicant for tabling action on an application or for a withdrawal of an application must be in writing.

- B. Upon submission of a complete application, which shall include, without limitations, all required fees, the Subdivision Officer shall accept the application, plans and other required information as filed and shall transmit the requisite number of copies of the plans and other required materials to the Planning Commission, the Municipal Engineer and the Building Inspector.
- C. In the case of a minor land development, the Commission and Municipal Engineer shall review the preliminary plat at its next regular meeting and approve, approve with conditions or deny the application within the time limits prescribed by the MPC. The decision of the Commission shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- D. In the case of a major land development, the Commission and Municipal Engineer shall review the preliminary plat at its next regular meeting and recommend to Council to approve, approve with conditions or deny the application. The Applicant shall then submit to the Subdivision Officer 15 additional copies of a preliminary plan. The Council shall review the preliminary plat and approve, approve with conditions or deny the application within the time limits prescribed by the MPC. The decision of the Council shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision.
- E. Upon receiving preliminary approval and before the issuance of building permits, the applicant shall enter into a development agreement in accordance with Section 51-12 of this ordinance. Simultaneously with the execution of such agreement, security shall be posted with the Municipality to guarantee the installation of all public and private improvements required as part of the land development approval.

### **Step 3: Final Approval Process.**

Upon completion of construction of the proposed land development, the applicant shall submit 15 copies of asbuilt final plans prepared in accordance with the rules and regulations herein prescribed. The Planning Commission shall approve, approve with conditions, or deny the final plat for minor land developments and Council shall approve, approve with conditions, or deny the final plan for the major land developments within the time limit prescribed by Section 508 of the Municipalities Planning Code.



**Completion of Improvements or Guarantee Thereof Prerequisite to Final Plat Approval.**

- A. 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 the Subdivision and Land Development Ordinance and any walkways, curbs, gutters, streetlights, fire hydrants, shade trees, water mains, sanitary sewers, storm drains and other improvements as may be required by the Subdivision and Land Development Ordinance have been installed in accordance with this ordinance.
- B. In lieu of the completion of any improvements required as a condition for the final approval of a plat, the Developer shall execute a development agreement in a form prescribed by Council (see Article IX) and deposit with the municipality financial security in a form acceptable to municipality in an amount sufficient to cover the costs of any improvements or common amenities including, but not limited to, roads, stormwater detention and/or retention basins and other related drainage facilities, recreational facilities, open space improvements, or buffer or screen plantings which may be required. Without

limitation as to other types of financial security which the municipality 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. 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.

- C. 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.
- D. The amount of financial security to be posted for the completion of the required improvements shall be equal to 110% of the cost of completion estimated as of 90 days following the date scheduled for completion by the developer, annually the municipality 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 municipality may require the developer to post additional security in order to assure that the financial security equals said 110%. Any additional security shall be posted by the developer in accordance with this subsection. 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 municipality, upon the recommendation of the municipal engineer, may refuse to accept such estimate for good cause shown. If the applicant or developer and the municipality 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 municipality 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 municipality and the applicant or developer.
- E. If the party posting the financial security requires more than one year from the date of posting of the financial security to complete the required improvements, the amount of financial security may, at the Municipality's sole discretion, be increased by an additional 10% for each one-year period beyond the first anniversary date from posting of financial security or to an amount not exceeding 110% of the cost of completing the required improvements as reestablished on or about the expiration of the preceding one-year period by using the above bidding procedure. Failure to increase the financial security in any single year shall not be deemed a waiver of the Municipality's rights in any subsequent year. In the case where development is projected over a period of years, the Council may authorize submission of final plats by section or stages of development subject to such requirements or guarantees as to improvements in future sections or stages of development as it finds essential for the protection of any finally approved section of the development.
- F. As the work of installing the required improvements proceeds, the party posting the financial security may request the council 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 Council, and the Council shall have 45 days from receipt of

such request within which to allow the municipal engineer to certify, in writing, to the Council that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the Council shall authorize release by the bonding company or lending institution of an amount as estimated by the municipal engineer fairly representing the value of the improvements completed or, if the Council fails to act within said forty-five day period, the Council shall be deemed to have approved the release of funds as requested.

- G. The Council may, prior to final release at the time of completion and certification by its engineer, require retention of 10% of the estimated cost of the aforesaid improvements. Where the Council accepts dedication of all or some of the required improvements following completion, the Council may 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 not to exceed 18 months from the date of acceptance of dedication. Said financial security shall be of the same type as otherwise required in this section with regard to installation of such improvements, and the amount of the financial security shall be 15% of the actual cost of installation of said improvements.
- H. 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.
- I. 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 Municipality 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.

### **Recording of Final Plan**

- A. Upon the approval of a final plat the developer shall, within 90 days of such final approval, record such plat in the office of the Recorder of Deeds of Allegheny County.
- B. Failure of recording a final plat within the prescribed time limitations will require the applicant to request updating approval of the Municipal Council.
- C. No permanent certificate of use, occupancy and compliance under the Municipal Zoning Ordinance shall be issued for any proposed land development or subdivision until the final plat is recorded and two copies and one reproducible Mylar copy of the final plan as recorded by the Recorder of Deeds are submitted to the Municipality and all required fees are paid.

## **Commencement of Development**

- A. No construction or land disturbance activities (not including soil or percolation testing, well drilling, or similar engineering or surveying activities) shall be commenced until the applicant submits to the Municipal Engineer two paper copies, one reproducible Mylar copy and a digital file of the plat as recorded by the Recorder of Deeds. The digital file is to be in a format that is acceptable to the Municipality.
- B. No application for a building permit under the Municipal Zoning Ordinance shall be submitted and no building permit under the Municipal Zoning Ordinance shall be issued for any building in any subdivision and no work shall be done on any building in any subdivision until the final plans for the said subdivision have been approved and recorded as provided for, the development agreement has been fully executed, and until the terms of this ordinance have been satisfied. Further, where final subdivision approval has been conditioned upon the submission and approval of individual lot grading plans for some or all of the lots, no building permit shall be issued for construction on any such lot until this condition has been complied with.
- C. No application for a building permit under the Municipal Zoning Ordinance shall be submitted and no building permit under the Municipal Zoning Ordinance shall be issued for any building in any land development and no work shall be done on any building in any land development until the preliminary plans for the said land development have been approved as provided for, the development agreement has been fully executed and until the terms of this ordinance have been satisfied.
- D. No water system or sewer system, including extensions to existing or proposed systems or new systems employing sewage treatment plants, shall be constructed prior to the issuance of appropriate permits from the Pennsylvania Department of Environmental Resources or from federal or local agencies, as required.

## **Time Limitations**

The continuing validity of any approval of plans in accordance with this article shall be subject to those limitations established by the Municipalities Planning Code. In the event the developer or applicant fails to record any plans or documents in the time period prescribed by the Municipal Code and/or the MPC, Municipal Council, at its judgment, may reapprove the plan in accordance with the previous approval for recording purposes. There is to be no charge to the applicant or developer for the initial reapproval of said plan or document. Should the developer or applicant fail for a second time to record the reapproved plan within the prescribed time period, then any subsequent request for reapproval is to be accompanied with a fee of \$125, payable to the Municipality.

## **Plan Amendments**

- A. Major modifications of the approved plan, as determined by the Municipality, shall be resubmitted and reprocessed, including the submittal of all applicable application fees, in the same manner as the original plan. All site disturbance activities shall cease pending approval of modified plans.

- B. Minor modifications of the approved plan, as determined by the Municipality, shall be submitted for review and approval to the Subdivision Officer. If the Subdivision Officer, Code Official and Municipal Engineer determine that the changes are in conformance with all municipal land use regulations under their respective areas of responsibilities, then the Subdivision Officer may approve the changes. The request for the approval of the minor modification to the approved plan is to be accompanied with a fee of \$125, payable to the Municipality.