

ARTICLE III

GENERAL PROCEDURES and PROCESSING REQUIREMENTS

Section 301. Prior to Submission

Copies of this Ordinance shall be available on request, at cost, for the use of any person who desires information concerning subdivision standards and procedures in effect within the Township. Any prospective subdivider may meet with the Township Planning Commission to discuss and review tentative plans and/or the provisions of this Ordinance.

Section 302. Preparation of Plans

Preliminary and Final plans shall be prepared in accordance with the specifications set forth by the “Engineer, Land Surveyor and Geologist Registration Law” (P.L. 913, No. 367). This requirement shall not preclude the preparation of a plat in accordance with the “Landscape Architects Registration Law” (1965 P.L. 1527, No. 535), when it is appropriate to prepare the plat using professional services as set forth in the definition of the “practice of landscape architecture” under section 2 of that act. All plans are to be certified by the preparer as being accurate by an engineer, landscape architect, or surveyor registered in the Commonwealth of Pennsylvania to perform such duties.

Section 303.

a. Submittal of Plans

- (1) No submittal except sketch plans will be considered a valid and complete submittal unless the applicant submits complete plans, along with the Township’s Application for Subdivision and Land Development, all required supporting documentation and the required fees to the Township Secretary not less than Thirty (30) days prior to a regularly scheduled meeting of the Planning Commission. No application shall be deemed filed unless all plans, reports, and data and supporting documentation required by this Ordinance and other relevant Township Ordinances have been included and all fees therefore paid in full.
- (2) No submittal for Land Development shall be considered a valid submittal if there is a valid and complete Land Development submittal for the same property currently under review by the Township. Except, however, that a land development plan may be submitted during review of a subdivision submittal, provided that the subdivision submittal will establish the boundary of said land development plan.

- (3) No submittal for Land Development shall be considered a valid submittal if a Variance or Special Exception is required from the Zoning Hearing Board, or if a re-zoning is required in order for said Land Development submittal to comply with the Township's Zoning Ordinance. In other words, Land Development submittals must comply with the Township's Zoning Ordinance prior to Land Development plan submittal. If, due to the complex nature of Zoning Ordinance requirements, it is not recognized that the Land Development Plan submittal does not comply with the Township's Zoning Ordinance until after the submittal has been accepted by the Township, then the Applicant shall withdraw the Land Development plan submittal. If the Applicant refuses to withdraw the Land Development plan submittal, then the Board of Supervisors shall have the right to reject the Land Development plan submittal.

b. **Optional Sketch Plan**

A sketch plan is strongly encouraged but not required. Copies of an Optional Sketch Plan, meeting the requirements set forth in Section 401, shall be submitted to the Municipal Secretary during business hours for distribution to the Planning Commission, the Municipal Engineer and applicable municipal advisory boards (e.g. parks and recreation board, or an environmental advisory board, etc.) at least ten (10) days prior to the Planning Commission meeting at which the Sketch Plan is to be discussed.

c. **Optional Pre-application Meeting**

An optional pre-application meeting is strongly encouraged between the applicant, the site designer, the Planning Commission (and/or its planning consultant) and other Township representatives, as appropriate, to introduce the applicant to Carroll Township's zoning and subdivision regulations and procedures, to discuss the applicant's objectives, and to schedule site inspections, meetings and plan submissions.

d. **Existing Resources and Site Analysis Plan**

Applicants shall submit an Existing Resources and Site Analysis Plan, prepared in accordance with the requirements set forth in Section 501.c.2. The plan shall familiarize officials with existing conditions on the applicant's tract and within its immediate vicinity, and shall provide a complete and factual reference for them in making a site inspection. This Plan shall be provided prior to the site inspection, to form the basis for the development design as shown on the Sketch Plan and shall be submitted with the Preliminary Plan, if the optional Sketch Plan is not submitted.

e. **Site Inspection**

- (1) Applicants shall arrange for a site inspection (after completion of the Existing Resources and Site Analysis Plan) of the property by Carroll Township staff and the Planning Commission Review Committee. Applicants, their site designers, and the landowner are encouraged to accompany the Planning Commission Review Committee
 - (2) The purpose of the site inspection is to familiarize local officials with the property's existing conditions and special features, to identify potential site design issues, and to provide an informal opportunity to discuss site design concepts, including the general layout of designated greenway/open space lands (if applicable), and potential locations for proposed buildings and street alignments. Comments made by municipal officials or their staff and consultants shall be interpreted as being only suggestive. It shall be understood by all parties that no formal recommendations can be offered, and no official decisions can be made, at the site inspection.
 - (3) Following the site inspection by the Township staff and/or individual Planning Commission members shall review the general project approach in accordance with the four-step design procedure described in Article 12 of this Ordinance.
- f. The Township Secretary shall distribute the required number of copies of the Preliminary Plans to the agencies concerned as provided for in Article V. If the subdivider or land developer makes substantial revisions in his plans after they have been approved in preliminary form, such revised plans shall be treated as Preliminary Plans when resubmitted.
- g. Upon approval of the Preliminary Plan, the subdivider shall submit a Final Plan to the Township Secretary and the Township Secretary shall distribute the required number of copies to the Township agencies concerned as provided for in Article VI.
- h. Mobilehome park plans shall be reviewed in the same manner as subdivision and land development plans.
- i. Copies of both Preliminary and Final Plans, including applications, for Subdivision and Land Development shall be forwarded by the applicant to the County Planning Commission for review and report together with a fee sufficient to cover the costs of the review and report which fee shall be paid by the applicant. A copy of the applicant's transmittal letter to the County will be provided to the Township.

Section 304. Approval of Plans

- a. The Township Planning Commission, at a public meeting, shall review the applicant's plan for subdivision or land development, the comments of the Township Engineer and the County Planning Commission. The Commission will act to recommend to the Board of Supervisors that it approve, conditionally approve, disapprove or the Commission may table the Plan. The Township Planning Commission will not make a recommendation to the Board of Supervisors until such time the Commission has reviewed the comments of the County Planning Commission unless this requirement is waived by unanimous approval of the Commission members present.

The Township Secretary will inform the applicant, in writing, of the Commission's action. The applicant may withdraw or revise the submission or request it be considered by the Board of Supervisors as originally submitted.

- b. After receipt of the Township Planning Commission's recommendations, the Board of Supervisors shall:
 - (1) Evaluate the applicant's submission, the report of the Township Planning Commission and review comments of the Township Engineer, Solicitor and the public.
 - (2) Determine whether the Plan meets the objectives and requirements of this Ordinance and other ordinances of the Township.
 - (3) Either approve, conditionally approve, or disapprove the Plan.
- c. The Board of Supervisors shall render a decision and communicate it to the applicant as set forth in the Pennsylvania Municipalities Planning Code.
- d. In the event that the Board of Supervisors shall approve a plan subject to conditions, the applicant shall indicate, in writing, his acceptance of any conditions which may be imposed. Approval of the plan shall be automatically rescinded upon the applicant's failure to accept such conditions within thirty (30) days of the date of the Board's written communication of its decision.
- e. **Effects of Changes in the Ordinance**
The effects of changes in the Ordinance shall be governed by the Pennsylvania Municipalities Planning Code.
- f. Before acting on an application, the Board of Supervisors may hold a public hearing thereon after public notice.

g. **Expiration of Preliminary Plan Approval**

Plans shall expire as set forth in the Pennsylvania Municipalities Planning Code.

h. **Effect of Preliminary Plan Approval**

Approval of the Preliminary Plan constitutes approval of the proposed subdivision or land development in respect to general design, the approximate dimensions and other planned features. Preliminary Plan approval binds the applicant to the general scheme of the Plan as approved and permits the applicant to begin preparation of the Final Plan. Preliminary Plan approval does not authorize the recording, sale or transfer of lots.

i. **Recording Plans and Deeds**

- (1) Upon the approval of a Final Plan, the applicant shall, within ninety (90) days of such approval, record such plan in the office of Recorder of Deeds of York County. The Recorder of Deeds shall not accept any plan for recording unless such plan officially notes the approval of the Board of Supervisors and review by the York County Planning Commission.
- (2) Within ten (10) days after recording the approved plan, the applicant shall furnish the County Planning Commission and the Township Supervisors a Recorder's Certificate upon a copy of the Plan certifying that said Plan is properly recorded. The Township may require the applicant to provide a deposit at the time the Plan receives Township signatures, which deposit will be returned to the applicant upon receipt of the properly recorded Plan.
- (3) Streets, public grounds, easements and other public improvements may be offered for dedication to the Township by formal notation on the Final Plan, or the applicant may note that any such improvements have not been offered for dedication to the Township.
- (4) Streets and public grounds shown on a recorded Final Plan shall be deemed private until offered for dedication to the Township and accepted by ordinance or resolution; or until legally adopted for use by the public.
- (5) The recording of the plan shall not constitute grounds for assessment increases until such time as lots are sold or improvements are installed on the land included with the subject plan.

j. **Effect of Plan Approval on Official Map**

After a plan has been approved and recorded as provided in this article, all streets and public grounds on such plan shall be, and become a part of the Official map of the Township (if and when adopted) without public hearing.

Section 305. Plan Classification for Major and Minor Subdivisions or Land Development

- a. For purposes of procedure, all applications shall be classified as either major or minor subdivision or land developments:

(1) **Minor Subdivision or Land Development**

Any subdivision or land development plan in which the following conditions are met shall be considered a minor subdivision or land development.

- (a) No public street or access road is constructed or is required to be widened;
- (b) No other completion of public improvement or guarantee thereof is required other than individual on-lot stormwater management systems;
- (c) No earthmoving activities will take place except those incidental to construction of a single-family dwelling on each lot; and
- (d) No parcel is subdivided into more than three (3) lots.

(2) **Major subdivision or land development**

Any subdivision or land development plan not in compliance with Section 305.a.(1) or any part thereof, or for any use other than single-family residential, shall be considered a major subdivision or land development.

b. **Review**

- (1) Major subdivisions or land development plans shall be subject to all review procedures specified in this article.
- (2) All plans submitted as a Minor Plan shall include all requirements of the Preliminary Plan unless excluded elsewhere in this Ordinance.

Otherwise, Minor Plans shall comply in all respects with the requirements for both Preliminary and Final Plans. However, Minor Plans that do not propose any new building lots, are not required to show pavement widening, curbing, sidewalk, and street trees. The Township shall review the plan for both Preliminary and Final plan requirements, thereby excusing the applicant from submitting a separate Preliminary Plan.

- (3) When a subdivision or land development plan includes only a portion of a landowner's entire tract, or when such portion is contiguous to an adjoining tract of the landowner, a layout shall be included meeting the requirements set forth in Section 401, showing future potential subdivision of all the contiguous lands belonging to the landowner to ensure that the subdivision may be accomplished in accordance with current codes and with appropriate access. Submission and review of the layout described in this section shall not constitute approval of the future subdivision shown thereon.

Section 306. Additions to Existing Lots

A parcel of land may be added to an existing recorded lot for the purpose of increasing the lot size, making an adjustment to clarify boundary lines or bringing the lot into conformance for setback lines provided that:

- a. The parcel to be added must be contiguous to the existing lot and must maintain or improve the overall straightness of lot lines.
- b. The Plan prepared for the addition of this parcel shall follow the procedures outlined in this Ordinance except that a Preliminary Plan need not be filed.
- c. The owner shall specify on the Plan that the parcel is for the sole purpose of enlarging an existing lot. The combined tracts shall then be treated as one lot for all purposes under this and all other ordinances of Carroll Township, existing or future.
- d. The applicant shall provide the Board of Supervisors a deed demonstrating the applicant's transfer of the lot to the adjoining owner at the time a copy of the recorded plan is provided to the Township.

Section 307. State Highway Access

All Applications for highway occupancy permit are subject to Township review. H.O.P. applications must be submitted to PaDOT (after Township review) during the preliminary plan review process.

No plan which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plan obtains a highway occupancy permit pursuant to Section 420 of the Act of June 1, 1945 (P.L. 1242, No. 428), known as the "State Highway Law".

The Plan shall be marked to indicate that access to the State highway shall be only as authorized by a highway occupancy permit number_____.

Neither the Department nor any municipality to which permit-issuing authority has been delegated under the "State Highway Law" shall be liable in damages for any injury to persons or property arising out of the issuance or denial of a driveway permit, or for failure to regulate any driveway. Furthermore, the 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 Department.

Section 308. Fees

The Board of Supervisors shall set fees, payable in advance for review of plans. Such review fees may include reasonable and necessary charges by the Township's professional consultants or engineer for review and report thereon to the Township. Such review fees shall be reasonable and in accordance with the ordinary and customary charges by the Township engineer or consultants for similar service in the community, but in no event shall the fees exceed the rate or cost charged by the engineer or consultant to the Township when fees are not reimbursed or otherwise imposed on applicants. Such fees shall be based upon a schedule adopted by Resolution of the Board of Supervisors upon enactment of this Ordinance, or as such schedule may be amended. A copy of said fee schedule shall be available for review at the Township office.

Section 309. Disputes Over Fees

In the event the applicant disputes the amount of any such review fees, the applicant shall, within fourteen (14) working days of the applicant's receipt of the bill, notify the Township that such fees are disputed, in which case the Township shall not delay or disapprove a subdivision or land development application due to the applicant's request over disputed fees.

In the event that the Township and the applicant cannot agree on the amount of review fees which are reasonable and necessary, then the applicant and the Township shall follow the procedure for dispute resolution as set forth below:

- a. If within twenty (20) days from the date of billing, the Township and the applicant cannot agree on the amount of expenses which are reasonable and necessary, then the applicant and Township shall jointly, by mutual agreement, appoint another professional of the same profession or discipline as the consultant whose fees are being disputed, licensed as such in the Commonwealth of Pennsylvania to review such expenses and make a determination as to the amount thereof which is reasonable and necessary.
- b. The professional engineer or consultant so appointed shall hear such evidence and review such documentation as the professional engineer in his or her sole opinion deems necessary and render a decision within fifty (50) days of the billing date. The applicant shall be required to pay the entire amount determined in the decision immediately.
- c. In the event that the Township and the applicant cannot agree upon the professional engineer or consultant to be appointed within 20 days of the billing date, then upon application of either party, the President Judge of the Court of Common Pleas of the judicial district in which the Township is located (or if at the time there be no President Judge, then the senior active judge then sitting) shall appoint such engineer or consultant, who, in that case, shall be neither the Township engineer nor any professional engineer or consultant who has been retained by, or performed services for, the Township or the applicant within the preceding five (5) years.
- d. The fee of the appointed professional engineer or consultant for determining the reasonable and necessary expenses shall be paid by the applicant if the amount of payment required in the decision is equal to or greater than the original bill. If the amount of payment required in the decision is less than the original bill by \$1,000 or more, the Township shall pay the fee of the professional engineer or consultant, otherwise the municipality and the applicant shall each pay one-half of the fee of the appointed professional engineer or consultant.