

# ARTICLE III

## PLAN PROCESSING PROCEDURES

### Section 301 General

This article sets forth the application requirements for obtaining approval of subdivision and land developments. The form of the various plans referred to in this Article and information required to be forwarded with such plans shall be as specified in Article IV.

### Section 302 Compliance with Zoning Ordinance and Zoning Hearing Board Decisions

Whenever the Zoning Ordinance provides that the use proposed by the applicant for subdivision or land development approval shall constitute a use by special exception or conditional use, or when a variance from the terms of the Zoning Ordinance is required to develop in accordance with the plan, the applicant shall obtain such special exception, variance or conditional use approval from the Township Zoning Hearing Board or Board of Supervisors, as applicable, prior to the submission of the plan. The plan shall be designed and developed in accordance with any conditions which have been imposed upon the grant of such special exception, variance or conditional use by the Township Zoning Hearing Board or Board of Supervisors, as applicable.

### Section 303 Application and Processing Requirements

ALL applications shall follow these application and processing requirements (except Sketch Plans as provided hereafter).

- A. **Formal Application/Submission Deadlines** All applications for approval of a subdivision plan, land development plan, lot add-on plan, or improvement construction plan shall be made by the developer filing an application form, to be supplied by the Township, together with the appropriate plans, studies, reports, supporting data, and required filing fee, with the Township. Applications may be filed with the Township on any business day; however, the Planning Commission may review a plan at a particular meeting only if the plan was filed at least fifteen (15) business days prior to that meeting.
- B. **Application Requirements** All plan applications shall include the following:
1. Two (2) copies of the plan(s). All plans shall be either black on white or blue on white paper prints and prepared in conformance with the provisions of Article IV of this Ordinance.
  2. Two (2) copies of all reports, notifications, and certifications which are not provided on the preliminary plan.
  3. Two (2) copies of the application form as provided in the Appendix.
  4. Filing and Review Escrow fees in the amounts as specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Office.

5. Two (2) copies of all reports required by Article IV.
  6. Documentation that the plans have been properly filed with the Lancaster County Planning Commission, as well as any and all other required approving agencies (local, state, and federal agencies, water and sewer authorities, utilities, etc.)
  7. The applicant shall provide the Township with five (5) copies of the most current plan at least five (5) business days before the plan is scheduled to be reviewed by the Planning Commission or the Board of Supervisors.
- C. **Distribution** The applicant shall submit one copy of the above-required information to the Township and one copy to the Township Engineer for their respective reviews.
- D. **Initial Application** The Township staff shall have seven (7) business days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all information required by this Ordinance. If defective, the application shall be returned to the applicant with a statement explaining the reason(s) of rejection, within twelve (12) business days following the date of submission by the applicant; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. Under this Section, the applicant may appeal a decision by the Township staff to the Board.
- E. **Amendments or Corrections to an Application** The Township staff shall have seven (7) business days from the date of submission of an amended or corrected application or plan to determine whether such amended or corrected application results in a substantial amendment to the plan or if the application or plan filed changed so as to be considered a new plan. If the Township staff determines that the amended or corrected application constitutes a substantial amendment, the applicant shall be informed of the determination within twelve (12) business days from the date of the submission of the amended or corrected application and the Township staff shall further inform the applicant that the Township shall consider the ninety (90) day review procedure to have been restarted as of the date of the filing of the substantial amendment. If the Township staff determines that the amended or corrected application constitutes a new plan, he shall so inform the applicant and shall inform the applicant that a new application and new fees are required. Under this Section, the applicant may appeal a decision by the Township staff to the Board.
- F. **Plan Review Process**
1. **Review by the Township Staff and Consultants**
    - a. The Township Zoning Officer and any Township personnel, in coordination with the procedures provided in sub-section 303.F.1.b hereafter, and as directed by the Board from time to time, shall review the application documents to determine if they are in compliance with this Ordinance, the Zoning Ordinance, the Comprehensive Plan, the Township's planning objectives, and accepted planning standards. These personnel shall provide comments and recommendations, which may include written findings when directed by the Board, to the Planning Commission and Board.

- b. The Township Engineer and/or other consultants designated by the Board of Supervisors shall review the application documents to determine compliance with this Ordinance, and any other applicable Township Ordinances, Township standards and good engineering practices. He shall prepare a written report of his findings and recommendations which shall be presented to the Township and the applicant.

2. **Briefing Item**

- a. At the plan's first presentation to the Planning Commission, no action will be taken on any application. The plan will be presented by the Township staff as a briefing item for introduction to the Planning Commission and for general comments. The applicant and or their representative shall attend this meeting to answer questions and receive comments from the Planning Commission. However, no official action will be taken by the Planning Commission at this meeting.
- b. Plans will be presented by the Township staff as a briefing item at the regular meeting of the Board, following the first presentation of the plan as a briefing item to the Planning Commission. The applicant and or their representative shall attend this meeting to answer questions and receive comments from the Board. However, no official action will be taken by the Board at this meeting.

3. **Planning Commission Review** The Planning Commission will review the application with the developer or his agent at a regular meeting following the meeting where the application was introduced to the Planning Commission as a briefing item, and after comments are received from the Lancaster County Planning Commission. The Planning Commission will review the application to determine if it meets the standards set forth in the Township's Ordinances. The application shall then be submitted by the Planning Commission, together with its analysis and recommendations, including those of the Township staff and Engineer, to the Board. Generally, the plan will not be forwarded to the Board until it has been recommended for unconditional approval or disapproval.

4. **Board Review Process**

- a. Generally, following review and recommendation by the Planning Commission, the Board of Supervisors will place the plan on its agenda for review and action.
- b. All applications for approval of a plan shall be acted upon by the Board. The Board shall render its decision and communicate it to the applicant not later than ninety (90) days following 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 said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed.

c. **Notification of Board of Supervisors Action**

The decision of the Board 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.

- 1) 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.
  - 2) Failure of the Board to render a decision and communicate it to the applicant within the time and in the manner required herein, unless a greater period of time has been authorized by the Municipalities Planning Code, 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 or 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.
- d. **Compliance with the Board of Supervisors Action** If the Board conditions its plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on two (2) copies of the plan to be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, unless the Board grants a modification by extending the effective time period.
- e. **Board of Supervisors Approval and Certification** The Board will acknowledge the satisfactory compliance with all conditions, if any, of the plan approval at a regularly scheduled public meeting. After receipt of plan approval and compliance with all conditions of approval, a plan shall be presented to the Township for acknowledgement through a formal approval certification statement on the plan as provided in the Appendix. Two copies (one for the Township and one for the applicant) of the plan shall be provided for the Board to sign the approval certificate.

## Section 304 Pre-Application Review (Sketch Plan)

Applicants are strongly urged to discuss possible development sites and plan with the staff of the Township prior to formal submission of any plan. The purpose of the pre-application meeting or sketch plan review is to afford the applicant an opportunity to receive the advice and assistance of the Township Planning Commission, Board of Supervisors, and staff. Submission of a sketch plan is optional and will not constitute formal filing of a plan with the Township.

- A. **Pre-Application Plans and Data Procedure** Prior to the preparation and filing of the preliminary plan for subdivision or land development, the applicant may submit to the Township the following plans and data which shall be forwarded to the Planning Commission and Board of Supervisors for consideration. The plans should include those elements that should be considered in the design of the subdivision or land development.
- B. **Submission of Pre-Application (Sketch) Plans** Prospective applicants submitting a pre-application plan for review by the Planning Commission shall include those items listed in Section 402 of this Ordinance. Plans shall be considered for informal review and discussion and shall not constitute formal filing of the plan with the Township. Plans shall be submitted fifteen (15) business days prior to the regularly scheduled monthly meeting of the Planning Commission. All plan submittals shall be accompanied by a completed application as provided in the Appendix and a

filing fee in an amount as specified on the fee schedule adopted by resolution of the Board of Supervisors and available at the Township Office. The applicant may proceed to the preliminary plan process following the meeting with the Planning Commission and Board of Supervisors. The applicant shall incorporate the comments or concerns of the Planning Commission, Board of Supervisors, and staff and make every effort to address these items in the preliminary plan.

## **Section 305 Preliminary Plan Application**

- A. **Preliminary Plan Application** With the exceptions noted in Section 308 of this Ordinance, a preliminary plan is required for applications that propose new streets, all land development plans, and subdivision plans that create four (4) or more lots including the parent tract either initially or cumulatively as of the date of the adoption of this Ordinance. All other plans may be submitted as final plans in accordance with Section 306.
- B. **Approval of a Preliminary Plan Application** Approval of a preliminary plan application shall constitute approval of the proposed subdivision and/or land development as to the character and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute final plan approval. The preliminary plan may not be recorded in the office of the Recorder of Deeds.

## **Section 306 Final Plan Application**

- A. **Prerequisites to Filing Final Plan Application** An application for final plan approval can be submitted only after one of the following, when required, have been completed:
1. The receipt of an unconditional preliminary plan approval in accordance with Section 303 of this Ordinance, when a preliminary plan approval is required, and/or,
  2. The completion of the improvements required by this Ordinance in accordance with the improvement construction plan procedure stated in Section 307 of this Ordinance, when the improvements are not assured by the posting of financial security as provided in Article V of this Ordinance.
- B. **Final Plan Applications**
1. The final plan may be submitted in phases, each phase covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each phase, except for the last phase, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
  2. The Township may accept a final plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Board, with a recommendation from the Township Planning Commission, shall determine whether a modified final plan will be accepted or whether a new preliminary plan shall be submitted.
- C. **Application Requirements** In addition to the application requirements of Section 303, Final Plans which require access to a highway under the jurisdiction of the PA Department of Transportation, shall include two (2) copies of the plans prepared to support the application for a Highway Occupancy Permit.

- D. **Final Plan Certification** After the Board's approval of the final plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) sets of final plans, which shall be transparent reproductions of the original plan with black line on stable plastic base film (mylar or equal) and one (1) set of final plans which shall be a paper copy for the Township's files.

Upon compliance with all conditions of plan approval to the satisfaction of the Township and compliance with Article V of this Ordinance, two (2) transparent copies of the final plan shall be certified in the following manner: both final plans shall be presented to the Planning Commission and the Board for the signature of the respective Chairman or Vice Chairman or their designees. Final plans will not be signed by the Board prior to certification by the Planning Commission or if submitted more than ninety (90) days from the Board's final approval action unless the Board grants a modification by extending the effective time period of the approval.

- E. **Final Plan Recordation** Upon approval and certification of a final plan and payment of any and all outstanding fees, the applicant shall record the plan in the office of the Recorder of Deeds. Should the applicant fail to record the final plan within ninety (90) days of the Board's final plan approval, the Board's action on the plan shall be null and void unless the Board grants a modification by extending the effective time period of the approval.

1. The final plan shall be filed with the Recorder of Deeds.
2. Proof of such recording, as may be provided by the Recorder of Deeds, shall be provided to the Township immediately upon recordation of the plan and prior to proceeding with the sale of lots.
3. The final plan shall be filed with the Recorder of Deeds before proceeding with the construction of any improvement except as provided for in Section 307 of this Ordinance.
4. No subdivision or land development plan may be recorded unless it bears the endorsement of the Board.

- F. **Effect of Recording of Final Plan** Recording the final plan, after approval of the Board, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided in Article IV of this Ordinance. However, the approval of the Board shall not impose any duty upon the Commonwealth, County, or Township concerning acceptance, maintenance, or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County, or Township actually accept same by ordinance or resolution, or by entry, use, or improvement.

The landowner may place a notation on the final plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such area shall remain with the owner, and neither the Commonwealth, County, Township, nor any applicable authorities shall assume any right to accept ownership of such land or right-of-way.

## **Section 307 Improvement Construction Plan**

- A. **Improvement Construction Plan Application** After an applicant has received official notification that the preliminary plan has been approved, an application may be processed for an

improvement construction plan.

1. The improvement construction plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved preliminary plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved preliminary plan.
2. The Board may accept an improvement construction plan modified to reflect a change to the site or its surroundings that occurs after the preliminary plan review. The Board shall determine, with a recommendation from the Township Planning Commission, when a modification will require a revised preliminary plan.

B. **Plan Requirements** All improvement construction plans shall be prepared in conformance with the provisions of Section 405 of this Ordinance, with the exception of Sections 405.2.K and Sections 405.2.M.

C. **Improvement Construction Plan Certificate and Construction Authorization** After the Board's approval of the improvement construction plan and the required changes, if any, are made, the applicant shall proceed to prepare two (2) plans which shall be transparent reproductions of the original plan with black line on stable plastic base film (mylar or equal). These plans shall be certified in the following manner:

1. Both improvement construction plans shall be presented to the Board for the signature of the Chairman and Vice Chairman or their designees. Improvement construction plans will not be signed by the Township if submitted more than ninety (90) days from the Board's approval action unless the Board grants a modification by extending the effective time period of the approval.
2. Approval and certification of an improvement construction plan shall not constitute final plan approval of the proposal, nor shall this plan be recorded with the Recorder of Deeds, but shall, when combined with the necessary municipal and/or Commonwealth approvals and permits, grant the authority to install the improvements required as part of this Ordinance.
3. Following the Board's certification of the improvement construction plan, one (1) copy of the plan will be retained by the Board and the remaining copy will be available to the firm which prepared the plan.
4. Improvement construction plan approval will be effective for a five (5) year period from the date of the Board's approval action. Construction must be completed and a final plan application must be submitted within five (5) years of the improvement construction plan approval, or else the plan approval will become null and void unless the Board grants a modification by extending the effective time period of the approval.

D. **Completion of Improvements** Upon completion of the improvements required by this Ordinance, the applicant may proceed to submit a final plan and application which shall include notice of approval of the improvements by the authority which is to accept the improvement.

## **Section 308 Plans Exempted from Preliminary Plan Procedures**

Plans that meet the criteria as listed hereafter shall be exempt from the requirement to process a preliminary plan and may process a final plan prepared in accordance with Article IV.

### **A. Lot Add-On Plans**

1. Lot Add-On Plans shall meet the following criteria:
  - a. A lot add-on plan shall only be prepared for the conveyance of land for the sole purpose of increasing the size of a contiguous parcel.
  - b. A lot add-on plan shall not create any additional lot(s).
  - c. A lot add-on plan shall not result in any nonconformity with the design standards found in Article VI of this Ordinance
  - d. A lot add-on plan shall not alter the site and/or existing storm water management facilities in a manner that affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
  - e. A lot add-on plan shall not alter a recorded plan or revise any approved final plan which has not yet been recorded. The alteration of a recorded plan or an approved final plan which has not been recorded shall be by a revised final plan (See Section 308.D).
2. In every case where a proposal conforms to the above, the application shall submit to the Township two (2) black on white or blue on white paper copies of a lot add-on plan prepared to the standards specified in Section 406 of this Ordinance and one (1) application form as provided in the appendix. In addition to submitting the required material, the applicant shall provide all filing fees as required by the Township plus documentation that plans have been properly submitted to the County Planning Commission.
3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in Section 306 of this Ordinance.

### **B. Separation Subdivision**

1. Separation subdivision plans may be used to divide one lot into two lots whose common boundary is one of the following:
  - a. The centerline of an existing street; or,
  - b. The centerline of an existing creek or stream; or,



- c. A municipal boundary.
2. The proposed lots to be created by the separation subdivision plan shall conform to all the following:
    - a. The proposed lots shall be separated by the common boundary along its entire length through the parent tract; and,
    - b. The proposed lots shall conform to the design standards found in Article VI of this Ordinance; and,
    - c. The proposed lots shall conform to requirements of the Zoning Ordinance.
  3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in **Section 306** of this Ordinance.

C. **Preliminary/Final Subdivision and Land Development**

1. In the case of a subdivision plan of three (3) lots or less, either initially or cumulatively from the effective date of this Ordinance, which does not require provisions for a new street, the applicant may at his discretion concurrently submit preliminary and final plans for action at the Board meeting. For the purpose of interpreting this Section of the Ordinance, a subdivision of not more than three (3) lots shall include the remaining (parent) tract.
2. In the case of a land development plan proposing: 1) The construction of one (1) non-residential building not exceeding 10,000 square feet of building area; or, 2) The construction of an addition to a non-residential building not exceeding 5,000 square feet of additional building area, the applicant may at his discretion concurrently submit preliminary and final plans for action by the Township.
3. In every case where a plan conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in **Section 306** of this Ordinance.
4. All other plans shall be submitted in accordance with Section **305** of this Ordinance.

D. **Revised Subdivision and/or Land Development Plans** Any replatting, revision, or resubdivision of recorded plans or any replatting, revision, or resubdivision of any unconditionally approved final plan which has not been recorded, excluding lot grading plans in subdivisions, shall be considered as a new application and shall comply with all requirements of this Ordinance, except that plans may be changed, provided that in making such changes:

1. No lot or tract of land shall be created that does not meet the minimum design standards required by this Ordinance and existing Township regulations.
2. No structure shall be relocated which does not meet the minimum design standards required by this Ordinance and existing Township regulations.
3. No increase is made in the overall density and no additional lots are created.

4. The site and/or storm water management facilities are not altered in a manner that affects the discharge of storm water to an adjacent property or significantly relocates a major storm water management facility within the project.
5. Street locations and block sizes shall not be changed.
6. The character and land use of the original application shall be maintained.
7. In every case where a plan alteration conforms to the above, the applicant shall follow the plan processing and recording procedures for a Final Plan as outlined in **Section 306** of this Ordinance.

## **Section 309 Storm Water Management Plans**

- A. When a Storm Water Management Plan is required as part of a Subdivision and/or Land Development Plan (see definition of Plan), the Storm Water Management Plan will be an integral part of the Subdivision and/or Land Development Plan and those plan processing procedures, as outlined in the Pequea Township Storm Water Management Ordinance, shall apply.

## **Section 310 Procedure for Requesting the Consideration of a Modification of the Provisions of This Ordinance**

- A. **Application Requirements** A request for a modification may be submitted to the Township at any time. All requests shall include a completed application for consideration of a modification as provided in the Appendix, be in writing and accompanied by a plan prepared at least to the minimum standards of a sketch plan (See Section 402). The written request shall identify:
  1. The specific section of this Ordinance which is requested to be modified.
  2. The provisions proposed as an alternate to the requirements. The alternate provisions must be equal to or better than the requirements of, and consistent with, the intents of this Ordinance and shall not be contrary to the general public interest.
  3. Justification for the modification. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based.
- B. **Township Action**
  1. A modification request that is submitted as part of an application for subdivision, land development plan, lot add-on, or improvement construction plan shall be processed along with that application of which it is a part. The plan processing procedures outlined in Section 303 shall apply.
  2. If a modification request is not submitted with an application for subdivision, land development, lot add-on, or improvement construction plan, then the processing procedures outlined in Section 303 shall apply.