

ARTICLE III

GENERAL PROCEDURES, MINOR PLANS AND FEE SCHEDULES

301. Prior to Submission

- a. Copies of this Ordinance shall be available on request, at cost, for the use of any person who desires information concerning subdivision standards and procedures in effect within the Township. Sample plans will be on file at the Township Office Building.
- b. Applicants are encouraged to utilize the provisions set forth in Article IV of this ordinance that provide discussion with Township officials prior to submission of the official plan.
- c. In addition, no Application shall be deemed complete and filed requiring a decision thereon, until all applicable plan requirements of this ordinance have been met, including properly filing with the Township all supporting documentation and other data required by this ordinance, as well as expressly stating on the plan that it is either preliminary or final, and all fees and costs therefor are paid in full. The Township shall determine whether an Application is complete within ten (10) days of submission. Incomplete Applications shall be returned to the Applicant and shall be accompanied by a written statement from the Township indicating the reason(s) the Application is incomplete.
- d. If any application is determined to be complete and subsequently found to be lacking data otherwise required by this ordinance, the Application shall be withdrawn, as provided elsewhere in this ordinance. Ten or more substantive omissions shall be grounds for a plan to be considered lacking data otherwise required by this ordinance.
- e. In addition, all applications, fees and supporting documentation must be submitted to the township on or before the 25th day of the month prior to a regularly scheduled meeting of the Planning Commission. For example, to be reviewed at a Planning Commission Meeting scheduled for July 18th, an application must be received on or before June 25th.
- f. Applications submitted after the 25th day of the month shall not be presented to the Planning Commission until the next regularly scheduled meeting after the 25th day of the subsequent month has passed.

302. Preparation of Plans

All plans are to be prepared in accordance with the specifications set forth by the "Professional Engineers Registration Law" (P.L. 913, No. 367). All plans shall bear a certification as defined by Article II of this Ordinance.

303. Filing of Plans and Supporting Documentation

- a. The subdivider or land developer shall file an Application for Subdivision and Land Development and copies of proposed Preliminary plans with the Township and the required number of copies to the agencies concerned as provided for in Article V. If the subdivider or land developer makes revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as preliminary plans when re-filed.
- b. Upon approval of the preliminary plans, the subdivider shall file final plans with the Township and the required number of copies to the Township agencies concerned as provided for in Article VI. Mobile home park plans shall be reviewed in the same manner as subdivision and land development plans.

304. Effect of Changes in the Ordinance

- a. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in the subdivision and land development ordinance, and while such application is pending approval or disapproval, no change or amendment of the zoning, adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the governing ordinances or plans as they stood at the time the application was duly filed. In addition, when a preliminary application has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved preliminary application as hereinafter provided. However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
- b. When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved subject to conditions acceptable to the applicant, no subsequent change or amendment in the subdivision or other governing ordinance or plan

shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval.

- c. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the aforesaid preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the application for such approval was duly filed.
- d. Where the landowner has substantially completed the required improvements as depicted upon the Final Plan within the aforesaid five-year limit, or any extension thereof as may be granted by the Board of Supervisors, no change of municipal ordinance or plan enacted subsequent to the date of filing of the Preliminary Plan shall modify or revoke any aspect of the approved Final Plan pertaining to zoning classification or density, lot, building, street or utility location.
- e. In the case of a Preliminary Plan calling for the installation of improvements beyond the five-year period, a schedule shall be filed by the landowner with the Preliminary Plan delineating all proposed phases as well as deadlines within which applications for Final Plan approval of each phase are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the Preliminary Plan approval, until Final Plan approval of the final phase has been granted and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors in its discretion.
- f. Each phase in any residential subdivision or land development, except for the last phase, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as depicted on the Preliminary Plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the Preliminary Plan approval, including compliance with landowner's aforesaid schedule of submission of Final Plans for the various phases, then the aforesaid protections afforded by substantially completing the improvements depicted upon the Final Plan within five years shall apply and for any phase or phases, beyond the initial phase, in which the required improvements have not been substantially completed within said five-year period the aforesaid

protections shall apply for an additional term or terms of three (3) years from the date of Final Plan approval for each phase section.

- g. Failure of landowner to adhere to the aforesaid schedule of submission of Final Plans for the various phases shall subject any such phase to any and all changes in zoning, subdivision and other governing ordinance enacted by the Township subsequent to the date of the initial Preliminary Plan Submission.
- h. Before acting on an application, the Board of Supervisors may hold a public hearing thereon after public notice.
- i. Expiration of Preliminary Plan Approval - Preliminary Plan approval shall expire if Final Plans are not submitted within one year of preliminary plan approval.
- j. Effect of Preliminary Plan Approval - Approval of the Preliminary Plan constitutes approval of the proposed subdivision or land development in respect to general design, the approximate dimensions and other planned features. Preliminary Plan approval binds the applicant to the general scheme of the Plan as approved and permits the applicant to begin preparation of the Final Plan. Preliminary Plan approval does not authorize the recording, sale or transfer of lots.
- k. Recording Plans and Deeds
 - (1) Upon the approval of a final plat, the Township shall within ninety (90) days of such approval or 90 days after the date of delivery of an approved plat signed by the governing body, following completion of conditions imposed for such approval, whichever is later, record such plat in the Office of Recorder of Deeds of Cumberland County. The Recorder of Deeds shall not accept any plan for recording unless such plat officially notes the approval of the Board of Supervisors and review by the Cumberland County Planning Department.
 - (2) The applicant shall bear any costs required to provide the Recorder of Deeds with a recordable plan in the required 18" X 24" format.
 - (3) Streets, public grounds, easements and other public improvements may be offered for dedication to the Township by formal notation on the Final Plan, or the applicant may

note that any such improvements have not been offered for dedication to the Township.

- (4) Streets and public grounds shown on a recorded Final Plan shall be deemed private until offered for dedication to the Township and accepted by ordinance or resolution; or until legally adopted for use by the public.
- (5) Acceptance of Dedication of Streets – No streets shall be accepted for dedication by the Township between August 31 and April 1.
- (6) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included with the subject plan.

- I. Effect of Plan Approval on Official Map - After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the Official Map of the Township (if and when adopted) without public hearing. The Board of Supervisors shall determine the roadway classification of all new roads.

305. Minor Plans

a. Minor Subdivision Plans

Any subdivision that contains no more than three (3) lots or prospective occupants, may be reviewed and acted upon as a Final Plan without the necessity of prior Preliminary Plan approval. Such determination shall be made by the Board of Supervisors after receipt of a written request for waiver of the requirement for a Preliminary Plan and upon recommendation of the Township Planning Commission based upon the following requirements:

- (1) The proposed subdivision does not involve public improvements.
- (2) The proposed subdivision complies with the applicable provisions of this Ordinance.
- (3) When the total of all lots subdivided or space occupied from a parcel or tract of land exceeds five (5) lots or occupants within the last five (5) years, the applicant shall be required

to file a Preliminary Plan for any further proposed subdivision or land development.

b. Land Development Plans

Any individual land development project may be reviewed and acted upon as a Final Plan without the necessity of prior Preliminary Plan approval. Such determination shall be made by the Board of Supervisors after receipt of a written request for waiver of the requirement for a Preliminary Plan and upon recommendation of the Township Planning Commission based upon the following requirements:

- (1) The proposed land development project will disturb less than 5 acres.
- (2) The proposed land development project does not necessitate the extension of public improvements.
- (3) The proposed land development project complies with all other applicable provisions of this Ordinance.

306. Subdivision Plans for Lot Addition or Lot Line Alteration

- a. A plan which proposes to add an existing parcel of land to another existing recorded lot can be submitted as a "Lot Addition – Final Subdivision Plan". A plan which proposes to alter the existing property line between two existing recorded lots can be submitted as a "Lot Alteration - Final Subdivision Plan". The plan submitted to the municipality shall meet the following criteria;
 - (1) For a lot addition, the parcel shall be contiguous to the existing lot and all parcels must be combined into one lot.
 - (2) No lot or tract of land is created that is smaller than the minimum nor larger than the maximum lot size permitted in the applicable Zoning District.
 - (3) No easements or rights-of-way are altered, except dedication of additional right-of-way to the Township.
 - (4) Access to any parcel is not changed.
 - (5) Street alignments are not changed.

- (6) No new building lots are created.
- b. A subdivision plan that meets the above criteria may be prepared as a Final Plan for submission to the municipality and shall comply with the following requirements.
- (1) The plan shall be prepared and certified with a seal and signature by a land surveyor registered in the Commonwealth of Pennsylvania.
 - (2) Eight (8) copies of the plan shall be submitted.
 - (3) Dimensions shall be in feet and degrees, minutes, seconds with an error of closure of no greater than one foot in ten thousand feet.
 - (4) The plan shall be drawn at no smaller than one hundred (100) feet to an inch. All dimensions shall be in feet and hundredths of a foot.
 - (5) The plan shall contain the following information:
 - (a) A title block indicating plan name and sheet numbers (if multiple sheets).
 - (b) Name of proposed plan, type of plan, Municipality, County, and Pennsylvania.
 - (c) Name, address, telephone number, and email address of the recorded plan owner(s) and any equitable owners of the affected lots.
 - (d) Name, address, telephone number, and email address of the professional land surveyor.
 - (e) Tax parcel numbers.
 - (f) A location map drawn to a scale of a minimum one inch to two thousand feet (1" = 2000') and north arrow.
 - (g) The date the plan was prepared and any revision dates.

- (h) Zoning data to include, but not limited to: Zoning District, minimum lot area, building setbacks, lot widths, density, lot and building coverage, any applicable overlay districts, off-street parking, and building height.
- (i) Site data in a table form to include, but not limited to: Area of the lots, proposed use, proposed lot numbers, lot and building coverage, public or private rights-of-way and/or easements.
- (j) A surveyor's certification statement whereby the signer represents that to the best of their knowledge and belief said plan or document is true and correct and that the Township may rely upon the accuracy thereof.
- (k) Certification regarding the presence or absence of any wetlands or flood plains.
- (l) Signature block for review of plan by County Planning Commission. All plans will be submitted to the County Planning Agency for review and approval.
- (m) Signature block for approval of the Board of Supervisors with three spaces for signature.
- (n) A statement that "No portion or tract of any lot created by this plan may be used as a stand-alone lot. The lease, conveyance, sale or transfer of any partial lot created by this plan shall be incorporated into the existing lots by recorded deed."
- (o) The location of any on-lot septic system and wells.
- (p) Boundaries of the properties being subdivided showing the bearings and distances, a statement of total acreage of the property, and the location of any municipal boundaries.
- (q) Lot areas, bearings and distances of the property line, and lot numbers.
- (r) North arrow, graphic scale, and written scale.

- (s) Names of all abutting property owners and respective deed references.
- (t) Existing and proposed property corner monuments and markers.
- (u) Any existing street adjacent to the parcels, including name, right-of-way width, and cartway width. If the subdivision abuts or contains an existing right-of-way of inadequate width, sufficient additional width shall be required to meet the standards of Section 703 e. herein.

307. State Highway Access

- a. No plan which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plan contains a notice that a highway occupancy permit is required pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law," before driveway access to a State highway is permitted. The Department shall, within sixty (60) days of the date of receipt of an application for a highway occupancy permit:
 - (1) approve the permit, which shall be valid thereafter unless, prior to commencement of construction thereunder, the geographic, physical or other conditions under which the permit is approved change, requiring modification or denial of the permit, in which event the Department shall give notice thereof in accordance with regulations;
 - (2) deny the permit;
 - (3) return the application for additional information or correction to conform with Department regulations; or
 - (4) determine that no permit is required in which case the Department shall notify the Township and the applicant in writing.
- b. If the Department shall fail to take any action within the sixty (60) day period, the permit will be deemed to be issued.

- c. The Plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit.
- d. Neither the Department nor any municipality to which permit-issuing authority has been delegated under the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway. Furthermore, the Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a driveway permit by the Department.

308. Fees

The Board of Supervisors shall set fees, payable in advance, for review of plans. Such review fees may include reasonable and necessary charges by the Township's professional consultants or engineer for review and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township engineer or consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants. Such fees shall be based upon a schedule adopted by Resolution of the Board of Supervisors upon enactment of this Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township office.

309. Disputes over Fees

If the applicant disputes the amount of any such review fees, the applicant shall, within ten (10) days of the billing date, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees. In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:

- a. If within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional consultant or engineer licensed as such in the Commonwealth of

Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary.

- b. The professional consultant or engineer so appointed shall hear such evidence and review such documentation as he, in his sole opinion deems necessary, and shall render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- c. In the event that the Township and the applicant cannot agree on the aforesaid professional consultant or engineer to be appointed within 20 days of the billing date, then upon petition of either party, the president judge of the Court of Common Pleas of the Judicial District in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such person, who, in that case, shall not have been retained by or performed services for, the Township or the applicant within the preceding five (5) years.
- d. The fee of the appointed professional consultant or engineer for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill; if the amount of payment required in the decision is less than the original bill by \$1,000.00 or more, the Township shall pay the fee of the appointed person; otherwise, the Township and the applicant shall each pay $\frac{1}{2}$ of the fee of the appointed person.