

ARTICLE V

PRELIMINARY PLAN SUBMISSION

501. Plan Requirements

- a. On or before the 25th day of the month prior to a regularly scheduled meeting of the Planning Commission, the applicant shall submit two (2) copies of the application for Review of Preliminary Subdivision or Land Development Plan and eight (8) copies of the Preliminary Plan prepared by a Professional Land Surveyor or a Professional Engineer in accordance with the standards set forth in the Professional Engineers Registration Law, P.L. 913, No.367.
- b. The submittal shall contain the following specifications:
 - (1) The designation, Preliminary Plan.
 - (2) Proposed project name and municipality or municipalities in which located.
 - (3) North point, graphic scale, written scale, and date, including the month, day, and year that the original drawing was completed, and the month, day, and year for each revision, if any.
 - (4) Name(s) and address(es) of record owner(s) and applicant(s).
 - (5) Name, address, seal, registration number and signature of registered Engineer and/or Surveyor responsible for preparation of the plan, certifying that the preparer of the plan has been to the site and observed the present condition and that the plan indicates the actual condition of the site.
 - (6) Names of all abutting property owners and respective deed references.
 - (7) Signature(s) of the owner(s) certifying approval of the Plan.
 - (8) A location map, for the purpose of locating the property being subdivided, showing the relationship of adjoining property to all streets, roads, and municipal boundaries and drawn to a scale of not less than 1" = 2,000'.

- (9) If construction is to occur in phases, a plan showing the progression of phases, how each phase relates to completed and future phases, and a time schedule indicating when each phase is to be commenced and completed. The time schedule shall be updated in accordance with the provisions of Section 304 herein.
- (10) Boundaries of the property being subdivided showing bearings and distances, a statement of total acreage of the property, the total number of lots being proposed and the location of municipal boundaries.
- (11) Purpose for which sites other than buildable lots are dedicated or reserved.
- (12) Zoning data, including any changes in the existing zoning to be requested by the applicant and identifying the limits of any Overlay Zoning Districts affecting the site.
- (13) All existing buildings, sewers, water mains, culverts, utility lines and other significant man-made features.
- (14) All existing watercourses and bodies, tree masses, locations of "outstanding", "rare, threatened and endangered" and "historic" trees, rock outcroppings, wetlands, floodplain and other significant natural features.
- (15) Existing (from actual field or aerial survey) and proposed contours of the site at vertical intervals of two (2) feet for areas with an average slope of fifteen percent (15%) or less and at intervals of five (5) feet for areas with an average slope exceeding fifteen percent (15%). Extrapolated USGS contours shall only be accepted where no public improvements are proposed.
- (16) The location and elevation of the datum to which the contour elevations refer shall be an established U.S.G.S. benchmark or other datum acceptable to the Township Engineer.
- (17) Land which is flood prone, or is located within the Flood Hazard Area defined in the South Middleton Township Zoning Ordinance, shall be identified on the Plan. All information as set forth in Article IX of this Ordinance relative to Flood Plain Area Regulations shall also be provided.

- (18) The typical cross section, names, and widths of right-of-way, cartway and paving of proposed streets, alleys and easements.
- (19) The layout of lots showing approximate dimensions, lot numbers, and approximate area of each lot.
- (20) Parcels of land intended to be dedicated or reserved for schools, parks, playgrounds, parking areas, common open space, or other public, semi-public or community purpose.
- (21) All existing or proposed streets or driveways within or adjacent to the tract, including name, right-of-way width, cartway width, and distances shown between all access points, and whether they are intended to remain private or are to be dedicated to public use. All streets or driveways, whether public or private, will be permitted only insofar as they are in conformity with the specifications provided on the Plan. Further, all driveways, subsequently built or installed shall only be permitted as specified and as located on the subdivision plans regardless of the identity of who performed the construction or installation.
- (22) Profiles showing proposed street centerlines, including existing and proposed gradients. The profile datum shall indicate the existing and proposed grade elevation at each station.
- (23) The location of curbs, sidewalks.
- (24) The location of street signs and streetlights, if required.
- (25) Clear sight triangles at street intersections and all high volume, medium volume and low volume driveway intersections, as set forth in Section 703 of this Ordinance.
- (26) A copy of any deed restrictions imposed on the property as a condition of sale by the present owner.
- (27) Front, side and rear building setback lines shall be shown on all lots.
- (28) When on-site sewage disposal systems are proposed, the locations of satisfactory soil percolation test sites and probe holes required for the planning module shall be shown.

- (29) Location, size, and invert elevation of proposed sanitary and storm sewers, the location and size of proposed water mains and fire hydrants.
- (30) For land development plans, proposed building locations and respective parking areas.
- (31) Where the Preliminary Plan covers only a part of the applicant's holdings, or where development is to occur in phases, a sketch shall be submitted of the prospective street layout for the remaining area.
- (32) Signature Block and date space for approval by the Township Board of Supervisors.
- (33) Where an applicant proposes subdivision or land development within an area that is or may be served by the existing sewer system, the applicant shall provide estimated volumes, and strength of sewage, and proposed method for connection to the existing sewer system.
- (34) A note indicating the version of this Ordinance and the Zoning Ordinance in effect at the time of plan submission.
- (35) For multiple story buildings, the number of stories as well as a building elevation showing the building height shall be provided.
- (36) A statement regarding public improvements shall be provided as follows:

"All public improvements shall conform to PENNDOT Publication 408 and Construction Standards Publication 72, current edition and with municipal construction requirements and ordinances."
- (37) Primary control point, which shall be referenced to the PA state plan coordinate system.
- (38) When a proposed project, whether because of its location, topography, special man-made or natural feature, or because of its potential impact on the Township or its environment, is deemed by the Planning Department or the Board of Supervisors to require additional detail, information, data, studies, specifications and/or tests, not otherwise required in this Ordinance, the Planning Department shall

recommend and the Board of Supervisors may require the applicant to submit such information, by an agreed upon time, in no case later than approval of the Final Plan.

502. Supporting Documentation

a. If water is to be provided by means other than private wells owned and maintained by individual owners of lots within the subdivision or development, the applicant shall present evidence that the subdivision or development is to be supplied with water by one of the following:

- (1) a certified public utility
- (2) a bona fide cooperative association of lot owners
- (3) a municipal corporation, authority, or utility

Acceptable evidence may include the following, whichever is appropriate:

- (1) a copy of the certificate of public convenience from the Pennsylvania Public Utility Commission, or application for such certificate
- (2) a cooperative agreement
- (3) a commitment or agreement to serve the area in question

b. A Planning Module for Land Development or Sewage Planning Exemption Request, if required.

c. A storm water management plan prepared in accordance with the requirements established in Article VII of this ordinance. The SWMP shall be a separate document and shall contain the following:

- (1) A general description of the proposal project.
- (2) Project location on a 7.5-minute USGS map.
- (3) Topographic features of the project site and adjacent lands that may impact upon the storm water management design. This data shall include:
 - (a) The natural drainage pattern of the site.

- (b) Contour lines at two (2') foot intervals for slopes of twenty (20%) percent or less.
 - (c) Contour lines at five (5') foot intervals for slopes of greater than twenty (20%) percent.
 - (d) Contour data shall be based on USGS benchmark or other datum acceptable to the Township Engineer and the location or description of said benchmark shall be indicated on the plan.
- (4) The names of existing or proposed developments or adjacent land and the locations and dimensions of all streets and/or easements in each development.
 - (5) The existing and proposed use of the tract.
 - (6) The total number of lots and the total acreage of the site.
 - (7) Tract boundaries.
 - (8) Runoff calculations and related design computations of the total drainage basin necessary to substantiate the proposed temporary and permanent storm water management facilities.
 - (9) Design and Specifications of temporary and permanent storm water management facilities.
 - (10) Storm sewer and channel profiles and design cross-sections; management facility designs, profiles and cross-sections.
 - (11) Staging or Implementation Schedule for constructing the proposed storm water control system.
 - (12) A Grading Plan for the entire site that will include all off-road areas including building sites. This grading plan may be general in nature, but shall provide enough detail to support post-development stormwater drainage facility designs.
 - (13) Provisions to ensure adequate maintenance of storm water management facilities for both during-construction and post-construction conditions.

- (14) Signature of the licensed professional who performs the work, certifying the accuracy of the Plan and all calculations associated therewith.

- d. In the event that the Plans propose extension of service into the project by any Authority or jurisdiction other than the Township, a statement from the applicable Authority or jurisdiction regarding the adequacy of such extension shall be submitted.

- e. A preliminary grading plan for the site in accordance with Section 711 a. of this Ordinance.

- f. A preliminary landscaping plan for the site in accordance with Article XII of This Ordinance. The Preliminary Landscape Plan shall be drawn at a scale of not less than 1" = 50'. It shall be coordinated with the overall site plan and contain the following:
 - (1) Building and paved area layout.
 - (2) Location of all outside storage and trash receptacle areas.
 - (3) Existing and proposed underground and aboveground utilities, such as site lighting, transformers, hydrants, manholes, etc.
 - (4) Fences and walls.
 - (5) Existing wooded areas; existing wooded areas to remain; and existing and proposed water bodies.
 - (6) Species of proposed trees, shrubs, ground cover and grass.
 - (7) Areas to be planted with proposed species other than grass.

- g. An EIA report, prepared in accordance with Section 714 of the ordinance, shall be submitted with the Preliminary Plan for:
 - (1) any proposed land development and/or subdivision of land which consists of twenty-five (25) or more dwelling units;
 - (2) any non-residential land development in excess of three (3) acres of land that is disturbed including land that is cleared, paved, improved or otherwise substantially changed from its natural state;

- (3) any proposed subdivision or land development, or any portion thereof, located in the Woodland Conservation Zoning District as set forth in the applicable South Middleton Township Zoning Ordinance;
 - (4) any proposed subdivision or land development, or any portion thereof, containing areas designed as floodplain or flood prone as set forth in the applicable South Middleton Township Zoning or Subdivision Ordinance;
 - (5) any proposed subdivision or land development, or any portion thereof, located in the A-H Airport Hazard Zoning District as set forth in the applicable South Middleton Township Zoning Ordinance;
 - (6) any proposed subdivision or land development, or any portion thereof, located in the W-P Wellhead Protection Zoning Overlay District as set forth in the applicable South Middleton Township Zoning Ordinance;
 - (7) any proposed subdivision or land development, or any portion thereof, located in the LeTort Spring Run Scenic River Corridor as set forth in the LeTort Spring Run Scenic River Study;
 - (8) any proposed subdivision or land development, or any portion thereof, located in the Yellow Breeches Creek Scenic River Corridor as set forth in the Yellow Breeches Creek Scenic River Study;
 - (9) any proposed subdivision or land development, or any portion thereof, located within 500 feet from the centerline of Mountain Creek.
- h. A Traffic Impact Study, prepared in accordance with Section 713 of this Ordinance, shall be required for subdivisions and land developments which meet the following criteria:
- (1) Residential - Involving 25 or more dwelling units.
 - (2) Commercial - Involving 25,000 or more feet of gross floor space.
 - (3) Industrial - Involving 50,000 or more square feet of gross floor space.

- (4) Other - Whenever the Planning Commission or Board of Supervisors shall find that there is a reasonable ground to believe that the existing transportation network may be inadequate to handle the volume or character of traffic likely to result from the proposed subdivision or land development.
- i. Proposed off-site improvements as indicated by the Environmental Impact Assessment Report and/or the Traffic Impact Study.
- j. Adequate studies to establish speed limits for all streets within or bordering on the proposed subdivision or land development. Said requirement shall apply to each such street that currently has no legal speed restriction or to such streets identified by the Board of Supervisors which maintain a speed restriction that may be changed due to the impact of the proposed subdivision or land development. In lieu of providing such studies, the applicant shall reimburse the Township for its reasonable costs in obtaining such studies.
- k. Adequate studies to determine the need for intersection controls, or other traffic safety measures, for all streets within or bordering on the proposed subdivision or land development. In lieu of providing such studies, the applicant shall reimburse the Township for its reasonable costs in obtaining such studies.
- l. 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.
- m. A report by the LeTort Regional Authority in accordance with Section 503 a.
- n. Street names shall be assigned at the Preliminary Plan stage and evidence of submission to the U.S. Post Office for approval shall be provided.

503. Review Procedure

- a. Copies of the Preliminary Plan and Supporting Documentation shall be distributed to the appropriate reviewing and advisory bodies for comment and report. The Applicant shall be responsible for paying any and all review fees required directly to these reviewing agencies. Non-payment of such fees shall be a basis for denial of the Preliminary Plan. Additionally, Preliminary Plans shall be submitted to adjacent municipalities and governmental agencies or authorities that may be affected by the Plan.
- b. The LeTort Regional Authority shall be considered an advisory body, and shall receive a copy of any plan or application for the development of land within the designated watershed or any tributary of LeTort Spring Run. The LeTort Regional Authority will submit a report to the Township with respect to the impact of the Plan on the LeTort Spring Run Watershed. Fees for review by the LeTort Regional Authority shall be based upon a schedule adopted by Resolution of the Board of Supervisors, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township office.

In preparing plans within said drainage basin, the developer shall incorporate designs based upon the Best Management Practices Design Standards (BMP), and those recommended by the LeTort Regional Authority. In the event of conflict between BMP designs or recommendations by the LeTort Regional Authority and the provisions of this Ordinance, the more stringent or restrictive requirements, as determined by the Township Engineer, shall be deemed to supersede and control and shall be made part of this Ordinance as though fully set forth herein. Such requirements shall have full force and effect of law.

- c. All plans submitted shall be subject to a mandatory meeting between Township Staff and applicants. The plans shall be reviewed by the Township Planning Department, the Township Solicitor, and other representatives of the Township deemed necessary by the Township Manager. In addition, the applicant may meet with such representatives subject to their availability. All fees and costs incurred by the Township for plan reviews and meetings shall be paid by the applicant and reimbursed to, or deducted from, escrow fees by the Township. If, during the course of this review, the plan is found to be substantially lacking material information otherwise required by this ordinance, the applicant will be requested to withdraw the plan pursuant to the provisions of this ordinance and make revisions thereto by providing the required

data. If the applicant withdraws the plan, he will be refunded the unused portion of his previously paid application and escrow fees. If the applicant refuses to voluntarily withdraw the plan, the plan will be subject to rejection by the Board of Supervisors due to its incompleteness and the previously paid application fee will be fully accepted by the Township. The unused escrow fee will be refunded.

- d. Prior to review by the Planning Commission and the Board of Supervisors, the Township, Planning Department and any other representatives of the Township deemed necessary by the Township Manager shall submit comments on the plan to the Township Secretary for distribution to the Planning Commission, the Supervisors and the Applicant. Said comments are not in any way binding on the Township or the decision of the Board of Supervisors and are intended for information purpose only. If the comments disclose a significant failure to comply with the ordinances, the Township may request that the applicant withdraw the plan to provide revisions thereto, pursuant to procedures set forth in this section and elsewhere in this ordinance. If the applicant instead desires to continue review by the Township, said plan shall be reviewed pursuant to procedures as set forth in this ordinance and is subject to approval or rejection by the Board of Supervisors on its terms as filed.

- e. At a regular or special Planning Commission meeting following receipt of reports from the Township Planning Department and other agencies listed above, prior to consideration of the preliminary plan by the Board of Supervisors as provided herein, the Planning Commission may:
 - (1) Review the applicant's submission.
 - (2) Review all reports received.
 - (3) Discuss submission with applicant, or applicant's agent.
 - (4) Evaluate the plan, reports, and discussion.
 - (5) Determine whether the Preliminary 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 Preliminary Plan. Conditional approval shall set forth the conditions to be satisfied by the applicant.

- (7) Submit its reports to the Board of Supervisors. When the Planning Commission recommends disapproval in terms as filed, the decision should specify the reasons for disapproval.

504. Revisions to Preliminary Plans

- a. After review by the Planning Commission of the Preliminary Plan and prior to any action by the Board of Supervisors within the required ninety (90) day period, the Preliminary Plan may be revised by the applicant. Ten (10) copies of any revised Preliminary Plan shall be submitted which shall note the dates of all revisions and a summary of the nature thereof.
- b. Upon submission of the revised Preliminary Plan, (which shall not be comprised of any plans, documents or other submissions theretofore submitted, unless the Planning Commission specifies to the contrary), the applicant shall sign a statement withdrawing any previously submitted Preliminary Plan from consideration and shall stipulate that a new ninety (90) day time period shall commence from the date of the Planning Commission meeting next following the filing of the revised Preliminary Plan. The submission of revised Preliminary Plans shall be subject to and must comply with any and all changes in the Township ordinances or other applicable laws or regulations.
- c. The revised Preliminary Plan shall be submitted to the Township no less than fourteen (14) calendar days prior to a regular public meeting of the Planning Commission. The revised Preliminary Plan shall be distributed by the Township on the basis as set forth in Section 503 a. herein.
- d. The applicant shall provide a written response to all the comments upon submission of a revised plan.
- e. 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 Preliminary 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 Preliminary Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
- (3) Either approve, conditionally approve, or disapprove the Preliminary 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 to the provisions or 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 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.