

ARTICLE III

PROCEDURES

SECTION 300 **INTENT**

The procedures established in Article III are intended to define the steps by which an applicant shall design a subdivision plat or land development plan, make an application, get it processed, obtain an action on the application, and proceed to recording and completion of improvements. For those subdivisions hereinafter classified as minor subdivisions, a sketch plan and abbreviated procedure is established. For all others, which are classified as major subdivisions or land developments, a preliminary plan and a final plan procedure is established.

SECTION 301 **PREAPPLICATION CONSULTATION**

Copies of this Ordinance shall be available at reasonable charge on request for the use of any person who desires information concerning subdivision and land development standards and procedures in effect within Mont Alto Borough. Any prospective developer may request a meeting with the Planning Commission, to discuss and review tentative plans and discuss the applicability of the provisions of this Ordinance. The preapplication consultation should be utilized to consider the following factors:

- A. The suitability of the site for development.
- B. The demand for a development of the type proposed in the particular location proposed.
- C. The accessibility of the site.
- D. The availability of public facilities (school, parks, water, sanitary and storm sewerage, etc.) and public services (police, fire, refuse disposal, etc.).
- E. The effect on the project of any contemplated improvements or the proposals of any comprehensive plan and these regulations.
- F. Sewage facilities requirements of the Department of Environmental Protection and the Borough.
- G. Erosion and Sedimentation Plans and Permits as required by the Department of Environmental Protection and administered by the Soil Conservation Service of Franklin County.
- H. Precautionary measures to preserve or protect historic and natural features.
- I. Approvals by all appropriate State and Federal Agencies.

SECTION 302 **SKETCH PLAN**

It is suggested that prior to the consultation with the Planning Commission, the subdivider prepare a Sketch Plan of the proposed development. It is suggested that the subdivider or developer submit sufficient data to the Planning Commission for purposes of generally illustrating and discussing the proposed project.

Such Sketch Plan will be considered a submittal for informal review and discussion and shall not constitute formal filing of the plan with the Borough.

As far as may be practical, on the basis of the Sketch Plan review and discussion, the Planning Commission, will informally advise the developer as promptly as possible of the extent to which the proposed land development conforms to the design standards of these regulations and will discuss possible plan modifications necessary to secure conformance.

SECTION 303 **SUBMISSION OF PLANS**

Applications for approval of Preliminary and Final Plans for all proposed land developments lying within the Borough shall be filed at the Borough Office. Such submission of Plans shall be accompanied by a fee as specified in the Mont Alto Borough Fee Schedule, as duly adopted by resolution.

The initial formal plan filed with the Borough shall be considered as a Preliminary Plan. However, in the event that an initial subdivision or land development is five (5) lots or less with frontage on a paved street of sufficient width and involves no new streets or other public improvements, the applicant may proceed directly to final plan preparation in compliance with the requirements of Section 402 of this Ordinance and shall be considered a minor subdivision or land development. By this is meant a division of land to facilitate a lot addition or a land exchange or one which adjoins an existing public street and does not involve the opening, widening, extension or improvement of any utility outside the frontage street access to the lot. Multi-family residential, commercial, industrial and mobilehome park development will be construed as a major subdivision or land development, regardless of the number of lots or units created.

The processing of a minor subdivision or land development plan shall be consistent with the procedures for processing a Final Plan as required in this Ordinance.

The developer shall submit the Preliminary or Final Plans drawn on linen or Mylar material on sheet sizes eighteen inches by twenty-four inches (18" X 24") or twenty-four inches by thirty-six inches (24" X 36") drawn to a scale not smaller than one hundred feet (100') to the inch (i.e. 1" = 50' would be acceptable whereas 1" = 200' would not). In addition, a minimum of fifteen (15) copies, blue or black line paper prints and all accompanying data shall also be submitted.

SECTION 304

REFERRAL AND REVIEW OF PLANS

- A. The subdivider or developer shall submit fifteen (15) copies of the Preliminary or Final Plan and accompanying documentation to the Borough Secretary at least fourteen (14) days prior to the meeting of the Planning Commission, at which initial consideration is desired. Copies of the Preliminary or Final Plans shall immediately be distributed for review and comment by the Borough Secretary as follows:
 - 1. Three (3) copies of the plan and supporting data to the County Planning Commission for review and comment. Note: The County Planning Agency is authorized up to thirty (30) days to complete its review.
 - 2. One (1) copy of the plan and supporting data to the Borough Engineer for review and comment.
 - 3. One (1) copy of the plan and supporting data to the Pennsylvania Department of Transportation where a proposed project abuts or will be traversed by an existing or proposed state highway.
 - 4. One (1) copy of the plan and supporting data to the Franklin County Conservation District Office.
 - 5. Three (3) copies of plans and supporting data to the Department of Environmental Protection.
 - 6. Three (3) copies of plans and supporting data to the Mont Alto Municipal Authority.
 - 7. The remaining copies of the plan and supporting data to the Planning Commission.
- B. Within sixty (60) days following its receipt, the Planning Commission, shall consider the comments of the other reviewing agencies and shall recommend either approval or disapproval of the Preliminary or Final Plan.
- C. The Borough Council shall take official action on a Preliminary or Final Plan within ninety (90) days of Borough receipt of the plans and data. The Council shall note or stamp its action on three (3) copies of the plans. One (1) shall be returned to the subdivider and two (2) copies shall be retained for Borough use.

SECTION 305

PUBLIC HEARINGS

Before acting on any land development plan, the Borough Council may hold a public hearing pursuant to public notice.

SECTION 306 **APPROVAL OF PLANS**

At a scheduled public meeting the Borough Council shall render its decision on the Plan, whether Preliminary or Final, and communicate its decision to the applicant not later than ninety (90) days following the date of the regular meeting of the Planning Commission, next following the date the application is filed, provided that should the next regular meeting occur more than thirty (30) days following the filing, of the application, the said ninety (90) day period shall be measured from the thirty (30) days following the day the application was filed. Final Plan approval shall not be granted until improvements as required by this Ordinance and shown on such Final Plan have been completed or guarantee posted as required in Article VII of this Ordinance.

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

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

Failure of the Borough Council to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed as approval of the application in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

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

However, if a Plan is properly and finally denied, any subsequent Plan shall be subject to the intervening change in Borough regulations. When an application for approval of a Plan, whether Preliminary or Final, has been approved without conditions or approved subject to conditions acceptable to the applicant no subsequent change or amendment in the Zoning, Subdivision and Land Development or other Borough Ordinances or Plans shall be applied to affect adversely the right of the applicant to commence and to complete any aspect of the approved development in accordance with the terms of such approval within five (5) years from such approval. Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In case of any doubt as to the terms of a preliminary approval, the terms shall be constructed in light of the provisions of the Borough Ordinances or Plans as they stood at the time when the Plan for such approval was duly submitted.

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

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

SECTION 307 **EFFECT OF PRELIMINARY PLAN APPROVAL**

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

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

SECTION 308 **EFFECT OF FINAL PLAN APPROVAL**

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

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

SECTION 309 **RECORDING OF FINAL PLAN**

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

The Recording of the Final Plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included within the subject Plan.

SECTION 310 **FEES**

Fees shall be established by resolution and be available for public review at the Borough Office. These fees include the following:

- A. A filing fee for preliminary and final plan applications as well as any re-approval and revisions.

- B. An engineering fee in the amount estimated by the Borough Engineer and Borough Solicitor on the basis of the submitted plan to cover such costs as: reviewing the plan for conformance to the provision of the codes and ordinances of the Borough; site inspection for conformance to survey; and preparing cost estimates of required improvements. Such fee shall be sufficient to cover the cost of all necessary engineering reviews and professional consultants. Failure to pay such fee within 15 days from notification of costs shall constitute grounds for denial of plan approval.

- C. An inspection fee in the amount estimated by the Borough Engineer and Borough Solicitor for:
 - 1. Inspection of required improvements by the Borough during installation; and
 - 2. Final inspection of required improvements.
 - a. Such fee shall be paid at the time the final plan is submitted for approval.

- b. Engineering and inspection fees shall be estimated by the Borough Engineer and Borough Solicitor, using the prevailing engineering rates for the Franklin County area. The developer may request a meeting with the Borough Council, Borough Engineer and the Borough Solicitor to appeal any estimated fee. The Borough Council shall have the final determination of the adequacy of all fees.
 - c. The developer or subdivider shall be reimbursed if the actual cost is under the estimated cost. The developer or subdivider shall be required to pay any additional amounts required because of unforeseen circumstances after any such amounts have been authorized by the Borough Council. No final plan shall be approved until all fees have been paid in full.
 - d. All fees shall be in the form of a check or money order and payable to Mont Alto Borough.
- D. A fee shall be paid by the developer or subdivider for the preparation of financial security agreements as required by the Borough.
- E. A fee shall be paid by the developer or subdivider to the county to cover the cost of county review of the preliminary plan or final plan if preliminary plan is waived. Such fee shall be paid at the time the preliminary plan is submitted for approval and shall be in the form of a check or money order and payable to the county.

SECTION 311 **RESUBDIVISION**

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

SECTION 312 **MODIFICATION OF REQUIREMENTS**

Modification or waiver of one or more provisions of this Ordinance may be granted by Council if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the area of subdivision or land development, provided that such modification will not be contrary to the public interest and that the purpose and scope of this Ordinance are observed. Request for modification shall be in writing and accompany the application for development. This request shall state the reasons of hardship, difficulty or infeasibility on which the request is based, the provision involved with this Ordinance and the minimum modification required. Furthermore, the process for such a request is followed by the Council as per Section 801 of this Ordinance.