

ARTICLE

III

ARTICLE III
PROCEDURE FOR SUBDIVISION AND LAND DEVELOPMENT

301. Classification

Subdivisions and Land Developments are classified within this Ordinance and any Subdivision or Land Development must fall within one of the following classifications:

Major Residential Subdivision

Minor Residential Subdivision

Land Development

Residential

Non-Residential

Mobile Home Subdivisions and Land Developments

Recreation Subdivisions and Land Developments

Major Recreation Subdivision or Land Development, including Recreational Camps and Campground Land Development

Minor Recreation Subdivision

Open Space Subdivisions and Land Developments

Agricultural Resource Use

Forest Resource Use

Mineral Resource Use

For Recording Purposes Only

The Applicant should refer to the specific Article within this Ordinance for the procedures and standards which apply to the proposed activity, which procedures and standards are in addition to the general procedures contained in this Article III and the general standards contained in Article IV.

The Applicant is encouraged to meet with the Staff to determine which Classification may be applicable to the proposed activity prior to the submission of an Application.

302. Agricultural Exemption

The division of land by lease for agricultural purposes into parcels of more than

ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted from the provisions of this Ordinance. Upon the request of the property owner and upon receipt of a signed statement or letter from the landowner and buyer that such lands to be leased shall be used solely for agricultural purposes does/will not involve any new street or easement of access or residential dwellings, the Commission will forward a statement of exemption to the above parties.

The Staff shall determine whether the exemption shall be applicable; the decision of the Staff may be appealed to the Commission.

303. For Recording Purposes Only

Plans acknowledged "For Recording Purposes Only" shall include but not be limited to the following:

- Tract Surveys
- Correction of Survey Errors
- Lot Additions/Replots
- Declaration of Condominiums
- Miscellaneous Declarations

For any replotting or resubdivision of land, the same procedure shall apply as prescribed in the applicable section of this Ordinance, except that the change of lot lines between existing lots of separate ownership or subdivided lots of common ownership for the sole purpose of increasing lot size or the correction of survey errors may be approved by the Staff for recording purposes where the following conditions are met:

- A. It is recognized that to increase the size of one lot will result in the decrease in size of the other adjoining lot(s). However, no lot or tract of land shall be created or sold which is smaller than the minimum lot size under this Ordinance or the applicable zoning ordinance;
- B. Drainage easements or rights-of-way shall not be changed;
- C. Street alignments shall not be changed;

Ordinance No. 2 of 1999

Revision and update of Section 303, FOR RECORDING PURPOSES ONLY, to add a subsection allowing the County Planning Office Staff to grant approvals, as delegated by and in lieu of the Commission's review and action. This subsection will be titled: Minor Subdivision. The Amendment shall read as follows:

Insert in Section 303., after the first paragraph to read:

Minor Subdivisions

For subdivisions up to five (5) lots in number, not involving any "required improvements" (i.e., per Section 309, REVIEW BY ENGINEER requirements), with a cumulative number of lots subdivided from the parent tract not to exceed ten (10), beginning from the date of this addendum. Also, Minor Subdivisions shall include reclassification plans to amend Open Space lots previously approved under Article X of this Ordinance.

Any proposal subject to the Minor Subdivision classification may be approved by the County Planning Office Staff "for recording purposes" where the following conditions are met:

- A. Minor Subdivision is intended to be a division of land, as defined in the Pennsylvania Municipalities Planning Code, which after appropriate review and analysis by the Planning Office Staff is deemed to be of such size and scope as to be considered having only minor County and local community impact;
- B. Minor Subdivisions must be consistent with local building and zoning ordinances and all other applicable land use controls, must be approvable for sanitary sewage planning and permitting, and have assured accessibility to a public street system; and,
- C. Minor Subdivisions shall comply with all other applicable provisions of this Ordinance, specifically Article III-PROCEDURE, Article IV - GENERAL STANDARDS, Article VI - MINOR RESIDENTIAL SUBDIVISION, Article VII-LAND DEVELOPMENT (NON-RESIDENTIAL SUBDIVISION), Article IX-RECREATION SUBDIVISION, Article X-OPEN SPACE SUBDIVISION, and Article XI-REQUIREMENTS FOR SPECIAL CONDITIONS.

Addendum No. 2

Any applicant seeking to have a plot plan processed under the Minor Subdivision format shall submit the following:

- A. Five (5) print copies of the subdivision plot plan;
- B. A completed Application Form;
- C. Payment of the Processing Fee;
- D. A Sanitary Sewage Disposal Report, and/or Sewage Planning Module, and/or the Form B. Non-Building Waiver (where applicable); and,
- E. Supporting data, including "Letters of Intent to Provide Service" for the applicable utilities, "Letter of Concurrence" from the municipal zoning officer (if applicable), and appropriate legal documentation.

The Staff shall, upon receipt of a complete submission, forward copies of the Minor Subdivision to each of the following, as applicable:

- A. Governing Body of the municipality in which the subdivision is located;
- B. Planning Commission of the municipality;
- C. Sewage Enforcement Officer;
- D. Agencies or departments of local, state, or federal government, as deemed appropriate by the Staff.

Under the Minor Subdivision procedure, it shall not be required that the Municipal Governing Body or its Planning Commission affix their approval signatures to the Final Plan; however, reviews and comments are encouraged. Also, the applicable procedure for Sewage Enforcement Officers, as described elsewhere in this Ordinance, will remain in effect.

The Staff shall review the plan, render it's decision, and communicate said decision to the Applicant not later than thirty-five (35) days after such Application for approval is accepted, or such additional period of time as may be agreed upon by the Staff and the Applicant in writing. The Applicant shall be notified in writing of the staff's action within fifteen (15) days following the Staff's decision, and if conditionally approved, the written notice shall specify any changes which shall be required before final approval. If disapproved, the Staff shall specify, in writing, the defects found and describe the requirements which have not been met and shall , and in each case, cite the provisions of the statute or ordinance relied upon.

Appeal of Staff Decisions

It is the intent of this Addendum to expedite the process of reviewing certain Subdivision Plans by granting discretionary powers to the Staff. Anyone aggrieved by a decision of the Staff

shall have the right to have such decision reviewed and reversed or affirmed by the Commission at its next meeting.

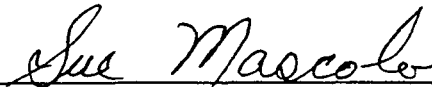
All related documents are available for inspection at the Centre County Planning Office, 420 Holmes Street, Bellefonte, PA 16823.

ADOPTED AND APPROVED THIS 9th day of November, 1999.

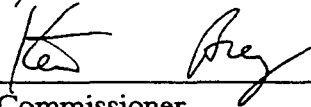
CENTRE COUNTY BOARD OF COMMISSIONERS



Vicki Wedler, Chairman

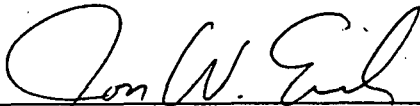


Sue Mascolo, Vice-Chairman



Keith Bierly, Commissioner

ATTEST:



Jon W. Eich, Director
Administrative Services

- D. Access to affected parcels shall not be changed; and
- E. The character of the area shall be maintained.

Any landowner seeking to change lot lines shall submit a letter describing said change, accompanied by a diagram showing the change and the new legal description of the revised property (which includes the "lot addition" parcel added to the "parent tract") and a letter of agreement from the affected property owners.

Where the above conditions are satisfactorily addressed and upon subsequent Staff review/approval, the landowner shall submit a Plan suitable for recording showing the changed lot configuration(s) as referenced by an accurate plot survey. This Plan must be prepared and certified to its accuracy by a Registered Professional Land Surveyor and be recorded in conjunction with recording of the new deed(s).

As above, for any Plan that does not require review and/or approval by the Commission as prescribed in the applicable sections of this Ordinance, the property owner may record said Plan in the Plat Books of the Recorder of Deeds Office; however, this Plan must first be acknowledged by the Commission's Executive Director by virtue of his signature affixed to the Plan, stating: "For Recording Purposes Only" (See Appendix No. 8).

The Plan submitted for recording shall be drawn on or reproduced on a permanent material or other medium that shall be legible in all respects.

The Plan shall provide sufficient information to adequately describe its intended purpose.

The Plan shall be at the size required by the County Recorder of Deeds Office and shall be accompanied by the applicable fee, payable to the Recorder's Office.

304. Previous Subdivision or Land Development Violations

Where a Subdivision or Land Development is proposed for a tract of land, portions of which have previously been subdivided or developed in violation of this Ordinance or the Centre County Land Subdivision Regulations of 1966, the Plan shall include all previous lots sold or transferred without proper approval or a separate Land Disposition Map may be submitted which includes the same.

The Commission reserves the right to require that all Subdivision and Land Development, which does not meet minimum requirements and which are in violation of this Ordinance or the above referenced Regulations, comply with the minimum standards of this Ordinance.

The Commission further reserves the right to review, approve or disapprove all subdivisions and land developments already recorded in the Centre County Recorder of Deeds Office if such plans do not meet the minimum requirements of this Ordinance, the above referenced Regulations or applicable provisions of the Pa. Municipalities Planning Code, Act 247 of 1968 as amended. The plan may be disapproved based on the following conditions:

- A. The plan has been recorded in the Recorder of Deeds Office without prior review or approval by the Planning Commission; or
- B. The plan has been approved by the Planning Commission where the approval was granted more than five (5) years prior to the date of this Ordinance; the required improvements are partially or entirely incomplete; and/or provisions of the zoning, subdivision and land development or other governing regulations have changed.

305. Submission Procedure: Residential Subdivisions and Land Developments and Non-Residential Land Developments

The Applicant is urged to meet with the Staff prior to the formal submission of any Plan. Such conference shall be confidential.

The formal process for submission requires the Applicant to submit an executed Application Form; the required fees, if any; either a Preliminary or Final Plan in the requisite number of copies depending upon the type of application being submitted; and any required supporting data or documents (See applicable Article for specific procedures).

306. Submission Procedure: Non-Residential Subdivision

- A. When a Non-Residential Subdivision is proposed by the Applicant, the following procedures shall apply:
 - 1. If the intended use or uses are known the Non-Residential Subdivision

shall be submitted and reviewed pursuant to the requirements for a Land Development.

2. If the intended use or uses are not known the Non-Residential Subdivision shall be submitted and reviewed pursuant to the requirements for a Major or Minor Residential Subdivision, as appropriate, including but not limited to Section 411, and shall be submitted consistent with the following:

a. The Applicant shall submit a Preliminary Plan for the Non-Residential Subdivision of a lot or lots. Upon the Commission's approval of the Preliminary Plan, the Applicant may subsequently submit all or a portion of the lots for Final Plan approval. Any lot(s) submitted for Final Plan approval shall meet the requirements for a Land Development and delineate the actual intended use or uses.

It shall be understood that Preliminary Plan approval is subject to the provisions of Section 508 (Effect of Preliminary Plan Approval) which does not authorize the sale of lots or the recording of the Preliminary Plan.

307. Date of Submission and Review

The date of submission shall be the date upon which the Application Form, the fees, if any, and the requisite number of Plans and other documentation is submitted.

Staff review shall take place as soon as practicable. Commission review and action shall not be less than twelve (12) calendar days nor more than ninety (90) calendar days after the submission date. Plans submitted less than twelve (12) calendar days prior to a Commission meeting shall not be reviewed at that meeting, but will be reviewed at the succeeding meeting. Extensions of the ninety (90) day review period may be granted if agreed upon in writing by the Applicant and the Commission.

308. Transmittals

The Staff shall immediately upon receipt transmit copies of all Plans to the Municipality in which the property is located. Where applicable, copies shall also be submitted to other governmental agencies.

309. Review by Engineer

Any Application which involves Engineering Considerations* shall be reviewed by an Engineer and any comments received from said Engineer shall be separately set forth. The Municipal Engineer or County Engineer shall review those Applications involving Engineering Considerations except for those Applications where a conflict of interest arises or where such Application has been submitted by the Municipal or County Engineer or his office. In such instances the Commission shall appoint an independent Engineer to review the Application.

310. Decision

The Commission or where applicable, the Staff, shall approve, disapprove or conditionally approve all Applications and properly notify the Applicant in writing within fifteen (15) days.

311. Date of Approval

The date of approval shall be the date at which the Subdivision or Land Development was unconditionally approved. The date of approval of Subdivision or Land Development where a conditional approval is granted shall be the date at which all conditions are met.

312. Approval Signatures

The unconditional approval of the Commission shall be noted on the Plan by the signature of the Chairman of the Planning Commission and/or his designee as agreed

*Engineering Considerations shall include, but not be limited to, applicable Plan preparation and related supporting data to adequately fulfill the requirements and standards of the following sections of Article IV herein:

- a) Section 402. Street Requirements - General;
- b) Section 403. Streets - Construction Standards;
- c) Section 404. Bridges and Culverts;
- d) Section 406. Sidewalks;
- e) Section 412. Storm Water Management;
- f) Section 413. Soil Erosion and Sedimentation Control;
- g) Section 414. Sewage Disposal;
- h) Section 415. Stream Encroachment;
- i) Section 416. Water Supply; and
- j) Section 417. Utilities.

upon by the Commission. No signatures shall be placed on any conditionally approved Plan until all conditions have been met.

313. Acceptance of Dedication Offers

The approval by the Commission and/or the Municipality shall not be deemed to constitute or imply the acceptance of public improvements by the Municipality.

Acceptance of formal offers of dedication for public improvements shall be by ordinance or resolution of the Municipality or other applicable agency.

314. Appeal of Staff Decisions

It is the intent of this Ordinance to expedite the process of reviewing Subdivision and Land Development Plans by granting discretionary powers to the Staff. Anyone aggrieved by a decision of the Staff shall have the right to have such decision reviewed and reversed or affirmed by the Commission at their next meeting.

315. Fee Schedule

A. The County Board of Commissioners shall establish by resolution a schedule of fees and a collection procedure for review and inspection of all applications for approval of a Subdivision or Land Development Plan. For the schedule of all fees related to this Ordinance, see Appendix No. 2.

B. The Applicant shall pay all applicable fees and reimburse the Municipality and/or County for all applicable engineering reviews and inspections related to this Ordinance, see Appendix No. 7.

316. Conditional Approval

A. The Commission or Staff, as appropriate, may grant approval of a Subdivision or Land Development, subject to the satisfaction of certain conditions to be stated in the notice of approval. Such conditionally approved Plans shall not be deemed as approved until the Conditions are met and the Plan is signed.

B. The Applicant shall satisfy all Plan Conditions within ninety (90) days or such Conditional Approval shall be null and void. Extensions of the ninety (90) day period may be granted if agreed to in writing by the Applicant and the Commission or Staff as appropriate.

C. Under all submission procedures the Municipality shall be given the opportunity to review and comment on each Subdivision or Land Development that is submitted to the Commission or Staff, as appropriate. The Commission or Staff, as appropriate, may grant Conditional Approval to the Plan subject to the approval by the Municipality in which the Subdivision or Land Development is located.

317. Municipal Review and Comment

A. Under the Single Plan Procedures the Municipality shall have the opportunity to respond to the request for review and comment.

1. In the event the Municipality chooses not to respond (within the allotted thirty-five (35) day time period) the Commission's action will be final and approval of the Plan shall take place subject to the satisfactory resolution of all applicable Plan Requirements and/or any conditions set by the Commission.

2. In the event that the Municipality responds to the Staff (within the allotted thirty-five (35) day time period) by indicating "No Comment," the Commission's action will be final and approval of the Plan shall take place subject to the satisfactory resolution of all applicable Plan Requirements and/or any conditions set by the Commission.

3. In the event the Municipality responds to the Staff (within the allotted thirty-five (35) day time period) by providing review comments that include recommendations that would affect the submitted Plan and where such changes are consistent with the intent and purpose of this Ordinance, the Staff shall refer the Municipality's review comments to the Commission at its next regularly scheduled meeting for appropriate action unless the Municipality's recommended changes are agreed upon by the Applicant and Staff. Accordingly, the Commission's action will be final and approval of the Plan shall take place subject to the satisfactory resolution of all applicable Plan Requirements and/or any conditions set by the Commission.

B. Under all other Plan Procedures the Municipality shall have the opportunity for review and approval.

1. The Municipality shall have at least thirty-five (35) calendar days from the date of the formal submission in which to review and comment. If the Municipality does not respond to the request for review and comment or if the Municipality indicates its approval of the Plan by signing the appropriate certification block (within the allotted thirty-five (35) day time period) the Plan shall be considered approved subject to the Commission's approval including the satisfactory resolution of any conditions set by the Commission.

2. In the event the Staff receives (within the allotted thirty-five (35) day time limit) recommendations from the Municipality that would affect the submitted Plan and where such changes are consistent with the intent and purpose of this Ordinance, the Staff shall refer the Municipality's review comments to the Commission at its next regularly scheduled meeting for appropriate action unless the Municipality's recommended changes are agreed upon by the Applicant and Staff. The Commission after considering the Municipality's review comments shall take final action and approval of the Plan shall take place subject to the satisfactory resolution of all applicable Plan Requirements and/or any conditions set by the Commission.

318. Recording of Approved Plan

The Subdivider shall record the approved Final Plan in the office of the Centre County Recorder of Deeds within ninety (90) days of the approval, or such approval shall be null and void. The date of approval shall be as per Section 312.

319. Failure of Commission to Render Decision

Failure of the Commission to render a decision and communicate it to the Applicant within the time and in the manner required by applicable law shall be deemed an approval of the Subdivision Plan submitted in terms as presented unless the Subdivider has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case failure to meet the extended time or change in manner of presentation of communication shall have like effect.

320. Alteration of Requirements

Where, owing to special circumstances, a literal enforcement of the provisions of this Ordinance will result in unreasonable hardship, the Commission may make such reasonable variance thereto as will not be contrary to the public interest. The Commission shall record in its minutes the action taken and the reasons for granting any variance.