

ARTICLE III

PROCEDURE FOR APPROVAL OF LOT SPLITS

301 APPLICABILITY

This Article shall apply only to the subdivision of one (1) lot or parcel into no more than two (2) lots or parcels where no new streets are proposed to be constructed and where both lots or parcels have frontage on an existing public street.

302 PRE-APPLICATION CONFERENCE

Prior to filing an application for Preliminary and Final Approval of a Lot Split, the applicant or his representative may meet with the County Planning Director to obtain application forms and to discuss application procedures and applicable ordinance requirements.

The applicant shall contact the local Municipality in which the proposed development is located to determine which local ordinances affect the proposed development and to obtain the necessary application forms for submitting the required applications to the local municipality, if any. At the time that Preliminary and Final Application for approval of a Lot Split is filed with the Greene County Planning Commission, the applicant shall provide written evidence in the form of a letter from the Municipal Zoning Officer that he or she has contacted the local municipality and has determined the applicability of all local ordinances affecting the proposed development.

A No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to section 402 of the act of June 1, 1945 (P.L., No. 428), known as the A State Highway Law, before driveway access to a State highway is permitted.

Evidence of zoning approval, the developer will be notified and contact the zoning officer in the municipality. This will take place in a minor, major subdivision and land development.

The developer will be notified that the Municipality has zoning, and the Developer will be required to provide evidence that Zoning Approval has been obtained.

While no formal application is required for a pre-application conference, the applicant should provide one (1) copy of readily available information with the request for a pre-application conference which will show the location of the property and any special features such as streams, floodplains or other conditions that may affect the development of the property. Readily available resources which may be used include the deed for the property, a property survey, the Tax Maps prepared by the Greene County Assessor's Office, U.S.G.S. Quadrangle Map showing natural features and topography, the National Flood Insurance Administration (NFIA) Flood Hazard Boundary Maps, Natural Resources Conservation Service Maps of soil types and the U.S. Bureau of Mines coal mine maps.

The pre-application conference with the County Planning Director is voluntary and no formal application or fee is required. This opportunity is afforded to the applicant or his representative to obtain information and guidance before entering into binding commitments or incurring substantial expenses for plan preparation.

A pre-application conference with the County Planning Director shall not constitute formal filing of any application for approval of a Lot Split, shall not bind the County Planning Director or the Planning Commission to approve any concept presented in the pre-application conference and shall not protect the application from any subsequent changes in ordinance provisions which may affect the proposed development between the date of the pre-application conference and the official date of filing of an application for Preliminary and Final Approval of a Lot Split under the terms of this Ordinance.

303 PRELIMINARY AND FINAL APPLICATION SUBMISSION

The applicant shall file four (4) copies of an application for Preliminary and Final Approval required by Section 304 to the County Planning Director at least seven (7) calendar days prior to the regular meeting of the Planning Commission. If the seventh (7th) day falls on a Saturday, Sunday or holiday, the application shall be filed by the close of business on the preceding working day immediately preceding.

The Preliminary and Final Application shall not be considered to be complete and properly filed unless and until all items required by Section 304 of this Ordinance, including the Application Fee, have been received.

Upon receipt, the County Planning Director shall stamp the application with the date to which it was delivered. Upon receipt, one (1) copy of the application shall be distributed to the Municipal Secretary of the local Municipality in which the proposed development is located for review. Additional copies may be requested for referral to any other appropriate review agency at the discretion of the County Planning Director.

The applicant in accordance with Section 1102.2 of this Ordinance shall pay the fee for these reviews.

In the event that the applicant fails to meet the deadline for submission of additional information or revised drawings, the Preliminary and Final Application shall be tabled until the next regular meeting of the Planning Commission.

In all cases, the official date of filing of the Preliminary and Final Application shall be the date of the Planning Commission meeting at which the Commission accepts the application as complete in content and properly filed, subject to the County Planning Director's written review. The official date of filing represents the beginning of the ninety (90) day period for review and action by the Planning Commission. When possible, the Planning Commission may take action on the plan at the next regular meeting.

304 PRELIMINARY AND FINAL APPLICATION CONTENT FOR LOT SPLITS

All submissions for Preliminary and Final Approval of a Lot Split, shall be submitted in accordance with Section 303 of this Ordinance, and shall include the following information:

- A. One (1) copy of the completed application form supplied by the County Planning Director and the Application Filing Fee, as required by Section 1102.1 of this Ordinance.
- B. A dedication restriction prepared on a form provided by the County Planning Commission signed by the landowner and notarized.
- C. A plat on an 8 1/2" x 14" sheet prepared by a registered professional land surveyor showing a bar scale; tract boundary lines; right-of-way lines of streets, street names, easements and other rights-of-way; land reserved or dedicated to public use; all lot lines and other boundary lines with accurate dimensions, bearing or deflection angles and radii, arcs and central angles of all curves; and the area of each lot.
- D. A copy of the deed; a copy of the survey prepared by a Pennsylvania registered professional land surveyor to be filed with the deed.
- E. If a lot which is not buildable, as defined by this Ordinance, is created, a restriction in the deed for the lot indicating that it cannot be conveyed separately for building purposes.
- F. A location map showing the location; existing streets within two hundred (200') feet of the site; including Scale and North point or North arrow. (See Appendix G for examples).

- G. The section of the U.S.G.S. Topographic Survey Map with the boundaries of the property and the Lot Split clearly shown, at reviewers discretion.
- H. Plan name; name and address of the record owner; name and address of the applicant; name, address, license number and seal of the surveyor who prepared the plan, bar scale and North point.
- I. Minimum building setback lines on all lots or parcels.
- J. Location and description of all monuments, including any to be reset.
- K. Names of owners of adjoining unsubdivided land.
- L. Letter from the electric company indicating that this utility is available or will be made available, if the lot is to be built upon.
- M. Letters from water and sewer authorities indicating that these utilities are available or will be made available, if the lot is to be built upon. If public sewers are available, the appropriate DEP application must be submitted and approved.
- N. If public water is not available, a statement by the seller indicating that public water is not available and that it will be the responsibility of the purchaser to provide potable water supply. Add the location and size of all existing and proposed water lines/valves, and hydrants.
- O. If public sewers are not available, a completed Department of Environmental Protection application. (Form B or C for a non-building lot or Component #1 when an on-lot system is to be installed.) Add the location of proposed or existing sanitary sewer lines including size, grade, direction of flow, location of inlets, manholes, etc.
- P. Statement from the Municipality in which the property is located indicating that they have reviewed and approved the Lot Split.
- Q. If access is to be onto a state highway the following statement is to be placed on the plot as follows: A No plat which will require access to a highway under the jurisdiction of the Department of Transportation shall be finally approved unless the plat contains a notice that a highway occupancy permit is required pursuant to Section 402 of the Act of June 1, 1945 (PL 1242, No. 428) known as the State Highway Law, before driveway access to a State Highway is permitted. (See Appendix G.)

If access is to be onto a municipal street or road, a statement that a driveway permit must be obtained from the municipality. (See Appendix G).

305 CRITERIA FOR APPROVING A LOT SPLIT

The following criteria shall be met by all applications for Preliminary and Final Approval of a Lot Split:

- A. In the event that the lot or parcel created from the original parcel is intended for building purposes, a minimum of fifty (50) feet of frontage on a public street shall be provided.
- B. In the event that the lot or parcel created from the original parcel is proposed for conveyance only from one (1) landowner to a landowner adjoining the parcel to be conveyed and is not buildable, frontage on a public street shall not be required. Deed of incorporation is provided/or other language/or as directed by the Planning Director.
- C. In the event that the lot or parcel created from the original parcel is proposed for conveyance only from one (1) landowner to another and is not proposed for construction either now or in the future, a notation shall be placed on the plat and/or in the deed that the lot or parcel is not buildable under the current requirements of this Ordinance and that the lot or parcel can be conveyed only by a deed of incorporation, as defined herein, or with a statement in the deed that the lot or parcel can only be conveyed with an adjoining parcel which has frontage on a public street.

The deed for the lot or parcel shall make reference to these restrictions on the use and conveyance of the lot or parcel.

- D. In the event that a previous Lot Split from the original parcel has been approved by the County Planning Commission, another Lot Split shall not be considered for approval unless and until the recorded deed and survey for the previously approved Lot Split or a certificate from the Recorder of Deeds Office are submitted with the application.
- E. In reviewing an application for Preliminary and Final Approval of a Lot Split, the County Planning Commission, or its authorized representative, shall consider whether the Lot Split proposed, when considered with any previous Lot Splits and the characteristics and development potential of surrounding properties, will contribute to harmonious development of the area. In the

event that the Planning Commission's authorized representative determines that the proposed Lot Split will not contribute to harmonious development of the area, the application will automatically be forwarded by the Planning Commission's authorized representative to the County Planning Commission for a decision on the application. If the County Planning Commission determines that the proposed Lot Split will not contribute to harmonious development of the area, the application for Preliminary and Final Approval will be denied.

306 PRELIMINARY AND FINAL APPROVAL OF A LOT SPLIT

306.1 Planning Commission Delegation of Authority

From time to time, by Resolution, the Planning Commission may delegate authority to grant Preliminary and Final Approval of Lot Splits to the County Planning Director, the Land Development Officer or another staff member of the County Planning Commission.

306.2 Procedure for Review and Approval

Within ninety (90) days of the date of submission of a complete and properly filed application for Preliminary and Final Approval of a Lot Split, the Planning Commission, or its authorized representative, shall either approve, approve with conditions or disapprove the application. If the application is acted upon by the County Planning Commission, the vote to approve, approve with conditions or disapprove the application shall be taken at a public meeting. In the event that authority to approve, approve with conditions or disapprove the application is delegated to an authorized representative of the County Planning Commission, the authorized representative shall report the action to the County Planning Commission at the next regular public meeting of the Planning Commission. When possible, the Planning Commission may take action on the plan at the next regular meeting.

Any action by the authorized representative of the County Planning Commission may be appealed to the County Planning Commission within thirty (30) days of the date of written notification of the decision. The appeal shall be heard at the next regular public meeting of the County Planning Commission.

Any Lot Split, which requires a waiver or modification under Article X of this Ordinance, shall be referred to the County Planning Commission for final action on the application.

Any application for Preliminary and Final Approval of a Lot Split which is presented to the Planning Commission for action shall be accompanied by a written report from the County Planning Director containing his/her review comments and copies of comments received from other review agencies, if any.

Upon approval by the County Planning Commission, or its authorized representative, the application for Preliminary and Final Approval, including the plat, shall be stamped "Approved by the County Planning Commission," including the date of the approval and will be stamped and mailed to the applicant (seller).

306.3 Recording the Lot Split

- A. Upon Preliminary and Final Approval by the County Planning Commission, or its authorized representative, a copy of the deed, with a copy of the approved survey attached, shall be recorded in the Office of the Greene County Recorder of Deeds. One (1) certified copy of the recorded documents shall be returned to the County Planning Director by the applicant or his representative.

- B. In the event that the plan has not been recorded within the required ninety (90) days, the County Planning Director is authorized to reinstate the signatures of the proper officers of the County indicating approval, provided there are no changes in the lot split previously granted approval and further, provided the plan is submitted for reinstatement of approval within one hundred eighty (180) days following the date of Preliminary and Final Approval.

Any request for reinstatement of Preliminary and Final Approval which is submitted after one hundred eighty (180) days from the date of the original granting of Preliminary and Final Approval shall be required to resubmit an application for Preliminary and Final Approval in conformance with the requirements of Sections 303 through 306 of this Ordinance.