

## ARTICLE VI

### FINAL PLAN SUBMISSION

#### 601. Final Plan

- a. On or before the 25<sup>th</sup> day of the month prior to a regularly scheduled meeting of the Planning Commission, the Applicant shall submit two (2) copies of an Application for Review of Final Subdivision or Land Development Plan and eight (8) copies of the Final Plan to the Township. The Final Plan shall be prepared by a Professional Land Surveyor or a Professional Engineer and certified in accordance with the standards set forth in the Professional Engineers Registration Law, P.L. 913, No.367.
- b. Final Plans shall conform in all respects with Preliminary Plans as previously approved, and any conditions specified in the approval of Preliminary Plans shall be incorporated in the Final Plans. Final Plans shall show the following:
  - (1) Plans shall be drawn to a scale no smaller than 1" = 100' unless a larger scale has been required as a condition of preliminary approval. Where more than one sheet is required, an index sheet of the entire subdivision or land development shall be drawn in ink on durable, reproducible material. The Final Plan shall be formatted so that it is legible when reduced to 18" x 24" size for recording.
  - (2) The designation, Final Plan and date submitted.
  - (3) Proposed and existing tract boundary lines, right-of-way lines of streets, easements, and other right-of-way, and property lines of residential lots and other sites with accurate dimensions, bearings, or internal angles, and radii, arcs, and deflection angles. The error of closure shall not be more than one part in five thousand (5000).
  - (4) The information required to be shown or provided with the Preliminary Plan as listed in Sections 501 and 502.
  - (5) Statement by owner dedicating streets, rights-of-way and any sites for public uses which are to be dedicated.
  - (6) Signature block for acknowledgment of Cumberland County Planning Commission review.

- (7) A notation on the Plan relating to the conformance with the requirement for a "Highway Occupancy Permit" from the Pennsylvania Department of Transportation, in accordance with Section 307 of this Ordinance.
- (8) Pa DEP code number referencing the approval of the Plan Revision Module.
- (9) Certification by a Professional Land Surveyor and/or Professional Engineer, as defined by Article II of this Ordinance.
- (10) Certification of qualified professional that wetlands have been investigated and delineated for the site under review.
- (11) Provide for the development of recreational areas or facilities by either the dedication of land suitable therefor or the payment of a fee in lieu of such dedication in accordance with Section 606 herein.

602. Supporting Documentation:

- a. Whenever any improvements are proposed in connection with a subdivision or land development it shall be the responsibility of the applicant to provide adequate engineering and related designs, construction specifications performance guarantees, and ownership and maintenance responsibilities in accordance with the standards and requirements set forth in this Ordinance, as applicable.
- b. An approved Planning Module or Sewage Planning Exemption for Land Development, if required..
- c. Stormwater Management Plan approved by the Township Engineer.
- d. An Erosion and Sedimentation Control Plan approved by the Cumberland County Conservation District. In the case of minor subdivision plans as defined in this Ordinance, County Conservation District approval is not required.
- e. A notarized certificate of ownership.
- f. An overall Grading Plan in accordance with Section 711 a.

- g. A Final Landscape Plan. The final Landscape Plan shall be drawn in greater detail and shall contain the following:
  - (1) All plan elements required for the Preliminary Plan.
  - (2) Plant schedule, indicating the botanical and common names, height, or spread, caliper and quantity of all proposed plant material.
  - (3) Details for the planting and staking of trees.
  - (4) Existing trees with trunks 18 inches in diameter or greater (measure 6" above existing ground level), existing wooded areas and existing and proposed water bodies.
  - (5) Location and spacing of all proposed plant material.
  - (6) Final Landscape Plans shall be certified by a Landscape Architect registered by the Commonwealth of Pennsylvania. These plans shall also be reviewed by the Township Engineer and approved by the Board of Supervisors.
- h. Suitable documentation that the applicable plans are in conformity with the Environmental Impact Analysis and the Traffic Impact Studies, and any ordinances and regulations governing the extension of utility services.
- i. Verification of compliance with Flood Plain Area Regulations as set forth herein.
- j. Such other certificates, affidavits, endorsements, conditions, or dedications as may be required by the Board of Supervisors in the enforcement of these regulations.
- k. Any time a plan proposes that compliance with any condition, requirement or representation set forth in said plan, or made by or on behalf of the applicant(s) be the responsibility of the subsequent landowner, homeowner or tenant, such obligation of the landowner, homeowner or tenant shall be set forth in the deed, lease or any other similar document. A copy of the deed to be used showing the proposed language shall be submitted as supporting documentation and use of said document shall be a condition of plan approval.

### 603. Review Procedure

- a. Copies of the Final Plan and Supporting Documentation shall be distributed by the Applicant to the appropriate reviewing and advisory bodies for comment and report. Additionally, the Final Plan and Supporting Documentation shall be submitted to adjacent municipalities and governmental agencies and authorities that may be affected by the Plan.
- b. The LeTort Regional Authority shall receive written notice and a copy of any plan or application for the development of land within the designated watershed or any tributary of LeTort Spring Run.

In preparing plans within said drainage basin the Developer shall consider incorporation of designs based upon the Best Management Practices Design Standards (BMP), as adopted by the LeTort Regional Authority. In case of conflict between the standards of the LeTort Regional Authority and the provisions of this Ordinance, then the provisions of this Ordinance shall be deemed to supersede and control.

- c. All plans shall be reviewed by the Township Planning Department. The Planning Department's report shall be forwarded to the Township Secretary for distribution to the Township Planning Commission and the Township Board of Supervisors prior to their action thereon.
- d. At a regular or special Planning Commission meeting following receipt of reports from the Township Planning Department and other agencies listed above, or following the passage of thirty (30) days from the time of Final Plan submission, whichever comes first, but in no case after sixty (60) days from the time of Final Plan submission, the Township Planning Commission shall:
  - (1) Review the applicant's submission.
  - (2) Review all reports received.
  - (3) Discuss submission with the applicant, or applicant's agent.
  - (4) Evaluate the plan, reports and discussion.
  - (5) Determine whether the Final Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.

- (6) Either recommend approval, disapproval or conditional approval of the Final Plan.
- (7) Submit its report to the Board of Supervisors. When the Planning Commission recommends disapproval or conditional approval 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 ordinance relied upon.

#### 604. Revisions to Final Plans

- a. After review by the Planning Commission of the Final Plan, and prior to any action by the Board of Supervisors within the required ninety (90) day period, the Final Plan may be revised by the applicant according to the procedure for Preliminary Plan revisions and as set forth in Section 504 herein, and a new ninety (90) day review period will begin as also set forth in Section 504.
- b. Within ninety (90) days calculated in accordance with Section 508 of the Pennsylvania Municipalities Planning Code, as amended, unless said ninety (90) days is extended in writing by agreement of the applicant, following submission of the completed Final Plan to the Township, the Board of Supervisors shall:
  - (1) Evaluate the applicant's submission, presentation and any other relevant information.
  - (2) Determine whether the Final Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
  - (3) Either approve, conditionally approve, or disapprove the Final Plan.
  - (4) Inform the applicant in writing, communicated to the applicant personally or mailed to him at his last address appearing on the application not later than fifteen (15) days following the decision. When the application 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 the provisions of the ordinance relied upon.

- (5) Failure of the Township 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 prescribe 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.

#### 605. Time Period for Filing Final Plan

Except as otherwise provided with respect to a duly filed schedule providing for the completion of improvements beyond the five-year protection period set forth in Section 304 e. herein, and the Municipalities Planning Code, the Final Plan shall be submitted for approval by the Board of Supervisors within one year of preliminary plan approval. Failure to comply with the aforesaid one year time limitation shall render any approval of the preliminary plan null and void unless an extension of time is granted by the Board of Supervisors for good cause shown, in which case failure to comply with any extension of time shall render said approval null and void.

#### 606. Recreational Land and Fee Requirements

- a. Purpose - To ensure that present and future residents of the Township of South Middleton will have adequate parks, recreational areas and facilities available to them, by establishing requirements for the dedication of land or a fee in lieu of such dedication to be imposed upon subdividers and land developers as authorized by the Municipal Planning Code. All land so dedicated or fees collected in lieu thereof shall be used only for the purpose of providing accessible park or recreational facilities.
- b. Applicability - This section shall apply to all final subdivisions and land developments in South Middleton Township.
- c. General Requirement - Every final subdivision or land development shall as a condition to approval, and subject to the standards for acceptance set forth hereafter, provide for the development of recreational areas or facilities by either the dedication of land suitable therefor or the payment of a fee in lieu of such dedication in accordance with the hereinafter established standards:

- (1) Land Dedication Requirement - Except as hereinafter provided every owner, subdivider or developer of a subdivision or land development shall dedicate a portion of the land proposed for said development to the Township for recreational purposes in accordance with the following standards and formula:
- (a) Single family detached or semi-detached shall dedicate a minimum of one thousand five hundred (1500) square feet per lot or dwelling unit.
  - (b) Multi-family developments shall dedicate a minimum of one thousand five hundred (1500) square feet per unit. Twenty five percent of the land so dedicated may be included in and used to satisfy the open space requirement for development.
  - (c) Conversions from single to multi-family will be subject to the standard for multi-family developments.
  - (d) Non-residential developments shall dedicate a minimum of ten (10%) percent of gross land area to recreational use.
  - (e) Single Lot One Time Exemption - The subdivision or development of one (1) single-family residential lot from a larger tract shall be exempt from the dedication or fee requirements of this Ordinance; provided however, that this exemption shall be available one time only and further subdivisions or land development from the same tract shall not be exempted.

(2) Standards and Criteria for Dedication and Acceptance of Recreational Land –

- (a) Acceptance of dedication shall be at the option of the Board of Supervisors. In determining whether to accept or reject land offered for dedication the Board shall consider the recommendation of the Parks and Recreation Board and the following factors:
  - (i) All land offered for dedication shall be contiguous and located in a single area of not less than three acres in area.

- (ii) Not more than twenty-five percent (25%) of the offered land shall be located in a flood plain or exceed a slope in excess of eight percent (8%).
  - (iii) Offered land must be suitable for recreational use as a public park based upon its size, topography and soil conditions.
  - (iv) Offered land shall abut and have direct access to a public road and shall be suitable for the installation of water and sewer facilities and other utilities.
- (b) The decision of the Board of Supervisors to accept or reject dedication shall be conclusive. In the event dedication is rejected the developer or subdivider shall comply with the provisions herein for payment of a fee in lieu of dedication.

(3) Fees in Lieu of Dedication

- (a) In lieu of dedication of land as aforesaid the developer or subdivider shall pay a fee to the Township of South Middleton in an amount based upon a schedule of fees adopted by resolution of the Board of Supervisors. Said fee schedule shall establish a set fee for lots and dwelling units thereon and may be revised from time to time without further amendment of this Ordinance.
- (b) Payment of Fees All fees hereunder shall be due and payable in full upon approval of the subdivision or land development plan or any phase or section thereof.

- d. Use of Land or Fees Received - All land or fees received by the Township shall be used to establish and develop recreational areas and facilities within the Township which shall be reasonably available for use and enjoyment by the residents of the development or subdivision assessed for said lands or fees. Such facilities shall not however be required to be within or immediately adjoining such subdivisions or developments. A separate Park and Recreation Capital account in the name of the Township shall be established to set aside the funds collected and ensure their use for recreational purposes exclusively. Said account shall be an

interest bearing account and funds not utilized within the period provided by law shall, upon request, be returned to the owner or developer in accordance with the provisions of Municipalities Planning Code, Section 503.11,vii.