

**THE  
SUBDIVISION  
AND LAND DEVELOPMENT ORDINANCE  
OF  
HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**August 5, 1976**

**A. W. MARTIN ASSOCIATES, INC.  
900 West Valley Forge Road  
P. O. Box 190  
King of Prussia, Pennsylvania 19406**

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**###**

THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
OF  
HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA

Ordinance No. 23-1976

The Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, under and by virtue of the authority granted by the Act of July 31, 1968, P.L. 247, do hereby enact and ordain:

An Ordinance regulating the subdivision and development of land, and the construction, opening and dedication of streets, alleys, sewers, drains or other facilities in connection therewith, in the Township of Honey Brook and prescribing penalties for violations thereof.

ARTICLE I

Title; Purpose; Interpretation; Subdivision and Land Development Control; Validity; Repealer

Section 100: Title. This Ordinance shall be known and may be cited as the Honey Brook Township Subdivision and Land Development Ordinance.

Section 101: Purpose. This Ordinance is adopted for the following purposes:

- A. To assist orderly, efficient, integrated and harmonious development of the Township.
- B. To assure sites suitable for building purposes and human habitation.
- C. To coordinate proposed streets with existing streets or other proposed streets, parks, or other features of the Township Official Map Summary.
- D. To provide adequate open spaces for traffic, recreation, light and air and for proper distribution of population.
- E. To ensure conformance of subdivision and land development plans with the public improvements of the Township, and coordination of inter-municipal, County and Commonwealth improvement plans and programs.
- F. To ensure conformance of subdivision and land development plans by providing uniform procedures and standards.

- G. To regulate subdivisions and land developments within the jurisdiction of the Township and concurrently to promote the highest quality environment obtainable.
- H. To ensure that the layout and arrangement of the subdivision or land development plan is in conformance with the approved articles or chapters of the comprehensive plan and to any regulations or maps adopted in furtherance thereof.
- I. To provide proper procedures and regulation of the recording of all public and private easements and rights-of-way within the Township.
- J. To ensure the preservation of flood plains and low lying areas of the Township.
- K. To provide a procedure and establish responsibility for the completion of all public improvements.
- L. To provide proper guidelines for condominium development.
- M. To regulate mobile home parks and travel trailer sites.
- N. To regulate the earthmoving activities within the Township, prevent soil erosion, and to provide sedimentation control of Township streams.

Section 102: Interpretation. The provisions of this ordinance shall be held to be minimum requirements to meet the above stated purposes. Where the provisions of this ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this ordinance shall prevail. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than those of this ordinance, the provision of such statute, ordinance, or regulation shall prevail.

Section 103: Subdivision and Land Development Control.

- A. Subdivision of a lot for construction, opening, or dedication of a street. No subdivision of any lot, tract, or parcel of land shall be affected, and no street, alley, sanitary sewer, storm drain, water main, gas, oil and electric transmission line, or other facilities in connection therewith, shall be

laid out, constructed, opened or dedicated for public use, or travel, or for the common use of occupants of a building abutting thereon, except in strict accordance with the subdivision and land development regulations adopted hereunder.

B. Sale of lots, issuance of building permits, or erection of buildings. No lot in a subdivision or land development may be sold, no permit to erect, alter, or repair any building upon land in a subdivision or land development may be granted unless and until a plat has been approved, and where required, recorded, and until the required improvements in connection therewith from the lot or building to an existing improved street have either been constructed or the Township has been assured by means of a proper completion guarantee in the form of a bond, or the deposit of funds or securities in escrow sufficient to cover the cost of the required improvements, as estimated by the Township Engineer, that the improvements will subsequently be installed. Where owing to special conditions, a literal enforcement of this requirement would result in unnecessary hardship, such reasonable exceptions thereto may be made as will not be contrary to the public interest, and the sale of a lot, issuance of a permit, or erection of a building may be permitted subject to conditions necessary to assure adequate street and other improvements.

C. Condominium ownership plans. No section of this ordinance shall be construed to prohibit condominium ownership as permitted by the "Pennsylvania Unit Property Act," P.L. 117.

Section 104: Validity. Should any section of this ordinance or the Subdivision and Land Development Regulations adopted hereunder be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the ordinance or the regulations as a whole, or any other part thereof.

Section 105: Repealer. All ordinances and parts of ordinances inconsistent herewith, are hereby repealed, upon the legally effective date of this ordinance; otherwise to remain in full force and effect.

## ARTICLE II

### Definitions

Section 200: Unless otherwise expressly stated, the following terms shall, for the purpose of these regulations, have the meanings indicated.

Section 201: Words used in the singular include the plural, and words in the plural include the singular. The word "person" indicates a corporation, an incorporated association, and a partnership as well as an individual. The word "buildings" indicates "structure" and shall be construed as if followed by the words "or part thereof." The word "street" indicates "road" and "lane", and "water-course" includes "drain," "ditch" and "stream." The word "may" is permissive; the word "shall" and "will" are mandatory subject to the provisions of Section 200 of these regulations.

- A. Alley. A strip of land over which there is a right-of-way, municipally or privately owned, on which no dwellings or stores front, serving as the secondary means of access to two or more properties.
- B. Agriculture. The cultivating of the soil and the raising and harvesting of the products of the soil, including, but not by way of limitation, nurserying, horticulture and forestry.
- C. Applicant. A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors and assigns.
- D. Application for Development. Every application, whether preliminary or final, required to be filed and approved prior to start of construction or development, including but not limited to an application for a building permit, for the approval of a subdivision plot or plan, or for the approval of a development plan.
- E. Block. An area usually bounded by streets, or streets and natural or manmade features.
- F. Builder. A person, who is not necessarily the owner of the land or agent of the same, who by contract or other agreement is charged with the responsibility of construction of buildings or other structures, or of making any construction improvements on any parcel of land.

- G. Building Setback Line. A line within a lot, so designated on a subdivision plan, between which line and the ultimate right-of-way line of the street on which the lot abuts, a building may not be erected.
- H. Cartway. The portion of a street or alley intended for vehicular use.
- I. Community Sewage Treatment System. Any sewage treatment system for the collection, treatment and disposal of sewage or industrial wastes of a liquid nature, or both; any sewage system which serves one or two residential dwelling units shall be considered an individual sewage treatment system and not a community sewage treatment system.
- J. Comprehensive Plan. The official public document of current adoption consisting of maps, charts and textual matter, that constitutes a policy guide to decisions about the physical and social development of Honey Brook Township.
- K. Construction. Any disturbance of existing surface of the land or the erection of structures thereon, including the cutting of trees or clearing of brush.
- L. Condominium. An estate in real property consisting of an undivided interest in a portion of a parcel together with a separate interest in a space within a structure. This form of ownership may be applied in residential, professional office, limited industrial, and commercial land uses.
- M. Crosswalk. A right-of-way for pedestrian travel across a block connecting two of the bounding streets.
- N. Cul-de-sac. A street with access at one end and terminated at the other by a paved vehicular turnaround.
- O. Declaration. The instrument by which the owner of property submits the property to the provisions of the Act of 1963, July 3, P.L. 196, Article I, Section 101 et seq. (Unit Property Act) and all amendments thereto.
- P. Declaration Plan. A survey of the property to be submitted to the provisions of P.L. 196, July 3, 1963 (Unit Property Act) which shall bear the verified statement of a registered architect or licensed professional engineer certifying that the Declaration Plan fully and accurately:

- (a) Shows the property, the location of the building thereon, the building and the layout of the floors of the building, including the units and the common elements, and
- (b) Sets forth the name by which the property will be known and the unit designation for each unit therein.
- Q. Development Plan. The provisions for development of a planned residential development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use ~~of~~ density of development, streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the development plan" when used in this act shall mean the written and graphic materials referred to in this definition.
- R. Developer. Any landowner, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to be made a subdivision or land development.
- S. Drainage Area. The upstream watershed area of a drainage basin measured from a point of discharge in the watercourse.
- T. Driveway. A private street providing for vehicular and pedestrian access between a public street and a parking area within a lot or property.
- U. Easement. A right-of-way or other right granted for the use of private land for certain public or quasi-public purposes.
- V. Endorsement. Review stamp of the Chester County Planning Commission.
- W. Engineer. A Professional Engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the Engineer for a municipality, planning agency, or joint planning commission.
- X. Erosion. The removal of surface materials by the action of natural elements.
- Y. Excavation. Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting therefrom.

- Z. Fill. Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface, and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
- AA. Floodplain. Those areas subject to periodic flooding, and delineated as alluvial soils in the latest published edition of The Soil Survey of Chester County, or delineated as Special Flood Hazard Areas on the latest edition of the Federal Insurance Administration Flood Hazard Boundary Maps.
- BB. Grade. A slope of a street, or other public way, specified in percent (%) and shown on plans as specified herein.
- CC. Improvement. Grading, paving, curbing, street lights and signs, fire hydrants, wells, water mains, sanitary sewers, sidewalks, parking areas, crosswalks, street shade trees, monuments, recreation areas, storm drains and other storm runoff control structures, bridges, culverts, erosion and sediment control measures, and other items required by this Ordinance.
- DD. Land Development.
- a. (i) The improvement of one lot or two or more contiguous lots, tracts or parcels of land for any purpose involving:
- (1) a group of two or more buildings, or
  - (2) the division or allocation of land or space between or among two or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features;
- (ii) A subdivision of land.
- b. A division of land into lots for the purpose of conveying such lots singly or in groups to any person, partnership or corporation for the purpose of the erection of buildings by such person, partnership or corporation.

- EE. Landowner. The legal or beneficial owner or owners of land including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition), a lessee having a remaining term of not less than forty years, or other person having a proprietary interest in land, shall be deemed to be a landowner for the purposes of this Ordinance.
- FF. Lot. A tract or parcel of land intended for separate use, building development or transfer of ownership.
- GG. Lot Area. The area contained within the property lines of the individual parcels of land as shown on a subdivision plan, excluding any area within any right-of-way, but including the area of any easement.
- HH. Mobile Home. A transportable, single-family dwelling, which may be towed on running gear, and which may be temporarily or permanently affixed to real estate, used for non-transient residential purposes, and constructed with the same, or similar, electrical, plumbing, and sanitary facilities as immobile housing.
- II. Mobile Home Lot. A parcel of land in a mobile home park, constructed with the necessary utility connections, patio, and other appurtenances necessary for the erection thereon of a single mobile home, and the exclusive use of its occupants.
- JJ. Mobile Home Park. A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.
- KK. Official Map Summary. The map of current adoption showing the location of the lines of existing and proposed public streets, including the ultimate width of the corridor for such streets, watercourses and public grounds for the whole of Honey Brook Township, provided that proposed streets, watercourses or public grounds shall not, in and of itself, constitute a taking or acceptance of any land by Honey Brook Township.
- LL. Plan.
- a. Plan, Tentative. A rough draft showing proposed streets and lots related to topography, to be used as the basis for informal discussion between the representatives of the Planning Commission and subdivider, developer, or builder.

- b. Plan, Preliminary. A plan prepared for discussion with the Planning Commission and Supervisors by a registered Professional Engineer or Surveyor showing the proposed street and lot layout, the deed restrictions, easements, etc. of the entire tract of land being subdivided.
  - c. Plan, Land Development. A tentative, preliminary or final plan including written and graphic material showing the provision for development of a subject tract when plans of subdivision would not be applicable.
  - d. Plan, Improvement Construction. A plan prepared by a registered Professional Engineer showing the construction details of streets, drains, sewers, bridges, culverts, and other improvements as required by these regulations, and shall include a horizontal plan, profiles and cross-sections.
  - e. Plan, Record. A plan prepared for recording by a registered Professional Engineer or Surveyor, showing the ultimate width of streets, lot lines, easements, and any other relevant information pertaining to the subdivision.
  - f. Plan, Minor Subdivision. A plan prepared for recording by a registered Professional Engineer or Surveyor, showing lot lines, areas, right-of-way lines, easements, deed restrictions, existing buildings, applicable zoning limitations and any other relevant information pertaining to the subdivision, said subdivision to consist of ten (10) residential or agricultural lots or less, all of which abut existing improved streets of sufficient width for which no construction improvements are required.
- MM. Planned Residential Development. An area of land controlled by a landowner, to be developed as a single entity for a number of dwelling units, the development plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage, and required open space to the regulations established in any one residential district created, from time to time, under the provisions of the Township zoning ordinance.
- NN. Plat. The map or plan of a subdivision or land development, whether preliminary or final.

- OO. Public Notice. Notice given not more than thirty days and not less than fourteen days in advance of any public hearing required by this Ordinance. Such notice shall be published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing.
- PP. Reserve Strip. A parcel of land separating a street from adjacent properties.
- QQ. Right-of-Way Line. Ultimate right-of-way line as defined below.
- RR. Recreational Vehicle. A vehicle without motive power which may be towed on the public highways by a passenger automobile without a special hauling permit, and which is designed for human occupancy under transient circumstances, such as camping, travel, or other recreation, sometimes variously known as "travel trailer" or a "camping trailer."
- SS. Runoff. The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.
- TT. Runoff from a fully developed area upstream. The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the Township Comprehensive Plan.
- UU. Sedimentation. The process by which mineral or organic matter is accumulated or deposited by moving wind, water, or gravity. Once this matter is deposited it is usually referred to as "sediment."
- VV. Service or Recreational Building. A structure housing operational, office, recreational, park maintenance and other facilities built to conform to required local standards.
- WW. Seven-Day Ten-Year Low Flow. The lowest mean discharge of a watercourse for seven consecutive days in a ten-year period of record. Where the period of record is not of sufficient length other methods, such as correlation, have been used. All methods and references are described in Water Resources Bulletin No. 1 "Pennsylvania Streamflow Characteristics Low Flow Frequency and Flow Duration," (1966) by United States Dept. of Interior, Geological Survey, Harrisburg, Pa.

- XX. Sight Distance. The distance of unobstructed view along the centerline of a street from the driver's sight height of five feet (5') to the farthest visible point four inches (4") above the street surface.
- YY. Slope. The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet of horizontal distance.
- ZZ. Soil Survey. A report entitled, Soil Survey - Chester and Delaware Counties, Pennsylvania, published May 1973 by the Soil Conservation Service, United States Department of Agriculture, and which is available in the Township or through the Department of Agriculture.
- AAA. Soil Stabilization. Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- BBB. Street. A strip of land including the entire ultimate right-of-way, publicly or privately owned, serving primarily as means of vehicular and pedestrian travel, furnishing access to abutting properties which may also be used to provide space for sewers, public utilities, shade trees and sidewalks.
- a. Major. A street connecting district centers or communities, serving large volumes of fast-moving through traffic, preferably located outside or bounding the residential neighborhood.
- b. Secondary. A street connecting local residential streets to each other, or community facilities and to the major streets serving only neighborhood traffic.
- Secondary feeder roads serve to connect residential streets to collector roads, and community facilities with light traffic volumes. Secondary collector roads serve to connect feeder roads and residential streets to other feeder roads, community facilities, and major highways with medium traffic volumes.
- c. Residential. A street used primarily as the principal means of access to adjacent residential properties.

- d. Marginal Access Street. A street parallel and adjacent to a major street providing access to abutting properties by a cartway separated from the major streets by a reserve strip.
  - e. Half-Street. A street of less than required right-of-way and cartway width.
- CCC. Street Line. Ultimate right-of-way line as defined below.
- DDD. Structure. Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.
- EEE. Subdivision. The division of a single lot, tract or parcel of land into two or more lots, tracts or parcels of land, including changes in street lines or lot lines, or the division of space into two or more units of space, for the purpose, whether immediate or future, of transfer of ownership or of a building development. Divisions of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access, shall be exempted. Any subdivision of land for mortgage purposes shall comply with all of the requirements of this Ordinance and the Zoning Ordinance.
- FFF. Swale. A low-lying stretch of land which gathers or carries surface water runoff.
- GGG. Topsoil. Surface soils and subsurface soils which presumably are fertile soils - soil material ordinarily rich in organic matter or humus debris. Topsoil is usually found in the uppermost soil layer called the A Horizon.
- HHH. Ultimate Right-of-Way. The expected future right-of-way width computed from the centerline of an established right-of-way, as shown on the Ultimate Right-of-Way Map of the Township adopted by the governing body as part of the Official Map Summary of Honey Brook Township.
- III. Ultimate Right-of-Way Line. The line parallel to the centerline of any public street which defines the boundary of the ultimate right-of-way as defined above.
- JJJ. Watercourse. Any natural or artificial ditch, swale, channel, rivulet, creek, stream, river, impoundment, storm sewer, pond, lake, or spring in which waters flow continuously or intermittently.

## ARTICLE III

### Improvement Construction Requirements

Section 300. Required Improvements. The applicant shall agree in writing to construct streets and other improvements from the lot or lots to be sold or built upon to an existing improved street, subject to the provisions of Section 103B herein. The work shall be performed in strict accordance with approved plans and the Township standards and specifications, or the applicable provisions of Pennsylvania Department of Transportation Specifications 408 latest edition, or any subsequent number or section thereof. No plat shall be finally approved until the developer has completed all of the necessary and appropriate improvements as required as a condition for final approval of a plat; or until such time as the applicant has provided for the deposit with the Township of escrow funds, or a security acceptable to the Township Supervisors in an amount sufficient to cover the costs of any improvements which may be required.

Section 301. Public Utilities and Laterals. All water, gas, electric, and other pipes and conduits, and all service connections or laterals shall be laid to the full width of the ultimate right-of-way, where the need therefor can be reasonably anticipated, before streets are paved. The arrangements for said service connections or laterals shall be the responsibility of the subdivider, developer or builder.

Section 302. Inspection of Work and Materials.

- A. Notice. The Township Engineer or other duly authorized person shall be notified forty-eight (48) hours in advance of the commencement of any construction operation, in order that provision may be made for inspection by the Township.
- B. Samples of Materials. Samples of the materials shall be furnished to the Township in the same manner as is required of contractors under the Pennsylvania Department of Transportation Specifications.

## ARTICLE IV

### Plat Processing Procedures

Section 400. General. The procedures set forth in this Article shall be followed by all applicants.

Section 401. Required Plans for Approval of a Plat of Subdivision and Land Development.

- A. A tentative plan is required for all subdivisions and land developments proposed within the Township.
- B. A preliminary plan is required for all subdivision and land developments proposed within the Township, except as noted in Paragraph E below.
- C. A final plan is required for all subdivisions and land developments proposed within the Township, except as noted in Paragraph E below. A plan showing all information required for a final plan, which has been submitted as a preliminary plan and for which no changes have been required by the Township may be approved as final plan. A final plan shall consist of two parts:
  - a. Improvement Construction Plan
  - b. Record Plan
- D. A land development plan shall be required whenever the application for approval of a plat shall be construed to be a land development in accordance with the definition of same as provided in this Ordinance. A land development plan may be required in conjunction with a subdivision plan or in lieu of a subdivision plan when review of a plan on a lot-by-lot basis would not be applicable.
- E. A minor subdivision plan is required for any subdivision proposed within the Township that consists of ten (10) residential or agricultural lots or less, all of which abut existing improved streets of sufficient width for which no construction improvements are required.

Section 402. Plat Processing Procedure.

- A. Unless determined otherwise, all plans for approval of a plat shall be submitted in the following order: Tentative Plan, Preliminary Plan, and Final Plan. Where applicable, plans

shall be submitted in the following order: Tentative Plan and Minor Subdivision Plan. A plan, and all required copies of each plan, shall be filed one at a time and no subsequent plans for approval of a plat shall be filed until such time that a decision has been reached concerning the preceding plan. When the decision reached concerning an application for approval of a plat, whether tentative, preliminary, final or minor subdivision, has rendered the application for approval finally denied then the applicant when and if he should reapply requesting approval of a plat, shall do so in accordance with the procedure outlined above.

- B. Applications for approval of a subdivision and land development shall be received by the Secretary of the Township. Supporting data, required forms, and specifications for such plats shall accompany the applications. Formal application shall be received on the date of the monthly Township Planning Commission meeting, from which time all applications for approval of a plat, whether tentative, preliminary, final, or minor shall be acted upon by the Supervisors and such decision shall be communicated to the applicant, in writing, five (5) days after the decision is rendered nor later than ninety (90) days after the date of formal application as is required for such response.
- C. Any application for approval of a subdivision and land development not received on or before the date of the monthly Township Planning Commission meeting shall be deemed formally applied for and, therefore, dated the date of the subsequent monthly Township Planning Commission meeting.
- D. Schedule of steps.
  - a. Application received by Secretary's office. The date shall be stamped and the filing fee received. A cursory examination of the application and plan will be conducted.
  - b. The Secretary's office shall distribute copies to:
    - 1. Chester County Planning Commission
    - 2. Honey Brook Township Planning Commission
    - 3. Honey Brook Township Engineer;and when applicable to:
    - 4. Township Sewer Authority
    - 5. Health Officer or Sewage Facilities Enforcement Officer

6. Building Inspector
  7. Department of Environmental Resources
  8. Pennsylvania Department of Transportation
  9. Chester County Conservation District
- c. Application for approval of a subdivision or land development plan placed on agenda for meeting of Township Supervisors.
- d. Recommendations of the Chester County Planning Commission, Township Planning Commission and others submitted to the Township Supervisors.
- e. Supervisors action:
1. If the Supervisors approve the Plan, the Township Secretary will so certify thereon, and two copies will be given to the applicant.
  2. If the Supervisors disapprove the Plan, the Board (or its official agent) will notify the applicant, in writing, of the defects in the application and will describe the requirements which have not been met and shall cite the provisions of State law or Township ordinance relied upon.
  3. Approval will be effective for three (3) years only unless extended by the Supervisors. Where final approval is preceded by preliminary approval, the three-year period shall be counted from the date of preliminary approval, provided that when an applicant shall commence with any aspect of an approved plan, the terms of development or subdivision shall be governed by any subsequent changes to the zoning ordinance, subdivision regulations or other governing ordinances or plans, should effectuation of the approved plat not be completed within the prescribed three-year period.
- f. When deemed desirable, the applicant may be requested to agree, in writing, to an extension of time to the prescribed period of time normally allotted to the applicant in which a decision concerning the status of the application for approval of a plat is to be rendered; in which case the Supervisors shall render a decision and communicate it, in the prescribed manner, to the applicant before termination of the extended time period.

- g. Recording the Plat. Upon approval of a final plat of subdivision or land development, the applicant shall within ninety (90) days of such final approval record such plat in the Office of the Recorder of Deeds of Chester County, Pennsylvania. The approved final plat shall bear the official stamp of review by the Chester County Planning Commission.