

§ 100. Short Title.

§ 100.1 This Chapter shall be known and may be cited as the “City of Monongahela Subdivision and Land Development Ordinance.”

§ 101. Grant of Power.

§ 101.1 This Chapter is enacted in accordance with the authority granted to municipalities to regulate subdivision and land development by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended.

§ 102. Purpose and Intent.

§ 102.1 The purpose of this Chapter is to regulate all subdivision, resubdivision, consolidation and land development activities in the City by providing for a uniform method for the submission of preliminary and final plats to ensure: 1) the proper layout or arrangement of land and buildings; 2) the proper design of streets to accommodate projected traffic and facilitate fire protection; 3) the provision of adequate easements or rights of way, gutters, storm and sanitary drainage facilities, walkways, stormwater management and other required public facilities; and 4) the proper design of land developments in accordance with the requirements of this Chapter and the City of Monongahela Zoning Ordinance.

§ 102.2 These Subdivision and Land Development Regulations are made in accordance with the community development objectives set forth in the City of Monongahela Zoning Ordinance and the City of Monongahela and Borough of New Eagle Joint Comprehensive Plan and are intended to achieve the following goals:

(A) To promote, protect and facilitate one (1) or more of the following: the public health, safety and general welfare; coordinated and practical community development; proper density of population; civil defense; disaster evacuation; the provision of recreation, open space and harmonious design; the provision of adequate light and air, police protection, vehicle parking and loading space, transportation, water, sewerage, schools, public grounds and other public requirements; and

(B) To prevent one (1) or more of the following: overcrowding of land; blight; danger and congestion in travel and transportation; and loss of health, life or property from fire, panic or other dangers.

§ 103. Authority.

§ 103.1 Authority of Monongahela City Council. The Council of the City of Monongahela is vested by law with the control of the subdivision of land and land development within the city limits by the Pennsylvania Municipalities Planning Code, Act of 1968, P.L. 805, No. 247 as reenacted and amended. City Council shall retain the authority to approve all subdivision plans and land development plans as required herein.

§ 103.2 Authority of the City Planning Commission. The City Planning Commission is hereby designated by the Council as an agency which shall review and make recommendations on preliminary and final subdivision and land development plans as required herein, prior to action by the Council, and, when provided by ordinance, make other recommendations.

§ 103.3 Authority of the Plan Review Board. The Plan Review Board is hereby designated by the Council as an agency which shall review and have the authority to approve land development construction plans for the issuance of building and zoning permits for all improvements other than single-family residential use.

(A) The Plan Review Board shall consist of the City Zoning Officer, the City Engineer, and the City Building Official.

(B) The Zoning Officer, in his discretion, may request the City Planning Commission or any other City official or agency to review the application and make recommendations thereof.

§ 104. Application of Regulations.

§ 104.1 Subdivision Control. No subdivision, as herein defined, of any lot, tract or parcel of land shall be effected and no street, alley, sanitary sewer, storm sewer, water main or other facilities in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel, or for the common use of occupants of buildings abutting or to abut thereon, except in strict accordance with the provisions of this Chapter. No lot in any subdivision may be sold, and no permit to erect, alter or repair any building upon land in a subdivision may be issued; and no building may be erected in a subdivision, unless and until a subdivision plan has been approved and recorded; and until the improvements required by the Council in connection herewith have been either constructed or guaranteed as herein provided in Section 306, et. seq.

§ 104.2 Land Development Control.

- (A) Land development, as herein defined, must comply with the regulations contained herein. Such compliance shall include, but not be limited to, the filing of preliminary and final plats, the dedication and improvement of rights-of-way, streets and roads, and the payment of fees and charges as established by the Council.
- (B) Land development plans shall indicate the location of each structure and clearly define each commercial or noncommercial structure and / or residential unit and shall indicate public easements, common areas and improvements, all easements appurtenant to the each unit, and improvements to public rights-of-way. Developments are subject to the zoning regulations as they apply to use and density requirements, setbacks, parking and other features, and shall be indicated on the land development plans.

§ 105. Interpretation and Conflicts.

§ 105.1 Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to be minimum requirements for the promotion of public health, safety, comfort, convenience and general welfare.

§ 105.2 Conflict with Public and Private Provisions.

- (A) **Public Provisions.** Where any provision of this Chapter imposes restriction different from those imposed by any other provision of this Chapter or any other ordinance, rule or regulation, or other provision of law, the provisions that are more restrictive or impose higher standards shall control.
- (B) **Private Provisions.** This Chapter is not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided however that where these regulations are more restrictive or impose higher standards they shall control. Where the provisions of the easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the provisions of these regulations, then such private provisions shall be operative and supplemental to these regulations.

§ 106. Applicability of Regulations.

§ 106.1 Approval Required. Approval in accordance with this Chapter shall be required for:

(A) Any land development, as defined by this Chapter.

(B) Any subdivision, as defined by this Chapter.

§ 106.2 Compliance Required.

(A) No lot in a subdivision or land development may be leased, transferred or sold and no permit to erect, alter, repair or occupy any building or use any land in any subdivision or land development may be issued unless and until such subdivision or land development shall have been approved and properly recorded and until such public and/or private improvements as required by this Chapter shall have been constructed or guaranteed, as provided for by this Chapter.

(B) The description by metes and bounds in an instrument of transfer or other documents used for selling or transferring property shall not exempt the seller or transferor from complying with the requirements of this Chapter.

§ 106.3 Compliance with other Codes and Regulations.

(A) In addition to complying with the provisions of this Chapter, all subdivisions and land developments within the City shall comply with all applicable municipal ordinances as amended or adopted from time to time including without limitation the Zoning Ordinance.

(B) Compliance with applicable City, County, State and Federal ordinances and regulations shall be a requirement for any approval under the provisions of this Chapter.

(C) Any violation of applicable City, County, State and Federal ordinances, statutes regulations or permits shall be deemed a violation of this Chapter and shall be subject to enforcement procedures authorized by this Chapter.

§ 107. Repeals.

§ 107.1 The current Subdivision and Land Development Ordinance of the City of Monongahela Code is hereby repealed in its entirety and this Ordinance substituted thereof.

§ 108. Severability.

§ 108.1 Should any article, section, subsection, paragraph, clause, phrase or provision of this Chapter be declared by a court of competent jurisdiction to be invalid, such judgment shall not affect have no effect on the remaining provisions of this Chapter or any the provisions of the City of Monongahela Subdivision and Land Development Ordinance, as amended.

§ 109. Effective Date.

§ 109.1 This Chapter shall become effective immediately upon enactment by the Council of the City of Monongahela. Ordained and enacted by the Council of the City of Monongahela, PA this 10th day of November, 2010.