

## **ARTICLE III - APPLICATION PROCEDURES AND PLAT REQUIREMENTS**

### **Section 300. Pre-Application Procedures.**

- A. Copies of this Ordinance shall be available for review at the Township Building or for purchase by any person seeking information concerning land development and/or subdivision standards and procedures in effect within the Township. Any prospective developer or subdivider may meet with the Township Planning Commission to discuss and review proposed plans and/or provisions of this Ordinance.
- B. Prior to the Final Plan submission, the prospective developer must have complied with the planning requirements of the Pennsylvania Sewage Facilities Act as administered by the Pennsylvania Department of Environmental Protection.
- C. Prospective developers shall consult the County Conservation District representative concerning erosion and sediment control, wetlands, and the effect of geologic conditions on the proposed development. At the same time a determination should be made as to whether or not any of the subdivision or development is located in an area subject to flooding. Land that is subject to flooding shall not be platted for residential occupancy or for any other use that may endanger health, life, or property. Such land within a subdivision shall be set aside for such uses as shall not be endangered by periodic or occasional flooding and shall not produce unsatisfactory living conditions.
- D. The developer may request that a pre-application meeting be held with Township staff persons to discuss specific proposal requirements. Such requests shall be made to the Board of Supervisors in writing.

### **Section 301. Sketch Plan.**

Prior to the submission of a Preliminary Plan, developers are encouraged to submit a sketch plan for review by Township staff and the Township Planning Commission. This will enable the Staff and Planning Commission to review the proposal for the factors that may affect the development. Discussions on sketch plans are intended as purely advisory and shall not exempt the developer from any additional requirements of this or any other ordinances affecting the development. Any direction provided for a sketch plan is considered non-binding. The Staff and Planning Commission may, at its discretion or when requested by the applicant, submit the Sketch Plan to the Township Engineer or Solicitor and the County Planning Agency for review and comment in order to provide the developer with more specific written directive.

If the applicant requests that the Sketch Plan be reviewed and written comments be provided by the Engineer or Solicitor, the applicant shall provide the Township with a deposit in accordance with the fee schedule to cover the cost of such review.

A sketch plan should contain the following information at a minimum:

- A. General information concerning any community facilities and/or any other man-made or natural features that will affect the proposal.
- B. A sketch of the proposed development drawn at a scale no smaller than one (1) inch = one hundred (100) feet showing the proposed layout of streets and lots, and other features of the

subdivision or development. The Sketch Plan should also indicate the tentative layout of any proposed utilities or drainage structures.

- C. A statement indicating the zoning district and appropriate criteria.
- D. Name of property Owner and all adjoining property Owners.
- E. Other information as may be requested by the Township.

**Section 302. Preliminary Plan Procedures.**

In proposed residential developments involving no more than five (5) lots or dwelling units, (such as in the case of condominium developments) proposing exclusively single family detached dwellings that will abut an existing public right-of-way and will not require construction of improvements the submission of a Preliminary Plan is waived. However, all other applicable requirements and specifications shall remain the same.

**A. Submission of the Preliminary Plan:**

In conjunction with the submittal of the plan, an application must be completed and signed. This must include supplementary data, application fees and a deposit of required fees for engineering and legal review, as required by the Ordinance. Preliminary Plans and all required accompanying documentation shall be submitted to the Township a minimum of thirty-five (35) days in advance of the regularly scheduled Planning Commission meeting in which the applicant wishes the Township to consider the plan. This will enable the Township to receive and review comments from the Township Engineer and the Adams County Planning Commission and to place the plan on the agenda. Any revised plans and accompanying documentation shall be submitted to the Township a minimum of fifteen (15) days in advance of the regularly scheduled Planning Commission meeting in which the applicant wishes the plan to be on the agenda.

All plans will undergo an initial staff review before being considered as a complete submission. During this initial review, plans will not be released to Planning Commission members for formal review. In the event that the application is deemed incomplete, the Township shall notify the applicant, in writing, within ten (10) business days of its receipt of the application.

Should the applicant fail to provide a written withdrawal of an incomplete submission, or fail to provide missing items, in either event by the day the agenda closes for the next meeting of the Board of Supervisors, the Township Secretary shall place the matter on the Agenda for that meeting, at which time consideration shall be given to deny approval of the plan under the relevant authority of this Ordinance and the Pennsylvania Municipalities Planning Code.

A complete submission shall consist of the specified number of copies of plans, reports and applications including the following items (where required by ordinance) the specific number of copies may be modified where authorized by the Township office:

1. Completed Application Form (provided by Township) signed by Owner or Owner's Agent.

2. Eight (8) blue-line or black-line paper prints of the Preliminary Plan showing all the information required in this Ordinance.
3. Four (4) copies of all other required documentation including but not limited to Stormwater Management Report, Sewage Facilities Planning Module, Erosion Control Plan and Calculations, draft Home Owner Association documents, and Wetlands Delineation Report.
4. A filing / application fee as established by the Township.
5. Additional copies of plans and reports are required to be provided to the Township Engineer(s) and Adams County Planning Agency.

B. Approval of Preliminary Plans:

Approval of the Preliminary Plan constitutes approval of the proposed subdivision or land development with respect to the layout, general design, the approximate dimensions and other planned features. Preliminary Plan approval binds the developer to the general scheme of the Plan as approved. Preliminary Plan approval does not authorize the recording, sale or transfer of lots, or the installation of improvements beyond that which is statutorily allowed. Preliminary Plan approval also does not constitute final approval of the design of improvements as required by the Ordinance and prior to approval for construction of improvements which will be offered to the Township for dedication, a final construction drawing set shall be approved by the Township Engineer.

C. Action on a Preliminary Plan by the Planning Commission:

Plans will be placed on the agenda of the Township Planning Commission on its next regularly scheduled meeting following receipt of the reports or after the time for such reports have expired by the Adams County Planning Commission and the Liberty Township Engineer.

The Township Planning Commission may perform the following:

1. Review all applicable reports from the County Planning Department, Township Engineer, Township Planning Consultant, appropriate Water and/or Sewer Authority, Pennsylvania Department of Transportation, Soil Conservation District, and other reviewing agencies.
2. Discuss the submission with the Applicant.
3. Recommend revisions so that the plan will conform to Townships Ordinances.
4. Provide recommendations to the Board of Supervisors for requests made by the applicant for modifications to the Subdivision & Land Development Ordinance.

The Township Planning Commission shall perform the following:

5. Determine whether the Preliminary Plan meets the requirements of this Ordinance, and other Ordinances of the Township; and

6. Recommend approval or disapproval of the Preliminary Plan to the Board of Supervisors. In the case of a recommended disapproval, the Planning Commission shall indicate the specific deficiencies and the Ordinance provisions which have not been met.

D. Action on a Preliminary Plan by the Board of Supervisors:

1. Following receipt of the written decision (meeting minutes) from the Township Planning Commission, the Board of Supervisors may consider the Preliminary Plan at its next regularly scheduled or special meeting. If the plan is to be considered at a special meeting, the developer shall be so notified, and in addition, the Board of Supervisors may also schedule a public hearing, pursuant to public notice, before taking any action on the plan.
2. Action on a Preliminary Plan shall be taken by the Board of Supervisors not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission, next following the date that a complete application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of a complete application, or the final order of the court, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the complete application has been filed.

In its review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission, the Township Engineer, Township Solicitor and the various other individuals or agencies to whom the plan was sent for review and comment. As a result of its review, the Board of Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

3. The decision of the Board of Supervisors concerning the plan shall be in writing and shall be communicated to the developer not later than fifteen (15) days following the meeting at which the decision is made.

If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance or any other conditions approved by the developer.

4. Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required in this Ordinance shall be deemed an approval of the application in terms as presented unless the developer has agreed, in writing, to an extension of time or change in a prescribed manner or presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.
5. Approval of the Preliminary Plan shall not constitute approval of the Final Plan for any purpose or reason, but shall constitute conditional approval of the proposed development as to its general character and layout. It shall not constitute final approval of design of required improvements or utilities.
6. When a Preliminary Plan has been approved or approved subject to certain conditions acceptable to the developer, no subsequent change or amendment in this or any other

applicable ordinances shall be applied to affect adversely the right of the developer to commence and to complete any aspect of the approved development within five (5) years from such approval.

Where final approval is preceded by preliminary approval, the five (5) year period shall be counted from the date of the preliminary approval. In the case of any doubt as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances or plans as they stood at the time when the plan for such approval was duly submitted to the Township.

7. In lieu of disapproving a plan the Board of Supervisors may approve the preliminary plan subject to conditions acceptable to the applicant. Where a plan is conditionally approved the written decision shall state the conditions of approval along with any applicable time limits for satisfaction of conditions. When a conditional approval is granted and a written decision is provided to the applicant, the applicant shall have five (5) business days from the date of the decision to notify the Township that the conditions are not acceptable.

In the event that the applicant notifies the Township that the conditions are unacceptable, the approval of the plan will automatically be rescinded and the plan is considered to be disapproved.

8. When the applicant revises the plan to an extent which the Township determines to be a major revision (i.e. street layout, design or layout changes in utilities, lot changes, lot revisions, etc.), or if unauthorized revisions are made, the ninety (90) day review period shall automatically be restarted and shall begin with the date of the Planning Commission meeting following the re-submittal or thirty (30) days after re-submittal, whichever shall come first.
9. When a preliminary plan is approved with or subject to conditions, the applicant shall demonstrate to the Township that the conditions have been met prior to submission of a Final Plan. Preliminary Plans will not be executed or signed as approved by the Township until all conditions have been satisfied.

E. Zoning Review:

1. All land development and subdivision plans must be submitted to the Liberty Township Zoning Officer or designated official responsible for zoning review.

Preliminary plan approval will not be granted prior to receipt of proof of conformance to the Zoning Ordinance and/or any special exceptions or variances that may be needed as it relates to the preliminary plan.

2. Building Permits will not be issued until a land use permit is obtained from the Liberty Township Zoning Officer or designated official responsible for zoning review.

F. Provision for Additional Review:

The Township may request the review and comment of additional agencies and public services such as the appropriate fire department, emergency management agency, school district, Pennsylvania Department Of Transportation, etc. This shall include any sub-consultants of the Township Engineer which shall be deemed necessary by the Township

Engineer in order to thoroughly review specialty designs and studies. Copies of such review shall be made available to the developer. The fee for such review(s) shall be the responsibility of the applicant in accordance with the requirements of this Ordinance.

### **Section 303. Preliminary Plan Requirements.**

The Preliminary Plan submission shall be prepared by a registered surveyor or engineer and be drawn on reproducible stable transparency, using black ink for all data including approval signatures. Scale shall be no less than one (1) inch = fifty (50) feet unless otherwise approved by the Township Engineer.

Such plats and surveys shall be prepared in accordance with Act of May 23, 1945, (P.L. 913, No. 367), known as the Engineer, Land Surveyor and Geologist Registration Law.

The foregoing requirements shall not preclude the preparation of a plat in accordance with the Act of January 24, 1966 (1965 P.L. 1527, No. 535, known as the Landscape Architects' Registration Law, 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.

A. The Preliminary Plan shall show the following required information:

1. Name of proposed subdivision, and of the municipality in which it is located.
2. Name, address and telephone number of the subdivider.
3. Name, address, telephone number, license number and seal of the professional engineer, or registered surveyor who prepared the drawings.
4. Date of origin and of each subsequent revised submission.
5. True or magnetic north point.
6. Graphic scale.
7. Written scale.
8. Certification by professional engineer or surveyor that depicted topography is field surveyed for all instances where grading activities and/or public improvements are proposed. Subdivision Plans that do not propose public or other improvements may utilize USGS quadrangle mapping or County GIS / Aerial topography as provided by the Adams County Mapping office.
9. A key map, for the purpose of locating the property being subdivided, drawn at a scale of one (1) inch = two thousand (2000) feet and showing the relation of the property to adjoining property and to all streets, roads, municipal boundaries and recorded major subdivision plans existing within one thousand (1000) feet of any part of the property. In addition, a title, scale, and north point shall be indicated.
10. The total tract boundary lines of the area being subdivided showing distances to hundredth of a foot and bearings to one second. These boundaries shall be determined

by accurate survey in the field, which shall close with an error of closure not to exceed one (1) foot in ten thousand (10,000) feet before adjustment; provided, however, that the boundary(s) adjoining additional un-platted land of the subdivider (for example, between separately submitted Final Plan sections) are not required to be based upon field survey, and may be calculated. The location of all boundary line (perimeter) monuments shall be indicated, along with a statement of the total area of the property being subdivided. In addition, the engineer of surveyor shall certify to the placement of the monuments. A tabular representation of the closure of each proposed lot shall be provided.

11. A Plot drawn to a legible scale showing the entire existing tract boundary and the location of the lots being subdivided from said tract.
12. Boundaries of adjacent properties and recorded name and deed reference. When adjacent properties are part of a recorded plat only the lot number and subdivision name need be shown.
13. Contour lines at vertical intervals of no more than two (2) feet for land with average natural slope of four (4%) percent or less, and at intervals of no more than five (5) feet for land with average slope exceeding four (4%) percent. Contour intervals of one (1) foot are required for plans which propose improvements.
14. Location and elevation of the bench mark(s) to which contour elevations refer; sea level datum used shall be based on USGS mean sea level. In cases where public sewer and water are proposed, the Township may require that plans be referenced to the Pennsylvania state plane coordinate system in NAD 83.
15. The name (or number), cartway width and right of way width and lines of all proposed and existing public streets and the name and location of all other roads within the property.
16. A certification of ownership, acknowledgment of the plan and offer of dedication (where applicable) shall be signed by the owner(s) and notarized.
17. Location of existing streets and alleys adjoining the tract including name, width, width of cartway, and sidewalks.
18. The location (and elevation, if established) of all existing and proposed street monuments.
19. Location of existing and proposed rights-of-way and easements.
20. Lot numbers and a statement of the total number of lots and parcels.
21. Lot lines, areas with dimensions. In the case of subdivision or developments which will require multiple sheets of drawings, a plan shall be included which depicts the entire proposed development and adjoining features.
22. The building setback lines for each lot, or other sites.
23. For developments where on-site sewage disposal systems will be used, the location where the soil evaluations test was conducted for each lot.

24. A statement of the intended use of all lots including reference to zoning districts, with reference to restrictions of any type which exist or will exist as covenants in the deed for the lots contained in the subdivision.
25. Location and size of existing and proposed utility structures and/or transmission lines including sewer, water, gas, electric, petroleum, etc., and all easements or rights-of-way connected with such structures and/or lines.
26. The location of any existing bodies of water or watercourses, tree masses and individual trees with trunk diameter of twelve (12) inches or greater, buildings or structures (including the location of wells, springs, and on-site sewage facilities for such buildings or structures), public facilities and any other man-made or natural features within or near the proposed subdivision.
27. Location, size and invert elevation of all existing and proposed sanitary sewers (including any and all proposed and/or existing capped sewer lines) and location of all manholes.
28. Location, size, and invert elevation of all existing and proposed storm sewers (and other drainage facilities), with the size and material of each indicated, and any proposed connections with existing facilities.
29. Location of drainage structures, including marshes, ponds, streams, or similar conditions.
30. Parks, playgrounds and other areas to be dedicated or reserved for public use, with any conditions governing such use.
31. Where the development lies partially or completely in any flood-prone area, or where the development borders on any flood-prone area, the preliminary plan map shall include detailed information giving the location and elevation of proposed roads, public utilities and building sites. All such maps shall identify accurately the boundaries of the flood-prone area.
32. All plans for property on which hydric soils exist shall provide a report, prepared by a qualified wetland scientist, indicating the absence or presence of wetlands on-site. If wetlands are present, a recognized professional with specific expertise in this type of survey shall perform a field delineation of existing wetland boundaries. Liberty Township reserves the right in the event of a dispute over wetland boundaries, to require a Jurisdictional Determination.
33. Reference to deed book and page number for property being developed.
34. No plat which requires access to a highway under the jurisdiction of the Pennsylvania Department of Transportation shall be finally approved unless the plat contains the applicable notice.
35. All plans shall include the soil types and boundaries located on the subject tract. Boundaries and soil data shall be taken from the most recent available County Soil Survey.

36. All existing and proposed features, structures, formations and the like shall be clearly depicted, labeled and dimensioned (where appropriate).
37. Any other information which may include plans, drawings, specifications, calculations, and reports which are determined by the Township review agency, staff or engineer to be necessary in completion of review of the submission for the purpose of determining compliance with the provisions and requirements of the Subdivision & Land Development Ordinance.
38. The following notes shall be placed on all plans as applicable:
  - a. "Liberty Township assumes no responsibility with regard to the process of wetlands delineation. The accuracy of each delineation presented to the Township shall be the responsibility of the applicant and his consultant. A final determination of each delineation's accuracy may be made by the Pennsylvania Department of Environmental Protection Agency, the United States Army Corps of Engineers, or any subsequently empowered governmental regulatory agency."
  - b. "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", before driveway access to a state highway is permitted. Access to the State Highway shall be only as authorized by a Highway Occupancy Permit."
  - c. "No construction requiring Township land use permits shall begin until approval of the Final Plan and any other required governmental authorizations are obtained."
  - d. "For plans involving proposed improvements, a preconstruction meeting must be held prior to the start of construction. At a minimum, the applicant, Township representatives/Township Engineer/Developers Engineer and contractor shall be present."
  - e. "Prior to authorization for construction of improvements which will be offered for dedication to the Township at a later date, a final construction drawing set shall have been approved by the Township Engineer."
  - f. "Prior to receipt of a land use permit for any residential structure, a site grading and stormwater management plan may be required to be submitted to the Township for review."
  - g. "Burning and burying of construction debris on-site is prohibited unless approval is obtained from Adams County."
  - h. "All lands within the development are located within an area where land is used for agricultural production. Owners, residents and other users of this property may be subjected to inconvenience, discomfort and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations including but not limited to noise, odors, dust, the operation of machinery of any kind including aircraft, the storage and disposal of manure, the application of fertilizers, soil amendments, herbicides and pesticides. Owners, occupants and users of this property should be prepared to accept such inconveniences, discomfort and

possibility of injury from normal agricultural operations, and are hereby put on official notice that Section 4 of the Pennsylvania Act 133 of 1982 “The Right to Farm Law” may bar them from obtaining a legal judgment against such normal agricultural operations.”

- i. “Lots from this development will be conveyed with the understanding that there is a public use small aircraft and glider airport located immediately adjacent or in close proximity to portions of the property. The Airport is located at 154 Pecher Road in Fairfield, PA, and is designated in Federal Aviation Administration records as W73. Departures and arrivals may cross over substantial portions of the development.”
  - j. “Lots are sold subject to an Airport Area Disclaimer and lot owners, by acceptance of a deed, agree to covenant and agree for themselves, their heirs, assigns and successors in interest, to accept the flight operations of the Airport, including reasonable future expansion of the Airport and activities related thereto and change of ownership of the Airport, and not take or participate in any action adverse to the lawful flight operations of the Airport as disclosed herein.”
  - k. “All new roads in this plan shall remain as private roads, and shall not be dedicated to Liberty Township. The responsibility for the construction, repair, reconstruction, snow removal, mowing, and all other aspects of maintenance of these roads shall remain with the abutting land owners, a homeowners’ association, or other non-governmental entity. “
  - l. “The conservation areas depicted on the approved final plan shall be subject to permanently preserved conservation easements prohibiting future development other than those uses stated in the Zoning Ordinance as permitted in Conservation Areas by right, by special exception, and/or as conditional uses.”
  - m. “The water furnished to lots and used in this development is not being provided by Liberty Township or any entity sponsored by Liberty Township. Purchasers of lots and other occupants in this development are advised that Liberty Township will not be responsible for the provision of water, nor will it be required to resolve any inadequacy in quantity or quality of the water provided.”
- B. The Preliminary Plan shall be accompanied by the following supplementary data where applicable and determined by the Township to be necessary:
- 1. A planning module for land development as required by the Pennsylvania Department of Environmental Protection (PADEP). For projects involving proposed public sewer, the planning module must also be submitted to the appropriate Municipal Authority for review.
  - 2. A plan for the control of erosion and sedimentation for review by the County Conservation District Office as required by the Pennsylvania Clean Streams Act. The plan shall also indicate if any borrow/spoil areas are proposed in which case the plan shall include Erosion and Sediment Control provisions for each such borrow area.
  - 3. Preliminary designs of any bridges or culverts. Such designs shall meet all applicable requirements of the Pennsylvania Department of Environmental Protection and the Pennsylvania Department of Transportation and the recommendations of the Township

Engineer. Where facilities will be offered for dedication, the Township may require a final design for review and approval.

4. Street cross-section drawings for all proposed streets at intervals to be as recommended by the Township Engineer.
5. Final profiles along the centerline of the cartway (pavement) or along the top of the curb for both sides of each proposed street shown on the Preliminary Plan. Such profiles shall show natural and finished grades and utilities which are existing or proposed to be located beneath the roadway surface.
6. A Water Supply Feasibility Report in accordance with the requirements of this Ordinance concerning the availability of, impact to and adequacy of water supply facilities in or near the proposed subdivision and/or land development.
7. Stormwater management plan and calculations including design of storm sewers in accordance with the Township Stormwater Management Ordinance and any additional requirements of this Ordinance.
8. Where the Preliminary Plan covers only a part of the entire land-holdings, a sketch of the future street system of the remainder of the subject tract.
9. Where the land included in the subject application has an electric transmission line, a gas pipeline, or a petroleum (or petroleum products) transmission line located within the tract, the application shall be accompanied by a letter from the owner or lessee of such right-of-way stating any conditions on the use of the land and the minimum building setback and/or right-of-way lines. This requirement may also be satisfied by submitting a copy of the recorded agreement.
10. Where determined to be necessary by the Township following recommendation of the Township Traffic Engineer, the developer shall submit a traffic impact study in accordance with Township Standards.
11. Design of Sanitary Sewer and Water systems, including plan and profiles. Where applicable, design of sanitary sewer and water systems shall also be submitted by the applicant to the appropriate Municipal Authority for review and approval. Comments of the utility Authority and the respective engineer must be addressed prior to Preliminary Plan approval.
12. A land grading plan in accordance with the requirements of this Ordinance.
13. A listing of underground utilities and contact information as per PA Act 287, 172 and 38 as may be amended (Pennsylvania One Call System).
14. Location, layout and design of any proposed recreational facilities.
15. A letter or agreement from the applicable Authority or agency approving the sanitary sewer and water facilities and acknowledgement that capacity exists to serve the proposed development.

16. Whenever a Land Development Plan proposes to dispose storm water runoff to an adjacent property not within a natural watercourse or in a manner which exceeds the capability of a natural water course, a letter shall be obtained from the affected property owners stating their approval of the proposal after they have reviewed the required Stormwater Management Plan. If deemed necessary, a formal easement and agreement may be required from the affected property owners.
17. Landscaping Plan in accordance with the requirements of this Ordinance.
18. A Street or Site Lighting Plan.
19. The Plan shall identify the location of a proposed access drive(s), and sight distance(s) which are adequate to demonstrate that the site can be served with an access.
20. For developments which propose an intersection with an existing street, the Township may require a larger scale (ie: one (1) inch = twenty (20) feet) drawing of such intersection to show details such as grades, drainage, right-of-way, radii, curbs, angle of intersection, signage, etc.
21. Traffic control devices plan, as may be required. This shall include necessary engineering studies to justify such devices. All Traffic Impact Studies shall be prepared in accordance with the requirements of this Ordinance.
22. A review letter from the Adams County Office of Planning and Development and a response indicating how those comments will be addressed.
23. Until such time as the construction plan is approved, all plans shall be labeled "Not For Construction."

#### **Section 304. Final Plan Procedures.**

Submission of a Final Plan for approval by the Township shall occur not more than five (5) years following the date of approval of the Preliminary Plan in accordance with the Pennsylvania Municipalities Planning Code. Failure to submit the Final Plan within this period of time may make the approval of the Preliminary Plan null and void and shall subject the property and plan to any Ordinance changes which have occurred since the date of approval of the Preliminary Plan.

Except for any modifications or changes required by the Township, the Final Plan shall conform basically to the approved Preliminary Plan. Where the Township determines that significant modifications or changes, other than those required by the Township, are made to an approved Preliminary Plan, the plan shall be submitted again as a Preliminary Plan.

##### **A. Submission of the Final Plan:**

Final Plan submission procedures and requirements shall be same as that required for Preliminary Plan submissions. In the case where a Preliminary Plan submission was waived the submission requirements for the Final Plan shall also be the same as for a Preliminary Plan.

##### **B. Action on a Final Plan by the Planning Commission:**

Action by the Planning Commission on the Final Plan shall be taken in the same manner as for Preliminary Plans.

C. Action on a Final Plan by the Board of Supervisors:

1. Following receipt of the written decision in the form of meeting minutes from the Planning Commission, the Board of Supervisors shall consider the Plan at its next regularly scheduled or special meeting, the developer shall be notified, and in addition, the Board of Supervisors may also schedule a public hearing pursuant to public notice before taking any action on the Plan.
2. Action on a Final Plan shall be taken by the Board of Supervisors not later than ninety (90) days following the date of the regular meeting of the Township Planning Commission, next following the date that a complete application is filed, or after a final order of the court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of a complete application, or the final order of the court, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the complete application has been filed.

In its review, the Board of Supervisors shall consider the reports and recommendations of the Township Planning Commission and the various other individuals or agencies to which the plan was sent for review and comment. As a result of its review, the Board of Supervisors may require or recommend such changes and modifications as they shall deem necessary or advisable in the public interest.

3. The decision of the Board of Supervisors concerning the plan shall be in writing and shall be communicated to the developer not later than fifteen (15) days following the meeting at which the decision is made. If a plan is not approved, or approved subject to certain conditions, the written decision shall specify the defects and describe the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance or any other conditions approved by the developer.
4. Failure of the Board of Supervisors to render a decision and communicate it to the developer within the time and in the manner required by this Ordinance shall be deemed an approval of the plan in terms as presented unless the developer has agreed to an extension of time.
5. Before any Final Plan is approved, the developer shall either install all the required improvements in accordance with the approved construction plans or shall provide for deposit with the Township a corporate bond or other security acceptable to the Township in the amount of one hundred ten (110%) percent of the cost of such improvements as estimated by the Township Engineer in accordance with the procedure outlined in this ordinance. Such bond or security shall provide for the completion of all required improvements within a stated period which shall not be longer than one (1) year from the date of approval of the Final Plan or as otherwise stipulated in the land development agreement, after which the Township may require that the amount be increased by an additional ten (10%) percent for each one(1) year period beyond the end of the first year following the date of posting of financial security.

The applicant shall not be required to provide financial security for the costs of any improvements for which financial security is required by and provided to the Department of Transportation in connection with the issuance of 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".

D. Recording of a Plan:

1. Upon approval of a Final Plan, by the Township, the developer shall record the approved Final Plan (and other documentation required under plan approval) in the Adams County Recorder's office, within ninety (90) days of such final approval, or the date the approval of the Township is noted on the Plan, which ever is later.

No plan shall be recorded unless it officially notes the approval of the Township and review by the Adams County Planning and Development or other County designated agency.

2. If the plan is not recorded within ninety (90) days the approval by the Township shall be null and void, unless the plan shall be re-approved by the Board of Supervisors upon request from the developer.
3. After the Plan has been recorded, a copy of the Record Plan and Recorder's Certificate shall be submitted to the Township office and a copy to the office of the Township Engineer. This shall be required prior to issuance of any applicable licenses or land use permits.
4. No land or lots within a development shall be sold or transferred prior to recording of the Final Plan.
5. Where required by the Township, the developer shall submit one (1) reproducible mylar copy and two (2) blueprint or paper copies of the approved and signed Final Plan to the Township for its records.
6. Upon approval and where required, one (1) electronic/digital copy of the Final and Construction plan shall be provided in a format acceptable to the Township.

E. Limitations of Final Plan Approval:

The approval of the Final Plan by the Township shall be deemed as an acceptance of the plan and shall authorize the Recorder of Deeds to record the Plan, but shall not impose any duty upon the Township concerning maintenance of improvements or other portions of the same until said Township shall have accepted the same by the dedication for public use.

**Section 305. Final Plan Requirements.**

The Final Plan submission shall be prepared by a registered surveyor or engineer and shall be drawn on reproducible stable transparency, using black ink for all data including approval signatures.

Scale shall be no less than one (1) inch = fifty (50) feet unless otherwise approved by the Township Engineer.

- A. Including, and in addition to, the information required for Preliminary Plans, the Final Plan shall show:
1. The following data for the cartway edges (curb lines) and right-of-way lines of all recorded (except those which are to be vacated) and/or proposed streets and for the right-of-way lines of all existing streets, within the property:
    - a. The length (in feet and hundredths of a foot) of all straight lines and of the radius and the arc (or chord) of all curved lines (including curved lot lines).
    - b. The width (in feet) of the cartway, right-of-way and, if required, of the ultimate right-of-way, and (in degrees, minutes, and quarters of a minute) of the delta angle of all curved lines, including curved lot lines.
    - c. All straight lot lines, defined (in feet and hundredths of a foot) by distances and (in degrees, minutes, and seconds) either by magnetic bearings or by angles of deflection from other lot and street lines.
  2. If a subdivision proposes a new street intersection with a State Legislative Route, the highway occupancy permit number(s) shall be indicated for all such intersections (if available). If a permit has not yet been obtained, the Plan must contain a note that requires a Highway Occupancy Permit be obtained in accordance with the State Highway Law.
  3. A certification of ownership, acknowledgment of a plan and offer of dedication shall be signed by the owner(s) and notarized.
  4. An approval block for the use of the Township Supervisors and the Township and County Planning Commissions.
  5. Traffic control devices, as may be required. This shall include necessary engineering studies to justify such devices.
  6. Typical street cross-section drawing(s) for all proposed streets. Cross-section drawing(s) may be shown either on the Final Plan or on the profile sheets.
  7. An agreement that the applicant will install all underground utilities before paving streets or constructing sidewalks. This shall be so noted on the plan.
  8. Copies of permits for sewer, water, stormwater, transportation, and erosion control facilities.
  9. Where the Final Plan covers only a part of the entire landholdings, a sketch of the future street system of the un-submitted part shall be furnished. The street system of the submitted part will be considered in the light of adjustments and connections with future streets in the part not submitted.
  10. A copy of the approved Water and sewer feasibility reports or (including any updated information which may have become available since the submission of the Preliminary Plan).

11. A copy of the approved Erosion and Sedimentation Control Plan.
12. A copy of the approved Stormwater Management Plan.
13. Where deemed necessary by the Township, a map showing the location of the proposed development with respect to the Township's flood-prone area, including information on the Regulatory Flood Elevation, the boundaries of the flood-prone areas, proposed lots and sites, fills, flood or erosion protection facilities, and areas subject to special restrictions. In addition, where the proposed development lies partially or completely in any flood-prone area, or border on any flood-prone area, such map shall also show the location and elevation of proposed roads, public utilities, and building sites.
14. A copy of the approved Sewage Planning Module for land development as approved by the Pennsylvania Department of Environmental Protection.
15. Such private deed restrictions, including building setback lines, as may be imposed upon the property as a condition of sale, together with a statement of any restrictions previously imposed which may affect the title of the land being subdivided.
16. Prior to Final Plan approval, applicants shall certify that title to any street right-of-way is unencumbered by any liens or other obligations and that no prior right-of-way has been granted.
17. Any other certificates, affidavits, endorsements or dedications, etc., that may be required by the Planning Commission or Board of Supervisors.
18. An affidavit to the effect that all affected municipalities have been notified of any alteration and/or relocation of any watercourse.
19. The final approved Water Supply Feasibility Report in accordance with the requirements of this Ordinance.
20. Whenever it is determined that a subdivision or land development increases the volume, rate, or concentration of stormwater runoff onto an adjacent property not in a natural watercourse or in a manner which exceeds the capacity of the natural watercourse, the developer shall obtain a letter from the adjacent land owner stating his or her approval of the proposal and that they have reviewed the plans and any required stormwater management plan.
21. Where required by the Township, Land Development Agreement(s) shall be executed.
22. Photo/video documentation of the pre-existing site conditions prior to commencement of construction as may be required by the Township. In the event that photo documentation shall be required a digital copy shall be provided to the Township office and the office of the Township Engineer.

**Section 306. Conservation Subdivision Plat Procedures.**

The following preliminary plat procedures shall be applied to conservation subdivisions in accordance with Article 2 and 3 of the Liberty Township Zoning Ordinance.

- A. Optional Sketch Plans. The applicant is encouraged to submit an optional sketch plan prior to the formal submission of any conservation subdivision application. An optional sketch plan shall not be viewed as a formal subdivision or land development plan. When submitted, it is recommended that the optional sketch plan should include the following information in addition to the information listed in this ordinance.
1. The plan shall be clearly labeled "SKETCH PLAN" and should include sufficient information to clearly indicate the character and extent of the proposed subdivision or land development and its relationship to existing conditions and facilities within the area in which it is to be located.
  2. It is recommended that Sketch Plan submissions include a map covering sufficient area to establish the location of the site and an informal plan of any existing or proposed streets and easements, buildings, lot arrangement, and utilities.
  3. It is further recommended the Existing Resources and Site Analysis Plan, be available to show the topographic, physical, and cultural features, including fields, pastures, meadows and wooded areas; trees, hedgerows, and other significant vegetation; steep slopes (over 25%); rock outcrops; ponds, ditches, and drains; dumps and storage tanks; streams within two hundred (200') feet of the tract; and cultural features such as structures, foundations, walls, wells, trails, and abandoned roads.
- B. Four Step Design Process. The following Four-Step Design Process shall be used for all conservation subdivision projects. The applicant shall demonstrate, through communication and consultation with Township officials prior to formal subdivision or land development plan submission, that the Four Step Design Process has been followed. The formal subdivision or land development plan submission shall include appropriate sheets depicting the results of each step of the Four Step Design Process.
1. Step 1: Delineation of Conservation Lands.
    - a. The minimum percentage and acreage of required conservation lands should be calculated by the applicant and submitted as part of the Sketch Plan or Preliminary Plan in accordance with the provisions of this ordinance and of the zoning ordinance.
    - b. Conservation lands would include all Primary Conservation Areas comprising floodplains, wetlands and slopes over 25 percent and those parts of the remaining buildable lands with the highest resource significance. Secondary Conservation Areas would be delineated to meet the minimum area percentage requirements for open space lands and in a manner clearly indicating their boundaries as well as the types of resources included within them.
  2. Step 2: Location of House Sites. Potential house sites would be tentatively located, using the proposed open space lands as a base map as well as other relevant data on the Existing Resources and Site Analysis Plan such as topography and soils. House sites should generally be located not closer than 100 feet from Primary Conservation Areas and 50 feet from Secondary Conservation Areas, taking into consideration the potential negative impacts of residential development on such areas as well as the potential positive benefits of such locations to provide attractive views and visual settings for residences.

3. Step 3: Alignment of Streets and Trails. Upon designating the house sites, a street plan would be designed to provide vehicular access to each house, complying with the standards herein and bearing a logical relationship to topographic conditions.
  - a. Impacts of the street plan on proposed open space lands should be minimized, particularly with respect to crossing environmentally sensitive areas such as wetlands and traversing slopes exceeding 15%.
  - b. Street connections should generally be encouraged to minimize the number of new cul-de-sacs to be maintained by the municipality and to facilitate access to and from homes in different parts of the tract (and adjoining parcels).
4. Step 4: Drawing in the Lot Lines. Upon completion of the preceding three steps, lot lines are drawn as required to delineate the boundaries of individual residential lots.

C. Preliminary Plats Specifications.

Any applicant proposing a Conservation Subdivision in accordance with applicable standards of Articles 2 and 3 of the Liberty Township Zoning Ordinance shall provide the following information in addition to the Preliminary Plan submission requirements of this ordinance. Where the standards of this section duplicate or conflict with the requirements of Preliminary Plan submission requirements, the standards of this section shall control.

1. An Existing Resources and Site Analysis Plan with a Preliminary Resource Impact and Conservation Report for all Conservation Subdivisions. The Existing Resources and Site Analysis Plan shall be prepared to provide the developer and the Township with a comprehensive analysis of existing conditions, both on the proposed development site and within five hundred (500') feet of the site. Conditions beyond the parcel boundaries may be described on the basis of existing published data available from governmental agencies, and from aerial photographs.
2. Unless otherwise specified by the Planning Commission, such plans shall generally be prepared at the scale of 1" = 100' or 1" = 200', whichever would fit best on a single standard size sheet (24" x 36"). The following information shall be included in this Plan:
  - a. A vertical aerial photograph enlarged to a scale not less detailed than 1" = 400', with the site boundaries clearly marked.
  - b. Topography, the contour lines of which shall generally be at five (5') foot intervals, determined by photogrammetry (although 10-foot intervals are permissible beyond the parcel boundaries, interpolated from U.S.G.S. published maps). The determination of appropriate contour intervals shall be made by the Planning Commission, which may specify greater or lesser intervals on exceptionally steep or flat sites. Slopes between fifteen (15%) and twenty-five (25%) percent and exceeding twenty-five (25%) percent shall be clearly indicated. Topography for major subdivisions shall be prepared by a professional land surveyor or professional engineer from an actual field survey of the site or from stereoscopic aerial photography and shall be coordinated with official U.S.G.S. benchmarks.
  - c. The location and delineation of ponds, streams, ditches, drains, and natural drainage swales, as well as the 100-year floodplains and wetlands. Additional areas of

- wetlands on the proposed development parcel shall also be indicated, as evident from testing, visual inspection, or from the presence of wetland vegetation.
- d. Vegetative cover conditions on the property according to general cover type including cultivated land, permanent grass land, meadow, pasture, old field, hedgerow, woodland and wetland, trees with a caliper in excess of fifteen inches (15"), the actual canopy line of existing trees and woodlands. Vegetative types shall be described by plant community, relative age and condition.
  - e. Soil series, types and phases, as mapped by the Adams County Soil Survey, and accompanying data published for each soil relating to its suitability for construction (and, in unsewered areas, for septic suitability).
  - f. Ridge lines and watershed boundaries shall be identified.
  - g. Geologic formations on the proposed development parcel, including rock outcroppings, cliffs, sinkholes, and fault lines, based on available published information or more detailed data obtained by the applicant.
  - h. All existing man-made features including but not limited to buildings, streets and culverts, driveways, farm roads, woods roads, buildings, foundations, walls, wells, drainage fields, dumps, utilities, fire hydrants, storm and sanitary sewers and water mains.
  - i. Locations of all historically significant sites or structures on the tract, including but not limited to cellarholes, stonewalls, earthworks, and graves.
  - j. Locations of trails that have been in public use (pedestrian, equestrian, bicycle, etc.).
  - k. All easements and other encumbrances of property, which are or have been filed of record with the Recorder of Deeds of Adams County, shall be shown on the plan.
3. The Preliminary Resource Impact and Conservation Report shall contain a report and map of impact areas, which clearly demonstrates the impact of proposed development activities and physical alterations on existing site resources and measures taken to minimize site disturbance to the greatest extent practicable. The qualifications and experience of the preparer shall be provided.
  4. Adjusted Tract Area (ATA) calculations for all Conservation Subdivisions as described in Article 3 of the Liberty Township Zoning Ordinance, showing the total acreage of the tract and the constrained land area with detailed supporting calculations.
  5. Community Association Document. A Community Association Document, also known as a Homeowner's Association Document or a Condominium Association Document, shall be provided for all subdivision and land development applications which propose lands or facilities to be used or owned in common by all the residents of that subdivision or land development and not deeded to the municipality. The elements of the Community Association Document shall include, but shall not necessarily be limited to the following:

- a. A description of all lands and facilities to be owned by the Community Association. This description shall include a map of the proposal highlighting the precise location of those lands and facilities.
  - b. Statements setting forth the powers, duties, and responsibilities of the Community Association, including the services to be provided.
  - c. A Declaration of Covenants, Conditions, and Restrictions, giving perpetual easement to the lands and facilities owned by the Community Association. The Declaration shall be a legal document, which also provides for automatic Association membership for all owners in the subdivision or land development and shall describe the mechanism by which owners participate in the Association, including voting, elections, and meetings. Furthermore, it shall give power to the Association to own and maintain the common property and to make and enforce rules.
  - d. Statements prescribing the process by which Community Association decisions are reached and setting forth the authority to act.
  - e. Statements requiring each owner within the subdivision or land development to become a member of the Community Association.
  - f. Statements setting cross covenants or contractual terms binding each owner to all other owners for mutual benefit and enforcement.
  - g. Requirements for all owners to provide a pro rata share of the cost of the operations of the Community Association.
  - h. A process of collection and enforcement to obtain funds from owners who fail to comply.
  - i. A process for transition of control of the Community Association from the developer to the unit owners.
  - j. Statements describing how the lands and facilities of the Community Association will be insured, including limit of liability.
  - k. Provisions for the dissolution of the Community Association, in the event the Association should become inviable.
6. Preliminary Conservation Lands Ownership and Management Plan for all subdivisions and land developments, which include open space lands. Using the preliminary plan as a base map, the boundaries, acreage and proposed ownership of all proposed conservation areas shall be shown. In addition, the applicant shall also submit a Preliminary Conservation Area Ownership and Management Plan detailing the entities responsible for maintaining various elements of the property, and describing management objectives and techniques for each part of the property. Such management plans shall be consistent with the requirements of Section 318 of the Liberty Township Zoning Ordinance ("Ownership and Management of Conservation Land and Common Facilities").

**Section 307. Resubdivision Procedure.**

Any re-platting or re-subdivision, including changes to a recorded plan, shall be considered as a new application, and shall comply with all requirements of this Ordinance.

### **Section 308. Additions to Existing Lots.**

A parcel of land may be added to an existing recorded lot for the sole purpose of increasing the lot size provided that:

- A. The parcel to be added must be contiguous to the existing lot.
- B. The addition should maintain or improve the overall straightness of the lot lines.
- C. The plan prepared for the addition of this parcel shall follow the procedures outlined in this Ordinance.
- D. The Plan shall contain a note that the lot addition shall be conveyed to an adjoining lot (as indicated on the plan) and shall become a permanent part of the adjoining lot. It may not be separately sold, leased, occupied, developed or otherwise used without the filing and approval of another subdivision or land development plan.
- E. An acknowledgement / concurrence block shall be provided for the recipient of the additional lot area to provide a notarized signature.

### **Section 309. Commencement And Completion Of Construction And Improvements.**

- A. No construction shall be commenced until the following applicable items have been addressed to the satisfaction of the Township:
  - 1. Plan Approval; construction plan approval; security agreement; developers or land development agreements (if applicable); along with any other Township permits.
  - 2. In the case of public improvements, the Construction Plan shall be signed by the Township Engineer indicating the Final Plan set is to be used for Construction of public improvements.
- B. No construction shall be commenced until the applicant files with the Township all permits, approvals, clearances and the like from government agencies (such as those from the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Transportation, and/or the Township) authorities and companies which may provide water supply or sewage disposal facilities, pipeline easement holders, or others.
- C. The applicant shall commence construction of improvements within one (1) year from the approval date of the Final Plan, unless approved otherwise by the Board of Supervisors.
- D. In the case where development is projected over a number of years, each section except for the last section shall contain a minimum of twenty-five (25%) percent of the total number of lots, dwelling units or buildings as depicted in the final plan, unless a lesser percentage is approved by the Board of Supervisors.

E. A copy of the approved plan shall be available at the construction site at all times.

### **Section 310. As Built Plan.**

After Final Plan approval and upon completion of all required improvements, the applicant shall submit an As-Built Plan prepared, signed and sealed by a registered professional engineer or surveyor.

The As-Built Plan shall be provided on a reproducible media and drawn to a scale as approved by the Township. The As-Built plan shall be reviewed and approved by the Township Engineer. Following approval an electronic / digital copy of the As-Built plan shall be provided in a format as approved by the Township.

- A. Said Plan shall indicate the actual location, dimensions and/or elevations of all completed improvements, including but not limited to:
1. Monuments and markers
  2. The location of the cartway and curb, for both sides of each street.
  3. Sanitary sewer main, manholes, rim and invert elevations and laterals.
  4. Storm sewers, inlets, rim and invert elevations and culverts.
  5. Water mains, service lines, valves, and fire hydrants.
  6. Street lights.
  7. Landscaping and screen planting.
  8. Berms.
  9. Permanent sedimentation, erosion control and stormwater management structures with as-built storage volume and outlet structure elevations and as-built elevations for all detention/retention basins or other storage structures.
  10. All easements and rights-of-way.
  11. All buried utilities, gas, electric, cable, water, sewer, etc.
- B. The As-Built Plan shall be submitted in complete and accurate form prior to the final release of security funds being withheld, as provided in this Ordinance.
- C. Completion of as built drawings in accordance with this ordinance shall not relieve the applicant from its responsibility as may be required by the applicable Municipal Authority, utility or state agency.