

**PART 3**  
**PROCEDURES**

**SECTION 301      INTENT**

- A. Hereafter, subdivision plans and/or land development plans shall be reviewed by the Township Planning Commission, the County Planning Commission, and other Township, State or County officials as deemed necessary pursuant to and consistent with Other Provisions, and thereafter shall be approved or disapproved by the Township Supervisors in accordance with the procedures specified in this Part and in other sections of this Ordinance.
- B. For all subdivisions, except those exempted from standard procedures, a Preliminary Plan and a Final Plan must be submitted.
- C. Procedures described in this Part 3 that are not mandated by the provisions of the Pennsylvania Municipalities Planning Code are discretionary as to the Board of Supervisors and any failure of the Board of Supervisors, its Planning Commission or any other Township agent or employee to abide by said permissive procedures shall not invalidate any action taken here. However, said procedures as to any applicant, are mandatory unless waived by the Board of Supervisors, pursuant to the express provisions hereof.

**SECTION 302      SKETCH PLAN**

- A. A Sketch Plan for any proposed subdivision of land located within the Township shall be optional. Sketch plans shall comply with the requirements of Section 401.
- B. Sketch plans are submitted as a basis for informal discussion between the Township Planning Commission and the Applicant and submission of a Sketch Plan shall not constitute official submission of a plan.
- C. Submission. The applicant shall submit seven (7) black-on-white or blue-on-white prints on paper for the Sketch Plan to the Township Secretary. The Township Secretary will distribute the copies as follows:
  - 1. Five copies to the Township Planning Commission.
  - 2. One copy to the Township Supervisors.
  - 3. One copy for the Township files.

4. The Township Engineer.
  5. The Township Solicitor.
- D. Review. After a Sketch Plan has been submitted, the plan shall be reviewed by the Township Planning Commission at the Commission's next regularly scheduled meeting, provided that:
1. The Sketch Plan shall be submitted not less than fourteen calendar days prior to the scheduled meeting. If the plan is submitted less than fourteen days prior to the next regularly scheduled meeting, the Planning Commission may decline to review the plan at the next regularly scheduled meeting and shall review the plan at the following regularly scheduled meeting or may review it at an earlier special meeting.
- E. At a regular or special meeting the Township Planning Commission shall, review the Sketch Plan to determine its general conformance to the requirements of this ordinance and suggest any modifications of the plan which are deemed advisable and necessary to secure conformance to the applicable regulations of this Ordinance.
- F. Within fifteen calendar days after the meeting at which the Sketch Plan is reviewed by the Township Planning Commission, and Planning Commission Secretary shall send to the following people written notice of the Planning Commission's recommended modifications in the Sketch Plan and any special prerequisites to review of the Preliminary Plan by the Township Planning Commission.
1. Township Supervisors
  2. Applicant or his agent
  3. Township Engineer
  4. Engineer, Surveyor or Land Planner of the Applicant
- G. A Sketch Plan may be used to officially request a waiver from the requirements of the Subdivision Ordinance in advance of the submission of a Preliminary Plan. The granting of any waiver at Sketch Plan stage is at the discretion of the Township Supervisors, who will determine whether sufficient data has been submitted to permit consideration of the request.

## **SECTION 303      PRELIMINARY PLAN**

- A. Preliminary Plan Application. With the exceptions noted in Sections 308, 309, 310 and 311 of this Ordinance, a Preliminary Plan is required for applications which propose new streets, all land development plans, and subdivision plans of four (4) or more lots. All other plans may be submitted as Final Plans in accordance with Section 304, as noted by Section 306.

Preliminary plans may be filed with the Township on any business day; however, the Planning Commission may review a Plan at a particular meeting only if the Plan was filed at least fourteen (14) calendar days prior to that meeting.

1. Acceptance for filing the Initial Application. The Township shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all information required by this Ordinance. If defective, the application may be returned to the applicant with a statement of rejection, within the seven (7) day period; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Township under this Section to the Board. No application shall be accepted for filing unless any and all required fees are also provided at the time of filing.
  2. Acceptance for filing Amendments or Corrections to an Application. The Township shall have seven (7) days from the date of submission to examine amended or corrected applications filed to determine whether such amended or corrected application results in a substantial amendment to the plan or in the filing of a plan so changed as to be considered a new plan. If the Township determines that the amended or corrected application constitutes a substantial amendment, the Township shall so inform the applicant and shall inform the applicant that the Township shall consider the ninety (90) day review procedure, within the requirements of the Municipalities Planning Code, to have been restarted as of the date of the filing of the substantial amendment. If the Township determines that the amended or corrected application constitutes a new plan, he shall so inform the applicant and shall inform the applicant that a new application and new fees are required. The applicant may appeal a decision by the Township under this Section to the Board.
- B. Application Requirements. All Preliminary Plan applications shall include the following:
1. Twelve (12) copies of the Preliminary Plan plus one additional copy if the site abuts a State road. All plans shall be either black-on-white or blue-on-white prints.

2. Twelve (12) copies of all reports, notifications and certifications which are not provided on the Plan.
  3. Three completed copies of the Township "Application for Consideration of a Subdivision and/or Land Development Plan" (See Appendices).
  4. Township filing fee (See Fee Schedule available at the Township office). The failure to submit the required filing fee as part of the application is grounds for rejection of the submission and its return to the applicant.
  5. Documentation that all plans, reports, attachments, etc. have been properly filed with the Lancaster County Planning Commission.
  6. In the case of a Preliminary Plan calling for the installation of improvements beyond a five-year-period, a schedule delineating all proposed sections as well as deadlines within which applications for Final Plan approval of each section area intended to be filed. Each section in any residential subdivision or land development, except for the last section, shall contain a minimum of twenty-five (25) percent for the total number of dwelling units as depicted on the Preliminary Plan.
  7. The applicant is encouraged to submit a preliminary Erosion and Sedimentation Control Plan to the Lancaster County Conservation District.
  8. A written request describing in detail all waivers requested from the Board of Supervisors.
  9. An affidavit that the applicants are the owner or equitable owners of the land proposed to be subdivided and have the authority to proceed on behalf of all claiming any ownership interest therein.
- C. Plan Requirements. All Preliminary Plans shall be prepared in conformance with the provisions of Section 402 of this Ordinance.
- D. Distribution. The Township shall distribute the following copies of the Preliminary Plan to each of the following individuals:
1. Township Planning Commission - five (5) copies of the Plan and attachments.
  2. Clay Township Board of Supervisors - three (3) copies of Plan and attachments.
  3. Township Engineer - one (1) copy of the Plan and attachments.
  4. Township Solicitor - one (1) copy of the Plan and attachments.

- E. Plan Review. The Plan shall be reviewed by the Township Planning Commission and by the Board of Supervisors as required by the Pennsylvania Municipalities Planning Code.

During the course of the Planning Commission's review of the Preliminary Plan and prior to any action by the Board of Township Supervisors within the required ninety (90) day review period, within the requirements of the Municipal Planning Code, the Preliminary Plan may be revised by the applicant. The required number of copies of the revised Plan shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof. One (1) of the copies submitted shall be color coded to identify the revisions. Plan resubmissions shall be submitted at least 60 days prior to the expiration of the time period for review, or they will be considered as a new Plan. The additional reviews required for revised plans may require the payment of additional fees by the applicant.

1. Planning Commission Review Process. At the first meeting of the Planning Commission no action will be taken for most applications. The Plan will be considered as a briefing item for general comments and introduction by the Township staff. At the time, the Planning Commission in its sole discretion may elect to take action on any subdivision or land development plan if deemed to be in order and all review comments from the Township staff, Township Engineer and Lancaster County Planning Commission are available.

The Planning Commission may discuss the Preliminary Plan application with the Applicant or his agent at the next regular meeting and will review the application to determine if it meets the standards set forth in this Ordinance. The Preliminary Plan shall then be submitted by the Planning Commission together with its analysis and recommendations, including those of the Township staff and Engineer, to the Board.

2. Review by the Township Staff. The Township Zoning Officer and any Township personnel as directed by the Board shall review the application documents to determine if they are in compliance with this Ordinance, the Zoning Ordinance, the Comprehensive Plan, and the Township planning objectives and accepted planning standards. These personnel shall provide comments and recommendations, including written findings when directed by the Board.

The Township Engineer shall review the application documents to determine compliance with this Ordinance, and any other applicable Township ordinance, Township standards and good engineering practices. He shall prepare a written report of his findings and recommendations.

3. Board Review Process. All applications for approval of a Plan shall be acted upon by the Board. The Board shall render its decision and communicate it to the applicant not later than the greater of the period of time required by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Planning Commission next following the date of application provided; however, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed. Plans will be presented by the Township staff at the regular meeting of the Board, following the first presentation of the Plan to the Planning Commission. Following complete review of the Planning Commission, including its recommendations, the Board will place the Plan on its agenda for review and action.
  
- F. Board Action. The Board of Supervisors may approve the Preliminary Plan, may approve the Preliminary Plan subject to modifications or conditions or may disapprove the Preliminary Plan.
  
- G. Notification Of Action. The Board of Supervisors shall render and serve its decision as follows:
  1. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision. Copies of the decision shall also be sent to the following:
    - a. Township Planning Commission
    - b. Township Zoning Officer
    - c. Township Engineer
    - d. Township Solicitor
  2. If the Board conditions its Preliminary Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on three (3) copies of the Plan to be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, within the requirements of the Municipalities Planning Code, unless the Board grants a waiver by extending the effective time period.
  3. If the application is disapproved, the Township will identify the defects in the application and the requirements which have not been met by citing the specific provisions of the statute or ordinance relied upon.

- H. Approval And Certification. The Board of Supervisors will acknowledge approval of any Preliminary Plan through a formal statement on the Plan. (See Appendices).

Approval of a Preliminary Plan application shall constitute approval of the proposed subdivision and/or land development as to the character and intensity of development and the general arrangement of streets, lots, structures, and other planned facilities, but shall not constitute Final Plan approval. The Preliminary Plan may not be recorded in the office of the Lancaster County Recorder of Deeds.

Preliminary Plan approval shall be effective for and follow strictly the constraints of the Pennsylvania Municipalities Planning Code.

## **SECTION 304      FINAL PLAN**

- A. Final Plan Application. An application for Final Plan approval can be submitted only after the receipt of an unconditional Preliminary Plan approval in accordance with Section 303 of this Ordinance, when a Preliminary Plan approval is required.

A Final Plan may be filed with the Township on any business day, however, the Township will officially review a Plan at a particular meeting only if the Plan was filed at least fourteen (14) calendar days prior to that meeting.

1. Acceptance for Filing the Initial Application. The Township shall have seven (7) days from the date of submission of an application to check the plans and documents to determine if on their face they are in proper form and contain all information required by this Ordinance, and to determine if the Final Plan generally conforms to the approved Preliminary Plan or whether a new Preliminary Plan will be required. If defective, or if it is determined a new Preliminary Plan is required, the application may be returned to the applicant with a statement of rejection, within the seven (7) day period; otherwise, it shall be deemed accepted for filing as of the date of submission. Acceptance for filing shall not, however, constitute a waiver of any deficiencies or irregularities. The applicant may appeal a decision by the Township under this Section to the Board. No application shall be accepted for filing unless any and all required fees are also provided at the time of filing.
2. Acceptance for Filing Amendments or Corrections to an Application. The Township shall have seven (7) days from the date of submission to examine amended or corrected applications filed to determine whether such amended or corrected application results in a substantial amendment to the Plan or in the filing of a Plan so changed as to be

considered a new Plan. If the Township determines that the amended or corrected application constitutes a substantial amendment, he shall so inform the applicant and shall inform the applicant that the Township shall consider the ninety (90)-day review procedure, within the requirements of the Municipalities Planning Code, to have been restarted as of the date of the filing of the substantial amendment. If the Township determines that the amended or corrected application constitutes a new Plan, the Township shall so inform the applicant and shall inform the applicant that a new application and new fees are required. The applicant may appeal a decision by the Township under this Section to the Board.

3. The Final Plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved Preliminary Plan; provided that each section, except for the last section, shall contain a minimum of twenty-five (25) percent of the total number of units of occupancy as depicted on the approved Preliminary Plan.

B. Application Requirements. All Final Plan applications shall include the following:

1. Twelve (12) copies of the Final Plan plus one additional copy if the site abuts a state road. All plans shall be either black-on-white or blue-on-white prints.
2. Twelve (12) copies of all reports, notifications and certifications which are not provided on the Plan.
3. Three completed copies of the Township "Application for Consideration of a Subdivision and/or Land Development Plan." (See Appendices).
4. Township filing fee (See Fee Schedule available at the Township Office). The failure to submit the required filing fee as part of the application is grounds for rejection of the submission and its return to the applicant.
5. Documentation that identical copies of all plans, reports, attachments, etc. have been properly filed with the Lancaster County Planning Commission.
6. A written request describing in detail all waivers requested from the Board of Supervisors.
7. An affidavit that the applicants are the owner or equitable owner of the land proposed to be subdivided and have the authority to proceed on behalf of all claiming any ownership interest therein.

8. The applicant shall submit an Erosion and Sedimentation Control Plan to the Lancaster County Conservation District and furnish evidence of such submittal to the Township.
  9. The Application shall be accompanied by all agreements prepared by applicant's attorney that are intended to be executed by the applicant and become easements, right-of-ways or declarations in the form set forth in the Appendices hereto, and as they may be reasonably amended by agreement with the Solicitor, from time to time, for review by the Solicitor and the Engineer.
- C. Plan Requirements. All Final Plans shall be prepared in conformance with the provisions of Section 403 of this Ordinance.
- D. Distribution. The Township shall distribute the following copies of the Final Plan to each of the following individuals:
1. Township Planning Commission - five (5) copies of the Plan and attachments.
  2. Clay Township Board of Supervisors - three (3) copies of Plan and attachments.
  3. Township Engineer - one (1) copy of the Plan and attachments.
  4. Township Solicitor - one (1) copy of the Plan and attachments.
- E. Plan Review. The Plan shall be reviewed by the Township Planning Commission and by the Board of Supervisors as required the Pennsylvania Municipalities Planning Code.

During the course of the Planning Commission's review of the Final Plan and prior to any action by the Board of Township Supervisors within the required ninety (90) day review period, within the requirements of the Municipalities Planning Code, the Final Plan may be revised by the applicant. The required number of copies of the revised Plan shall be submitted which shall note the dates of any and all revisions and a summary of the nature thereof. Plan resubmissions shall be submitted at least 60 days prior to the expiration of the time period for review, or they will be considered as a new Plan. The additional reviews required for revised Plans may require the payment of additional fees by the applicant.

1. Planning Commission Review Process. At the first meeting of the Planning Commission no action will be taken for most applications. The Plan will be considered as a briefing item for general comments and introduction by the Township staff. The Planning Commission may elect to

take action on any subdivision or land development Plan if deemed to be in order and all review comments from the Township staff, Township Engineer, and Lancaster County Planning Commission are available.

The Planning Commission may discuss the Final Plan application with the Applicant or his agent at the next regular meeting and will review the application to determine if it meets the next regular meeting and will review the application to determine if it meets the standards set forth in this ordinance. The Final Plan shall then be submitted by the Planning Commission together with its analysis and recommendations, including those of the Township staff and Engineer to the Board.

2. Review by the Township Staff. The Township Zoning Officer and any Township personnel as directed by the Board shall review the application documents to determine if they are in compliance with this Ordinance, the Zoning Ordinance, the Comprehensive Plan, and the Township planning objectives and accepted planning standards. These personnel shall provide comments and recommendations, including written findings when directed by the Board.

The Township Engineer shall review the application documents to determine compliance with this Ordinance, and any other applicable Township Ordinances, Township standards and good engineering practices. He shall prepare a written report of his findings and recommendations.

3. Board Review Process. All applications for approval of a Plan shall be acted upon by the Board. The Board shall render its decision and communicate it to the applicant not later than the greater of the period of time required by the Municipalities Planning Code or ninety (90) days following the date of the regular meeting of the Planning Commission next following the date of application provided, however, should the said next regular meeting occur more than thirty (30) days following the filing of the application, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the application has been filed. Plans will be presented by the Township staff at the regular meeting of the Board, following the first presentation of the plan to the Planning Commission, Following complete review of the Planning Commission, including its recommendations, the Board will place the Plan on its agenda for review and action.

- F. Board Action. The Board of Supervisors may approve the Final Plan, may approve the Final Plan subject to modifications or conditions, or may disapprove the Final Plan.

G. Notification Of Action. The Board of Supervisors shall render and serve its decision as follows:

1. The decision of the Board shall be in writing and shall be communicated to the applicant personally or mailed to him at his last known address not later than 15 days following the decision. Copies of the decision shall also be sent to the following:
  - a. Township Planning Commission
  - b. Township Zoning Officer
  - c. Township Engineer
  - d. Township Solicitor
2. If the Board conditions its Final Plan approval upon receipt of additional information, changes and/or notifications, such data shall be submitted and/or alterations noted on three (3) copies of the Plan to be submitted to the Township for approval. Such data shall be submitted to the Board within ninety (90) days of their conditional approval, within the requirements of the Municipalities Planning Code, unless the Board grants a waiver by extending the effective time period.
3. If the application is disapproved, the Township will identify the defects in the application and the requirements which have not been met by citing the specific provisions of the statute or ordinance relied upon.
4. Final Plan approval will be effective for ninety (90) days for the date of the Board's action on the Final Plan, within the requirements of the Municipalities Planning Code, unless the Board grants a waiver by extending the effective time period of the approval. Within this time period, the applicant must meet all conditions of approval, if any; certify plans as specified in this Ordinance; and record plans as specified in this Ordinance.

H. Final Plan Certification. After the Township's approval of the Final Plan and compliance with all requirements of this Ordinance and the Township, including those relating to Improvement Construction. Assurances in Part 5 of this Ordinance, the applicant shall proceed to prepare two (2) sets of Final Plans, which shall be transparent reproductions of the original plan with black line on stable plastic base film and three (3) sets of Final Plans: which shall be a paper copy. The two (2) transparent copies of the Final Plan shall be presented to the Board of Supervisors for signature (See Appendices). Final Plans will not be signed by the Township if presented more than 90 days after the Township's final approval action unless the Board of Supervisors grants a waiver by extending the effective time period of the approval.

Before recording, the applicant shall also present the Township signed plans to the Lancaster County Planning Commission for their endorsement (See Appendices).

- I. Final Plan Recordation. Upon approval and certification of a Final Plan, the applicant shall record the Plan in the office of the Lancaster County Recorder of Deeds. Should the applicant fail to record the Final Plan within 90 days of Final Plan approval, the Township action on the Plan shall be null and void unless the Board of Supervisors grants a waiver by extending the effective time period for the approval.
  1. All Final Plan sheets which contain restrictive notes, lot boundaries, easements, maintenance responsibilities, other lot owner responsibilities, and such other information relating to potential lot owners shall be recorded. The decision of the Board of Supervisors as to which pages are to be recorded shall be final.
  2. The Final Plan shall be filed with the Lancaster County Recorder of Deeds before proceeding with the construction of any improvements.
  3. No subdivision or land development plan may be recorded unless it bears the endorsement of the Township Board of Supervisors, the Township Planning Commission and the Lancaster County Planning Commission.
  4. Recording the Final Plan, after approval of the Township, shall have the effect of an irrevocable offer to dedicate all streets and other areas designated for public use, unless reserved by the landowner as provided below. The conveyance of land constituting all or part of such offered land shall not constitute the revocation of the offer and all conveyances shall be under and subject to said offer. However, the approval of the Township shall not impose any duty upon the Commonwealth, County or local municipality concerning acceptance, maintenance, or improvement of any such dedicated areas or portion of same until the proper authorities of the Commonwealth, County, or local municipality actually accept same by ordinance or resolution, or by entry or improvement. No such government unit shall have any duty at all to accept dedication of such facilities, and the approval of the plan shall not imply a contrary result.
  5. The landowner may place a notation on the Final Plan to the effect that there is no offer of dedication to the public of certain designated areas, in which event the title to such areas shall remain with the owner, and the Commonwealth, County, and local authorities shall assume no right to accept ownership of right-of-way

**SECTION 305      PROCEDURE FOR PROCESSING REVISED SUBDIVISION  
AND/OR LAND DEVELOPMENT PLANS**

- A. Any replatting or resubdivision of recorded or unrecorded Plans, excluding lot grading plans in subdivisions, shall be considered as a new application and shall comply with all requirements of this Ordinance, except that the plans may be changed, provided that in making such changes:
1. No lot or tract of land shall be created that does not meet the minimum design standards required by this Ordinance and existing municipal regulations and Other Provisions; and
  2. No structure shall be relocated which does not meet the minimum design standards required by this Ordinance and Other Provisions; and
  3. No increase is made in the overall density; and
  4. The stormwater management facilities are not altered in a manner which requires new planning pursuant to the Stormwater Management Code; and
  5. Street locations and block sizes shall not be changed; and
  6. The character and land use of the original application shall be maintained.
- B. In every case where a Plan alteration conforms to the above, the applicant shall:
1. Submit to the Township four (4) black on white or blue on white paper copies of the revised Final Plan prepared to the standards specified in Section 403 of this Ordinance, one (1) correctly completed application form (See Appendices) and the appropriate filing fee. Upon review of the Plan, and after recommendation received by the Township Zoning Officer, Township Planning Commission and Township Engineer, the staff will, in writing, advise the applicant whether or not the proposal qualifies as a Revised Plan.
  2. If the revision complies, the applicant shall prepare two (2) Plans, which shall be either (a) black ink on tracing cloth or (b) a transparent reproduction of the original plan with black line on cloth or stable plastic base film, and which shall specifically identify the alteration (s) to the previously recorded Plan.
  3. The applicant shall then submit the Plan to the Township for certification as specified in Section 304 G. of this Ordinance for signature.

4. Before recording, the applicant shall also present the Township signed plans to the Lancaster County Planning Commission for their endorsement.
5. The Plans shall then be recorded as specified in Section 304 H. of this Ordinance.

### **SECTION 306      PRELIMINARY/FINAL PLANS**

In cases where Subdivision and Land Development plans are not required to be filed as separate Preliminary and Final Plans, they shall be submitted as a Preliminary/Final Plan. The concurrent Plan shall conform to all requirements for Preliminary and Final Plans in Sections 402 and 403.

### **SECTION 307      LOT ADD-ON PLANS**

A plan which proposes to alter the location of lot lines between existing lots of separate ownership for the sole purpose of increasing lot size may be approved by the Board of Supervisors in accordance with the following requirements:

- A. Lot Add-On Plan Requirements. Lot Add-On Plans shall only be permitted when:
  1. No lot or tract of land is created which is smaller than the minimum lot size permitted by the Zoning Ordinance, and;
  2. Drainage easements or rights-of way are not altered, and;
  3. Access to the affected parcels is not changed,
  4. Street alignments are not changed, and;
  5. No new lots are created.
  6. No nonconformity as to use or structure is created pursuant to the Code of Zoning Ordinances of the Township of Clay.
  7. The resultant lots meet all on-lot sanitary sewage disposal requirements, including where applicable, minimum lot size, setbacks and separation distances.
- B. Lot Add-On Plan Required. Where the above conditions are satisfactorily proven to exist, a Plan shall be prepared and submitted in accordance with the requirements of Section 404 of this Ordinance.

- C. Deed Required. A copy of the deed to be recorded for the receiving tract shall be submitted prior to recording of the Lot Add-On Plan. The deed shall provide a description of the receiving tract which reflects the proposal to join it in common with the acreage to be conveyed. The Deed shall also contain a provision that the lot shall not be resubdivided, except in conformance with this Ordinance.
- D. Lot Add-On Plan Submission and Recording Procedures. In every case where a proposal conforms to the requirements of this Section, the application shall comply with the following procedures:
1. Submit to the Township four (4) black on white or blue on white paper copies of a Lot Add-On Plan prepared to the standards specified in Section 404 of this Ordinance one (1) correctly completed application form (See Appendices) and the appropriate filing fee. Upon review of the proposal, and after recommendation received by the Township Zoning Officer, Township Planning Commission and Township Engineer, the staff will, in writing, advise the applicant whether or not the proposal qualifies as a lot add-on.
  2. If the Plan qualifies, the applicant shall prepare two (2) Plans for recording, which shall be transparent reproductions of the original plan with black line on stable plastic base film, and one (1) set of paper copies of the Plan for the Township's files. The two (2) transparent copies of the Plan shall be certified by the Board of Supervisors (See Appendices). The applicant shall record the Plans with the Lancaster County Recorder of Deeds. These Plans shall be filed with the County Recorder of Deeds prior to the execution of a deed for the land.
  3. All plans approved under this subsection shall be recorded as specified in this Ordinance.

**SECTION 308      CENTERLINE SEPARATION PLANS**

- A. The division of an existing tract along the centerline of an existing road to create two (2) lots whose common boundary is said centerline, may be approved by the Board of Supervisors, or its designee, for recording purposes, if it is in conformance with the criteria specified below:
1. Originally, the centerline was the boundary of the tracts.
  2. The resultant lots conform to the configuration requirements of Section 604 of this Ordinance.

3. The resultant lots meet all requirements of the applicable zoning district. Information on proposed lot size, setbacks and similar zoning parameters shall be plotted on each lot.
4. The resultant lots shall retain adequate access to accommodate potential development in accordance with the current zoning district regulations.

B. Application Requirements.

All applications shall include the following:

1. One (1) correct and complete application form (See Appendices).
2. The required filing fee
3. Notification signed by the zoning officer that the proposal is in conformance with applicable zoning regulations.
4. Notification from the Department of Environmental Protection that either approval of the Sewer Facility Plan Revision (Plan Revision Module for Land Development) or Supplement has been granted or that such approval is not required.
5. Four (4) black on white or blue on white paper prints of the Plan.

C. Plan Requirements. All Centerline Separation Plans shall be prepared in conformance with the provisions of Section 405 of this Ordinance and any other applicable requirements of law.

D. Certification. After the Plan has been reviewed and the required changes, if any, are made, the applicant shall proceed to prepare two (2) sets of plans which shall be transparent reproductions of the Plan which shall be black line on stable plastic film and one (1) set of plans which shall be a paper copy for the Township's files. The two (2) transparent copies of the Plan shall be certified by the Board of Supervisors (See Appendices). The applicant shall record the Plans with the Lancaster County Recorder of Deeds.

E. Signature Required. Both Plans shall be signed by the Board of Supervisors. Before recording, the applicant shall also present the Township signed plans to the Lancaster County Planning Commission for their endorsement. (See Appendices).

F. Deed Required. Recordation of such Plan does not serve to separate the proposed lots. To be considered as separate land holdings, deeds must be recorded to reflect the descriptions as provided on the recorded Plan.

- G. Future Development. Any development of the lots created through this process must follow standard plan processing procedures as specified in Part 3 of this Ordinance.
- H. Recordation. Upon approval and certification, the applicant shall record the Plan and the deed in accordance with the provisions of this Ordinance.

**SECTION 309      MINOR LAND DEVELOPMENT PLANS**

Land development plans may be submitted as combined Preliminary/Final Plans in accordance with Section 306 and other applicable provisions of this Ordinance provided the proposal meets one of the following conditions:

- A. The development of a single, non-residential building of less than fifteen thousand (15,000) square feet on a lot that was approved for such non-residential use. This lot shall be on a plan of record and the installation of all improvements associated with the approval of such plan shall be completed. further, access to the lot shall meet the standards of the current ordinance and traffic generated by the proposed use shall not exceed five hundred (500) AADT.
- B. The development of a second principal building of less than ten thousand (10,000) square feet on a lot which contains an existing principal building. Traffic generated by the new use shall not exceed two hundred (200) AADT.
- C. The development of a single principal building with an area of fifteen hundred (1500) square feet or less and which will generate fifty (50) or fewer AADT.
- D. The development of a residential building with less than four (4) units of occupancy.

All land development plans which do not meet one of these conditions or which propose to either establish an access which does not meet the safety criteria of the current ordinance, or to phase construction of required infrastructure including, but not limited to, streets, sewer and water facilities, and storm water management facilities shall be submitted as a Preliminary Plan in accordance with the requirements of Section 302 of this Ordinance.

**SECTION 310      IMPROVEMENT CONSTRUCTION PLANS**

The procedures set forth in this Section shall apply as an alternative to the guaranteeing of improvements through a letter of credit or other security. An applicant whose improvement construction plan is approved under this Section is permitted to install all or part of the improvements required by this Ordinance prior to Final Plan recording.

- A. Improvement Construction Plan Application. After an applicant has received official notification that the Preliminary Plan has been approved and the required changes, if any, have been made, the applicant may file an application for an improvement construction plan. The improvement construction plan may be submitted in sections, each section covering a reasonable portion of the entire proposed subdivision as shown on the approved Preliminary Plan.
- B. Application Requirements. All improvement construction plan applications shall be made and processed in accordance with the Preliminary Plan review process in Section 303 herein. The applicant shall submit not less than three copies of the improvement construction plan and three copies of all supporting data. The application shall not be considered complete without the required numbers of copies of the plans and supporting data and without the application form and application fee established by the Board of Supervisors.

**SECTION 311      PROCEDURE FOR REQUESTING CONSIDERATION OF MODIFICATION OF PROVISIONS OF THIS ORDINANCE**

- A. The Board of Supervisors may grant a modification of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question provided that such modification will not be contrary to the public interest and that the purpose and intent of the ordinance is observed.
- B. All requests for a modification shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum modification necessary.
- C. All requests shall first be referred to the Township's Planning Commission for advisory comments.
- D. The Board of Supervisors shall keep a written record of all action of all requests for modifications.
- E. In granting modifications, the Board of Supervisors may impose such conditions as will, in its judgment, secure substantially the objectives of the standards and requirements of this Ordinance.

**SECTION 312      EXEMPTION FROM PLANNING REQUIREMENTS FOR INSIGNIFICANT IMPROVEMENTS**

- A. As used herein the term "insignificant improvements" shall constitute any improvements to land involving an addition of building or other impervious surface coverage that creates less than one thousand (1,000) square feet of additional impervious surface coverage on any lot(s).
- B. Insignificant improvements shall not include structures placed in any area zoned FP - Floodplain in the Zoning Ordinance, any improvements where the slope of the land is greater than 20% degrees, and any improvement within an easement or setback.
- C. Insignificant improvements shall be exempt from any planning requirements under this Ordinance.
- D. Any lot where, after the effective date of this Ordinance, the cumulative effect of improvements to said lot exceeds one thousand (1,000) square feet of additional, impervious lot surface coverage shall not be considered exempt from the planning requirements of this Ordinance, and instead shall comply with all applicable planning requirements.

**SECTION 313      AGRICULTURAL BUILDING EXCLUSION**

Any new Agricultural Building and any addition to a currently existing Agricultural Building shall be exempt from full Land Development Plan procedures. For all new Agricultural Buildings or additions to existing Agricultural Buildings after December 13, 2000, the construction of the first building (or the first addition) not to exceed thirty thousand (30,000) square feet of new roof area shall be exempt from all land development procedures of this Ordinance. However, any requirements of the Clay Township Zoning Ordinance, Clay Township Stormwater Management Code or other regulation shall apply. For all succeeding buildings or additions containing in excess of thirty thousand (30,000) square feet of new roof area (cumulative), the owner shall submit and process a land development plan in full compliance with the provisions of this Ordinance.

**SECTION 314      EXEMPTIONS TO THE REQUIREMENT FOR PROCESSING OF A LAND DEVELOPMENT PLAN**

Notwithstanding the definition of "Land Development" above, the following action within the Township shall not require processing of a Land Development Plan:

- A. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three (3) residential units, unless such units are intended to be a condominium;

- B. The addition of a non-residential accessory building of less than five hundred (500) square feet of floor area on a lot or lots subordinate to an existing principal building;
- C. The addition of any impervious area less than fifteen hundred (1,500) square feet for a current single-family attached or detached dwelling on lots containing up to one (1) acre or up to twenty-five hundred (2,500) square feet of impervious area for lots containing more than one (1) acre, but less than ten (10) acres (in such lots over ten (10) acres no Plan shall be required for single-family dwellings) as long as such structures, additions and/or impervious areas otherwise comply with the provisions of the Zoning Ordinance and any other applicable ordinances, laws and resolutions. The determination of "total impervious area" shall be cumulative for all improvements made after the date of October 12, 1998.

**SECTION 315. ADJACENT SEPARATELY PLOTTED TRACTS ON ONE DEED.**

Except as is protected by Section 508.(4) of the MPC, the following shall apply:

- A. Where tracts commonly owned at the time of adoption of this ordinance include separately surveyed and described tracts that are adjacent in whole or in part, such separate tracts shall not be considered separate lots, pursuant to the provisions of this Ordinance, unless the following is true as to each tract:
  - 1. Each tract is being used separately for its own particular purpose and not in conjunction with any of the other tract(s) at the time of subsequent conveyance or improvement. For purposes of this subsection, cultivation of an adjoining property shall not be considered a use in conjunction with another tract.
  - 2. All tracts were created by a subdivision recorded in the Lancaster County Recorder of Deeds Office that was processed under the current or any prior Subdivision and Land Development Ordinance of the Township of Clay (starting with the initial Subdivision and Land Development Ordinance of Clay Township that was adopted on October 12, 1981) or created pursuant to exemption(s) under such Ordinance that is fully reflected in Township Minutes.
  - 3. Each tract has at least twenty-five (25) feet of separate frontage on a public road.
- B. Where tracts do not meet all the above criteria, all shall be considered as one common Lot and shall not be separately conveyed or improved without processing a Plan, pursuant to the provisions of this Ordinance.