

**BOROUGH OF MONTOURSVILLE
LYCOMING COUNTY, PENNSYLVANIA**

ORDINANCE NO. 452

**AN ORDINANCE OF THE BOROUGH OF MONTOURSVILLE,
LYCOMING COUNTY, PENNSYLVANIA, AMENDING ORDINANCE
NO. 381, SUBDIVISION AND LAND DEVELOPMENT, ADOPTED
FEBRUARY 15, 1999, AMENDING §2.02 PROCEDURE FOR FILING
PROPOSED SUBDIVISION AND LAND DEVELOPMENT PLANS.**

IT IS HEREBY ENACTED AND ORDAINED by the Council of the Borough of Montoursville, Lycoming County, Pennsylvania (the "Borough"), as follows:

Section 1

Section 2.02 of Ordinance No. 381 – Procedure to Filing Proposed Subdivision and Land Development Plans is amended as follows:

The following subparagraph is added to §2.02.

A.1 General Requirements for Submission and Evaluation of Preliminary and Final Plans

1. Subdivision and land development plan submissions proposed for either preliminary or final approval shall in all respects be in compliance with the applicable provisions of the Borough's Subdivision and Land Development Ordinance.
2. Plans shall be submitted to the Borough Secretary not less than twenty-five (25) days in advance of the regular meeting of the Borough Planning Commission at which the applicant wishes the plan is to be considered. A plan shall be considered filed and accepted with the Borough upon certification by the Borough Planning Commission of receipt of all of the required plans and materials, including review fees.
3. The Borough Planning Commission shall, or designate the applicant or applicant's representative; upon receipt of a subdivision or land development plan proposed for either preliminary or final approval, submit four (4) copies of the plan to the Lycoming County Planning Commission. If appropriate, one (1) copy of the plan shall be forwarded to the Pennsylvania Department of Transportation, and to other appropriate agencies or governing bodies, such as neighboring municipalities, for review by officials of such agencies or bodies. A minimum of two (2) weeks shall be allowed for the reviews by all

agencies (except the Lycoming County Planning Commission) unless the parties involved agree to review the plan in less than the two (2) week period.

4. Borough Council shall render a decision and communicate it to the applicant not later than ninety (90) days following the date of the regular meeting of the Borough Planning Commission at which the plan was filed and accepted as complete, unless the applicant agrees, in writing, to extend the 90-day period.
5. The Borough Planning Commission, Borough Council, and Borough staff may view the site and evaluate the proposed plan on the basis of all information gathered and available before any recommendation and action is made on the plan.
6. From the time a plan, whether preliminary or final, is duly filed as provided for in this Ordinance, and while such plan is pending approval or disapproval, no change or amendment of any zoning, subdivision or other governing ordinance applicable to the plan shall affect the decision on such plan adversely to the applicant. The applicant shall be entitled to a decision in accordance with the provisions of the said ordinances as they stood at the time the plan was duly filed.
7. In addition to the plans, materials and documents required for approval of a final plan, Borough Council may, at its discretion, require an applicant to execute a Development Improvement Agreement prior to final plan approval.
8. The Borough may grant final or preliminary plan approval subject to conditions acceptable to the applicant. The Borough Council shall list all such conditions within fifteen (15) days of the date of conditional approval and present such listing to the applicant for concurrence. Failure of the applicant to execute such concurrence and return it to the Borough within thirty (30) days of the conditional approval date shall nullify any approval granted. Plans shall not be signed by Borough Council until receipt of the executed concurrence from the applicant.
9. When requested by the developer, in order to facilitate financing, Borough Council shall furnish the developer with a signed copy of a resolution indicating approval of the final plat contingent upon the developer obtaining a satisfactory financial security. The final plat or record plan shall not be signed nor recorded until the financial improvements agreement is executed. The resolution or letter of contingent approval shall expire and be deemed to be revoked if the financial security agreement is not executed within ninety (90) days unless a written extension is granted by Borough Council with Borough Planning

Commission review and recommendation; such extension shall not be unreasonably withheld and shall be placed in writing at the request of the developer.

10. The provisions of this paragraph A.1 are in addition to the existing requirements contained within the Ordinance and shall supersede any conflicting provisions.

Section 2

The following subparagraphs of §2.02 are hereby deleted:

1. Subparagraph B(1)(b) - Preliminary Plan.
2. Subparagraph C(1)(g) - Final Plan.

Section 3

All other sections and provisions of the Ordinance No. 381 "Subdivision and Land Development Ordinance" are reaffirmed.

Section 4
Effective Date

The amendments to Ordinance No. 381 are effective immediately.

DULY ENACTED AND ORDAINED this 6TH day of February, 2012, by Borough Council of the Borough of Montoursville, Lycoming County, Pennsylvania, in lawful session duly assembled.

ATTEST:

BOROUGH OF MONTOURSVILLE

By: Ginny Gardner
Ginny Gardner, Secretary

By: Robert C. Brobson
Robert C. Brobson, Council President

APPROVED this _____ day of February, 2012.

By: John Dorin
John Dorin, Mayor