

ARTICLE III

PROCEDURE

§. 301 Preapplication Consultation

Copies of this Ordinance shall be available at reasonable charge on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within Penn Township. Any prospective developer may request a meeting with the Planning Commission to discuss and review tentative plans and discuss the applicability of the provisions of this Ordinance.

§. 302 Sketch Plan

Where a land development plan includes improvements or in the case of a major subdivision plan, the developer shall submit a minimum of five (5) paper copies of a sketch plan to the Planning Commission in accordance with the Provisions of §401.

Such Sketch Plan will be considered as submitted for informal review and discussion and shall not constitute formal filing of the plan with the Township.

As far as may be practical on the basis of the Sketch Plan review and discussion, the Township will informally advise the developer as promptly as possible of the extent to which the proposed land development conforms to the Design Standards of these regulations (Article V) and will discuss possible Plan modifications necessary to secure conformance.

§. 303 Submission of Plans

Applications for approval of Preliminary and Final Plans for all proposed land developments lying within the Township shall be filed with the Board of Commissioners at a regularly scheduled meeting. Such submission of Plans shall be accompanied by a fee as specified in §.804.

The initial Plan file with the Board of Commissioners shall be considered as a Preliminary Plan. However, in the event that an initial land development is five (5) lots or less and involving no new streets or other public improvements, the developer may proceed directly to Final Plan preparation in compliance with the requirements of §.405. A Feasibility Study and Environmental Impact Study as specified in §.403 and §.404 shall accompany the plan submission. The processing of a minor land development shall be consistent with the Procedures for processing a Final Plan as required in this Article.

The developer shall submit the Preliminary and Final Plans drawn on

linen or mylar material along with a minimum of ten (10) copies, blue or black line paper prints, as well as two (2) copies of the required supporting data. Fewer than ten (10) copies of the Plans may be required at the discretion of the Township. Preliminary and Final Plans shall comply with the requirements of Article IV.

§. 304 Referral of Plans

All Plans, whether Preliminary or Final, shall be forwarded by the Board of Commissioners to the Township Planning Commission for review and recommendation. If no report is received from the Township Planning Commission within seventy-five (75) days, such Plan shall be considered as receiving favorable review and recommendation from the Planning Commission.

The Board of Commissioners may also notify the following agencies as necessary for review and recommendations in writing that the Plan whether Preliminary or Final has been received and will be considered at its meeting of specified date:

- Four copies of the plan, one copy of a Feasibility Report on Water and Sewer Facilities and 3 copies of the Plan Module transmitted to the local office of the Pennsylvania Department of Environmental Resources for review and recommendations.
- One copy transmitted to the local office of the Soil Conservation Service of the U.S. Department of Agriculture for review and recommendations concerning erosion, sediment and drainage control.
- One copy transmitted to the local office of the Pennsylvania Department of Transportation for review and recommendations where the land development will front on an existing or proposed State Highway or has a proposed street entering on such a Highway.
- One copy transmitted to the York County Planning Commission as required by §.103 of this Ordinance.
- One copy transmitted to all affected public utilities who shall be requested to make recommendations as to the suitability of installing underground telephone, electric lines, gas lines, cable T.V., public water and sewer.
- One copy transmitted to the Township Engineer or other authorized person for review of engineering requirements.
- One copy transmitted to the Public Safety Officials responsible for police protection and fire safety.
- One copy transmitted to the Penn Township Parks and Recreation Board

§. 305 Review of Plans

All Plans, whether Preliminary or Final, shall be reviewed by the Township Planning Commission with reference to the following:

- The standards and requirement of this Ordinance.
- Any proposals contained in the Penn Township Comprehensive Plan.
- Any proposals contained in the Penn Township Comprehensive Sewage Plan.
- Site suitability for the particular type of development proposed.
- The availability for necessary services and facilities.
- The requirements of the Township Zoning Ordinance.
- The requirements of any other applicable Township Ordinance.
- The Official Map of the Township.
- The improvements, design and dedications or reservations required by this Ordinance.

In addition, any comments and recommendations from the following persons or agencies shall be given consideration

- Township Engineer.
- York County Planning Commission.
- Pennsylvania Department of Environmental Resources, including the Bureau of Dams and Waterway Management.
- Soil Conservation Service of the U.S. Department of Agriculture.
- Pennsylvania Department of Transportation.
- Public Safety Officials.
- Affected public utilities.
- Penn Township Parks and Recreation Board
- Interested citizens.

§. 306 Public Hearings

Before acting on any land development plan, the Board of

Commissioners may hold a public hearing thereon Pursuant to public notice.

§. 307 Approval of Plans

At a scheduled public meeting the Board of Commissioners shall render its decision on the Plan, whether Preliminary or Final, and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the governing body or planning commission next following the date the application is filed, provided that should the next regular meeting occur more than thirty (30) days following the filing, of the application, the said ninety (90) day period shall be measured from the thirty (30) day following the day the application was filed.

Final Plan approval shall not be granted until such improvements as required by this Ordinance and shown on such Final Plan have been completed or guarantee posted as required in Article VI.

The decision of the Board of Commissioners concerning Plan approval, whether Preliminary or Final, shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than fifteen (15) days following the decision.

When the Plan is not approved in terms as filed the decision shall specify the defects found in the Plan and describe the requirements which have not been met and cite the provisions of these regulations relied upon.

Failure of the Board of Commissioners to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed as 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.

From the time a Plan, whether Preliminary or Final, is submitted as provided in this Ordinance and while such Plan is pending approval or disapproval, no change or amendment of the Zoning, Subdivision and Land Development or other Township Ordinance or Plan shall affect the decision on such Plan adversely to the applicant and the applicant shall be entitled to a decision in accordance with the provisions of the Township Ordinances or Plans as they stood at the time the application was duly submitted. In addition, when a Preliminary Plan has been duly approved, the applicant shall be entitled to final approval in accordance with the terms of the approved Preliminary Plan as hereinafter provided.

However, if a Plan is properly and finally denied, any subsequent

Plan shall be subject to the intervening change in Township regulations. 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 Zoning, Subdivision and Land Development or other Township 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 approval is preceded by preliminary approval, the five-year period shall be counted from the date of the 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 Township Ordinances or Plans as they stood at the time when the Plan for such approval was duly submitted.

Where the landowner has substantially completed the required improvements as depicted upon the final plat within the aforesaid five-year limit, or any extension thereof as may be granted by the governing body, no change in municipal ordinance or plan enacted subsequent to the date of filing of the preliminary plat shall modify or revoke any aspect of the approved final plat pertaining to zoning classification or density, lot, building, street or utility location. In the case of a preliminary plat calling for the installation of improvements beyond the five year period, a schedule shall be filed by the landowner with the preliminary plat delineating all proposed sections as well as deadlines within which applications for final plat approval of each section are intended to be filed. Such schedule shall be updated annually by the applicant on or before the anniversary of the preliminary plat approval, until final plat approval of the final section has been granted and any modification in the aforesaid schedule shall be subject to approval of the governing body in its discretion.

Each section in any residential subdivision, or land development, except for the last section, shall contain a minimum of twenty-five percent of the total number of the dwelling units as depicted on the preliminary plan, unless a lesser percentage is approved by the governing body in its discretion. Provided the landowner has not defaulted with regard to or violated any of the conditions of the preliminary plat approval, including compliance with landowner's aforesaid schedule of submission of final plats for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plat within five years shall apply and 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 protection shall apply for an additional term or terms of three years from the date of final plat approval for each section.

§. 308 Effect of Preliminary Plan Approval

Approval of the Preliminary Plan by the Board of Commissioners constitutes conditional approval of the development as to the character and intensity of development, the general layout, and the approximate dimensions of streets, lots, and other planned features. This approval binds the developer to the general scheme shown on the Preliminary Plan.

Approval of the Preliminary Plan shall not constitute approval of the Final Plan, nor does it authorize recording of the Preliminary Plan or the sale of any lots. However, such approval does authorize the developer to proceed with the preparation of the Final Plan, installation and construction of improvements and/or the posting of a bond guarantee as specified in this Ordinance.

§. 309 Effect of Final Plan Approval

Approval of the Final Plan by the Board of Commissioners constitutes final approval of the land development as to the character and intensity of development, the layout, and the dimensions of streets, lots and other planned features. This approval binds the developer to the scheme shown on the Final Plan.

Final Plan approval authorizes the developer to proceed with the recording of the Final Plan which must be accomplished before the developer can proceed with the sale of any lots or the construction of buildings or structures.

§. 310 Recording of Final Plan

Upon approval of the Final Plan, the developer shall within ninety (90) days of such approval record such Plan in the office of the Recorder of Deeds of York County. Within thirty (30) days after such recording, the developer shall furnish proof of recording to the Board of Commissioners. Should the developer fail to record the Final Plan within such period, the approval of the Board of Commissioners shall be null and void, unless an extension of time has been granted by the Board of Commissioners upon written request.

The Recording of the Final 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.

§. 311 Resubdivision

For any replatting or resubdivision of land, the same procedures and regulations apply as prescribed for any original land development.