

**ORDINANCE NO. 217**

AN ORDINANCE OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA, AMENDING PART II, "GENERAL LEGISLATION", CHAPTER 170 "SUBDIVISION AND LAND DEVELOPMENT", OF THE CODE OF ORDINANCES OF THE TOWNSHIP OF MIDDLE SMITHFIELD; CONSTITUTING A COMPREHENSIVE REVISION OF THE EXISTING CHAPTER 170 "SUBDIVISION AND LAND DEVELOPMENT"; AND PROVIDING FOR OTHER MISCELLANEOUS MATTERS

WHEREAS, the Board of Supervisors of the Township of Middle Smithfield has heretofore adopted a comprehensive compilation of ordinances of the Township entitled the "Code of the Township of Middle Smithfield" (the "Code"); and

WHEREAS, any and all additions, amendments, deletions, or supplements to the Code, when passed and adopted in such form as to indicate the intention of the Board of Supervisors to be a part thereof, shall be deemed to be incorporated into such Code so that reference to the Code shall be understood and intended to include such changes; and

WHEREAS, whenever such additions, amendments, deletions, or supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the post-bound book containing said Code as amendments and supplements thereto; and

WHEREAS, Section 1506 of the Second Class Township Code, Act of May 1, 1933, P.L. 103, No. 69, as amended by the Act of November 9, 1995, P.L. 350, No. 60, found at 53 P.S. 66506, entitled "General Powers", authorizes the Board of Supervisors to make and adopt ordinances necessary for the proper management, care and control of the Township, and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens, trade, commerce and manufacturers; and

WHEREAS, Section 1516 of the said Second Class Township Code, found at 53 P.S. 66516, entitled "Land Use Regulations", authorizes the Board of Supervisors to plan for the development of the Township through zoning, subdivision and land development regulations under the Act of July 31, 1968 (P.L. 805, No. 247), known as the "Pennsylvania Municipalities Planning Code ("MPC"); and

WHEREAS, pursuant to such authority, the Township has enacted the Middle Smithfield Township Subdivision and Land Development Regulations, Ordinance Number Seventy, which is codified in the Code of the Township of Middle Smithfield, as heretofore amended, as Part II, "General Legislation", Chapter 170 "Subdivision and Land Development " (the "Subdivision and Land Development Ordinance" or "SALDO"); and

WHEREAS, Section 505 of the MPC, 53 P.S. 10505, entitled "Enactment of Subdivision and Land Development Ordinance Amendment", sets forth provisions for the enactment of amendments to subdivision and land development ordinances pursuant to certain procedural formalities;

WHEREAS, from time to time the Board of Supervisors (the "Board") reviews the Township's SALDO for possible amendments that would be in the best interests of residents, property owners, and businesses, among others, in the Township;

WHEREAS, the Board finds that it is in the best interests of the Township residents' health, safety and welfare to amend comprehensively the SALDO as provided herein;

WHEREAS, the Board has submitted this Ordinance to the Monroe County and Township Planning Commissions, for review and comment, and has considered their comments, if any;

WHEREAS, the Board has held a public hearing, after public notice, on the Ordinance, and considered the comments of the public, if any, on the Ordinance; and

WHEREAS, the Board has given public notice of its intention to enact this Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

SECTION 1: Chapter 170 "Subdivision and Land Development" of the Code of the Township of Middle Smithfield is hereby amended and restated, in its entirety, as set forth in Exhibit "A" hereto, the provisions of which are incorporated by reference as though set forth at length herein.

SECTION 2: If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality,

illegality, or invalidity shall not affect or impair any remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that such remainder shall be and shall remain in full force and effect.


SECTION 3: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith. The provisions of this Ordinance shall not affect any act done or liability incurred, nor shall such provisions affect any suit or prosecution pending or to be initiated to enforce any right or penalty or to punish any offense under the authority of any ordinance in force prior to adoption of this Ordinance. To the extent the provisions of this Ordinance are the same as any ordinance provisions in force immediately prior to adoption of this Ordinance, the provisions of this Ordinance are intended as a continuation of such prior provisions and not as new provisions.

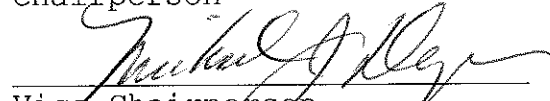
SECTION 4: This ordinance shall take effect five (5) days after the date of its enactment.


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ORDAINED AND ENACTED into an Ordinance at a regular meeting  
of the Board of Supervisors of Middle Smithfield Township,  
Monroe County, Pennsylvania this 4th day of DEC.,  
2017.

TOWNSHIP OF MIDDLE SMITHFIELD  
BOARD OF SUPERVISORS

  
Chairperson

  
Vice Chairperson

  
Supervisor

  
(TOWNSHIP SEAL)

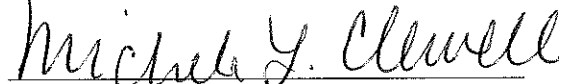
  
Township Secretary

EXHIBIT "A" TO ORDINANCE

Amended and Restated Chapter 170 "Subdivision and Land  
Development" of the Code of the Township of Middle Smithfield  
(attached hereto)

## **CHAPTER 170 SUBDIVISION AND LAND DEVELOPMENT**

### **GENERAL REFERENCES**

Airport zoning — See Ch. 79.  
Building construction — See Ch. 85.  
Driveways — See Ch. 102.  
Sewers — See Ch. 148.  
Stormwater management — See Ch. 160.  
Street specifications — See Ch. 162.  
Zoning — See Ch. 200.

### **SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ATTACHMENTS**

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Attachment 2 Central Sewage Disposal System Procedures & Requirements (Appendix B)  
Attachment 3 Certifications and Forms (Appendix D)  
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#### SEVERABILITY, REPEALER AND ENACTMENT

## ARTICLE I. General Provisions

### § 170-1. Intent.

This chapter amends and restates, in its entirety, the Subdivision and Land Development Ordinance of the Township of Middle Smithfield in order to establish rules, regulations and standards governing the subdivision, development and alteration of land within the boundaries of Middle Smithfield Township, Monroe County, Pennsylvania, pursuant to the authority set forth in Article V of the Pennsylvania Municipalities Planning Code (the "MPC"), as amended, [1] setting forth procedures to be followed by the Township Planning Commission and the Board of Supervisors in administering, applying and amending these rules, regulations and standards and prescribing penalties for the violation thereof. [1] Editor's Note: See 53 P.S. § 10101 et seq.

### § 170-2. Title.

This chapter shall be known as and may be cited as the "Middle Smithfield Township Subdivision and Land Development Ordinance of 2017." This Ordinance shall serve as Chapter 170 of the Code of Ordinances of the Township of Middle Smithfield.

### § 170-3. Purposes and Overall Plan Requirements.

This chapter has been adopted for the purpose of providing for conditions favorable to the health, safety, general welfare, convenience, economy and preservation of the environment for the citizens of Middle Smithfield Township through regulations that will ensure the harmonious development of the community and requires that all subdivision and development of land within the Township of Middle Smithfield shall be submitted to the Planning Commission and the Board of Supervisors. This Ordinance shall serve the authorized purposes for a subdivision and land development ordinance as provided in the MPC and the purposes stated in the Township Comprehensive Plan. The Ordinance's regulations include, but are not

- A. Plan submission. Submittal and processing of plans, including:
- (1) Procedures: procedures for submittal, distribution and review of subdivision and land development plans.
  - (2) Review fees (the charging of review fees): review fees are based on the schedule established and revised from time to time by resolution of the Board of Supervisors.
    - (a) Review fees shall include reasonable and necessary charges by the Township Planning Consultant and/or the Township Engineer for reviews and reports thereon.
    - (b) In the event that the applicant disputes the amount of any such review fees, the applicant shall follow the process in the MPC for such a dispute.
  - (3) Review and action: provisions for preliminary and final subdivision plan, land development plan, site alteration plan and campground plan review and approval or rejection.
  - (4) Approval subject to specified conditions: provisions for approval of a plan, whether preliminary or final, subject to specified conditions acceptable to the applicant and a procedure for the applicant's acceptance of any conditions which may be imposed, including a provision that the plan shall be rejected automatically upon the applicant's failure to accept such conditions within the time limit established in these regulations.

- (5) Partial approval: procedures for processing final plan approval by stages or sections.
- B. Plan requirements.
- (1) Requirements for subdivision and land development plans, including specifications that:
- (a) All plans shall be certified as to accuracy and compliance by the professional engineer and/or professional land surveyor responsible for the plan.
  - (b) The layout or arrangement of the subdivision or land development shall conform to any Comprehensive Plan adopted by Middle Smithfield Township and to any regulations and/or maps adopted in furtherance thereof.
  - (c) Streets in and bordering a subdivision or land development shall be coordinated and be in such locations and of such widths and grades as necessary to accommodate prospective traffic and facilitate fire protection.
- (2) All plans and surveys shall be prepared in accordance with the "Professional Engineers and Professional Land Surveyors Registration Law," as amended.[1]  
[1] Editor's Note: See 63 P.S. § 148 et seq.
- C. Exclusions. Certain limited development is excluded from the definition of "land development" contained in Article II.
- D. Easements: provisions for adequate easements to be provided for access, drainage, stormwater management facilities, slopes and utilities.
- E. Reservations: reservations by the subdivider/developer of any area designed and designated for use as public grounds.
- F. Hazards: provisions that land which is subject to flooding, subsidence or any environmental and/or other hazards (such as existing landfills and underground fires) shall be made safe for the purpose for which such land is proposed to be used, or that such land shall be set aside for uses which shall not endanger life or property or further aggravate or increase the existing menace.
- G. Street standards: standards by which streets shall be designed, graded and improved and walkways, curbs, gutters, drainage facilities, streetlights, fire hydrants, water and sewage facilities and other improvements set forth on the plan shall be installed or guaranteed as a condition precedent to the approval of all final plans.
- H. Phased development: provisions which take into account phased land development not intended for immediate erection of buildings where streets, curbs, gutters, drainage facilities, streetlights, fire hydrants, water and sewage facilities and other improvements may not be possible to install as a condition precedent to final approval of plans, but will be a condition precedent to the erection of buildings on lands included in the approved plan.
- I. Site planning and development: provisions for encouraging and promoting flexibility, economy and ingenuity in the layout and design of subdivisions and land developments, renewable energy systems and energy-conserving building designs, including provisions authorizing alterations in site requirements and for encouraging other practices which are in accordance with modern and evolving principles of site planning said development.

- J. Modifications: provisions for administering modifications to the minimum standards of these regulations when the literal compliance with provisions is shown, to the satisfaction of the Board of Supervisors, to be unreasonable or to cause undue hardship or when an alternative standard can be demonstrated to provide equal or better results.

§ 170-4. Disclaimer of liability.

These regulations shall not create liability on the part of the Board of Supervisors, the Township Planning Commission or any employee or lawfully appointed officer or consultant of Middle Smithfield Township for damages that may result from reliance on this chapter, any amendment thereto or any administrative decision lawfully made thereunder.

§ 170-5. Compliance required.

- A. No subdivision or land development of any lot, tract or parcel of land shall be made and no street, sanitary sewer, storm sewer, water main or other improvements in connection therewith shall be laid out, constructed, opened or dedicated for public use or travel or for the common use of the occupants of buildings abutting thereon except in accordance with the provisions of these regulations.
- B. A lot or parcel that was not a legal lot of record prior to adoption of this Ordinance shall not be created, sold or transferred, and no land development may occur on a lot unless and until:
- (1) the subdivision of the lot and/or the approval of the land development, as applicable, has been granted Final Plan approval and any subdivision has been recorded; and
  - (2) either of the following occurs, as provided in Article V:
    - (a) the Township has been assured by means of an Improvements Agreement and guarantees acceptable to the Board of Supervisors that the improvements will subsequently be installed, or
    - (b) the required improvements in connection therewith have been entirely completed.

§ 170-6. Applicability; Effect of Ordinance Revisions on an Application.

These regulations shall apply to all subdivisions and land developments located within the limits of Middle Smithfield Township which are subdivided, developed and submitted after the effective date of these regulations and also to all subdivisions approved by and/or pending approval before the Township in full accordance with the following:

- A. Effect of amendments to Township development regulations to an application – Section 508(4) of the MPC shall apply.
- B. Right to complete. When an application for approval of a final plan has been approved or approved subject to conditions acceptable to the applicant, nothing in any amendment to these regulations or any other governing ordinance shall be applied to adversely affect the right of the applicant to commence and to complete any aspect of the approved subdivision or land development in accordance with the terms of such approval within five years of such approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in light of the governing ordinances or plans as they stood at the time when the application for such approval was filed.

- (1) Completion period. When final approval is preceded by preliminary approval, the aforesaid five-year period shall be counted from the date of the preliminary approval.
  - (2) Substantial completion. When 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 Township regulations, ordinances or plans enacted subsequent to the date of the filing of the preliminary plan shall modify or revoke, adversely to the applicant, any aspect of the approved final plan pertaining to zoning classification, density, lot size, building, street or utility location.
- C. Landowner. No subdivision or land development shall be submitted to the Township for review except by the landowner of such land or his/her specifically authorized agent (see definition of "landowner" in Section 170-14, which includes equitable owner).
- D. Zoning. All subdivisions and land developments shall comply with the Township Zoning Ordinance and other relevant Township codes and ordinances.

§ 170-7. Approval by sections.

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 sections as well as deadlines within which applications for final 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 plan approval until final plan approval of the last section has been granted, and any modification in the aforesaid schedule shall be subject to approval by the Board of Supervisors in its discretion.

§ 170-8. Dwelling units per section.

Each section in any phased residential subdivision or land development, except for the last section, shall contain a minimum of 25% of the total number of dwelling units as depicted on the preliminary or tentative plan, unless a lesser percentage is approved by the Township in its discretion.

- A. Time limits for completion by sections. Provided that the landowner has not defaulted with regard to or violated any of the conditions of the preliminary or tentative plan approval, including compliance with the landowner's aforesaid schedule of submission of final plans for the various sections, then the aforesaid protections afforded by substantially completing the improvements depicted upon the final plan within the 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 the five-year period, the aforesaid protections shall apply for an additional term or terms of three years from the date of final plan approval for each section.
- B. Failure of the landowner to adhere to the aforesaid schedule of submission of final plans for the various sections shall subject any such section to any and all changes in zoning, subdivision and land development and other governing regulations, ordinances or plans enacted by the Township subsequent to the date of the initial preliminary subdivision plan or land development plan submission.

§ 170-9. Public hearings.

Before acting on any subdivision or land development plan, the Planning Commission or the Board of Supervisors, as the case may be, may hold a public hearing thereon, subject to the required notice being posted.

§ 170-10. Individual lot driveway access.

- A. Individual lot driveway access to a highway under the jurisdiction of the PennDOT.
- (1) No plan which will require individual lot driveway access to a highway under the jurisdiction of the PennDOT shall be finally approved unless the plan contains a notice as follows: "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,'[1] before driveway access to a state highway is permitted."  
[1] Editor's Note: See 36 P.S. § 670-101 et seq.
  - (2) Middle Smithfield Township shall not be held liable for damages to persons or property arising out of the issuance or denial of a highway occupancy permit by the PennDOT.
  - (3) The landowner's signature on the plan review application shall be deemed an acknowledgment and acceptance of this section.
- B. Individual lot driveway access to a roadway under the jurisdiction of the Township. No plan which will require individual lot driveway access to a roadway under the jurisdiction of Middle Smithfield Township shall be finally approved unless the plan contains a notice as follows: "A driveway permit is required pursuant to the Township Driveway Permit Ordinance[2] before access to a Township road is permitted."  
[2] Editor's Note: See Ch. 102, Driveways.

## ARTICLE II. Terminology

### § 170-11. Tense, gender and number.

Words in the present tense include the future tense, words in the masculine gender include the feminine, words in the singular include the plural and those in the plural include the singular.

### § 170-12. General terms.

- A. Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated below:
- B. List of terms. The general terms are as follows:
- (1) The words "person," "developer," "subdivider" and "owner" include a corporation, unincorporated association and a partnership or other legal entity, as well as an individual.
  - (2) The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, freeway, parkway, highway, lane, alley and road.
  - (3) The word "building" includes structures and shall be construed as if followed by the phrase "or part thereof."
  - (4) The term "erect" shall mean to build, construct, alter, repair, display, relocated, attach, hang, place, suspend, affix or maintain any building.
  - (5) The term "occupied" or "used," as applied to any building, shall be construed as though followed by the words "or arranged," "designed," "constructed," "altered," "converted," "rented," "leased" or "intended to be occupied or used."
  - (6) The word "lot" includes "plot," "parcel," "tract," "site" or any other similar term.
  - (7) The word "watercourse" includes "channel," "creek," "ditch," "drain," "dry run," "river," "spring" or "stream."
  - (8) The word "abut" shall include the words "directly across from."
  - (9) The words "should" and "may" are permissive.
  - (10) The words "shall" and "will" are mandatory and directive and are not discretionary.

### § 170-13. Terms or words not defined.

- A. Where terms or words are not specifically defined, they shall have their ordinarily accepted meanings or such as the context may imply.
- B. If a term is not defined by this Chapter, but is defined by the Zoning Ordinance,[1] then the definition in the Zoning Ordinance shall apply to this chapter. If a term is not defined by this Chapter or the Zoning Ordinance, but is defined by the Stormwater Management regulations, then the definition in the Stormwater Management regulations shall apply to this Chapter. If a term is not defined by this Chapter, the Zoning Ordinance, or the Stormwater Management regulations, but is defined by the Township Street Specifications, then the definition in Street Specifications shall apply to this Chapter. [1] Editor's Note: See Ch. 200, Zoning. See Ch. 162, Street Specifications. See Ch. 160, Stormwater.

### § 170-14. Definitions.

Terms and words used herein, unless otherwise expressly stated, shall have the following meanings:



#### AMENITIES

Any and all physical additions or changes, set forth on an approved plan, to the land, buildings or structures that may be necessary to provide usable and desirable lots, building areas, parking areas, streets, drives, sidewalks, drainage facilities and/or residential, commercial, industrial and/or recreational uses.

#### APPLICANT

A landowner, subdivider or developer, as herein defined, who has filed an application for a subdivision of land, a land development, a zoning or building permit or for a public hearing, including his heirs, successors and assigns.

#### APPLICATION FOR DEVELOPMENT

An application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a zoning or building permit and for review of a subdivision or development plan.

#### AUTHORITY

A legal entity created pursuant to the Act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945"[1].

#### AREA

The quantity of land projected on a horizontal plane enclosed by boundaries of a defined lot, parcel or tract of land, unless otherwise stated.

#### BLOCK

A tract of land, a lot or groups of lots, bounded by streets, public parks, railroad rights-of-way, watercourses, boundary line of the Township, un-subdivided land or any combination of the above.

#### BLOCK OR LOT FRONTAGE

That portion of a block or lot which fronts on a single street.

#### BOARD OF SUPERVISORS

The Board of Supervisors of Middle Smithfield Township, Monroe County, Pennsylvania.

#### BUFFER STRIP

A strip of land which may be a part of the minimum yard distance, free from any principal or accessory building other than suitable screening.

#### CAMPGROUND

A planned development, under single ownership, for rental or lease only, of sites for use as tent and/or recreational vehicle camping, on a temporary basis only, with or without recreational and/or service facilities.

#### CARTWAY (ROADWAY)

That portion of a street right-of-way, paved or unpaved, intended for vehicular use (includes shoulders).

#### CLEAR SIGHT TRIANGLE

An area of unobstructed vision at the street intersection defined by lines of sight at a specified height above the proposed grade to a point at a specified height above the proposed grade of the center of the approaching lane at a given distance from the intersection of the street center lines. See Section 170-62.

#### CLUSTER HOUSING DEVELOPMENT

An area of land to be developed for a number of dwelling units, the development plan for which does not correspond in lot size and lot coverage to the regulations established in any one zoning district created from time to time under the provisions of the Zoning Ordinance.

#### COMMISSION or PLANNING COMMISSION

The Township Planning Commission.

#### COMMON OPEN SPACE

A parcel or parcels of land or an area of water or a combination of land and water within a development site designed and intended for the use and enjoyment of residents of the development, and which meets all of required standards for common open space as provided in Section 170-70.k.

#### COUNTY

The County of Monroe, Commonwealth of Pennsylvania.

#### COUNTY PLANNING COMMISSION

The Monroe County Planning Commission.

#### CROSSWALK or WALKWAY

A strip of land including a right-of-way dedicated to public use in order to facilitate pedestrian access through or into a block.

#### CUL-DE-SAC

A street having one end open to traffic and being permanently terminated by a vehicular turnaround.

#### DAYS

Shall mean calendar days, unless otherwise stated.

#### DEDICATION

The deliberate appropriation of land by its owner for any general and public use, reserving to himself no other rights than those that are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

#### DENSITY

The total number of dwelling units per acre, computed by dividing the total number of dwelling units proposed by the total number of acres to be developed.

#### DEP

The Pennsylvania Department of Environmental Protection.

#### DEVELOPER

Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a land development.

## DEVELOPMENT PLAN

The graphic maps and related information that shows proposed development of a planned residential development, cluster housing development, manufactured/mobile home park, campground, shopping center or other facility, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions or elements of a development plan," when used in this chapter, shall mean the written and graphic materials referred to in this definition.

## DISTRICT

A portion of the Township, within which certain uniform regulations and requirements or combinations thereof apply under the provisions of the Zoning Ordinance.

## DRIVEWAY

A privately owned and constructed vehicular access from an approved private or public road into a lot or parcel having frontage on the road.

## EASEMENT

A right-of-way set forth, but not dedicated, for a limited use of private land within which the lessee or owner of the property shall not erect any permanent structure.

## ENDORSEMENT

The application of the reviewing and/or approving authority's seal and the signatures of the appropriate authority on the approved plan.

## ENGINEER

A professional engineer licensed as such in the Commonwealth of Pennsylvania.

## EXISTING USE

The uses of a lot or structure at the time of enactment of this chapter.

## FLOOD HAZARD AREA

The flood hazard area is that land, adjoining any perennial stream or adjoining any wetlands, ponds or lakes, designated as such on the latest Federal Insurance Rate Maps (FIRM).

## GRADE, FINISHED

The completed surfaces of lawns, walks, parking areas and roads brought to grades as shown on final approved plans.

## HOMEOWNER ASSOCIATION

An organization operating under recorded agreements through which:

- A. Each lot and/or home or unit owner in a planned or other described land area is automatically a member.
- B. Each lot or unit is automatically subject to charge for a proportionate share of expenses for the organization's activities, such as maintaining a common property, and the charge, if unpaid, becomes a lien against the property.

## IMPROVEMENT AGREEMENT OR DEVELOPMENT AGREEMENT

An agreement in a form and manner acceptable to the Township requiring a developer to install the improvements required by this Ordinance or which appear on the official approved plans.

## IMPROVEMENTS

Those physical additions and changes to the land that may be necessary to provide usable and desirable lots or to a building to bring it within the desires of the owner. Required improvements shall be those as are listed in this chapter as requirements for the subdivision or land development.

## LAND DEVELOPMENT

- A. Includes any of the following activities:
- (1) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
    - (a) A group of two or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots, regardless of the number of occupants or tenure.
    - (b) The division or allocation of land or space, whether initially or cumulatively, between or among two or more existing or prospective occupants by means of or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
    - (c) A subdivision of land.
  - (2) Note – The above definition shall include but is not limited to the following:
    - (a) A planned residential development (PRD).
    - (b) A cluster housing development.
    - (c) A manufactured / mobile home park.
    - (d) A campground.
    - (e) A townhouse complex.
    - (f) A shopping center.
    - (g) An industrial park.
    - (h) A business center development.
- B. Development in accordance with the following is not considered a land development:
- (1) The conversion of a single-family detached dwelling or two-family attached dwelling into not more than three residential units.
  - (2) The addition to an existing commercial building or the addition of an accessory building, including farm buildings, on a lot or lots, subordinate to an existing principal building; provided that the addition or accessory building does not: (1) exceed 1,000 square feet in size, (2) exceed one story in height, (3) cause change in traffic patterns, (4) trigger the application of additional parking requirements, or (5) increase sewer flow or water demand.

## LAND DEVELOPMENT PLAN

Land development plans depict uses defined as land developments and shall be submitted, reviewed and acted on pursuant to Article IX of this chapter.

## LANDOWNER

The legal, equitable or beneficial owner or owners of land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to conditions or is recorded in

the office for the Recorder of Deeds), a lessee, if he is authorized under the lease to exercise the rights of the landowner, or other persons having a proprietary interest in the land.

#### LOT

A tract or parcel of land, regardless of size, intended or available for transfer of ownership, use, lease or improvements or for development, regardless of how it is conveyed, the dimensions and extent of which are determined by the latest official records or by the latest approved map of a subdivision of which the lot is a part. ("Lot" shall also mean plot, site or any similar term.)

A. LOT, BUILDING

A lot intended for the erection of a principal use building.

B. LOT, CORNER

A lot situated at and abutting the intersection of two streets having an interior angle of intersection not greater than 135°.

C. LOT COVERAGE

A percentage which when multiplied by the lot area will determine the permitted building area for all structures and/or buildings.

D. LOT DEPTH

The mean average horizontal distance between the front and rear lot lines.

E. LOT, INTERIOR

A lot other than a corner lot, the sides of which do not abut on a street.

F. LOT, NONBUILDING

A lot intended or used for an accessory use to a principal use not located on the same lot.

G. LOT OF RECORD

A lot which existed as shown or described on a plat or deed and duly recorded in the office of the Recorder of Deeds of Monroe County, at the effective date of the original adoption of this chapter.

H. LOT, THROUGH

A lot which fronts upon two parallel or approximately parallel streets which do not intersect at the boundaries of the lot.

#### LOT MARKER

A rod that is used to mark an exact location and which meets the requirements of Section 170-77.

#### MAINTENANCE AGREEMENT

An agreement in a form and manner acceptable to the Board of Supervisors requiring the developer of required improvements to make any repairs or reconstructions and to maintain such improvements for a certain period.

#### MAINTENANCE GUARANTEE

Financial security which is acceptable to the Township to secure the promise made by a developer in the Maintenance Agreement that required improvements shall be maintained by the developer.

(Note – These guarantees typically include acceptable letters of credit, performance bonds, escrow agreements, and other similar collateral or surety agreements.)

#### MANUFACTURED/MOBILE HOME LOT

A parcel of land in a manufactured/mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single manufactured/mobile home.

#### MANUFACTURED/MOBILE HOME PARK

A lot which has been designed or developed for two or more manufactured/mobile homes.

#### MODIFICATION

A waiver, granted by the Board of Supervisors, from a specific requirement of these Subdivision and Land Development Regulations where authorized by the standards of Section 170-182.

#### MONUMENT

A permanent marker meeting the requirements of Section 170-77 and that is intended to mark the locations of lot lines, street rights-of-way and other features.

#### MPC

The Pennsylvania Municipalities Planning Code, as amended.

#### NET ACREAGE

The acreage of a lot, tract or parcel of land that does not include any street right-of-way or any other permanent drainage or utility easement that serves multiple lots, but which may include standard easements that are typically located on individual lots.

#### OFFICIAL MAP

The Official Map as may be adopted as an “Official Map” by the Township Board of Supervisors pursuant to the MPC,[4] and which may show proposed transportation improvements, public grounds and similar features.

#### ON-SITE STREET IMPROVEMENT

The definition in the MPC [4] shall apply.

#### OPEN SPACE

Unoccupied space open to the sky and on the same lot or parcel with the principal use.

#### OPEN SPACE AREA

That part of a subdivision or land development that does not include any of the following: street rights-of-ways, parking areas, required lot or yard areas, or areas occupied by buildings.

#### PA

The Commonwealth of Pennsylvania.

#### PARKING FACILITIES

Parking facilities shall consist of areas with Township-approved surfaces used for the storage of vehicles or of specially designed portions of buildings used for the same purposes.

- A. Private parking facilities shall be restricted to use by persons residing on the premises or residing in the immediate vicinity of such facility or by their guests.
- B. Public parking facilities shall be open to the public as an accommodation for customers, clients or visitors.

#### PARKING LOT

Any off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways and maneuvering space appurtenant thereto.

#### PARKING SPACE

Any off-street space available for parking of one motor vehicle and meeting Township standards, exclusive of driveways, passageways and maneuvering space appurtenant thereto.

#### PAVEMENT (PAVE, PAVING)

A firm smooth surface for travel consisting of Township-approved materials and depths.

- A. ALL-WEATHER SURFACE

Either paved as above or surfaced with crushed stone or shale constructed to sustain traffic during all kinds of weather. (All-weather surface of crushed stone or shale shall not be considered pavement, pave or paving.)

#### PENNDOT.

The Pennsylvania Department of Transportation.

#### PERFORMANCE GUARANTY

A written instrument which may be accepted by the Board of Supervisors in lieu of a requirement that certain improvements be made by a subdivider or developer before the record plan is endorsed and released for recording or prior to the issuance of a certificate of occupancy, which shall provide for the deposit with the Township of financial security in an amount sufficient to cover the costs of any improvements or common amenities, including but not limited to: streets, sanitary sewage facilities, water supply and distribution facilities, stormwater management facilities, recreational facilities, open space improvements and buffer or screen planting which may be required. See Section 170-84.

#### PLANNING COMMISSION

The Planning Commission of Middle Smithfield Township, unless a specific reference is made to another Planning Commission.

#### PLANNING CONSULTANT, TOWNSHIP

A professional community planner appointed by the Board of Supervisors as the Planning Consultant to Middle Smithfield Township.

#### PLAN or PLAT

A map or drawing indicating the development or subdivision of a parcel of land in its various stages.

#### PRD

An abbreviation for planned residential development. See the definition in the Zoning Ordinance.

#### PREFABRICATED HOME or MODULAR HOME

A single-family dwelling exceeding 20 feet in width designed for transportation after fabrication on streets and highways on its own wheels or on a flatbed trailer and arriving at a site ready to be occupied as a dwelling except for assembly operations and location on a permanent foundation and connection to utilities, and which is not constructed under U.S. Manufacturing Housing Standards.

#### PRIMARY CONSERVATION AREAS

All areas that have any of the following features: slopes of 25% or greater, areas within the one-hundred-year floodplain and wetlands.

#### PRINCIPAL BUILDING

A building in which is conducted the main or principal use of the lot or tract of land on which the building is located.

#### PRINCIPAL USE

The primary or predominant use of any lot or tract of land or structure.

#### PUBLIC GROUNDS

Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas.
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.
- C. Publicly owned or operated scenic and historic sites.

#### PUBLIC HEARING

A formal meeting held pursuant to public notice by the governing body, Zoning Hearing Board or Planning Commission, intended to inform and obtain public comment, prior to taking action in accordance with the MPC, as amended.[6]

#### PUBLIC MEETING

A forum meeting held pursuant to notice required under the MPC. [7]

#### PUBLIC NOTICE

The definition in the MPC [7] shall apply.

#### PUBLIC USE

The operation and ownership of a building, structure or land by a governmental body for public purpose of an administrative or service nature.

#### PUBLIC UTILITY

A private corporation or municipal authority with a franchise for providing a public service which operates under the regulation of federal, state and/or local government.

#### PUBLIC UTILITY FACILITIES



Telephone, electric and cable television lines, poles, equipment and structures; water and gas pipes, mains, valves, pumping stations or structures; telephone exchanges and repeating stations; and all other facilities, equipment and structures necessary for conducting a service by a public utility.

#### RECREATIONAL FACILITIES, COMMERCIAL

A recreational facility operated as a business and open to the public for a fee.

#### RECREATIONAL FACILITIES, PRIVATE

A recreational facility operated as a private facility open only to members and guests of an organization operating the facility, as an accessory to a commercial establishment and open only to customers and guests of the commercial establishment operating the facility, or as an accessory use to an individual residence or a group of neighborhood residences.

#### RECREATIONAL FACILITIES, PUBLIC

A recreational facility operated as a nonprofit enterprise by a governmental entity and open to the general public.

#### RECREATIONAL VEHICLE; TRAVEL TRAILER

A truck-mounted camper, an auto, a truck, van or bus built or adapted to vacation living, a floating houseboat, tent camper or other similar device used for temporary portable housing.

#### RENEWABLE ENERGY SOURCE

Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including but not limited to biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding sources of energy used in the fission and fusion processes.

#### RESERVE STRIP

A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

#### RESUBDIVISION

Any resubdivision or replatting of land which includes changes to a recorded plan.

#### REVERSE FRONTAGE LOTS

Lots which front on one public street and back on another with vehicular access from only one street.

#### RIGHT-OF-WAY

The total width of any land reserved or dedicated as a street, alley, crosswalk or for other public or semipublic purposes.

#### ROADWAY

See "cartway."

#### SALDO

The Middle Smithfield Subdivision and Land Development Ordinance, as amended, Chapter 170 of the Code of Ordinances of the Township of Middle Smithfield.

#### SANITARY SEWAGE DISPOSAL, CENTRALIZED

A public and/or private utility system designed to collect, centrally treat and dispose of sewage from users in compliance with DEP regulations.

#### SANITARY SEWAGE DISPOSAL, INDIVIDUAL ON-SITE

Any structure designed to biochemically treat sanitary sewage within the boundaries of an individual lot for one dwelling unit or one building located on the lot.

#### SCREEN or SCREENING

A strip of land that is densely planted with shrubs and trees and which meets the requirements for screening in Township ordinances or a solid fence or wall that may be allowed to be used in certain cases in lieu of plantings under Township ordinances.

#### SECONDARY CONSERVATION AREAS

Areas of 15% to 25% slope, historic buildings, creek valleys and other natural and cultural assets on a tract of land.

#### SIGHT DISTANCE

The required length of roadway visible to the driver of a passenger vehicle at any given point on or at any given height above the roadway when the view is unobstructed by traffic.

#### SINGLE AND SEPARATE OWNERSHIP

The ownership of a lot, tract or parcel of land by one or more persons, partnerships or corporations, which ownership is separate and distinct from that of any adjoining lot, tract or parcel by either a separate deed or a separate lot, tract or parcel in the same deed.

#### SITE ALTERATIONS

Includes regrading of the existing topography, filling of lakes, ponds, marshes or floodplains, extensive clearing and grubbing of existing vegetation or trees, mineral extraction and altering of watercourses.

#### STREET

A public or private right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation which provides a means of access to abutting property.

- A. The word "street" includes thoroughfare, avenue, boulevard, court, drive, expressway, freeway, parkway, viaduct, highway, lane, alley, road and other ways used or intended to be used by vehicular traffic or pedestrians, whether public or private.
- B. To be classified as a "street," the right-of-way must be set forth and must meet the criteria of a type of street as set forth in this chapter (minor, local access, etc.).

For Street Classifications, see Section 170-45.

#### STREET LINE

The line determining the limit of the rights of the public.

#### SUBDIVIDER

Any landowner, agent of such landowner or tenant with the permission of such landowner who makes or causes to be made a subdivision of land.

## SUBDIVISION

A. Includes the division or redivision of a lot, tract or parcel of land by any means into two or more lots, tracts or parcels of land or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership or building or lot development, further classified and defined as follows:

(1) MINOR SUBDIVISION

Division of land under any of the following classifications:

- (a) A division of any part, parcel or area of land which contains no more than five new lots which have a frontage on an existing recorded and approved, private or public, street or road.
- (b) A division of any part, parcel or area of land which contains no more than two new lots served by a private access street.
- (c) A division of any part, parcel or area of land for the purpose of joining or annexing a lot to an existing lot, parcel or tract of land, provided that a covenant running with the parcel to be conveyed joins it with and makes it an inseparable part of the parcel to which it is joined.
- (d) Provided, however, that any minor subdivision:
  - [1] Involves no new street or extension of any existing street or road (except a private access street).
  - [2] Involves no new centralized sewage treatment facility.

(2) MAJOR SUBDIVISION

Any subdivision which does not qualify as a "minor subdivision".

(3) EXEMPTED SUBDIVISION

The subdivision by lease of land for agricultural purposes into parcels of more than 10 acres, not involving any new street or easement of access or any residential dwelling shall be exempted from the provisions of the SALDO.

B. The term "subdivision" shall also refer, as appropriate within the context in the SALDO, to the process of subdividing land or to the land proposed to be subdivided.

## SUBSTANTIALLY COMPLETED

Where, in the judgment of the Township Engineer, at least 90% of those improvements required as a condition for final approval have been completed in accordance with the approved plan so that the project will be able to be used, occupied or operated for its intended use.

## SUPERVISORS

The Board of Supervisors of Middle Smithfield Township.

## SURVEYOR

A professional land surveyor licensed as such in the Commonwealth of Pennsylvania.

## TOWNSHIP

Middle Smithfield Township, Monroe County, Pennsylvania.

#### TOWNSHIP ENGINEER

A professional engineer licensed as such by the Commonwealth of Pennsylvania, duly appointed as the Engineer for Middle Smithfield Township by the Board of Supervisors.

#### TOWNSHIP PLANNING CONSULTANT

A professional community planner duly appointed as the Planning Consultant for Middle Smithfield Township by the Board of Supervisors.

#### TRAFFIC LANE

The portion of the traveled way of any street or road intended for the movement of a single line of vehicles.

#### TRAVEL TRAILER

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer of the vehicle and, when factory equipped for the road, having a body width not exceeding eight feet and being of any length, provided that its gross weight does not exceed 4,500 pounds, or being of any weight, provided that its body length does not exceed 29 feet.

#### TRAVEL TRAILER PARK

See "campground."

#### TRAVELWAY

The portion of a road or cartway used for steady movement of vehicles.

#### USE

The specific purpose for which land or structures are designed, arranged, intended or occupied, or any activity, occupation, business or operation which may be carried thereon.

#### USABLE OPEN SPACE

Any unenclosed portion of the area of a lot which is not devoted to driveways, parking spaces or principal buildings, but which may include common non-commercial recreation structures such as picnic shelters or pavilions and which is suitable for its intended recreational use by the occupants of the principal building or buildings.

#### VEHICLE, RECREATIONAL

A vehicle designed for recreational use, used for temporary living or sleeping purposes, which is self-propelled or is designed to be towed by a light-duty vehicle.

#### WATERCOURSE

A discernible, definable natural course or channel along which water is conveyed ultimately to streams and/or rivers at lower elevations. A watercourse may originate from a lake or underground spring(s) and may be permanent in nature or it may originate from a temporary source such as runoff from rain or melting snow.

#### WATER SUPPLY, CENTRAL

A public or private utility system designed to supply and transmit water from a common source to two or more users in compliance with DEP regulations.

#### WATER SUPPLY, INDIVIDUAL ON-SITE

A system for supplying and transmitting water to a single-family dwelling or other buildings from a source located on the same lot in compliance with DEP regulations.

#### WETLANDS

Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and which under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

#### ZONING OFFICER

The agent or official designated by the Board of Supervisors to administer and enforce the Zoning Ordinance.

#### ZONING ORDINANCE

The Zoning Ordinance of Middle Smithfield Township.

[8]

[1] Editor's Note: See 53 P.S. § 301 et seq.

[2] Editor's Note: See Ch. 148 Sewers.

[3] Editor's Note: See 53 P.S. § 10101 et seq.

[4] Editor's Note: See 53 P.S. § 10101 et seq.

[5] Editor's Note: See 53 P.S. § 10101 et seq.

[6] Editor's Note: See 53 P.S. § 10101 et seq.

[7] Editor's Note: See 53 P.S. 10101 et seq.

[8] Editor's Note: See Ch. 200, Zoning.

### ARTICLE III. Subdivision Plan Submission and Review Procedures

#### §170-15. General provisions.

Hereafter all plans for subdivision of land within the boundaries of Middle Smithfield Township shall be submitted to and reviewed by the Township Planning Commission and the Board of Supervisors and shall be approved, approved subject to specified conditions acceptable to the applicant or rejected by Middle Smithfield Township in accordance with the procedures outlined in this article.

#### § 170-16. Submission of a sketch plan.

Submission of a sketch plan is not required by this chapter; however, any person or party may submit to the Planning Commission, for informal discussion, a sketch plan of any proposed subdivision or land development.

- A. Six copies of the sketch plan and any supporting data may be submitted to the Planning Commission at a regularly scheduled meeting.
- B. Sketch plan presentation. When the sketch plan is presented to the Planning Commission, the plan will be informally discussed at the meeting. However, a report is not necessarily required by the Township Engineer.
  - (1) If the Planning Commission desires a report from the Township Engineer, the discussion of the sketch plan may be tabled until the next regularly scheduled meeting.
  - (2) If the applicant desires a report from the Township Engineer, the discussion of the sketch plan may be tabled until the next regularly scheduled meeting of the Planning Commission.
  - (3) If a report is requested by the applicant, he/she shall be responsible to pay any review charges prior to discussion of the sketch plan by the Planning Commission.
- C. See submission standards in Section 170-91.

#### § 170-17. Discussion of a sketch plan.

A properly submitted sketch plan should be reviewed and discussed in the following manner. A sketch plan shall not be considered an official submission of a subdivision or land development plan to the Township.

- A. Purpose of the submission. A sketch plan shall be only a submission for an informal discussion between the applicant and the Planning Commission to discuss, in advance, the following:
  - (1) The overall objectives of the applicant.
  - (2) To discuss overall issues of proper site planning and to identify an initial set of issues that should be addressed.
- B. Review by the Township Staff and/or the Township Engineer. Upon request by the Planning Commission and/or applicant, the Township Engineer and/or Township Staff should review

the sketch plan to determine its conformance with these regulations and all other applicable ordinances.

- (1) Recommendations. The Township Engineer may recommend changes to the Plan and may highlight some ordinance compliance issues. However, a full list of compliance issues is not required.
  - (2) Report. Any report of the Township Engineer shall be in writing and should be submitted to the Planning Commission and the applicant or the applicant(s) representative.
- C. Discussion by the Planning Commission. A sketch plan should be discussed by the Planning Commission at a meeting after submittal or, if a report from the Township Engineer is requested, at the next regularly scheduled meeting. During the discussion of the sketch plan, the Planning Commission should consider, when received, the written report of the Township Engineer.

#### § 170-17.1. Site design process.

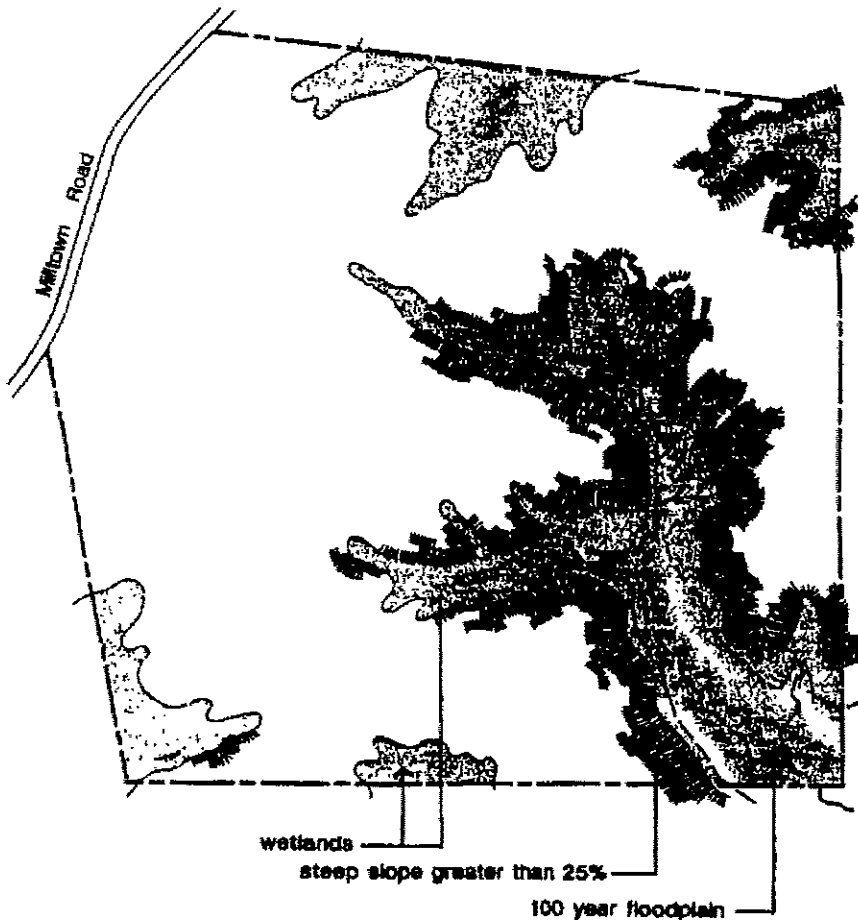
The following provisions apply to both conservation developments and conventional developments.

- A. Site tour. Applicants are very strongly encouraged to cooperate in an on-site tour of the property by Township officials. See the language in the application form that requests permission for a site tour. This site tour should be scheduled as soon as possible after the applicant has provided copies of a map of existing conditions. (Note: Under a preliminary plan submittal, this map is known as the "existing resources and site analysis plan.") This site tour should occur before preliminary plans have been completed.
- (1) This site tour is intended to informally:
    - (a) Familiarize Township officials with the property's existing features, particularly including scenic views and the site's relationship to surrounding areas;
    - (b) Identify potential site design issues that will need to be addressed; and
    - (c) Discuss site design concepts, including the general layout of proposed development and open spaces.
  - (2) Comments made during the site visit shall not be binding upon the Township, and no formal action or recommendation shall be made during the site visit.
- B. Sketch plan. Prior to the submission of a preliminary plan, applicants are very strongly encouraged to submit a sketch plan. A sketch plan review often allows an applicant to save substantial time and engineering costs because many concerns about layout and issues concerning Township ordinances can be resolved prior to detailed engineering. This can often reduce the need for future redesign at a more detailed stage, thereby saving the applicant significant money and time. No official action is required on a sketch plan, so it will not delay the submittal of a preliminary plan.
- C. Site design process. As part of or prior to the submittal of a preliminary plan for a major subdivision or land development that involves over three acres of land for a nonresidential project or six or more dwelling units for a residential project, the applicant shall provide the following mapping and prove to the Planning Commission that the following site design process was followed in designing the proposed development. (Note: It is requested that this

process be demonstrated during a sketch plan stage, but if that occurs, it shall not start the time limit for approval by the Township of a plan submittal.)

- (1) Applicants are strongly encouraged to submit these sketches as part of the sketch plan process to avoid delays to the applicant in preliminary plan approval. Submittal at the sketch plan stage will greatly increase the likelihood that all issues will be able to be resolved in time to meet the standard ninety-day time clock for approval of a preliminary plan, without needing time extensions.
- (2) This process is intended to show everyone how the special features of the property relate to resource areas on adjacent lands and how the development will properly relate to the features of the land that are most worthy of conservation. See the existing resources and site analysis submission provisions in Article VI. Existing conditions shall be accurately mapped. For the sole purposes of meeting this section, the mapping of proposed development may be at a sketch plan level of detail.

The following sketches are provided courtesy of the Natural Lands Trust.



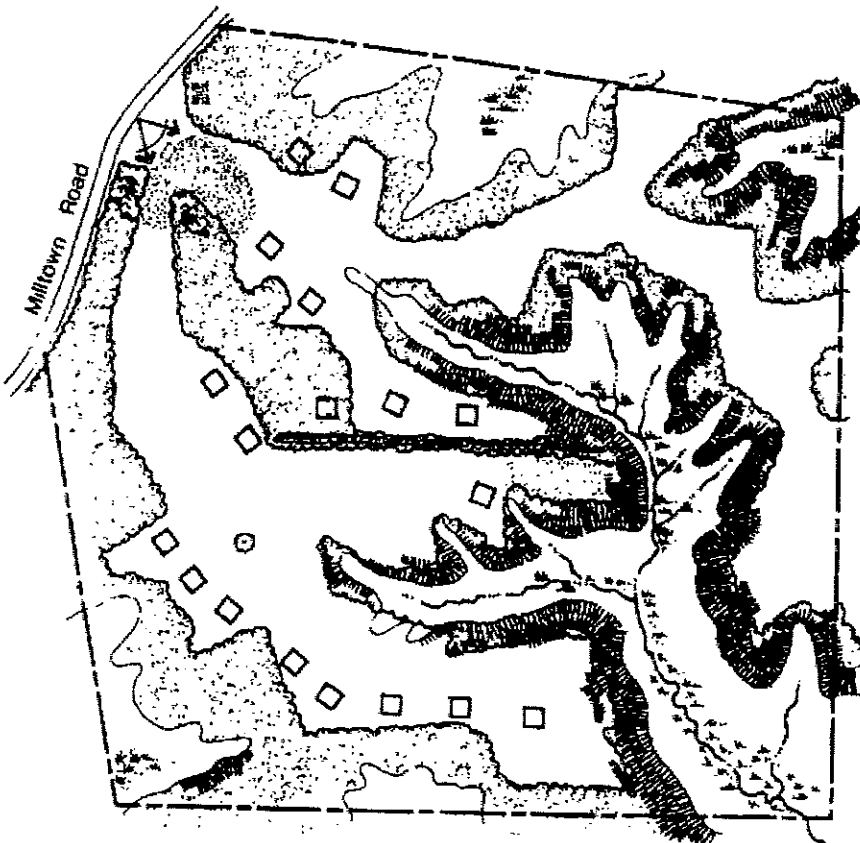


- (3) Delineation of open space. Using the mapping of existing resources and site analysis, the applicant shall delineate areas that are proposed to be preserved as conservation open space (in the case of a conservation development), common open space (if required by this chapter or other sections of the Zoning Ordinance[1]) and/or otherwise through conservation easements.
- (a) If a conservation development is proposed, then the applicant shall show compliance with the applicable requirements of the Zoning Ordinance, including but not limited to the following:
- [1] Providing calculations of the minimum percent and acreage of required conservation open space, which shall be submitted at the sketch plan stage or the preliminary plan stage, whichever submission occurs first.
  - [2] Proposed conservation open space shall be designated using the existing resources and site analysis map as a base map. The applicant shall prove compliance with applicable provisions of the Zoning Ordinance and § 170-70.1 of this chapter, including the priorities listed in § 170-70.1B(2). Primary conservation areas shall be delineated comprising one-hundred-year floodplains, wetlands and slopes over 25%. (Note: The definition of "primary conservation areas" is independent of any "density factors" that may be required to be applied under the Zoning Ordinance.)
  - [3] The proposed conservation open space shall maximize opportunities to interconnect open spaces with important natural features and common/conservation open space on neighboring properties. The applicant should consider any map of potential conservation areas that may have been prepared by the Township.
  - [4] In delineating secondary conservation areas, the applicant shall prioritize natural and cultural resources on the tract in terms of their highest to least suitabilities for inclusion in the proposed conservation open space in consultation with the Planning Commission and in accordance with § 170-70.1 of this chapter and applicable sections of the Zoning Ordinance.
  - [5] The locations of the conservation open space shall take into account the priorities for conservation open space as provided in § 170-70.1B(2) of this chapter. On the basis of those priorities and practical considerations given to the tract's configuration, its context in relation to resource areas on adjoining and neighboring properties and the applicant's subdivision objectives, secondary conservation areas shall be delineated to meet at least the minimum area percentage requirements for conservation open space and in a manner clearly indicating their boundaries as well as the types of resources included within them.
- (b) If a conservation development is not proposed, the applicant shall show measures that will be used to minimize impacts upon important natural features. The applicant shall show that every reasonable effort has been made to locate development to avoid the over twenty-five-percent slopes, one-hundred-year floodplain and wetlands and minimize impact upon the secondary conservation areas. In addition to meeting any requirement for common open space, important natural features should also be protected as

part of individual lots (such as large rear yards and/or through conservation easements).

[1] Editor's Note: See Ch. 200, Zoning.

- (4) Potential development areas concept map. Based upon consideration of the existing features map and the primary and secondary conservation areas (as described above), the potential development areas shall be mapped. These potential development areas are areas that are best suited for the majority of the development on the tract.
- (5) Location of home sites. In respect of the primary and secondary conservation areas described above, the approximate proposed locations of new homes/principal buildings shall then be selected. It is recognized that on-lot septic system suitability needs to influence these choices, when septic systems are used. It is also recognized that some intrusions into the secondary conservation areas may be necessary to allow reasonable uses of the land, provided that such development is carefully located and designed to minimize impacts upon valuable resources and features. These home sites can also be selected to maximize views, including views into the conservation areas.
  - (a) While the mapping of existing features required by this section is required to be accurate and to scale, the locations of proposed home sites, lot lines, roads and trails may be at a sketch plan level of detail for the purposes of complying with this section.
  - (b) The applicant shall provide a written and graphic analysis of how the proposed development will respect and incorporate the important resources of the site and be coordinated with resources, open space/trail corridors and views on surrounding properties. This may involve an "overlay" map that shows important natural features and proposed development.



- (6) Layout of streets and trails. A sketch of the tentative street layout shall then be designed to serve the appropriate building sites. Trails should also be considered to link together common open spaces, clusters of homes and other destinations (such as nearby stores, parks and schools). Building sites should be clustered together to minimize expensive wetland and creek crossings by roads.



- (7) Drawing the lot lines. Tentative lot lines shall then be drawn on the site to encompass the proposed building sites, to result in a development concept plan. Once this sketch is prepared, then more detailed engineering may be completed.



§ 170-18. Submission of preliminary subdivision plan.

Submission of a preliminary plan for all major subdivisions is required by this chapter, and shall be completed as follows:

- A. Plan to be filed with the Township.
  - (1) Copies of the preliminary subdivision plan and all required supporting data shall be submitted to the Township Secretary by the subdivider.
  - (2) Plan submission. The preliminary subdivision plan and supporting data shall be presented to the Township Secretary at least 10 business days prior to the meeting at which the subject plan is to be first reviewed by the Planning Commission.
  - (3) See submission requirements in Section 170-92.
- B. Preliminary subdivision plan review fee. The Township Secretary shall collect a review fee and a review escrow account deposit in compliance with resolution(s) of the Board of Supervisors.
  - (1) Costs covered by fees. Fees shall be charged in order to cover the costs of reviewing plans and reporting thereon and other expenses related to the review and Township actions.
  - (2) The subdivider shall pay the appropriate fee at the time of submission of the application for review of the preliminary subdivision plan to the Township Secretary.
- C. Number of copies to be submitted. The official submission of the preliminary subdivision plan shall be comprised of the following:
  - (1) Plan review application: 17 completed and signed plan review applications (18 applications are required if subdivision abuts an adjacent municipality).

- (2) Subdivision plan: 17 legible paper prints of the preliminary subdivision plan which shall fully comply with the requirements of § 170-92 (18 prints are required if subdivision abuts an adjacent municipality).
- (3) Modification requests: 15 copies of each request for a modification of regulations (using the form in Appendix D-8 in Attachment 3).[1]  
[1] Editor's Note: Appendix D-8 is included at the end of this chapter.
- (4) Water supply and distribution: 10 legible paper prints of any proposed water supply and distribution system in accordance with Appendix A in Attachment 1 (when applicable).[2]  
[2] Editor's Note: Appendix A is included at the end of this chapter.
- (5) Sewage collection and disposal: 10 legible paper prints of any proposed sewage collection and disposal system in accordance with Appendix B in Attachment 2 (when applicable).[3]  
[3] Editor's Note: Appendix B is included at the end of this chapter.
- (6) Center-line profiles: nine legible paper prints of center-line profiles for all streets in conformance with § 170-93A.
- (7) Stormwater management plan: nine legible copies of a stormwater management plan in conformance with the Township Stormwater Management Ordinance, including a narrative report, construction sequence, maintenance program and a completed and signed construction and drainage permit application.
- (8) Erosion and sedimentation control plan: nine legible copies of an erosion and sedimentation control plan using measures that shall, at a minimum, meet the standards of Chapter 102 (Erosion and Sediment Pollution Control) of Title 25, Rules and Regulations of DEP, including nine copies of a plan submission receipt from the County Conservation District.
- (9) Construction certification: eight copies of a completed construction certification using the form in Appendix D-14 in Attachment 3.[4] (The construction certification must be signed prior to unconditional approval of the preliminary subdivision plan unless the applicant provides a written and signed statement that construction will not begin until after final plan approval.)  
[4] Editor's Note: Appendix D-14 is included at the end of this chapter.
- (10) Additional data: eight copies of each of the following:
  - (a) Any proposed offers of dedication or reservation of rights-of-way or land areas with conditions attached.
  - (b) Any proposed deed restrictions or protective or restrictive covenants referenced to the preliminary subdivision plan or special area of the plan.
  - (c) Latest deed(s) of record for the plan property.
- (11) DEP land planning module: seven copies of the appropriate DEP land planning module, complete as required, that has been designated suitable and signed by the Sewage Enforcement Officer (when applicable).

D. If the applicant presents proof at the time of submission of the application to the Township Secretary that the plan was accepted for review by the County Planning Commission, two copies of each item in Subsection C(1) through (8) may be deleted; however, if the proof is not submitted, the applicant shall include the appropriate County Planning Commission plan review fee, made payable to the County of Monroe. The applicant shall separate the foregoing submission into packets as set forth in Subsection F below and label each packet for distribution.

- E. Official date of the preliminary subdivision plan submission. The official date of the preliminary subdivision plan submission shall be determined as follows:
- (1) Plan acceptance. At the first regularly scheduled meeting of the Planning Commission at which a quorum is present following the submission of all required completed plans and documents to the Township Secretary, the Commission shall accept the plan submittal if it is complete.
  - (2) If, during the review process, it is determined that the submittal is not complete, the submission date shall be automatically rescinded and a resubmission date shall reflect the date when the missing or uncompleted plans or documents are submitted to the Township Staff.
- F. Distribution of the preliminary subdivision plan.
- (1) The Township Staff shall refer the submitted items to the following:
    - (a) Planning Commission Chairperson: one copy of each of the items listed in Subsection C (1) through (10).
    - (b) Planning Commission members: one copy of each of the items listed in Subsection C (1), (2) and (3) to each member.
    - (c) Township Staff person Responsible to Administer this Ordinance: one copy of each of the items listed in Subsection C (1) through (10).
    - (d) Township Engineer: one copy of each of the items listed in Subsection C (1) through (10).
    - (e) Planning Commission Solicitor: one copy of each of the items listed in Subsection C (1), (2), (3), (9) and (10).
    - (f) Wastewater Provider (if applicable): one copy of each of the items listed in Subsection C (1), (2), (4) and (5) (for informational purposes only).
    - (g) County Planning Commission: two copies of each of the items listed in Subsection C (1) through (8) (include the County plan review fee).
    - (h) Appropriate utility company: one copy of each of the items listed in Subsection C (1) and (2) (for informational purposes only).
    - (i) Adjoining municipality: one copy of each of the items listed in Subsection C (1) and (2) (for informational purposes only and only when the proposed subdivision abuts the municipality).
  - (2) If proof that the plan was accepted for review by the County Planning Commission is provided by the applicant, the transmittal listed in Subsection F(1)(g) may be deleted.

§ 170-19. Review of a preliminary subdivision plan.

A properly submitted preliminary subdivision plan shall be processed in the following manner:

- A. Review by the Township Staff and/or the Township Engineer. The Township Staff and/or the Township Engineer shall review the preliminary subdivision plan to determine its accuracy, completeness and compliance with these regulations and all other applicable ordinances and plans.
- (1) Recommendations. The Township Staff and/or the Township Engineer may recommend changes or modifications to the submittal.
  - (2) Report. The report of the Township Staff and/or the Township Engineer shall be in writing and shall be submitted to the Planning Commission and the applicant or the applicant(s) representative.

- B. The Board of Supervisors may comment on the preliminary subdivision plan at any time during the process.
- C. Comments from interested persons or parties. Any interested persons or parties may submit written comments on the preliminary subdivision plan to the Township Staff.
- D. Review by the Planning Commission. When the preliminary subdivision plan has been properly submitted, such plan shall be reviewed by the Planning Commission.
  - (1) Considerations of reviews. During the review of the preliminary subdivision plan, the Planning Commission shall consider the written report of the Township Staff and/or the Township Engineer, the report of the County Planning Commission, if received, any comments the Board of Supervisors may submit and any relevant comments submitted by any and all other interested persons or parties. Verbal comments may be given at the review meeting; however, irreverent, immaterial or unduly repetitious testimony or comment may be excluded. The Planning Commission may request any additional information it deems necessary to determine compliance with Township ordinances from the applicant (such as street cross sections, etc.).

§ 170-20. Township action on a preliminary subdivision plan.

- A. The Planning Commission shall recommend a preliminary subdivision plan to the Board of Supervisors for approval, for approval subject to specified conditions, or for rejection. When a preliminary subdivision plan has been forwarded to the Board of Supervisors after recommendations by the Planning Commission, the Supervisors shall review the plan and take appropriate action. The Board of Supervisors shall act on a properly submitted and reviewed preliminary subdivision plan in conformance with the following procedures.
- B. When a modification of regulations by the Board of Supervisors is requested, the modification shall, after recommendations by the Planning Commission, be submitted to the Board of Supervisors for its action prior to approval of the preliminary subdivision plan.
- C. Approval of a preliminary subdivision plan.
  - (1) When the Board of Supervisors finds the preliminary subdivision plan and all related plans and data complete and in conformance with the requirements of all applicable Township ordinances and regulations and a motion is duly carried to approve the preliminary subdivision plan, the Chairperson and the Secretary of the Board of Supervisors shall, upon submission of a signed construction certification, endorse and seal three paper prints of the preliminary plan and distribute the prints as follows:
    - (a) Board of Supervisors. One print of the endorsed and sealed preliminary subdivision plan shall be retained in the Board of Supervisors' records.
    - (b) Applicant. Two prints of the endorsed and sealed preliminary subdivision plan shall be presented to the applicant.
  - (2) After receiving preliminary plan approval and after the submittal of proof of an earth disturbance permit approval or a letter of adequacy of the erosion and sedimentation control plan from the County Conservation District, a construction and drainage permit for the subject subdivision may be issued by the Township. However, it is

strongly recommended that applicants do not start any construction until after they receive final subdivision approval. Any grading or construction before final plan approval shall be at the risk of the applicant, if changes are made at final plan stage.

- D. Approval of a preliminary subdivision plan subject to specified conditions. When the Board of Supervisors finds that the preliminary subdivision plan and/or related plans need only minor corrections that will not materially affect the plan and a motion is duly carried to approve the plan subject to specified conditions, the following shall apply:
- (1) Applicant's acceptance of the specified conditions.
    - (a) The applicant may accept the Board of Supervisors' specified conditions in writing by signing a completed plan review report within 15 calendar days after the date of the action to approve the plan subject to the specified condition.
    - (b) When the applicant does not accept the Board of Supervisors' specified conditions within the above time limit, the preliminary subdivision plan approval shall be automatically rescinded and changed to plan rejection as submitted with no further action on the part of the Township, and a new plan submission in accordance with § 170-18 shall be required.
  - (2) Time limitations for addressing the specified conditions.
    - (a) A time limit for addressing the specified conditions may be set by the Board of Supervisors, not to exceed one year, and when no time limit is specified, the specified conditions must be addressed and a revised plan submitted so action may be taken by the Board of Supervisors within six months from the date of the conditional approval. A written time extension may be approved by motion of the Board of Supervisors where good cause is shown. (This time limitation shall be considered a mandatory condition of approval of the plan.)
    - (b) When the specified conditions are not addressed and a corrected plan submitted so action may be taken within the applicable time limitations, the subject plan shall be automatically rejected with no further action by the Township.
  - (3) Specified conditions accepted. When the applicant accepts the Board of Supervisors' specified conditions and signifies such by signing the plan review report, the following procedures shall apply:
    - (a) The Chairperson of the Board of Supervisors shall endorse the plan review report, retain a copy for the Board of Supervisors' files, and present or mail a copy to the applicant with a list of the specified conditions attached.
    - (b) The applicant may correct or modify the preliminary subdivision plan and/or related plans to address the specified conditions and submit two corrected copies to the Township Staff and/or the Township Engineer.
    - (c) The Township Staff and/or the Township Engineer shall check the plan and/or related plans to verify that the specified conditions have been complied with, and when he/they determine that the preliminary subdivision plan and/or related plans have been corrected to satisfactorily address all of the specified conditions, he/they shall so note in writing to the applicant, endorse one copy of the plan as corrected and forward the copy to the Board of Supervisors. If the Township Engineer and the applicant cannot agree that the submitted corrections do indeed comply with the intent of the Board of Supervisors' specified conditions, the applicant may resubmit the preliminary



subdivision plan to the Board of Supervisors for reconsideration at the next regularly scheduled meeting.

- (4) Plan approval after specified conditions have been complied with.
  - (a) When proof of compliance with the Board of Supervisors' specified conditions has been obtained from the Township Staff and/or Township Engineer, the applicant may present three paper prints of the corrected preliminary subdivision plan along with the proof of compliance and a signed construction certification to the Township Secretary for signatures of the Chairperson and the Secretary of the Board of Supervisors, application of the Board's seal, and distribution as follows:
    - [1] Board of Supervisors. One paper print of the endorsed and sealed preliminary subdivision plan shall be retained for the Board of Supervisors' records.
    - [2] Applicant. Two paper prints of the endorsed and sealed preliminary subdivision plan shall be presented to the applicant.
  - (b) At this point, upon the submittal of an earth disturbance permit approval or a letter of adequacy of the erosion and sedimentation control plan from the County Conservation District, a construction and drainage permit for the subject subdivision may be issued by the Township.

E. Rejection of a preliminary subdivision plan. When the Board of Supervisors finds the preliminary subdivision plan and/or related plans need major corrections that could materially affect the plan and a motion is duly carried to reject the preliminary plan, the Chairperson shall endorse the plan review report rejecting the subject plan.

- (1) List of defects. When the action is to reject the preliminary subdivision plan, a list of the defects found in the plan and/or related plans describing the requirements which have not been met and a citation for each requirement to the provision of the statute or ordinance relied upon shall be contained in the plan review report.
- (2) Plan review report distribution. The endorsed plan review report containing a list of the defects found shall be distributed as follows:
  - (a) Board of Supervisors. One copy of the endorsed plan review report shall be retained in the Board of Supervisors' records.
  - (b) Applicant. See "F." below, which shall include the list of defects and citations.
- (3) Preliminary subdivision plan resubmission. Any resubmission must be considered a new submittal and shall be submitted and accepted in accordance with § 170-18 Official submission of preliminary subdivision plan.

F. Notice of Decision. The decision of the Board of Supervisors shall be in writing and shall be communicated to the applicant personally or mailed to him/her at the applicant's last known address not later than 15 days following the decision.

§ 170-21. Time limits for action by Board of Supervisors on a preliminary subdivision plan.

The Board of Supervisors shall render its decision within the time limits established by the MPC. (Note – As of 2016, such limits generally require action to be taken no later than 90 days from the date of the official preliminary subdivision plan submission as listed on the plan submission receipt or 90 days from the 30th day following the date the submission is filed with the Township Secretary, if the next meeting of the Planning Commission occurs more than 30 days after filing,

whichever first occurs, or after a final order of court remanding the preliminary subdivision plan application.)

- A. Deemed approval of the preliminary subdivision plan.
  - (1) Failure of the Board of Supervisors to render its decision within the time prescribed shall be deemed an approval of the submitted preliminary subdivision plan and related data, unless the applicant has agreed, in writing, to extend the action time limitations.
  - (2) Deemed approval of the preliminary subdivision plan shall not affect the Township's right to approve, approve subject to specified conditions acceptable to the applicant, or reject the final major subdivision plan in full accordance with §§ 170-23 and 170-26 of this article.
- B. Deemed action on the preliminary subdivision plan. Any of the actions described in §§ 170-20 shall be deemed as action on the preliminary subdivision plan by the Township and shall constitute conformance with the time limits above and also with the ninety-day review and action period as set forth in Section 508 of the MPC, as amended.[1]  
[1] Editor's Note: See 53 P.S. § 10101 et seq.
- C. Deemed approved preliminary subdivision plan distribution.
  - (1) When the plan is deemed approved, the Board of Supervisors shall endorse and seal three paper prints of the preliminary subdivision plan and, upon submission of a signed construction certification, distribute as follows:
    - (a) Board of Supervisors. One paper print of the endorsed and sealed preliminary subdivision plan shall be retained in the Board of Supervisors' records.
    - (b) Applicant. Two paper prints of the endorsed and sealed preliminary subdivision plan shall be forwarded to the applicant.

#### § 170-22. Submission of final major subdivision plan.

Submission of a final plan for all major subdivisions is required by this chapter and shall be completed as follows:

- A. Final plan conformation. The final major subdivision plan shall conform in all important aspects to the preliminary plan as previously approved by the Board of Supervisors and shall incorporate all modifications as required or granted by the Supervisors in its review of the preliminary subdivision plan.
- B. Plan submission by sections.
  - (1) The Township may permit submission of the final major subdivision plan in sections, each covering a portion of the entire proposed major subdivision as shown on the previously approved preliminary subdivision plan.
  - (2) Sectionalized plan. When a final major subdivision plan is permitted to be submitted in sections, a proposed layout of the individual sections, their boundaries and the order including the proposed date of their submission shall be submitted to the Planning Commission for approval with or prior to the submission of the first section.

- (a) Number of lots in each section. Each section of a final major subdivision, except for the last section, shall contain a minimum of 25% of the total number of lots as depicted on the preliminary plan.
  - (b) A lesser percentage may be approved by the Township in its discretion upon written application by the applicant setting forth reasons therefor.
- C. Plan to be filed with the Township. Copies of the final major subdivision plan and all required supporting data shall be submitted to the Township Secretary by the subdivider. The final major subdivision plan and supporting data shall be presented to the Township Secretary at least 10 business days prior to the meeting at which the subject plan is to be first reviewed by the Planning Commission.
- D. Final major subdivision plan review fee. The Township Secretary shall collect a final plan review fee, and a review escrow account deposit in compliance with resolution(s) of the Board of Supervisors.
  - (1) Review fees. Fees shall be charged in order to cover the costs of reviewing plans and reporting thereon and other expenses related to the review and Township actions.
  - (2) The subdivider shall pay the appropriate fee at the time of submission of the application for review of the final major subdivision plan to the Township Secretary.
- E. Number of copies to be submitted.
  - (1) The official submission of the final major subdivision plan shall be comprised of the following:
    - (a) Plan review application: 15 copies of a completed and signed plan review application.
    - (b) Subdivision plan: 15 legible paper prints of the subject final major subdivision plan which shall fully comply with the requirements of § 170-92.
    - (c) See Section 170-18.C. concerning DEP land planning module.
    - (d) Sewage disposal certificate: seven copies of a completed and signed sewage disposal certificate (when applicable) (using the form in Appendix D-15).[2]  
[2] Editor's Note: Appendix D-15 is included at the end of this chapter.
    - (e) Water supply certificate: seven copies of a completed and signed water supply certificate or other acceptable evidence of water supply (when applicable) (using the form in Appendix D-15).[3]  
[3] Editor's Note: Appendix D-15 is included at the end of this chapter.
  - (2) If the applicant submits proof at the time of submission to the Township Secretary that the plan has been accepted for review by the County Planning Commission, six copies of items in Subsection E(1)(a) and (b) may be deleted.
  - (3) The applicant shall separate the foregoing submission into packets as set forth in Subsection G and label each packet for distribution.
- F. Official date of the final major subdivision plan submission. The official date of the final major subdivision plan submission shall be determined as follows:
  - (1) Plan submission date. At the first regularly scheduled meeting of the Planning Commission at which a quorum is present, following the submission of all required completed plans and documents to the Township Secretary, the Commission shall accept the plan submittal if it is complete.
  - (2) If during the review process it is determined that the submittal is not complete, the submission date shall be automatically rescinded and a resubmission date shall be

later set to reflect the date of the first regularly scheduled meeting after the missing or uncompleted plans or documents are submitted.

G. Distribution of the final major subdivision plan.

- (1) The Township Staff shall, after the official date of submission, refer the submitted items to the following:
  - (a) Planning Commission Chairperson: one copy of each of the items listed in Subsection E(1)(a) through (e)
  - (b) Planning Commission members: one copy of each of the items listed in Subsection E(1)(a) and (b) to each member.
  - (c) Township Staff person Responsible for Administering this Ordinance: one copy of each of the items listed in Subsection E(1)(a) through (e), which shall be retained in the Planning Commission's records.
  - (d) Township Engineer: one copy of each of the items listed in Subsection E(1)(a) through (e).
  - (e) Planning Commission Solicitor: one copy of each of the items listed in Subsection (1)(a) and (b).
  - (f) County Planning Commission: two copies of each of the items listed in Subsection E(1)(a) and (b).
- (2) If the applicant presents proof that the plan was accepted for review by the County Planning Commission, the transmittal listed in Subsection G(1)(ef) may be deleted.

§ 170-23. Review of a final major subdivision plan.

A properly submitted final major subdivision plan shall be processed in the following manner:

- A. Review by the Township Staff and/or the Township Engineer. The Township Staff and/or the Township Engineer shall review the final major subdivision plan to determine its accuracy, completeness and compliance with these regulations and all other applicable ordinances and plans.
  - (1) Recommendations. The Township Staff and/or the Township Engineer may recommend changes or modifications, and should identify regulatory compliance issues.
  - (2) Township Staff and/or Township Engineer's report. The report of the Township Staff and/or the Township Engineer shall be in writing and should be submitted to the Planning Commission at or prior to the meeting at which the final major subdivision plan is to be considered by the Commission.
- B. Comments from interested persons or parties. If any interested persons or parties desire to submit written comments on the final major subdivision plan, they may submit their comments to the Township during the review process.
- C. Review by the Planning Commission. The Planning Commission shall review the final major subdivision plan and take action as follows:
  - (1) Review meeting. When the final major subdivision plan has been properly submitted, such plan shall be reviewed by the Planning Commission at one or more meetings.
  - (2) Consideration of reviews. During the review of the final major subdivision plan, the Planning Commission shall consider the written report of the Township Staff and/or the Township Engineer, the report of the County Planning Commission, if received,

and any relevant comments submitted by any and all other interested persons or parties.

- (3) Verbal comments may be given at the review meeting. However, irreverent, immaterial or unduly repetitious testimony or comment may be excluded.

§ 170-24. Recommendation by the Planning Commission on a final major subdivision plan.

The Planning Commission shall review a final major subdivision plan, and such review should conform with the following procedures:

A. Recommendation for approval of a final major subdivision plan.

- (1) When the Planning Commission finds a final major subdivision plan is complete and in conformance with the requirements of all applicable Township regulations and ordinances and a motion, duly carried, is made to recommend approval of the final major subdivision plan, the Secretary shall provide written notice of such action to the applicant or his/her representative and the Board of Supervisors.
- (2) When the Township determines that the Final Plan is ready for signatures, the applicant shall provide five paper prints and the three Mylar prints of the final major subdivision plan, which shall be distributed as follows:
  - (a) Planning Commission. One paper print after it is endorsed and sealed of the final major subdivision plan shall be retained in the Planning Commission records.
  - (b) Board of Supervisors. Three paper prints and three Mylar prints of the final major subdivision plan shall be forwarded directly to the Board of Supervisors for consideration.
  - (c) Applicant. One paper print after it is endorsed and sealed of the final major subdivision plan shall be presented to the applicant.
  - (d) Note – wherever the word “mylar” is used, the Township may agree in advance to accept an alternative material that serves the same purposes and has the same durability.

B. Recommendation for approval of a final major subdivision plan subject to specified conditions. When the Planning Commission finds the final major subdivision plan needs only minor corrections that will not materially affect the plan and a motion, duly carried, is to recommend approval of the plan subject to specified conditions, the following shall apply:

- (1) Applicant's acceptance of the specified conditions. See Section 170-26.F.
- (2) Time limitations for addressing the specified conditions. See Section 170-25.F.(2).
- (3) Specified conditions accepted. See Section 170-25.F.(3).
- (4) Corrected plan presented. The applicant may correct the final major subdivision plan to comply with the recommended conditions and present a corrected copy of the plan to both the Township Staff and the Township Engineer.
  - (a) The Township Engineer shall check the plan and verify that the specified conditions have indeed been complied with, and when he/they determine that the final major subdivision plan has been corrected and complies with all of the specified conditions, he/they shall so note in writing to the applicant, endorse one copy of the plan as corrected and forward the copy to the Township Secretary.
  - (b) If the Township Engineer and the applicant cannot agree that the resubmitted plan does indeed comply with the intent of the Planning Commission's

- recommended conditions, the applicant may submit the corrected final major subdivision plan to the Commission for consideration and action.
- (c) See Section 170-24.A.(2).

- C. Recommendation for rejection of a final major subdivision plan. When the Planning Commission finds the final major subdivision plan does not comply with Township ordinances and the matters are beyond minor corrections that can be reasonably addressed as a condition, and a motion, duly carried, is to recommend rejection of the final major subdivision plan, the Chairperson of the Planning Commission shall endorse the plan review report as recommending rejection of the subject plan.
- (1) List of defects. When the action is to reject the final major subdivision plan, a list of the defects found in the plan and describing the requirements which have not been met and a citation for each requirement to the provision of the statute or ordinance relied upon shall be contained in the plan review report.
- (2) Plan review report distribution. Copies of the plan review report and list of defects found shall be distributed as follows:
- (a) Planning Commission. One copy of the endorsed plan review report shall be retained in the Planning Commission records.
- (b) Board of Supervisors. One copy of the endorsed plan review report shall be forwarded directly to the Board of Supervisors along with a list of the defects found and a copy of the plan for consideration at its next regularly scheduled meeting or at a special meeting held prior thereto.
- (c) One copy of the plan review report shall be presented, mailed or sent to the applicant or the applicant(s) representative.

§ 170-25. Consideration of a final major subdivision plan by Board of Supervisors.

Consideration by the Board of Supervisors of a final plan of all major subdivisions is required by this chapter. See Section 170-24.A.(2) concerning distribution of Final Plan when it is ready for signatures.

§ 170-26. Action by the Board of Supervisors on a final major subdivision plan.

When a final major subdivision plan has been forwarded to the Board of Supervisors after a recommendation by the Planning Commission, the Supervisors shall review the plan and take action as follows:

- A. Review of a final major subdivision plan.
- (1) The Board of Supervisors shall review the final major subdivision plan and consider the recommendations of the Planning Commission and any and all other relevant comments and reviews presented to them prior to taking action on the final major subdivision plan.
- (2) Verbal comments may be given at the review meeting; however, irreverent, immaterial or unduly repetitious testimony or comment may be excluded.
- B. County Planning Commission review. No official action shall be taken by the Board of Supervisors until the Board has received and considered the report of the County Planning Commission except that if the report is not received by the Board within 30 days from the date of transmittal of the final major subdivision plan to the County Planning Commission,