

ARTICLE 3
PROCEDURAL REQUIREMENTS

SECTION 301 REVIEW AND APPROVAL PROCESS

The submission and review process for subdivision and land development applications shall be in accordance with the following:

- A. Sketch Plan - Sketch plans are not required but are very strongly encouraged for all types of major subdivisions and land developments to facilitate the formal plan submission and review process.
- B. Preliminary Plans for Major Subdivisions/Land Developments - Major subdivisions/land developments require preliminary and final approval. Preliminary plans cannot be approved until all the requirements of this Ordinance are satisfied by detail on the plans or conditions of approval for such compliance are applied. Unconditioned preliminary plan approval authorizes the Applicant to proceed to completion of the subdivision/land development as detailed on the plans.
- C. Final Plans for Major Subdivisions/Land Developments - Final plans for major subdivisions/land developments cannot be submitted until all conditions of approval have been satisfied, and lots in the subdivision cannot be sold until final plan approval is granted. The Applicant has the option of completing the improvements or providing a financial guarantee for the completion.
- D. Minor Subdivisions/Land Developments - Minor subdivisions require only final plan approval.

The applicant or a duly authorized representative shall attend all meetings where any submitted plan is on the agenda. No action will be taken in the absence of the applicant or representative, and failure of appearance shall constitute grounds for denial of the application if the time for Township action is due to expire.

SECTION 302 SKETCH PLAN REVIEW

Prior to submitting a major subdivision application or a land development application, the applicant is **very strongly encouraged**, but not required, to submit a sketch plan to the Planning Commission in accordance with the process and procedures set forth in Section 401 of this Ordinance, The submission and review of a sketch plan shall not constitute the filing of an application for plan review and approval of a subdivision or land development. The purpose of the Sketch Plan is to:

- A. Avoid costly revisions to detailed Preliminary Plans prepared before a general consensus on the layout is reached with the Township.

- B. Identify the overall objectives of the applicant's development using a diagrammatic approach showing broad areas of development and broad areas of potential conservation.
- C. Assist applicants and officials to develop a better understanding of the property.
- D. Establish an overall design approach that respects its special or noteworthy features, while providing for the density permitted under the Zoning Ordinance.
- E. Ensure that the plan generally conforms with the provisions of this Ordinance.
- G. Demonstrate compliance with any design parameters deemed necessary by the Township for conformance to the Township Comprehensive Plan.

Planning Commission shall provide advice and comment on the necessary requirements to achieve conformity to the standards and provisions of this Ordinance and other applicable related regulations.

SECTION 303 SUBMISSION OF PLANS AND APPLICATIONS

The applicant shall provide the following information to the Administrator not less than fourteen (14) days prior to the next regularly scheduled meeting of Planning Commission:

- a. Ten (10) prefolded copies of the plan (sketch, preliminary or final).
- b. Ten (10) prefolded copies of construction plans (if applicable).
- c. A completed subdivision or land development application with original signatures and nine (9) copies of the same.
- d. A completed Planning Module, if applicable, as required by the Pennsylvania Department of Environmental Protection and ten (10) copies of the same.

SECTION 304 DISTRIBUTION OF PLANS

304.1 The Administrator shall provide each member of the Planning Commission and the Board of Supervisors with a copy of the complete set of plans (preliminary or final), a copy of the subdivision/land development application, and a copy of the DEP Planning Module.

304.2 The developer or applicant shall distribute, as applicable, and provide the Township with dated written verification of the same, copies of complete sets of plans (preliminary or final), a copy of the application and the DEP Planning Module to the following agencies and officials for review, comment and approval:

- a. The Luzerne County Planning Commission.

- b. The Township Engineer and/or Professional Consultant.
- c. The Township Solicitor.
- d. The Township Sewage Enforcement Officer.
- e. The Luzerne County Conservation District.
- f. The Mountaintop Area Joint Sewer Authority.
- g. The Pennsylvania Department of Transportation and/or the Luzerne County Road and Bridge Department if a proposed subdivision or land development fronts upon or is to have access to a road under its jurisdiction.
- h. The Pennsylvania Department of Environmental Protection.
- j. The Crestwood Area School District.
- k. Adjoining municipalities that have a common border with the proposed subdivision and/or land development.

304.4 The developer or applicant shall be responsible to ensure that copies of the plan and supporting material are provided to all applicable utility companies intended to service the site.

304.5 The applicant shall pay any applicable fees related to the review and inspection of other agencies and parties provided under Section 304.2.

SECTION 305 LUZERNE COUNTY REVIEW

The Rice Township Board of Supervisors and/or Planning Commission shall not approve any subdivision or land development plans or application until a report, containing the comments and recommendations of the Luzerne County Planning Commission is received or until the expiration of thirty (30) days from the date said plans and application were forwarded to the Luzerne County Planning Commission. The applicant shall pay all review fees required by the Luzerne County Planning Commission.

SECTION 306 PUBLIC HEARING

The Board of Supervisors, at its discretion, may hold a public hearing prior to rendering a decision on any plan (preliminary or final).

SECTION 307 INSTALLATION OR GUARANTEE OF REQUIRED IMPROVEMENTS

Prior to approving the final plan of a major subdivision or a major land development, in which the approval was conditioned upon specific improvements, the Board of Supervisors shall require the following of the applicant:

- a. the installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.
- or
- b. provision of a form of financial security, acceptable by the Board of Supervisors, which assures and guarantees the subsequent installation of all required improvements in accordance with the design standards and specifications of this Ordinance and all applicable terms and conditions in granting approval.

SECTION 308 PROCEDURAL METHODS IN RENDERING DECISIONS

308.1 A major subdivision plan or a major land development plan (preliminary or final) shall be submitted to the Rice Township Planning Commission for its review, comments and recommendation prior to its consideration by the Board of Supervisors.

308.2 The Board of Supervisors or the Planning Commission, as the case may be, shall approve or reject a submitted plan (preliminary or final) within ninety (90) days following the date of the Planning Commission’s regular meeting at which said plan is first reviewed. Should the regular meeting date occur more than thirty (30) days following the date of submission of said plan, the ninety (90) day period shall be measured from the thirtieth (30th) day following the date on which the plan was formally submitted to the Township, in accordance with Section 108.6 of this Ordinance.

308.3 The Board of Supervisors or the Planning Commission, as the case may be, shall communicate its decision to the applicant in writing either by delivery in person or by mail to applicant's last known address not later than fifteen (15) days following the decision.

308.4 When an application and plan (preliminary or final) is not approved as submitted, the decision of the Board of Supervisors or the Planning Commission, as the case may be, shall specify the defects found in such, and describe the requirements which have not been met and shall, in each case, cite the provisions of the statute or ordinance relied upon.

308.5 In granting approval to a plan, preliminary or final, which is subject to specific conditions, the Board of Supervisors or the Planning Commission, as the case may be, shall expressly include such conditions in the minutes of the meeting at which the plan is considered and communicate said conditions and/or modifications, in writing, to the applicant as provided in §310.3. When a plan has been approved subject to any conditions and/or modifications and the applicant does not agree to accept said conditions and/or modifications, **in writing**, within fifteen (15) calendar days of receipt of said written notice, the said conditional approval of the plan shall become an automatic disapproval. The written notice to the applicant shall include the specific terms of the approval and shall note that failure to respond **in writing** to agree and

accept all conditions shall constitute a denial of the plan. Failure by the applicant to provide any written response within fifteen (15) calendar days of receipt of said written notice from the

Township shall be deemed to constitute that the applicant does not agree to accept the said conditions and/or modifications and said conditional approval of the plan shall become an automatic disapproval.

308.6 As prescribed by the Pennsylvania Municipalities Planning Code, Act 247, as amended, failure of the Board of Supervisors or the Planning Commission, as the case may be, to render a decision and communicate said decision to the applicant as set forth in this section shall be deemed approval of the plan as submitted, unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of communication of the decision.

SECTION 309 WITHDRAWAL AND/OR REVISIONS TO SUBMITTED PLANS

309.1 Until a submission is approved or rejected by the Board of Supervisors or the Planning Commission, as the case may be, the applicant may withdraw the submission and submit a revised plan following the submission and review procedures, which apply to the plan. If a revised plan is resubmitted within 120 days from the date of withdrawing said plan, no additional submission fee shall be charged by the Township for the first revision. Failure to resubmit a revised plan within said period of time, or a second revision and any subsequent revision shall be treated as a new submission for which a new submission fee shall be required. No additional fee shall be charged for plan revisions which are directed by the Board of Supervisors or the Planning Commission. Should an applicant wish to withdraw a plan under review and consideration by the Board of Supervisors or the Planning Commission, notice of withdrawal shall be in writing and shall include a statement that the ninety (90) day time limitation for the Board of Supervisors or the Planning Commission, as the case may be, to render a decision shall not include the period of time which the plan is withdrawn.

309.2 All revised plans shall be accompanied by an itemized listing of revisions to the plans and the basis for such revisions. Such information shall be prepared and certified by a professional engineer.

309.3 Any revised plan may be resubmitted to the Luzerne County Planning Commission or to any other party noted within Section 304.2 of this Ordinance if the Board of Supervisors or the Planning Commission renders a determination that the scope of the revisions are substantial in nature to warrant any additional review. If such a determination is rendered, the applicant shall be responsible for the applicable required fees.

SECTION 310 RECORDING OF FINAL PLAN

310.1 The applicant shall record the final plan as approved by the Board of Supervisors or the Planning Commission, as the case may be, in the Office of the Recorder of Deeds of Luzerne County within ninety (90) days of such final approval, unless

an extension has been granted in writing by the Board of Supervisors the Planning Commission, as the case may be. Failure by the applicant to record the final plat within the ninety (90) days, or an approved extension of the time period, will result in the approval becoming null and void. The final plan for recording shall comprise all plans submitted for final approval.

310.2 A final plan shall not be submitted for recording to the Recorder of Deeds Office unless it bears an approval signature by the Board of Supervisors, or the Planning Commission, as the case may be, along with an appropriate signature and/or seal that it has been reviewed by the Luzerne County Planning Commission

310.3 Within thirty (30) days from the date on which the final plan is recorded, the applicant shall furnish to the Township a copy of a certificate or receipt attesting to the recording of the final plan in the Recorder of Deeds Office.

SECTION 311 PHASING MAJOR SUBDIVISION PLANS

Prior to granting final approval of a major subdivision plan, the Board of Supervisors may permit the plan to be divided into two or more sections or phases and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plan. A total of twenty-five (25%) of the proposed number of dwelling units must be included within Phase I. The Board of Supervisors may require that the financial security be in such amount as is commensurate with the section or sections of the plan to be filed and may defer the remaining required financial security principal amount until the remaining sections of the plan are offered for filing. The developer may also file in writing irrevocable offers to dedicate streets and public improvements in the sections offered to be filed and defer filing offers of dedication for the remaining sections until such sections, subject to any conditions imposed by the Board of Supervisors shall be granted concurrently with final approval of the plan.