

### ARTICLE 3

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## Article 3

### PROCEDURAL REQUIREMENTS

#### 301 General Procedure

1. Submission of Application: Whenever any subdivision or development of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure or use of land in such proposed subdivision or land development shall be granted, the subdividing or developing owner, or his authorized agent, shall submit a complete application and shall secure approval of such subdivision or land development in accordance with the following procedures.
2. Official Submission Dates: For the purpose of these regulations, for both land developments and subdivisions, the official submittal date of the preliminary or final plan at which the ninety-day statutory period required for formal approval or disapproval of the preliminary or final plan shall commence to run shall be the date of the regular meeting of the Planning Commission next following the date the application is filed, provided that, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the official submittal date shall be measured from the thirtieth day following the day the application has been filed.

#### 302 Sketch Plan

1. Discussion of Requirements: Before preparing the sketch plan for a subdivision or land development, the applicant should discuss with the Administrator to the Planning Commission, or with the Planning Commission itself, the procedure for approval of a subdivision or land development plan and the requirements as to the general layout of streets and for the reservation of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services. The Administrator shall also advise the applicant, where appropriate, to discuss the proposed subdivision or land development with those officials (such as the Soil Conservationist, Township Engineer, and Sewerage Enforcement Officer) who must eventually approve these aspects of the subdivision or land development plan coming within their jurisdiction.
2. Application Procedure and Requirements: Prior to subdividing or developing land, a landowner, or his representative, is advised, but not required, to file an application for approval of a sketch plan. The submission of a sketch plan application shall not constitute the filing of an application for preliminary or final plan review and approval. The sketch plan application should:
  - a. Be made on forms available at the office of the Administrator to the Planning Commission.
  - b. Include land which the applicant proposes to subdivide and all land immediately adjacent extending two hundred (200) feet therefrom, or of that directly opposite thereto, extending two hundred (200) feet from the street frontage of such opposite land, with the names of the owners as shown in the County Assessor's files. This information may be shown on a separate, current Assessment Map reproduction from the Assessor's Office showing the subdivision superimposed thereon.
  - c. Be accompanied by a minimum of two (2) copies of the sketch plan as described in Article 5 of these regulations and complying in all respects with these regulations.

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- d. Be presented, along with the application form in duplicate, to the Administrator to the Planning Commission for the next regularly scheduled meeting, at which time the application is accepted.
3. Report of Administrator: The Administrator shall process the sketch plan and make a determination as to whether it is complete according to the requirements of Article 5. The Administrator shall prepare a report to this effect.
4. Planning Commission Review of Sketch Plan and Report: The Planning Commission shall review the sketch plan and report of the Administrator taking into consideration the requirements of this Ordinance and all other applicable ordinances, as well as the Comprehensive Plan, and the best use of the land being subdivided or developed. Particular attention should be given to the arrangement, location, and width of streets, their relation to the topography of the land, sewage disposal, drainage, water supply, lot sizes and arrangement, and further development of the total tract of which only a portion is being proposed for subdivision and development.
5. Field Trip: After the regular Planning Commission meeting at which the subdivision or land development is first discussed, the Planning Commission may schedule a field trip to the site of the proposed subdivision or development, accompanied by the applicant or his representative.
6. Approval of the Sketch Plan: After reviewing and discussing the sketch plan and report from the Administrator, the Planning Commission will advise the applicant of the specific changes or additions, if any, it suggests in the layout, and the character and extent of required improvements and reservations which will be needed for later approval of the subdivision or land development plan. These suggestions do not preclude additional changes the Planning Commission may require during the formal application process.

Approval of the sketch plan, although not required for further plan processing, shall constitute authorization to prepare and submit a preliminary plan. Such approval by the Planning Commission shall be made at a public meeting.

Within fifteen (15) days after the meeting at which the sketch plan was reviewed by the Planning Commission, the Administrator shall send written notice of the Commission's recommendations, including changes and modifications requested by the Planning Commission, to the subdivider or developer.

303 Preliminary (Engineering) Plan

1. Application Procedure and Requirements: The applicant for a subdivision or land development shall file a complete application for approval of a preliminary plan. The application shall:
  - a. Include completed application forms in duplicate, which forms are available at the office of the Administrator to the Planning Commission.
  - b. Include all contiguous holdings of the owner including land in the "same ownership", as defined herein, with an indication of the portion which is proposed to be subdivided or developed, accompanied by an affidavit of ownership, which shall include the dates

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the respective holdings were acquired, together with the book and page of each conveyance to the present owner as recorded in the County Recorder of Deeds Office. The affidavit shall advise as to the legal owner of the property, the date the contract of sale was executed, and, if any corporations are involved, a complete list of all directors, officers, and stockholders of each corporation owning more than five percent (5%) of any class of stock.

- c. Be accompanied by a minimum of fifteen (15) copies of the preliminary plan as described in Article 5 of these regulations and complying in all respects with these regulations.
  - d. Be accompanied by a minimum of three (3) copies of construction plans for required improvements as described in these regulations.
  - e. Be accompanied by a plan showing the sections or phases for which final plans will be submitted if phasing is to be pursued.
  - f. Be mailed or delivered to the Administrator to the Planning Commission.
  - g. Be accompanied by fees as set forth in Article 9.
  - h. Be accompanied by the fee required for preliminary plan review by the Columbia County Planning Commission.
  - i. Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations and by written assurance from the public utility companies that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the provision or extension of utilities as required by the Planning Commission. These fees and assurances are required with the preliminary plan application only if the developer intends to install improvements after preliminary plan approval but before final plan approval.
2. Referrals and Report: The Administrator shall process the preliminary plan and make a determination as to whether it is complete according to the requirements of Article 5. If the preliminary plan is incomplete, it shall be rejected. If the preliminary plan is complete, the Administrator shall refer copies of it to other officials and agencies for their review and comments. Such officials and agencies shall include, but need not be limited to:
- a. The Township Engineer
  - b. Berwick Sewerage Authority, if applicable
  - c. The Sewerage Enforcement Officer, if applicable
  - d. The Township Board of Supervisors
  - e. The Columbia County Planning Commission
  - f. The Berwick Area School District

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- g. The United States Post Office
- h. The Columbia County Soil Conservation District
- i. The Pennsylvania Department of Transportation. (This referral is necessary for a highway occupancy permit only if the development is to front on an existing or proposed state highway or is to have a street entering such highway.)
- j. The Pennsylvania Department of Environmental Resources
- k. Adjacent communities

The Administrator shall request that all officials and agencies to whom the request for review has been made submit their reports to the Administrator within thirty (30) days from the date any request was forwarded to them.

The Administrator shall consider all reports submitted by the officials and agencies concerning the preliminary plan and shall prepare and submit a report thereon to the Planning Commission. The Administrator shall then place the preliminary plan and reports on the agenda of the Planning Commission for its next regularly scheduled meeting or for a specially scheduled meeting or public hearing for review and action.

3. Planning Commission Review and Action: Following receipt of the written report from the Administrator, the Planning Commission shall consider the preliminary plan at its next regularly scheduled meeting or a specially scheduled meeting.

If the plan is to be considered at a special meeting, the subdivider or developer shall be so notified. The Planning Commission may also schedule a public hearing before taking action on the plan.

The Planning Commission shall review the preliminary plan, official comments and reports received thereon, including the County report (unless thirty [30] days from the date the plan was forwarded to the County have expired), and shall render its decision in writing and shall communicate it to the applicant personally or mail it to him at his last known address not later than fifteen (15) days following the decision.

This review and decision process shall take place not later than ninety (90) days following the date the complete application is filed with the Planning Commission, provided that, should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day following the day the application has been filed.

The following shall constitute the types of action the Planning Commission may take:

- a. The Planning Commission may disapprove the preliminary plan, in which case it 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.
- b. The Planning Commission may conditionally approve the preliminary plan, in which case it shall specify all additional information or changes needed, describing the requirements that have not been met, citing, in each case, the provisions of the

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Ordinance which were relied upon. This additional information shall be required prior to further preliminary plan consideration or the submission of the final plan. Conditional approval may only be granted where the conditions are acceptable to the applicant and the applicant has stated his acceptance of the conditions in writing, signed by the applicant.

- c. The Planning Commission may approve the preliminary plan. Such approval binds the subdivider to the subdivision or land development shown and permits the subdivider to proceed with the final plan, to construct proposed improvements or to arrange for a financial guarantee if proposed improvements are to be constructed after final plan approval. Approval of the preliminary plan does not authorize the sale of lots or lease of space or the recording of the preliminary plan.

Failure of the Planning Commission 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 preliminary plan application in terms as presented unless the applicant has agreed in writing to an extension of the 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.

- 4. Signing of Plan by the Planning Commission: In approving the preliminary plan the Chairman and Secretary of the Planning Commission shall sign and date the mylar original and three (3) copies of the plan and shall include a notation as to any modifications required for final plan consideration.

The Planning Commission shall return the mylar original and one (1) signed copy to the applicant for compliance with submission of the final plan. A copy of the signed preliminary plan shall be forwarded to the Board of Supervisors and one (1) copy shall be retained for the Commission's files.

- 5. Installation of Improvements: Following approval of a preliminary plan the developer may install all required improvements in a subdivision or development or phase thereof before submitting the final plan. All requirements for inspection of improvements pursuant to the provisions of Article 4 shall be met before final plan approval. In lieu of installation of improvements prior to final plan approval, the developer may post a financial security for the installation at a later date of such improvements. The provision of a financial security for deposit with the Township shall be acceptable to the Township Board of Supervisors pursuant to the provisions of Article 4.

304 Final (Recording) Plan

- 1. Application Procedure and Requirements: Following the review and approval of the preliminary plan, the applicant, if he wishes to proceed with the subdivision or development, shall file with the Planning Commission a complete application for approval of a final plan. The application shall:
  - a. Include completed application forms in duplicate, which forms are available at the office of the Administrator to the Planning Commission.

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- b. Include the entire subdivision or development, or section thereof, which derives access from an existing state, county, or local public road.
  - c. Be accompanied by a minimum of fifteen (15) copies of the final plan as described in Article 5 of these regulations and complying in all respects with these regulations.
  - d. Be accompanied by a minimum of three (3) copies of construction plans for all public improvements as described in these regulations.
  - e. Comply in all respects with the preliminary plan, as approved.
  - f. Be mailed or delivered to the Administrator to the Planning Commission.
  - g. Be accompanied by fees as set forth in Article 9.
  - h. Be accompanied by the fee required for final plan review by the Columbia County Planning Commission.
  - i. Be accompanied by the performance bond or other financial security, if required, in a form satisfactory to the Township Solicitor and in an amount established by the Planning Commission, upon recommendation of the Township Engineer and with the approval of the Board of Supervisors. Such bond shall include a provision that the principal of the bond shall comply with all the terms of the resolution of final plan approval as determined by the Planning Commission and shall include, but not be limited to, the performance of all required subdivision or land development and offsite improvements, and that all improvements and land included in any irrevocable offer of dedication shall be dedicated to the Township government free and clear of all liens and encumbrances on the premises.
  - j. Be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations and by written assurance from the public utility companies that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the provision or extension of utilities as required by the Planning Commission upon preliminary plan approval.
2. Phasing of Subdivision Plans: Prior to granting final approval of a subdivision or land development plan, the Planning Commission may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan in compliance with the requirements of Section 402 (8).
3. Referrals and Report: The Administrator shall process the final plan and make a determination as to whether it is complete according to the requirements of Article 5. If the final plan is incomplete, it shall be rejected. If the final plan is complete, the Administrator shall refer copies of it to other officials and agencies for their review and comments if this has not been done previously. Such officials and agencies shall include, but need not be limited to:
- a. The Township Engineer



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- b. Berwick Sewerage Authority, if applicable
- c. The Sewerage Enforcement Officer, if applicable
- d. The Board of Supervisors
- e. The Columbia County Planning Commission
- f. The Berwick Area School District
- g. The United States Post Office
- h. The Columbia County Soil Conservation District
- i. The Pennsylvania Department of Transportation. (This referral is necessary for a highway occupancy permit only if the development is to front on an existing or proposed state highway or is to have a street entering such highway.)
- j. The Pennsylvania Department of Environmental Resources
- k. Adjacent communities

The Administrator shall request that all officials and agencies to whom the request for review has been made submit their reports to the Administrator within thirty (30) days from the date any request was forwarded to them.

The Administrator shall consider all reports submitted by the officials and agencies concerning the final plan and shall prepare and submit a report thereon to the Planning Commission. The Administrator shall then place the final plan and reports on the agenda of the Planning Commission for its next regularly scheduled meeting or for a specially scheduled meeting or public hearing for review and action.

4. Planning Commission Review and Action: Following receipt of the written report from the Administrator, the Planning Commission shall consider the final plan at its next regularly scheduled meeting or a specially scheduled meeting.

If the plan is to be considered at a special meeting, the subdivider or developer shall be so notified. The Planning Commission may also schedule a public hearing before taking action on the plan.

The Planning Commission shall review the final plan, official comments and reports received thereon, including the County report (unless thirty [30] days from the date the plan was forwarded to the County have expired) and shall render its decision in writing and shall communicate it to the applicant personally or mail it to him at his last known address not later than fifteen (15) days following the decision.

This review and decision process shall take place not later than ninety (90) days following the date the complete application is filed with the Planning Commission, provided that, should the next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety-day period shall be measured from the thirtieth day



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following the day the application has been filed.

The following shall constitute the types of action the Planning Commission may take:

- a. The Commission may disapprove the final plan, in which case it 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.
- b. The Commission may approve the plan.

Failure of the Planning Commission 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.

5. Installation of Improvements or Financial Security in Lieu Thereof: Before any final plan is approved, the subdivider or developer either shall install all required improvements or shall provide for deposit with the Township a financial security acceptable to the Board of Supervisors pursuant to the provisions of Article 4.

6. Signing of Plan:

- a. When installation of improvements is required, the Chairman and Secretary of the Planning Commission shall sign and stamp the mylar original and three (3) copies of the final plan and attach thereto a notation that it has received approval and the date of such approval after all conditions of the resolution have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Township as shown by a certificate signed by the Township Engineer and Township Solicitor that the necessary dedication of public lands and improvements has been made and accepted.
- b. When a financial security is required, the Chairman and Secretary of the Planning Commission shall sign and stamp the mylar original and three (3) copies of the final plan and attach thereto a notation that it has received approval and the date of such approval after the bond or other financial security has been approved by the Board of Supervisors and all the conditions of the resolution pertaining to the plan have been satisfied.

The Planning Commission shall return the mylar original and one (1) signed print to the applicant, one print being for compliance with the recording requirements. The other two (2) copies of the final plan as endorsed shall be forwarded to the Township Planning Commission and to the Board of Supervisors.

7. Recording Plans and Deeds: Upon approval of the final plan the developer or subdivider shall, within ninety (90) days of such final approval, record such plan in the Office of Recorder of Deeds of Columbia County and submit a copy of the certificate of recording to the Township Planning Commission. Whenever such plan approval is required by the

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Township, the Recorder of Deeds of Columbia County shall not accept any plan for recording unless such plan officially notes the approval of the Township Planning Commission and review by the County Planning Commission.

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 within the subject plan.

305 Effect of Plan Approval on Official Map: After a plan has been approved and recorded, as provided in this Ordinance, all streets and public grounds on such plan shall be, and become a part of the Official Map of the Township, should the Township have adopted such a map, without public hearing.

306 Effect of Ordinance Changes on Application

1. Effect on Application Duly Filed: From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Ordinance and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such application adversely to the applicant. 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.
2. Effect Upon Approved Preliminary Plan: In addition, when a preliminary plan application has been duly approved, the applicant shall be entitled to final plan approval in accordance with the terms of the approved preliminary plan application as hereinafter provided.
3. Effect Upon Disapproved Plan: However, if an application is properly and finally denied, any subsequent application shall be subject to the intervening change in governing regulations.
4. Time Period for Completion of Approved Plan: When an application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent change or amendment in the zoning, 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.

Where final plan approval is preceded by preliminary plan approval, the five-year period shall be counted from the date of the preliminary plan approval.

In the case of any doubt as to the terms of a preliminary plan 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.

307 Effect of Ordinance Changes on Required Improvements

1. Effect on Substantially Completed Required Improvements: 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 Township

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Board of Supervisors, no change of Township 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.

2. Effect on Installation of Required Improvements Beyond the Five-Year Period: Where the installation of required improvements is called for beyond the five-year period in a preliminary plan filed prior to the change of ordinance or plan:

- a. A plan showing all proposed phases or sections of the development shall be submitted with the preliminary plan application.

Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five percent (25%) of the total number of dwelling units as shown on the preliminary plan, unless a lesser percentage is approved by the Board of Supervisors in its discretion.

- b. A time schedule for the filing of final plan applications for each phase or section shall be submitted with the preliminary plan application.

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 section has been granted, and any modification in the aforesaid schedule shall be subject to approval of the Board of Supervisors at its discretion.

3. Applicability of Protections from Ordinance Changes: Provided the landowner has not defaulted with regard to, or violated any of the conditions of, the approved preliminary plan, including compliance with the landowner's aforesaid schedule of submission of final plans for the various sections, then:

- a. The aforesaid protections afforded by substantially completing the improvements shown on the final plan within five (5) years shall apply; and
- b. For any section or sections, beyond the initial section, 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 the approved final plan for each section.

Failure of the landowner to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any section to any and all changes in zoning, subdivision and other governing ordinances enacted by the Township subsequent to the date of the initial preliminary plan application.