**CHAPTER 22**

**SUBDIVISION AND LAND DEVELOPMENT**

**Part 2**

**Procedures**

**§201. General.** The procedures established in this Part shall apply to all subdivisions and land developments that require approval by White Deer Township. It shall be the responsibility of the applicant to submit preliminary or final subdivision or land development plans that comply in all respects with the applicable provisions of this Part and to coordinate planning with utility or service agencies in the manner set forth in this Part.

(1) Number of Copies. All subdivision or land development plans submitted for preliminary or final approval shall include 12 copies of black on white or blue on white prints and 12 copies of all other supporting materials and information required by this Chapter (See Part 3), plus 2 copies for each sewer module submitted. Plans shall be submitted to the Township Planning Commission not less than 14 days in advance of the regular meeting of the Commission at which the plan is to be considered. A plan shall be considered filed upon receipt by the Township of all the plans and materials, including review fees.

(Ordinance No. 03-01, adopted March 25, 2003)

(2) Change in Regulations. From the time an application for approval of a plan, whether preliminary or final, is duly filed as provided in this Part, and while such application is pending approval or disapproval, no change or amendment of the zoning, subdivision or other governing ordinance or plan shall affect the decision on such plan adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of the ordinance as they stood at the time the application was filed.

(3) Referral of Plans to Review Agencies. Upon receipt of a preliminary or final subdivision or land development plan, the Township Planning Commission shall forward a copy of the plan to the White Deer Township Municipal Authority (if public sewage service is contemplated), to the Union County Planning Commission, to the Union County Conservation District, to the Pennsylvania Department of Transportation (if a state highway is involved), and to other appropriate agencies or neighboring municipalities for review by those parties.

(4) Site Inspection. The Township Planning Commission, or its representative(s), shall visit the site in order to evaluate the proposed plan on the basis of the information presented before any recommendations are made to the Township Supervisors.

 **§202. Types of Subdivision and Land Development Plans.**

 (1) Sketch Plan.

 (a) Optional Sketch Plan. Subdividers are encouraged to prepare a sketch plan for informal discussion with the Township Planning Commission prior to submitting an official plan. Submission of a sketch plan will not constitute a formal filing of a plan with the Township.

 (b) Sketch Plan May Be Required. A sketch plan may be required showing the overall development concept when a preliminary plan is submitted for only a portion of a tract.

 (2) Preliminary Plan.

 (a) Plans Requiring Improvements. Subdivision plans proposing streets, sanitary sewers, storm water facilities, or other improvements shall be considered as preliminary plans unless an improvements guarantee agreement has been filed with the township or unless the improvements have been completely installed (see §204(2)).

 (b) Preliminary Plan Approval. Township approval of the preliminary plan shall constitute approval as to the character and intensity of the development, and the general layout and approximate dimensions of streets, lots, and other features. The approval binds the subdivider to the general scheme of the subdivision or land development shown and permits the subdivider to proceed with final detailed drawings of improvements, and with preparation of the final plan. Approval of the preliminary plan does not authorize the sale of lots nor the recording of the preliminary plan.

 (3) Final Plan.

 (a) Submission in Sections. The final plan may be submitted in sections, each covering a portion of the subdivision or land development as shown on the preliminary plan. Each section, except for the last section, of a residential subdivision shall contain a minimum of 25% of the total number of dwelling units depicted on the preliminary plan, unless a lesser percentage is approved by the Township.

 (b) Conformance with Preliminary Plan. The final plan shall conform in all respects with the approved preliminary plan. Otherwise the plan submitted shall be considered as a revised preliminary plan.

 (c) Required Improvements. Where improvements have been installed in accord with a previously approved preliminary plan, or an acceptable improvements guarantee agreement has been filed with the Township, or where site improvements are not proposed by the subdivider, nor required by the Township, the proposed subdivision plan may be considered as a final plan.

 (d) 5 Year Rule. The applicant shall have a period of five (5) years from the date of preliminary plan approval in which to submit a final plan. If the applicant fails to submit a final plan within the five (5) years period, the approval of the preliminary plan shall become null and void unless an extension of time is requested by the subdivider in writing, along with a time schedule for submission of the final plan and is approved by the Township prior to the expiration date.

 **§203. Approval of Plans.**

 (1) Deadline for Action by Township Supervisors. The Township Supervisors shall render a decision and communicate it to the applicant not later than 90 days following the date of the regular meeting of the Supervisors next following the date that the plan is filed. However, should the next regular meeting occur more than thirty (30) days following the filing of the plan, the said ninety (90) day period shall be measured from the 30th day following the day the plan has been filed. An extension in the time period for notification of plan action can be obtained by either the Township or the applicant, provided that the request for an extension is in writing and is granted by the other party in writing prior to the deadline for action.

 (2) Notification to Applicant. At a public meeting the Township Supervisors shall consider the subdivision or land development plan to determine its conformity to the design standards and other requirements of this Part and to evaluate review comments received from the Township and County Planning Commissions, and other pertinent parties. The Supervisors shall notify the applicant of its decision in accordance with the following:

 (a) The decision of the Supervisors 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.

 (b) When the application is not approved as filed the decision shall specify the defects found in the application and shall, in each case cite to the provisions of the Part relied upon.

 (c) Failure of the Township to render a decision and communicate it to the applicant within the time and in the manner required herein shall be deemed an approval of the application.

 (3) Conditional Approval. The Township Board of Supervisors may grant Preliminary or Final Plan approval subject to conditions acceptable to the applicant. The Township Board of Supervisors shall set forth the conditions upon which the plan is approved in writing and shall deliver the same to the applicant as provided for in the Pennsylvania Municipalities Planning Code. Failure of applicant to accept the said conditions, in writing and delivered to the Township within 30 days of the approval of the said plan, subject to the conditions, shall nullify the said approval.

 (Ordinance No. 27, Adopted March 24, 2009)

 (a) Acceptable Conditions. Except for extraordinary circumstances, no subdivision or land development plan will be approved subject to conditions other than the following conditions:

 (1) Receipt of an approved sewer planning module.

 (2) Receipt of Pennsylvania Department of Transportation Highway Occupancy Permit.

 (3) Receipt of an approved Erosion and Sedimentation Control Permit or Plan.

 (4) Receipt of an approved NPDES Permit.

 (5) Receipt of a permit or approval of another government agency.

 (6) Receipt of properly executed Stormwater Agreement.

 (7) Receipt of properly executed Improvements Guaranty.

 Provided that upon submission of the said plan and upon approval of the said plan, subject to conditions, the applicant has submitted proof, satisfactory to the Township, that applicant has diligently pursued the said approval or permit.

 (Ordinance No. 27, Adopted March 24, 2009)

 (b) Termination of Conditional Approval. Failure of applicant to satisfy the conditions attached to the approval within 90 days of the approval shall cause an automatic revocation of the approval. Township shall notify applicant of said revocation upon expiration of the said 90 days.

 (Ordinance No. 27, Adopted March 24, 2009)

 (4) Optional Approval Resolution to Facilitate Financing. When requested by the applicant, in order to facilitate financing, the Township Supervisors, shall furnish the applicant with a signed copy of a resolution indicating approval of the final plan contingent upon the applicant obtaining a satisfactory improvements guarantee agreement. The final plan or record plan shall not be signed nor recorded until the improvements guarantee agreement is executed. This resolution shall expire and shall be considered revoked if the fiscal guarantee agreement is not executed within ninety (90) days unless a written extension is granted by the Township Supervisors.

 (5) Review of Revised Plans. The costs of review, by Township employees, officers, agents or consultants, of revisions to submitted subdivision and/or land development plans shall be paid by the applicant, the same to be in addition to the fee charged for the original submission of a subdivision and/or land development plan. The charge for review by a Township employee or officer shall be at the rate established from time to time by resolution of the Township. The charge for review by an agent or consultant shall be the same as the agent’s or consultant’s charge to the Township.

 (Ordinance No. 27, Adopted March 24, 2009)

 (a) All revised plans shall be submitted to the Township Planning Commission for review prior to action by the Board of Supervisors. The Board of Supervisors shall take action within the time prescribed by the Pennsylvania Municipalities Planning Code.

 (Ordinance No. 27, Adopted March 24, 2009)

 **§204. Improvements.**

 (1) General Requirements.

 (a) Improvements required by the Township for the subdivision or land development may include streets, sidewalks, sanitary sewers, water supply facilities, storm water facilities, utilities, parks or other facilities needed for the development as set forth in the Pennsylvania Municipalities Planning Code.

 (b) Improvements shall be installed by the applicant, or a suitable improvements guarantee agreement shall be provided which shall ensure the construction and installation of the improvements at the standards set forth in applicable ordinances, statutes, laws and regulations. The Final Plan shall not be approved until final detailed design of the improvements is approved and the improvements are installed and inspected and determined to be in a satisfactory state of repair, or a suitable improvements guarantee agreement for installation and maintenance is provided.

 (2) Improvements Guarantee Agreement.

 (a) In lieu of the completion of the improvements required as a condition of Final Plan approval, the applicant may file with the Township an improvements guarantee agreement with financial security in a form provided by the Township and which shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

 (b) If the applicant and the Township are unable to agree upon an estimate, then the estimate shall be determined in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the costs for the same shall be as provided in the same.

 (3) Release From Improvements Guarantee Agreement.

 (a) The Township may authorize the release of a portion of the improvements guarantee upon the request of the applicant, the procedure for the request and the processing of the same shall be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

 (b) When all necessary improvements have been completed, the developer shall notify the Township in the manner prescribed in the Pennsylvania Municipalities Planning Code. The Township shall act upon the said notice accordance with the Provisions in the Pennsylvania Municipalities Planning Code.

 (c) In the event the Township accepts dedication of any of the improvements, developer shall post financial security to assure the structural integrity of the improvements, the same to be in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

 (Ordinance No. 15, adopted May 22, 2007)

 (4) Dedication of Improvements/Maintenance Guarantee.

 (a) Where the developer proposes to dedicate improvements to the Township, the same shall be done in accordance with applicable local, state and federal ordinances, laws, statutes and regulations.

 (b) The Township may approve a Final Plan without an offer to dedicate the streets or other improvements, provided that such improvements are noted as private on the Final Plan. The developer shall also be required to provide a note in each deed, lease, or conveyance explaining who has the responsibility for the maintenance of the improvements.

 (Ordinance No. 15, adopted May 22, 2007)

 **§205. Final Plan Recording.**

 (1) Time Limit for Recording. Upon approval of a Final Plan by the Township, the Developer shall record the Final Plan (Plan), the Maintenance Agreement, Storm Water between the Developer and the Township (Agreement) and all utility easements signed by the utility and the Developer in the Union County Recorder of Deeds Office within 90 days of the date of the said approval or the date of delivery of the Plan signed by the Board of Supervisors, whichever is later. The Plan, Agreement and easements shall be recorded at the same time. No such Plan or Agreement shall be recorded unless both have been officially approved by the Township and been signed by the Township Board of Supervisors with original signatures of the Chairman and Secretary of the Board of Supervisors.

 Developer shall, immediately upon recording the Plan, Agreement and easements, provide the Township with a full and complete copy of the Plan, Agreement and easements with all recording information set forth therein.

 No permits shall be issued by the Township with regard to the land within the area set forth in the Plan until Township shall have evidence, satisfactory to it, that the Plan, Agreement and easements have been recorded as herein provided.

 (Ordinance No. 10, adopted June 27, 2006; as amended by Ordinance No. 73, adopted November 29, 2023)

 (2) Offer of Dedication. Recording the final plan after approval by the Township has the effect of an irrevocable offer to dedicate all streets and other public areas to public use. The offer to dedicate streets, parks, or other areas or portions of them, does not impose any duty upon the Township concerning maintenance or improvement until the proper authorities of the Township have made actual appropriation by ordinance or resolution, by entry, or improvement.

 **§206. Resubdivision Procedures.** For any replotting or re-subdivision of land, the same procedures and regulations apply as prescribed for an original submission.

 **§207. Add-On Subdivision.** The procedure applicable to add-on subdivision plans shall be the same for Preliminary and Final subdivision plans, provided that requirements for Preliminary and Final subdivision plans that are, in the opinion of the Township, unnecessary because of the nature of an add-on subdivision may be waived by the Township.

 (1) A statement shall be placed on the plan that shall be conspicuous in bold print with letters at least one-quarter inch in size. The statement shall be: “This add-on lot may be conveyed only as an addition to an adjacent lot as shown on this plan”.

 (2) A statement shall be placed upon the plan as follows: “Lot # \_\_\_\_\_ is an addition of the lands of \_\_\_\_\_\_\_\_\_\_ and shall hereafter be considered to be a part of said lands for future subdivision and/or land development purposes”.

 (3) The owner/subdivider of the lands which are the subject of the add-on subdivision plan, shall, at the time of the filing of the application for plan approval, execute a written statement provided by the Township acknowledging his, her, their or its understanding of the restrictions on the transfer and conveyance of an add-on lot.

 (4) The approved Add-On Subdivision plan shall be recorded within 90 days of approval. The same may be recorded as a separate document or as an attachment to the deed transferring the add-on lot. Failure to record the said plan and transfer the add-on lot in accordance with the plan within the said 90 days shall revoke the approval of the plan. In the event of such revocation the Township shall adopt a resolution to the effect that the plan has been revoked and shall record a copy of the said resolution.

 (5) Applicant shall deposit such sum of money as established by the Township from time to time by resolution to be held by the Township to defray the costs of preparing and recording the resolution revoking approval of the add-on plan for failure to record the plan and transfer the said add-on lot in accordance with the plan within the 90 day days provided for herein. The said sum of money shall be refunded to Applicant if the plan is recorded within the said 90 days, the lot transferred as herein provided within the said 90 days and proof of the same is provided to the Township.

 (Ordinance No. 16, adopted May 22, 2007)

(Ordinance No. 90-2, adopted October 23, 1990)