

**HONEY BROOK TOWNSHIP  
CHESTER COUNTY, PA  
ORDINANCE # ~~136~~-2016**

**AN ORDINANCE OF THE TOWNSHIP OF HONEY BROOK  
AMENDING THE HONEY BROOK TOWNSHIP  
SUBDIVISION AND LAND DEVELOPMENT ORDINANCE  
109-2004, AS AMENDED, BY AMENDING THE  
REQUIREMENTS FOR PRELIMINARY AND FINAL PLAN  
SUBMISSIONS TO THE TOWNSHIP FOR REVIEW AND  
REQUIRING FINANCIAL SECURITY TO ENSURE  
RECORDING OF ANNEXATION AND CONSOLIDATION  
DEEDS FOR ALL SUBDIVISION PLANS WHICH INCLUDE  
AN ANNEXATION LOT**

**WHEREAS**, the Pennsylvania Municipalities Planning Code, act of July 31, 1968, as amended, 53 P.S. §§10101 *et seq.*, enables a municipality through its Subdivision and Land Development Ordinance to regulate the application process for subdivision and land development; and

**WHEREAS**, the Board of Supervisors of Honey Brook Township desires to update the Honey Brook Township Subdivision and Land Development Ordinance 109-2004, as amended, to require multiple copies of applications of full-size plans for distribution to reviewing agencies and professionals; and

**WHEREAS**, the Board of Supervisors desires to further prohibit the creation of illegal lots after subdivision planning due to approved annexation parcels not being combined with other lots as intended at the time of plan approval and to deter such illegal lots by authorizing Township officials to hold financial security for the recording of annexation and consolidation deeds for all subdivision plans which include an annexation lot; and

**NOW, THEREFORE BE IT ORDAINED** by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania, pursuant to the authority conferred by the Municipalities Planning Code, that the following be and is hereby enacted:

**SECTION 1.** The Code of the Township of Honey Brook, Chapter 22 entitled “Subdivision and Land Development”, Part 4 entitled “Procedure”, Section 405 entitled “Submission of Preliminary Plan”, Subsection 2 is hereby amended to read in its entirety as follows:

2. Official submission of a preliminary plan to the Subdivision Officer shall consist of:
  - A. Two (2) copies of the application for review of preliminary subdivision or land development plan on the form promulgated for this purpose.
  - B. Copies of the preliminary plan and all supporting plans and information to enable proper distribution and review as follows:
    - (1) Three (3) complete plan sets

- (2) Two (2) sets of all supporting plans, reports and other studies.
  - (3) An Act 247 referral on a form provided by the Chester County Planning Commission.
  - (4) Ten (10) reduced sets (11" x 17") of the title sheet, lot layout sheet, grading sheet, landscaping sheet, and other appropriate sheets as determined by the Subdivision Officer. Full sized sets may be required based upon scope of project. Applicants are encouraged to contact the Township in advance to determine the appropriate sheets for submission.
  - (5) Five sewer planning modules (as necessary for on-lot systems) with accompanying plot plan for each module.
- C. A copy of any conservation easement or similar deed restriction to which the property is subject, if any. If the property is subject to a conservation easement or similar deed restriction, additional copies of the proposed site layout plan must be provided for each entity with an interest in the easement / deed restriction.
  - D. If the project is to be served by public water authority or private water utility company and/or a public sewer authority or private sewer utility company, submit one copy of the proposed utility plans for each of the applicable providers.
  - E. Payment of application fees and deposit of escrow for plan review cost, as prescribed in the applicable fee schedule.

**SECTION 2.** The Code of the Township of Honey Brook, Chapter 22 entitled "Subdivision and Land Development", Part 4 entitled "Procedure", Section 405 entitled "Submission of Preliminary Plan", Subsection 4 is hereby amended to read in its entirety as follows:

- 4. Upon submission of a complete application, together with all required fees and escrow deposits, the Subdivision Officer shall accept the applications, plans and other required materials as filed, and shall transmit the requisite number of copies of the plans and other required materials to the Township Planning Commission and the Township Engineer. In addition, copies shall be transmitted to:
  - A. Chester County Planning Commission (one copy and Act 247 referral form).
  - B. Chester County Health Department (two copies of the planning module with accompanying plot plans and referral letter) for review of matters relating to adequacy of the site to sustain on-lot water and/or sewage disposal systems.
  - C. Applicable water authority or private water utility company (one copy utility plans) for review of required public water connections.
  - D. Applicable sewer authority or private sewer utility company (one copy utility plans) for review of required sewer connections.

- E. Payment of application fees and deposit of escrow for plan review cost, as prescribed in the applicable fee schedule.

**SECTION 4.** The Code of the Township of Honey Brook, Chapter 22 entitled “Subdivision and Land Development”, Part 4 entitled “Procedure”, Section 22-409 entitled “Subdivision and Land Development Agreements” is hereby amended to amend subsection 1.B to read as follows:

Section 22-409. Subdivision and Land Development Agreements.

- 1. The applicant shall execute an agreement, to be approved by the Township, before the final plan is released by the Board and filed on record. Said agreement shall specify the following where applicable:

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- B. The applicant guarantees completion and maintenance of all improvements, and recording, by means of a type of financial security acceptable to the Township, as specified in §22-410, Subsection 2, of this chapter.

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**SECTION 5.** The Code of the Township of Honey Brook, Chapter 22 entitled “Subdivision and Land Development”, Part 4 entitled “Procedure”, Section 22-410 entitled “Performance Guarantees” is hereby amended to add a new subsection 8 to read in its entirety as follows:

Section 22-410. Performance Guarantees.

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- 8. Financial security in an amount to be established from time to time by resolution of the Board of Supervisors for the recording of all affected deeds (annexation deed, followed by consolidation deed) shall be required for all subdivision plans which include an annexation parcel.

**SECTION 6.** The Code of the Township of Honey Brook, Chapter 22 entitled “Subdivision and Land Development”, Appendix 22-D entitled “Subdivision and Land Development Application and Checklist” is hereby amended to read as follows in the attached exhibit entitled “Appendix 22-D, Subdivision and Land Development Application and Checklist”.

**SECTION 7. FULL FORCE AND EFFECT.** All other articles, sections, parts and provisions of the Ordinances of the Township of Honey Brook shall remain in full force and effect as previously enacted and amended.

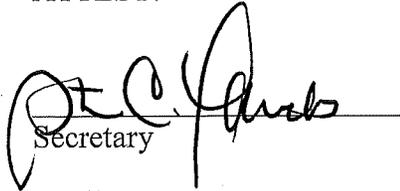
**SECTION 8. SEVERABILITY.** If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of Honey Brook Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**SECTION 9. REPEALER.** All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

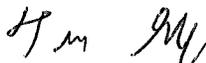
**SECTION 10. EFFECTIVE DATE.** This Ordinance shall become effective five days after enactment as provided by law.

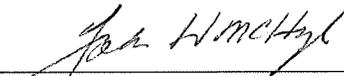
SO IT IS ENACTED AND ORDAINED this 14<sup>th</sup> day of December, 2016.

ATTEST:

  
Secretary

HONEY BROOK TOWNSHIP  
BOARD OF SUPERVISORS

  
Travis Stacey, Chairman

  
John McHugh, Vice-Chairman

  
Tracy Olsen, Member



**CERTIFICATE OF ENACTMENT**

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 186-2016 enacted by the Board of Supervisors of Honey Brook Township, Chester County, Pennsylvania at a regular meeting held on Dec 14, 2016, pursuant to notice as required by law.

Dated: 12-14-14

  
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Township Secretary