

**CLARKS SUMMIT BOROUGH COUNCIL
ORDINANCE NO. 2015-09**

ORDINANCE AMENDING ORDINANCE NUMBER 2012-04 ENTITLED "SUBDIVISION AND LAND DEVELOPMENT ORDINANCE" TO REFLECT THE REQUIREMENT THAT ALL SUBDIVISION AND LAND DEVELOPMENT APPLICATIONS SHALL BE PRESENTED TO COUNCIL FOR FINAL ACTION

By the powers granted to the Borough of Clarks Summit ("the Borough") by the Pennsylvania Borough Code, 53 P.S. 45101 et seq., specifically the power to regulate the streets, 53 P.S. 46202(17), and the power to make and adopt all such ordinances as may be expedient or necessary for the proper management, care and control of the Borough and its finances, and the maintenance of the peace, good government, safety and welfare of the Borough and its trade, commerce and manufactures, 53 P.S. 46202(74), the Borough HEREBY ENACTS the within amending ordinance.

SECTION I. Title

This Amending Ordinance shall be known as "Ordinance No. 2015-09."

SECTION II. Policy

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough, and it is hereby enacted and ordained by the authority granted to the Borough under the laws of the Commonwealth of Pennsylvania, Ordinance No. 2012-04 shall be amended as follows:

SECTION III: Amendments to Subdivision and Land Development Ordinance No. 2012-04

Section 301.6 **Action.**

- A. **Deleted.**
- B. **Deleted and Replaced as follows:**

All Preliminary and Final Plans for all Subdivisions and for all Land Development Plans shall be reviewed by the Planning Commission for compliance with this Ordinance. Plans and supportive data which are complete shall be recommended to the Borough Council for approval, for approval with conditions, or for denial.

Section 305.2 **Minor Subdivision Plan Review and Action**, as follows:

305.2 Renamed as Final Plan Review and Action

Section 305.2.1 **Deleted and Replaced**, as follows:

305.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly filed Final Plan to determine compliance with this Ordinance and shall take action to recommend to the Borough Council either a denial, an approval or an approval with conditions, and modifications of such plan, if any, as provided in Section 305.2.

A. If an approval has been recommended, then the signed and dated plans shall be forwarded to the Borough Council.

B. If an approval with conditions has been recommended, then the plans shall not be signed but a recommendation of such approval shall be communicated to the Borough Council and to the Applicant, in writing, along with a statement of the conditions of same.

C. If a denial has been recommended, then the specific reasons for such denial citing specific provisions of this Ordinance or other applicable statute shall be communicated to the Borough Council and to the Applicant, in writing.

Section 305.2.2 **Deleted and Replaced**, as follows:

305.2.2 Borough Council Review and Action Period - After the receipt of any Planning Commission's recommendation, the Borough Council shall make its decision regarding the Final Plan and shall communicate same in writing to the Applicant in accordance with the Pennsylvania Municipalities Planning Code.

Section 305.2.3 **Deleted and Replaced**, as follows:

305.2.3 Borough Council Approval with Conditions

A. When a Final Plan has been approved with conditions, such conditions shall be communicated in writing to the Applicant as provided in Section 305.2.2.

B. Written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions would result in an automatic denial of the Final Plan.

C. When a Final Plan has been approved subject to any conditions and/or modifications and when the Applicant does not agree to and accept said conditions and/or

modifications, in writing, within fifteen (15) days of the date of transmittal of said written notice to the Applicant, the conditional approval of the Preliminary Plan shall become an automatic denial and the Plan must then be refiled as required by Article III - Plan Processing, page III-11, Borough of Clarks Summit-Subdivision and Land Development Ordinance - Ordinance 2012-04 §305 of this Ordinance, including payment of the filing fee.

305.2.4 Borough Council Denials - When a Final Plan has been denied, the reason(s) for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be communicated in writing to the Applicant as provided in §305.2.2.

Section 308.2 Deleted and Replaced, as follows:

308.2 Renamed as Final Plan Review and Action

Section 308.2.1 Deleted and Replaced, as follows:

308.2.1 Planning Commission Review and Action Period - The Planning Commission shall review the properly filed Final Plan to determine compliance with this Ordinance and shall take action to recommend to the Borough Council a denial, an approval or an approval with conditions and modifications of such plan, as provided in Section 308.2.

A. If an approval has been recommended, then the signed and dated plans shall be forwarded to Borough Council.

B. If an approval with conditions has been recommended, then the plans shall not be signed but a recommendation of such approval shall be communicated to the Borough Council and to the Applicant, in writing, along with a statement of the conditions of same.

C. If a denial has been recommended, then the specific reasons for such denial citing specific provisions of this Ordinance or other applicable statute shall be communicated to the Borough Council and to the Applicant, in writing.

Section 308.2.2 Deleted and Replaced, as follows:

308.2.2 Borough Council Review and Action Period - After the receipt of the Planning Commission's recommendation, the Borough Council shall make its decision regarding the Final Plan and shall communicate, in writing, such decision to the Applicant in accord with the Pennsylvania Municipalities Planning Code.

Section 308.2.3 Deleted and Replaced, as follows:

308.2.3 Borough Council Approval with Conditions

A. When a Final Plan has been approved with conditions, such conditions shall be communicated, in writing, to the Applicant as provided in §308.2.2.

B. Written notice to the Applicant shall include the specific terms of the approval and shall note that failure to agree and accept the conditions would result in an automatic denial of the Final Plan.

C. When a Final Plan has been approved subject to any conditions and/or modifications and the Applicant does not agree to and accept said conditions and/or modifications, in writing, within fifteen (15) days of the date of transmittal of said written notice to the Applicant, then the conditional approval of the Preliminary Plan shall become an automatic denial and said plan must then be refiled as required by Article III-Plan Processing, page III-11, Borough of Clarks Summit-Subdivision and Land Development Ordinance - Ordinance 2012-04 §308 of this Ordinance, including payment of the filing fee.

308.2.4 Borough Council Denials - When a Final Plan has been denied, then the reason(s) for such denial, citing specific provisions of this Ordinance or other applicable statute relied upon, shall be communicated, in writing, to the Applicant as provided in Section 308.2.2.

SECTION IV: Repealer All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION V. Severability If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, then such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Clarks Summit Borough Council that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

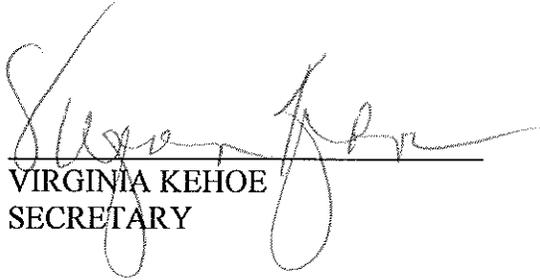
The remainder of Ordinance No. 2012-04 of the Borough of Clarks Summit, as amended, shall remain in full force and effect.

SECTION VI. Effective Date This ordinance shall become effective immediately upon adoption, and shall not be retroactive.

ORDAINED AND ENACTED THIS 25th day of August, 2015.

ATTEST:

BOROUGH COUNCIL
BOROUGH OF CLARKS SUMMIT

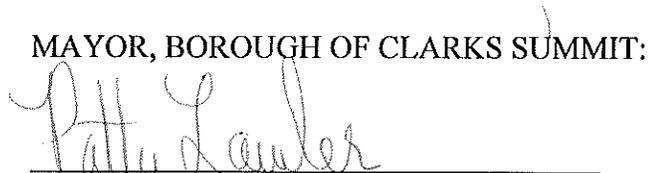


VIRGINIA KEHOE
SECRETARY

BY: 

GERMAINE A. CAREY
PRESIDENT, BOROUGH COUNCIL

Approved this 25th day of August, 2015.

MAYOR, BOROUGH OF CLARKS SUMMIT:


PATTY LAWLER