

Brown Township
Mifflin County, Pennsylvania

**Subdivision and Land
Development Ordinance**

Adopted
November, 2007
Ordinance No. 2007- 3

FINAL DRAFT FOR ADOPTION

Consultant:



**This Ordinance was prepared under the direction of and with the assistance of the following
Brown Township officials**

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ARTICLE 1

GENERAL PROVISIONS

1.100 LEGISLATIVE AUTHORITY

This Ordinance is enacted pursuant to the authority conferred by the Pennsylvania MPC.

1.200 APPLICATION

1.201 Jurisdiction - This Ordinance shall apply to all subdivisions and land developments located within Brown Township.

1.202 Interpretation - The provisions of this Ordinance shall be held to be minimum requirements to meet the above stated purposes. Where provisions of this Ordinance impose greater restriction than those of any statute, other ordinance, or regulation, the provisions of this Ordinance shall prevail. However, where the provisions of any statute, other ordinance, or regulation impose greater restrictions than those of this Subdivision Ordinance, then the provisions of such statute, ordinance, or regulation shall prevail.

1.203 Effect of This Ordinance - No subdivision or land development (as defined herein) of any lot, tract, or parcel of land shall be carried out; no street, sanitary sewer, storm sewer, water main, or other facilities in connection therewith shall be laid out, constructed, opened, or dedicated for public use and travel, or the common use of occupants of buildings abutting thereon, except in strict accordance with the provisions of this Ordinance.

1.204 Recording of Approved Plan - Within 90 days of the approval of the Final Plan for any Subdivision or Land Development, or 90 days after the date of delivery of an approved plat signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later, the Applicant shall record a copy of said Final Plan in the office of the Mifflin County Recorder of Deeds.

The Mifflin County Recorder of Deeds shall not accept any such plan for recording unless it is the Final Record Plan as described herein and unless it complies with the requirements of Section 3.400. Failure to record the Final Plan as required herein shall render all approvals null and void.

1.205 Status of Recorded Plans - Any Subdivision or Land Development Plan recorded prior to the effective date of this Ordinance shall be subject to the provisions of this Ordinance in the event that any change or re-subdivision is made or legally required to be made in the said Plan.

When a Final Plan has been approved and recorded, subsequent to the effective date of this Ordinance, and in conformance with the terms of this Ordinance, then no subsequent change or amendment in any zoning, subdivision, or other governing ordinance or plan shall be applied to affect adversely the right of the Applicant to commence and to complete any aspect of the approved development in accordance with terms of such approval within five years from such approval. The five-year period shall be extended for litigation or sewer or utility prohibitions.

Where final approval is preceded by preliminary approval, the five-year period shall be counted from the date of the preliminary approval. In the case of any doubts as to the terms of a preliminary approval, the terms shall be construed in the light of the provisions of the governing ordinances, or plans as they stood at the time when the application of such approval was duly filed.

1.300 PURPOSE

This Ordinance has been adopted for the purpose of regulating subdivision and land development within Brown Township in order to create conditions favorable to the health, safety, morals, and general welfare of the citizens of the Township through the provision of regulations that will insure the harmonious development of the Township.

1.400 SHORT TITLE

This Ordinance shall be known and may be cited as "The Brown Township Subdivision and Land Development Ordinance".

ARTICLE 2
DEFINITIONS

2.100 GENERAL

For the purpose of this Ordinance, words used in the present tense include the future tense; the term "shall" is always mandatory; other terms or words used herein shall be interpreted or defined as follows:

2.200 SPECIFIC TERMS

Access - The means by which vehicles or pedestrians obtain entrance or entry into a parcel, lot or building, or into a subdivision or land development.

- A. **Easement of Access** - An easement granted for use by the public for the purpose of providing vehicular and/or pedestrian access to a parcel, lot, building, subdivision, or land development.
- B. **Right-of-Access** - The right of the public to have vehicular and/or pedestrian access over a specifically designated area, easement, or property.

Agricultural Operation - An enterprise that is actively engaged in the commercial production and preparation for market of crops, livestock, and livestock products and in the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural, and aquacultural crops and commodities. The term includes enterprises that implement changes in production practices and procedures or types of crops, livestock, livestock products, or commodities produced consistent with practices and procedures that are normally engaged by farmers or are consistent with technological development within the agricultural industry.

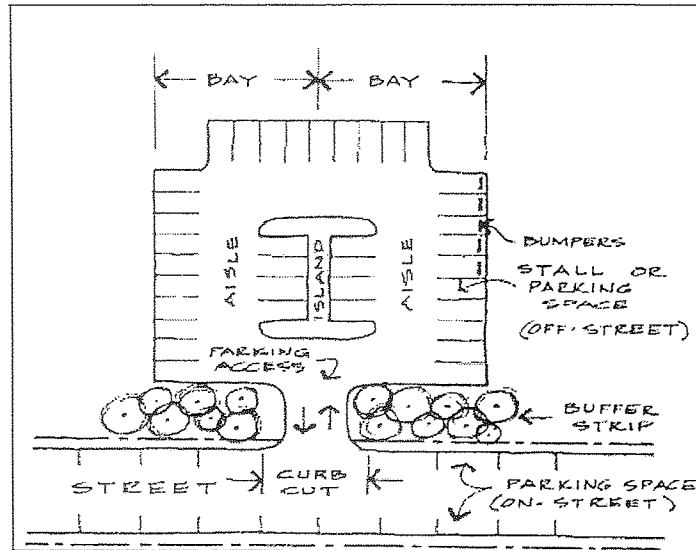
Alley - A permanent service way providing a secondary means of access to abutting lands.

Applicant - A landowner or developer, as hereinafter defined, who has filed an application for development including his/her heirs, successors and assigns.

Block - Property bounded on one side by a street, and on the other three sides by a street, railroad right-of-way, waterway, un-subdivided area, or other definite barrier.

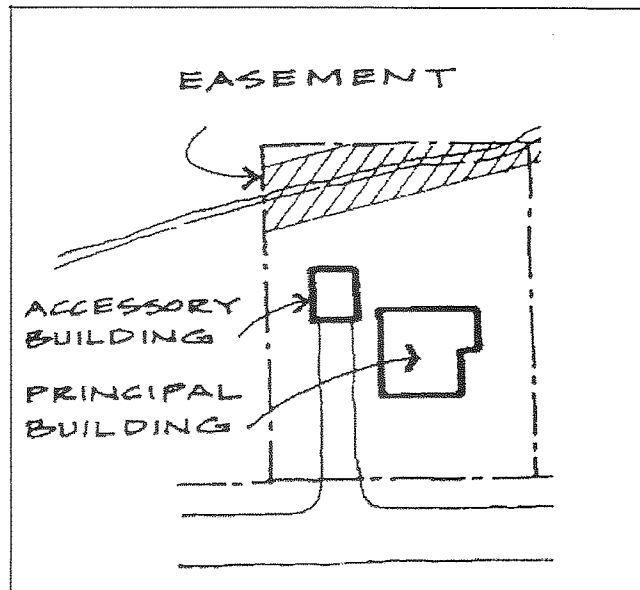
Bona-Fide Bid - A bona-fide bid is a bid secured by the Applicant, from a contractor or contractors, for the purpose of verifying the estimated cost to complete the required improvement or improvements that are the responsibility of the Applicant to provide under the terms of this Ordinance. Said bona-fide bid shall include all costs and activities, as determined by the Board of Supervisors that will provide for the completion of all of the required improvements or maintenance.

Buffer Area - An area within a property or site generally adjacent to and parallel with the property line, either consisting of natural vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view, sound and/or light from the site to adjacent sites or properties.



Source: The New Illustrated Book of Development Definitions

Building, Accessory - A detached subordinate building or structure, the use of which is customarily incidental to that of the principal building or use and that is located on the same lot as occupied by the principal building or use and is not considered a substantial improvement.

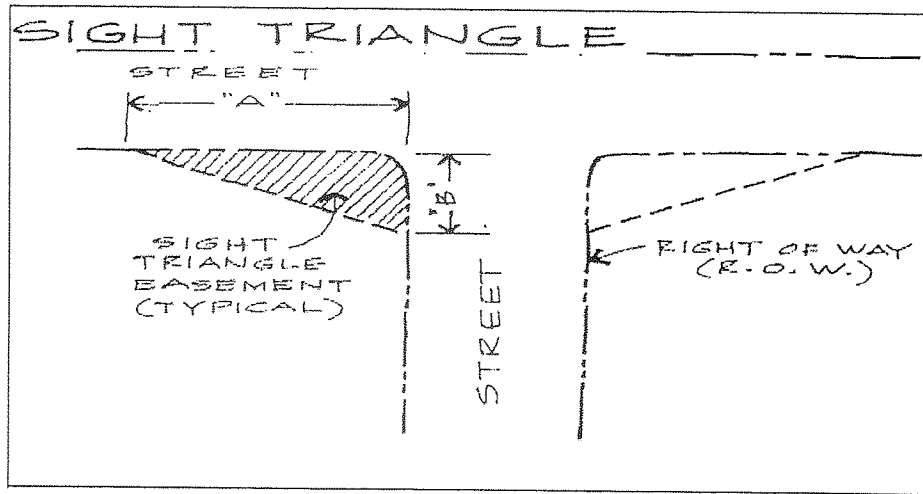


Source: The New Illustrated Book of Development Definitions

Building Setback Line - The minimum distance from any lot line to any building or structure to be erected on the lot.

Cart-way - The term "cart-way" shall include the portion of the entire right-of-way of a street that contains an improved travel way for vehicles, including space for shoulders and/or parking lanes.

Clear Sight Triangle - A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorist entering or leaving the intersection.



Source: The New Illustrated Book of Development Definitions

County Planning Commission - The Planning Commission of the County of Mifflin.

Comprehensive Plan - The complete plan, or any part of a plan designed to govern and direct the future development and growth of the County or Township.

Community Impact Analysis - A study to determine the potential direct or indirect effects of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, and the environment.

Consistency - An agreement or correspondence between matters being compared that denotes a reasonable, rational, and similar connection or relationship.

County - Mifflin County, Pennsylvania.

County Comprehensive Plan - A land use and growth management plan adopted by the County Commissioners that establishes broad goals and criteria for municipalities to use in preparation of their comprehensive plans and land use regulations.

Cul-de-sac - A local street having one end open to traffic and being permanently terminated by a vehicular turn-around. A "Hammerhead" is another type of turn-around.

Detention Pond - A vegetated basin designed to drain completely after storing runoff only for a given storm event and release it at a pre-determined rate. Also known as a dry pond.

Developer - Any land Owner or agent of such land Owner or tenant with the permission of such land Owner, who makes or causes to be made, a subdivision of land or a land development. The term "developer" is intended to include the term "Applicant" as defined herein.

Development Plan - The provisions for development, including a planned residential development, a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, streets, ways and parking facilities, common Open Space, and public facilities. The phrase "provisions of the

development” when used in this Ordinance shall mean the written and graphic materials referred to in this definition.

Driveway - A private drive providing access between a public or private street or access drive and a parking area for a single unit of occupancy, a farm, or land development; which shall comply with any other Ordinance regulating the placement and/or construction of driveways that may be enacted. A shared driveway is a single driveway serving two adjoining lots that meet minimum road frontage requirements. (See Sections 4.205.G.4 and 4.208)

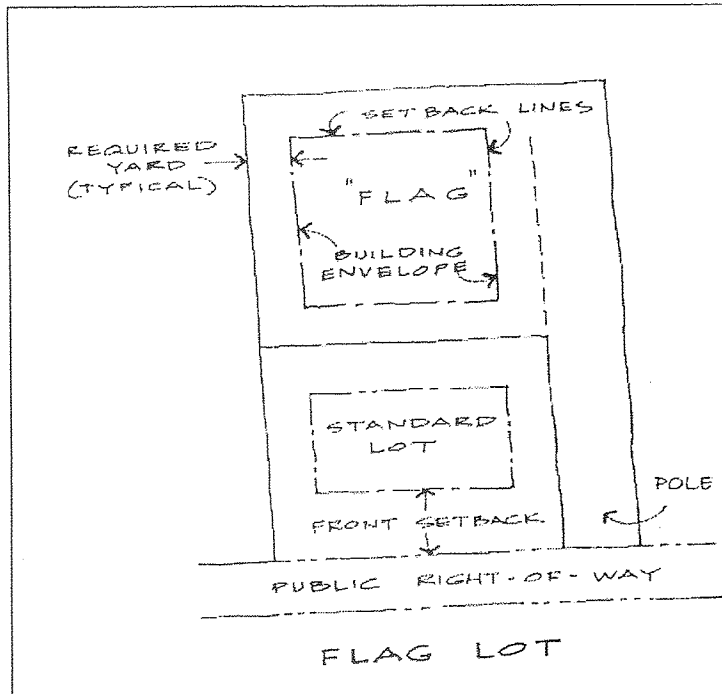
Dwelling - Any building, vehicle or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons.

Easement - A grant by the property Owner of the use of an area of land by the public, a corporation, or persons for specified purposes.

Financial Security - A deposit made out to the benefit of the Township, in an amount sufficient to guarantee and cover the entire costs of any required improvement or maintenance that is the responsibility of the Applicant to provide under the terms of this Ordinance but that will allow the Township to complete said improvements or maintenance in their entirety, without any additional cost to the Township, in the event of a default, negligence, cost overrun, or inflationary increase in price or failure of any type of the Applicant to provide or complete said required improvements or maintenance.

Said Financial Security shall be approved by the Board of Supervisors and may include irrevocable letters of credit and restrictive or escrow accounts in a Federal or Commonwealth chartered lending institution or other type of Financial Security acceptable to the Board of Supervisors, and such security shall be posted with a bonding company or with a Federal or Commonwealth chartered lending institution authorized to conduct business in the Commonwealth.

Flag Lot - A lot with less lot frontage on a public or private street than is normally required. The flagpole is a narrow access corridor to a lot located behind other lots that usually meet the required lot frontage. (See Section 4.205.G)



Source: The New Illustrated Book of Development Definitions

Floodplain - The area of inundation, including the floodway and floodway fringe that functions as a conveyance, storage, or holding area for floodwater to a width required for a one hundred (100) year flood.

Floor Area, Gross - The sum of the gross horizontal areas of the several floors of a building or structure from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but excluding any space where the floor-to-ceiling height is less than six feet.

Forestry - The management of forests and timberlands when practiced in accordance with accepted silvicultural principals, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes that do not involve any land development.

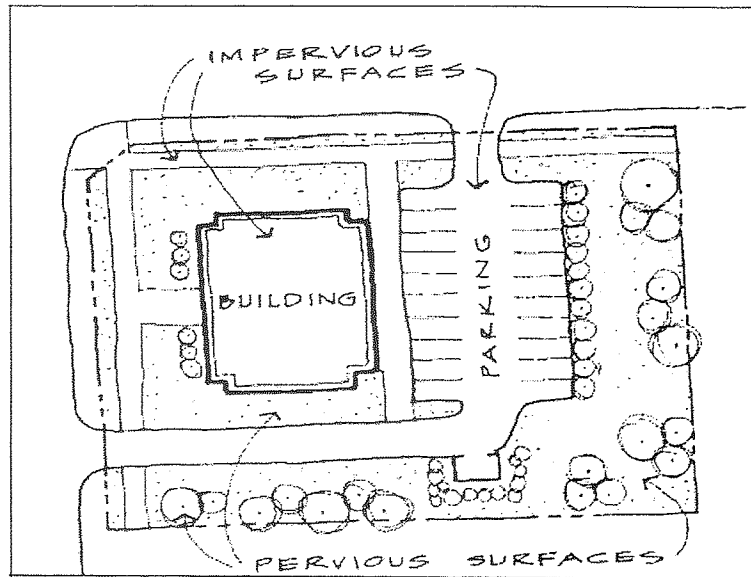
Frontage - The horizontal or curvilinear distance along a public street or private street line upon which a lot abuts.

- A. Double Frontage - A lot that has frontage on and access from two streets that are approximately parallel to each other.
- B. Reverse Frontage Lot - A double frontage lot that extends between and that has frontage on a major street and a local or collector street and that has access only from the local or collector street and that has its access prohibited from the major street.

General Consistency, Generally Consistent - That which exhibits consistency.

Impervious Area - The total area of a lot covered by an impervious surface. The impervious area is generally represented as a percentage of the overall lot area.

Impervious Surface - A surface that prevents the percolation of water into the ground. For the purpose of this Ordinance, stoned parking areas shall be considered as an impervious surface.



Source: The New Illustrated Book of Development Definitions

Land Development - Any of the following activities:

- A. The improvement of one (1) lot or two (2) or more contiguous lots, tracts, or parcels of land for any purpose involving:
 - 1. A group of two (2) or more residential or nonresidential buildings, whether proposed initially or cumulatively, or a single nonresidential building on a lot or lots regardless of the number of occupants or tenure; or
 - 2. The division or allocation of land or space, whether initially or cumulatively, between or among two (2) or more existing or prospective occupants by means of, or for the purpose of streets, common areas, leaseholds, condominiums, building groups or other features.
- B. A subdivision of land.
- C. Excluded from this definition of land development are the following:
 - 1. The conversion of an existing single-family detached dwelling or single-family semi-detached dwelling into not more than three residential units, unless such units are intended to be a condominium;
 - 2. The addition of an accessory building, including farm buildings, on a lot or lots subordinate to an existing principal building;
 - 3. The addition or conversion of buildings or rides within the confines of an enterprise that would be considered an amusement park. For the purposes of this subclause, an amusement park is defined as a tract or area used principally as the location for permanent amusement structures or rides. This exclusion shall not apply to newly acquired acreage by an amusement park until initial plans for the expanded area have been approved by proper authorities; or
 - 4. The one-time addition of 1000 square feet or less of new building area and/or impervious surface to a lot containing an existing conforming or legally

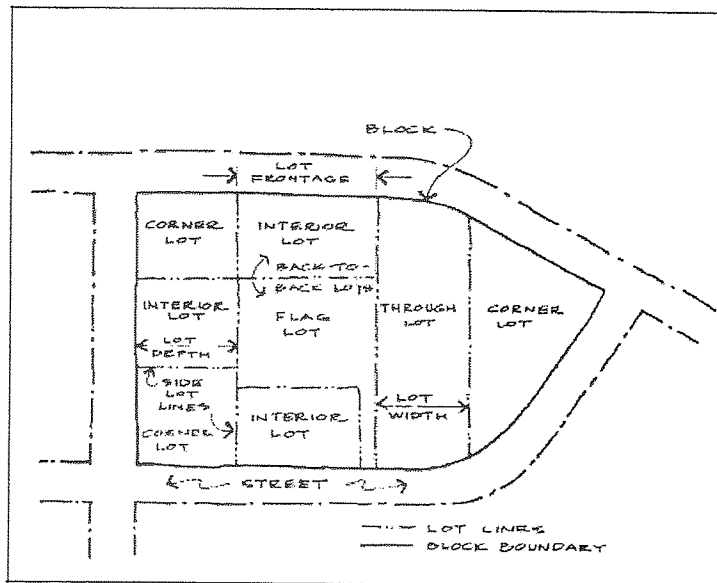
nonconforming non-residential structure or use. This exclusion shall not eliminate the responsibility of complying with Articles 4, 6, and 8 of this Ordinance and obtaining all other applicable local, state, or federal approvals.

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 if he is authorized under the lease to exercise the rights of the landowner, or other person having a proprietary interest in land.

Lot - A designated parcel, tract, or area of land established by a plat or otherwise permitted by law and to be used, developed or built upon as a unit. (See also "Lot Frontage")

Lot Addition - Lot Addition subdivisions involve parcels of land that may or may not meet all of the requirements of a lot as defined by this Ordinance. Lot addition subdivisions allow owners of land to subdivide land and convey such subdivisions to adjacent property owners. The subdivision shall not create a "non-conforming lot" of the residual tract after subdivision. The lot created by the subdivision shall be conveyed to the adjoining property Owner and shall be considered to be an extension of that property Owner's original lot. (See Sections 3.502 and 7.302.7)

Lot Frontage - The length of the front lot line measured at the right-of-way of a public street or private road. On an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or, on a flag lot, the lot line most parallel to and nearest the street from which access is obtained.



Source: The New Illustrated Book of Development Definitions

Lot Line Adjustment - The process of adjusting or eliminating an existing lot line that divides one lot from another lot, from a public street, private street or any other public space. The act of adjusting a lot line requires submission of a subdivision plan. (See Section 3.502)

Lot Width - The width of the lot at the front building line measured parallel to the street right of way line or in the case of a curvilinear street parallel to the chord of the arc between the intersection of the side lot lines and the street right of way. For a flag lot, the lot width shall be

measured at the flag. The relation of the depth of any single family detached dwelling lot to its width shall not be greater than three to one. (See also "Lot Frontage")

Low and Very Low Density Residential - Very Low Density Residential includes developments having a density of no more than one dwelling unit per acre.

Low Density Residential includes developments having a density of between one and three dwelling units per acre.

These areas generally conform with the more rural or open areas of the Township requiring lesser development standards and improvements than developments located in the Medium Density Residential Areas.

Medium Density Residential - Medium Density Residential includes residential developments having a density of more than three dwelling units per acre. This generally defines the more urbanized or built-up areas of the Township requiring higher development standards and improvements than those that are located in the Low Density Residential Areas.

Minerals - Any aggregate or mass of mineral matter, whether or not coherent. The term includes, but is not limited to, limestone and dolomite, sand and gravel, rock and stone, earth, fill, slag, iron ore, zinc ore, vermiculite and clay, anthracite and bituminous coal, coal refuse, peat and crude oil and natural gas.

Mobile Home - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor or incidental unpacking and assembly operations, and constructed so that it may be used without a permanent foundation, except for a "travel trailer" as defined herein.

Mobile Home Lot - A parcel of land in a mobile home park, improved with the necessary utility connections and other appurtenances necessary for the erections thereon of a single mobile home.

Mobile Home Park - Any lot, parcel, or tract of land at least five acres in size, upon which three or more mobile homes are located for occupancy and used by persons of different families other than members of one household.

MPC - The Pennsylvania Municipalities Planning Code, also known as the act of July 31, 1968, P.L. 805, No. 247, as amended.

Municipal Authority - A body politic and corporate created pursuant to the act of May 2, 1945 (P.L. 382, No. 164), known as the "Municipality Authorities Act of 1945", now repealed, or pursuant to the act of June 19, 2001 (P.L. 287, No. 22), known as the "Municipality Authorities Act", 53 Pa.C.S. Ch. 56, as amended and supplemented from time to time."

Official Map - Any map adopted by Ordinance pursuant to Article IV of the Pennsylvania MPC.

Parking Space - An off-street space (10' x 20') available for the parking of a vehicle. Parking spaces shall not be obstructed by another parking space or by any other structural impediments to vehicular access.

Plan - A map or chart, also known as a plat, indicating the subdivision or re-subdivision of land that in its various stages of preparation can include the following:

- A. Sketch Plan - An informal plan indicating salient existing features of a tract and its surroundings and the general layout of the proposed subdivision to be used as a basis for informal consideration by the Board of Supervisors or Township Planning Commission.
- B. Preliminary Plan, - A tentative plan showing proposed streets and lot layout and such other information as required by this Ordinance.
- C. Final Plan - A complete and exact plan, prepared for official recording as required by this Ordinance to define property rights and proposed streets and other improvements, as required by this Ordinance.
- D. Record Plan - The copy of the Final Plan that contains the original endorsements or approvals of the Board of Supervisors and that is intended to be recorded with the Mifflin County Recorder of Deeds, as required by this Ordinance.

Planning Commission - The Brown Township Planning Commission.

Plat - The map or plan of a subdivision or land development, whether preliminary or final.

Preservation or Protection - When used in connection with natural and historic resources, shall include means to conserve or safeguard these resources from wasteful or destructive use, but shall not be interpreted to authorize the unreasonable restriction of forestry, mining or other lawful uses of natural resources.

Private Street - A street that is constructed in accordance with the Brown Township Road Construction and Road Opening Resolution that is not owned by a public entity. Brown Township shall not be responsible for maintenance of the private street.

Prime Agricultural Land - Land used for agricultural purposes that contains soils identified as Prime Farmland Soils and Additional Farmland Soils of Statewide Importance, as defined by the United States Department of Agriculture natural resource and conservation services county soil survey.

Public Grounds - Includes:

- A. Parks, playgrounds, trails, paths and other recreational areas and other public areas;
- B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities; and
- C. Publicly owned or operated scenic and historic sites.

Public Hearing - A formal meeting held pursuant to public notice by the governing body or planning agency, intended to inform and obtain public comment, prior to taking action in accordance with the Pennsylvania MPC.

Public Meeting - A forum held pursuant to notice under 65 PA C.S. CH.7 (Relating to open meetings).

Public Notice - Notice 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. The first publication

shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.

Public Street - A street that is constructed in accordance with the applicable provisions of this Ordinance, the Brown Township Road Resolution, and any other applicable Township regulations and is offered for dedication to the Township and accepted by the Township to ensure permanent public ownership and maintenance by the Township.

Renewable Energy Source - Any method, process or substance whose supply is rejuvenated through natural processes and, subject to those natural processes, remains relatively constant, including, but not limited to, biomass conversion, geothermal energy, solar and wind energy and hydroelectric energy and excluding those sources of energy used in the fission and fusion processes.

Retention Pond - A pond containing a permanent pool of water and designed to store runoff for a given storm event and release it at a predetermined rate.

Right-of-Way - Land reserved for use as a street, alley, interior walk, or for other public purpose.

- A. **Ultimate Right-of-Way** - The maximum width to which an existing or proposed right-of-way may be widened in accordance with this Ordinance or the Pennsylvania Department of Transportation, or other appropriate official agency.

Road Resolution - The Brown Township Road Construction and Road Opening Resolution.

Setback or Building Line - The line within a property defining the required minimum distance between any enclosed structure and the lot lines.

Sight Distance - The length of road visible to the driver of a vehicle at any given point in the road when viewing is unobstructed by traffic. Sight distance shall be in accordance with minimum standards established by the Commonwealth of Pennsylvania Code, Title 67 - Transportation, Chapter 441 Access to and Occupancy of Highways by Driveways, and Local Roads.

Street - A strip of land, including the entire right-of-way or cartway, intended primarily as a means of vehicular and pedestrian travel. Street includes avenue, boulevard, road, highway, freeway, parkway, lane, viaduct, and any other ways used or intended to be used by vehicular traffic or pedestrians whether public or private, but shall not include an alley. Unless the existing streets are officially classified, the following general classifications will prevail:

- A. **Arterial Street: Highway** - A street or road that is used primarily for fast or heavy traffic including all roads classified as main and secondary highways by the Department of Transportation.
- B. **Collector Street** - A street that carries traffic from minor streets to the major system or arterial streets, including the principal entrance or circulation streets of a residential development and all streets within industrial and/or commercial subdivisions or developments.
- C. **Local Street** - A street that is used primarily for access to abutting properties.
- D. **Cul-de-sac** - A street intersecting another street at one end and terminating at the other in a vehicular turnaround.

- E. **Non-Residential Street** - A street designed to serve and give access to commercial, industrial, public and other non-residential uses.

Subdivision - The division or re-division of a lot, tract or parcel of land by any means into two or more lots, tracts, parcels or other divisions of land including changes in existing lot lines for the purpose, whether immediate or future, of lease, petition by the Court for distribution to heirs or devisee, transfer of ownership or building or lot development. Provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten acres, not involving any new street or easement of access or any residential dwelling, shall be exempted. A "land development", as defined herein, shall also be considered to be a subdivision.

- A. **Subdivision, Lot Addition** - Lot addition subdivisions involve parcels of land that may or may not meet all of the requirements of a lot as defined by this Ordinance. Lot addition subdivisions allow owners of land to subdivide land and convey such subdivisions to adjacent property owners. The subdivision shall not create a "non-conforming lot" of the residual tract after subdivision. The lot created by the subdivision shall be conveyed to the adjoining property Owner and shall be considered to be an extension of that property Owner's original lot (See Sections 3.502 and 7.302.7.).
- B. **Subdivision, Major** - Any subdivision or land development that does not qualify as a Minor Subdivision.
- C. **Subdivision, Minor** - A lot addition, a subdivision and/or a land development of a single lot existing on the date of adoption of this Ordinance into six or fewer lots or dwelling units for the exclusive purpose of residential or agricultural use, provided such lots or units of land thereby created shall have frontage on an existing improved public street or private street, and provided further there is not created by the subdivision or land development any new streets. (See Sections 3.501 and 7.302.7)

Subdivision Officer - The specific person designated by the Board of Supervisors to perform all of the administrative duties required by this Ordinance.

Substantially Completed - Where, in the judgment of the Township engineer, at least 90% (based on cost of the required improvements for which financial security was posted) of those improvements required as a condition for final approval have been completed in accordance with the approved plan, so that the project will be able to be used, occupied or operated for its intended use.

Township Engineer - A professional engineer licensed as such in the Commonwealth of Pennsylvania, duly appointed as the engineer for Brown Township.

Traditional neighborhood development - an area of land developed for a compatible mixture of residential units for various income levels and nonresidential commercial and workplace uses, including some structures that provide for a mix of uses within the same building. Residences, shops, offices, workplaces, public buildings, and parks are interwoven within the neighborhood so that all are within relatively close proximity to each other. Traditional neighborhood development is relatively compact, limited in size and oriented toward pedestrian activity. It has an identifiable center and a discernible edge. The center of the neighborhood is in the form of a public park, commons, plaza, square or prominent intersection

of two or more major streets. Generally, there is a hierarchy of streets laid out in a rectilinear or grid pattern of interconnecting streets and blocks that provides multiple routes from origins to destinations and are appropriately designed to serve the needs of pedestrians and vehicles equally.

Traffic Impact Study - A report analyzing anticipated roadway conditions with and without an Applicant's development.

Travel Trailer - A vehicle, less than 36 feet in length, standing on wheels, and containing not more than one dwelling unit that may be used for temporary living or sleeping purposes, and not intended for occupancy for more than 100 days during anyone year.

Zoning Ordinance - The Zoning Ordinance enacted by the elected officials of Brown Township pursuant to the provisions of the Pennsylvania MPC.

ARTICLE 3

PLAN SUBMISSION PROCEDURES

The following procedures shall be observed by all Applicants:

3.100 GENERAL PROCEDURE APPLICABLE TO THE SUBMISSION OF ALL PLANS

It is the intent of the Board of Supervisors to expedite the receipt and processing of plans so as to reduce delays that may result in increased costs or inconvenience to the Applicant or to the Township. The procedure set forth below establishes maximum time limits permissible under State Law but the Board of Supervisors, when possible, will attempt to complete its reviews and approvals in a timelier manner.

- 3.101 Required Plans - Preliminary and Final Plans and other required supporting data for all proposed subdivisions and land developments shall be submitted by the Applicant to the Township for review. In addition, prior to submitting the official Preliminary Plan for review, the Applicant may prepare a Sketch Plan for informal discussion with the Township.
- 3.102 Mifflin County Planning Commission and Other Agency Reviews - Copies of all plans submitted to the Township shall be submitted by the applicant or applicant's designated representative to The Mifflin County Planning Commission, as well as other appropriate agencies for review and comment.
- 3.103 Consideration of Plans - Subdivision and land development plans and supporting data submitted to the Township will be considered at the next regularly scheduled meeting of the Brown Township Planning Commission provided that they are received at least 10 calendar days in advance of said meeting.
- 3.104 Action - The Board of Supervisors shall consider all plans submitted to determine compliance with this Ordinance and shall approve, disapprove or approve with conditions all submitted plans. After the Plan is filed, the Board of Supervisors shall act upon applications no later than 90 days following the date of the next regular meeting of the Brown Township Planning Commission that follows the date that the application is filed, provided that should the said next regular meeting occur more than 30 days following the filing of the application, the said 90 day period shall be measured from the 30th day following the day the application has been filed.
- 3.105 Notification - The Board of Supervisors shall notify the Applicant in writing no later than 15 days after the date when a decision is reached by the Board of Supervisors. When a plan is not approved, the decision of the Board of Supervisors shall specify the defects found in the plan and shall cite the provisions of the Ordinance that have not been met.
- 3.106 Conditional Approvals - If the preliminary or final plan is approved, subject to conditions, then the Applicant shall either accept or reject such conditions in writing within a period of 15 days of receipt of such conditions. Any conditional approval shall be rescinded automatically if the Applicant fails to accept or reject such conditions within the 15-day time period established above.
- 3.107 Time Extension - Failure of the Board of Supervisors to render a decision and communicate it to the Applicant within the time and in the manner required herein shall be

deemed an approval of the application in terms as presented unless the Applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

- 3.108 Public Hearing - Before acting on any Preliminary or Final Plan, the Board of Supervisors may hold a public hearing thereon after public notice.
- 3.109 Sketch Plan - Sketch Plans are not required by this Ordinance, but it is recommended that the Applicant submit such a plan in order to establish, at an early stage in the planning of the Subdivision or Land Development, the basic conditions required for the approval of a Preliminary and a Final Plan.
- 3.110 Preliminary Plan - All major subdivision and land development plans filed with the Township shall be considered the official Preliminary Plan. Said Preliminary Plan shall be reviewed to determine compliance with these regulations and said plan shall be approved, approved with conditions or rejected or disapproved and the Applicant notified accordingly. However, the Applicant may proceed to final action at the first consideration of a plan for a minor subdivision in accordance with the definition herein and the procedure set forth in Section 3.500.
- 3.111 Final Plan - After approval of the Preliminary Plan, the Final Plan for the entire subdivision or land development or a Final Plan for a section or stage of development, which has been prepared in accordance with the approved Preliminary Plan, shall be submitted by the Applicant to the Township. Said Final Plan shall be reviewed to determine compliance with these regulations and said plan shall be approved, approved with conditions, rejected or disapproved and the Applicant notified accordingly.

3.200 REVIEW FEES

Fees for the review and processing of subdivision and land development plans to determine compliance with this Ordinance shall be charged to the Applicant in accordance with the fee schedule adopted by separate Resolution by the Board of Supervisors. Said Resolution may be amended from time to time by the Board of Supervisors.

3.300 OFFICIAL PLAN APPLICATIONS

3.301 Preliminary Plan

- A. Preliminary Plans and supporting data shall comply with the provisions of Article 7 of this Ordinance.
- B. Five copies of the Preliminary Plan shall be submitted by the Applicant to the Township. Additional copies may be requested if required for submission or reference to other appropriate agencies. The Subdivision Officer shall distribute copies of the plan to the following:
 1. Brown Township Planning Commission.
 2. Brown Township Sewer Authority.

3. Township Engineer.
 4. Township Solicitor.
 5. Other appropriate persons or agencies.
- C. The applicant shall transmit copies of the Preliminary Plan and supporting data to the following agencies in number as specified by the agency:
1. Mifflin County Planning Commission
 2. Mifflin County Conservation District
 3. Other appropriate agencies, such as: Mifflin County Conservation District, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, or other agencies affected by or having an interest in the plan.
- D. The Board of Supervisors shall not approve a Preliminary Plan until comments from the Mifflin County Planning Commission are received or until the expiration of 30 days from the date the application was forwarded to the county.
- E. The Board of Supervisors shall consider any recommendation made by the Brown Township Planning Commission before taking official action.
- F. The official action and decision of the Board of Supervisors shall be in writing and shall be forwarded to the Applicant at his/her last known address, not later than 15 days following such action. In the case of a rejection or disapproval of the plan, the Board of Supervisors shall specify the defects of the plan and the requirements of this Ordinance that have not been complied with.
- G. Approval of the Preliminary Plan, subject to conditions, revisions, and modifications as stipulated by the Board of Supervisors, shall constitute conditional approval by the Board of Supervisors of the plan as to the character and intensity of the development and the general layout and appropriate dimensions of streets, lots, and other proposed features, and such approval shall entitle the Applicant to submit plans for final review.
- H. Approval of Plats. The Board of Supervisors shall act upon the application not later than ninety (90) days following the date of the first regular meeting of the Brown Township Planning Commission following the date the plan is filed or after an order of court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the plan, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the plan has been filed.

3.302 Final Plan

- A. A Final Plan with supporting data shall be submitted within one year after approval of the Preliminary Plan by the Board of Supervisors; provided that an extension of time may be granted by the Board of Supervisors upon written request for a valid reason presented by the Applicant. Otherwise, the plan submitted may be considered as a new Preliminary Plan.
- B. The Final Plan shall conform in all important respects with the Preliminary Plan as previously approved by the Board of Supervisors and shall incorporate all

modifications and revisions specified by the Board of Supervisors in its conditional approval of the Preliminary Plan. The Board of Supervisors may accept a Final Plan that has been modified to reflect changing conditions since the time of Preliminary Plan approval. Other modifications, not previously submitted to and considered by the Board of Supervisors, may be sufficient cause for considering the plan to be a revised Preliminary Plan.

- C. The Board of Supervisors may permit submission of the Final Plan in sections or stages, each covering a portion of the entire proposed subdivision as shown on the Preliminary Plan, except that the first stage shall be submitted within one year after approval of the Preliminary Plan as required in Section 3.302 A.
- D. The Board of Supervisors may require that any Final Plan or any section or stage of a Final Plan not completed within five years from the date of Preliminary Plan approval, as required by Section 1.205, shall require a new Preliminary Plan submission to reflect changing conditions or legal requirements that may affect the subdivision or land development unless an extension of this five-year limit is granted by the Board of Supervisors upon written request.
- E. The Final Plan and supporting data shall comply with the provisions of Articles 7 and 8 of this Ordinance. Failure to do so may be sufficient cause for tabling or rejecting the plan.
- F. Five copies of the Final Plan with supporting data shall be submitted to the Township. Additional copies may be requested if required for submission or reference to other appropriate agencies. The Subdivision Officer shall distribute copies of the plan to the following:
 - 1. Brown Township Planning Commission.
 - 2. Brown Township Sewer Authority.
 - 3. Township Engineer.
 - 4. Township Solicitor.
 - 5. Other appropriate persons or agencies.
- G. The applicant shall transmit copies of the plan and supporting data to the following agencies in number as specified by the agency:
 - 1. Mifflin County Planning Commission
 - 2. Mifflin County Conservation District
 - 3. Other appropriate agencies, such as: Mifflin County Conservation District, Pennsylvania Department of Transportation, Pennsylvania Department of Environmental Protection, or other agencies affected by or having an interest in the plan.
- H. The Board of Supervisors shall not approve a Final Plan until comments from the Mifflin County Planning Commission are received or until the expiration of 30 days from the date the application was forwarded to the county.

- I. The Board of Supervisors shall consider any recommendation made by the Brown Township Planning Commission before taking official action.
- J. Such actions shall include approval, approval with conditions, or disapproval, with reasons for disapproval specifically stated. Approval by the Board of Supervisors shall be subject to the satisfactory resolution of all applicable Plan Requirements, and/or any conditions set by the Board of Supervisors, and when applicable, the execution of a development agreement as required in Article 8.
- K. The official action and decision of the Board of Supervisors shall be in writing and shall be forwarded to the Applicant personally or to his/her last known address not later than 15 days following such action. In the case of a rejection or disapproval of the plan, the Board of Supervisors shall specify the defects of the plan and the requirements of this Ordinance that have not been complied with.
- L. When the Board of Supervisors has approved the Final Plan, and when all other approvals, conditions and agreements required herein, including the provisions of Sections 8.200, 8.300 and 8.400, as required herein, have been satisfied, the Chairman and Secretary of the Board of Supervisors shall endorse four copies of the approved Final Plan to that effect. The endorsed copies of the approved Final Plan shall each become the "Final Record Plan". One copy of the endorsed Final Record Plan shall be kept in the Township files, and the other two copies returned to the Applicant. Additional copies may be endorsed to meet the needs of the Applicant and other agencies.
- M. The effective date of Final Plan approval shall be the date when the Final Plan is endorsed as set forth in Subsection I. above.
- N. Approval of Plats. The Board of Supervisors shall act upon applications not later than ninety (90) days following the date of the first regular meeting of the Brown Township Planning Commission following the date the plan is filed or after an order of court remanding an application, provided that should the said next regular meeting occur more than thirty (30) days following the filing of the plan, the said ninety (90) day period shall be measured from the thirtieth (30th) day following the day the plan has been filed.

3.303 Conditional Approvals - If the preliminary or final plan is approved, subject to conditions, then the Applicant shall either accept or reject such conditions in writing within a period of the 15 days of receipt of such conditions. Any conditional approval shall be rescinded automatically if the Applicant fails to accept or reject such conditions within the 15-day time period established above.

3.400 RECORDING OF FINAL PLAN

The Applicant shall record two copies of the approved Final Plan in the office of the Mifflin County Recorder of Deeds within 90 days of final approval or 90 days after the date of delivery of an approved plot signed by the Board of Supervisors, following completion of conditions imposed for such approval, whichever is later. The copy of the Final Plan filed for recording shall be known as the Final Record Plan. It shall be a clear and legible document in a form as required by the Mifflin County Recorder of Deeds, bearing the original required endorsements

of approval of the Board of Supervisors and evidence that the plan has complied with the requirement of the Pennsylvania MPC and the PA Sewage Facilities Act 537. Failure to record the Final Record Plan as required herein shall render all approvals null and void.

The Board of Supervisors may extend said 90-day limit if requested in writing.

The Applicant shall provide the Township with a copy of the plan bearing the recording information of the Mifflin County Recorder of Deeds office.

3.500 PLANS EXEMPTED FROM STANDARD REVIEW PROCEDURES

A simplified procedure for the submission and approval of subdivision and land development plans may be utilized when the following conditions exist:

3.501 Minor Subdivisions - The Applicant of a minor subdivision, as defined herein, may elect to omit the Preliminary Plan application review set forth above provided such proposal is on an existing street and no new streets are involved. A minor subdivision is a final plan and shall be processed in accordance with Sections 3.302 and 7.300.

3.502 Lot Additions - When a lot addition is being created, information on both the parent and recipient tracts are required. The information can be in the form of a complete survey for both parcels, or a partial survey with deed and/or tax parcel data to insure what the size of the existing parcels is before the approval of the lot addition as well as the new lot configurations after the merger has occurred (see Section 7.302.A.7.).

A. Lot Addition Subdivision or a Lot Line Adjustment shall not be required to show the following Final Plan requirements:

1. 7.302.A.11.
2. 7.302.A.18.
3. 7.302.A.23.
4. 7.302.A.36
5. 7.302.B.5.
6. 7.302.B.6.
7. 7.302.B.9.

B. An inset map shall be required for lot additions and where subdivisions are not directly connected to a public road system. An inset map is a general location map of sufficient size and detail for the Board of Supervisors to readily determine geographically where the subdivision or lot addition is proposed.

C. Any Applicant desirous of following this procedure may also first submit a Sketch Plan as set forth in Section 3.106 in order to expedite the preparation of the Final Plan.

3.503 Agricultural Parcels - The division of land, by lease, for agricultural purposes into parcels of more than 10 acres and not involving any new street or easement access is exempted from the provisions of this Ordinance, except that this shall not apply to agricultural subdivisions that are also used for other purposes such as for recreation, seasonal residential, commercial, industrial or other non-agricultural activities.

3.504 Other Exemptions - Certain "land developments", as set forth in the definition of land development included herein, have been exempted from the provisions of this Ordinance.

ARTICLE 4
DESIGN STANDARDS

4.100 APPLICATION

This Article sets forth certain minimum Design Standards that shall apply to all Subdivisions and Land Developments and that shall govern the layout and location of physical features included in any Plan. See also Article 6 regarding when certain improvements must be provided.

4.200 DESIGN STANDARDS DETAILS

4.201 Conformance with Other Requirements - All subdivisions and land developments shall comply fully with all Federal, State, County, Township and other applicable laws and regulations. Evidence of the receipt of any permits or approvals required by such laws and regulations shall be submitted by the Applicant and shall be a condition of the approval of any plan submitted under this Ordinance. Where such other laws and regulations are more restrictive than those contained herein, such other regulations shall be observed unless specifically stated otherwise herein.

4.202 General Design Standards and Comprehensive Plan Requirements

- A. Land shall be suited to the purpose for which it is to be subdivided. Land that is unsafe or unsuited for development due to flooding, wetlands, subsidence, caverns and sinkholes, underground fires, open quarries, unconsolidated fill, steep slopes or other hazardous conditions shall not be subdivided unless proper safeguards are provided by the developer and approved by the Board of Supervisors.
- B. Consideration shall be given in the design of all land developments and subdivisions to the future development needs of the Township and to any objectives established in any Township comprehensive or master plan for land use, streets and thoroughfares, public utilities and facilities and to other governmental plans affecting the subdivision or land development.
- C. All subdivision and land development plans shall conform with any officially adopted Zoning Ordinance or Official Map concerning the area.
- D. No subdivision or land development plan shall create a "nuisance" for any abutting property, the neighborhood in which the plan is proposed or for the Township as a whole. The Board of Supervisors shall determine if a "nuisance" is being created by the Plan, as defined by applicable laws and regulations.
- E. In reviewing subdivision and land development plans, the Board of Supervisors will consider the adequacy of existing or proposed community facilities to serve the additional dwellings or uses proposed by the subdivision.
- F. Areas may be required to be provided or reserved for such community facilities and these should be adequate to provide for building sites, landscaping and off-street parking as appropriate to the use proposed.

- G. The layout of the proposed subdivision shall be in general conformity with the features or developments proposed in any officially adopted plan of the Township.
- H. All plan proposals shall be coordinated with existing and proposed development on adjoining or adjacent land.
- I. Unless specifically set forth herein design standards for streets and driveways shall be as set forth in the latest edition of PennDOT publication entitled "Guidelines For Design Of Local Roads and Streets - Publication 70".

4.203 Environmental Protection Standards

- A. In the design of any subdivision and land development, the Board of Supervisors shall require that maximum consideration be given to the preservation and protection of the natural environment so as to safeguard the public health, safety and welfare of all residents of the Township and to minimize any adverse effects resulting from the proposed development.
- B. Where the development may create an environmental problem that affects the public health, safety or welfare, the Board of Supervisors may require and the Applicant shall present a plan indicating the specific manner in which the problem will be minimized or eliminated, as further set forth in Section 4.203 C. below. No Preliminary or Final Plan application shall be considered effective until such a required environmental plan has been submitted. The Board of Supervisors may refer such a plan to any appropriate governmental or other agency or authority qualified to review and/or determine if the plan meets the requirements and objectives of this Ordinance and the requirements of any other Federal, State, County, Township, or other applicable law or regulation.
- C. Environmental factors for which the Board of Supervisors may require a plan include but are not limited to the following:
 - 1. Erosion and sedimentation control for which a plan is required as set forth in Section 4.213.
 - 2. Topsoil conservation and protection.
 - 3. Identification and preservation of wetland areas.
 - 4. Avoidance of drainage problems.
 - 5. Natural and historic feature preservation.
 - 6. Adequate provision of utilities in accordance with Sections 4.211 and 4.212.
 - 7. Sewage system for which a plan may be required in accordance with Section 4.211.
 - 8. Protection of flood plain areas and avoidance of future flooding problems.
 - 9. Lake, stream and river frontage preservation.
 - 10. Tree preservation, removal and planting.
 - 11. Topographic and geologic factors.
 - 12. Preservation of prime agricultural land.
 - 13. Control of excessive noise.

14. Control of excess traffic created by the proposed subdivision.
 15. Where applicable, as determined by the Board of Supervisors, a reclamation and a reseeding plan may be required for mining or earth moving activities or for any use that substantially modifies the nature of the existing terrain or environment, or that is of a type identified in Subsections D., E., and F. below.
- D. No subdivision or land development plan shall be approved if it creates any dangerous, injurious, noxious, fire, explosive, radioactivity, chemical storage, environmental or other hazard; noise or vibration; smoke, dust, dirt, or other form of air, solid waste or water pollution; electrical, glare, traffic congestion or other objectionable disturbance of a temporary or permanent or recurring nature that will adversely affect the surrounding area or premises, or be dangerous to public health and safety. The Board of Supervisors may determine compliance with this section based on the following:
1. Data and information submitted by the Applicant.
 2. Where such data and information is not sufficient to reach a determination, the Board of Supervisors may require additional information from the Applicant.
 3. The Board of Supervisors may also require detailed expert review of all such plans to determine compliance in accordance with established standards or with regulations of applicable governmental agencies.
 4. No major subdivision or land development plan shall be approved if it creates an adverse impact on air quality, electromagnetic interference, lighting, noise, or glare and heat. The Applicant shall address each specific standard as required in Sections 4.203 G., 4.203 H., 4.203 I., 4.204 J., and 4.203 K.
- E. No subdivision or land development shall create any environmental or nuisance problems that adversely affect areas that are predominately used for residential purposes.
- Such problems shall consist of the keeping of livestock in or near residential areas, or buildings, or the conversion of a barn, shed, or other building for a use involving the keeping of livestock near or in residential areas, operations resulting in excessive noise, odors, pollution, dangerous chemical storage conditions or other operations or uses resulting in unsafe, dangerous, toxic or other conditions adversely affecting the health and welfare of nearby residents.
- Conversions of land or buildings, or new construction of single family residential buildings or other buildings that include barns or other buildings designed for the keeping of livestock that would result in the creation of the types of problems set forth in Subsections D. and F. shall be considered as "land developments" as defined in this Ordinance subject to all applicable requirements of herein.
- F. Timber foresting, harvesting, and logging operations shall be subject to all applicable DEP, County Conservation District or other existing State or Federal regulations.
- G. Air Pollution. To protect and enhance the air quality in the Township, all sources of air pollution shall comply with any and all regulations set forth by the Federal

Environmental Protection Agency and Pennsylvania Department of Environmental Protection. In addition, the following shall apply:

1. Odor. For major subdivision plans and/or land development plans, no odor shall be permitted at any lot line exceeding the lowest amount set forth in Table III, Odor Thresholds, of Chapter 5, Physiological Effects, of the Air Pollution Abatement Manual of the Manufacturing Chemists Association, according to the latest edition of such table for the compounds therein described. For compounds not described in Table III, odor thresholds may be established by methods indicated in Chapter 5 of the manual, and no odor shall be permitted at any lot line exceeding the amount determined by the application of such methods.
2. Smoke. For the purposes of grading the density or equivalent opacity of smoke, the Ringlemann No. 1 from any chimney, stack, vent, opening or combustion process is prohibited; however, smoke of a shade not to exceed Ringlemann No. 3 is permitted for up to three minutes total in any one eight-hour period.
3. Particulate Matter.
 - a. The rate of particulate matter emission from all sources within the boundaries of any lot shall not exceed a net figure of one pound per acre of lot area during any one-hour period, after deducting from the gross hourly emission per acre the correction factors set forth in the following table:

| Height of Emission Above Grade (feet) | Correction (pounds per hour per acre) |
|--|---|
| 50 | 0.01 |
| 100 | 0.06 |
| 150 | 0.10 |
| 200 | 0.16 |
| 300 | 0.30 |
| 400 | 0.50 |

Note: Interpolation for intermediate values not shown in table.

- b. Determination of the total net rate of emission of particulate matter within the boundaries of any lot shall be made as follows:
 - 1) Determine the maximum emission in pounds per hour from each source of emission and divide this figure by the number of acres of lot area, thereby obtaining the gross hourly rate of emission in pounds per acre.
 - 2) From each gross hourly rate of emission derived in Subsection 3.a. above, deduct the correction factor (interpolating as required) for height of emission set forth in the table, thereby obtaining the net rate of emission in pounds per acre per hour from each source of emission.
 - 3) Add together the individual net rates of emission derived in Subsection 3.b. above to obtain the total net rate of emission from all sources of emission within the boundaries of the lot; such total shall not exceed one pound per acre of lot area during any one-hour period.

- H. Electromagnetic interference. No use, activity or process shall be conducted that produces electric and/or magnetic fields that adversely affect public health, safety and welfare, including but not limited to interference with normal radio, telephone or television reception from off the premises where the activity is conducted.
- I. Glare and Heat. Any operation producing intense glare or heat shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare or heat completely imperceptible from any point along the property line. No heat from any use shall be sensed at any property line to the extent of raising the ambient temperature of air or materials more than 5° Fahrenheit. Any operation or activity that produce glare shall be conducted so that direct or indirect light from the source shall not cause illumination in excess of five-tenths footcandles measured at the property line.
- J. Lighting. Exterior lighting, except for overhead street lighting and warning, emergency, or traffic signals, shall be installed in accordance with Subsection 3. below, in such a manner that the light source will be sufficiently obscured to prevent glare on public streets and walkways or into any residential area. The installation or erection of any lighting that may be confused with warning signals, emergency signals or traffic signals shall be unlawful. Any lighting that produces glare shall not cause illumination in excess of five-tenths footcandles measured at the property line.
 - 1. Measurement. Lighting levels shall be measured in footcandles. Measurement shall be taken with a direct reading portable light meter or light-reading equipment recommended by the Township Engineer.
 - 2. Method. Readings shall be taken by qualified personnel so that the light-reading meter has been exposed long enough to provide a constant reading. Measurements shall be made after dark with the light sources in question on, then with the same sources off. The difference between the two readings shall be compared to the maximum permitted illumination at the property line at ground level. This procedure eliminates the effects of moonlight and other ambient light.
 - 3. Lighting shall be required in all major subdivision plans and land development plans. These lighting requirements provide appropriate standards to ensure adequate nighttime safety and security while minimizing the spillover of light and glare on operators of motor vehicles, pedestrians and land uses near the light source. The safety, welfare, nuisance, and hazardous aspects of lighting form the basis of these regulations.

- a. Requirements. Exterior lighting shall be provided in parking areas, pedestrian sidewalks and walkways and nonresidential driveway intersections in accordance with the following standards. Lighting used for security purposes shall also conform to the following standards. All luminaires used for exterior lighting shall be full cutoff, as classified by the Illuminating Engineering Society of North America (IESNA) and shall meet the following:

| | Maximum Permitted Illumination (footcandles) | Maximum Permitted Height of Luminaire |
|----------------|--|---------------------------------------|
| Residential | 1.0 | 25 feet |
| Nonresidential | 3.0 | 40 feet |

4. Exemptions.

- a. Because of their unique requirements for nighttime visibility and their limited hours of operation, public and private recreational uses such as ball diamonds, playing fields, tennis courts and volleyball courts are exempt from the above requirements. These uses must meet all other requirements of this Section.
- b. Outdoor public and private recreational uses specified above shall not exceed a maximum permitted post height of 80 feet.

Luminaires for outdoor public and private recreational uses need not be full cutoff, provided that the luminaires are shielded to prevent light and glare spillover to adjacent residential uses. The maximum permitted illumination at the interior buffer yard line shall not exceed two footcandles.

5. Additional requirements.

- a. Flickering or flashing lights shall not be permitted.
- b. The location and type of lighting required by this Section shall be shown on the site plan submitted for development.
- c. Low-level pedestrian lighting for sidewalks should be provided as necessary for safety. Low-level sidewalk illumination for nonresidential uses shall be between 0.5 to 1.0 footcandles. Low-level sidewalk illumination for residential uses shall be between 0.2 and 0.3 footcandles.

- K. Noise. For all major subdivision plan and land development plans, the sound-pressure level for all uses and activities shall not exceed the decibel limits in the octave bands designated in the following table and shall comply with the following standards:

1. Permitted decibel levels. At no point at or beyond the property line shall the measured sound level exceed the maximum permitted sound levels designated in the table below:

Maximum Permitted Sound Level in Decibels along the Property Line

| Octave Band Cycles Per Second | Residential Districts | Nonresidential Districts |
|----------------------------------|--------------------------|-----------------------------|
| 0 to 75 | 67 | 73 |
| 75 to 150 | 62 | 68 |
| 150 to 300 | 58 | 64 |
| 300 to 600 | 54 | 60 |
| 600 to 1,200 | 49 | 55 |
| 1,200 to 2,400 | 45 | 51 |
| 2,400 to 4,800 | 41 | 47 |
| Over 4,800 | 37 | 43 |

2. Measurement. Sound levels shall be measured with a sound-level meter and associated octave band filter manufactured in accordance with the American National Standards Institute (ANSI). Noises capable of being measured shall be those noises that cause rapid fluctuations of the sound-level meter with a variation of no more than plus or minus two decibels. Noises incapable of being measured, such as those of irregular and/or intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.
3. Exemptions. The following activities or sources are exempt from these noise standards:
 - a. Activities covered by the following: stationary signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purpose, operating motor vehicles, and refuse collection vehicles
 - b. The unamplified human voice
 - c. The lowing of cattle, the clucking of fowl, the neighing of horses or other normal sounds of reasonable cared for agricultural animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation
 - d. Aircraft operations
 - e. Construction or routine maintenance of public service utilities
 - f. Temporary activities relating to the construction and maintenance of buildings and facilities including site preparation between 6:00 a.m. to 9:00 p.m.
 - g. Church bells or chimes
 - h. The emission of sound for the purpose of alerting persons of an emergency, or the emission of sound in the performance of emergency work
 - i. Occasionally used safety signals, warning devices and emergency pressure relief valves

4.204 Street System Layout and Design Standards Street systems shall conform to the regulations contained within this Ordinance and to those within the Brown Township Road Resolution. Where the regulations of this Ordinance conflict with those of the Road Resolution, the Road Resolution regulations shall prevail.

If the Zoning Ordinance sets forth street system layout and design regulations based on a specific development scheme (such as a Traditional Neighborhood Development) then those regulations shall prevail if they conflict with regulations contained within this Section.

A. General Design Standards

1. Proposed streets shall conform to such Township and state street and highway plans, and Township comprehensive plans as have been prepared, adopted, and/or filed as prescribed by law.
2. New streets shall be connected with streets of similar function, to form continuations thereof.
3. Wherever there exists a dedicated or platted area reserved for future street usage along the boundary of a tract being developed, the adjacent street shall be extended into the proposed project.
4. Local streets shall be laid out to discourage use by through traffic.
5. A rigid rectangular street pattern need not be adhered to; the use of curvilinear streets may be provided when their use will result in a more desirable layout.
6. Where a development abuts an existing or proposed major street, the Board of Supervisors may require the use of marginal access streets, reverse frontage lots or such other treatment that will provide protection for abutting properties, reduce the number of intersections with the major street and separate the local and through traffic.
7. If lots resulting from original subdivision are large enough to permit re-subdivision or if a portion of the tract is not subdivided, adequate rights-of-way for streets and other required improvements shall be provided as necessary to permit further subdivision.
8. All streets shall be arranged to conform as closely as possible to the original topography.
9. Streets shall be laid out to provide convenient and safe access to the property.
10. Streets shall be logically related to the topography so as to produce reasonable grades, satisfactory drainage and suitable building sites.
11. As a minimum, all new streets shall be graded to the right-of-way line. All cut and fill slopes associated with the construction of the streets, within or beyond the limits of the street right-of-way, shall not exceed a maximum of a 3:1 slope.
12. Where a proposed subdivision abuts an existing Township street that has a substandard right-of-way, the Board of Supervisors may require dedication of additional right-of-way along the frontage of the new lots being subdivided, unless the Applicant has requested a waiver in accordance with Section 9.200. If

the residual lot cannot be further subdivided, the Board of Supervisors may require dedication along the entire frontage of the property.

13. Wherever a tract to be subdivided borders an existing half or partial street, the other part of the street shall be constructed and/or improved within such tract in accordance with the standards of this Ordinance.
14. New reserve strips, including those controlling access to streets, shall be avoided.
15. All street names and numbering of lots or units shall meet Section 4.204.C.
16. Sidewalks shall be required for streets where the following are met:
 - a. To continue existing sidewalks from adjoining subdivisions and land developments.
 - b. To provide access to community facilities.
 - c. To serve commercial/industrial or mixed use development.
 - d. To serve medium density residential development
 - e. Where the Board of Supervisors determines sidewalks are necessary for public safety. The Board of Supervisors will review the recommendation of the Brown Township Planning Commission in making this determination.
 - 1) The minimum width of all sidewalks and pathways shall be four (4) feet. Minimum construction standards for sidewalks shall be in accordance with PennDOT Form 408 specifications and the Federal ADA accessibility requirements.

B. Private Streets

1. Private streets shall be permitted at the sole discretion of the Board of Supervisors.
 - a. Private streets shall conform to the Brown Township Road Construction and Road Opening Resolution.
 - b. Development applications that propose a private street shall include the following information on the final approved plan that will be recorded with the Mifflin County Recorder's Office:
 - 1) A note that the private street shall be constructed and maintained to conform to the provisions of this Ordinance and that improvement and continued maintenance shall be the responsibility of the Applicant or property owners using the private street. The Township shall assume no responsibility for maintenance of the private street.
 - 2) A turn-around with a sufficient width to allow passenger vehicles, delivery trucks, and emergency vehicles adequate area to turn-around without having to use a private driveway.
 - c. The following note shall be included on all subdivision and land development plans proposing the use of private streets: "The owners of lots _____ agree and understand that _____ Road is a private road, and, as such, the owners are responsible for maintenance, care,

improvements, and snow removal at their own diligence and expense. Further, if at any time in the future, the property owners adjacent to this road desire to dedicate said road to Township ownership, then such owners shall be required at their own expense to improve said road to meet the public road and street specifications of the Township in place at such time. The maintenance and use of said private road shall be in accordance with the private road maintenance and use agreement recorded in Deed Book _____ Page _____ of the Mifflin County Recorder of Deeds Office.”

- d. For all private streets, a maintenance agreement shall be submitted with the final plan. The maintenance agreement shall include the method of assessing maintenance and repair costs.
- C. Traffic Signs, Street Names, and Street Addressing. In order to have proper installation of traffic control signs, continuity in street addressing, and prevent conflicting and similar street names, the following requirements shall be utilized:
1. Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets.
 2. Street names shall not be repeated within the Township.
 3. Street name signs shall be provided and installed by the developer at all intersections and shall identify both intersecting streets and their design shall be approved by the Township.
 4. Regulatory signs shall be provided and installed by the developer at all locations identified by a traffic engineering study prepared by the developer and in accordance with PennDOT Publication 201, Engineering Traffic Studies, as amended.
 5. Traffic signs shall be approved by the Township and shall be supplied and installed by the developer in accordance with Township regulations; PennDOT Publication 68, Official Traffic Devices; and the MUTCD, Manual on Uniform Traffic Control Devices, FHWA, as amended.
 6. All traffic signs shall be installed by the developer prior to the occupancy of any units within the project.
 7. Sequential and proper street addressing is a public safety issue. Street addressing should be consistent and not duplicate other addresses in the same block.
 8. Prior to final approval of the subdivision, street names, address ranges, and individual addresses must be approved by the Township, the Mifflin County GIS Department.
- D. Guiderail
1. Streets shall be designed to preclude or minimize the need for guide rail. The Board of Supervisors may, however, require guide rail to be placed for protection on embankments when a barrier is indicated as warranted in Design Manual Part 2 Highway Design by PennDOT, January 1990 edition, as amended.

2. The design and selection of guide rail shall generally be in accordance with the standards in Design Manual Part 2 Highway Design, January 1990 edition, as amended, however, the Township shall approve all guide rail systems.

E. Cul-de-sac and Dead-End Streets

1. A cul-de-sac shall not be permitted when a through street is feasible.
 - a. The feasibility of a through street will be based on the following:
 - 1) Physical features of the tract proposed for development;
 - 2) The potential for extension of the street to adjoining lands;
 - 3) Restrictions imposed by other government regulations; and,
 - 4) The ability of the design to meet all other requirements of this Ordinance.
 - b. When cul-de-sac streets are proposed, the application shall be accompanied by a written analysis of the merits of the design and the reasons that a through street would not be feasible.
 - c. Approval of cul-de-sac streets shall be at the sole discretion of the Board of Supervisors.
2. Where any adjacent stub street is not proposed for extension as a through street, the Developer shall construct a cul-de-sac in compliance with the provisions of the Road Resolution.
3. Permanent cul-de-sac streets shall be designed as follows:
 - a. Minimum length - two hundred fifty (250) feet;
 - b. Maximum length - one thousand five hundred (1,500) feet, but no more than 20 lots shall be accessed by a permanent cul-de-sac;
 - c. The length of the cul-de-sac street shall be measured from the centerline intersection of the intersecting street to the center of the cul-de-sac turn-around;
 - d. Permanent cul-de-sac streets must be provided with paving and right-of-way in accordance with the Road Resolution;
 - e. Drainage of cul-de-sac streets shall preferably be toward the open end. If drainage is toward the closed end, water shall be conveyed away in an underground storm sewer or by other means approved by the Board of Supervisors. The minimum grade on cul-de-sacs shall be designed to ensure a minimum of one (1) percent along the curb line to the designed low points. The maximum grade on cul-de-sacs shall not exceed ten (10) percent; and
4. Temporary cul-de-sac streets shall be designed as follows:
 - a. Minimum length - two hundred fifty (250) feet;
 - b. Maximum Length - one thousand five hundred (1,500) feet in length;
 - c. Unless future extension is clearly impractical or undesirable, the turn-around right-of-way shall be placed adjacent to the tract boundary with sufficient

additional width provided along the boundary line to permit extension of the street at full width;

- d. Temporary cul-de-sacs shall be designed to the same cartway width and drainage criteria as required for permanent cul-de-sacs; and,
 - e. Temporary easements shall be provided for the effected adjoining properties until such time that the street is extended.
5. Dead-end streets:
- a. Dead-end streets are prohibited unless designed as cul-de-sac streets.
 - b. The Board of Supervisors may waive the requirements of providing a turn-around for streets that are planned for future extension into adjoining tracts subject to the following requirements:
 - 1) The street will be no longer than the depth of one (1) lot; and,
 - 2) The street will not be the primary means of access to any lot or dwelling unit.
6. Any street temporarily dead-ended in order to provide for future continuation of the street into adjoining property or for authorized stage development shall be fully constructed as a temporary cul-de-sac with all utilities installed.
7. A barricade to prevent vehicular access to adjoining property shall only be constructed at the termination point of the street if no curbs exist. The barricade shall be designed and constructed in accordance with PennDOT Publication 72, Standards for Roadway Construction, RC-63, as amended.

4.205 Lot Design Standards

- A. Area and other dimensions of lots and parcels shall conform with the requirements of the Zoning Ordinance.
- B. All lots shall front on a public street, except that such frontage may be located on a private street where such private street is permitted as set forth in this Ordinance.
- C. As design guidelines, the ratio of the depth of any lot to its width shall not be greater than three to one, except as may be specified in the Zoning Ordinance
- D. Side lot lines shall be substantially at right angles or radial to street lines
- E. If remnants of land exist after subdividing, they shall be incorporated into existing or proposed lots, conveyed to a duly created property owners association, or dedicated to public use if acceptable to the Township.
- F. Double frontage lots are prohibited, except where employed to prevent vehicular access to major traffic streets.
- G. Flag Lots
 - 1. Flag lots, as defined, shall only be permitted when they will enable the preservation of some important natural or cultural feature, including productive farmland, which would otherwise be disturbed by conventional lotting techniques. Such feature(s) shall be identified on the subdivision plan along with a

statement on how conventional lotting techniques would adversely disturb such features.

2. The minimum lot area shall be as is required by the Zoning Ordinance. The flagpole shall not be used in determining the applicable minimum lot area requirement. No further subdivision of flag lot is permitted unless public streets or private streets meeting requirements of this Ordinance are provided.
3. Requirements of the flagpole.
 - a. The minimum width shall be thirty (30) feet wide measured at the right-of way line. If further subdivision of the flag is possible, the width of the flagpole shall be 50 feet wide.
 - b. The flagpole shall not exceed six hundred (600) feet in length, unless additional length is needed to avoid the disturbance of productive farmlands or some other significant natural or cultural feature.
 - c. No part of the flagpole shall be used for any portion of an on-lot sewage disposal system, nor any other improvement except a driveway and other permitted improvements such as landscaping, fencing, utility connections, mailboxes and signs.
 - d. No flagpole shall be located within two hundred (200) feet of another one on the same side of the street, unless a shared driveway is utilized.
4. Shared Driveways.
 - a. When two flag lots are proposed where the flagpole is side by side, such lots shall rely upon a shared driveway for vehicular access.
 - b. A shared driveway shall serve a maximum of two flag lots.
 - c. All shared driveways shall have a minimum width of sixteen (16) feet and cross access easement shall be required to ensure common use of, access to, and maintenance of shared driveways. Such easement shall be recorded in language acceptable to the Township, and depicted on the subdivision plan. All plans proposing shared driveways shall contain the following note: "The owners of Lots _____, which have a common driveway, agree and understand this is a shared driveway, and as such are responsible for maintenance, care, improvements, and snow removal at their own diligence and expense. The maintenance and use of said shared driveway(s) shall be included in the deeds as said lots are sold."
5. Flag lots cannot be developed on or accessed by a private street existing or proposed at the time of adoption of this ordinance, unless the private street is constructed in accordance with the Road Resolution.

4.206 Blocks

- A. The length, width and shape of blocks shall be determined with due regard to the following:
 1. Provision of adequate sites for buildings of the type proposed.

2. Zoning requirements.
 3. Topography.
 4. Requirements for safe and convenient vehicular and pedestrian circulation.
- B. Blocks shall normally have a minimum length of 750 feet or maximum length of 1200 feet. In the design of blocks longer than 1000 feet, special consideration shall be given to the requirements of satisfactory fire protection and pedestrian travel.
 - C. Residential blocks shall be of sufficient depth to accommodate two tiers of lots, except where reverse frontage lots bordering a major traffic street are used; where special superblock, cluster design, planned unit developments or other large scale, commercial or industrial developments are proposed or where topographic or other conditions prevent such a design.
 - D. Pedestrian interior crosswalks may be required where necessary to assist circulation or provide access to community facilities. Such crosswalks shall have a right-of-way width of not less than 10 feet and a paved walk of not less than four feet.

4.207 Off-Street Parking and Loading

Every type of land development or subdivision shall provide off-street parking and loading spaces in accordance with the Zoning Ordinance.

4.208 Driveways

- A. Driveway widths shall be designed to properly and safely serve the function for which they are intended. Such driveways shall not be less than 10 feet wide or greater than 30 feet wide.
- B. Driveway entrances shall be clearly defined and shall provide a minimum turning radii at the street intersection of 10 feet when serving a residential area and 30 feet when serving a non-residential development. Such turning radii shall be properly constructed in relation to the type of curb provided.
- C. The number of driveways and driveway intersections on a major street shall be minimized and avoided where possible. Permits for driveways intersecting with State roads or highways shall be secured from the Pennsylvania Department of Transportation. Such driveway intersections shall generally not be located closer than 70 feet from any street intersection right-of-way line. Driveway locations on Township roads should be coordinated with the local road master.
- D. Driveway grades shall not exceed 10% when access is to a collector or local street, or 7% when access is with a major street, except where such excess grade is required to provide adequate access to the parcel and in such cases, a 7% leveling area shall be provided within 20 feet of the street right-of-way line.
- E. Driveways shall have adequate sight distance. No lot shall be created without acceptable sight distances for a driveway.
- F. Shared driveway provisions as delineated in Section 4.205.G.4.c.

4.209 Stormwater Management

- A. Prior to the approval of any subdivision or land development plan, or the commencement of any development covered by this Ordinance, the developer shall submit a stormwater management plan to the Township for review and approval.
- A. The stormwater management plan shall conform in all ways to the Brown Township Stormwater Management Ordinance.
- C. When plan applications are submitted in sections, sufficient information shall be provided to demonstrate how the stormwater management plan for the proposed section relates to all other sections of development and to the entire development as a whole.

4.210 Easements

- A. Easements with a minimum width of 15 feet plus the width of any physical improvement, or with the minimum width of any natural swale shall be provided as necessary for all utilities and drainage facilities, including installation of "private" utility services.
- B. Above ground utilities shall be placed along the rear or side lot lines unless they exist along the street prior to the submission of the Preliminary Plan to the Township.
- C. Easements for installation of underground conduits for electric power, telephone and television cable lines shall be provided so that each lot or leased unit can be practically served.
- D. To the fullest extent possible, easements shall be centered on or adjacent to rear or side lot lines.
- E. Where a major subdivision is traversed by a water course, there shall be provided a drainage easement or right-of-way conforming substantially to the line of such water course and of such width as will be adequate to preserve natural drainage.

4.211 Water Supply and Sewage Facilities

- A. All subdivisions and land developments located within the Township shall be served with an adequate water supply system and with an adequate sewage system. Said systems shall be either approved on-lot, or publicly owned, or private central community systems.
- B. The sewer system shall meet the requirements of the "Official Sewage Facilities Plan" for Sewage Systems adopted by the Township as required by the Pennsylvania Sewage Facilities Act, as amended, and by the requirements of the PA DEP. Such facilities shall be designed in accordance with requirements of the PA DEP, the Township, and any authority having jurisdiction over such facilities, subject to the review and approval of the Township.

The Pennsylvania Code, Title 25 Environmental Resources, Section 71.32 (f) (4) indicates that the Township may not approve a subdivision plan where the Official Sewage Facilities Plan is inadequate or not being substantially implemented.

- C. Capped sewers and/or water lines shall be installed when a public sewer and/or water system will be available to serve the subdivision in a reasonable time, not to

exceed 10 years, in accordance with the "Official Sewage Facilities Plan and/or water plans", and other ordinances or requirements of the Township.

- D. Any "Supplement" or "Plan Revision of the Official Plan for Sewage Systems", as required by Pennsylvania DEP Act 537 requirements, shall be obtained by the Applicant and made a condition for the Final Approval of any subdivision or land development.

It is recommended that an application for such required "Supplements" or "Plan Revisions" be initiated by the Applicant during the Preliminary Plan phase and prior to submission of the Final Plan.

- E. All water supply systems and sanitary sewer systems located in any designated flood plain district, whether public or private, shall be flood proofed up to the regulatory flood elevation.
- F. Where an Applicant proposes to provide a water supply by means other than by private wells owned and maintained by the individual owners of lots within the subdivision then the Applicant shall present evidence to the Board of Supervisors that the subdivision or development is to be supplied by a certified public utility, a bona fide cooperative association of lot owners, or by a municipal corporation, authority or utility. A copy of a certificate of Public Convenience from the Pennsylvania Public Utility Board of Supervisors or an application for such certificate, a cooperative agreement or a commitment or agreement to serve the area in question, whichever is appropriate, shall be acceptable evidence.

4.212 Other Utilities

- A. A plan for providing all necessary utility services to the proposed subdivision and land development shall be prepared by the Applicant in cooperation with the appropriate public utility companies and governmental agencies.

Wherever possible utilities shall not be placed under the paved portion of a street and easements should be provided to facilitate utility locations in areas that will facilitate easy access to and repair of utility lines.

- B. Fire hydrants shall be required in medium density areas (density of more than three units per acre) and wherever a central water system is installed. Spacing of hydrants shall be such that no residential structure shall be farther than 600 feet and no non-residential structure shall be farther than 400 feet from a hydrant. Additional standards published by the Insurance Services Office of Pennsylvania may also be applied by the Board of Supervisors.
- C. All electric utility distribution lines, telephone, cable TV and other similar lines shall be encouraged to be installed underground in all major subdivisions or land developments.
- D. Wherever practicable, in accordance with good engineering practice, utility easements and trenches shall be occupied jointly by compatible utilities.
- E. All public and/or private utilities and facilities located in designated flood prone (100 year flood) areas, including gas and electric shall be elevated or flood proofed up to the regulatory flood elevation.

4.213 Erosion and Sedimentation Control The Department of Environmental Protection under the authority of the Pennsylvania Clean Streams Law, Act 222, requires that all Applicants proposing subdivisions and land developments requiring the movement of earth prepare a Soil Erosion and Sedimentation Control Plan and/or a NPDES permit. The Applicant shall contact the Mifflin County Conservation District for design and submission requirements. The Soil Erosion and Sedimentation Control Plan shall be prepared in accordance with the provisions of the Pennsylvania Clean Streams Law. The Board of Supervisors may require a copy of the Plan to be submitted for review and approval prior to approval of the final subdivision or land development plan.

4.214 Additional Non-Residential Requirements

- A. Commercial/Industrial/Institutional - Lot area for commercial, industrial, and institutional land uses shall be of sufficient size to incorporate all design elements of this Ordinance (parking, sewage disposal, water supply, landscaping, etc.). Concentrated Animal Operations, Concentrated Animal Feeding Operations, or similar types of operations, as defined in Act 38 of 2005 or DEP, Chapter 92 regulations, shall be setback at a minimum of 300 feet from all adjoining roads or property lines.
- B. Wherever possible, commercial and industrial parcels should include enough land to provide for a group of commercial establishments to be planned, developed and operated as a unit. Such a development shall be planned with coordinated driveways, parking areas and other common facilities. Narrow, highway ribbon developments fronting directly on a major street should be discouraged, whenever possible.
- C. Traffic movements in and out of commercial and/or industrial areas should not interfere with external traffic, nor should it create hazards for adjacent residential areas.
- D. The design of streets, service drives and pedestrian ways should provide for safe and hazard-free internal circulation.
- E. Block layout and design shall give due consideration to site conditions, to the best possible service to customers, traffic and parking circulation and pick-up and delivery services. Plans shall include the total square footage of all proposed buildings, percent of lot coverage, number of parking and loading spaces provided, and a landscaping plan as provided under Section 4.214 G. of this Ordinance, including the names, sizes, quantities, and approximate location of all proposed plant materials (trees and shrubs), if required.
- F. The total area shall be sufficient to provide adequate space for off-street parking and loading, landscaping and other facilities required to properly serve the intended use.
- G. A Landscape Plan shall be provided, and shall include suitable landscaping around buildings that shall serve as a buffer between a proposed use and adjacent residential land uses. The plan shall include the plant names, sizes, quantities, and general information for each plant proposed. Landscape screens must achieve visual blockage within two years of installation.

4.215 Solar Orientation and Energy Conservation

- A. All developers are encouraged to use recognized solar design principles and features that will maximize the use of individual building sites for passive solar building construction.
- B. Such solar principles include the following:
 - 1. Layout of streets to provide a maximum number of sites with a southern orientation to maximize solar heat gain.
 - 2. Minimum use of north facing building exposures.
 - 3. Protection of solar access.
 - 4. Landscaping to complement solar use and to promote cooling in the summer.
 - 5. Protection of trees.
 - 6. Shading for summer solar exposures.

4.216 Traffic Impact Study. All residential developments or subdivisions containing twenty (20) or more dwelling units or residential lots and all non-residential developments (with the exception of agricultural development) that generate fifty (50) or more new peak hour trips or three hundred (300) total trips per day shall provide studies and reports in accordance with the requirements of this Section. All Applicants with subdivisions and/or land developments that do not meet the above stated criteria shall submit the information required in Subsection B.4.

- A. The Applicant is responsible for assessing the traffic impacts associated with a proposed development that meets any condition set forth above. Prior to preparing a Traffic Impact Study, the Applicant shall meet with the Township for a "Scoping" session to review and discuss the overall project, development activity in the area, other prior traffic impact studies (if applicable), and other critical points related to the satisfactory completion of the Study. The Applicant shall be responsible for all data collection efforts required in preparing a traffic impact study including peak period turning movement counts. In addition, the Applicant is responsible for ensuring that any submitted development plans meet the minimum State and local standards for geometric design. The study shall be conducted only by a professional engineer that has verifiable experience in traffic engineering. Upon submission of a draft Study, the Township may review the data sources, methods and findings, and provide comments in written form. The Applicant will then have the opportunity to incorporate necessary revisions prior to submitting a final Study.
- B. Traffic Impact Study Contents. A Traffic Impact Study prepared for a specific site development proposal shall follow the basic format shown below. Additions or modifications should be made for a specific site, when appropriate. This basic format allows for a comprehensive understanding of the existing site, future conditions without the proposed use, and the impacts associated with the proposed subdivision and/or land development plan.
 - 1. Introduction. This section identifies the land use and transportation setting for the site and its surrounding area.

- a. Site and study area boundaries. A brief description of the size of the land parcel, general terrain features, legal right-of-way lines of the highway, and the location within the jurisdiction and the region should be included in this section. In addition, the roadways that afford access to the site and are included in the study area should be identified. The exact limits of the study area should be based on engineering judgment and an understanding of existing traffic conditions at the site. In all instances, however, the Developer, the Engineer, and the Township must mutually agree upon the study limits.
 - b. Site description. This section should contain a brief narrative that describes the proposed development in terms of its function, size and near and long-term growth potential. This description should be supplemented by a sketch that clearly shows the proposed development within the site boundaries, its internal traffic circulation pattern and the location and orientation of its proposed access points.
 - c. Existing and proposed site uses. The existing and proposed uses of the site should be identified in terms of the various zoning districts in the jurisdiction. In addition, identify the specific use on which the study is based since a number of uses may be permitted under the existing ordinances.
 - d. Existing and proposed nearby uses. Include a complete description of the existing land uses in the vicinity of the site as well as their current Zoning. The Applicant should also state the proposed uses for adjacent land, if known. This latter item is especially important where large tracts of undeveloped land are in the vicinity of the site and within the prescribed study area.
 - e. Existing and proposed roadways and intersections. Within the study area, describe existing roadways and intersections (geometries and traffic signal controls), as well as possible future improvements under consideration by government agencies.
2. Analysis of Existing Conditions. This section describes the results of the Volume/Capacity Analysis to be completed for the roadways and intersections in the study area under existing conditions, as well as any data collection efforts that are required.
 - a. Daily and peak hour(s) traffic volumes. Provide schematic diagrams depicting daily and peak hour(s) traffic volumes for roadways within the study area. Turning movement and mainline volumes are to be presented for the three (3) peak hour conditions (AM, PM and site generated) while only mainline volumes are required to reflect daily traffic volumes. Include the source and/or method of computation for all traffic volumes.
 - b. Volume/Capacity Analyses at critical points. Utilizing techniques described in the most current version of the Highway Capacity Manual, highway capacity software, or derivative nomographs, include an assessment of the relative balance between roadway volumes and capacity. Perform the Analysis for existing conditions (roadway geometries and traffic signal controls) for the appropriate peak hours.

- c. Level of service at critical points. Based on the results obtained in the previous section, Levels of Service (A through F) are to be computed and presented. This Section should also include a description of typical operating conditions at each level of service.
3. Analysis of Future Conditions Without Development. This Section describes the anticipated traffic volumes in the future and the ability of the roadway network to accommodate this traffic without the proposed zoning or subdivision request. The future year(s) for which projections are made will be specified by the Township and will be dependent on the timing of the proposed development.
 - a. Daily and peak hour(s) traffic volume. Clearly indicate the method and assumptions used to forecast future traffic volumes in order that the Township can duplicate these calculations. The schematic diagrams depicting future traffic volumes will be similar to those described in Subsection 4.216 B.2.a. in terms of locations and times (daily and peak hours).
 - b. Volume/Capacity Analyses at critical locations. Describe the ability of the existing roadway system to accommodate future traffic (without site development). If roadway improvements or modifications are committed for implementation, present the Volume/Capacity Analysis for these conditions.
 - c. Levels of service at critical points. Based on the results obtained in the previous section, determine Levels of Service (A through F).
4. Trip Generation. Identify the amount of traffic generated by the site for daily and the three (3) peak conditions. The trip generation rates used in this phase of the analysis shall be justified and documented to the satisfaction of the Board of Supervisors.
5. Trip Distribution. Identify the direction of travel for site-generated traffic for the appropriate time periods. The basic method and assumptions used in this work must be clearly stated in order that the Township can replicate these results.
6. Traffic Assignment. Describe the utilization of study area roadways by site-generated traffic. The proposed traffic volumes should then be combined with anticipated traffic volumes from Subsection 4.216.B.3. to describe mainline and turning movement volumes for future conditions with the site developed as the Applicant proposes.
7. Analysis of Future Conditions with Development. This section describes the adequacy of the roadway system to accommodate future traffic with development of the site.
 - a. Daily and peak hour(s) traffic volumes. Provide mainline and turning movement volumes for the highway network in the study area as well as driveways and internal circulation roadways for the appropriate time period.
 - b. Volume/Capacity Analyses at critical points. Perform a volume/capacity analysis for the appropriate peak hours for future conditions with the site developed as proposed, similar to Subsections 4.216.B.2.b. and 4.216.B.3.b.

- c. Levels of service at critical points. As a result of the Volume/Capacity Analysis, compute and describe the level of service on the study area roadway system.
 8. All highway capacity evaluations shall consider the overall intersection level of service and delay, and evaluate each approach and movement to identify any substantial values that need to be improved.
 9. Recommended Improvements. In the event that the analysis indicates unsatisfactory levels of service will occur on study area roadways, a description of proposed improvements to remedy deficiencies should be included in this section. These proposals would not include committed projects by the State and local jurisdictions that were described and reflected in the analysis. The preferred Level of Service is C; however, a lower level of service may be permitted if the existing Level of Service is less than C, provided that the permitted level shall not be lower than the existing Level of Service.
- C. In the event that the intersection/driveway accesses, which are the subject of the Study, do not warrant a traffic control device in accordance with the standards of the Pennsylvania Department of Transportation or cannot be improved to achieve a Level of Service of C due to existing physical limitations such as lack of right-of-way, the permitted Level of Service may be lower than C if the existing level is less than C.
 1. Proposed recommended improvements. Describe the location, nature and extent of proposed improvements to assure sufficient roadway capacity. Accompanying this list of improvements shall be preliminary cost estimates, sources of funding, timing and likelihood of implementation by the Developer.
 2. Volume/Capacity Analyses at critical points. Another iteration of the Volume/Capacity Analysis will be described that demonstrates the anticipated results of making these improvements.
 3. Levels of service at critical points. As a result of the revised Volume/Capacity Analysis presented in the previous section, present levels of service for the highway system with improvements.

ARTICLE 5

MOBILE HOME PARKS

5.100 DESIGN STANDARDS DETAILS

All subdivisions and land developments that include the design of a mobile home park shall be subject to the following requirements and to all other applicable requirements of this Ordinance:

- A. Lot Requirements - All individual mobile homes located in a mobile home park shall have a minimum lot size, set back, area and side yard as required by the Zoning Ordinance.
- B. Size and Location of Mobile Home Parks - All mobile home parks shall meet the size and location requirements of the Zoning Ordinance.
- C. Foundation Anchors and Enclosures
 1. An adequate number of foundation anchors for the placement and tie-down of the mobile home shall be provided for the purpose of stabilizing the super-structure against uplift, sliding, rotation and over-turning. Foundation anchors shall be adequately designed and installed to provide adequate tie-down as required above. Anchors shall be positioned at random distances as required for tie down purposes.
 2. All mobile home parks shall provide for the enclosure of the foundation area on which the mobile home unit is situated. Enclosures shall be installed within a minimum of 180 days after placement of a mobile home unit.
- D. Off-Street Parking shall be provided in accordance with the Zoning Ordinance.
- E. Required Improvements - All mobile home parks shall be served with adequate streets, sewer, water and other facilities. All mobile home parks shall comply with the Required Improvements set forth in Article 6 and shall conform with the Design Standards set forth in Article 4 for residential developments. Where the Zoning Ordinance sets forth design regulations and required improvements for Mobile Home Parks, those regulations shall prevail if they conflict with regulations contained within this Ordinance.
- F. Other Utility Requirements
 1. Each mobile home lot shall be provided with a suitable method for connecting the mobile home sewage drain outlet to the sewerline. Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe shall be encased in a waterproof catch basin.
 2. Each mobile home lot shall have a water riser pipe that connects the mobile home water system to the central water system.
 3. All fuel storage tanks shall be constructed in accordance with appropriate State agency and fire code regulations.

ARTICLE 6

REQUIRED IMPROVEMENTS

6.100 APPLICATION

The minimum improvements required for all subdivisions and land developments that shall be provided and installed by the Applicant as a condition for final approval of any Plan shall be set forth in this section. Alternate improvement standards may be permitted if the Board of Supervisors deems them equal or superior in performance characteristics to any specified improvements. All improvements are subject to the review, advice and inspection of the Township. Additional or higher type improvements may be required in specific cases where the Board of Supervisors find them to be necessary to create conditions essential to the public health, safety and general welfare of the citizens of the Township.

6.200 SUMMARY OF REQUIRED IMPROVEMENTS

Minimum improvements to be required of the Applicant, where applicable, are set forth in the table below. Additional improvements may be required in accordance with other adopted ordinances or regulations.

REQUIRED IMPROVEMENTS TO BE PROVIDED

| Type of Improvement Required | Medium Density Residential (a) and Non-Residential | Low Density Residential (b) | Very Low Density Residential (c) |
|---|--|-----------------------------|----------------------------------|
| Improved Streets | X | X | X |
| Adequate drainage and/or Storm Sewers (d) | X | X | X |
| Sidewalks | X | (e) | (e) |
| Monuments and Markers | X | X | X |
| Street Name Signs | X | X | X |
| Street Lighting | X | (f) | (f) |
| Fire Hydrants | (g) | (g) | (g) |
| Electric and Telephone | X | X | X |
| Central Sewer and Water | (h) | (h) | (h) |

"X" Indicates that the improvement is required.

Footnotes for table

(a) Medium density includes developments having a density of more than three units per acre.

(b) Low density includes developments having a density of between one and three units per acre.

(c) Very Low Density includes developments having a density of no more than one unit per acre or recreational development considered to have an equivalent very low density by the Board of Supervisors.

footnotes for table, continued

(d) Sod, stone, or concrete swales and/or concrete or asphalt rolled curbs and gutters or valley gutters shall be provided in accordance with sound design and maintenance standards where required to adequately control stormwater. Responsibility for maintenance of such facilities shall be clearly identified on the plan.

(e) Sidewalks will not normally be required except where needed to facilitate traffic to school, shopping, park or other uses that generate pedestrian traffic as determined by the Board of Supervisors.

(f) Street lighting may be required to the extent necessary to promote safety for residents and visitors, whenever a subdivision creates 7 or more lots or their equivalent.

(g) Fire hydrants are required wherever a central water system is installed.

(h) Central water and sewer facilities and capped sewers shall be required in accordance with County and Township sewer and water plans and also with PA DEP requirements. Alternate or experimental water or sewage systems may be permitted if approved by PA DEP.

6.300 REQUIRED IMPROVEMENTS DETAILS

All required improvements shall be constructed in accordance with the requirements of this Ordinance. The design of all required improvements shall be reviewed by the Township Engineer, and said review shall include a determination that all improvements have been designed in accordance with the Design Standards set forth in Article 4 and with other applicable requirements and shall be consistent with sound engineering and construction practices.

6.400 FLOOD PRONE AREA REQUIREMENTS

All development proposed shall comply with the Brown Township Floodplain Ordinance.

ARTICLE 7

PLAN REQUIREMENTS

7.100 SKETCH PLAN

Sketch Plans shall be legibly drawn at a scale of 1" to 100' or 200' and shall contain sufficient information to indicate the nature, scope and concept of the proposed subdivision and land development, the major problems to be resolved, the location of the subdivision tract, preliminary or U.S.G.S. topography if available, the name of the land Owner and other data considered essential by the Applicant in presenting his/her proposal.

7.200 PRELIMINARY PLAN

7.201 Scale

A. Preliminary Plan shall be at a scale of not more than 100 feet per inch.

7.202 Plan Information

A. The Preliminary Plan shall show or be accompanied by the following information:

1. Proposed subdivision name or identifying title.
2. North point, scale and date.
3. Name of the Owner of the property and of the Applicant if different from the Owner.
4. Name of the registered Engineer, Surveyor, Architect, or Planner responsible for the Plan.
5. Tract boundaries with bearings and distances and total number of acres being subdivided.
6. Topographical contours at vertical intervals of not more than 5 feet shall be provided on the plan. In areas of steep slopes that are affected by development or earth moving, floodplain areas, construction areas, stormwater detention and retention facilities and conveyance swales, and in other sensitive areas where a more detailed topographical understanding is required, the Board of Supervisors may require contours at a smaller interval.
7. Where reasonably practicable, data shall refer to known established elevations.

Where required, all contours and elevation points within the subdivision tract shall be established and run direct from U.S. Coast and Geodetic Bench Marks within one half mile of tract boundaries with said datum fixed on permanent monuments in the subdivision. The Preliminary and Final Plans shall contain a full and complete description of all such benchmarks and their elevations above mean sea level. In the event U.S. Coast and Geodetic Bench Marks are not readily available, a beginning benchmark will be established from U.S.G.S. Map Quadrangles and noted on the plan.

8. Soils information as mapped by the U.S. Soil Conservation Service or by another competent qualified soils scientist.
9. All existing water courses, tree masses, rock outcropping, stone fields, caverns or sinkholes, and other significant natural features.
10. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants, dumps and hazardous material sites, septic systems, wells, and other man-made features on the property and within fifty feet of the perimeter of the lot(s) being subdivided shall be shown on the plan.
11. All existing streets on or adjacent to the tract, including name, right-of-way width and pavement width.
12. All "wetland" areas shall be identified as defined and regulated by PA DEP and/or the U.S. Army Corps of Engineers.
13. All existing property lines, easements and right-of-way and the purpose for which the easements or rights-of-way have been established, including Agricultural Security Areas and legally established Agricultural Conservation Easements.
14. A location map for the purpose of locating the site to be subdivided at a scale not more than 2000 feet to the inch showing the relation of the tract to adjoining property and to all streets, roads and municipal boundaries existing within 1000 feet of any part of the property proposed to be subdivided.

Also, when applicable, a map showing the location of the proposed subdivision and/or land development, with respect to any involved floodplains, including information on, but not limited to, the one hundred (100) year flood elevations, boundaries of the designated floodplain, proposed lots and sites, fills, flood, or erosion protective facilities.

15. Location and width of all proposed streets, alleys, rights-of-way and easements; proposed lot lines with approximate dimensions; playgrounds, public buildings, public areas and parcels of land proposed to be dedicated or reserved for public use; proposed public utilities and drainage facilities shall be required including preliminary street profiles showing the proposed finished grade along the center line and along each right-of-way line.
 16. The Preliminary Plan shall show the names of owners of all abutting unplotted land and the names of all abutting subdivisions.
 17. Where the Preliminary Plan covers only a part of the Applicant's entire holdings, a sketch shall be submitted of the potential future street layout for the remainder.
 18. Copies of the proposed deed restrictions, if any, shall be attached to the Preliminary Plan.
- B. The Preliminary Plan shall include therein or be accompanied by:
1. All required permits and related documentation from the PA DEP and any other Commonwealth Agency, or from the County or Township where any alteration or relocation of a stream or watercourse is proposed.

2. Documentation indicating that all affected adjacent municipalities, PA DEP, the Department of Community Affairs, and the Federal Insurance Administrator has been notified whenever any alteration or relocation of a stream or watercourse is proposed.
3. If applicable, a Traffic Impact Study shall be prepared pursuant to Section 4.216.
4. Any other studies or reports required by this Ordinance.

7.300 FINAL PLAN

7.301 Plan Size and Legibility

- A. The subdivision plan submitted for final approval shall be a clear, legible black or blue line print on white paper, or suitable equivalent.
- B. Final Plans shall be on sheets not larger than 36 inches by 48 inches overall. It is recommended that as far as practicable, Final Plan sheets be held to the following overall sizes: 18 inches by 24 inches or 24 inches by 36 inches. Where necessary to avoid sheets larger than the maximum size prescribed above, Final Plans shall be drawn in two or more sections accompanied by a key diagram showing relative location of the sections.

7.302 Plan Scale and Required Information

- A. The Final Plan shall be legible and at a scale of not more than 100 feet per inch and shall include the following information:
 1. Subdivision name or identifying title, as well as a brief narrative describing the proposed project.
 2. North point, scale, and date, as well as a site location map of sufficient size and scale to clearly show the location of the property and its relation to the surrounding area.
 3. Name of the record Owner and Applicant.
 4. Name and seal of the registered professional engineer and/or other qualified professional responsible for the plan.
 5. Boundaries of the tract, including total acreage of the entire existing tract.
 6. Street lines, lot lines, rights-of-way, easements, and areas dedicated or proposed to be dedicated to public use.
 7. Sufficient data to determine readily the location, bearing and length of every street, lot, and boundary line and to reproduce such lines on the ground. However, for minor subdivisions if the residual lot is twenty acres or more, the associated bearing and distances for the boundary of the residual land may be described, at the surveyor discretion, by the existing mete and bounds description from the property deed.
 8. The length of all straight lines, radii, lengths of curves, tangent bearings, and deflection angles for each street.

9. All dimensions and angles or bearings of the lines of each lot and of each area proposed to be dedicated to public use.
10. The proposed building setback lines from each lot line, or the proposed placement of each building. If a building lot is proposed, soils information as mapped by the U.S. Soil Conservation Service or by another competent, qualified soils scientist.
11. Location, size and invert elevation of all sanitary and storm sewers and location of all manholes, inlets and culverts and reference locations for all underground utilities.
12. All dimensions shall be shown in feet and hundredths of a foot.
13. Lot numbers, and any official Parcel Information Number(s) (PIN) established by the County. Deed book and page number and tax parcel identification number of tract to be subdivided or developed shall also be provided.
14. Names of streets within and adjacent to the subdivision.
15. Location of permanent reference monuments shall be shown.
16. Names of any adjoining subdivisions shall be shown.
17. Names of the Owners of any adjacent land shall be shown, as well as deed book and page numbers and tax parcel identification numbers.
18. A letter of intent from the Township indicating willingness or conditions for acceptance of dedication of streets and other public property.
19. Certificate for review with signatures by the Chairman (or his/her designated representative) of the Mifflin County Planning Commission
20. Space for acknowledgement of receipt of the Plan by the Mifflin County Recorder of Deeds when it is presented for recording.
21. Certificate of review by the Brown Township Planning Commission with signature by the Chairman and Secretary (or their designated representatives).
22. Certificate for approval by the Board of Supervisors with signatures by the Chairman and Secretary (or their designated representatives).
23. All existing buildings, sewers, water mains, culverts, petroleum or petroleum product lines, fire hydrants, dumps and hazardous material sites, septic systems, wells, and other man-made features on the property and within fifty feet of the perimeter of the lot(s) being subdivided shall be shown on the plan.
24. For a lot addition subdivision a "lot combination symbol" shall be provided on the plan clearly indicating the conveyance of land from the grantor to the grantee. The symbol used shall represent a "Z".
25. For a lot addition subdivision the following note shall be placed on the plan: Lot # () consisting of () acres is to be added onto land owned by (). Lot # () is a lot addition and shall become an integral part of the property owned by (). Lot # () is not a building lot and cannot be maintained or developed as a separate individual lot.

26. Topographical contours at vertical intervals of not more than 20 feet shall be provided on the plan. In areas of steep slopes that are affected by development or earth moving, floodplain areas, construction areas, stormwater detention and retention facilities and conveyance swales, and in other sensitive areas where a more detailed topographical understanding is required, the Board of Supervisors may require contours at an interval of 5 feet or less.
 27. An inset map where a lot addition is involved, or where the proposed subdivision is not directly connected to a public road system (See Section 3.502).
 28. All wetland areas shall be identified as regulated by PA DEP and/or the U.S. Army Corps of Engineers.
 29. All existing water courses, tree masses, rock outcroppings, stone fields, caverns, sinkholes, floodplains, and other natural features. This information shall be required only for the land to be developed and not the undeveloped residual property when it exceeds 20 acres. Minor subdivisions are exempt from this provision with the exception of the identification of floodplain information.
 30. Location of proposed sidewalks and/or trails showing width, grades, and ramps for ADA accessibility requirements.
 31. Location of proposed streetlights, street name signs, and traffic control devices and/or signs and pavement markings.
 32. Lighting plan in accordance with Section 4.203.J of this ordinance indicating types, sizes, quantities, and locations of light fixtures.
 33. A landscape plan, if applicable, in accordance with Section 4.214.G of this ordinance including the names, sizes, quantities, and approximate locations of all proposed plant materials, if required.
 34. For lots requiring access onto a state route or highway, a copy of a PennDOT Highway Occupancy Permit (HOP) shall be required, or at a minimum, verification that an HOP application has been submitted to PennDOT. For lots requiring access onto a township or borough street, the appropriate Township driveway permit shall be submitted, if applicable.
 35. A waiver request with supporting rationale for any modification from provisions within this ordinance.
 36. When not preceded by a Preliminary Plan, a Final Plan shall include all information required by Section 7.202.
- B. The Final Plan shall include thereon or be accompanied by:
1. An affidavit that all Owners of the land proposed to be subdivided agree to the submission of the Plan.
 2. A statement duly acknowledged before an officer authorized to take acknowledgement of deeds and signed by the Owner or Owners of the property, to the effect that the subdivision or land development as shown on the Final Plan, is made with free consent and that it is desired to record the same. In the case of a lot addition subdivision, the property Owner(s)

receiving the lot addition shall also sign the Final Plan acknowledging the receipt of the additional land and that it is desired to record the same.

3. Certification approval from the PA DEP when individual or community on-lot sewage disposal or water systems are to be installed as required by Section 4.211 of this Ordinance.
4. Certification that the Township Engineer has reviewed the plan for compliance with this Ordinance.

Such certification shall also include a listing of any incidences of non-compliance, specifically identifying the section(s) of this Ordinance that have not been complied with.

5. Construction plans for all required improvements including typical cross sections, street profiles and drainage details for all streets. Such profiles shall show at least the following: existing (natural) grade along the proposed street centerline; existing (natural) grade along each side of the proposed street right-of-way; proposed finished grade at top of curbs; sanitary sewer mains and manholes; storm sewer mains, inlets, manholes and culverts. All such plans shall include public improvements list and shall be in a form suitable to serve as a basis for documenting all improvements to be installed.
6. A contour grading plan may be required if deemed necessary by the Board of Supervisors or Township Engineer to properly establish grading and drainage patterns. Where buildings are proposed to be developed by the Applicant, such a plan may be required to indicate building ground and basement floor elevations.
7. Copies of private deed restrictions, covenants and grants of easements, homeowner association agreements, or other restrictions.
8. Any other special plans required in accordance with Sections 4.203, 4.211, 4.212, 4.213 and other sections of this Ordinance.
9. A Development Agreement and Financial Security as required herein and in Article 8.
10. If applicable, a Traffic Impact Study shall be prepared pursuant to Section 4.216.
11. Any other reports or studies required by this Ordinance. This may include additional information deemed by the Board of Supervisors as necessary to protect public health, safety, and welfare as provided in Section 4.203, Environmental Protection Standards, of this ordinance.

ARTICLE 8

INSTALLATION OF REQUIRED IMPROVEMENTS

8.100 IMPROVEMENTS TO BE PROVIDED BY SUBDIVIDER

In all cases, the Applicant shall be responsible to pay for the cost of installation of all required improvements under supervision of the Township and in the manner specified by the Board of Supervisors and/or in accordance with Sections 509 and 510 of the Pennsylvania MPC.

8.200 METHOD OF PROVIDING IMPROVEMENTS

No Final Plan shall be approved by the Board of Supervisors until provision has been made by the Applicant for the proper installation of required improvements in either of the following ways, in accordance with the requirements of the Pennsylvania MPC.

- A. Construction of Improvements -The Applicant may elect to physically install, prior to Final Plan approval, all of the required improvements in accordance with the standards and specifications contained in this Article and with the Final Plan submitted to the Board of Supervisors provided that such Final Plan has been conditionally approved by the Board of Supervisors subject to the construction of improvements as required herein and subject to the execution of a Development Agreement set forth in Section 8.400.

During construction of all improvements, the Township Engineer and Township staff shall be authorized by the Board of Supervisors to inspect said improvements and shall certify if all improvements have been installed in accordance with this Ordinance. Upon receipt of such a certification, the Board of Supervisors may then proceed to approval of the Final Plan.

- B. Financial Security - In lieu of Section 8.200.A above, the Applicant shall deposit, with the Township in which the subdivision or land development is located, sufficient financial security to secure to the public the completion of all of the required improvements within one year of the proposed completion date that is set forth in the Subdivision Plan and in the Development Agreement referred to below in accordance with the requirements of the Pennsylvania MPC.

Said Financial Security shall be provided by posting a bond with a bonding company or with a Federal or Commonwealth chartered lending institution. The amount of said Financial Security shall be equal to 110% of the cost of completion of the required improvements estimated as of 90 days following the date scheduled for completion by the Applicant.

Said estimate shall be prepared and may be revised annually as set forth in the Pennsylvania MPC. Said amount of security may be increased by the Board of Supervisors by an additional 10% for each one year period beyond the first anniversary date for the initial posting of the Financial Security.

The provision of such financial security may be made available by the Applicant in accordance with any staging plans approved by the Board of Supervisors.

Notwithstanding the submission of said Financial Security as required herein, no occupied structure within the proposed subdivision or land development shall be without suitable street access improved with at least the required base, curbs, gutters, and utilities for a period of time longer than six months.

8.300 FINANCIAL SECURITY FOR MAINTENANCE

Where the Township accepts dedication of any required improvements, the Township may require the posting of Financial Security to secure the structural integrity and functioning of said improvements in accordance with the design and specifications approved in the Final Plan for a term not to exceed eighteen (18) months from the date of acceptance of dedication.

Financial Security for maintenance shall be posted as required by Section 8.200.B in the amount of up to 15% of the actual cost of the installation of said improvements, as required by the Township accepting dedication of the required improvement. Financial Security for maintenance of improvements installed under the jurisdiction and rules of a public utility or a municipal authority shall be posted in accordance with the requirements of said public utility or municipal authority or other appropriate agency and shall not be included in the Financial Security posted with the Township.

8.400 DEVELOPMENT AGREEMENT

All Applicants proposing any subdivision or land development requiring the installation of improvements as required herein shall be required to enter into a legally binding Development Agreement with the Township guaranteeing the installation of said improvements in accordance with this Ordinance. The Development Agreement shall be in form suitable for execution by the Township and it shall consist of the following where applicable:

- A. The construction authorized by the approved Final Plan, or in the case where Section 8.200 A. applies, in accordance with the conditionally approved Final Plan.
- B. Construction of streets with any other required improvements.
- C. Installation of utility lines.
- D. Installation of street lighting poles and underground street lighting cable.
- E. Dedication of streets, transfer of water and sewer lines and easements to the Township.
- F. Prevention of erosion and water damage to adjacent property.
- G. Applicant's responsibilities for damage to other property.
- H. The responsibility for providing necessary inspections to ensure compliance with this Ordinance shall be clearly identified.
- I. A work schedule, including beginning and ending dates, for improvements contained herein.
- J. All planning, engineering, inspection, and legal service costs incurred or to be incurred by the Township including cost of preparing this Development Agreement shall be

identified and that amount agreed upon for payment by the Applicant on a regular basis.

- K. Posting of the required Financial Security to insure completion of all of the required improvements in accordance with Section 8.200.B.
- L. Where the Township accepts dedication of any required improvement, posting of the Financial Security may be required by the Board of Supervisors to secure the structural integrity and the functioning of said improvement in accordance with Section 8.300.
- M. The developer shall provide the Township with two sets of reproducible "AS BUILT" plans, including all improvements that are properly referenced to identify specific locations.
- N. Provisions for violation of the Development Agreement.
- O. The Applicant shall secure or maintain public liability insurance.
- P. A save harmless clause.
- Q. Liability of Applicant during warranty period.
- R. Other requirements to assure compliance with this Ordinance.

No improvements shall be commenced or work begun prior to the execution of this Agreement, and the delivery of the required Financial Security in compliance with Section 8.200 B. if applicable.

8.500 RELEASE FROM FINANCIAL SECURITY FOR COMPLETION OF IMPROVEMENTS

The Financial Security provided by the Applicant for the completion of all improvements shall be released as follows:

- A. When the Applicant has completed all of the necessary and approved improvements, he shall so notify the Township in writing and send a copy to the Township Engineer.
- B. Within ten days of receipt of such notice, the Township shall direct and authorize the Township Engineer to inspect all of the improvements.
- C. The Township Engineer shall then file a written report with the Township and shall mail a copy to the Applicant within 30 days after his/her receipt of authorization to inspect all improvements. Said reports shall be detailed and shall indicate approval or rejection of said improvements, either in whole or in part, with a statement of reasons for any non-approval or rejection.
- D. The Township shall notify the Applicant in writing of its action in relation to the improvements provided.
- E. If the Board of Supervisors or the Township Engineer fail to comply with the above time limits, all improvements will be deemed to have been approved and the Applicant shall be released from all liability pursuant to its Financial Security.
- F. Any improvements not approved or rejected by the Township shall be expeditiously completed by the Applicant and upon completion, the same notification procedure as above shall be followed.

- G. If any required improvement has not been installed as required by this Ordinance, by the approved Final Plan or by the executed Development Agreement, then the Township shall enforce the Financial Security posted by appropriate legal and equitable remedies. If the proceeds of such Financial Security are insufficient to pay the cost of installing or making repairs or corrections to the required improvements, the Township may, at its option, install part of such improvements and may institute appropriate legal or equitable action to recover the monies necessary to complete the remainder.

8.600 RELEASE FROM FINANCIAL SECURITY FOR MAINTENANCE

The Financial Security for maintenance to secure structural integrity of said improvements as well as the functioning of said improvements in accordance with the design and specifications as depicted in the final plat shall remain in effect for a term of 18 months after acceptance of dedication by the Township or other appropriate agency. Said release shall be affected utilizing the following procedures:

- A. If at the end of eighteen (18) months subsequent to the acceptance of the dedication by the Township or other appropriate agency, there has been no claim in relation to the Financial Security and/or if all claims have been resolved and repairs and corrections made, Applicant shall so notify the Township in writing and request the release thereof.
- B. Within ten (10) days of receipt of such notice, the Township shall direct and authorize the Township Engineer to inspect all of the improvements.
- C. The Township Engineer shall then file a written report with the Township and shall mail a copy to the Applicant within twenty (20) days after his/her receipt of authorization to inspect all improvements. Said report shall be detailed and shall indicate the condition of the improvements.
- D. Upon receipt of the written report, the Township shall notify the Applicant of any action or requests in relation to the improvements secured as to structural integrity as well as the functioning of said improvements or, as applicable, shall release the Applicant from all liability pursuant to its Financial Security.
- E. If the Board of Supervisors or the Township Engineer fail to comply with the above time limits, all improvements will be deemed to have been approved as to structural integrity as well as the functioning of said improvements in accordance with the design and specifications as depicted in the final plat during the eighteen (18) month term from date of acceptance of the dedication and the Applicant shall be released from all liability pursuant to its Financial Security.
- F. Any improvements not approved as to structural integrity as well as the functioning of said improvements in accordance with the design and specifications as depicted in the final plat during the eighteen (18) month term by the Township shall be expeditiously repaired or corrections made by the Applicant.
- G. If any repair has not been completed or corrections made and if adequate provision and security to assure the repair thereof or corrections thereto has not been made by Applicant, the Township shall enforce the Financial Security posted by appropriate

legal and equitable remedies. If the proceeds of such Financial Security are insufficient to pay the cost of making repairs or corrections to the improvements, the Township may, at its option, make such repairs and corrections and may institute appropriate legal or equitable action to recover the monies necessary to complete the repairs and corrections."

8.700 EXEMPTION FOR MINOR SUBDIVISIONS

The provisions of this Article 8 may be waived by the Board of Supervisors only for the following types of subdivisions if the Board of Supervisors determines and makes a finding in writing with the appropriate reasons set forth, that conformance to said Sections are not required to ensure the proper completion of the subdivision in accordance with the intent and objectives of this Ordinance.

- A. Minor subdivisions and/or land developments not involving the provisions of any new streets, easements for access or other public improvements.
- B. Subdivision to be served by a private street as permitted herein, which is not subject to future extension and where such private street serves no more than 6 dwelling units. The above exemption shall not apply if it includes only the partial or staged development of a tract, where the size, number of lots or provision of new streets for the entire development exceeds the limits set forth above.

8.800 COOPERATION AGREEMENT WITH TOWNSHIP

The Township may enter into a Cooperation Agreement clearly setting forth the responsibilities of each party with respect to the installation of required improvements in the Township. Said Cooperation Agreement, if it differs from the procedures set forth in this Article 8 shall prevail and supersede any of the applicable specific requirements contained herein.

8.900 IMPROVEMENTS NOT DEDICATED OR NOT ACCEPTED FOR DEDICATION

All improvements constructed as required by this Ordinance that will not be publicly dedicated or accepted for dedication shall also meet the following requirements:

- 8.901 Ownership and Maintenance Responsibility/Entity. A viable entity responsible for ownership and maintenance of all non-dedicated improvements shall be established by the developer and approved by the Board of Supervisors and the Township. Ownership and maintenance responsibilities may be assigned to either the developer or among the property owners or an association of property owners within the subdivision or land development.
- 8.902 Improvements Benefiting Multiple Lots. For all non-dedicated improvements that will not be owned and maintained by the developer and are situated on an individual lot or a series of contiguous lots but serve multiple lots, units or the entire subdivision or land development (i.e. stormwater management ponds) the responsibility for ownership and maintenance of such improvements shall be borne by all lot owners benefiting or served and not solely the lot owner on whose lot said improvements are situated.

8.903 Ownership and Maintenance Agreement. A private agreement suitable for recording in the Mifflin County Recorder of Deeds Office shall be prepared, properly executed, and recorded with the final subdivision or land development plan and shall run with the land and shall clearly identify the individual or entity responsible for the ownership and maintenance of non-dedicated improvements. Said agreement shall be reviewed and approved by the Board of Supervisors and Township Solicitor and, at a minimum, shall stipulate the following:

- A. That the owners, an association of property owners, successors and assigns shall keep all improvements in a safe and attractive manner and the owner shall convey to the Township easements and/or rights-of-way to assure access for periodic inspections by the Township and maintenance, if required.
- B. That if the owners, association of property owners, successors and assigns, fail to maintain the improvements following due notice by the Township to correct the problems, the Township may perform the necessary work or corrective action. The owners or association of property owners shall reimburse the Township for these services. The Township shall have the authority to assert a judgment lien against the said owners or association of property owners for failure to make said reimbursement(s).

8.904 Deed Reference. All deeds created for lots that contain non-dedicated improvements shall make clear and specific reference as to the following:

- A. Description of all improvements not dedicated;
- B. The individual(s) or entity responsible for ownership and maintenance of said improvements in accordance with Sections 8.901, 8.902, and 8.903 of this Ordinance;
- C. The Ownership and Maintenance Agreement as required by Section 8.903 of this Ordinance;
- D. Terms and conditions of the required maintenance;
- E. That no improvements shall be eliminated or altered without the written approval of the Township;
- F. That in the event improvements are altered, eliminated, or improperly maintained the Township may prescribe necessary corrective measures and a reasonable time period to perform such work and that if such action is not taken in the time period specified the Township may cause the work to be performed and invoice the ownership and maintenance entity, including the assertion of a judgment lien against it; and
- G. That all improvements not offered for dedication may be offered in the future if said improvements meet the minimum standards of this and/or applicable Township ordinances in effect at the time the offer of dedication is made. If the improvements do not conform to the minimum standards in effect the Township shall have no obligation to accept said improvements until such time the improvements are improved to meet said standards, all costs of which shall be borne by the owner, association of property owners, their successors and assigns.

ARTICLE 9

ADMINISTRATION AND ENFORCEMENT

9.100 ADMINISTRATIVE ACTION

9.101 Subdivision Officer - The Subdivision Officer shall be the designated officer of the Board of Supervisors who shall act as the officer responsible for administration of this Ordinance. The Subdivision Officer shall receive and examine all subdivisions and land developments in the name of the Board of Supervisors and shall refer copies of all such plans and applications to the Brown Township Planning Commission and all other appropriate agencies or officials involved. The Board of Supervisors may utilize the assistance of the Township Engineer or other agency designated by the Board of Supervisors to assist the Subdivision Officer.

The Subdivision Officer shall also receive information from such agencies or officials and shall transmit these comments to the Board of Supervisors. The Subdivision Officer shall keep records of all applications and plans and of actions taken by the Board of Supervisors on such applications and plans. The Township Engineer, at the request of the Subdivision Officer or the Board of Supervisors, shall make all required inspections called for in this Ordinance. The Subdivision Officer shall also inform the Applicant and the Board of Supervisors of any violations of this Ordinance that shall become known to him or her.

The Board of Supervisors shall designate the specific person to serve as the Subdivision Officer. Said Subdivision Officer may be any person qualified to carry out the duties set forth herein, as determined by the Board of Supervisors.

9.102 Board of Supervisors - The Board of Supervisors, with the assistance of the Subdivision Officer, the Planning Commission, and any other agency or professional designated by the Board of Supervisors, shall review all plans to determine conformity with this Ordinance and shall hold necessary public hearings and shall approve, approve with conditions, or disapprove all plans submitted and shall grant any necessary modifications, variances, or waivers and shall perform all other duties required under this Ordinance.

After approval of any Final Plan, the Subdivision Officer shall be directed to take any necessary action including coordination with the Applicant relative to the making of arrangements for acceptance of dedication of any public right-of-way area shown on the plan and also relative to the execution of the Development Agreement with the Applicant.

9.103 Endorsement of Record Plan - Upon approval of any Final Plan by the Board of Supervisors, and upon compliance with all required conditions, the Chairman and secretary of the Board of Supervisors shall endorse the required number of copies of the Final Record Plan, as of the date of compliance with all conditions, as required in Section 3.302.L.

9.104 Subdivision Records - The Subdivision Officer shall keep a record of the findings, decisions and recommendations relative to all subdivision plans and applications filed for approval. Such records shall be open to the public for review.

9.200 WAIVERS, APPEALS, AND AMENDMENTS

- A. The Board of Supervisors, may grant a waiver of the requirements of one or more provisions of this Ordinance if the literal enforcement will exact undue hardship because of peculiar conditions pertaining to the land in question, provided that such waiver will not be contrary to the public interest and that the purpose and intent of the Ordinance is observed.
- B. All requests for a waiver shall be in writing and shall accompany and be a part of the application for development. The request shall state in full the grounds and facts of unreasonableness or hardship on which the request is based, the provision or provisions of the ordinance involved and the minimum waiver necessary.
- C. The Subdivision Officer shall keep a written record of all action on all requests for waivers.

9.201 Reconsideration and Appeals to Board of Supervisors - Any Applicant aggrieved by a finding, decision or recommendation of any official may request and receive opportunity to appear before the Board of Supervisors, present additional relevant information, and request reconsideration and/or appeal of the original finding, decision, or recommendation.

9.202 Procedure For Applying - Applications for waivers, variances and appeals to the Board of Supervisors shall be submitted in writing. The Application shall state fully the grounds and all the facts relied upon by the Applicant. The Board of Supervisors shall act upon such application within a period of 45 days.

9.203 Appeals to Court - The decisions of the Board of Supervisors with respect to the approval or disapproval of plans may be appealed directly to court as provided for in the Pennsylvania MPC.

9.204 Revision and Amendment - The Board of Supervisors may, from time to time, amend this Ordinance by appropriate action taken after a public hearing on said proposed revisions.

Public notice of the date, time and place of such public hearings together with a brief summary setting forth the principal provisions of such amendments, indicating the place and time where copies of the proposed amendments may be examined. Any amendment, other than that prepared by the Brown Township Planning Commission shall be submitted to the Brown Township Planning Commission at least 30 days prior to the date fixed for the public hearing on such amendment.

9.300 PREVENTATIVE REMEDIES

- A. In addition to other remedies, the Board of Supervisors may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful construction, to recover damages, and to prevent illegal occupancy of a building, structure, or premises. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the seller or transferor from such penalties or from the remedies herein provided.

- B. The Township may refuse to issue any permit or grant any approval necessary to further improve or develop any real property that has been developed or that has resulted from a subdivision of real property in violation of any ordinance adopted pursuant to this article. This authority to deny such a permit or approval shall apply to any of the following Applicants:
1. The Owner of record at the time of such violation.
 2. The vendee or lessee of the Owner of record at the time of such violation without regard as to whether such vendee or lessee had actual or constructive knowledge of the violation.
 3. The current Owner of record who acquired the property subsequent to the time of violation without regard as to whether such current Owner had actual or constructive knowledge of the violation.
 4. The vendee or lessee of the current Owner of record who acquired the property subsequent to the time of violation without regard as to whether such vendee or lessee had actual or constructive knowledge of violation.
 5. As an additional condition for issuance of a permit or the granting of an approval to any such Owner, current Owner, vendee or lessee for the development of any such real property, the Board of Supervisors may require compliance with the conditions that would have been applicable to the property at the time the Applicant acquired an interest in such real property.

9.400 ENFORCEMENT REMEDIES

- A. Any person, partnership, or corporation who or that has violated the provisions of this Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.
- B. The Court of Common Pleas, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
- C. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the Township the right to commence any action for enforcement pursuant to this section.

9.500 CONFLICT AND VALIDITY

9.501 Validity - If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

9.502 Hold Harmless Clause - Any approval granted by the Board of Supervisors under this Ordinance does not relieve the Applicant of the legal responsibility for meeting all other legal requirements under local, Commonwealth and Federal law, and said Applicant shall be responsible for providing a safe, environmentally sound, and properly constructed subdivision that does not adversely affect the public health, safety or welfare. All aggrieved persons, firms, or corporations may take appropriate legal remedies against the Applicant in the event of any failure on the part of the Applicant. Brown Township, The Board of Supervisors, the Brown Township Planning Commission, all employees or consultants of the Township or the Board of Supervisors, are hereby held harmless in the event of any failure on the part of the Applicant.


9.503 Interpretation - The provisions of this Ordinance shall be held to be minimum requirements to meet the purposes of this Ordinance. When provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance, or regulations, the provisions of this Ordinance shall prevail. When provisions of any statute, other ordinance, or regulation impose greater restrictions than those of this Ordinance, the provisions of such statute, ordinance or regulation shall prevail.

9.504 Effective Date - This Ordinance shall take effect immediately upon adoption and publication according to law.

Adopted by the Board of Supervisors of Brown Township, Mifflin County, Pennsylvania into an ordinance the 5th day of November, 2007

ATTEST:

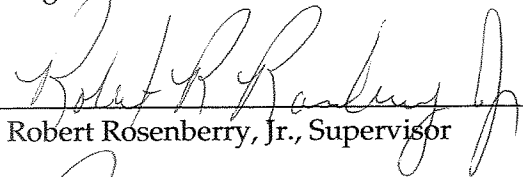
Board of Supervisors
Brown Township
Mifflin County, Pennsylvania



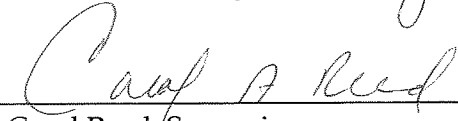
Teresa King, Secretary

By: 

Eugene Glick, Chairman

By: 

Robert Rosenberry, Jr., Supervisor

By: 

Carol Reed, Supervisor